ROLESVILLE NEXT

Land Development Ordinance

ADOPTED JUNE 1, 2021

AMENDED

DECEMBER 7, 2021
APRIL 4, 2023
NOVEMBER 8, 2023
MARCH 4, 2025
AUGUST 5, 2025
FEBRUARY 3, 2026
OCTOBER 4, 2022
SEPTEMBER 5, 2023
AUGUST 6, 2024
APRIL 1, 2025
OCTOBER 9, 2025
JUNE 16, 2026

Rolesville
Genuine Community • Capital Connection
Est. 1837

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1. INTRODUCTION

1.1. AUTHORITY

A. **Authority**. This ordinance shall be known and cited as the Land Development Ordinance of the Town of Rolesville, North Carolina, and will be referred to as "the Land Development Ordinance", "this LDO", or "LDO". This LDO is adopted pursuant to the authority contained in N.C. Gen. Stat. § 160D-103 and N.C. Gen. Stat. § 160D-913, as amended, and for the purpose of promoting the health, safety, or general welfare of the citizens of the Town of Rolesville. This LDO contains the town's zoning, subdivision, flood damage prevention, and supplemental regulations, as authorized by the North Carolina General Statutes. This LDO is adopted in accordance with:

   1. North Carolina General Statutes;
   2. Town of Rolesville Charter; and
   3. All other relevant laws including the laws of the State of North Carolina and any special legislation enacted by the General Assembly.

B. **Enactment Date (Effective Date)**. This LDO shall be in effect on June 1st, 2021, and supersedes the Rolesville Unified Development Ordinance (UDO) originally adopted on October 4, 2004, as subsequently amended. Development under review per the provisions of N.C. Gen. Stat. § 160D-108 shall comply with the standards therein.

C. **References to State Law**. Whenever this LDO refers to or cites an article or section of North Carolina General Statutes or adopted State Law, and that article or section is amended or superseded, this LDO shall be deemed amended to refer to the amended section.

1.2. PURPOSE AND INTENT

A. This LDO is adopted to protect and promote the public health, safety and general welfare of residents and businesses in the Town of Rolesville and implement the goals and recommendations within the adopted comprehensive plan. Specifically, this LDO intends to accomplish the following items:

1. Provide regulations to support compatible, orderly growth and development within the town;
2. Support and encourage economic development;
3. Promote the safety and well-being of the citizens of Rolesville;
4. Ensure there exists the adequate provisions of open space and environmental protection;
5. Improve the built environment and pedestrian considerations, including a policy of complete streets and emphasis on development that retains a walkable scale;
6. Encourage development patterns that support a variety of housing stock and community forms;
7. Allow for a mixture of uses in certain areas of the town and promote compact urban form and walkability;
8. Ensure sufficient land availability for public rights-of-way and utilities;
9. Encourage increased densities in areas that can support higher density development;
10. Require for safe, compatible development through the use of development regulations;
11. Lessen congestion in streets;
12. Secure safety from fire and other dangers;
13. Manage the town's stormwater and surface waters; and
14. Further facilitate adequate provision of water, wastewater, parks, schools, and parks.

1.3. EFFECTIVE AREA

A. The area in which this LDO applies is shown on the zoning map referenced in this LDO, officially titled as the "Rolesville Official Zoning Map" and referred to throughout this LDO as the "Zoning Map". The standards of this LDO shall apply to

the development of all land within the town limits and the Extraterritorial Jurisdiction (ETJ) unless it is expressly exempted by a specific Section or subsection of this LDO.

1.4 APPLICABILITY

A. **General Applicability**. The standards, regulations, and provisions defined in this LDO apply to all development within the town limits and Extraterritorial Jurisdiction (ETJ) of the Town of Rolesville.

1. **Land**. No land shall be developed without compliance with this LDO and all other applicable town, state, and federal regulations.

2. **Use and Occupancy.** No person shall use, occupy, or divide any land or a building or authorize or permit the use without compliance with this LDO and all other applicable town, state, and federal regulations.

3. **Construction**. No structure or building shall be erected or altered except in conformity with this LDO and all other applicable town, state, and federal regulations.

1.5. CONSISTENCY WITH COMPREHENSIVE PLAN

A. **Comprehensive Plan**. This LDO is intended to conform with all goals, objectives, policies, strategies, and actions defined in the town's official comprehensive plan, per N.C. Gen. Stat. § 160D-501.

1.6. ROLESVILLE OFFICIAL ZONING MAP

1.6.1. OFFICIAL ZONING MAP

A. The boundaries and locations established by this LDO shall be designated on a map or maps titled Official Zoning Map(s) of the Town of Rolesville. The Official Zoning Map, as amended, is hereby incorporated by reference herein and made part of this LDO.

B. No changes shall be made in the Official Zoning Map except in conformity with the procedures set forth in this LDO.

C. The Official Zoning Map is the controlling authority as to zoning of all lands and waters in the town.

D. In accordance with N.C. Gen. Stat. § 160D-105, the Official Zoning Map shall be maintained in a paper copy and shall be kept on file in the Planning Department and is available for public inspection during normal business hours.

E. Under the provisions of this LDO and the Zoning Map, the Town of Rolesville is divided into General Use Districts, Conditional Zoning Districts, and Mixed-Use Districts.

1.7. TRANSITIONAL REQUIREMENTS

1.7.1. EXISTING NONCONFORMITIES

A. Nonconformities shall comply with the provisions set forth in Section 10: Nonconformities.

1.7.2. ILLEGAL STRUCTURES, USES AND LOTS

A. Any structure, use, or lot that has been created or configured illegally prior to the adoption of this LDO, but is subsequently made legal by this LDO, shall be deemed as legal on the effective date of this LDO adoption. Conversely, any structure, use, or lot that was illegal prior to the adoption of this LDO, and still does not meet the standards and regulations in this LDO are considered illegal. Illegal structures, uses, or lots shall not be considered under this LDO as nonconforming.

1.7.3. PRIOR APPROVALS

A. Any development approvals granted before July 1st, 2021, shall remain valid until their respective expiration dates.

B. Developments with valid approvals or permits may be carried out in accordance with the terms and conditions of their approval and the development standards in effect at the time of approval, provided the permit or approval is valid and has not expired.

C. If an approval expires or is revoked, any subsequent development of the site shall be applied for in accordance with the procedures and standards of this LDO.

D. An applicant shall be deemed to have initiated an approved development upon

the subsequent application and diligent pursuit of other required town, state, or federal permits or approvals.

E. Timelines for the commencement or expiration of development in accordance with an approved application shall be suspended in the event of an appeal.

F. To the extent a prior-approved application proposes development that does not comply with this LDO, the subsequent development is nonconforming and is subject to the provision of Section 10: Nonconformities. Any prior approvals under the previous UDO shall be authorized, unless the applicant fails to perform necessary work before the approval expires.

1.7.4. PENDING APPLICATIONS

A. An application, prior to the effective date of this LDO, is deemed to be a pending application and shall meet the following requirements where applicable:

1. **Complete Applications**. Applications accepted as complete prior to July 1st, 2021, may be determined to be in accordance with either the regulations in effect at the time the application was determined complete, or in accordance with the regulations in this LDO, as requested by the applicant.

2. **Submitted, But Not Complete Applications**. Applications that have been submitted prior to July 1st, 2021, but not determined to be complete by the Land Development Administrator as of that date shall be reviewed and decided in accordance with this the requirements in this LDO.

1.8. SEVERABILITY

A. The legislative intent of the Board of Commissioners of the Town of Rolesville, North Carolina, in adopting this LDO, is that all provisions shall regulate development in accordance with the existing and future needs of the town as established in this LDO, and promote the public health, safety, and general welfare of the landowners and residents of Rolesville.

B. If any portion of the LDO is declared invalid, the remaining portions of the LDO are still valid.

1.9. PRIVATE AGREEMENTS

A. This LDO is not intended to abolish, repeal, or nullify any private agreements for easements, covenants, or similar agreements or restrictions.

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)
    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. Variances.

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

1. The Board of Adjustment shall consist of five members. Three members shall be citizens living within the corporate limits of the municipality, and two members shall be residents of the county living within the extraterritorial jurisdiction. The members residing within the municipality shall be appointed by the Board of Commissioners, and the members residing within the extraterritorial jurisdiction shall be appointed by the Board of County Commissioners upon receipt of a resolution from the Board of Commissioners requesting that those appointments be made. In the event the Board of County Commissioners fails to make the appointments requested within 90 days of receipt of the resolution, the Board of Commissioners shall make the appointments.

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

E. **Decisions and Appeals.** Quasi-judicial (evidentiary) decisions shall be in accordance with N.C. Gen. Stat. § 160D-405 and 160D-406.

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

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

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

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. 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).

3. ZONING DISTRICTS

A. **General Use Districts**. Table 3.A identifies the general use zoning districts established by this LDO.

Table 3.A. General Use Districts Established

TABLE 3.A. GENERAL USE DISTRICTS ESTABLISHED		
GENERAL USE DISTRICT NAME	**LDO ABBREVIATION**	**LDO SECTION**
RESIDENTIAL DISTRICTS		
Residential Low Density	RL	3.1.1.
Residential Medium Density	RM	3.1.2.
Residential High Density	RH	3.1.3.
Manufactured Home District	MH	3.1.4.
NONRESIDENTIAL DISTRICTS		
General Commercial	GC	3.2.1.
Commercial Highway District	CH	3.2.2.
Office and Professional District	OP	3.2.3.
Business, Industry and Technology	BT	3.2.4.
General Industrial	GI	3.2.5.

B. **Conditional Zoning Districts.** See Section 3.3 for conditional zoning districts.

C. **Mixed-Use Districts.** Table 3.C identifies the mixed-use zoning districts established by this LDO.

Table 3.C. Mixed-Use Districts Established

TABLE 3.C. MIXED-USE DISTRICTS ESTABLISHED		
MIXED-USE DISTRICT NAME	**LDO ABBREVIATION**	**LDO SECTION**
Town Center District	TC	3.4.1.
Activity Center Mixed-Use	AC	3.4.2.
Neighborhood Center Mixed-Use	NC	3.4.3.

D. **Inactive Districts.** See Section 3.5 for inactive districts.

E. **Organization of Districts.**

1. Each district includes purpose, intent, and development standards where applicable.

2. The Permitted Principal Use Table, contained in Section 5.1, identifies which principal uses may be permitted in each zoning district. Each district has its own column on the corresponding table of permitted principal uses. Permitted principal uses are defined in Section 5.1.

F. **Development Standards.**

1. Building Height. See Section 11.7. Definitions.

2. Setbacks. Required setbacks shall be measured from the closest base of the wall of the structure to the lot line or street right-of-way line. Setbacks are designated by front, corner, side, and rear requirements. Mechanical, electrical, and plumbing equipment (including air-conditioning and pool equipment) are exempt from side and rear yard requirements but shall not be located any closer than three (3) feet from the property line. Uncovered stairs, landings, terraces, porches, balconies, and fire escapes may project into any yard, but such projection may not exceed five (5) feet, and such projection may not be closer than ten feet to any lot line. Architectural projections, such as chimneys, flues, sills, eaves, belt courses, and ornaments, may project into any required yard, but such projection shall not exceed three (3) feet.

3.1. RESIDENTIAL DISTRICTS

A. **Intent**. The residential zoning districts established in this LDO are intended to implement the low density residential, medium density residential, and high density residential future land use classifications, as defined in the Rolesville comprehensive plan. The residential districts intend to provide a safe, healthy environment for the residents of Rolesville. Specifically, the residential districts are intended to:

1. Provide for a variety of residential housing choices with varied densities, types, and designs;

2. Create neighborhoods and preserve existing character while allowing for new, compatible development; and
3. Provide for safe, appropriately located lands for residential development consistent with the Rolesville comprehensive plan.

B. **Cluster Development.** Cluster development within the Residential Low Density (RL) and Residential Medium Density (RM) districts is permitted. A cluster development allows an applicant to qualify for reduced minimum lot sizes. Within the RM district, an increase in permitted density, from three (3) to a maximum of five (5) dwelling units per acre, is permitted. Cluster development is approved as part of the Major Subdivision Preliminary Plat and shall be clearly indicated on the application.

1. **Open Space within Cluster Development**. Cluster Developments shall designate at least forty (40) percent of the site for contiguous open space (as defined in Section 6.3.1: Open Space). Where properties do not require rezoning, open spaces shall be reviewed as part of the Major Subdivision Preliminary Plat. Open space areas within the perimeter of the subdivision can be used for the buffering requirements. Required open space shall be conserved as a conservation easement. Required open space, recorded as a conservation easement, shall be indicated on all development approval.

2. **Buffering for Cluster Development.** A Type 2 buffer shall be provided for cluster developments. The Type 2 buffer may be counted towards no more than fifty (50) percent of the required open space percentage for a cluster development. These buffers may also allow pedestrian paths within the buffers. These buffers shall be platted as separate tracts to be owned and maintained by the Homeowner's Association or similar entity.

3.1.1. RESIDENTIAL LOW DENSITY (RL)

A. **Purpose and Intent**. The Residential Low Density (RL) zoning district is established as a district in which the principal use of land is for single-family detached dwellings. The regulations of this district are intended to discourage any use which, because of its character, would be a nuisance to the development of residences and would be detrimental to the quiet residential nature of areas included within this district. RL implements the low density residential future land use at a density range of one (1) to two (2) dwelling units per acre.

B. **Development Standards**. The RL district shall conform to the standards identified in Table 3.1.1.

Table 3.1.1. RL Development Standards

STANDARDS		RL REQUIREMENTS
Building Height		Max: 35’
Density		Max: 2 Dwelling Units Per Acre
Building Setbacks (Min.)	Front	30’ 20’ (Cluster)
	Side	12’ 10’ (Cluster)
	Rear	25’ 20’ (Cluster)
	Corner	17’ 12’ (Cluster)
Lot	Width (Min.)	100’ 65’ (Cluster)
	Coverage (min./max.)	N/A
	Area (Min.)	20,000 Square Feet (By Right) 10,000 Square Feet (Cluster Development)

3.1.2. RESIDENTIAL MEDIUM DENSITY (RM)

A. **Purpose and Intent**. The Residential Medium Density (RM) zoning district is established as a district in which the principal use of land is for residential purposes. The regulations of this district are intended to discourage any use which, because of its character, would be a nuisance to the development of residences and would be detrimental to the quiet residential nature of the areas included within this district. RM implements the medium density residential future land use at a density range of three (3) to five (5) dwelling units per acre.

B. **Development Standards**. The RM district shall conform to the standards identified in Table 3.1.2.

Table 3.1.2. RM Development Standards

STANDARDS		RM STANDARDS			
		RM 15,000 SF Lot	RM Cluster 8,000 SF Lot	RM Cluster 7,000 SF Lot	RM Cluster 6,000 SF Lot
Building Height		Max: 35’	Max: 35’	Max: 35’	Max: 35’
Density		Max: 3 Dwelling Units Per Net Acre Max: 5 Dwelling Units Per Acre (Cluster Development)	Max: 5 Dwelling Units Per Acre	Max: 5 Dwelling Units Per Acre	Max: 5 Dwelling Units Per Acre
Building Setbacks (Min.)	Front	30’	20’	20’	20’
	Side	12’	8’	8’	5’
	Rear	25’	20’	20’	20’
	Corner	17’	12’	8’	8’
Lot	Width (Min.)	85’	70’	60’	50’
	Area (Min.)	15,000 SF	8,000 SF	7,000 SF	6,000 SF
Special Standards		In a cluster development, no more than thirty-five percent (35 %) of lots may be smaller than 7,000 SF and at least thirty-five percent (35%) of lots must be 8,000 SF or larger.			

3.1.3. RESIDENTIAL HIGH DENSITY (RH)

A. **Purpose and Intent**. The Residential High Density (RH) zoning district is established as a district in which the principal use of land is for residential purposes, including attached, double family, and multiple family dwellings. The regulations of this district are intended to discourage any use which, because of its character, would be a nuisance to the development of higher density residential structures. RH implements the high density residential future land use at a density range of six (6) to twelve (12) dwelling units per acre.

B. **Development Standards**. The RH district shall conform to the standards identified in Table 3.1.3.

Table 3.1.3. RH Development Standards

STANDARDS		RH REQUIREMENTS				
Building Height		Max: 35’ Max for Residential Care uses: 60’ with the installation of sprinklers and with Conditional Zoning				
Density		Max: 6 Dwelling Units Per Acre (Single Family Detached) Max: 8 Dwelling Units Per Acre (Age Restricted) Max: 9 Dwelling Units Per Acre (Attached) Max: 12 Dwelling Units Per Acre (Multifamily)				
		Single Family Detached	**Single Family Detached (Age Restricted)**	**Attached**	**Attached (Age Restricted)**	**Multiple Family**
Building Setback (Min./Max.)	Front	15’	15’	15’	15’	20’
	Side	10’ Min. 30’ between Detached and Attached structures	10’ Aggregate	0’ Internal 5’ for structures of three units or less 10’ End Unit Min. 30’ between structures Min. 10’ between structures of three units or less Min. 30’ between Attached and Detached structures	0’ Internal 5’ End Unit Min. 16’ Between structures Min. 10’ Between two-unit structures	15’
	Rear	15’				
	Corner	15'	15’	15’	15’	20’

Lot	Width (Min.)	75’ (Single Family Detached) 40’ (Single Family Detached Age Restricted) 20’ (Attached)
	Coverage	N/A
	Area (Min.)	7,500 Square Feet (Single Family Detached) 4,000 Square Feet (Single Family Detached Age Restricted) 2,000 Square Feet (Attached) 1,900 Square Feet (Attached Age Restricted)
Special Standards and Notes		No more than 15 gross acres may be assigned to attached or multiple family uses. This acreage limit shall be applied to the total of all attached and multifamily uses within a subdivision. Notwithstanding the foregoing, the acreage limit may be divided within and/or distributed throughout a subdivision. There is no limitation for age restricted residential developments. Two or three-unit single family attached buildings adjacent to a four-unit or greater building will follow the thirty foot (30’) building separation requirement.

3.1.4. MANUFACTURED HOME DISTRICT (MH)

A. **Purpose and Intent**. The Manufactured Home (MH) zoning district is established as a zoning district that permits manufactured homes with or without access to public water and sewer. The MH district is permitted to be in the form of a mobile home park.

B. **Development Standards**. The MH district shall conform to the standards identified in Table 3.1.4.

Table 3.1.4. MH Development Standards

STANDARDS		MH REQUIREMENTS
Building Height		Max: 35’
Density		Max: 2 Dwelling Units Per Acre
Building Setbacks (Min.)	Front	30’
	Side	12’
	Rear	25’
	Corner	17’
Lot	Width (Min.)	85’
	Coverage (min./max.)	N/A
	Area (Min.)	20,000 Square Feet

C. **Mobile Home Park Standards.** The MH district may be in the form of a mobile home park. Due to their unique standards, the standards below shall apply for all new mobile home park developments:

1. **Design Standards**. Minimum lot size for each mobile home shall be determined by the Wake County Health Department after a field investigation. The lot shall be of such minimum size as is necessary for adequate protection of the water supply system and for proper functioning of the individual sewage disposal system. In no case shall a lot with an approved water supply be less than 20,000 square feet.

    a. The pitch of the roof of the home has a minimum vertical rise of three (3) feet for every twelve (120) feet of horizontal run and the roof is finished

with a type of shingle that is commonly used in standard residential construction;

b. All roof structures shall provide an eave projection of no less than six (6) inches, not including gutter;

c. Each mobile home lot shall be provided parking spaces for at least two (2) automobiles, covered with gravel or other suitable material, either on the lot or within three hundred (300) feet of the lot;

d. All streets, roads, or drives located in the park must have a minimum right-of-way of forty (40) feet and must be covered with material deemed acceptable by the Town of Rolesville;

e. All mobile homes must have direct access through a driveway, private drive, or other public street to a public right-of-way;

f. All streets and private drives more than two-hundred-and-fifty (250) feet in length must be lighted at night; and

g. All utility lines and wires shall be installed underground.

h. The exterior siding consists predominately of vinyl or aluminum horizontal lap siding (whose reflectivity does not exceed that of gloss white paint), wood, or fiber cement siding, comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction.

i. Permanent steps shall be constructed at all exterior doors as necessary and a permanent porch or patio measuring at least three (3) feet in width and five (5) feet in length shall be constructed at the front or main entrance to the mobile home.

j. Must be set up in accordance with the standards set forth by the North Carolina Department of Insurance and a continuous, permanent masonry foundation or masonry curtain wall, unpierced except for required ventilation and access, installed under the perimeter of the mobile home.

k. All homes shall be tied down in accordance with the regulation set forth by the North Carolina Department of Insurance.

l. Stairs, porches, entrance platforms, ramps, and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards set by the North Carolina Department of Insurance.

m. The moving hitch, wheels, axles, and transporting lights must be removed. If they cannot be removed, they must be screened from view by evergreen plantings as approved by the Planning Director or designee.

n. All requirements for the location of a single family dwelling on an individual lot shall be met.

o. Mobile homes shall not have a width of less than twenty-four (24) feet.

2. **Operating Requirements**. Each mobile home park shall operate in accordance with the rules and regulations of the Wake County Board of Health and the fire protection agency having jurisdiction of the park.

3.2. NONRESIDENTIAL DISTRICTS

A. **Intent**. The nonresidential zoning districts established in this LDO are intended to implement the commercial, business park, industrial, school, and preserved open space future land use classifications, as defined in the Rolesville comprehensive plan. The nonresidential districts intend to provide lands within the town for a range of civic, commercial, office and medical, infrastructure, and open space uses. Specifically, the nonresidential districts are intended to:

1. Provide for a variety of environments for various types of nonresidential uses and development;
2. Increase the town's economic base and provide employment opportunities for the residents of the town and surrounding communities; and
3. Provide for safe, appropriately located lands for nonresidential development consistent with the comprehensive plan that will minimize the impact of nonresidential development on residential districts.

3.2.1. GENERAL COMMERCIAL (GC)

A. **Purpose and Intent**. The General Commercial (GC) zoning district is established as a district in which the principal use of land is for commercial uses. The GC district allows for wide range of intensities of commercial uses. Regulations of this district are intended to minimize potential effects of commercial activity on residential districts. The GC district implements the commercial future land use classification.

B. **Development Standards**. The GC district shall conform to the standards identified in Table 3.2.1.

C. **Setback Reductions.** Setback reductions of up to sixty-five (65) percent shall be allowed within the Main Street Corridor if all the following are provided:

1. Buildings and community gathering spaces define no less than two-thirds of street frontage;
2. Vehicular surface areas are limited to no more than one-third of property frontage; and
3. A minimum ten foot (10') wide sidewalk or multi-use trail is provided along Main Street, or if property is not adjacent but within five hundred feet (500') of the Main Street Corridor, that a minimum ten foot (10') wide sidepath be provided to provide pedestrian access to Main Street.

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

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

Table 3.2.1. GC Development Standards

STANDARDS		GC REQUIREMENTS
Building Height		Max: 42’; Design Alternative to go up to 50’
Building Setbacks (Min.)	Front	20’
	Side	15’
	Rear	35’
	Corner	25’
Lot	Width (Min.)	100’
	FAR/Coverage (min./max.)	N/A
	Area (Min.)	20,000 Square Feet

3.2.2. COMMERCIAL HIGHWAY DISTRICT (CH)

A. **Purpose and Intent**. The Commercial Highway (CH) zoning district is established as a commercial district in which the principal use of land is for those service and retail trade purposes, which will accommodate the needs of the motoring public, the reduction of highway congestion and hazards, and the minimization of blight. The CH district allows for wide range of intensities of commercial uses. Regulations of this district are intended to minimize congestion and potential effects of commercial activity on residential districts. The CH district implements the commercial future land use classification.

B. **Development Standards**. The CH district shall conform to the standards identified in Table 3.2.2.

Table 3.2.2. CH Development Standards

STANDARDS		CH REQUIREMENTS
Building Height		Max: 60’
Building Setbacks	Front	20’
	Side	15’
	Rear	35’
	Corner	25’
Lot	Width (Min.)	100’
	FAR/Coverage (min./max.)	N/A
	Area (Min.)	20,000 Square Feet

3.2.3. OFFICE AND PROFESSIONAL DISTRICT (OP)

A. **Purpose and Intent**. The Office and Professional (OP) zoning district is established to provide an area for office and medical uses and their necessary support functions, and other compatible uses. Conflicts with adjacent land uses are to be minimized. This district may serve as a transitional district between residential and commercial uses.

B. **Development Standards**. The OP district shall conform to the standards identified in Table 3.2.3.

Table 3.2.3. OP Development Standards

STANDARDS		OP REQUIREMENTS
Building Height		Max: 42’; Design Alternative to go up to 50’
Building Setbacks (Min.)	Front	20’
	Side	15’
	Rear	35’
	Corner	25’
Lot	Width (Min.)	100’
	FAR/Coverage (min./max.)	N/A
	Area (Min.)	20,000 square feet

3.2.4. BUSINESS, INDUSTRIAL, AND TECHNOLOGY (BT)

A. **Purpose and Intent**. The Business, Industrial, and Technology (BT) zoning district is designed to accommodate a wide range of uses including professional, business, governmental and medical offices, corporate headquarters, and uses that rely on advanced scientific and engineering capabilities. The BT district is intended to provide sites in a campus or park type setting with an emphasis on internal connections and access, emphasis on natural characteristics and open space preservation, and buffering of adjacent, less intensive land uses. Land uses within this district are intended to provide for research facilities and manufacturing operations requiring application of research input and activity as an integral part of the manufacturing process. The BT district implements the Business Park future land use in the comprehensive plan and can only be implemented via a zoning map amendment.

B. **Development Standards**. The BT zoning district shall conform to the standards identified in Table 3.2.4.

Table 3.2.4. BT Development Standards

STANDARDS		BT REQUIREMENTS
Building Height		Max: 60’
Building Setbacks (Min.)	Front	30’
	Side	15’
	Rear	35’
	Corner	25’
	BT adjacent to BT	0’
Lot	Width (Min.)	100’
	Coverage (Min./Max.)	N/A
	Area (Min.)	20,000 Square Feet

3.2.5. GENERAL INDUSTRIAL (GI)

A. **Purpose and Intent**. The General Industrial (GI) zoning district is established as a district in which the principal use of the land is for industries that can be operated in a relatively clean and quiet manner that will not be a nuisance to adjacent residential or commercial districts. The GI district implements the industrial future land use classification by allowing for industrial uses.

B. **Development Standards**. The GI zoning district shall conform to the standards identified in Table 3.2.5.

Table 3.2.5. GI Development Standards

STANDARDS		GI REQUIREMENTS
Building Height		Max: 60’
Building Setbacks (Min.)	Front	30’
	Side	15’
	Rear	35’
	Corner	25’
Lot	Width (Min.)	100’
	Coverage (Min./Max.)	N/A
	Area (Min.)	20,000 Square Feet

3.3. CONDITIONAL ZONING DISTRICTS

A. **Intent.** This section establishes the option of conditional zoning within the town. Rezoning of land to a conditional zoning district allows a landowner to propose, and the town to consider, additional conditions or restrictions on the range of allowable principal uses, use standards, intensities, development standards, and other standards in the parallel general use zoning district. This process allows the town to tailor a zoning classification to accommodate desirable development while minimizing problems that may arise from development otherwise allowed by the general use zoning district.

B. **Standards**.

1. **Concept Site Plan**. A concept site plan may be approved as part of a conditional zoning. If a concept site plan is incorporated as a condition in conditional zoning, it is part of that legislative decision.

2. **Conditions**. Conditions and site-specific standards imposed in a conditional district shall be standards above and beyond the requirements of this LDO; conditions shall not lesser the standards in this LDO. Conditions shall be limited to those that address the conformance of the development and use of the site to the Rolesville comprehensive plan or the impacts reasonably expected to be generated by the development or use of the site.

3. **Multiple Parcels.** If multiple parcels of land are subject to a single conditional zoning district, the owners of individual parcels may apply for modification of the conditions so long as the modification would not result in other properties failing to meet the terms of the conditions. Any modifications approved shall only be applicable to those properties whose owners petition for the modification.

3.4. MIXED-USE DISTRICTS

A. **Intent.** The Town of Rolesville recognizes the importance of compact, urban forms of development centered on a mix of uses, residential and nonresidential, with specific design and development related standards. The town's adopted comprehensive plan identifies recommended "mixed-use" neighborhoods, each with its own representative and unique standards. The provisions established within this section of the LDO shall apply to all parcels designated on the zoning map as a mixed-use district.

TABLE 3.4. MIXED-USE DISTRICTS ESTABLISHED	
MIXED-USE DISTRICT NAME	**LDO ABBREVIATION**
RESIDENTIAL DISTRICTS	
Town Center District	TC
Mixed-Use Activity Center	AC
Mixed-Use Neighborhood Center	NC

B. **Standards.** The standards provided in this section and in other sections as referenced herein, are provided for the benefit within the public and private realm. Each implementing mixed-use district shall act as its own zoning district, with its own specific standards of development and permissible uses. Each district contains a summary table of development standards.

C. **Uses**. The Permitted Principal Use Table, defined in Section 5.1, identifies which principal uses may be permitted in each zoning district of the town. Each district has its own column on the corresponding table of permitted principal uses. Permitted principal uses are defined in Section 5.1.

D. **Applicability.** For this section, nonresidential standards shall also include (apply to) multifamily developments.

E. **Special Standards in Mixed-Use Districts.**

1. **Compatibility**. Compatibility considerations within mixed-use districts are subject to Section 6.2.3: Mixed-Use Perimeter Compatibility.

2. **Building Placement**.

    a. Building placement measurements shall be measured from the edge of the public right-of-way or existing public sidewalk if not located within

the right-of-way. Where Private Access Easements are utilized to achieve Dwelling, Single Family, Attached lot frontage requirements, building placement shall be from the edge of pavement or edge of sidewalk depending on the form or use of the easement (drive aisle, vehicular parking, alley).

b. Building placement dimensions may be varied administratively, by the Land Development Administrator. Where multiple buildings are proposed on the same lot or parcel, the building placement shall apply to the primary building as identified on the concept site plan and if mitigating techniques such as liner buildings, streetwalls or similar are provided.

3. **Streetwalls**.

a. Streetwalls shall be constructed of brick, masonry, stone, wrought iron/aluminum, or other decorative material and shall be designed with the same building materials and architectural appearance as the primary structure. Wood, fencing, and chain link are prohibited materials for a streetwall.

b. Streetwalls shall be a minimum of three (3) feet and a maximum of four (4) feet in height. Breaks in streetwalls are permitted to allow for pedestrian or vehicular access, recessed storefront entrance, plazas, or for tree protection.

c. Streetwalls may be a maximum of fifty (50) feet in length. Breaks must be provided using columns or offsets, including landscaping/trees, of at least ten (10) feet in width, up to a maximum of twenty (20) feet in width. On corner parcels, the corner of the building may be recessed from the front and side property lines on a diagonal. Streetwalls or combination of streetwalls and canopy trees with hedge not to exceed three (3) feet in height can be substituted for a continuous streetwall. Streetwalls shall constitute at least two-thirds (2/3) of the frontage where a streetwall/tree/hedge design is used.

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

3.4.1. TOWN CENTER DISTRICT (TC)

A. **Purpose and Intent.**

1. The Town of Rolesville recognizes the importance of the Town Center (TC) district to serve as the town's traditional town center that features areas of economic, entertainment and community activities that encourage pedestrian accessibility and activity.

2. The intent of the TC district is to create a vibrant, active town center that features a mix of uses, residential and nonresidential;

3. Require specific design and development related standards to create an environment where residents and visitors of Rolesville can live, work and play; and

4. Regulate development per the standards defined for the district.

B. **Timing of Development.**

1. To ensure compliance with the intent and standards for a mix of uses within the TC District, for any development application, a maximum of fifty (50) percent of the approved residential units may be issued building permits until at least twenty-five (25) percent of the approved non-residential square footage has been issued a building permit.

2. The remaining residential units may be permitted upon approval (permit) of at least fifty (50) percent of approved non-residential square footage.

3. The required percentage may be modified as part of an approved development agreement.

Table 3.4.1. TC District Development Standards

STANDARDS		TC REQUIREMENTS
Building Height		Max: 60’
Density		20 Units/Acre (Single-Use Residential Building) (No Density Standard for Upper Story Residential When Part of a Mixed-Use Building, And/or Live-Work Unit)
Building Placement (Min./Max.) See also Street Walls	Front	0'/20'
	Side	0'/15'
	Rear	0'/45'
Lot	Length (Min.)	50'
	Width (Min.)	25' 20’ (Attached)
	Coverage (Max.)	N/A
Frontage	% Requirement	50%
	Active Use Areas	Permitted; Maximum Length: 25' or 75% of Building Frontage (Whichever is Less) Maximum AUA Depth: 10'
	Encroachments (Upper Story Only; Only Where Clear of Public Utilities)	Maximum Length: 50% of Building Frontage Maximum Encroachment: 6' Minimum Clearance: 8' Balconies, Awnings, And Porches Are Permitted Encroachments Encroachments Are Only Permitted with Written Authorization from the Town, NCDOT, and/or Any Other Appropriate Legal Entity Which May Have an Easement/Ownership or Similar

	Entrances	Front (Primary Street-Facing); Corner Lots May Orient Entrances to The Corner or Provide an Additional Entrance Oriented to The Secondary Street)
Landscaping and Open Space		Property Perimeter, Parking Perimeter and Vehicle Use Areas and Service Areas, Foundation Plantings Permitted Open Space Types: Green, Commons, Square, Plaza
Building and Site Design		
Architectural Standards		Blank Walls Not Permitted Facing Any Public Street Frontage, Private Access Easement, or Non Mixed-Use Zoning District
Maximum Single-Use/Building Size (Excluding Residential Only Structures)		35,000 Square Feet No Size Limits for Mixed-Use Buildings; Only Commercial on Ground Floor
Maximum Blank Wall		Maximum 50 Square Feet Blank Wall Area Or 15% Of the Total Wall Area A Maximum 25' In Length Without a Compliant Design Feature
Minimum Transparency % By Story (Excluding Residential Only Structures)		40% Transparency on First Story, 35% Transparency for Each Story Above
Drive-Through Locations		Side Or Rear Only; Not Adjacent to The Primary Street
Street Walls Required		Drive-Throughs Parking Areas (Excluding On-Street Parking) Fronting Public Streets or Private Access Easements May Be Utilized to Meet the Building Frontage Requirements
Rooflines		Only Flat and Gable Roofs Are Permitted; Parapets May Extend 36" Above the Roofline; Mansard Roofs Are Prohibited
Notes: Any/all development standards in Table 3.4.1. may be modified if part of a Development Agreement approved by the Town Board of Commissioners.		

3.4.2. ACTIVITY CENTER (AC)

A. **Purpose and Intent.** The Activity Center (AC) zoning district intends to:

1. Allow for mixed-use developments throughout the town that are located at major intersections and corridors;
2. Feature a mixture of uses, residential and non-residential;
3. Create development that encourages active living where residents and visitors can live, work and play;
4. Require development and redevelopment that allows for enhanced pedestrian activity; and
5. Regulate development per the standards defined for the district.

B. **Mixed-Use District by Zoning Map Amendment**. The AC district can only be implemented via a zoning map amendment within appropriate land use classifications, including but not limited to Mixed Use Neighborhood and Medium Density Residential. The AC district shall require a concept site plan as part of the zoning map amendment.

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

D. **Mixture of Uses and Timing of Development.**

1. A minimum twenty (20) percent allocation of gross area for nonresidential uses is required.
2. Buffers, open space, and stormwater facilities shall not be included in the calculation of the required twenty (20) percent allocation.
3. Uses can be integrated vertically or horizontally.
4. To ensure compliance with the intent and standards for a mix of uses within the AC district, a maximum fifty (50) percent of the residential units may be permitted until at least twenty-five (25) percent of the approved non-residential square footage is permitted (issue of a building permit).

5. The remaining residential units may be permitted upon approval (permit) of at least fifty (50) percent of approved non-residential square footage.

6. The standards in 3.4.2.D may be modified as part of an approved development agreement by the BOC.

Table 3.4.2. AC District Development Standards

STANDARDS		AC REQUIREMENTS
Building Height		Max: 60’
Density		10 Units/Acre (By Right)
Building Placement (Min./Max.)	Front [*1]	15’/75’
	Side [*2]	5’/50’
	Rear [*3]	10’/75’
Lot	Length (Min.)	75’
	Width (Min.)	50’ 20’ (Attached)
	Coverage (Max.)	N/A
Frontage	% Requirement	35% Outparcel buildings may be used to meet frontage requirements
	Active Use Areas	Permitted; Maximum Length: 25' or 75% of Building Frontage (Whichever is Less) Maximum AUA Depth: 10'
	Encroachments (Upper Story Only; Only Where Clear of Public Utilities)	Maximum Length: 50% of Building Frontage Maximum Encroachment: 6' Minimum Clearance: 8' Balconies, Awnings, And Porches Are Permitted Encroachments

		Encroachments Are Only Permitted with Written Authorization from the Town, NCDOT, and/or Any Other Appropriate Legal Entity Which May Have an Easement/Ownership or Similar
	Entrances	Front (Primary Street-Facing); Corner Lots May Orient Entrances to The Corner or Provide an Additional Entrance Oriented to The Secondary Street)
Landscaping and Open Space		Property Perimeter, Parking Perimeter and Vehicle Use Areas and Service Areas; Foundation Plantings Permitted Open Space Types: Green, Commons, Square, Plaza
Building and Site Design		
Architectural Standards		Blank Walls Not Permitted Facing Any Public Street Frontage, Private Access Easement, or Non Mixed-Use Zoning District
Maximum Single-Use/Building Size (Excluding Residential Only Structures)		50,000 Square Feet Maximum Single-Use Size May Increased If Approved as Part of An Approved Development Agreement by the BOC. No Size Limits for Mixed-Use Buildings; Only Commercial on Ground Floor
Maximum Blank Wall		Maximum 50 Square Feet Blank Wall Area Or 15% Of the Total Wall Area A Maximum 25' In Length Without a Compliant Design Feature
Minimum Transparency % By Story (Excluding Residential Only Structures)		40% Transparency on First Story, 35% Transparency for Each Story Above
Drive-Through Locations		Side Or Rear Only; Not Adjacent to The Primary Street
Street Walls Required		Drive-Throughs Parking Areas (Excluding On-Street Parking) Fronting Public Streets or Private Access Easements May Be Utilized to Meet the Building Frontage Requirements
Rooflines		Only Flat and Gable Roofs Are Permitted; Parapets May Extend 36" Above the Roofline; Mansard Roofs Are Prohibited
Notes:		

Any/all development standards in Table 3.4.2. may be modified if part of a Development Agreement approved by the Town Board of Commissioners.

*1 (Front Setback) Can be increased by a factor of 1.5 where an active use area is provided.

*2 (Side Setback) 44' may be permitted to accommodate those lots without access to an alley or shared driveway to accommodate a driveway where rear serving parking or loading is provided.

*3 (Rear Setback) Except where served by rear parking, not to exceed 60'. Also accommodates required buffering.

3.4.3. NEIGHBORHOOD CENTER (NC)

A. **Purpose and Intent.** The Mixed-Use Neighborhood Center (NC) zoning district intends to:

1. Allow for development that is more suburban in nature and centered on a mixture of less intense uses that include a limited commercial component;
2. Permit small-scale, neighborhood-oriented commercial uses that are compatible with nearby residential uses;
3. Allow for less intense uses through the Permitted Principal Use Table as defined in Section 5.1; and
4. Regulate development per the standards defined for the district.

B. **Mixed-Use District by Zoning Map Amendment**. The NC district can only be implemented via a zoning map amendment within appropriate land use classifications, including but not limited to Mixed Use Neighborhood and Medium Density Residential. The NC district shall require a concept site plan as part of the zoning map amendment.

C. **Minimum Size.** An NC district development shall have no minimum size. A maximum seventy-five (75) percent of gross acreage can be dedicated to residential uses.

D. **Mixture of Uses and Timing of Development.**

1. A NC development shall feature a minimum fifteen (15) percent allocation of gross area for nonresidential uses.
2. Buffers, open space, and stormwater facilities shall not be included in the calculation of the required fifteen (15) percent allocation.
3. Uses can be integrated vertically or horizontally.
4. To ensure compliance with the intent and standards for a mix of uses within the NC district, a maximum fifty (50) percent of the residential units may be permitted until at least twenty-five (25) percent of the approved non-residential square footage is permitted (issue of a building permit).
5. The remaining residential units may be permitted upon approval (permit) of

at least fifty (50) percent of approved non-residential square footage.

6. The standards in 3.4.3.D may be modified as part of an approved development agreement by the BOC.

Table 3.4.3. NC District Development Standards

STANDARDS		NC REQUIREMENTS
Building Height		Max: 45’
Density		8 Units/Acre (By Right)
Building Placement (min./max.)	Front *1	15’/100’
	Side *2	10’/50’
	Rear *3	10’/50
Lot	Length (Min.)	100’
	Width (Min.)	50’ 20’ (Attached)
	Coverage (Max.)	N/A
Frontage	% Requirement	25% Outparcel buildings may be used to meet frontage requirements
	Active Use Areas	Permitted; Maximum Length: 25' or 75% of Building Frontage (Whichever is Less) Maximum AUA Depth: 10'
	Encroachments (Upper Story Only; Only Where Clear of Public Utilities)	Maximum Length: 50% of Building Frontage Maximum Encroachment: 6' Minimum Clearance: 8' Balconies, Awnings, And Porches Are Permitted Encroachments

		Encroachments Are Only Permitted with Written Authorization from the Town, NCDOT, and/or Any Other Appropriate Legal Entity Which May Have an Easement/Ownership or Similar
	Entrances	Front (Primary Street-Facing); Corner Lots May Orient Entrances to The Corner or Provide an Additional Entrance Oriented to The Secondary Street)
Landscaping and Open Space		Property Perimeter, Parking Perimeter and Vehicle Use Areas and Service Areas; Foundation Plantings Permitted Open Space Types: Green, Commons, Square, Plaza
Building and Site Design		
Architectural Standards		Blank Walls Not Permitted Facing Any Public Street Frontage, Private Access Easement, or Non Mixed-Use Zoning District
Maximum Single-Use/Building Size (Excluding Residential Only Structures)		25,000 Square Feet Maximum Single-Use Size May Increased If Approved as Part of An Approved Development Agreement by the BOC. No Size Limits for Mixed-Use Buildings; Only Commercial on Ground Floor
Maximum Blank Wall		Maximum 50 Square Feet Blank Wall Area Or 15% Of the Total Wall Area A Maximum 25' In Length Without a Compliant Design Feature
Minimum Transparency % By Story (Excluding Residential Only Structures)		40% Transparency on First Story, 35% Transparency for Each Story Above
Drive-Through Locations		Side Or Rear Only; Not Adjacent to The Primary Street
Street Walls Required		Drive-Throughs Parking Areas (Excluding On-Street Parking) Fronting Public Streets or Private Access Easements May Be Utilized to Meet the Building Frontage Requirements
Rooflines		Only Flat and Gable Roofs Are Permitted; Parapets May Extend 36" Above the Roofline; Mansard Roofs Are Prohibited

Notes:

Any/all development standards in Table 3.4.3. may be modified if part of a Development Agreement approved by the Town Board of Commissioners.

*1 (Front Setback) Can be increased by a factor of 1.5 where an active use area is provided.

*2 (Side Setback) 44' may be permitted to accommodate those lots without access to an alley or shared driveway to accommodate a driveway where rear serving parking or loading is provided.

*3 (Rear Setback) Except where served by rear parking, not to exceed 60'. Also accommodates required buffering.

3.5. INACTIVE DISTRICTS

A. **Inactive Districts**. Planned Unit Development (PUD) zoning district is retired with adoption of the Land Development Ordinance (LDO). Under the provisions of this LDO, no new zoning map amendment applications will be accepted for the Planned Unit Development (PUD) zoning district. However, properties or parcel assemblages governed by this pre-existing zoning classification may continue to be developed pursuant to the regulations adopted for the approved PUD.

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 know 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, 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 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 façades 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 the exterior of the primary structure. If the fence is a chain linked 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 subdivision 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 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 serve 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 of 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 had (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.

5. USES

A. **Purpose and Intent.** This section regulates principal, accessory, miscellaneous, and temporary uses in the Town of Rolesville.

5.1. PRINCIPAL USES

A. **Organization of Principal Uses**. Table 5.1 organizes principal uses by use categories and individual principal uses. The table provides a systematic basis for identifying and consolidating uses, distinguishing uses not explicitly listed in the table to determine whether a particular use is allowed in a particular zoning district.

Table. 5.1. Permitted Principal Use Table

PERMITTED PRINCIPAL USE TABLE Key: "P" = Permitted, "S" = Special Use Permit, "-" = Not Permitted													
	RL	RM	RH	MH	GC	CH	OP	GI	BT	TC	AC	NC	
RESIDENTIAL USES													
Dwelling, Single Family, Detached	P	P	P	-	-	-	-	-	-	-	P	P	5.1.2.A.
Dwelling, Single Family, Attached	-	-	P	-	-	-	-	-	-	P	P	P	5.1.2.B.
Dwelling, Double Family	-	-	P	-	-	-	-	-	-	-	-	-	5.1.2.C.
Dwelling, Multiple Family	-	-	P	-	-	-	-	-	-	P	P	P	5.1.2.D.
Dwelling, Upper Story Unit	-	-	-	-	P	P	P	-	-	P	P	P	5.1.2.E.
Dwelling, Manufactured Unit	-	-	-	P	-	-	-	-	-	-	-	-	5.1.2.F.

	RL	RM	RH	MH	GC	CH	OP	GI	BT	TC	AC	NC	
RESIDENTIAL USES													
Boarding House/Dormitory	-	-	P	-	-	-	-	-	-	-	-	-	5.1.2.G.
Family Care Facility	P	P	P	P	-	-	-	-	-	P	P	P	5.1.2.H.
Live-Work Unit	-	-	S	-	-	-	-	P	P	-	-	-	5.1.2.I.
Residential Care (ALF, ILF, CCF)	-	-	P	-	-	-	S	-	-	-	-	-	5.1.2.J.
State Licensed Group Homes	P	-	-	-	-	-	-	-	-	-	-	-	5.1.2.K.
CIVIC USES													
Assembly/Church	P	P	P	P	P	P	P	P	P	P	P	P	5.1.3.A.
Cemetery	-	-	-	-	-	-	-	S	-	-	-	-	5.1.3.B.
College/University	-	-	-	-	S	S	S	S	S	S	-	-	5.1.3.C.
Correctional Facility	-	-	-	-	-	-	-	S	S	-	-	-	5.1.3.D.
Cultural Facility	-	-	-	-	P	P	P	S	S	P	P	P	5.1.3.E.
Day Care	-	-	S	-	P	P	P	-	-	P	P	S	5.1.3.F.
Government Facility	P	P	P	P	P	P	P	P	P	P	P	P	5.1.3.G.
Lodge or Private Clubs	-	-	-	-	P	P	P	-	-	P	P	P	5.1.3.H.

	RL	RM	RH	MH	GC	CH	OP	GI	BT	TC	AC	NC	
CIVIC USES													
Parks/Public Recreation Facilities	P	P	P	-	P	P	P	-	-	P	P	P	5.1.3.I.
Preserved Open Space	P	P	P	P	P	P	P	P	P	P	P	P	5.1.3.J.
Schools (K-12)	-	-	S	-	P	P	P	-	-	-	-	-	5.1.3.K.
Social Services	-	-	-	-	S	-	S	-	-	-	-	-	5.1.3.L.
COMMERCIAL USES													
Adult Business	-	-	-	-	-	-	-	S	-	-	-	-	5.1.4.A.
Bank	-	-	-	-	P	P	P	-	S	P	P	P	5.1.4.B.
Bars and Nightclubs	-	-	-	-	P	P	-	P	-	P	S	-	5.1.4.C.
Breweries and Distilleries	-	-	-	-	P	P	P	P	-	P	P	P	5.1.4.D.
Commercial Parking	-	-	-	-	P	P	P	P	P	P	P	P	5.1.4.E.
Carwash	-	-	-	-	P	P	-	P	P	-	-	-	5.1.4.F.

	RL	RM	RH	MH	GC	CH	OP	GI	BT	TC	AC	NC	
COMMERCIAL USES													
Eating Establishment	-	-	-	-	P	P	P	S	P	P	P	P	5.1.4.G.
Electronic Gaming Operations	-	-	-	-	-	-	-	S	-	-	-	-	5.1.4.H.
Event Center	-	-	-	-	P	P	-	-	-	-	-	-	5.1.4.I.
Funeral Home	-	-	-	-	P	P	P	-	-	-	-	-	5.1.4.J.
Gas Station	-	-	-	-	P	P	S	-	-	-	S	S	5.1.4.K.
Golf Course	-	-	-	-	P	-	-	-	-	-	-	-	5.1.4.L.
Lodging	-	-	-	-	S	S	-	-	-	P	S	P	5.1.4.M.
Recreation, Indoor	-	-	-	-	P	P	P	P	P	P	S	S	5.1.4.N.
Recreation, Outdoor	-	-	-	-	P	P	P	-	-	-	-	-	5.1.4.O.
Retail Sales and Services, Neighborhood	-	-	-	-	P	P	-	-	-	P	P	P	5.1.4.P.
Retail Sales and Services, Community	-	-	-	-	P	P	-	-	-	S	P	S	5.1.4.Q.

	RL	RM	RH	MH	GC	CH	OP	GI	BT	TC	AC	NC	
COMMERCIAL USES													
Retail Sales and Services, Shopping Center	-	-	-	-	P	P	-	-	-	S	S	S	5.1.4.R.
Self-Storage, Enclosed	-	-	-	-	P	P	P	P	P	-	-	P	5.1.4.S.
Tattoo Establishment	-	-	-	-	P	P	-	P	-	-	-	-	5.1.4.T.
Vape and Tobacco Store	-	-	-	-	P	P	-	P	-	-	-	-	5.1.4.U.
Vehicle, Rental and Sales	-	-	-	-	P	P	-	-	-	-	-	-	5.1.4.V.
Vehicle, Minor Service	-	-	-	-	P	P	-	P	P	-	-	-	5.1.4.W.
Vehicle, Major Service	-	-	-	-	-	S	-	P	S	-	-	-	5.1.4.X.
OFFICE AND MEDICAL													
Animal Care	-	-	-	-	P	P	P	-	P	-	-	-	5.1.5.A.
Dental Facility	-	-	-	-	P	P	P	-	P	P	P	P	5.1.5.B.
Hospital	-	-	-	-	P/S	P/S	P/S	-	-	-	-	-	5.1.5.C.
Medical Facility	-	-	-	-	P	P	P	P	P	P	P	P	5.1.5.D.
Professional Office	-	-	-	-	P	P	P	P	P	P	P	P	5.1.5.E.
Urgent Care	-	-	-	-	P	P	P	P	P	P	P	P	5.1.5.F.

	RL	RM	RH	MH	GC	CH	OP	GI	BT	TC	AC	NC	
INDUSTRIAL USES													
Artisanal Manufacturing	-	-	-	-	P	P	-	P	P	P	P	P	5.1.6.A.
Flex	-	-	-	-	S	S	S	P	P	-	P	P	5.1.6.B.
Fulfillment Center	-	-	-	-	S	S	-	P	P	-	-	P	5.1.6.C.
Industrial, Light	-	-	-	-	-	-	-	P	P	-	-	-	5.1.6.D.
Industrial, Heavy	-	-	-	-	-	-	-	P	-	-	-	-	5.1.6.E.
Junk Yard	-	-	-	-	-	-	-	S	-	-	-	-	5.1.6.F.
Land Fill	-	-	-	-	-	-	-	S	-	-	-	-	5.1.6.G.
Recycling Facility	-	-	-	-	-	-	-	S	-	-	-	-	5.1.6.H.
Warehousing	-	-	-	-	-	S	-	P	P	-	-	-	5.1.6.I.
Wholesale Trade	-	-	-	-	-	-	-	P	P	-	-	-	5.1.6.J.
INFRASTRUCTURE													
Minor Utility	P	P	P	P	P	P	P	P	P	P	P	P	5.1.7.A.
Major Utility	S	S	S	S	P	P	P	P	P	-	-	-	5.1.7.B.
Minor Transportation Installation	P	P	P	P	P	P	P	P	P	P	P	P	5.1.7.C.
Major Transportation Installation	-	-	-	-	S	S	S	S	P	S	-	S	5.1.7.D.

	RL	RM	RH	MH	GC	CH	OP	GI	BT	TC	AC	NC	
Telecommunication Tower	S	S	S	S	S	S	S	S	S	S	S	S	5.1.7.E.
Water Storage Tower	P	P	-	-	P	P	P	P	P	-	-	-	5.1.7.F.
OPEN USES													
Agricultural Uses	P	-	-	-	-	-	-	-	-	-	-	-	5.1.8.A.

5.1.1 GENERALLY

A. Use Categories. To regulate principal use, categories of uses ("use categories") for principal uses have been established. Use categories provide a systematic basis for assigning principal uses to appropriate categories or zoning districts with other similar or compatible uses and are consistent with established and desired uses and future land uses in the adopted Comprehensive Plan. Use categories classify principal uses and activities based on common functional, product or physical characteristics. Characteristics include the type and amount of activity, the characteristics of customers or residents, how goods or services are sold or delivered, and certain site factors. Principal uses have been grouped into the following use categories:

1. **Residential**. Residential uses promote a variety of housing options for the citizens of Rolesville, ranging from low density single unit residential to high density multiunit residential.
2. **Civic.** Public and institutional uses such as parks, preserved open spaces, public libraries, museums, schools, police, fire, and similar uses.
3. **Commercial.** Retail sales and services.
4. **Office and Medical.** Office and medical services including professional offices, medical offices, veterinarians, and hospitals.
5. **Industrial.** Industrial uses, manufacturing, technology, recycling, processing plants, and waste related services.
6. **Infrastructure.** Minor and major utilities and infrastructure related uses.
7. **Open Uses.** Agricultural and associated uses.

B. **Considerations.**

1. Principal Uses are assigned to the category that most closely describes the nature of the principal use. The characteristics subsection of each use category describes the characteristics of each use category. Developments may have more than one (1) principal use. Developments may also have one (1) or more accessory uses. Developments with more than one (1) principal use are addressed in subsection (D) below. Accessory uses are addressed in Section 5.2.

C. **Developments with Multiple Principal Uses.** When all the principal uses of a development fall within one (1) use category, then the development is assigned to that use category. For example, a development that contains a retail bakery and a cafe would be classified in the retail sales and service category because all the principal uses are in that category. When the principal uses of a development fall within different use categories, each principal use is classified separately and is subject to the regulations for that category.

D. **Principal Uses.** Each principal use is defined in the following format:

1. **Characteristics.** Characteristics are considered the basic definition of a principal use.

2. **Accessory Uses**. Accessory uses are allowed by right in conjunction with the principal use unless stated otherwise in the regulations. Accessory uses are subject to the same regulations as the principal use and the general standards for accessory uses Section 5.2.

3. **Examples**. Common examples are listed for each definition.

4. **Uses Not Included**. Uses not included are listed to exclude uses which are commonly confused with another use.

5. **Use Standards**. Use standards are additional limitations and standards on a principal use.

5.1.2. RESIDENTIAL PRINCIPAL USES

A. Dwelling, Single Family, Detached

1. Characteristics. A detached, residential building containing only one (1) dwelling unit. For regulatory purposes, the term is not to be construed as including mobile homes, recreational vehicles, travel trailers, housing mounted on motor vehicles, tents, houseboats, or other forms of temporary or portable housing.

2. Accessory Uses. Accessory uses commonly found are recreational facilities, pools, parking of motor vehicles for the occupants, piers, and docks, or accessory structures such as a garage or shed. Home occupations may also be permitted as an accessory use including family adult care, up to six (6) residents. The home

occupation shall be clearly incidental and subordinate to the residential use of the dwelling and shall not change the residential character of the dwelling.

3. Examples. Examples include single family homes and modular homes on a variety of lot sizes and types.

4. Uses Not Included.

    a. Lodging where tenancy is arranged for one (1) week or less is considered a form of transient lodging (see commercial categories).

B. Dwelling, Single Family, Attached (i.e. Townhouse)

1. Characteristics. A building that may be attached or semi attached, consisting of dwelling units, each dwelling unit typically owned by separate ownership. For regulatory purposes, the term is not to be construed as including mobile homes, recreational vehicles, travel trailers, housing mounted on motor vehicles, tents, houseboats, or other forms of temporary or portable housing. Limited to eight (8) units.

2. Accessory Uses. Accessory uses commonly found are recreational facilities, parking of motor vehicles for the occupants, piers and docks, and accessory structures such as a garage or shed. Home occupations may also be permitted as an accessory use including family adult care, up to six (6) residents. The home occupation shall be clearly incidental and subordinate to the residential use of the dwelling and shall not change the residential character of the dwelling.

3. Examples. Examples include townhouses, villas, or other attached single family housing options.

4. Uses Not Included.

    a. Lodging where tenancy is arranged for one (1) week or less is considered a form of transient lodging (see commercial categories).

5. Use Standards.

    a. Townhouses are limited to eight (8) units per structure.

b. Every Townhouse Lot shall provide frontage of at least twenty (20) feet in width on a public right-of-way (street or road) except where a Townhouse Lot abuts a Private Access Easement, in which case a Townhouse dwelling situated thereon may not front on a Private Street or Private Access Easement but instead shall front on a common area Lot. No Townhouse dwelling unit may front on a Private Access Easement.

c. Private Access Easements shall comply with the following:

    i. Private Access Easements may be utilized for subdivision Lot frontage requirements only where the associated development plan has been approved by the Town Board of Commissioners via a Conditional Zoning (CZ) District process.

    ii. Any subdivision design utilizing Private Access Easements shall provide all the required physical attributes of a public right-of-way as outlined in this Ordinance, such as streetyard buffers / street trees, sidewalks or other pedestrian access, travel lanes or other vehicular and emergency access, lighting, etc.

        1. The maximum length of a Private Access Easement shall be 150 feet. The required dimensions of turnarounds for Private Access Easements providing street access for motor vehicles shall not be included in this length measurement.

        2. All Private Access Easements providing street access for motor vehicles shall be provided with turnarounds selected from Figure D103.1 of the 2018 North Carolina State Building Code: Fire Prevention Code, Appendix D.

        3. Adequate emergency services access to all dwelling units shall be provided.

4. All proposed Lots shall be provided with access to a sidewalk, greenway, or multi-use path providing connectivity to adjacent Lots, guest parking areas, and the larger sidewalk network within the Subdivision.

5. The placement of large or small canopy trees shall be designed and installed at the same rate as required in Section 6.2.2.2.D.2. or 6.2.4.4., depending on the design/use of the Private Access Easement.

iii. Private Access Easements must be designed to no less than the minimum width needed to install and maintain the infrastructure required to be within the easement (in lieu of a public right-of-way).

C. Dwelling, Double Family

1. Characteristics. A building containing two (2) dwelling units consolidated into a single structure on one (1) single lot. For regulatory purposes, the term is not to be construed as including mobile homes, recreational vehicles, travel trailers, housing mounted on motor vehicles, tents, houseboats, or other forms of temporary or portable housing.

2. Accessory Uses. Accessory uses commonly found are recreational facilities, parking of motor vehicles for the occupants, piers and docks, and accessory structures such as a garage or shed. Home occupations may also be permitted as an accessory use.

3. Examples. Examples include two (2) family homes on a variety of lot sizes and types, such as a duplex.

4. Uses Not Included. Lodging where tenancy is arranged for one (1) week or less is a form of transient lodging (see commercial categories).

D. Dwelling, Multiple Family

1. Characteristics. Multiple family dwellings are characterized by a building that contains more than five dwelling units. This definition includes condominiums or multiple unit apartments. Tenancy is arranged for periods longer than one (1) week.

2. Accessory Uses. Accessory uses commonly found are recreational facilities, parking of motor vehicles for the occupants and guests, piers and docks, and accessory structures such as a garage or shed. Home occupations may also be permitted as an accessory use including family adult care, up to six (6) residents. The home occupation shall be clearly incidental and subordinate to the residential use of the dwelling and shall not change the residential character of the dwelling.

3. Examples. Uses include apartments and condominiums.

4. Uses Not Included.

    a. Lodging where tenancy is arranged for one (1) week or less is a form of transient lodging (see the commercial categories).

    b. Townhomes and attached housing (see Dwelling, Single Family, Attached)

5. Use Standards.

    a. All dumpsters and other building service areas shall be located where they are concealed from view from the public right of way. All dumpsters shall be concealed with secured gates, landscaping, and solid screening.

E. Dwelling, Upper Story Unit

1. Characteristics. Upper Story units are characterized by a building that contains a separate use on the bottom floor, and dwelling units on the floors above. These are commonly associated with mixed-use buildings, or a residence above a shop or commercial location. Tenancy is arranged for periods longer than one (1) week.

2. Accessory Uses. Accessory uses commonly found are recreational facilities, parking of autos for the occupants, piers, and docks. Home occupations may also

be permitted as an accessory use including family adult care, up to six (6) residents. The home occupation shall be clearly incidental and subordinate to the residential use of the dwelling and shall not change the residential character of the dwelling.

3. Examples. Uses include mixed-use buildings featuring a separate use on the bottom floor, with residential above.

4. Uses Not Included.

    a. Lodging where tenancy is arranged for one (1) week or less are a form of transient lodging (see the commercial categories).

F. Dwelling, Manufactured Family

1. Characteristics. Manufactured family dwellings are built on an integral chassis, with or without permanent foundation, and are used as a dwelling unit. Manufactured family dwellings are subject to any state standards for safety and occupancy.

2. Accessory Uses. Accessory uses commonly found are recreational facilities, parking of motor vehicles for the occupants, piers and docks, and accessory structures such as a garage or shed. Home occupations may also be permitted as an accessory use including family adult care, up to six (6) residents. The home occupation shall be clearly incidental and subordinate to the residential use of the dwelling and shall not change the residential character of the dwelling.

3. Examples. Examples include any type of park model or travel trailer designed as a dwelling unit, built on an integral chassis, with or without permanent foundation. This term includes mobile homes, park trailers, travel trailers and similar transportable structures intended to be improved property.

4. Uses Not Include.

    a. Modular homes are single-family detached.

G. Boarding House/Dormitory

1. Characteristics. A facility with lodging for one (1) or more persons in a group that does not constitute a single family unit.

2. Accessory Uses. Accessory uses commonly found are recreational activities, hobbies, and parking of the occupants' vehicles.

3. Examples. Uses include a boarding house for an educational facility, rooming house, fraternity, or sorority.

4. Uses Not Included.

    a. Rehabilitation of adults or juvenile offenders sentenced by a court (see correctional facility).

H. **Family Care Facility**

1. Characteristics. A care home having two (2) to six (6) residents. The structure of a family care home may be no more than two (2) stories high, and none of the aged or persons with disability being served there may be housed in the upper story without provision for two (2) direct exterior ground-level accesses to the upper story. Per G.S. 131D, family care homes are facilities that provide health, counseling, or related services for persons with a disability in a family type of environment. Disable persons include those with a temporary or permanent physical, emotional, or mental disability, but not including persons who are dangerous to others as defined in G.S. 122C-3(11)b.

2. Accessory Uses. Accessory uses commonly found are recreational activities, hobbies, and parking of the occupants' vehicles.

3. Examples. Uses include a dwelling unit designed to provide room, board, and care for six (6) or fewer persons in a family environment.

4. Uses Not Included.

    a. Halfway houses or facilities designed to care for those who may be a harm to themselves or others (see Social Services).

5. Use Standard.

    a. Family care homes shall be prohibited from being located within a one-half mile radius of an existing family care home.

I. **Live-Work Unit.**

1. Characteristics. Live-work units typically occur within a building used jointly for commercial or industrial and residential purposes. Live-work buildings are generally constructed for commercial or industrial uses and allow for both living and workspace uses. All permitted uses may occupy any story of a live-work building. Customers are permitted to come to and from. The occupations must provide a service or product that is conducted wholly within a residential dwelling that allows employees and customers to visit.

2. Accessory Uses. Accessory uses may include associated office, ancillary indoor storage, parking for resident and customer cars.

3. Examples. Examples may include a commercial or industrial building built out to include units which allow for commercial activity and a residential use. This may include lofts which feature a workshop and bedroom so the owner/occupant of the unit may run a business and live where they conduct the business. General examples of business conducted in a live-work may be an artisanal workshop or gallery, wood, or metal workshop (using only the use of hand tools and small-scale, light equipment), demonstration kitchens, office, resale of items such as antiques and clothing made or altered on site.

4. Exemptions.

    a. Home-occupation. Home occupations are an accessory use to a residential primary use.

5. Use Standards.

    a. A live-work business shall be subject to all applicable town occupational license and other business taxes.

    b. Any potential resident must be legally notified that the structure is a live-work structure and allows for commercial activity in units within the structure.

    c. A minimum of one (1) individual must occupy the live-work unit as their primary residence.

d. The live-work unit may not employ more than two (2) individuals (not including the primary resident) not living on the premises at any one (1) time.

e. Occupations or businesses catering to groups may not have any groups larger than five (5) persons at one (1) time. No more than five (5) customers at once are to be permitted inside.

f. No storage or warehousing of material is permitted outdoors.

g. No visible evidence of the occupation inside (other than a permitted sign).

J. Residential Care (ALF, ILF, CCF)

1. Residential Care shall include Assisted Living Facilities (ALF), Convalescent Care Facilities (CCF), and Independent Living Facilities (ILF), each as defined below:

   a. Assisted Living Facilities: residential facilities with on-site twenty-four (24) hour medical care for seniors. This use category describes building or buildings, section or distinct part of a building, private home, home for the aged, or other residential facility, whether operated for profit or not, which undertakes through its ownership or management to provide housing, meals, and one (1) or more personal services for a period exceeding 24 hours to one (1) or more adults who are not relatives of the owner or administrator.

   b. Convalescent Care Facilities: residential facilities that provide care and non-permanent housing for individuals recovering from an illness, injury, or medical procedure. This use category describes building or buildings, section or distinct part of a building, private home, home for the aged, or other residential facility, whether operated for profit or not, which undertakes through its ownership or management to provide housing, meals, and one (1) or more personal services for a period exceeding 24 hours to one (1) or more adults who are not relatives of the owner or administrator.

   c. Independent Living Facilities: One or more buildings featuring age restricted Multiple Family Dwellings where each dwelling is occupied by at least one person 55 years of age or older that provide one or more of the following

amenities or services for persons not related to the owner or administrator by blood or marriage: food service, trash service, local transportation services, community library, programmed activities, salon services, and other personal services. Independent Living Facilities shall feature controlled access to the principal building, interior elevators in buildings greater than two stories, and interior corridors. The term shall not mean Assisted Living Facilities and/or Convalescent Care Facilities that provide medical care and support services to people not capable of independent living.

2. Accessory Uses. Accessory uses commonly found are recreational activities, cafeteria, café, dining hall, hobbies, parking of the occupants' vehicles, facilities for staff.

3. Examples. Uses include living in nursing homes, skilled nursing facilities, assisted living facilities, convalescent care facilities, and other senior living facilities.

4. Uses Not Included.

    a. Lodging where tenancy is arranged for one (1) week or less are a form of transient lodging (see commercial categories).

5. Use Standards.

    a. Residential care facilities are allowed the number of rooming units equal to two (2) times the density of the applicable district. For example, if ten (10) units per acre are allowed, the residential care facility may have twenty (20) rooming units per acre.

    b. Structures shall demonstrate a pedestrian circulation plan, including internal walkways, and shall include provisions for alternative transportation options within ½ mile radius for residents of the facility.

    c. Residential care facilities shall be designed and used to serve its residents and their guests only.

    d. All dumpsters and other building service areas shall be located where they are concealed from view from the public right of way. All dumpsters shall be concealed with secured gates, landscaping, and solid screening.

K. State Licensed Group Homes

1. Characteristics. A facility with more than 4 unrelated persons who may reside who are at risk, including battered individuals, pregnant women and their children, runaway children, temporarily or permanently disabled mentally, emotionally or physically, individuals recovering from drug or alcohol abuse and all other persons with a disability that is protected by the provisions of either the Americans with Disabilities Act 42 USC 12101 or N.C. Gen. Stat. Article 3, Chapter 168, along with family members and support and supervisory personnel.
2. Accessory Uses. Accessory uses commonly found with residential uses including open space, playgrounds, outdoor areas, parking of occupants' vehicles.
3. Use Standards.
    a. Total number of individuals occupying a state licensed group home cannot exceed twelve (12).
    b. A resident manager must permanently reside on the premises.
    c. The state licensed group home must have all appropriated licensure by federal or state government.
    d. Group homes shall be prohibited from being located within a one-half mile radius of an existing group home.

5.1.3. CIVIC PRINCIPAL USES

A. **Assembly/Church**

1. Characteristics. An assembly facility has organized services, events, or programs to educate in a public or private setting. Facilities may contain one (1) or more buildings and structures operated only for the benefit of its members and their guests. Occasional special event activities may be open to the public including weddings and private events.
2. Accessory Uses. Accessory uses include offices; meeting rooms; indoor restaurant; bar; lounge; cabanas; boat docks; parking; indoor or outdoor recreation such as: swimming pools, tennis courts, fitness center, sauna, and other similar facilities.

3. Examples. Examples may include community centers, churches, religious institutions, or places of worship.

4. Uses Not Included.

    a. Any organization primarily operated for the purpose of teaching a particular form of martial arts, dance or music class and health clubs or spas are classified as a retail use.

    b. Lodges, fraternal organizations, yacht clubs, country clubs or private clubs are classified under Civic and Private Clubs.

B. **Cemetery.**

1. Characteristics. A location established for the burial of the dead and dedicated for cemetery purposes.

2. Accessory Uses. A cemetery may commonly have a funeral home, mortuary, or mausoleum, and maintenance structures such as a shed.

C. **College/University.**

1. Characteristics. Universities, colleges, or vocational schools are higher learning establishments that provide post public school (including associate, bachelor, graduate, doctoral), vocational, and technical degrees and skills.

2. Accessory Uses. Accessory uses may include associated offices, parking, cafeteria, fitness facility, on and off campus dormitories owned and operated by the school, and on campus.

3. Examples. Examples include a trade school, secondary education, career center, vocational college, college, university, satellite campus or satellite branch of a university, college, or vocational school.

4. Use Standards.

    a. All activities associated with a vocational school (or trade school) that cause excess noise or nuisance shall be within a completely enclosed building.

b. University, college, or vocational schools may occur in existing buildings suitable for commercial activity, such as a shopping center.

D. **Correctional Facility.**

1. Characteristics. A private or government establishment primarily engaged in managing and operating correctional institutions. This establishment is designed for the confinement, correction, and rehabilitation of adult or juvenile offenders sentenced by a court.

2. Accessory Uses. Accessory uses include offices; meeting rooms; cafeteria; facilities designed for the use of workers or inmates.

3. Examples. Examples may include a correctional institution, penitentiary, detention center, prison, jail.

4. Uses Not Included.

    a. Halfway house, rehabilitation center (see social services).

E. **Cultural Facility.**

1. Characteristics. A facility or site open to the public for cultural services and events operated by the government or a non-profit establishment.

2. Accessory Uses. Accessory uses may include cafeterias, snack bars, parking, ancillary assembly, retail, or restaurant.

3. Examples. Examples include libraries, museums, and historical societies.

F. **Day Care**

1. Characteristics. An establishment (daycare) for more than five (5) children in a protected setting.

2. Accessory Uses. Accessory uses may include ancillary indoor storage, associated office, parking, cafeteria.

3. Use Standards.

    a. Areas dedicated for drop off and pick up must be included for any site plan or permit request for a day care.

b. Outdoor play areas and playgrounds shall be fenced with a minimum six (6) foot fence.

G. **Government Facility.**

1. Characteristics. A building, or portion of a building, wherein government activities are performed involving administrative, record keeping, professional, clerical, and public safety operations and where professional services are rendered.

2. Accessory Uses. Accessory uses may include cafeterias or cooking facilities, day care facilities, health facilities, parking, holding cells within a police station, outdoor storage yards, or other amenities.

3. Examples. Examples include government offices, court houses, public work facilities, public safety facilities, municipal government buildings, libraries.

4. Use Standard. When Government Facilities are located on residentially zoned property and adjacent to other residentially zoned property, a minimum twenty-five foot (25') landscape buffer providing at least seventy-five percent (75%) opacity is required.

H. **Lodge or Private Clubs.**

1. Characteristics. Private club uses including facilities used by a group of people organized for a common purpose to pursue common goals, interests or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and constitution and by-laws. Facilities may contain one (1) or more buildings and structures operated only for the benefit of its members and their guests.

2. Accessory Uses. Accessory uses may include offices; meeting areas; food preparation areas; parking, and cafes.

3. Examples. Private clubs such as fraternal organizations and orders.

4. Uses Not Included.

a. Event centers or convention centers catering to outside groups or audiences.

b. Health and fitness facilities (i.e., commercial gym, see general retail).

5. Use Standards.

a. All dumpsters and other building service areas shall be located where they are concealed from view from the public right of way. All dumpsters shall be concealed with secured gates, landscaping, and solid screening.

b. Meals or beverages may be sold to members and their guests only.

I. **Parks/Public Recreation Facilities**

1. Characteristics. Parks are uses of land which allow for recreation for the public or land intended to provide opportunities for the enjoyment of natural features.

2. Accessory Uses. Accessory uses may include maintenance facilities, concessions, caretaker's quarters, and parking.

3. Examples. Examples include parks, public greenways, public squares, plazas, recreational trails, and boat launching areas.

J. **Preserved Open Space**

1. Characteristics. Uses of land which reserve natural areas for purpose of conservation and/or passive recreation opportunities.

2. Accessory Uses. Accessory uses may include maintenance facilities, caretaker's quarters, and parking.

3. Examples. Examples include nature preserves and conservation areas.

K. **Schools (K-12)**

1. Characteristics. This category includes public and private schools at the primary, kindergarten, elementary, middle, junior high, high school, or senior level that provide state mandated basic education. Some students are expected to be of driving age and use their own vehicle to come to and from the school.

2. Accessory Uses. Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums, and before- or after-school daycare.

3. Examples. Examples include public and private daytime schools, boarding schools, and military academies.

4. Uses Not Included.

    a. Preschools are classified as day care.

5. Use Standards.

    a. All mobile classrooms shall be in rear yards. The Land Development Administrator may approve the placement in the side or front yards if placement in the rear cannot be accommodated.

    b. All dumpsters and other building service areas shall be located where they are concealed from view from the public right of way. All dumpsters shall be concealed with secured gates, landscaping, and solid screening.

L. **Social Services**

1. Characteristics. Facilities that provide psychosocial rehabilitation, skill development activities, temporary sleeping facilities for displaced persons, employment services and pre-vocational training.

2. Accessory Uses. Accessory uses may include cafeteria, soup kitchens, maintenance facilities, caretaker's quarters, and parking.

3. Examples. Examples include temporary shelters, work training centers for displaced persons.

4. Uses Not Included.

    a. Jails or detention centers (see correctional facility)

    b. Facilities which provide only rehabilitation from substances (see office/medical use - rehabilitative clinic.)

5. Use Standards

    a. An employee or volunteer must maintain continuous on-site supervision during operation hours.

b. May not be within five hundred (500) feet of a school, day care, or another social services establishment.

c. A six (6) foot fence or wall shall be required along any outdoor meeting/recreation areas, in addition to any required landscape buffer.

5.1.4. COMMERCIAL PRINCIPAL USES

A. Adult Business

1. Characteristics. Any establishment featuring an activity that excludes juveniles and caters exclusively to adult oriented uses such as adult books, adult films, or adult novelty items. Includes any place contained in N.C. General Statute 14-202-10(b), excluding massage parlors.

2. Accessory Uses. Accessory uses may include ancillary indoor storage, associated office.

3. Uses Not Included.

    a. Massage parlors.

    b. Lingerie stores.

4. Use Standards.

    a. Advertisements, displays or other promotional materials shall not be visible from vehicular or pedestrian rights-of-way (except for permitted on premise signs).

    b. Adult establishments may not be located within 2,000 feet of another adult establishment.

    c. Adult establishments may not be located within 2,000 feet of a preexisting place of worship, school, daycare facility, park, or any residential based zone district.

    d. Requires a special use permit.

    e. All local, state, and federal laws shall be met.

B. Bank

1. Characteristics. Establishments which perform financial services conducted in an office setting. No drive-through is permitted.
2. Accessory Uses. Offices and facilities for employees.
3. Examples. Bank, financial institution, credit union.
4. Use Standards.
    a. Drive-through windows, speaker boxes, and ordering stations shall not be adjacent to any residential use or district.
    b. Outdoor speakers associated with a drive-through shall be at least fifty (50) feet from any property line.
    c. Menu boards shall be a maximum of thirty-two (32) square feet.
    d. Crosswalks shall be required if pedestrians can cross the drive-through lane between the building and parking areas.
    e. A bypass lane is required to ensure free flow of traffic.
    f. A minimum of two (2) stacking spaces shall be provided for drive through windows.
    g. Drive-throughs shall be designed so as not to obstruct the movement of pedestrians along sidewalks or between the building entrance and customer parking spaces.

C. Bars and Nightclubs.

1. Characteristics. Any business or commercial establishment which is devoted primarily to the retailing and on-premises consumption of alcoholic beverages, and which is licensed by the state to dispense or sell alcoholic beverages.
2. Accessory Uses. Selling of food, ancillary indoor storage, associated office, outdoor seating for dining, parking, valet parking facility.
3. Examples. Bars, night clubs, dance halls, taverns, and cocktail lounges
4. Use Standards.

a. Outdoor entertainment is limited to 10:00 PM.

D. Breweries and Distilleries

1. Characteristics. Any establishment which is devoted primarily to the manufacturing of alcoholic beverages, and which is licensed by the state to manufacture, dispense, and/or sell its manufactured alcoholic beverages.
2. Accessory Uses. Selling of food, canned beer/crowlers/growler sales of beer produced on site, ancillary indoor storage, associated office, outdoor seating for dining, parking, valet parking facility.
3. Examples. Microbreweries, breweries, distilleries, and wineries.
4. Use Standards.

b. Outdoor entertainment is limited to 10:00 PM.

E. Commercial Parking

1. Characteristics. A surface parking area or structure which is available to the public, but may also be used to accommodate employees, customers, and clients.
2. Accessory Uses. Valet parking, parking booth.
3. Examples. Examples include a commercial parking lot or parking garage.
4. Uses Not Included.

a. Outdoor storage of vehicles, boats, other vehicles, machinery, or equipment (see outdoor storage.)

5. Use Standards.

a. A parking structure may feature additional accessory uses such as first floor retail, or rooftop amenities such as a restaurant in mixed-use districts.

b. No extended parking beyond overnight parking is permitted unless associated with transportation facilities such as an airport, rail, or bus terminal.

F. Carwash

1. Characteristics. Commercial establishments which allow for the washing of motor vehicles and vehicle cleaning services.
2. Accessory Uses. Accessory uses may include parking, retail sales of items associated with the cleaning of motor vehicles.
3. Examples. Full service carwash, self-service carwash facilities.
4. Use Standards.
    a. All washing, waxing, machine powered drying shall be in an enclosed building. Hand washing and drying may be conducted outside of an enclosed building.
    b. No vehicle bays or openings shall face a residential use.

G. Eating Establishment

1. Characteristics. Establishments that prepare and sell food for on-premises consumption or off-premises consumption. Includes a customer service area consisting of tables, chairs, or customer counters.
2. Accessory Uses. Ancillary indoor storage, associated office, deck, patio for outdoor seating or dining and entertainment, parking, valet parking facility, bar seating, limited catering.
3. Examples. Examples include sit down restaurants such as a diner, café, or fine dining restaurants.
5. Use Standards.
    a. Outdoor entertainment is limited to 10:00 PM.
    b. Drive-through windows, speaker boxes, and ordering stations shall not be adjacent to any residential use or district.
    c. Outdoor speakers associated with a drive-through shall be at least fifty (50) feet from any property line.
    d. Menu boards shall be a maximum of thirty-two (32) square feet.

e. Crosswalks shall be required if pedestrians can cross the drive-through lane between the building and parking areas.

f. A bypass lane is required to ensure free flow of traffic.

g. A minimum of two (2) stacking spaces shall be provided for drive through windows.

h. Drive-throughs shall be designed so as not to obstruct the movement of pedestrians along sidewalks or between the building entrance and customer parking spaces.

H. Electronic Gaming Operations.

1. Characteristics. Electronic gaming operations shall occur in an electronic gaming operation establishment and shall be a principal use, not an accessory use.

2. Standards.

   a. The days and hours of operation shall be between:

      i. Monday through Thursday: 7:00 a.m. to 11:00 p.m.

      ii. Friday through Saturday: 7:00 a.m. to 12:00 midnight.

      iii. Sunday: 1:00 p.m. to 8:00 p.m.

   b. No play on any game shall be allowed during the times when the electronic gaming operations are required to remain closed.

   c. All electronic gaming operations shall be operated only on the ground floor of a building, and plate glass windows shall be in those parts of the building facing any street, so that a clear view inside may be had from the street.

   d. No screens, curtains, blinds, partitions, or other obstructions shall be placed between the entrance to the room where games are played and the rear wall of the room, so that a clear view of the interior may be had from the street.

e. No loud noises shall be allowed to emanate beyond the licensed premises.

f. There must be an adult, 18 years of age or older, always managing the business on the premises during the hours of operation. No patron under 18 years of age is allowed within the establishment.

g. The maximum number of machines/terminals/computers for any electronic gaming operations business is twenty (20).

h. No alcoholic beverages shall be served or consumed on the premises of the electronic gaming operation.

i. The establishment must be a minimum of five hundred (500) feet away from any building used as a dwelling. Measurement of distance separation shall be in a straight line from the closest point of the buildings at which the electronic gaming operation is located.

j. The establishment must be a minimum of one thousand (1,000) feet away from any established religious institution, school, daycare center, library, public park, or recreational area. Measurement of distance separation shall be in a straight line from the closest point of the buildings at which the electronic gaming operation is located.

k. The establishment can be no closer than one thousand (1,000) feet of another electronic gaming operation. Measurement of distance separation shall be made in a straight line between the closest points of the buildings in which the electronic gaming operations are located.

l. All local, state, and federal laws shall be met.

I. Event Center

1. Characteristics. Venues or facilities used by a group of people for temporary events such as conferences, sports, weddings, event halls, concerts, or similar events.

2. Accessory Uses. Accessory uses include offices, meeting rooms, indoor restaurant, bar, lounge, patio, rooftop areas, cabanas, boat docks, parking,

indoor or outdoor recreation such as swimming pools, tennis courts, fitness center, sauna, and other similar facilities.

3. Examples. Examples may include a convention center, coordinated wedding and banquet halls, sports stadium, or concert hall.

4. Uses Not Included.

    a. Any fraternal organization (see civic and private club).

    b. Community centers and private clubs.

    c. Halls or rooms available to rent from public safety facilities including fire and police stations.

5. Use Standards.

    a. Landscape buffer with a buffer intensity of 3 shall be established along any side of the property abutting any residential use or public right-of-way.

    b. Outdoor entertainment is limited to 10:00 PM.

J. Funeral Home

1. Characteristics. A facility used for the preparation of the deceased and the display of the deceased, connected to human funeral services. The facility may include space and facilities for embalming and preparation of the dead for burial, performance of autopsies, the storage of caskets and funeral supplies.

2. Accessory Uses. Accessory uses may include ancillary indoor storage, associated office, parking, storage of funeral vehicles, crematorium meeting all related laws and regulations.

3. Use Standards.

    a. Overnight parking of funeral home vehicles permitted.

K. Gas Station

1. Characteristics. Gas stations are involved in the retail sale of fuel for motor vehicles, and convenience items including but not limited to food, beverages, tobacco products, and other similar products as their primary sales.
2. Accessory Uses. Accessory uses may include offices, storage or repackaging of goods for on-site sale, parking, and car wash.
3. Examples. Motor vehicle fuel stations with one (1) or more fuel pump selling fuel for motor vehicles and selling items which generally serve the day-to-day retail needs of residents. Examples of such stores may include but are not limited to convenience stores, drug stores, liquor stores.
4. Uses Not Included.
    a. General retail stores as defined above.
    b. Lumber yards and other building material sales that sell primarily to contractors and do not have a retail orientation are classified as light industrial.
    c. Sales of landscape materials, including bark chips and compost, are classified as light industrial.
    d. Sales, rental, or leasing of heavy trucks and equipment is classified as light industrial.
5. Use Standards.
    a. All washing, waxing, machine powered drying shall be in an enclosed building. Hand washing and drying may be conducted outside of an enclosed building.
    b. No vehicle bays or openings shall face a residential use.
    c. Car wash activities limited to 10:00 PM.

L. Golf Course

1. Characteristics. A facility or site designed for the outdoor play of golf.

2. Accessory Uses. Accessory uses may include clubhouses, maintenance facilities, concessions, caretaker's quarters, and parking.

3. Examples. Examples include golf courses and driving ranges.

4. Uses Not Included.

    a. Miniature golf (see Recreation, Outdoor).

    b. Outdoor recreation facilities combined with entertainment and eating facilities (see Recreation, Outdoor).

M. Lodging

1. Characteristics. Transient accommodation units arranged for short term stays of less than thirty (30) days to paying guests.

2. Accessory Uses. Ancillary indoor storage, associated office, bar, or lounge, eating establishment, laundry facility, meeting facility, off-street parking, swimming pool, other recreational facilities.

3. Examples. Examples include hotels, motels, or a bed and breakfast.

4. Uses Not Included.

    a. This does not include patient transient accommodations, shelters for the homeless, or short-term rentals within structures not intended for lodging other than bed and breakfasts.

N. Recreation, Indoor

1. Characteristics. Commercial uses providing daily or regularly scheduled recreation-oriented activities in an indoor setting.

2. Accessory Uses. Accessory uses include ancillary indoor storage, associated office, concession, dining area or cafeteria, pro-shop and limited sales of goods related to on-site activities.

3. Examples. Examples include, but are not limited to, indoor entertainment activities enclosed in a building such as a pool hall, bowling alley, axe throwing, indoor sports facility (including pickleball and tennis courts), indoor rock

climbing, ice rink, indoor gun range, gymnastic facility, karate, dance studio, movie theater, music hall, escape rooms.

O. Recreation, Outdoor

1. Characteristics. Uses which provide recreation-oriented activities predominately outdoors. May vary in size and feature generally commercial uses.

2. Accessory Uses. Accessory uses include ancillary indoor storage, associated office, concessions, restaurant, arcades, bars, cafeteria, pro-shop, and limited sales of goods related to on-site activities.

3. Examples. Examples include, but are not limited to, outdoor entertainment activities taking place outside of an enclosed building such as tennis, pickleball, miniature golf, obstacle or ropes course, outdoor rock climbing, drive-in theater, campground, paintball, outdoor skating facilities, outdoor shooting range, private outdoor sport facilities.

4. Use Standards.

    a. If the outdoor entertainment involves any projectiles, berms or backstops are required at the perimeter boundary of the activity to ensure safety to off-site areas.

    b. No associated outdoor features shall be located between the front façade of the building and the street fronting the lot.

    c. The use requested to be conducted shall not have adverse effects without mitigation techniques including (but not limited to) stormwater, dust, odor, smoke, vibration, lighting, or noise.

    d. Outdoor recreation (including entertainment) uses are limited to 10:00 PM.

P. Retail Sales and Service, Neighborhood

1. Characteristics. General retail and services establishments are involved in the sale, lease or rent of new or used products and services at the neighborhood level. Single uses shall not exceed 25,000 square feet.

2. Accessory Uses. Accessory uses may include offices, storage or repackaging of goods for on-site sale, and parking.

3. Examples. Stores selling, leasing, or renting consumer, home, and business goods including art, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, groceries, home improvements, household products, jewelry, pets, pet food, pharmaceuticals, personal care services, spas, hair salons, nail salons, health and fitness facilities, and animal grooming.

4. Uses Not Included.

    a. Lumber yards and other building material sales are classified as light industrial and manufacturing.

    b. Sales, rental, or leasing of heavy trucks and equipment is classified as light industrial and manufacturing.

5. Use Standards.

    a. All dumpsters and other building service areas shall be located where they are concealed from view from the public right of way. All dumpsters shall be concealed with secured gates, landscaping, and solid screening.

    b. No storage shall be permitted in pedestrian areas or parking areas.

Q. Retail Sales and Services, Community

1. Characteristics. General retail sales and service firms are involved in the sale, lease or rent of new or used products to the public. They may also provide personal services or entertainment or provide product repair. Community retail sales and services serve the needs of several neighborhoods and single uses shall not exceed 50,000 square feet.

2. Accessory Uses. Accessory uses may include offices, storage or repackaging of goods for on-site sale, and parking.

3. Examples. Stores selling, leasing, or renting consumer, home, and business goods including art, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, groceries, home improvements, household products, jewelry,

pets, pet food, pharmaceuticals, personal care services, spas, hair salons, nail salons, health and fitness facilities, and animal grooming.

4. Uses Not Included.

    a. Lumber yards and other building material sales are classified as light industrial and manufacturing.

    b. Sales, rental, or leasing of heavy trucks and equipment is classified as light industrial and manufacturing.

5. Use Standards.

    a. Plumbing, mechanical, electrical service components such as HVAC systems, trash enclosures, storage areas, generators, transformers, solar panels and similar features or utility hardware on buildings, roofs, or the ground shall be screened from public view with materials similar to the structure.

R. Retail Sales and Services, Shopping Center

1. Characteristics. General retail sales and service firms are involved in the sale, lease or rent of new or used products to the public. They may also provide personal services, entertainment, and product repair for consumer and business goods. Single uses may exceed 100,000 square feet.

2. Accessory Uses. Accessory uses may include offices, storage or repackaging of goods for on-site sale, and parking.

3. Examples. Large retail stores, shopping malls, shopping plazas.

4. Use Standards.

    a. Plumbing, mechanical, electrical service components such as HVAC systems, trash enclosures, storage areas, generators, transformers, solar panels and similar features or utility hardware on buildings, roofs, or the ground shall be screened from public view with materials similar to the structure.

S. Self-Storage, Enclosed

1. Characteristics. An enclosed storage facility of a commercial nature containing fully enclosed bays that are leased exclusively for storage of household goods or personal property.
2. Accessory Uses Not Included.
3. Examples. Examples include enclosed self-storage facilities.
4. Use Standards.
5. Building architecture shall comply with LDO Section 6.8.2 except where noted in these Use Standards.
6. Each upper story devoted to this use shall have a minimum transparency of ten percent (10%) per floor and a maximum transparency of twenty percent (20%) per floor.
7. All transparency features / glazing shall be visually screened so that the interior of the building cannot be seen.
8. Excluding stairwells, internal illumination within upper stories of buildings dedicated to this use shall be screened so that internal light sources shall not be visible. Internal light fixtures directly visible from outside the structure shall be directed internally upward or shall be shielded to prevent such visibility. Sensor lighting shall be required for all internal illumination within upper stories of the building that contain this use, and those lights shall automatically shut off after at most twenty (20) minutes of inactivity.
9. The Self-Storage, Enclosed use shall not be permitted along South Main Street between Jonesville Road and Young Street except in the General Industrial Zoning District.

T. Tattoo Establishment.

1. Characteristics. Any establishment that practices the inserting of permanent markings or coloration, or the producing of scars, upon or under human skin through puncturing by use of a needle or any other method. Micro-blading and temporary tattoos are not considered to constitute a tattoo parlor.

2. Use Standards.

    a. All local, state, and federal laws must be met.

U. Vape and Tobacco Store

1. Characteristics. Any establishment that is a retail outlet specializing in the selling of electronic cigarettes, electronic juice, and other vaping products.
2. Vape and tobacco stores shall be located at least one thousand (1,000) feet from any public or private school. Measurement of distance separation shall be made in a straight line between the closest points of the buildings in which the vape and tobacco stores are located to the closest point of the school lot line/campus.
3. The establishment can be no closer than one thousand (1,000) feet to another vape and tobacco store. Measurement of distance separation shall be made in a straight line from the closest point of the building in which the vape and tobacco store is located.

V. Vehicle, Rental and Sales

1. Characteristics. Establishments that are involved with the rental, sale, or lease of motor vehicles.
2. Accessory Uses. Accessory uses may include ancillary indoor storage, associated office, showroom, vehicle fueling (not open to the public), car wash (not open to the public), and limited retail sales of items associated with motor vehicles.
3. Examples. Examples include but are not limited to car dealerships, boat dealerships, motor vehicle dealerships dealing in recreational vehicles, car rental establishments, moving vehicle rental establishments.
4. Use Standards.
    a. Vehicle display areas shall not be raised above the general topography of the site.
    b. No outdoor speaker system.
    c. Vehicles may not be displayed in any required buffer.

W. Vehicle, Minor Service

1. Characteristics. Establishments which provide minor vehicle services and repair including but not limited to brake adjustments, oil changes, realignments, detailing, mufflers, hoses, belts, and the like.
2. Accessory Uses. Accessory uses may include limited sale of parts or vehicle accessories, towing, associated office, parking, repackaging of goods for on-site sale or use.
3. Examples. Minor vehicle service establishments in which no vehicle dismantling occurs.
4. Use Standards.
    a. No stockpiling of parts or salvaging of vehicle parts.
    b. No storage of wrecked or unregistered vehicles may be permitted on site.
    c. No outdoor speaker system.
    d. All work performed shall be within an enclosed building, however bay doors may be open during hours of operation.
    e. No more than three (3) service bays shall be permitted.
    f. A landscape buffer in conformance with Section 6.2 shall be required along any property line abutting a residentially zoned property.
    g. In addition to service vehicles necessary for the operation of business, only vehicles awaiting repair may be stored on site. No inoperable vehicles may be left on site for more than fifteen (15) days. In special circumstances where this provision would pose undue hardship, the Zoning Administrator may grant an extension for vehicle storage of up to fifteen (15) days.

X. Vehicle, Major Service

1. Characteristics. Establishments which provide major vehicle services and repair including but not limited to engines, transmission, towing and collision service, painting.

2. Accessory Uses. Accessory uses may include (but are not limited to) associated office, ancillary indoor storage, towing, outdoor storage of vehicles.
3. Examples. Examples include auto collision repair shops and paint shops.
4. Use Standards.
    a. No stockpiling of parts or salvaging of vehicle parts.
    b. No storage of impounded vehicles.
    c. No outdoor speaker system.
    d. Service doors shall be closed except for the entry and exit of automobiles.
    e. All storage of partially dismantled or wrecked vehicles shall be fenced and screened from public view through an opaque fence or wall. Storage of said items shall not exceed the height of the fence.
    h. All work performed shall be within an enclosed building, however bay doors may be open during hours of operation.
    i. No more than three (3) service bays shall be permitted.
    j. A landscape buffer in conformance with Section 6.2 shall be required along any property line abutting a residentially zoned property.
    k. In addition to service vehicles necessary for the operation of business, only vehicles awaiting repair may be stored on site. No inoperable vehicles may be left on site for more than fifteen (15) days. In special circumstances where this provision would pose undue hardship, the LDA may grant an extension for vehicle storage of up to fifteen (15) days.

5.1.5. OFFICE AND MEDICAL PRINCIPAL USES

A. Animal Care

1. Characteristics. A facility where animals are provided medical care. Animals may be boarded or stay overnight within a completely enclosed building.

2. Accessory Uses. Accessory uses may include parking, limited retail sales of animal goods, limited sale of medicine and prescriptions for animal use, associated office, ancillary indoor storage.

3. Examples. Vet clinic, private veterinarian practice, animal hospital, animal kennel facility.

5. Use Standards.

    a. All outdoor areas for animals must be fenced.

    b. Outdoor activity is permitted only during the day.

B. Dental Facility

1. Characteristics. A facility engaged in the examination, diagnosis, and treatment of dental health care patients.

2. Accessory Uses. Accessory uses may include cafeterias, day care facilities, parking, or other amenities primarily for the use of employees in the firm or building.

3. Examples. Examples include dentists, dental clinics, or dental labs.

C. Hospital

1. Characteristics. An establishment which primarily engages in providing medical treatment, including (but not limited to) diagnostic services, surgical services, and emergency care.

2. Accessory Uses. Accessory uses may include cafeterias, day care facilities, health facilities, parking, or other amenities primarily for the use of employees.

3. Examples. Examples may include a hospital or freestanding emergency rooms with ambulatory care.

4. Use Standards.

    a. Drive up lanes for ambulances shall not be located within one hundred (100) feet of a residential use.

5. A Hospital use may be permitted by right as a condition of a conditional zoning district.

D. Medical Facility

1. Characteristics. A facility engaged in the examination, diagnosis, and treatment of medical chiropractic, ophthalmologic, and pediatric or other health care patients.

2. Accessory Uses. Accessory uses may include cafeterias, day care facilities, health facilities, parking, or other amenities primarily for the use of employees in the firm or building.

3. Examples. Examples include doctor offices, medical clinics, medical labs, outpatient facilities without ambulatory care, and blood testing facilities.

E. Professional Office

1. Characteristics. A building, or portion of a building, wherein activities are performed involving predominately administrative, record keeping, professional, and/or clerical operations.

2. Accessory Uses. Accessory uses may include cafeterias, day care facilities, health facilities, parking, or other amenities primarily for the use of employees in the firm or building.

3. Examples. Examples include professional services such as lawyers, accountants, engineers, architects, real estate agents, travel agencies, employment agencies, data processing, and sales offices.

4. Uses Not Included.

    a. Offices that are part of and are located with a firm in another category are considered accessory to the firm's primary activity.

    b. Contractors and others who perform services off-site are included in the office category if equipment and materials are not stored on the site and fabrication, services, or similar work is not carried on at the site.

F. Urgent Care

1. Characteristics. A walk-in medical establishment offering care for injuries or illnesses requiring immediate care, but not serious enough as to require hospital care.

2. Accessory Uses. Accessory uses may include cafeterias, day care facilities, health facilities, parking, or other amenities primarily for the use of employees in the firm or building.

3. Examples. Examples include urgent care facilities without ambulatory care.

5.1.6. INDUSTRIAL PRINCIPAL USES

A. Artisanal Manufacturing

1. Characteristics. A small-scale fabrication or production use by skilled workers which involves or assembly of food or goods with no noxious by-products. May include a showroom or ancillary sales of products.

2. Accessory Uses. Accessory uses may include (but are not limited to) associated showroom, ancillary indoor storage, associated office, parking.

3. Examples. Small scale fabrication of arts, 3-D printing, crafts, foods, or beverages, including welding, sculpting, arts and crafts, pottery, small-batch bakeries, cheese shops.

4. Use Standards.

    a. The use shall not emit smoke beyond that which normally occurs in the applicable zoning district, nor shall it emit dust, vibration, odor, smoke, fumes, glare, radiation, electrical interference, interference to radio and television reception or other nuisance and shall not be volatile or present a fire hazard, nor may the occupation discharge into any waterway, stream, lake, or into the ground or a septic tank any waste which will be dangerous or a nuisance to persons or animals, or which will damage plants or crops.

    b. Outdoor storage is prohibited.

c. The use shall not involve the use of electrical or mechanical equipment that would change the fire rating of the structure in which the use occurs.

d. Deliveries are limited to parcel and small freight carries and is not intended for large tractor trailers.

B. Flex

1. Characteristics. Uses which take place within a flex space building, allowing a flexible range of office and warehouse uses. Flex use buildings allow for a combination of offices, wholesale, and light manufacturing with proportions of each use subject to the needs of a user.

2. Accessory Uses. Accessory uses may include (but are not limited to) associated showroom, ancillary indoor storage, associated office, cafeteria, parking, on-site repair facility, residential unit for security purposes, outdoor storage associated with primary use.

3. Examples. Flex use buildings typically in an industrial park or business park environment.

C. Fulfillment Center

1. Characteristics. A physical location in which a fulfillment provider fulfills customer orders for ecommerce retailers. Fulfillment centers allow online orders to get to customers. Typically involved with “last mile” deliveries.

2. Accessory Uses. Accessory uses may include (but are not limited to) associated showroom, ancillary indoor storage, associated office, cafeteria, parking, on-site repair facility, residential unit for security purposes, outdoor storage associated with primary use.

3. Examples. Online retailer fulfillment centers intended to provide deliveries to homes.

D. Industrial, Light

1. Characteristics. Any business or establishment which deals in light industrial uses including light manufacturing (such as clothing, assembly, printing, repair), research and development, and self-service storage.

2. Accessory Uses. Accessory uses may include (but are not limited to) associated showroom, ancillary indoor storage, associated office, cafeteria, parking, on-site repair facility, residential unit for security purposes, outdoor storage associated with primary use.

3. Examples. Monument sales and manufacturing, landscaping contractor, clothing manufacturing, publishing firm, bottling, lawn or tree service, sheet metal, stone, or concrete products (but not concrete manufacturing), commercial packing for fruits and vegetables, trailer storage or freight facility, sale or rental of machinery and heavy equipment.

4. Exemptions

    a. Heavy industrial or noxious uses such as concrete manufacturing.

5. Use Standards.

    a. Storage shall be in an enclosed building or an outdoor storage area which is screened/fenced, a minimum six (6) foot screen or fence is required.

    b. Self-service storage shall be contained within a fully enclosed building and contained in a single building, access internally.

    c. Landscape buffer with a buffer intensity of 2 must be provided when abutting a residential use.

E. Industrial, Heavy

1. Characteristics. Any business or establishment that involves dangerous, noxious, offensive uses. Uses may involve smoke, odor, noise, vibration, or threats to safety and general wellbeing of the public.

2. Accessory Uses. Accessory uses may include (but are not limited to) associated showroom, ancillary indoor storage, associated office, cafeteria, parking, on-site repair facility, residential unit for security purposes, outdoor storage associated with primary use.

3. Examples. Crematorium, slaughterhouse, solid waste transfer station, outdoor storage as a primary use, commercial feed lot, lumberyard, primary metal manufacturing, towing yard for vehicles.

4. Use Standards.

    a. Buffers and protective yards must be provided.

    b. All buildings shall be setback a minimum of fifty (50) feet from property line.

    c. Outdoor storage yards shall not be located closer than twenty-five (25) feet to any public street or property line. Outdoor storage yards shall be completely enclosed by a fence or wall not less than six (6) feet. Outdoor storage yards are not intended to include junkyards or scrap or salvage operations.

    d. Building facades that are oriented toward an arterial or collector street shall provide architectural details to eliminate large blank wall areas.

F. Junk Yard

1. Characteristics. Any use dedicated to the storage and dismantling of vehicles, scrap metal and associated waste.

2. Accessory Uses. Accessory uses may include (but are not limited to) associated office, cafeteria, parking.

3. Examples. Salvage yards, junkyards, or automobile graveyards.

4. Use Standards.

    a. All buildings shall be setback a minimum of fifty (50) feet from property line.

    b. Outdoor storage yards shall not be located closer than twenty-five (25) feet to any public street or property line. Outdoor storage yards shall be completely enclosed by a fence or wall not less than six (6) feet. No material, refuse or items within storage yard shall be visible from a public street.

G. Land Fill

1. Characteristics. Any facility which deals in the disposal or elimination of used materials, goods, or waste associated with consumption.

2. Accessory Uses may include (but are not limited to) associated office, outdoor storage associated with primary use, parking.
3. Examples. Landfill, solid or liquid waste transfer or composting.
4. Use Standards.
    a. All buildings shall be setback a minimum of fifty (50) feet from property line.
    b. Outdoor storage yards shall not be located closer than twenty-five (25) feet to any public street or property line. Outdoor storage yards shall be completely enclosed by a fence or wall not less than six (6) feet. Outdoor storage yards are not intended to include junkyards or scrap or salvage operations.

H. Recycling Facility

1. Characteristics. Any facility which deals in the recycling of used materials or waste.
2. Accessory Uses may include (but are not limited to) associated office, outdoor storage associated with primary use, parking.
3. Examples. Recyclable material storage or recycling facility.
4. Use Standards.
    a. All buildings shall be setback a minimum of fifty (50) feet from property line.
    b. Outdoor storage yards shall not be located closer than twenty-five (25) feet to any public street or property line. Outdoor storage yards shall be completely enclosed by a fence or wall not less than six (6) feet. Outdoor storage yards are not intended to include junkyards or scrap or salvage operations.

I. Warehousing

1. Characteristics. A structure or premises where the principal use is the indoor storage (climate controlled or not) of merchandise, products, goods, or materials in bulk, for a fee or charge.
2. Accessory Uses. Accessory uses may include associated office, parking, accessory outdoor storage associated with primary use, and accessory wholesale sales.
3. Uses Not Included.
    a. No uses identified and classified under Heavy Industrial are permitted as indoor storage.
4. Examples. Includes warehouses, mini-warehouses, self-storage facilities.

J. Wholesale Trade

1. Characteristics. Firms involved in the sale or rent of products to industrial or commercial businesses only. Not intended for private customers. Uses emphasize on-site sales or order taking. Firm may or may not be open to the public. Sales to private customers and public are not permitted.
2. Accessory Uses. Accessory uses may include (but are not limited to) accessory medical clinic, ancillary indoor storage, associated office, cafeteria, day care for employee use, parking, repackaging of goods, showroom, warehouse, residential unit for security purposes.
3. Examples. Sale of machinery, janitorial supplies, restaurant equipment supplies.

5.1.7. INFRASTRUCTURE PRINCIPAL USES

A. Minor Utility

1. Characteristics. Public or private infrastructure serving a limited area possibly having limited on-site personnel. Minor utilities are infrastructure services that need to be in or near the area where the service is provided. Services may be public or privately provided.
2. Accessory Uses. Accessory uses may include parking; and control, monitoring, data, or transmission equipment.

3. Examples. Examples include water and sewer pump stations; electrical substations; telephone exchanges; small-scale stormwater facility.

4. Uses Not Included.

    a. Utility offices where employees and customers are generally present are classified as offices.

B. Major Utility

1. Characteristics. Public or private infrastructure serving a regional area. Major utility uses may have regular employees at the site. Services may be public or privately provided. Because of the intensity of use, these uses must have a special use permit.

2. Accessory Uses. Accessory uses may include parking; or control, monitoring, data, or transmission equipment.

3. Examples. Examples include water towers and reservoirs; regional stormwater retention and detention facilities, and other intense regional utilities with regional demand.

C. Minor Transportation Installation

1. Characteristics. Minor public or private transportation infrastructure serving a limited area possibly having limited on-site personnel.

2. Accessory Uses. Accessory uses may include parking; and control, monitoring, data, or transmission equipment.

3. Examples. Examples include bus stops or turn arounds; or bicycle storage locker facilities.

4. Uses Not Included.

    a. Bus and light rail barns are classified as major transportation installation.

D. Major Transportation Installation

1. Characteristics. Major public or private transportation infrastructure serving a regional area possibly having regular employees at the site.

2. Accessory Uses. Accessory uses may include parking; or control, monitoring, data, or transmission equipment.

3. Examples. Examples include transit centers or park-and-ride facilities for mass transit.

E. **Telecommunication Towers.** See Section 7: Telecommunication for all definitions and standards related to telecommunication devices.

F. **Water Storage Towers**

1. Characteristics. A structure supporting a water tank constructed at a height sufficient to pressurize water distribution for potable water.

2. Use Standards.

a. Water storage towers and tanks not located on a roof may be erected to a height not to exceed two-hundred (200) feet.
b. Shall be located a minimum distance of fifty (50) percent of its height from the nearest property line of a lot containing a dwelling, congregate care, or congregate living structure, as measured from the closest point of any portion of the storage tank.
c. Shall be a minimum forty (40) foot natural protective buffer is provided adjacent to any lot line of a dwelling, congregate care, or congregate living structure or adjacent to the lot line of any vacant lot zoned for residential use. A minimum fifteen (15) foot natural protective buffer is required for general office, commercial and industrial zoned districts.
d. The entire area of the water tower, including the water tank overhang, tower base supports, electrical power panels and above ground control valves must be surrounded by a security fence or wall of at least eight (8) feet in height.
e. Except for fence and wall entrances, all fences and walls shall be screened with plant materials so that no more than two-thirds of the surface of the wall or fence is visible within three (3) years after erection of the wall or fence. Existing vegetation may be used for the screening, along with new plantings.

5.1.8. OPEN PRINCIPAL USES

A. Agricultural Uses

1. Characteristics. Characterized by uses that create or preserve areas intended primarily for the raising of animals and crops, conservation, and the secondary industries associated with agricultural production.
2. Accessory Uses. Accessory uses include housing for ranch or farm labor, scenic and sightseeing tours, sales of agricultural products, u-pick facilities, farm tours, hayrides, pony rides, on-site agriculturally related artistry, community agriculture.
3. Examples. Examples include animal raising, crop production, fish farm, and stables.
4. Use Standards.
    a. Sales shall be limited to one-hundred (100) square feet of gross floor area per acre of land.
    b. Sales shall not occur on sites less than two (2) acres in size.
    c. Structures intended for animal use or animal raising shall be at least one-hundred (100) feet from all property lines.

5.2. ACCESSORY USES, STRUCTURES AND HOME OCCUPATIONS

A. General Standards.

1. Accessory uses shall be consistent with all standards in the district for the principal use.
2. Uses and structures shall:
    a. Be accessory and clearly incidental and subordinate to permitted uses and structures;
    b. Be located on the same lot as the permitted uses or structures, or on a contiguous lot in the same ownership;
    c. Not involve operations or structures inconsistent with the character of the primary use or principal structure served;
    d. Not likely to attract visitors in larger numbers than would normally be expected.
3. Accessory buildings or structures may be erected three (3) feet from the property line but may not be permitted in any recorded easement.
4. An accessory use or structure shall only be allowed when a principal use exists.
5. Accessory structures shall comply with maximum building coverage requirements.
6. Accessory structures shall have a similar appearance to the principal structure.
7. Accessory structures are limited to a maximum thirty-five (35) feet in height or the height of the primary structure, whichever is lesser.
8. An accessory building sharing one (1) or more common walls with the principal building shall be considered part of the principal building for purposes of this ordinance and must meet all yard requirements applied to the principal building.
9. No accessory building (except a garage or carport) or recreational structure or use may extend in front of the rear line of a single or double unit dwelling.

B. Home Occupations. Home occupations are permitted in all districts only as an accessory use to a residential principal use and shall comply with the following regulations:

1. No person other than a resident of the dwelling shall be engaged in such occupation.

2. No more than three (3) customers, clients, or patrons shall come to the dwelling at any one (1) time nor more than ten (10) in any one (1) day

3. No more than two (2) vehicles may be used in the conduct of the home occupation. Any such vehicle shall be parked off the street. The parking of any such vehicles on the property, other than an automobile, van, or pick-up shall be in an enclosed building.

4. No more than twenty-five (25) percent of the total actual floor area of the dwelling or 500 square feet, whichever is lesser, shall be used in the conduct of the home occupation.

5. Notwithstanding the provisions of subsection 5.2.B.4, a home greenhouse shall be permitted provided that such greenhouse meets the requirements of Section 5.2 and that any sales in connection with such greenhouse meet the requirements of this section.

6. No outdoor sales or storage shall be permitted in connection with the home occupation. This provision shall not prohibit the outdoor on-premises sale of the products of home gardens, or yard sales if otherwise in accordance with town ordinances.

7. The exterior appearance of the dwelling shall not be altered in such a manner nor shall the occupation in the residence be conducted in such a way as to cause the premises to differ from its residential character in exterior appearance.

8. The use may not emit smoke beyond that which normally occurs in the applicable zoning district, nor shall it emit dust, vibration, odor, smoke, fumes, glare, radiation, electrical interference, interference to radio and television reception or other nuisance and shall not be volatile or present a fire hazard, nor may the occupation discharge into any waterway, stream, lake, or into the ground or a septic tank any waste which will be dangerous or a nuisance to persons or animals, or which will damage plants or crops.

9. No home occupation shall involve the use of electrical or mechanical equipment that would change the fire rating of the structure in which the home occupation is conducted.

10. There shall be no more than two (2) deliveries per day to the premises of materials to be used in conjunction with the home occupation and these shall take place between the hours of 7:00 a.m. and 9:00 p.m.

11. No customers, clients, patrons, or employees other than the residents' household may be on the premises in connection with the home occupation before 7:00 a.m. or after 9:00 p.m.

12. The following common name uses are strictly prohibited as home occupations: car washes, commercial automotive repair garages, truck terminals, slaughterhouses, paint, petroleum and chemical plants, any occupation which involves the bulk storage of liquid petroleum, gasoline, kerosene, or other flammable liquids, funeral homes and mortuaries, massage parlors, sale of reading or viewing material of a pornographic nature, movie theaters, animal hospitals and kennels, and bottled gas sales.

C. Food Trucks.

1. Characteristics. A movable, motorized vehicle or a towed vehicle designed and equipped as a retail establishment which sells food. Food trucks require a food truck permit.

2. Use Standards.

    a. Food trucks must be located at least one hundred (100) feet from the main entrance to any eating establishment or similar food service business.

    b. Food trucks and food truck uses must be located at least five (5) feet from the edge of any driveway or public sidewalk, utility boxes and vaults, handicapped ramp, building entrance, exit or emergency access/exit way, or emergency call box and must not locate within any area that impedes, endangers, or interferes with pedestrian or vehicular

traffic. Food trucks must be located a minimum distance of fifteen (15) feet in all directions of a fire hydrant.

c. Food truck uses and associated seating, if any, must not occupy parking spaces required to fulfill the minimum requirements of the principal use, unless the principal use's hours of operation do not coincide with those of the food truck business. Seating must be removed when food truck is not in operation.

d. Food trucks and food truck uses must not occupy any handicap accessible parking space as specified in G.S. § 20-37.6.

e. Food truck equipment must be contained within or attached to or within three (3) feet of the food truck. All sanitary regulations of county, state and Federal Health Department must be met.

f. Hours of operation shall be between:

    i. Sunday through Saturday: 7:00 a.m. to 10:00 p.m.

    ii. Food trucks may not be parked overnight at their temporary sale location.

g. During operation hours, a trash can must be provided for customers. The food truck vendor and/or commercial commissary operator is responsible for the proper disposal of waste and trash associated with the operation.

h. Drive-through service is prohibited from a food truck.

i. A permanent water connection is prohibited.

j. One (1) sidewalk sign may be provided during operation hours (but not on public rights-of-way).

k. A maximum of one (1) food truck can locate on public streets, provided the food truck does not block movement on the street.

l. If a special event permit is granted, more than one (1) food truck can locate on the public street.

m. If part of a special event permit, these use standards shall not apply in any respect to food vending.

3. Permitting.

a. Food trucks must obtain a food truck permit from the town. There are three (3) types of food truck permits: a 24 hour food truck permit, a single location food truck permit, and a multiple location food truck permit. Required fees for each permit are as established by the town.

b. A detailed site plan showing location of a proposed food truck, outdoor seating, distance requirements, and compliance with all use standards in subsection (2) above shall be required for each permit.

c. A food truck permit for single location or multiple locations must be renewed each year. 24 hour food truck permit is limited to one (1) day of operation consistent with the standards of this section.

d. Written permission by the property owner, homeowner association, property owner association (or similar entity) of each location shall be provided as part of the permit.

e. A maximum of four (4) locations may be requested as part of a multiple location food truck permit.

D. Mobile Vendors.

1. Shall comply with Chapter 111 of Town of Rolesville Code of Ordinances.

2. Mobile Vendors must present written permission from the owner of the property on which they operate. No mobile vendor can set up within the public right-of-way of any street except those mobile vendors selling ice cream or other goods typically sold from a moving vehicle, including ice cream vendors, may utilize the public streets provided they do not impede the reasonable flow of traffic or otherwise endanger the public safety, or where otherwise permitted by this section.

3. Mobile vendors, excluding food trucks, shall not operate between the hours of 8:00 p.m. to 8:00 a.m. No vehicle or signage for the mobile vendor shall be parked, stored, or left overnight.

4. Mobile vendors shall keep the sidewalks, roadways, and other spaces adjacent to their vending sites or locations clean and free for paper, peelings, and refuse of any kind generated from the operation of the business.

5. Mobile vendors shall not sound any device that produces a loud and raucous noise or operate a loudspeaker or amplifier to attract public attention.

6. The location of a Mobile vendor on a site shall not impede the flow of traffic nor obstruct the line of site for vehicles on private or public streets.

E. **Temporary/Sales/Construction Trailers.**

1. It shall be unlawful for any person to park any vehicle or trailer of eighty (80) inches or more in width or thirty (30) feet or more in length on the streets within the corporate limits of the town, at any time, except for the duration of the following activities:
    a. When actively engaged in loading or unloading;
    b. Temporary parking for emergency services to a vehicle or trailer to repair a mechanical breakdown;
    c. Temporary parking at a construction site during the period of active construction site for an approved development or building.
2. Trailers shall not park in rights-of-way.
3. Construction trailers shall be removed within thirty (30) days after a certificate of occupancy is issued. Construction trailers shall only be permitted within active phases of a multiphase development.
4. Construction trailers are limited to a maximum of two (2) construction trailers on-site.
5. Tractor trailers, storage pods, ship cargo containers and transport containers are prohibited as permanent storage buildings or structures but are permitted on an active construction site.

5.3. MISCELLANEOUS USES AND STRUCTURES

A. General Standards.

1. Bicycle racks may be in any district. No advertising signs are permitted on such structures. Setback requirements are waived for bicycle racks.
2. Mail and newspaper delivery boxes and lockers may be placed in accordance with U.S. Postal Service regulations and are exempt from district setbacks.
3. Donation boxes (including clothing bins) are permitted in any zoning district so long as the donation boxes are located on a lot with a principal use that has provided the owner of the donation box permission to place the donation box on premises. Donation boxes shall be maintained and kept in a clean condition and shall be limited to one (1) donation box per principal use. Donation boxes shall be in the rear yard of a building (however not in a parking lot). Donation boxes shall not be placed within 1,000 feet of another donation box. Donation boxes shall be labeled with contact information of the owner for maintenance and upkeep.
4. Automobile charging stations are permitted in any district. Each charging station must include signs that indicate the station is intended for electric vehicle charging only. Voltage levels and safety information, including contact information in case of malfunction, shall be included.

5.4. TEMPORARY USES AND STRUCTURES

A. **Temporary Use Permit**. Temporary uses and structures shall be controlled by issuance of Temporary Use Permits for uses not to exceed three (3) months duration during a calendar year.

1. Temporary uses and structures shall be controlled by issuance of Temporary Use Permits for uses not to exceed three (3) months duration during a calendar year. If uses exceed three (3) months, the applicant shall require a special use permit.
2. All requests for Temporary Use Permits shall be submitted to the LDA, who shall issue an approval or denial of the permit within thirty (30) days of receipt of each completed application.
3. Temporary use applications shall be provided on a form as designated by the town.

4. Applicants for temporary use permits shall provide a sketch plan identifying the location of all temporary structures, trailers, product display areas, parking areas, road access points and other temporary uses and improvements to the property.
5. The LDA will review the proposed request for compliance with the LDO.
6. The LDA shall approve the application as submitted, approve the application subject to conditions of approval, or deny the application as submitted.

B. **Temporary Sales Lots**. The establishment of temporary sales lots for farmers markets, Christmas trees, and other seasonal agricultural products, plus related goods, are permitted in non-residential districts with the following conditions.

1. Storage of goods in or sale of goods from trailer(s) on the site is prohibited. Truck trailers and flat beds are not permitted except for short-term delivery services.
2. The use may only be located on a vacant lot or on a lot occupied by a non-residential use.
3. Temporary uses using a tent or similar canopy shall secure approval from the Wake County Fire Marshall's office prior to erecting such a canopy.
4. Temporary uses shall present proof of property owner approval prior to the application of a use permit.
5. The use shall be conducted behind the prevailing established setback line for structures in either direction on the same side of the street.
6. Off-street parking may be provided behind or to the side of the established use. Parking shall not occur in the front yard.
7. Signs and lighting on the premises of a temporary use shall meet the same standards as permitted in the district in which the temporary use is situated.
8. The temporary permit issued by the town shall be displayed in public view during hours of operation.

6. DEVELOPMENT STANDARDS

6.1. SIGNS

6.1.1. PURPOSE, INTENT, AND APPLICABILITY

A. **Purpose and Intent.** The provisions of this section governs all signs within the town and its ETJ. It is the purpose of this section to promote the public health, safety, and general welfare through reasonable, consistent, content-neutral, and non-discriminatory sign standards. No sign may be constructed, erected, altered, replaced, or modified except in accordance with the requirements of this LDO. The provisions of this section are intended to support aesthetic improvement of the town through diverse sign types and historic preservation, and to protect the general safety of pedestrians and motorists. No portion of this section is intended to violate free speech rights. Any type of sign not expressly permitted or exempted in this LDO is prohibited. This section intends to:

1. Encourage effective use of signs as a means of communication for businesses, organizations, and individuals in the town;
2. Enhance property values and aesthetics of land and structures by promoting high quality designs; and
3. Minimize adverse effects of signs on nearby properties and rights-of-way.

B. **Applicability.** The provisions of this section shall apply to signs erected, affixed, placed, painted, or otherwise established after the effective date of this LDO, unless exempted in accordance with Section 6.1.3: Nonconforming Signs, 6.1.6: Prohibited Signs, or 6.1.7: Exempt Signs.

6.1.2. GENERAL STANDARDS

A. **Location.** Signs authorized by this section are permitted in zoning districts as identified in Table 6.1.2. A sign permit is required for each sign prior to construction, installation or display unless exempted by this section.

Table 6.1.2. Permitted Sign Types By District

PERMITTED SIGN TYPES	KEY: "P" = PERMITTED, "-" = PROHIBITED											
	RL	RM	RH	MH	GC	CH	OP	BT	GI	TC	AC	NC
BUILDING SIGNS												
WALL SIGNS	P	P	P	P	P	P	P	P	P	P	P	P
CANOPY/AWNING	P	P	P	P	P	-	-	-	-	P	P	P
PROJECTING/BLADE	P	P	P	P	P	-	P	P	-	P	P	P
GROUND SIGNS												
MONUMENT	P	P	P	P	P	P	P	P	P	P	P	P
COMMUNITY/SUBDIVISION	P	P	P	P	-	-	-	-	-	-	P	P
PYLON/FREESTANDING	P	P	P	P	P	P	P	P	P	-	-	-
OTHER SIGNS												
SIDEWALK	-	-	-	-	-	-	-	-	-	P	P	-
WINDOW	-	-	-	-	P	P	P	P	-	P	P	P
NOTES												
Multiple family developments may be permitted a wall sign and monument or community sign.												

B. **Design Standards.**

1. Signs shall be, or appear to be, constructed of stone, masonry, metal, ceramic, glass, plastic, or wood, and shall utilize similar architectural styles and treatments to the primary structure.

2. Fluorescent and/or iridescent colors are understood to be a potential safety risk for motorists and are prohibited.

C. **Landscaping.** Free-standing signs shall, to the extent practicable, be placed in a landscaped setting appropriate to the size and scale of the sign, and character of the site.

1. In no case shall the planted area be less than fifty (50) square feet, unless restricted by the amount or size of land upon which the sign is situated that is owned or controlled by the applicant.

2. The planted landscape area shall contain materials such as, but not limited to: vegetative ground covers, perennials, shrubs, ornamental trees, and mulch, but excluding paving and artificial plant materials.

3. A sketch plan of the landscaped area with the name, quantity and spacing of plants shall be presented to the Land Development Administrator (LDA) as part of applying for sign permit.

D. **Intersection Visibility Triangle.**

1. No sign structure may obstruct any cross-visibility area or traffic control device.

2. In the intersection visibility triangle, no ground sign may exceed thirty (30) inches in height above the established grade of the street property line, unless the sign is setback a minimum of five (5) feet from the street right-of-way.

E. **Illumination.** Permanent signs may be illuminated by internal or external illumination and comply with the following standards:

1. **External Illumination.**
    a. Only stationary and shielded light sources directed solely onto the sign

are permitted.

b. External illumination shall not shine directly on rights-of-way or residential uses.

c. Flashing and intermittent lights are prohibited. Window signs, interior tube lighting along windows, or signs within an establishment below four (4) square feet are excluded from this requirement.

d. Spotlights for grand openings or permitted temporary uses may be used upon approval by the LDA.

2. **Internal Illumination.**

a. Only illumination with a designation of “white” or “daylite” shall be emitted.

b. Poles and other supporting structures shall not be internally illuminated.

3. Notwithstanding the foregoing, outline or strip lighting and neon tube on the exterior of structures are not permitted.
4. Illumination in signs may not impair the vision of motor vehicle drivers.
5. Signs shall not exceed 0.2 footcandles at the property line.

F. **Changeable Copy.** Changeable copy on monument and wall signs is permitted per the following standards:

1. Up to fifty (50) percent of the maximum area of the monument and wall signs may be used for changeable copy.
2. Video, animated, scrolling or moving changeable electronic variable messages are not permitted. This provision shall not restrict the copy from changing from one message to another.
3. Message must remain static for at least ten (10) seconds.
4. Changeable copy signs are also understood to include prices of goods and services provided on premises.

G. **Construction.** All signs must be erected in compliance with building, electrical, and fire codes, and with the following requirements as applicable:

1. Supports and braces shall be designed as an integral part of the sign structure and be hidden from public view to the extent technically feasible.
2. Audio components are prohibited as part of any sign with the exception of drive-through menu signs.

H. **Maintenance**. All signs must be maintained to be safe and present a neat, clean appearance. Signs shall be maintained in their approved state.

I. **Total Number of Signs.** A total of three (3) signs may be permitted per business.

J. **Master Signage Plan.**

1. Master sign plans intend to allow an orderly process to provide for signs which are integrated and contextually designed to enhance the buildings and site which they occupy.

2. Master sign plans are required for all multi-tenant complexes, in any district, excluding residential apartments.

3. The master signage plan shall specify:

    a. Number of signs;

    b. General location of signs for freestanding signs and building signs;

    c. Types of signs;

    d. Material components of proposed sign structures and sign surfaces;

    e. Height and size of signs using the standards defined in this section;

    f. Style and color of proposed signs, including illustrations of style and color pallet for all signs;

    g. Accessory/ornamental structures or fences/walls in which a sign may be placed (if applicable); and

    h. Typical landscaping for freestanding signs.

K. **Public Rights-of-Way**. Signs are prohibited within any public right-of-way except where the North Carolina Department of Transportation or the Board of Commissioners has granted, in writing, such encroachment pursuant to its regular procedures for reviewing and approving encroachments within public rights-of-way. No signs, other than the exempted signs below, may be placed in the rights-of-way:

1. Regulatory signage erected by the Town of Rolesville;

2. Traffic control signs;

3. Signage erected by NCDOT; and

4. At work signs or emergency signage erected by a governmental agency, utility or contractor performing permitted work.

L. **Drive-Through Signs.** For each parcel with a lawful, permitted use that utilizes a drive-through lane, a maximum three (3) drive-through menu signs shall be allowed for each drive-through lane.

1. Each allowed drive-through sign may be either a freestanding monument sign or an attached sign and shall not exceed forty (40) square feet in sign area and ten (10) feet in height.

2. Drive-through signs shall be in addition to the freestanding and attached signage otherwise allowed pursuant to the other provisions of this section.

3. Drive-through signs shall require a permit.

M. **Audio**. Audio components or speakers are prohibited as part of any sign, except drive-through signs, consistent with Section 6.1.6: Prohibited Signs.

N. **Temporary Signs.** The following temporary signs are permitted in addition to any allowed sign above and such temporary sign requires a sign permit.

1. Street banners. The Town Manager or his/her designee may issue a permit for the placement of a street banner in conjunction with a special event permit approved by the Board of Commissioners. The lowermost portion of the street banner shall not extend below 15 feet above the grade of the right-of-way. Street banners shall be limited in size 110 square feet per face. The applicant shall provide proof of coordination with the owner(s) of the pole(s) to which the banner will be attached and shall accept any and all liability associated with the street banner and its means of attachment. Street banners are to be maintained in connection with an approved special event. As such, a street banner may be hung no more than 15 days prior to the event and shall be removed no later than 72 hours following the conclusion of the event. Such street banner is subject to an encroachment agreement or other license from the governmental authority having control of such right-of-way.

2. Construction site identification signs. Naming the project, developer,

contractors, and others connected with the construction, sale or lease of structures, and related information, are permitted. Not more than one such sign may be erected per site, and it may not exceed 32 square feet in area or six feet in height. Permits for such signs shall be limited to 18 months, with an 18-month permit renewable option. Permits for such signs shall be limited to a maximum of three years which includes the original permit time provided:

a. Such signs are not erected prior to development permit approval of the project identified;

b. That such permit has not expired and;

c. The signs are maintained in good condition and appearance as determined by the Planning Director.

d. Any such sign shall be removed within ten days after the issuance of the final occupancy permit or where a site, development permit approval has expired. A one-year permit renewal beyond the three-year maximum time period may be granted only in limited instances if the Planning Director finds conditions such as extreme financial hardships, changes in project ownership status, or similar issues are preventing the sale or completion of the project.

3. Special events signs. Signs or banners advertising special events must be on private property and shall not be permitted within public rights-of-way. Permits for such banners or signs shall be limited to 30 days and no more than three times each year. Any such banner or sign shall be removed within ten days after the event was advertised, and it shall not exceed 32 square feet in area or six feet in height.

4. Temporary Directional Signs. A temporary directional sign, provided to direct vehicular or pedestrian traffic to a location on premise or off-premise shall be permitted in any zoning district in accordance with the following standards:

a. Sign Surface Area. A temporary directional sign shall not exceed six square feet.

b. Setback. In compliance with this Article, no sign shall be located in a public right-of-way. Further, temporary directional sign shall be located a minimum of five feet from the back of a sidewalk, or ten feet from the edge of pavement or back of curb where no sidewalk exists and shall not interfere with clear sight triangles at driveways or intersections.

c. Maximum Height. The maximum height of a temporary directional sign shall be 42 inches.

d. Duration of Display. Temporary directional sign shall be permitted from 5:00 p.m. on Friday through 9:00 a.m. on the following Monday. Where a sign is not erected in compliance with these provisions, such sign(s) is subject to forfeiture to the Town. The Town is not responsible for loss or damage to such signs.

e. Anchoring. A temporary directional sign shall be temporarily secured to prevent such sign from creating a hazard due to high winds or storms. It is the responsibility of the sign owner to secure such sign.

f. Maximum Quantity. No more than six temporary directional sign shall be permitted at any time.

g. Prohibited Use. Use of appurtenances with temporary directional sign is prohibited.

h. Permit expiration. Permits for such temporary directional sign shall be issued up to maximum of 12 months and shall expire on December 31 of each year. Permits for such signs shall be subject to an annual renewal beginning January 1 of each year as a new permit.

i. Sign Location. The provisions of this section shall only apply along the major streets or road maintained by the NC Department of Transportation and Town maintained, Granite Falls Blvd. All other areas not along these listed streets shall be subject to the following:

    i. Sign Surface Area. A temporary directional sign shall not exceed six square feet.

ii. Setback. In compliance with this Article, sign may be located in a public right-of-way of any Town maintain street. Further, temporary directional sign shall be located a minimum of three feet from the back of any sidewalk, or from the edge of pavement or back of curb where no sidewalk exists and shall not interfere with clear sight triangles at driveways or intersections.

iii. Maximum Height. The maximum height of a temporary directional sign shall be 42 inches.

iv. Prohibited Use. Use of appurtenances with temporary directional sign is prohibited.

5. The application for a permit under the above noted sections and the enjoyment of the rights to display signage pursuant to this section constitute an authorization by the owner of the sign that the Town may remove and destroy the sign if the owner fails to remove the sign within ten days of the expiration of the last permit issued for the sign. If the sign is located on private property, the application for the permit for the sign and the enjoyment of the right to display such signage constitutes authorization for the Town to enter upon such private property to remove the sign pursuant to the above noted sections.

O. **Free-Standing Signs.**

1. Free-standing signs shall be securely fastened to the ground so that there is virtually no danger that the sign may be moved by wind or other forces of nature and cause injury to persons or property.
2. All applications for a free-standing sign permit shall be accompanied by an engineer's sealed footing drawing and calculations testifying to the ability of the sign to withstand one-hundred (100) mile-per-hour winds.
3. No freestanding sign (temporary or permanent) shall encroach into any right-of-way, except as permitted by an encroachment agreement or other license executed by the governmental authority having control of such right-of-way.
4. Applicants shall provide the town with evidence of such encroachment agreement or license prior to issuance of any permit. Signs erected in violation of

this section are subject to removal by the governmental authority having control of such right-of-way.

5. Poles and other supporting structures shall not be internally illuminated.

6. Free-standing signs shall include the street address number of the site.

P. **Painted Art and Murals**. Murals and painted art shall comply with the following standards:

1. Painted art or printed murals are not considered signage so long it does not incorporate a tradename, trademark, or name of the establishment in the art.

2. If painted art or printed murals contain tradenames, trademarks, or the name of the establishment in the art, it shall be considered a sign and shall meet the standards of this section and require a sign permit and/or site plan approval.

3. All painted art and murals, regardless of whether or not they are considered a sign, shall be regularly maintained, cleaned, and refurbished so the art or mural remains visible and consistent with its approved design.

6.1.3. NONCONFORMING SIGNS

A. **Nonconforming Signs.** Nonconforming signs may not be altered or moved except as otherwise permitted by this section.

1. Normal maintenance of nonconforming signs, including repainting or replacing of the sign face shall not be considered an alteration.
2. Changes to the sign structure shall constitute an alteration of the nonconforming sign.
3. Any nonconforming sign structure which is moved or altered must be brought up to the standards of this section.

6.1.4. CALCULATING SIGN AREA AND SIGN HEIGHT

A. **Calculating Sign Area.** The area of a sign shall include all lettering, wording, designs, and symbols, together with the background, whether open or enclosed, on which they are displayed. The supporting structure or bracing of a sign shall be omitted in measuring the area of the sign unless such structure or bracing is made part of the message or face of the sign. Calculating sign area shall comply with the following standards below:

1. Where a sign consists of individual letters, words or symbols attached to a building, canopy, awning or wall and all such elements are located in the same plane, the sign area shall be the area of the smallest rectangle which completely encompasses all such letters, words or symbols and any accompanying background of a color different than the natural color of the wall. Where such sign includes multiple words, each word located in the same plane shall be computed separately.
2. Channel letter signs, mounted logos, and similar devices are treated differently than signs in cabinets. The wall area between multiple elements does not count as sign area.
3. The area for a sign with more than one face shall be computed by adding together the area of all sign faces, except where the angle at which the two sign faces are placed does not exceed sixty (60) degrees.
4. It is presumed that where sign faces are placed less than sixty (60) degrees apart, both faces are not readable from any one point.
5. The entire surface area of a multitenant sign that depicts the names of the individual tenants shall count toward the total aggregate area of the sign.

Figure 6.1.4.1. Sign Area

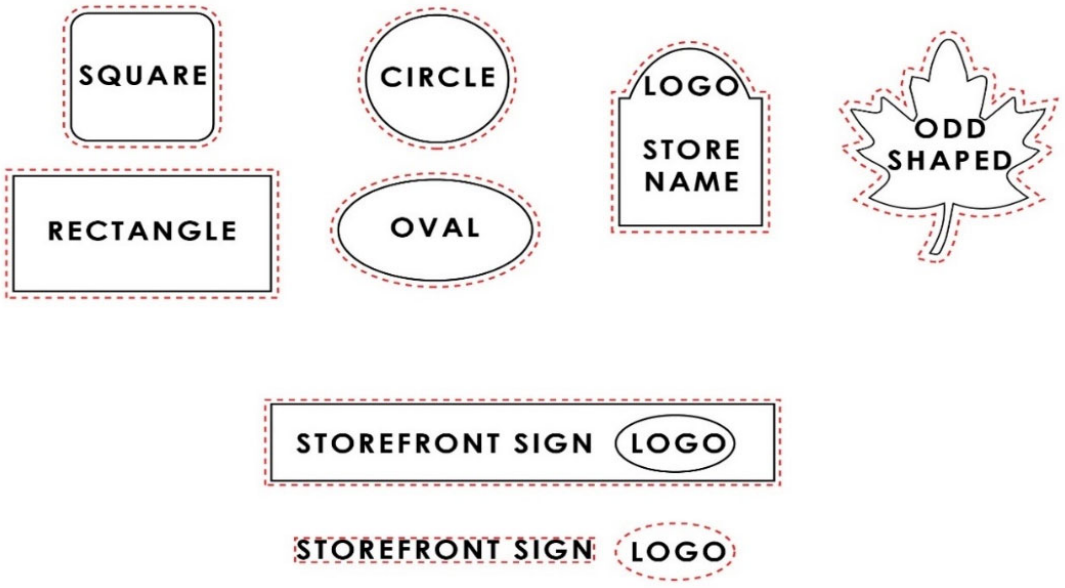
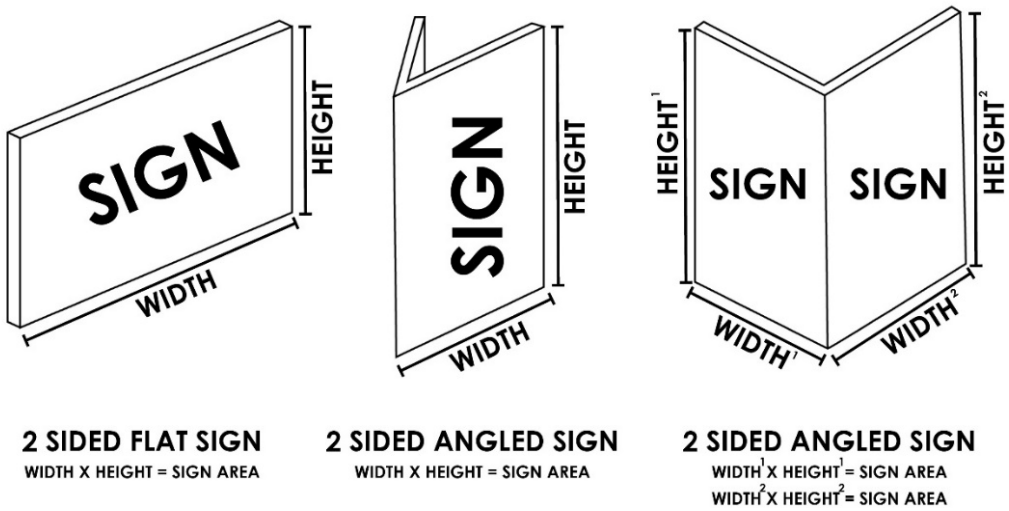


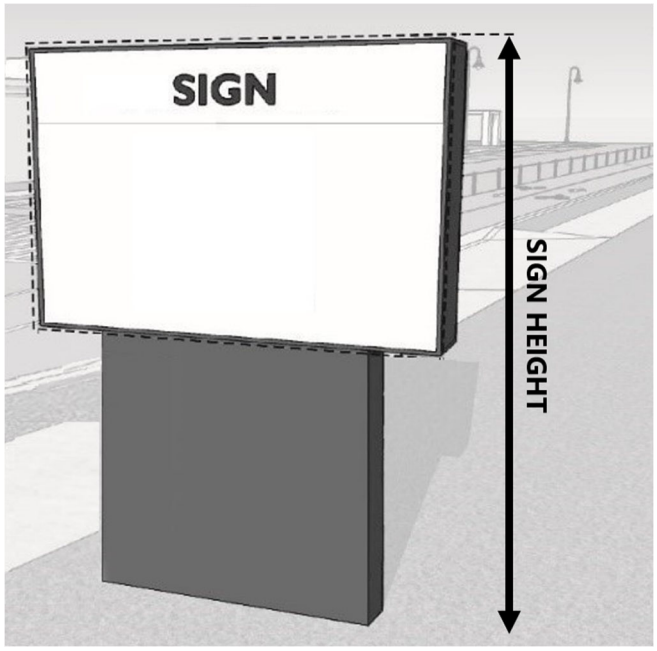
Figure 6.1.4.2. Multiple Faces On A Sign



B. **Sign Height and Clearance.**

1. Sign height shall be measured as the vertical distance from the base of a sign (or sign structure) to the highest point of the sign (or sign structure).
2. Sign clearance for signs attached to a structure shall be measured vertically from the sidewalk level to the lowest point of the sign.

Figure 6.1.4.3. Height



C. **Building Signs.** Building signs include wall, window, canopy/awning, and projecting/blade signs. For the purposes of this section, the maximum area of all building signs (combined sign sizes/areas) shall not exceed the standards below. Additional specific provisions may be required for each sign type in Section 6.1.5: Permitted Signs.

1. **Residential Districts.** All permitted building signs in residential districts shall not exceed the standards below:

    a. Building signs for permitted uses in residential districts shall not exceed twenty-four (24) square feet in sign area.
    b. No building sign may project more than eighteen (18) inches from the building wall.
    c. No building sign may project above a roofline (except parapet walls).
    d. A building sign may extend down from a roof or porch or walkway overhang not more than eighteen (18) inches provided that a minimum clearance of seven (7) feet between the bottom of the sign and walking surface is maintained.

2. **Non-Residential Districts.** All permitted building signs in non-residential districts shall not exceed the standards in Table 6.1.4 and Section 6.1.5: Permitted Signs.

Table 6.1.4. Non-Residential Building Sign

Length of Building or Tenant Space (Requires Public Entrance)	**Sign Area Per Building/Tenant Frontage**
Up to 100 linear feet of building frontage (single use or multitenant)	2 square feet per linear foot per tenant not to exceed 200 linear feet in total
101 to 200 more linear feet of building frontage (single use or multitenant)	1 square feet per linear foot per tenant not to exceed 200 square feet total
For freestanding single tenant buildings in excess of 50,000 square feet	1 square feet per linear foot or 500 square feet, whichever is less

D. **Free-Standing Signs.**

1. **Residential Districts**.
    a. Free-standing signs shall be limited to eight (8) square feet on residential single-family lots and a maximum thirty-two (32) square feet on all other lots.
    b. Free-standing signs shall be limited to a maximum of four (4) feet in height.
    c. Community/subdivision signs are excluded from this standard and shall comply with the standards of Section 6.1.5.B.5: Community/Subdivision Signs.
2. **Non-Residential Districts**
    a. Free-standing signs, including monument, community signs/subdivision, and pole signs shall be provided for, including calculations, as identified within each of the respective sign types in Section 6.1.5: Permitted Signs.
    b. Maximum Height. Free-standing signs shall be limited to a maximum as per the standards in Section 6.1.5: Permitted Signs.

6.1.5. PERMITTED SIGNS

A. **Permitted Signs**. Permitted signs are defined in Section 6.1.5.B below.

1. Sign type definitions include graphic illustrations for permitted signs. Description, locational standards, size standards, and any other requirements are provided for each sign type.

2. All permitted sign types require a permit unless expressly stated otherwise in these standards.

B. **Permitted Sign Types**.

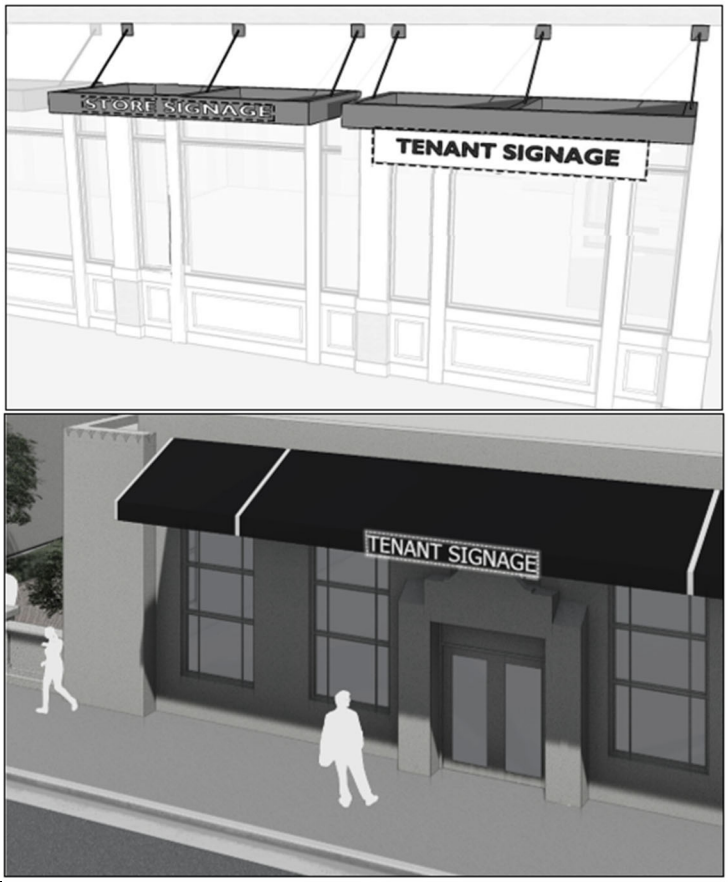
1. **Wall Sign**





Description	An on-premise sign attached directly to a building wall above the entrance, limited to one per façade, per building tenant. A wall sign may include murals conveying the name of a business or a commercial message. A sign permit is required.
Location	Directly above entrance, located on the supporting building wall.
Standards	A maximum 3 complimenting colors may be permitted per wall sign. May not extend above any parapet wall. May not project more than 18” from the building face. Wall signs shall be uniform vertical and horizontal positions on storefront. Sign materials shall be of similar style; compliment building façade material.

2. Canopy/Awning Sign



Description	A canopy/awning attached to and extending from the building with attached signage. A sign permit is required.
Location	Canopy/awning signs shall have a minimum clearance of 10’ from the surface below and a maximum height of 4’ above the clearance.
Standards	Signs may not extend outside the overall length or width of a canopy/awning or extend above the height of the building wall to which the canopy/awning is attached. Sign materials shall be of similar style and compliment building facade material. Only awnings on the ground story may contain signs.

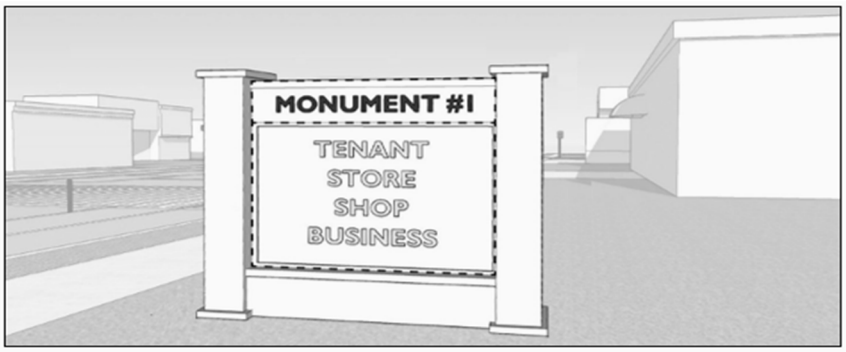
3. Projecting/Blade Sign





Description	A sign attached directly to a supporting building wall and intersecting the building wall at a right angle. A projecting sign typically extends more than one foot from the building wall. The sign may be flat or three dimensional. A sign permit is required.
Location	1 sign per tenant, maximum.
Standards	No projecting sign is allowed to extend above the roof line or the parapet wall. Buildings with 2 or more stories may not have a projecting sign located higher than the second story or 24', whichever is less.

4. **Monument Sign**





Description	A freestanding ground sign with a supporting structure with columns on the ends of the sign. A sign permit is required.
Size	Sign Width: Maximum 25', excluding support structures, columns or decorative features without a sign face. Sign Height: Maximum 12', inculding support structures, columns or other features including sign face. A development over 100,000 square feet may be permitted a maximum 15' in height sign as part of a site plan. Sign Area: For projects/developments up to 5 acres, a maximum 50 square feet (single tenant) and 100 square feet (multi-tenant). For Projects/developments 5 acres or greater, a maximum 100 square feet (single tenant) and 200 square feet (multi-tenant).
Location	Projects/developments up to 5 acres: 1 primary sign and 1 secondary sign. Projects/developments 5 acres or greater: 1 primary sign and 1 secondary sign per driveway/location from the public roadway, up to 3 secondary signs maximum (total). All monument signs shall be located a minimum of 10' from the road/right-of-way and located outside of the visibility triangle.

5. **Community/Subdivision Sign**



Description	A freestanding ground sign identifying entry to a mixed-use district, neighborhood, or a residential subdivision. A sign permit is required.
Size	Sign Width: Maximum 25', excluding support structures, columns or decorative features without a sign face. Sign Height: Maximum 10', inculding support structures, columns or other features including sign face. Sign Area: For projects/developments up to 5 acres, a maximum 50 square feet (single tenant) and 100 square feet (multi-tenant). For Projects/developments 5 acres or greater, a maximum 100 square feet (single tenant) and 200 square feet (multi-tenant).
Location	2 signs per entrance, maximum. Approval for any right-of-way encroachment required by the owner of the right-of-way, consistent with Section 6.1.2.K.
Standards	Identifying signs may be placed on a subdivision wall or fence provided that no part of the wall or fence exceeds 6' in height.

6. **Pylon/Freestanding Sign**



Description	A freestanding sign erected on a supporting base (pole), not attached, supported or suspended to or from any building or structure. A sign permit is required.
Size	Sign Area: Maximum 100 square feet per side. Sign Height: Maximum 12'.
Location	1 sign per street frontage, 2 maximum.
Standards	All sign braces or uprights shall be self-supporting structures permanently attached to concrete foundations in or upon the ground. No portion of a pylon sign shall encroach into a public right-of-way, drive aisle, parking space or walkway.

7. Sidewalk/A-Frame Sign





Description	A sidewalk sign (also commonly referred to as a sandwich board or A-Frame) allows for the display of a message on the sidewalk. Each business is limited to one sidewalk sign, located only in front of the entrance. A sign permit is not required.
Size	Sign Text Area: Maximum 8 square feet per side Sign Width: Maximum 2' Sign Height: Maximum 4'
Location	Each business is limited to one sidewalk sign, located only in front of the buidling entrance. A sidewalk sign may not be placed so as to obstruct the normal flow of pedestrian traffic.

8. **Window Sign**





Description	A sign attached flat, but parallel, to the inside of a window, or within 12” of the inside of the window. A sign permit is not required.
Size	Sign Area: Maximum 30% of all windows may be covered by a window sign.
Location	Window signs may only be placed on first floor windows of buildings with street frontage.

6.1.6. PROHIBITED SIGNS

A. **Types of Prohibited Signs**. The following signs and sign-types are prohibited within the town and shall not be erected. Any lawfully existing permanent sign or sign-type that is among the prohibited signs and sign-types listed below shall be deemed a nonconforming sign subject to the provisions of Section 6.1.3: Nonconforming Signs.

1. Signs prohibited by federal or state law.
2. Signs that emit sound (except for drive-through signs), vapor, smoke, odor, particles, or gaseous matter.
3. Revolving signs, flashing signs, inflatable signs, and wind signs.
4. Portable signs, except for human held signs which are exempt from this section.
5. Roof signs.
6. Any sign located on real property without the permission of the property owner.
7. Billboards or off-site advertising signs, defined as a sign on a lot without a building or structure on it. Existing billboard of off-site advertising signs are recognized as nonconforming.
8. Signs within landscaped areas.
9. Pole and/or pylon signs.
10. Off-premise signs that advertises goods provided on a different lot, tract, or site from where the sign is located. This provision shall not apply to neighborhood/subdivision signs. Billboards and outdoor advertising are not permitted but may continue as a nonconforming use and in accordance with Sections 136-126 through 136-140.1 of the North Carolina General Statutes (Outdoor Advertising Control Act).

6.1.7. EXEMPT SIGNS

A. **Types of Exempt Signs**. The following signs are permitted and may be erected in any zoning district, unless otherwise provided, without securing a permit, subject to meeting all requirements of this LDO:

1. Signs required by federal, state, or local laws, ordinances, codes, or regulations.
2. Street address signs.
3. Professional nameplates not exceeding six (6) square feet in area.
4. Identification signs at the entrance of the property limited to three (3) square feet in area.

5. Signs inside a building or structure or located on property such that they are not visible from a public rights-of-way.
6. On-site directional signs not exceeding three (3) square feet in sign area and 3' in height.
7. On-site parking space signs not exceeding one (1) square foot of sign face per sign. One (1) such sign shall be allowed for each parking space on the property.
8. Government signs located in public right-of-way.
9. Flagpoles and flags. Flagpoles shall not exceed twenty-five (25) feet in height in residential districts, thirty-five (35) feet in nonresidential districts.
10. Attention flags. A maximum of one (1), ten (10) square feet flag, per thirty (30) feet of frontage, shall be permitted on each parcel.
11. Signage on fence wraps affixed to perimeter fencing at a construction site that are exempt pursuant to N.C. Gen. Stat. § 160D-907.
12. Signs, lights, figurines, and decorations that are temporarily displayed for a maximum of sixty (60) days at a time, three (3) times a year. Maximum four (4) square feet for any sign.
13. Additional exemptions for residential uses:
    a. Up to twelve (12) square feet of signage placed in a window or in a yard.
    b. In addition to signs permitted in a., an additional twelve (12) square feet of signage may be placed in a window or in a yard:
        i. Beginning forty-five (45) days before, and ending five (5) days after, a federal, state, or local government election;
        ii. While the property where the sign is located is offered for sale or rent; or
        iii. Beginning two (2) days before, and ending one (1) day after, an otherwise permitted garage or yard sale.
14. Human held signs that do not obstruct the flow of vehicular or pedestrian traffic.
15. Graphics and lettering painted on or attached to vending machines, gas pumps, mailboxes, ice containers, or similar dispensing devices.

B. **Standards for Exempt Signs.** Except for government signs, exempt signs may not be closer than five (5) feet front the front lot line. No sign may be closer than five (5) feet from any driveway, curb, or edge of pavement. Signs which become visibly damaged must be removed.

6.2. OPEN SPACE, BUFFERING, COMPATIBILITY, LANDSCAPING, AND TREES

6.2.1. OPEN SPACE

A. **Purpose and Intent.** The purpose of this section is to require open space that encourages preservation of natural features, adds to the visual character of a development, and provides active and passive recreational opportunities for residents and visitors alike. Open space is an asset to the community, and it is the intent of this section to:

1. Define standards in which new development shall dedicate a portion of area(s) as open space;
2. Designate minimum open space requirements, open space size, open space types, and open space design standards;
3. Define the minimum maintenance and ownership requirements for open spaces.
4. Promote open space accessible to the public in new developments; and
5. Expand development of greenways and connectivity between both built-up and fallow open spaces across town.

B. **Applicability**. All new development shall comply with the standards of this section. The following shall also apply in instances of repairs, renovations, or additions, or change in use. No permit for construction of any building, structure or use may be issued until open space has been provided in accordance with this LDO.

1. **Repair or Renovation.** A building may be repaired or renovated without requiring open space per the requirements of this LDO provided there is no increase in gross floor area.
2. **Minor**. When a building or site is increased in gross floor area or improved site area by ten (10) percent or less, open space is required only for the additional floor area or improved site area. Improved site area shall include site improvements such as utility installations, landscape modifications, additional impervious surfaces (including parking), and/or construction of structures.

3. **Major**. When a building or site is increased in gross floor area or improved site area by greater than ten (10) percent, open space must be provided for the total of the entire property. Improved site area shall include site improvements such as utility installations, landscape modifications, additional impervious surfaces (including parking), and/or construction of structures.

4. **Change in Use.** A change in use shall not require compliance with this section.

C. **Exemptions.**

1. **Single-Family**. Development or redevelopment of individual single-family dwellings not part of a subdivision approval is exempt from the standards of this section.

2. **Town Center (TC) District**. Recognizing the importance of the continued development of the Town Center (TC) district, any development or redevelopment within the TC district which cannot meet the open space requirements of this section due to size constraints (i.e., size of lot) or parcel configuration may request a design alternative, to be reviewed by the Board of Commissioners, exempting the open space requirements of this section.

D. **Minimum Open Space Required**. The minimum amount of open space required in a development shall be in accordance with this section, however a development may provide more than the minimum required open space. Where open space more than requirements is provided, see Section 6.3: Conservation Subdivision for alternative subdivision standards. Gross square footage of open space area shall be used in the calculation of open space percentage requirements. Vehicle use areas, streets, driveways, and sidewalks required per this LDO may not be used toward open space calculations unless explicitly stated in this section.

1. **Residential Districts**. All new development subject to this section within residential districts as defined in Section 3.1: Residential Districts, shall require minimum open space, calculated from the total size of the development. For the Residential Low Density (RL) zoning district, minimum ten (10) percent open space is required. For the Residential Medium Density (RM) zoning district, minimum twelve (12) percent open space is required. For the Residential High Density (RH) zoning district, minimum fifteen (15) percent open space is

required. The required open space for all residential districts shall also comply with the following additional standards:

a. **Developments of 0-50 Acres**. For residential developments zero (0) to fifty (50) acres in size, required open space shall include at least one (1) small open space type and one (1) medium open space type, as defined in this section. If the residential development is less than ten (10) acres in size it shall only require one (1) small open space type.

b. **Developments Greater Than 50 Acres**. For residential developments greater than fifty (50) acres in size, required open space shall include at least one (1) small or medium open space type and one (1) large open space type, or shall include one (1) small open space type and two (2) medium open space types. At least fifty (50) percent of dwelling units must be within one-half (½) mile of a medium or large park.

2. **Mixed-Use Districts.** All new development subject to this section within mixed-use districts as defined in Section 3.4: Mixed-Use Districts, shall require a minimum fifteen (15) percent open space, calculated from the total size of the development. The required fifteen (15) percent open space shall also comply with the following additional standards:

a. **Less Than 25 Acres**. For mixed-use developments less than twenty-five (25) acres, required open space shall include at least two (2) small open space types.

b. **25-50 Acres**. For mixed-use developments greater than twenty-five (25) acres, but less than fifty (50) acres in size, required open space shall include at least two (2) small open space types and one (1) medium open space type.

c. **Greater Than 50 Acres**. For mixed-use developments greater than fifty (50) acres in size, required open space shall include at least three (3) small open space types and two (2) medium open space types.

3. **Nonresidential Districts.** All new development subject to this section, unless specifically exempted, within nonresidential districts as defined in Section 3.2:

Nonresidential Districts, shall require a minimum five (5) percent open space, calculated from the total size of the development. The required five (5) open space shall also comply with the following additional standards:

a. **Less Than 25 Acres.** For commercial developments less than twenty-five (25) acres, required open space shall include at least one (1) small open space type.

b. **25-50 Acres**. For commercial developments greater than twenty-five (25) acres, but less than fifty (50) acres in size, required open space shall include at least one (1) small open space type and one (1) medium open space type.

c. **Industrial.** Developments within the Industrial zoning district shall not be required to provide open space.

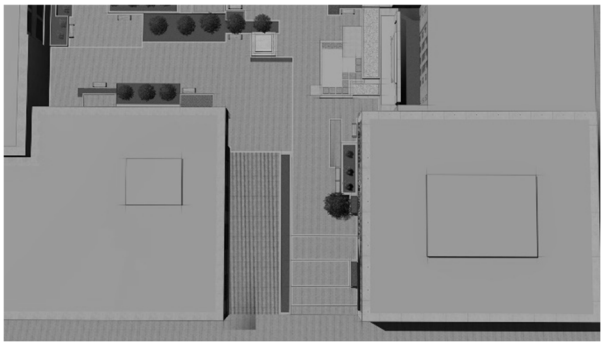
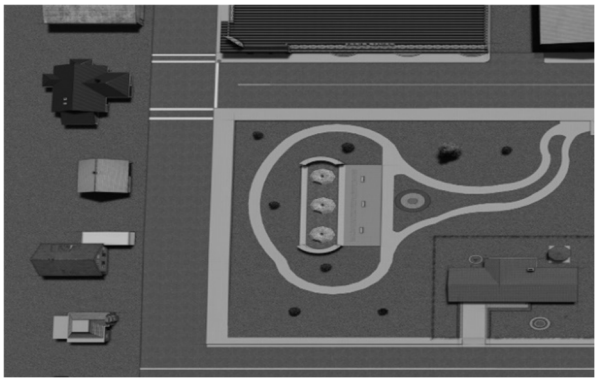
E. **Open Space Sizes.** Open space shall be categorized as small, medium, and/or large. Each open space size has a permitted range of acreage. The acreage calculation for each open space size is defined in Table 6.2.1.1.

Table 6.2.1.1. Open Space (Size/Acreage)

Open Space Size	Acreage (range)
Small	**500 SF – 1.0 Acre**
Medium	**1.0 – 2.5 Acres**
Large	**2.5 Acres or More**

F. **Open Space Types.** In addition to size categorization, open space shall be defined by type. Open space types may be considered more than a single open space size (i.e., an open space type may be considered both a small and medium open space size). Open space types are defined in Table 6.2.1.2.

Table 6.2.1.2. Open Space Types

Open Space Type	Illustrative/Example
Plaza **Description:** Plazas serve as a gathering place for civic, social, and commercial purposes. The Plaza may contain a greater amount of impervious coverage than any other open space type. Typically located in the front or sides of a building or group of buildings. Plazas shall be partially paved with brick, concrete, permeable pavers, or similar material. **Size:** Small or Medium **Features:** Shade structures, seating/benches, tables, including gaming tables, fountains, and public art.	
Pocket Park **Description:** Pocket parks are primarily landscaped and may provide active or passive recreation. Provides gathering space within a one-quarter mile walking distance of most residents. **Size:** Small **Features:** Shade structures, gazebo, seating areas, multi-purpose lawn space, dog park, playground/play space, trail; may also be formed around and include an environmental feature such as a stream, creek, or wetland.	

Amenity Center

Description:
Amenity centers provide recreational opportunities and are typically included in residential developments.

Size:
Small or Medium

Features:
Pools, splash pads, outdoor seating, clubhouse, small scale recreational facilities such as pickleball, soccer, or shuffleboard, and lawn games.

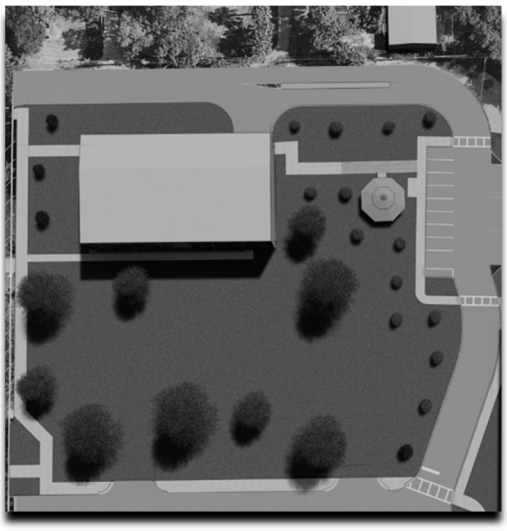


Green

Description:
Greens provide more informal spaces supporting active or passive recreation for neighborhood residents within walking distance. Typically bounded by streets and/or the fronts of buildings.

Size:
Small or Medium

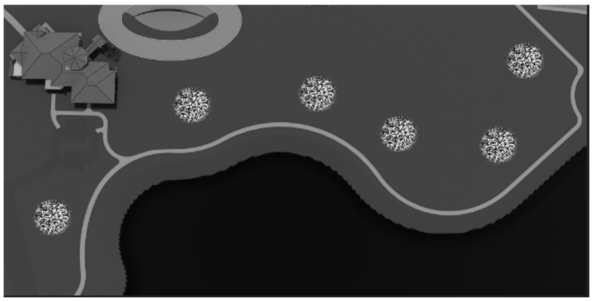
Features:
Shade structures, gazebo, seating areas, multi-purpose lawn space, playground/play space, limited/small scale recreational facilities.



Linear Park/Greenway

Description:

Linear parks may also be referred to and used as a greenway. Generally provides more informal types of open space; however, may be formalized based on its function (i.e., multimodal trail/connectivity). Typically follows a natural feature including but not limited to a creek, stream, wetland system, or man-made feature natural feature; may also follow streets. Linear Parks may connect other open spaces, as well as neighborhoods.



Size:

Medium or Large

Features:

Walking trails, sidewalks, environmental features (wetlands, creeks, streams), shade structures, gazebo, seating areas, multi-purpose lawn space, playground/play space. Man-made lakes and stormwater features be included in this type; however, must be publicly accessible with a trail or sidewalk.

Neighborhood Park

Description:

Neighborhood parks provide formal and/or informal active and passive recreational activities to residents and the community.



Size:

Medium or Large

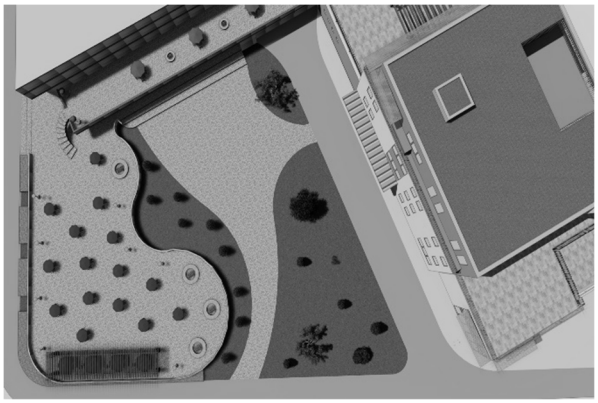
Features:

Shade structures, gazebo, seating areas, multi-purpose/sports fields, pools, great lawn playground/play space, natural environments, and plantings. Man-made lakes and stormwater features be included in this type; however, must be publicly accessible with a trail or sidewalk. At least 25% of the park area shall be dedicated to active recreation purposes such as playgrounds, tennis courts, pickleball, ball fields, or similar activities.

Square

Description:

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



Size:

Small or Medium

Features:

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

Active Use Area

Description:

Active use areas are a small open space. Active use areas are primarily intended to allow for pedestrian activity and provide attractive, safe, and functional environments for the gathering of people, eating and drinking, and small scale outdoor uses in an urban environment. Active use areas may include outdoor dining, small outdoor music venues, or flexible urban space.



Size:

Small

Features:

Outdoor dining facilities, shade structures, seating areas, pedestrian facilities.

G. **Open Space Design Standards.** The design and incorporation of open space in a development shall comply with the following standards:

1. **Evenly Distributed**. Open space shall be, to the maximum amount practicable with respect to environmental considerations and subdivision design, evenly distributed throughout the development.

2. **Consolidation**. Required open space requirements shall not be consolidated to meet the standards of this section. It is the intent of this section to require multiple open space types of varying sizes in each development where required.
3. **Distance**. No two open space types shall be adjacent or within one hundred (100) feet of each other. Active use areas are exempted from this standard.
4. **Accessible**. Open space shall be located and designed to be easily accessible for residents and/or users of the development. Open spaces shall make accommodations to provide universal designs that can be enjoyed by different target users and provide for ADA accessibility.
5. **Public Seating**. Public seating shall be required. Public seating shall be appropriate to the intended use of the park area (i.e., benches may be appropriate for active spaces; Adirondack chairs and landscape terraces may be appropriate for passive spaces).
6. **Receptacles**. Refuse and recycling receptacles are required at each entrance and gathering space.
7. **Stormwater**. A maximum fifty (50) percent of total required passive open space may be stormwater facilities. Any stormwater facility used toward that requirement shall be publicly accessible through improved or primitive trail. For this section, improved and primitive trails are defined below:
    a. **Improved Trail**. An improved trail shall be defined as a clearly marked, paved, impervious trail.
    b. **Primitive Trail**. A primitive trail shall be defined as an unpaved, pervious trail that consists of mulch, crushed stone, or similar material.
8. **Environmentally Sensitive/Unique Lands and Floodplains.** A maximum twenty (20) percent of total required passive open space may be environmentally sensitive or unique lands such as wetlands, protected stream buffers, rock outcroppings, and floodplains.
9. **Ponds and Lakes**. A maximum of five (5) of total required passive open space may be ponds and lakes not associated with stormwater retention if at least twenty-five (25) percent of the shoreline is a public edge, and public access is provided that is equivalent to the access provided to private landowners around the lake.

10. **Parking**. A limited amount of parking spaces may count toward open space requirements as defined below.
    a. **Small**. Small open spaces shall not count any parking as part of its open space calculation.
    b. **Medium**. Medium open spaces may count up to five (5) parking spaces as part of its open space calculation.
    c. **Large**. Large open spaces may count up to ten (10) parking spaces as part of its open space calculation.
11. **Multi-Phased Developments.** In multi-phased developments, open space shall be provided for each phase in an amount sufficient to satisfy the open space requirements for the subject phase of development and all preceding phases of development.
12. **Active and Passive Features**. A minimum of fifty (50) percent of all required open space shall be dedicated and designed to allow for active recreation features. For example, a fifty (50) acre residential development requires, at minimum, five (5) acres of land dedicated to open space. Of that five (5) acres, a minimum fifty (50) percent (e.g., 2.5 acres) shall be dedicated for active features. Active recreation and passive features are identified in Table 6.2.1.3.
    a. Active recreation is defined as recreational features, often requiring equipment and taking place at prescribed places, sites or fields, which allow for the active recreational needs of residents or users of the development which they serve.
    b. Passive recreation is defined as recreational features that do not require prepared facilities like sports fields or pavilions and require minimal disruption to a site. These include such activities as walking paths and other features defined in Table 6.2.1.3.

Table 6.2.1.3. Active and Passive Features

Active Features	Passive Features
Lawn Games and Concrete Gaming Tables	Walking Trails
Hard Courts (Pickleball, Tennis, Etc.)	Boardwalks
Playgrounds	Pollinator Gardens or Other Gardens
Swimming Pools and Splash Pads	Greens
Athletic Fields (Soccer, Baseball, Etc.)	Picnic Areas
Clubhouse, Pavilions, Amenity Centers	Lakes and Ponds
Exercise Facilities	Lawns and Natural Areas
Plazas	Greenways

H. **Ownership of Open Space.** Open space is intended to remain under private ownership while still being available for public use by residents and users of a development. Ownership of open space shall remain with the owner of the land unless one of the following circumstances exist:

1. **Homeowners Association (HOA)/Property Owners Association (POA).** Open space may be owned in common by the owners of a development through a recognized homeowners association (or similar ownership association).
2. **Nonprofit.** Open space may be conveyed to a nonprofit organization (i.e., a conservation ground, land trust, etc.) for management. The nonprofit shall be required to manage and maintain the open space.
3. **Dedication.** Open space may be dedicated to the town during the review process if an agreement is made between the applicant and town. The town shall have final authority on which lands are dedicated to the town.

I. **Maintenance of Open Space.** The owner of open space shall be required to maintain the open space. This shall include regular maintenance of vegetation as well as infrastructure components (stormwater facilities, paths, impervious surfaces, amenities, etc.). Failure to maintain the open space in the condition in which it was approved will result in code enforcement action and potential penalty by the town.

J. **Greenways.** Consistent with the adopted comprehensive plan, Rolesville Parks and Recreation Master Plan, and other adopted town plans, greenways are recreational and

transportation corridors that connect people to the places they want to go and provide recreational and fitness opportunities. Greenways are understood to preserve and create open space, encourage physical fitness, provide alternative means of transportation, create opportunities for outdoor recreation, and provide connectivity between open spaces, schools, cultural sites, neighborhoods, and other commuter destinations. Where land is designated as part of the town's adopted greenway system, development shall comply with the town's adopted plans and include the creation of new greenway trails. New development may also provide additional greenways and/or connections to greenways in accordance with the standards of this section.

1. **Greenway Dedication.**
    a. Land that is dedicated in fee-simple interest for the purpose of a greenway shall be credited toward density calculations.
2. **Greenway Design**.
    a. All greenways shall include a multi-use path of a minimum of ten (10) feet wide within a dedicated right-of-way or public easement of at least fifty (50) feet. Greenways shall be wide enough to accommodate a variety of pedestrian mobility, including walkers, hikers, joggers, and bicyclists. An alternative may be granted to reduce the minimum easement of at least fifty (50) feet to thirty (30) feet if site constraints including topography and/or environmental features do not allow for a fifty (50) easement. Cost shall not be considered a site constraint.
    b. Greenway connectors shall be a minimum of ten (10) feet wide.
    c. Where land is designated as part of the town's adopted greenway system, a comprehensive greenway and trail plan demonstrating compliance with this section shall be required.
    d. Sidewalks shall not be constructed in place of required greenways.
3. **Timing.** Greenways shall be constructed in conjunction with required improvements (i.e., streets and sidewalks) for any approved phase of a subdivision or development.
4. **Connectivity.** Connections shall be provided to other greenways whether or not a connection is shown and/or required on the Recreation Master Plan and/or other adopted town plans.

5. **Topography**.
    a. Greenways and connectors shall be Americans with Disability Act compliant where applicable;
    b. Greenways and connectors shall be designed to fit the contours of the land;
    c. Greenways shall minimize removal of significant trees (see Section 6.2.4.5: Vegetation Preservation).
6. **Accessibility.** All greenways shall be designed to accommodate a variety of users including walkers, joggers, cyclists, and similar modes of pedestrian movement.
7. **Paving**. Greenways shall be improved trails of impervious materials.
8. **Public Access.** All greenways and greenway connectors shall be maintained for public access by the owner, whether by easement or by public dedication.
9. **Amenities**. For land designated as part of the adopted greenway/bikeway system, greenways shall provide basic amenities for all targeted users. Such greenways shall provide at least three (3) of the following: Drinking fountains, restrooms, trash receptacles, benches, bicycle racks, and shade structures. Way station facilities may also be considered for greenways. These facilities may also include small buildings/kiosks containing exhibits and/or minor food provisions. Land not designated as part of town's adopted greenway/bikeway system is not required to meet this requirement.
10. **Open Space Considerations.** Land area dedicated as a greenway shall be credited towards applicable open space percentage requirements in this section. Greenways are a passive feature.

6.2.2. BUFFERING

6.2.2.1. PERIMETER BUFFERS

A. **Purpose and Intent.** This section defines the minimum required perimeter buffering standards. These standards intend to minimize potential nuisances, such as noise, pollution, lights, and buildings or parking areas through physical and visual separation between land uses in separate zoning districts.

B. **Applicability.** All new development shall comply with the standards of this section. The following shall also apply in instances of repairs, renovations, or additions.

1. **Repair or Renovation.** A building may be repaired or renovated without requiring buffering per the requirements of this LDO provided there is no increase in gross floor area.

2. **Minor**. When a building or site is increased in gross floor area or improved site area by ten (10) percent or less, buffering is required only for the additional floor area or improved site area. Improved site area shall include site improvements such as utility installations, landscape modifications, additional impervious surfaces (including parking), and/or construction of structures.

3. **Major**. When a building or site is increased in gross floor area or improved site area by greater than ten (10) percent, both the additional area and existing area must conform to the buffering standards in this LDO. Improved site area shall include site improvements such as utility installations, landscape modifications, additional impervious surfaces (including parking), and/or construction of structures.

4. **Change in Use.** A change in use shall not require compliance with this section, unless the specific use has a use standard requiring a specific buffer.

C. **Perimeter Buffer General Standards.**

1. A perimeter buffer (i.e., buffer) area is determined exclusive of any required setback, however perimeter buffers may be in required setback. Buffer areas must be located within the outer perimeter of the lot, parallel to and extending to the lot line. Buffers are understood to be located and measured from the property line.

2. Perimeter buffer areas shall consist of a landscaped buffer intended to mitigate and screen the property from adjacent properties. No buildings, structures, principal, or accessory uses are allowed in the buffer. Only the items identified in Section 6.2.2.1.D: Permitted Items Within Perimeter Buffers, are permitted within the buffer.

3. Perimeter buffers begin at the common property line, immediately abutting the adjacent property. Where there is a perimeter easement (such as a drainage or utility easement) that does not allow for the installation of the buffer, then the required buffer shall be placed as close to the property line, adjacent to the easement, as possible.

D. **Permitted Items Within Perimeter Buffers**. Required and additional plant materials, fences, walls, and berms are permitted in a buffer.

1. **Plant Material**. Required plant material, including ground cover and lawn grasses, shall be planted within the buffer. Plant material may be planted parallel to the buffer perimeter or may be meandered for aesthetic purposes. Required plant material may not be clustered and shall be planted in accordance with this section and Section 6.2.4: Landscaping Standards. Buffers may incorporate greater width and additional plant materials. Perimeter buffer type standards are defined in Section 6.2.2.1.E and illustrations of the buffer types are illustrated in Section 6.2.2.1.F.

2. **Fences and Walls**. Required fences and walls shall be installed in accordance with Section 6.5: Fences, Walls, And Berms, and inside the buffer, not along outer perimeter, and boundary line. Required plant material shall be installed in front of any required fence so the required plant material is completely visible from the adjacent property or right-of-way and meet the standards of this LDO.

3. **Berms**. Berms shall be installed in accordance with Section 6.5: Fences, Walls, And Berms, and the highest point of the berm shall exist in the middle of the required buffer. Any required fence or wall shall be installed at the highest point of the berm. Required plant material shall be installed in front of any required fence or wall, alongside the outer perimeter of the buffer, along the property line within the buffer and meet the standards of this LDO.

4. Parking. Parking areas in the Office and Professional (OP) and Business, Industry, and Technology (BT) Zoning Districts may encroach into the outer fifty percent (50%) of a perimeter buffer area.

E. **Perimeter Buffer Types.** Table 6.2.2.1 provides four (4) different buffer types.

Table 6.2.2.1. Perimeter Buffer Types Table

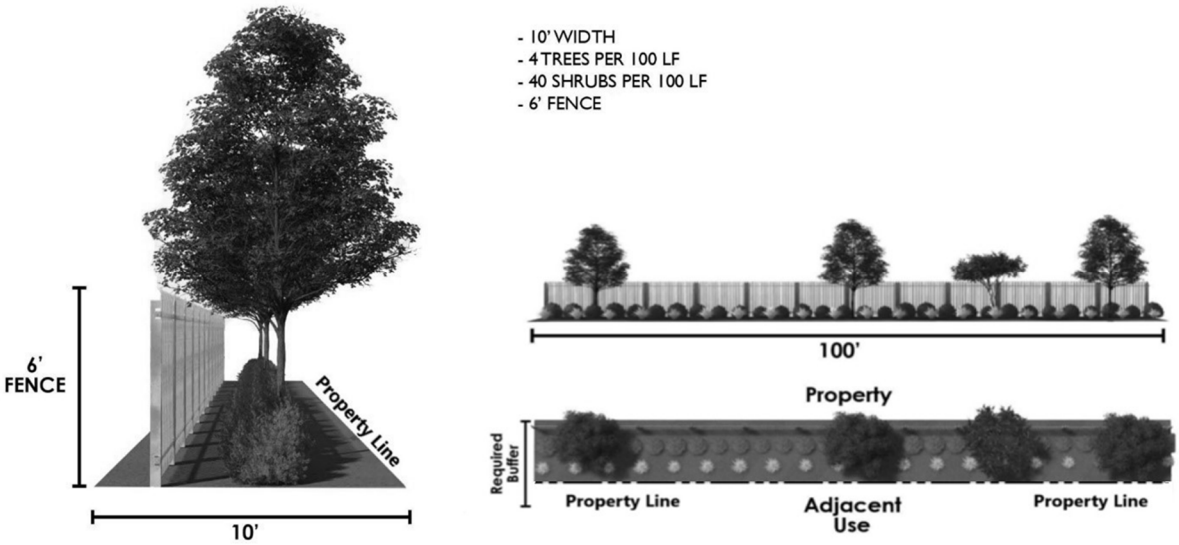
	Type 1	Type 2	Type 3	Type 4
Min. Width	10’	15’	25’	50’
Min. Canopy Trees	3	3	4	8
Min. Under- story Trees	1	1	2	4
Min. Shrubs	40	50	60	Hedge
Min. Opacity	50% to 6’	75% to 6’	75% to 6’	75% to 8’

Notes:
Measurements provided are per 100 linear feet.

Additional Standards
Trees and plants may be clustered provided a maximum 10’ gap between plantings is maintained.
Minimum shrubs and hedges may be double staggered.
The above standards are the minimum standards required, enhanced landscape and buffer standards may be provided. For example, additional landscape materials may be installed.
Placement of required items in the buffer may be in the full width of the buffer.
Opacity is measured from ground level and shall be achieved with plant material with or without a fence or wall.

F. **Perimeter Buffer Types.** The following images show an example of buffer types defined in Table 6.2.2.1.

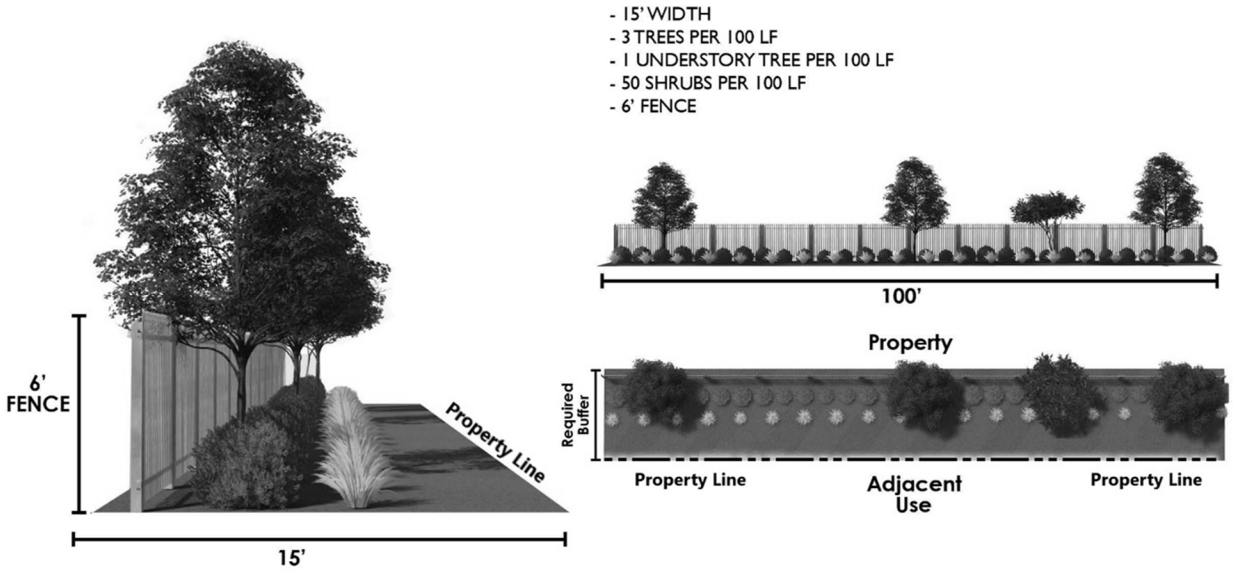
1. **Perimeter Buffer Type 1**



a. Type 1 Perimeter Buffers shall be designed to achieve a minimum fifty percent (50%) opacity from ground level to six feet (6') in height.

b. At least fifty percent (50%) of the plant materials in a Perimeter Buffer shall be evergreen.

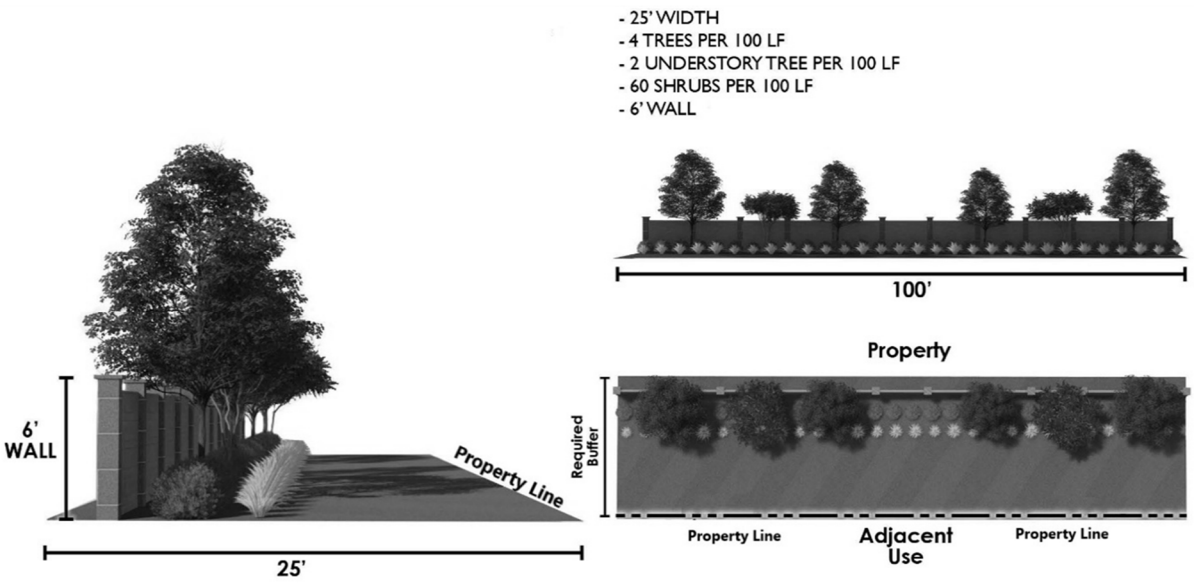
2. **Perimeter Buffer Type 2**



a. Type 2 Perimeter Buffers shall be designed to achieve a minimum seventy-five percent (75%) opacity from ground level to six feet (6') in height.

b. At least fifty percent (50%) of the plant materials in a Perimeter Buffer shall be evergreen.

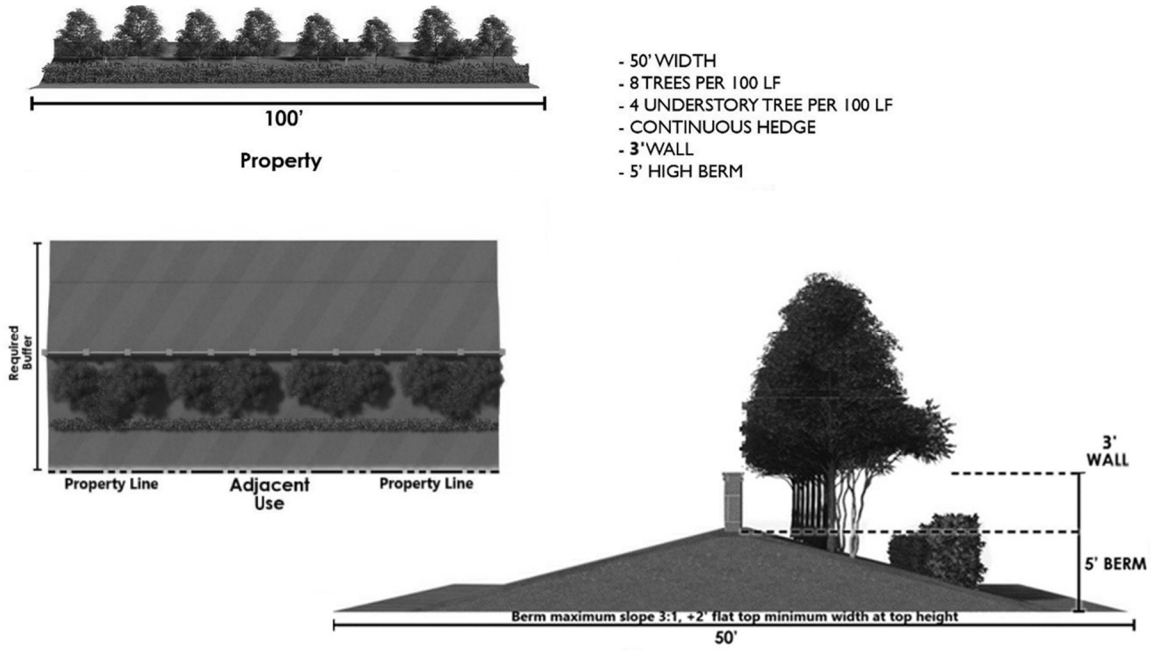
3. **Perimeter Buffer Type 3**



a. Type 3 Perimeter Buffers shall be designed to achieve a minimum seventy-five percent (75%) opacity from ground level to six feet (6') in height.

b. At least fifty percent (50%) of the plant materials in a Perimeter Buffer shall be evergreen.

4. **Perimeter Buffer Type 4**



a. Type 4 Perimeter Buffers shall be designed to achieve a minimum seventy-five percent (75%) opacity from ground level to eight feet (8') in height.

b. At least fifty percent (50%) of the plant materials in a Perimeter Buffer shall be evergreen.

G. **Required Perimeter Buffer by District**

1. **Required Perimeter Buffer**. Table 6.2.2.2: Required Perimeter Buffer by District, shall control the required perimeter buffer type required between zoning districts.

2. **Determination of Required Perimeter Buffer**. To determine the perimeter buffer type required, identify the zoning district of the land in which a development is proposed. Using Table 6.2.2.2, the intersection of the row associated with the district of the proposed development and the column associated with the adjacent zoning district shows the buffer type required.

3. **Standards**. Buffer types required shall comply with the standards defined in Table 6.2.2.1: Perimeter Buffer Types Table.

Table 6.2.2.2. Required Perimeter Buffer by District

Zoning District of Adjacent Property	RL	RM	RH	MH	GC	CH	OP	BT	GI
RL	1	2	3	3	3	3	3	3	4
RM	2	1	3	3	3	3	3	3	4
RH	3	3	1	2	2	2	2	2	4
MH	3	3	2	1	2	2	2	2	4
GC	3	3	2	2	N/A	1	1	1	4
CH	3	3	2	2	1	N/A	1	1	4
OP	3	3	2	2	1	1	N/A	3	4
BT	3	3	2	2	1	1	3	N/A	3
GI	4	4	4	4	4	4	4	3	N/A

H. **Mixed-Use Perimeter Buffers.** Mixed-use districts, as identified in Section 3.4: Mixed-Use Districts, shall comply with the standards in 6.2.3: Mixed-Use Perimeter Compatibility, for compatibility along perimeters of a mixed-use district.

6.2.2.2. STREET BUFFERS

A. Purpose and Intent. Street buffers are required to enhance development along the town's street rights-of-way and intend to:

1. Enhance pedestrian enjoyment of the town and provide shade for streets and sidewalks;
2. Enhance the town's "sense of place".
3. Enhance property values by enhancing the aesthetic character of the town's streets; and
4. Provide areas for vegetation and fauna.

B. Applicability. Streetscape buffers are required on all thoroughfares, collectors, and local streets as shown on the adopted land use plan and/or thoroughfare map. Streetscapes are to remain undisturbed except where no existing vegetation is present. All uses which require site plan approval or preliminary plat approval shall preserve, install, and maintain a planted streetscape along each thoroughfare it abuts which protects the existing vegetation and abuts the perimeter of the property. All streetscape plantings, including the installation of all plant materials, shall conform in accordance with the specifications of this section.

C. Exemptions. Street buffers shall not be required along private drives, driveways, alleyways, or single lot infill within existing residential subdivisions.

D. Standards.

1. The width of the streetscape buffer shall be at least thirty (30) feet for thoroughfares, fifteen (15) feet for collectors, and ten (10) feet for local streets as measured from the right-of-way line.
2. If the streetscape is disturbed or non-vegetated, the property owner or developer shall install and maintain the following vegetation every forty (40) linear feet of frontage. Along collector streets, this vegetation may be installed up to every fifty (50) linear feet of frontage. Along local streets, this vegetation may be installed up to every sixty (60) linear feet:
    a. One (1) street tree of two (2) and one-half (1/2) inches in caliper; or,

b. Two (2) understory ornamental type trees one-and-one-half (1.5) inches in caliper (this option is used only with overhead utility lines).

c. Small trees shall be located under overhead power lines. Such small trees shall be at least one-and-one-half (1.5) inches in caliper at the time of installation and two such trees shall be installed or maintained for every forty (40) linear feet of streetscape, rather than one (1) larger tree per forty (40) feet required above.

3. Trees shall not be planted between curb and sidewalk (a grass strip is required). Trees shall be installed on the thoroughfare side of any berm or screen planting no less than ten (10) feet from the right-of-way of the thoroughfare. Street trees may be installed in a linear fashion or in clusters or groupings of larger and/or small trees in combination with associated plantings to enhance the visual appearance of the streetscape and views from adjacent properties.

4. Each large canopy tree in the streetscape shall be provided with at least three-hundred-and-fifty (350) square feet of pervious ground area for root growth. Any planting area bounded by an impervious surface shall be at least ten (10) feet wide.

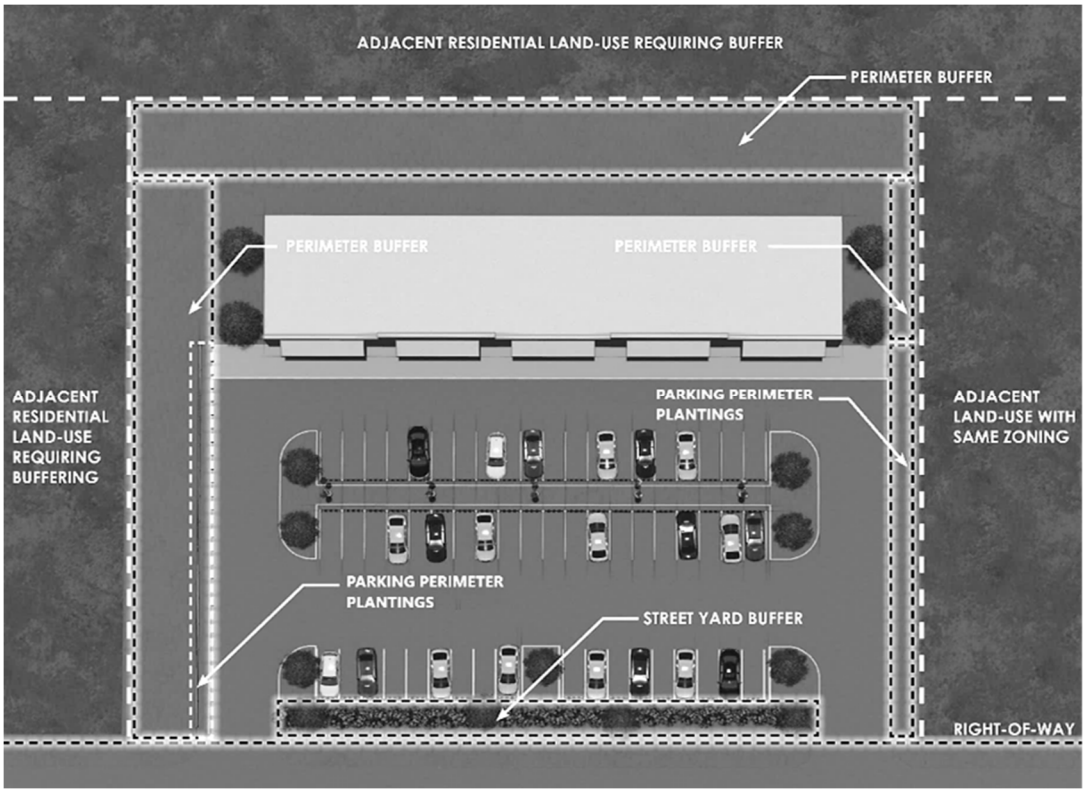
5. All slopes steeper than two (2) to one (1) shall be stabilized with permanent slope retention devices or a suitable combination of plantings and retention devices.

6. Where there is a vehicular use area between the right-of-way of the thoroughfare and a permanent building, the streetscaping shall provide a semi-opaque screen or barrier between the right-of-way and the vehicular use area. The screen of barrier may consist of existing vegetation, plants, earthen berms, decorative entry fences (not privacy), walls or any combination thereof which meets the following requirements:

   a. The screen shall occupy the entire (100 percent) length of the vehicular use area except for sidewalks and driveways. All vehicular use areas must be screened from off-site view. Plant material shall be at least two (2) feet in height above the root balls at the time of installation and must reach a height of at least three (3) feet within three (3) years.

b. Berms may be installed in lieu of or in addition to plantings. If the berm does not meet the performance standards of this section, then plant materials shall be installed which meet these standards. The installation of additional plant materials is encouraged to enhance the visual and aesthetic qualities of the streetscape.

Figure. 6.3.2.2. Buffer Demonstration Illustration



E. Buffers Along Fully and Limited Controlled Access Highways.#

1. All properties adjacent to a fully controlled access highway or a limited access highway shall install and maintain a vegetated buffer along each controlled access highway, if any, which abuts the property.

2. All buffer plantings shall perform in accordance with the specifications of this section.

3. A one hundred (100) foot undisturbed buffer width is required along all fully and limited controlled access highways, measured from the ultimate right-of-way.

4. No development shall be allowed within required buffers; however, the Board of Commissioners may, permit the construction of a street, driveway, or utility easement in the buffer upon finding by the Board of Commissioners that such construction is necessary for safe ingress, egress, or utility service to the site. The nature and limits of such construction must be designated on an approved site plan, subdivision plan, or public street dedication map.

6.2.3. MIXED-USE PERIMETER COMPATIBILITY

A. **Intent**. Recognizing that Mixed-Use Districts abut General Use Districts throughout the town, it is the intent of this section to promote compatibility between within and between these areas.

1. These standards only apply when the Mixed-Use development's peripheral yard abuts the adjacent potentially incompatible use or district.
2. These standards apply to those uses and buildings located at the perimeter of the mixed-use district and not internal to the district.
3. There are no additional buffering requirements if a public right-of-way of at least fifty (50) feet in width separates the uses.
4. This section identifies "compatibility transition areas" which are intended to provide greater predictability by minimizing potential incompatibilities.
5. The area of compatibility transition areas shall be provided within the Mixed-Use district.
6. The standards in this section may be modified based on the type of lot in which the standard is being applied (i.e., shallow lot) as defined in sub-section D below.

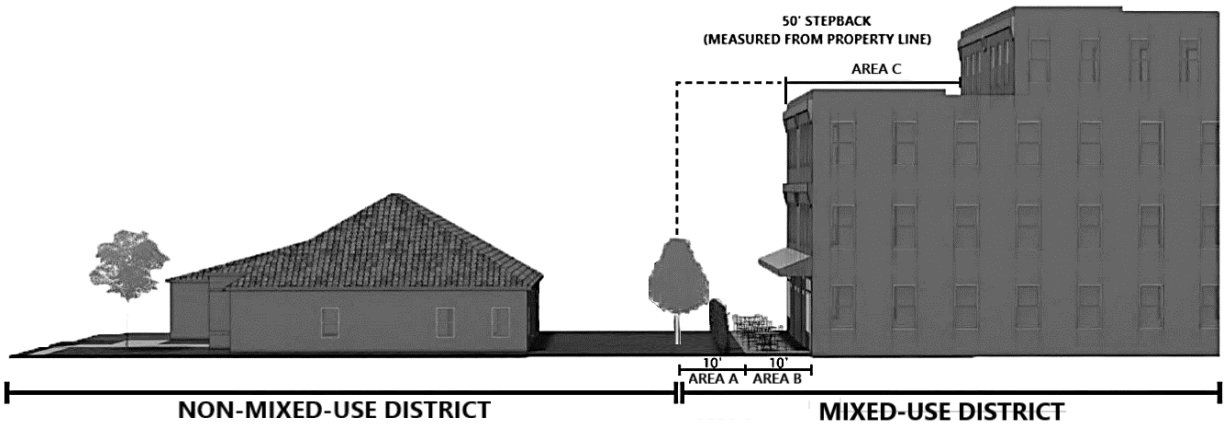
B. **Compatibility Transition Areas.** Figure 6.2.3.1 illustrate the locations of a respective Mixed-Use district "compatibility transition areas", and a general use district (note, the dimensions noted in these figures are for illustrative purposes only; the specific dimensions and requirements for each area are provided in the following sections and may also vary if a property is defined as a "shallow" lot.

Compatibility Transition Area A = "Buffer"

Compatibility Transition Area B = "Use Restriction"

Compatibility Transition Area C = "Height and Form"

Fig. 6.2.3.1. Compatibility Transition Areas Graphic



1. **Compatibility Transition Area A: Buffer**

    a. **Intent**. Consists of a landscaped buffer intended to buffer and screen the general use district from the Mixed-Use district. No buildings, structures, principal, or accessory uses are allowed in the buffer other than permitted in this subsection.

    b. **Location**. Begins at the common property line, immediately abutting the Mixed-Use district boundary line and the adjacent property.

    c. **Width**. Consists of a minimum ten (10) feet landscaped buffer, with one (1) canopy tree per thirty (30) linear feet of the boundary line.

    d. **Elements Permitted Within the Buffer**

        i. Landscaping

        ii. Open spaces (plazas, parks, commons)

        iii. Swales, low impact/bioretention facilities.

    e. **Design and Installation**

        i. Required landscaping in a buffer yard must meet the design and installation requirements of this LDO.

2. **Compatibility Transition Area B: Use Restriction**

    a. **Intent.** Compatibility Transition Area B shall be occupied by open areas and/or low intensity uses, such as surface parking, alleys, landscaping, active use areas, outdoor dining, and limited service-related structures. Primary uses and accessory uses shall not be permitted in Area B unless expressly permitted in this subsection.

    b. **Location.** Begins at the edge of the protective yard of Area A and extends towards Area C and / or the primary structure(s).

    c. **Width**. Shall be a minimum ten (10) feet in width.

    d. **Permitted Uses/Activities:**

        i. Yard – One (1) tree every thirty (30) linear feet.

        ii. Garden, park, open space.

        iii. Outdoor dining.

        iv. Enclosed lanai/porches.

        v. Path, walkway, sidewalk. A multiuse recreational trail shall not be permitted.

3. **Compatibility Transition Area C: Height and Form**

    a. **Intent.** Compatibility Transition Area C is provided to mitigate potential visual nuisances that height may bring and is intended to restrict the height and form of development to decrease the potential impact of new mixed-use multi-story structures on non-mixed-use zoning districts. Transition Area C is achieved through a building step back. The required building step back shall apply to those portions of the building greater than the maximum by right height permitted in the district.

    b. **Location.** Begins at the edge of Area B and extends inward.

    c. **Width.** Measures, from the property line, a minimum of thirty (30) feet inward, subject to the widths of Area A and B

C. **Form Standards.** The sides and rear facade of the building that faces the general use district shall meet the architectural requirements of Section 6.8: Design Standards, with respect to windows, architectural features, and transparency requirement.

D. **Shallow Lots.** Recognizing that existing lots of record less than one hundred (100) feet in depth may not be able to meet requirements of this section, a variance may be requested for existing lots of record less than one hundred (100) feet in depth, approved by the Board of Commissioners, to:

1. Reduce the widths of Compatibility Transition Area A, Area B, and Area C by fifty (50) percent; and/or

2. Allow the combination of Area A and Area B to a total of ten (10) feet, provided a six (6) feet tall opaque masonry wall and required landscaping is provided.

6.2.4. LANDSCAPING STANDARDS

6.2.4.1. PURPOSE AND INTENT

A. **Purpose and Intent.** Landscaping standards defined in this section intend to improve the appearance of the town. This section is intended to enhance, rather than inhibit economic development. The use of landscaped and maintained areas can reduce incompatibilities of adjacent land uses and promote and enhance community character. The standards outlined in this section are designed to:

1. Increase the compatibility of adjacent uses;
2. Reduce excessive heat, glare, and accumulation of dust;
3. Lessen visual pollution;
4. Promote water conservation;
5. Allow for greater environmental stewardship of resources;
6. Ensure landscape yards and screening to reduce the negative impacts of noise, trash, odors, lack of privacy and visual appearances that occur in higher intensity land uses;
7. Safeguard the public health, safety, and welfare; and
8. Ensure the appearance of the town contributes positively to its growth and economic prosperity.

B. **Applicability.** All new development shall comply with the standards of this section. The following shall also apply in instances of repairs, renovations, or additions. No permit for construction of any building, structure or use may be issued until buffering has been provided in accordance with this LDO.

1. **Repair or Renovation.** A building may be repaired or renovated without requiring buffering per the requirements of this LDO provided there is no increase in gross floor area.
2. **Minor**. When a building or site is increased in gross floor area or improved site area by ten (10) percent or less, buffering is required only for the additional floor area or improved site area. Improved site area shall include site improvements

such as utility installations, landscape modifications, additional impervious surfaces (including parking), and/or construction of structures.

3. **Major**. When a building or site is increased in gross floor area or improved site area by greater than ten (10) percent, both the additional area and existing area must conform to the buffering standards in this LDO. Improved site area shall include site improvements such as utility installations, landscape modifications, additional impervious surfaces (including parking), and/or construction of structures.

4. **Change in Use.** A change in use shall not require compliance with this section, unless if the specific use has a use standard requiring a specific landscape buffer.

6.2.4.2. LANDSCAPE PLAN AND REVIEW

A. **Landscape Plan.** All development applicable under this section shall submit and receive approval of a landscape plan from the Planning Department, as required to be included in a site plan. Detail shall be provided on the plan showing the required landscaping within a one hundred (100) linear foot section of any buffer. Species of trees and shrubs shall be chosen from the approved plant list, as defined in Section 6.2.4.7: Landscape/Planting Guidelines. Preservation of existing vegetation is encouraged and may be used to meet requirements of this section. A landscape plan shall include the following:

1. Title of project;
2. Dimensions, scale, and north arrow;
3. All required open space shown on the plan;
4. Indigenous or native vegetation;
5. All landscaped areas;
6. Identify all LDO required landscaping;
7. Vehicle use areas including parking, aisles, and driveways;
8. Roadways and access points;
9. Plant spacing and native status;

10. Preservation plan;

11. Overhead and underground utilities; and

12. A tree and/or vegetative survey

B. **Installation.** All landscaping shall be completed in accordance with approved site plan and the standards of this section. Required landscaping shall also comply with the following standards:

1. A certificate of occupancy shall not be issued, until all required plant materials have been placed in accordance with the approved landscape plan and requirements of this section.

2. A temporary certificate of occupancy may be issued for a period of 30 to 180 days under circumstances that would affect the installation of required plant material, or until the proper planting season is reached, to complete the requirements of this section.

    a. In cases where a temporary certificate of occupancy is requested, the applicant shall furnish the following: A signed contract for the installation of all required landscape materials and a performance guarantee for the contract. Reasons to grant a temporary certificate of occupancy may include unavailability of plant species, unusual environmental conditions, or inappropriate planting season.

C. **Inspections**. The Land Development Administrator shall inspect landscaping prior to the issuance of a certificate of occupancy (unless a temporary certificate of occupancy or certificate of compliance has been granted). An as-built plan shall be provided to the town for landscaping improvements required per the site plan.

1. The Land Development Administrator shall inspect the site one year after the issuance of the certificate of occupancy to ensure compliance with the approved site plan.

D. **Multi-Phase Development.** Multiple family, nonresidential, and mixed-use development that is planned and developed in phases shall install landscaping that is associated with the active phase or phases only, unless an alternative arrangement is otherwise agreed

to. An active phase of a development is the one that is subject to permitted and on-going development activity.

6.2.4.3. LANDSCAPING STANDARDS

A. **General Standards**.

1. **Plant Species**. All species of trees and shrubs used in required buffers shall be chosen from the approved plant list as defined in Section 6.2.4.7: Landscape/Planting Guidelines.

2. **Canopy Trees**. Canopy trees must be a minimum of eight (8) feet in height and two (2) inches in caliper at time of installation and reach an expected height of at least thirty (30) feet. In lieu of any requirement for a canopy tree, two (2) understory trees may be planted.

3. **Understory Trees**. Understory trees must be a minimum of eight (8) feet in height and one (1) inch in caliper at time of installation.

4. **Shrubs**. Shrubs shall reach a minimum height of thirty (30) inches and spread of thirty (30) inches within three years of planting.

5. **Minimum/Maximum Percentages**. When twenty (20) or more canopy or accent trees are required to be planted on a site to meet the standards of this LDO, a mix of genera shall be provided as follows:

Table 6.2.4.3. Minimum/Maximum Percentage

Total Trees Planted on Site	Minimum Number of Genera Required	Maximum Percentage of any Genera
20 or less	1	Not applicable
21-50	2	60 percent
51-100	3	50 percent
101 or more	4	40 percent

6. **Fences/Walls**. Fences and walls shall be constructed of high-quality materials including brick and stone, stucco over concrete masonry blocks, treated wood, wrought iron/aluminum, composite fencing, or PVC vinyl. The finished side of

the fence shall face the adjoining property. Fences/walls shall be placed at the rear of a buffer, so the adjoining property benefits from the view. No fence/wall shall exceed eight (8) feet in height unless explicitly permitted elsewhere in this LDO. All fences and walls shall comply with the standards of Section 6.5: Fences, Walls, and Berms

7. **Berms**. Berms shall be stabilized and have a slope not exceeding 3:1 (horizontal to vertical and shall comply with the Standards of Section 6.5: Fences, Walls, and Berms.

8. **Stabilization**. All required landscaping shall be stabilized and maintained with vegetative cover, mulch, or other approved materials by the Land Development Administrator to prevent soil erosion. Vegetative cover shall be installed and utilized to minimize erosion on all slopes greater than fifteen (15) percent.

9. **Planters**. If a development provides planters, the following standards shall apply:

    a. Planters shall be a minimum height of thirty (30) inches.

    b. Minimum height of plant material in the planter shall be six (6) inches at time of planting.

    c. Planters shall be constructed of masonry, stone or treated lumber. Other materials may be approved by the Land Development Administrator.

B. **Maintenance Standards.** The owner of property shall be responsible for protecting and maintaining plant material. Maintenance of plant material shall also comply with the following:

1. All landscaping, including landscaping used for buffers and screening purposes, shall be designed, and maintained according to sound landscape and horticultural practices, and all fences/walls shall be maintained in the condition in which they were originally approved.

2. All plant material shall be maintained in an attractive and healthy condition.

3. Dead or diseased plant material shall be removed and replaced.

4. The responsibility for maintenance of a required buffer shall remain with the owner of the property, or their grantee.

5. In instances where existing plant material has been disturbed or damaged, replacement of plant material shall comply with the below standards:

    a. Any tree with a caliper of at least eight (8) inches shall be replaced with one (1) or more tress which have a caliper of at least two (2) and one-half (1/2) inches and a cumulative caliper equal to or greater than one half (1/2) of the original tree.

C. **Easements.** Nothing shall be planted or installed within an underground or overhead utility or drainage easement without town approval and easement holder approval.

D. **Water Conservation.** Water conservation is recognized as an important component of landscaping standards, environmental stewardship, and promoting more sustainable development practices. The following water conservation standards shall apply:

1. Where irrigation systems are used, such systems shall be water efficient and utilize WaterSense standards as administered by the United States Environmental Protection Agency (EPA). Irrigation systems shall be controlled with WaterSense approved irrigation controllers, meeting EPA criteria standards.

2. Irrigation systems shall be operated by an automatic irrigation controller and/or timer, and with a rain sensor.

3. All required irrigation systems must be designed to minimize the application of water to impervious areas.

6.2.4.4. PARKING LANDSCAPING

A. **Applicability.** All parking lots serving multiple family, mixed-use, and nonresidential developments shall comply with this section.

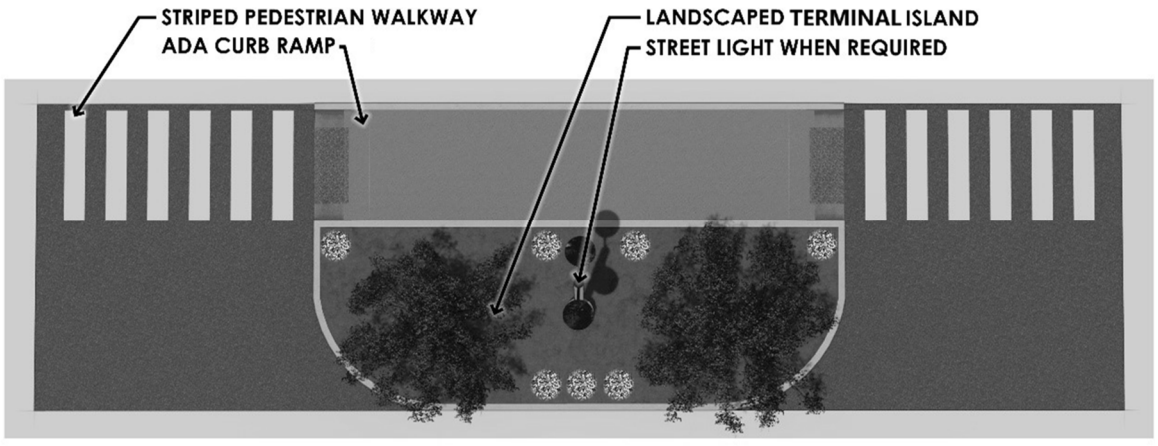
B. **Accessibility**. Nothing in this section shall deny ADA accessibility within parking lots nor deny the placement of crosswalks and sidewalks through parking lots (including terminal islands, interior islands, and divider medians) required for pedestrian safety.

C. **Parking Lot Landscaping.** Together, the requirements in items D. through G. below shall result in all parking spaces being within sixty (60) feet of the trunk of a canopy tree.

D. **Parking Terminal Islands Standards.** The following standard shall apply to all terminal islands within parking lots:

1. Each row of parking spaces shall end with terminal islands to separate parking from adjacent drive lanes.
2. Each terminal island shall measure at least eight (8) feet in width by eighteen (18) feet in length, measured from the inside of the curb.
3. Within terminal islands, one (1) large or medium canopy tree shall be required for every one-hundred-and-fifty (150) square feet (or fraction above one half thereof), with a minimum of one large or medium canopy tree required per terminal island. Two (2) understory trees may be used to meet the requirement of this subsection.
4. Terminal islands shall be landscaped with shrubs, accent plants, ornamental grasses, and ground cover, excluding sod, which is planted to provide one hundred (100) percent coverage within two (2) years.
5. Landscaping in islands adjacent to parking spaces shall be set back a minimum of two (2) feet behind the back of the curb to provide for pedestrian access to parked vehicles.
6. Lighting may be installed in parking terminal islands.
7. Parking lots or portions of parking lots not visible from the streets excluding alleys, shall not be required to install terminal islands.

Figure 6.2.4.4.1. Terminal Island Landscaping Illustrative Example



E. **Parking Interior Islands Standards.** The following standard shall apply to all interior islands:

1. Each interior island shall measure at least eight (8) feet in width by eighteen (18) feet in length, measured from the inside of the curb.
2. The Land Development Administrator may reduce the required width by up to three (3) feet (minimum width five (5) feet) where existing site constraints (e.g., small site) make compliance impracticable or where such reduction will allow preservation of existing trees.
3. Interior islands less than five (5) feet in width, measured from the inside of the curb, shall not be credited towards interior landscaping. Within interior islands, one large or medium canopy tree shall be required for every one-hundred-and-fifty (150) square feet (or fraction above one half thereof), with a minimum of one large or medium canopy tree required per interior island.
4. Landscaping in islands adjacent to parking spaces shall be set back a minimum of two (2) feet behind the back of the curb to provide for pedestrian access to parked vehicles.
5. Lighting may be installed in parking interior islands.

F. **Parking Divider Medians Standards.** The following standard shall apply to all divider medians:

1. Landscaped divider medians shall form a continuous landscaped strip between abutting rows of parking areas or access drives.
2. The minimum width of a divider median shall be a minimum seven (7) feet, measured from the inside of the curb.
3. One (1) large or medium canopy tree or two (2) small under-story trees shall be required for each thirty (30) linear feet of divider median (or fraction above one half thereof).
4. Shrubs shall be planted in divider medians which separate parking areas from access drives to form a continuous hedge the full length of the divider median.
5. Pedestrian scale lighting must be provided within divider median(s).

G. **Parking Perimeter Plantings.** Parking perimeter plantings shall be required to enhance the view of a parking lot from abutting streets and abutting properties. Parking perimeter plantings shall be provided on the perimeter of all parking lots. Parking perimeter plantings shall comply with the following standards:

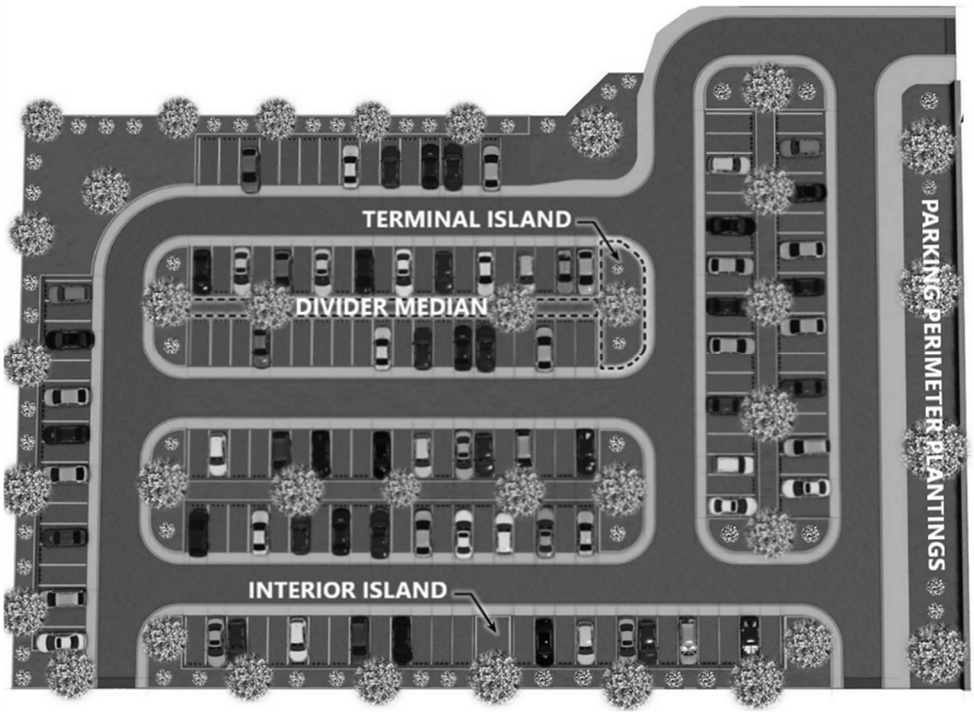
1. Required plant material shall be placed adjacent to the perimeter of the parking lot.

2. Parking perimeter plantings shall consist of a single continuous row of shrubs planted no greater than three (3) feet on-center and within five (5) feet of the parking lot edge.

3. Shrubs used for parking perimeter planting shall be of a minimum height of thirty (30) inches above grade within three years of planting. Shrubs may not exceed a height of four (4) feet and shall be pruned and maintained.

4. Where parking lots are adjacent on different lots, parking perimeter plantings or other forms of screening are not required along the common boundary between the two parking lots. This includes developments configured as a single, unified development.

Figure 6.2.4.4.2. Parking Landscaping Illustrative Example



6.2.4.5. VEGETATION PRESERVATION

A. **Purpose and Intent.** As the Town of Rolesville continues to develop and grow, there is a need for the construction and renovation of buildings, roads, parking lots and other infrastructure. Vegetation preservation and tree protection regulations are necessary to protect desirable trees and plant material and is a vital part of sustainable, community growth. This section intends to:

1. Limit excessive pruning or clear-cutting of existing trees, vegetation, and other landscaping;
2. Provide a uniform standard for the protection and replacement of trees on all property which require any type of development permit;
3. Allow existing trees and vegetation may be counted toward landscaping, buffering requirements and toward preservation standards as required in this LDO;
4. Requires a tree removal permit for the removal of trees;
5. Promote carbon dioxide absorption and oxygen production;
6. Moderate temperature and promote energy conservation;
7. Provide shade; and
8. Protect, facilitate, and enhance the aesthetic qualities of the community to ensure that tree removal does not reduce property values.

B. **Preservation Standards**.

1. Deciduous and evergreen trees shall be preserved to the greatest extent possible. At least ten (10) percent of all existing trees in good health (as determined by a professional arborist) shall be preserved within developments that are two (2) acres or greater in size, excluding non-native invasive plants as listed by the US Forest Service or the NC Forest Service.
2. Within applicable sites, evergreen trees at least twenty (20) inches diameter at breast height and deciduous trees at least eighteen (18) inches diameter at breast height, and in good health (as determined by a professional arborist), and

within required buffering and landscaping areas, shall be tagged prior to any site clearance and be preserved to the greatest extent possible.

3. In any case where removal of a qualifying evergreen or deciduous tree from subsection (2) is required for site development, it shall be replaced on-site with at least four (4) or more trees of similar species and size.

4. Trees sixty (60) inches diameter at breast height and in good health based upon a professional arborist, must be preserved to the greatest extent possible and not be removed. If removal is required for site development, diameter at breast height shall be replaced one (1) for one (1) using a minimum of three (3) inch caliper trees on site. Exiting buffers and canopy may be used for up to twenty-five (25) percent of replacement.

5. Any tree which qualifies as a landmark tree per the Town of Rolesville Tree Board shall be protected; see Section 6.2.5.12: Tree Ordinance Tree Protection.

6. All existing vegetation which meets landscape buffer requirements shall be preserved on the site to the greatest extent possible.

7. Existing vegetation shall be clearly marked on landscape plans.

8. All trees that are to be preserved shall be enclosed with an appropriate, visible fence before grading begins for both site plans and subdivisions. This fence shall be located at a distance determined by the following formula: No less than one (1) foot from the tree trunk for each one (1) inch in tree diameter. For example, fencing is to be placed no less than ten (10) feet from a ten (10) inch diameter at breast height.

9. All tree protection fencing must remain in place throughout the entire site development process until the time a certificate of occupancy is issued.

10. In the case of subdivision development, tree protection fencing must remain in place until all units are completed (received certifications of occupancy) within any designated phase or plat.

11. The critical root zone of each preserved tree must be within the protective yard. Twenty-five (25) percent of the critical root zone may be disturbed.

12. The owner of the property shall be responsible for protecting and maintaining the plants in the designated preservation areas in a healthy, growing condition and for keeping the area free of refuse and debris.

C. **Preservation Plan.** A preservation plan shall be required as part of any landscaping plan submitted to the Land Development Administrator and meet the following standards:

1. The plan must show there will be no disturbance within a critical root zone of trees, as defined in this LDO.
2. A critical root zone shall be protected from encroachment and damage.
    a. The preferred method is to restrict access by installing a barrier to keep materials, people, or equipment out of the critical root zone, as required in the preservation standards above.
3. Barriers shall be accompanied by temporary signs labeling the critical root zone.
4. The critical root zone area shall remain free of all building materials and debris.
5. The plan shall include a location plan and boundary line survey of the property.
6. The plan shall show the size, location, and species of trees.
7. The plans shall show areas where trees, vegetation, and soils are to be protected and preserved and areas where trees, vegetation, and soil are to be removed or modified. The plan shall graphically identify each tree to be saved or removed.
8. The plan shall demonstrate compliance with all vegetation preservation standards of this section.
9. Once a preservation plan has been approved, no preserved tree shall be removed unless the town determines that there is no reasonable way the property can be otherwise developed, improved, or properly maintained, and the tree itself retained.

D. **Tree Removal Permit.** Any tree removal will require a tree removal permit. No person shall cut, remove, or relocate any trees on any public or private property unless a preservation plan or tree removal permit has been approved. The purpose of a tree removal permit is to provide for a permit for the removal of trees. Tree removal shall

comply with all standards of the LDO and provide information demonstrating compliance with all standards of this section. A request shall be submitted on a form designated by the Planning Department. Only the following activities are exempt from a tree removal permit:

1. The removal of dead or naturally fallen trees;
2. The removal of diseased trees posing a threat to adjacent trees;
3. The selective and limited removal of trees or vegetation necessary to obtain clear visibility within sight distance triangles; and
4. The removal of vegetation by public or private agencies within the lines of any right-of-way, easement, or other town-owned lands as may be necessary to ensure public safety.

6.2.4.6. SCREENING OF SERVICE AREAS AND OUTDOOR DISPLAY/STORAGE

A. **Service Areas to Be Screened**. Service areas and equipment shall be fully screened and out of view from adjacent properties and rights-of-way. Examples of these areas include, but is not limited to:

1. Open-air/outdoor storage;
2. Trash containment areas (i.e., refuse collection, trash containment devices, compactors, dumpsters);
3. Mechanical equipment (i.e., air conditioning units, rooftop mounted equipment);
4. Utility service areas;
5. Loading/unloading areas; and
6. Other similar service function areas

B. **General Screening Design Standards**. Screening shall comply with the following standards unless stated elsewhere in this section:

1. Screening material and design shall be consistent with landscape plan.
2. Screening shall consist of, at minimum:

a. Landscaping the service area or equipment with a row of understory trees, shrubs, or berms which shall mature to the height necessary to fully screen the area or equipment;

b. Utilizing a wall or building wall projection, which complies with the standards of this LDO, which is consistent and compatible with the principal building in terms of texture, quality, material, and color and which is the necessary height to fully screen the area or equipment; or

c. Fencing which complies with the standards of this LDO, which is consistent and compatible with the principal building, and which is the necessary height to fully screen the area or equipment.

C. **Outdoor Display and Storage**. It is the intent of this section to ensure open-air storage areas, including outdoor display and storage, located within one hundred (100) feet of a property line, shall be screened. Outdoor display and outdoor storage shall have specific standards below:

1. **Outdoor Display**. Outdoor display shall be defined for the purpose of this subsection as the outdoor display of products available for sale, including soft drink dispensing machines, propane gas storage racks, ice machines, kiosks, outdoor merchandise, and the like. Approved temporary uses are not considered outdoor display for the purpose of this section. Outdoor display shall comply with the standards below:

a. Outdoor display shall be removed and placed in a fully enclosed structure at the end of every business day. Due to their commercial and pedestrian oriented nature, propane storage racks, soft drink dispensing machines, ice storage bins, may remain outside overnight.

b. Outdoor display shall not extend more than eight (8) feet. No more than twenty-five (25) percent of the horizontal length of the façade shall have outdoor display items.

c. Outdoor display areas shall not inhibit pedestrian travel paths (i.e., sidewalks) and ADA accessibility shall be maintained.

2. **Outdoor Storage.** Outdoor storage shall be defined as either limited outdoor storage or intense outdoor storage. For this subsection, outdoor storage is defined as the outdoor storage of materials, goods, and merchandise.

    a. **Limited Outdoor Storage.** Limited outdoor storage includes outdoor storage of merchandise which cannot easily be taken in and out of an enclosed structure as the end of the day, including items such as garden supplies, plants, sporting goods, overnight outdoor storage of vehicles awaiting repair, and storage of fleet vehicles, such as delivery vehicles. Limited outdoor storage is only permitted in the commercial or industrial districts and shall comply with the following standards:

        i. Limited outdoor storage is limited to eight (8) feet in height and must be fully screened from the view of any public right-of-way, parking areas and adjacent properties. Fences, hedges, and plant material may be used to screen the limited outdoor storage.

    b. **Intense Outdoor Storage.** Intense outdoor storage includes outdoor storage of raw, unfinished goods and materials, often associated with the manufacturing of another good. Common intense outdoor storage items include steel, salvage material, recycle materials, lumber, contractor equipment, and other raw material. Intense outdoor storage is only permitted in industrial districts and shall comply with the following standards:

        i. Intense storage shall be located at least twenty (20) feet from any public right-of-way

        ii. Intense outdoor storage is limited to eight (8) feet in height and must be fully screened from the view of any public right-of-way, parking areas and adjacent properties. An eight (8) foot fence is required around the perimeter of the outdoor storage area.

D. **Trash Containment Areas**. All trash containment devices (i.e., dumpsters, refuse collection, etc.) shall have additional standards. Trash containment areas shall meet the following standards:

1. Trash containment areas shall be located and designed to not be visible from the view of adjacent streets and properties;
2. Trash containment devices may not be in any front or street yard;
3. All trash containment areas shall be enclosed;
4. The enclosure shall be at least as high as the highest point of the trash containment device or compactor;
5. The enclosure shall be made of a material that is opaque; and
6. All trash containment devices shall be placed on a dedicated concrete pad.

E. **Utility Service Areas.** Utility service areas located outside the public right-of-way must be screened from public view. Screening shall consist of landscaping, fence or wall meeting the design requirements of this section. Screening is not required for utility service areas that are related to emergency services (i.e., fire hydrants).

6.2.4.7. LANDSCAPE/PLANTING GUIDELINES.

A. **Intent.** It is the intent of this section to ensure that the planting and preservation of all plant materials and plant areas are maintained per the requirements of this section. Locations, quantities, and species are to be provided by a licensed landscape architect and are subject to approval by town staff prior to the commencement of site work.

B. **Plant Palette.** All plants shall be of native and locally adaptive species (zone 7 according to the USDA Plant Hardiness Zone Map). Town staff may be able to deny or recommend the use of different species if there is little plant diversity or plant species which are known to have common diseases or branching and/or root structures which do not fit within the specified plant location. Plant lists must include at least four (4) different tree species with no one species being greater than thirty-five (35) percent of the palette.

C. **Plant Diversity.** All developments shall provide a diverse plant palette to promote diverse habitats, fungus, and disease control, as well as enhance the town's natural aesthetic. In developments with multiple roadway alignments, tree species should vary from street to street.

D. **Planting Season.** It is recommended that all plant material be planted within the fall and/or spring growing seasons. If schedule or weather does not allow for the installation

of the plant material within these windows, a temporary certificate of occupancy may be granted.

E. **Planting within Easements.** The planting of trees is not allowed within any easement unless otherwise permitted by the town and easement holder. Shrubs may be planted within town owned easements but shall be placed at the property's owner liability.

F. **Plant Material.** In no case shall a plant species which has been identified as invasive by the *North Carolina Forest Service* be included. For recommended plant species, refer to the *North Carolina Department of Transportation's* list of acceptable plant species as well as the *North Carolina State University Extension Plant Toolbox*.

Table 6.2.4.7. Plant Typologies and General Descriptions

Type	Size / Spread	Other / Notes
Canopy (Large Shade) Trees		
Deciduous Canopy (≥ 35' height; ≥ 30' spread)	3" caliper 12' min. height	Installed along sidewalks in tree lawn / tree pit, parking lots, buffers and may be installed as a building / accent tree
Evergreen Canopy (≥ 18' height; ≥ 25' spread)	3" caliper 12' min. height	Installed along sidewalks in tree lawn / tree pit, parking lots, buffers and may be installed as a building / accent tree
**All multi-stem trees shall have at least 3 stalks with a minimum caliper of 2.5"*		
Understory (Small/Medium) Trees		
Deciduous Understory/ Ornamental (≥ 15' height; ≥ 15' spread)	2" caliper 8' min. height	Installed along sidewalks May be installed as screening or accent. May be used to replace canopy tree where overhead utilities are present.
Evergreen (≥ 18' height; ≥ 15' spread)	2" caliper 8' min. height	Planted as a buffer between uses or used as screening or accent.
**All multi-stem trees shall have at least 3 stalks with a minimum caliper of 1.5"*		
Shrubs		
Evergreen Shrubs	24" height minimum (unless otherwise required)	
Deciduous / Ornamental Shrubs	18" height minimum (unless otherwise required)	
Perennials	2 gal minimum	
Ornamental Grasses	2 gal minimum	
Ground Cover	1 gal minimum	

6.2.5. TREE ORDINANCE

6.2.5.1. PURPOSE AND INTENT

A. It is the purpose of this ordinance to encourage well planned, coordinated tree planting improvements for the Town of Rolesville, North Carolina to promote and protect the public health, safety, appearance, and general welfare of the town and its residents by providing for the regulation of the planting, maintenance, and removal of trees, shrubs, and other plants on town owned property and town street rights of way, town easements, and town greenway easements. Sections 6.2.5.10. through 6.2.5.13. apply to town owned and privately owned property.

6.2.5.2. ESTABLISHMENT AND OPERATION OF ROLESVILLE TREE BOARD

A. The Board of Commissioners for the Town of Rolesville hereby creates and establishes a Rolesville Tree Board, which shall consist of six (6) members. Four (4) members shall be citizens living within the corporate limits of Rolesville and two (2) members shall be residents living within the area of the Rolesville extraterritorial jurisdiction. Members of the board shall serve for two (2) years in a voluntary capacity. The Board shall choose its own officers, consisting of a Chairperson, Vice-Chairperson and Secretary who shall be elected each year by a majority vote of the Tree Board members, make its own rules and regulations, and keep a journal of its proceedings. A majority of the members shall be a quorum for the transactions of business.

B. Faithful attendance at the meetings is a prerequisite for the maintenance of membership to the Board. Failure to attend three (3) consecutive meetings shall be deemed adequate cause for summary removal on the Tree Board by the Town Board of Commissioners.

6.2.5.3. DUTIES AND RESPONSIBILITIES OF TREE BOARD

A. It shall be the responsibility of the Board to study, investigate, counsel, develop and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs, in parks, along streets and in other public areas. Such plan will be presented to the Board of Commissioners and upon their acceptance and approval shall constitute the official comprehensive Town Tree Plan along streets and in other public areas. When requested by the Board of

Commissioners, the Tree Board shall consider, investigate, make finding, report, and recommend upon any special matter of question coming within the scope of its work.

6.2.5.4. REVIEW BY TOWN BOARD

A. The Town Board of Commissioners shall have the right to review the conduct, acts, and decisions of the Town Tree Board. Any person may appeal any ruling or order of the Town Tree Board to the Town Board of Commissioners who may hear the matter and make final decision.

6.2.5.5. TREE SPECIES TO BE PLANTED

A. It shall be the responsibility of the Tree Board to make a list of tree species that may be planted along streets and in other public areas. The list shall include specific trees in the small, medium, and large category. No other species than those specified shall be planted on public property without written permission from the Town Board of Commissioners.

6.2.5.6. SPACING

A. No trees may be planted closer together than the following: small trees, fifteen (15) feet; medium trees, twenty-five (25) feet; and large trees, thirty-five (35) feet; except in special plantings designed or approved by a landscape architect.

6.2.5.7. DISTANCE FROM CURB AND SIDEWALK

A. No trees may be planted closer to any curb or sidewalk than the following: small trees, two (2) feet; medium trees, three (3) feet, large trees, four (4) feet.

6.2.5.8. DISTANCE FROM CURB AND SIDEWALK

A. No trees may be planted closer than thirty-five (35) feet of a street corner, measured from the point of nearest intersecting curbs or curb lines. No street tree shall be planted closer than ten (10) feet from any fire hydrant.

6.2.5.9. PUBLIC TREE CARE

A. The Town of Rolesville shall have the right to plant, prune, maintain and remove trees, plants, and shrubs within the street rights-of-way and in other public areas to ensure public safety or to preserve or enhance the symmetry and beauty of such public

grounds. The Town Tree Board may recommend the removal of any tree or part thereof which is in an unsafe condition or which, by reason of its nature, is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect, or other pests.

6.2.5.10. PRUNING, TREE TOPPING, CORNER CLEARANCE

A. Owners shall remove all dead, diseased, or dangerous trees, or broken or decayed limbs, which constitute a menace to the safety of the public.
B. The town shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a streetlight or interferes with visibility of any traffic control device or sign.
C. It shall be unlawful, as a normal practice, for any person, firm, or corporation to top any street tree, park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three (3) inches in diameter within the tree's crown to such a degree to remove the normal canopy and disfigure the tree.
D. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this restriction.

6.2.5.11. DISEASED OR DEAD TREE REMOVAL ON PRIVATE PROPERTY

A. The town shall have the right to cause the removal of any dead or diseased trees on private property within the town when such trees constitute a hazard to life and property, or harbor insects or disease which constitutes a potential threat to other trees within the town. Removal shall be done by said owners at their own expense within 60 days after the date of service of notice given by the Town of Rolesville. In the event of failure of owners to comply with such provisions, the town shall have the authority to remove such trees and charge the cost of removal on the owners' property tax notice.

6.2.5.12. TREE PROTECTION

A. The Town of Rolesville Tree Board shall locate, select, and identify any trees which qualify as "Landmark Trees." A tree may qualify as a Landmark Tree if it meets one or more of the following criteria: species rarity, old age, association with an historical event or person, abnormality, scenic enhancement, etc. The following guidelines and

standards shall apply to trees proposed to be retained in a developer's "tree protection plan": not grading or locating utilities within the tree's drip line, placing protective barriers around trees, etc. in association with Section 6.2.4: Landscaping Standards

6.2.5.13. INTERFERENCE WITH THE TREE BOARD

A. It shall be unlawful for any person to prevent, delay, or interfere with the Tree Board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any street trees, park trees, or trees on private grounds, as authorized.

6.2.5.14. ARBORISTS LICENSE AND BOND

A. It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing street or park trees within the town without first applying for or procuring a license. The license fee shall be annually in advance, provided however, that no license shall be required of any public service company or town employee or volunteer doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance.

6.3. CONSERVATION SUBDIVISION DEVELOPMENT

A. **Purpose and Intent**. The purpose and intent of a conservation subdivision is to provide a development option for land in the rural and suburban portions of the town that provides development flexibility to build on smaller lots when open space exceeds the minimums required by Section 6.2.1: Open Space. Conservation subdivisions shall:

1. Provide a residential development pattern that permits flexibility of design in order to promote environmentally sensitive and efficient uses of the land;
2. Preserve in perpetuity unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands, and wildlife habitat; preserve important historical and archaeological sites;
3. Permit clustering of houses and structures on less environmentally sensitive soils which will reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development; reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development;
4. Promote interconnected greenways and corridors throughout the community; promote contiguous greenspace with adjacent jurisdictions;
5. Encourage interaction in the community by clustering houses and orienting them closer to the street, providing public gathering places and encouraging the use of parks and community facilities as focal points in the neighborhood;
6. Encourage street designs that reduce traffic speeds and reliance on main arteries; promote construction of convenient landscaped walking trails and bike paths both within the subdivision and connected to neighboring communities, businesses, and facilities to reduce reliance on automobiles;
7. Conserve scenic views and reduce perceived density by maximizing the number of houses with direct access to and views of open space; and
8. Protect prime agricultural land and preserve farming as an economic activity.

B. **Applicability.** Conservation subdivisions shall be limited to development of single family detached residential dwellings on individual lots. Conservation subdivisions shall not be available for any other form of development or dwelling type. Single family detached residential subdivisions of more than five (5) lots in the LD and MD zoning districts may be developed as a conservation subdivision, in accordance with the standards of this section. Conservation subdivisions shall not be permitted in any other zoning districts.

C. **Ownership of Development Site.** The tract of land to be subdivided may be held in single and separate ownership or multiple ownership. If held in multiple ownership, however, the site shall be developed according to a single plan with common authority and common responsibility.

D. **Housing Density Determination.** The maximum number of lots in the conservation subdivision shall be determined by either of the following two methods, at the discretion of the applicant:

1. **Calculation.** The maximum number of lots is determined by dividing the area of the tract of land by the minimum lot size specified in the underlying zoning. In making this calculation, the following shall not be included in the total area of the parcel:

    a. Slopes more than twenty-five (25) percent of at least five-thousand (5,000) square feet contiguous area;

    b. The 100-year floodplain;

    c. Bodies of open water more than five-thousand (5,000) square feet contiguous area; and

    d. Wetlands that meet the definition of the Army Corps of Engineers pursuant to the Clean Water Act.

2. **Yield Plan.** The maximum number of lots is based on a conventional subdivision design plan, prepared by the applicant, in which the tract of land is subdivided in a manner intended to yield the highest number of lots possible. The plan does not have to meet formal requirements for a site design plan, but the design must

be capable of being constructed given site features and all applicable regulations.

E. **Minimum Lot Sizes**. The minimum lot size may be reduced by no more than fifty (50) percent of the lot size currently required in the applicable underlying zoning district.

1. All lots must still meet all applicable Wake County Health Department requirements.
2. Building setbacks shall be proportionally reduced from underlying zoning district standards in accordance with individual lot area.
3. The building envelop with setbacks for each house is to be identified don the final plat of each phase prepared for development.

F. **Site Analysis Required As Part of Sketch Plan**. As part of the sketch plan submitted, applicants shall prepare a site analysis. The purpose of this site analysis is to ensure that the important site features have been adequately identified prior to the creation of the site design and that the proposed protected open space will meet the requirements of this article. The preliminary site plan shall include the following features:

1. Existing property boundaries;
2. Proposed lot layouts for the conservation subdivision;
3. All streams, rivers, lakes, wetlands, and other hydrologic features, including all FEMA-designated floodplains and floodways;
4. Areas subject to the Town of Rolesville riparian buffer requirements;
5. Topographic contours of no less than five-foot intervals;
6. All Primary and Secondary Conservation Areas labeled by type
7. General vegetation characteristics, especially lowland and upland hardwood stands;
8. General soil types;
9. The planned location of protected open space;
10. Existing roads and structures;

11. Potential connections with existing greenspace and trails; and

12. All necessary land area calculations measured in acres and/or square feet to ensure the compliance with all sections of this LDO.

G. **Protected Open Space Management Plan Required**. A protected open space management plan, as described below shall be prepared and submitted prior to the issuance of final subdivision plat approval.

H. **Instrument of Permanent Protection Required**. An instrument of permanent protection, such as a conservation easement or permanent restrictive covenant and as described in below shall be placed on the protected open space concurrent with the issuance of final subdivision plat approval.

I. **Other Requirements**. The applicant shall adhere to all other applicable requirements in the unified development ordinance.

J. **Protected Open Space - Standards to Determine Protected Open Space.**

1. The minimum protected open space shall comprise at least fifty (50) percent of the gross tract area.

2. The following are considered primary conservation areas and are required to be included within the protected open space unless the applicant demonstrates that this provision would constitute an unusual hardship and be counter to the purposes of this article:

    a. The 100-year floodplain.

    b. Riparian zones.

    c. Slopes of greater than twenty-five (25) percent with at least five-thousand (5,000) square feet contiguous area.

    d. Wetlands that meet the definition used by the Army Corps of Engineers pursuant to the Clean Water Act.

    e. Sites identified in the Wake County Natural Heritage Inventory and any updates.

f. Other populations of endangered or threatened species, or habitat for such species.

g. Archaeological sites, cemeteries, and burial grounds.

3. The following are considered secondary conservation areas and should be included within the protected open space to the maximum extent feasible.

   a. Important historical sites, where previously designated or eligible for the National Register of Historic Places.

   b. Historic sites and structures identified in the most current inventory conducted by the Wake County Historic Preservation Commission.

   c. Existing healthy, native forests of at least one-acre contiguous area.

   d. Individual existing healthy trees greater than twelve (12) inches caliper, as measured four (4) feet above the average adjacent grade.

   e. Other significant natural features and scenic viewsheds such as ridgelines, peaks, and rock outcroppings, particularly those that can be seen from public roads.

   f. Prime agricultural lands of at least five (5) acres contiguous area.

   g. Existing trails that connect the tract to neighboring areas.

4. Above-ground utility rights-of-way and areas of impervious surface less than five-hundred-and-thirteen (513) square feet (three (3) parking spaces) may be included within the protected open space but cannot be counted towards the forty (40) percent minimum area requirement (exception: historic structures and existing trails may be counted).

5. At least twenty-five (25) percent of the protected open space shall consist of land that is suitable for building.

6. At least seventy-five (75) percent of the protected open space shall be in a contiguous tract. The protected open space shall adjoin any neighboring areas of protected open space, other protected areas, and non-protected natural

areas that would be candidates for inclusion as part of a future area of protected open space.

7. For projects, less than fifty (50) acres, only two (2) separate areas will be used to calculate the required protected open space. For projects greater than fifty (50) acres, only three areas will be used to calculate the required protected open space.

8. The protected open space shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe, convenient access to the protected open space.

K. **Permitted Uses of Protected Open Space.** Uses of protected open space may include the following:

1. Conservation of natural, archeological, or historic resources;

2. Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;

3. Walking or bicycle trails, provided they are constructed of porous paving materials;

4. Passive recreation areas, such as open fields;

5. Active recreation areas provided that they are limited to no more than ten (10) percent of the total protected open space and are not located within primary conservation areas. Active recreation areas may include impervious surfaces. Active recreation areas in excess of this limit must be located outside of the protected open space.

6. Agriculture, horticulture, silviculture, or pasture use, provided that all applicable best management practices are used to minimize environmental impacts, and such activities are not conducted within primary conservation areas;

7. Landscaped stormwater management facilities, community wastewater disposal systems, and individual wastewater disposal systems located on soils

particularly suited to such uses. Such facilities shall be located outside of primary conservation areas;

8. Easements for drainage, access, and underground utility lines;
9. Above-ground utility structures and areas of impervious surface less than five-hundred-and-thirteen (513) square feet (three (3) parking spaces), provided they are not located in primary conservation areas;
10. Other conservation-oriented uses are compatible with the purposes of this ordinance.

L. **Prohibited Uses of Protected Open Space.** The following are prohibited uses of protected open space:

1. Golf courses;
2. Roads, parking lots and impervious surfaces, except as specifically authorized in the previous sections;
3. Agricultural and forestry activities not conducted according to accepted Best Management Practices;
4. Impoundments;
5. Other activities as determined by the applicant and recorded on the legal instrument providing for permanent protection.

M. **Ownership and Management of Protected Open Space.**

1. **Ownership of Protected Open Space.** A homeowner's association (HOA) or property owner's association (POA), or similar entity representing residents of the conservation subdivision shall own the protected open space. Membership in the association shall be mandatory and automatic for all homeowners of the subdivision and their successors. The responsible entity shall have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the protected open space and any facilities located thereon shall be borne by the HOA or POA.

2. Prior to final plat approval, the Board of Commissioners shall have the final right to decide if the active recreation area will become part of the Town of Rolesville's Parks and Recreation system.

3. **Management Plan.** The applicant shall submit a Plan for Management of Protected Open Space and Common Facilities ("Plan") that:

    a. Allocates responsibility and guidelines for the maintenance and operation of the protected open space and any facilities located thereon, including provisions for ongoing maintenance and long-term capital improvements;

    b. Estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the protected open space and outlines the means by which such funding will be obtained or provided;

    c. Provides that any changes to the Plan be approved by the Board of Commissioners; and

    d. Provides for enforcement of the Plan.

4. In the event the party responsible for maintenance of the protected open space fails to maintain all or any portion in reasonable order and condition, the Town of Rolesville may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance.

5. The costs of such maintenance may be charged to the Homeowner's Association, or to the individual property owners that make up the Homeowner's Association, and may include administrative costs and penalties. Such costs shall become a lien on all subdivision properties.

N. **Legal Instrument for Permanent Protection**. The protected open space shall be protected in perpetuity by a binding legal instrument that is recorded simultaneously with the final subdivision plat. The instrument shall be one of the following:

    1. A permanent conservation easement in favor of either:

a. A land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence, and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions; or

b. A governmental entity with interest in pursuing goals compatible with the purposes of this ordinance. If the entity accepting the easement is not the Town of Rolesville, then a third right of enforcement favoring the Town of Rolesville shall be included in the easement.

2. A permanent restrictive covenant for conservation purposes in favor of another governmental entity, if approved by the Town of Rolesville.

3. An equivalent legal tool that provides permanent protection, if approved by the Town of Rolesville.

4. The instrument for permanent protection shall include clear restrictions on the use of the protected open space. These restrictions shall include all restrictions contained in this article, as well as any further restrictions the applicant chooses to place on the use of the protected open space.

6.4. PARKING AND LOADING

6.4.1 PURPOSE

A. **Purpose and Intent**. The purpose of this section is to regulate parking and loading facilities within the town. The town, through this section, shall ensure that adequate parking and loading facilities are provided to accommodate a variety of uses in all zoning districts. This section and the standards contained herein intend to:

1. Provide for adequate parking, loading, and unloading, and safe movement of vehicles and pedestrians through off-street parking areas;
2. Recognize the varying parking and loading demands of permitted uses and to provide a flexible range of adequate parking and loading, receptive to market demand, that will avoid excessive paved surfaces within the town;
3. Allow for alternative parking provisions in recognized circumstances;
4. Reduce the aesthetic impacts of parking areas;
5. Provide for compatibility between uses; and
6. Provide for high quality, safe designs that will add to the aesthetic wellbeing of the town.

6.4.2. APPLICABILITY

A. **Applicability**. Parking must be provided in accordance with the standards of this section and LDO where otherwise noted. Parking shall be maintained, and no permit for construction or addition may be permitted, until the parking requirements of this LDO have been met. All new development shall be subject to the standards of this section. In the event of a conflict between this section and other portions of the LDO, the stricter of the standards shall apply.

B. **Renovations and Repairs.** A building or site may be renovated, repaired, or updated without providing additional parking, providing there is no increase in gross floor area.

C. **Expansions.** If there is an increase in gross floor area, the required number of parking spaces shall be provided per this section.

D. **Change In Use**. A change in use within a building shall meet the parking requirements for that new use. If the parking requirements of this section cannot be met for the new use, the Land Development Administrator shall make a determination as to whether the current parking can sustain the new proposed use. Minimum considerations in the Land

Development Administrator's determination shall include quantity, location, arrangement, ingress and egress, and dimensions of parking and loading facilities.

6.4.3. OFF-STREET PARKING REQUIREMENTS

A. **Off-Street Parking.** Off-Street parking spaces shall be provided in accordance with Table 6.4.3.G: Off-Street Parking Requirements Table. Where a use is not specifically listed, the Land Development Administrator is responsible for determining the most similar use, using type of use, number of employees, gross floor area, and anticipated parking demand as basis for their determination.

   1. **Exceptions.** Due to their unique nature, Mixed-Use Districts will have alternative off-street parking requirements as defined in 6.4.3.H: Mixed-Use District Parking.

B. **Minimum and Maximum Parking Requirements.** Off-street parking requirements are provided (expressed by) the "minimum" and "maximum" standards to meet the parking needs generated by the various uses permitted. This minimum and maximum provides a range of adequate parking spaces that is responsive to the market conditions, parking demands, and individual project needs. However, consistent with Section 6.4.3.J: Alternative Parking Plan (APP), an Alternative Parking Plan may be submitted for review and consideration by the Land Development Administrator.

C. **Required Off-Street Parking**. Required off-street parking is defined in Table 6.4.3.G. For example, under the "Minimum Required" column, "1.0/Dwelling Unit" shall be understood to mean at minimum one parking space per dwelling unit is required. Under the "Maximum Allowed" column, "2.0/Dwelling Unit" shall be understood to mean two parking spaces per dwelling unit are allowed as a maximum.

D. **Standard Unit.** Parking standards shall be set to 1,000 SF (square feet) of the gross floor area of a use, unless otherwise noted in the table. Floor area shall mean the gross floor area as defined in Section 11: Administration and Definitions.

E. **Fractional Measurements**. When units or measurements determining the number of required off-street parking spaces result in the requirement of a fractional space, then such fraction equal to or greater than one-half shall require a full off-street parking space.

F. **Multiple Uses.** If there exists more than one principal use, the proposed use that requires the greatest minimum parking shall be used for off-street parking calculation.

G. Off-Street Parking Requirements Table

Table 6.4.3.G. Rolesville Off-Street Parking Requirements

ROLESVILLE OFF-STREET PARKING REQUIREMENTS			
PRINCIPAL USES	**MINIMUM REQUIRED**	**MAXIMUM ALLOWED**	**ADDITIONAL NOTES**
RESIDENTIAL USES			
Dwelling, Single Family, Attached	2.0 per Dwelling Unit Plus 0.25 Guest Spaces per Dwelling Unit	No Maximum	Exclusive of garage, which shall not be included in minimum and maximum. There is no guest parking requirement for age restricted residential developments.
Dwelling, Multiple Family	1.5 per Dwelling Unit Plus 0.10 Guest Spaces per Dwelling Unit	2.5 per Dwelling Unit	Maximum 10% additional guest parking of total parking count may be permitted.
Dwelling, Upperstory Unit	1.0 per Dwelling Unit	2.0 per Dwelling Unit	
Live-Work Unit	0.75 per Dwelling Unit	1.75 per Dwelling Unit	
Residential Care (ALF, ILF, CCF)	0.25 per Bed	1.0 per Bed	
CIVIC USES			
Assembly/Church	1.0 per 4 seats in the principal assembly room	2.0 per 4 seats in the principal assembly room	
Day Care	2.5 per 1,000 SF	5.0 per 1,000 SF	
Government Office	2.5 per 1,000 SF	5.0 per 1,000 SF	
Parks/Public Recreation Facilities	3.0 per Gross Acre Plus 1.0 per 1,000 SF of Gross Floor Area of Buildings	No Maximum	
Schools (K-12)	1.0 per 5 seats in the principal assembly room	2.0 per 5 seats in the principal assembly room	Minimum parking for schools shall be consistent with Wake County Standards.

COMMERCIAL USES			
Bank	2.5 per 1,000 SF	6.0 per 1,000 SF	
Eating Establishment	2.5 per 1,000 SF	10.0 per 1,000 SF	Outdoor seating shall be included in square footage.
Lodging	0.5 per Room	2.5 per Room	
Recreation, Indoor	4.0 per 1,000 SF	10.0 per 1,000 SF	
Recreation, Outdoor	5.0 Per Gross Acre Plus 1.0 Per 1,000 SF of Gross Floor Area of Buildings	10.0 Per Gross Acre Plus 1.0 Per 1,000 SF of Gross Floor Area of Buildings	
Retail Sales and Services	2.5 per 1,000 SF	7.5 per 1,000 SF	Shopping centers will be based on an aggregate of square feet, not uses, to determine required parking.
Vehicle, Rental and Sales	1.0 per 1,000 SF of Gross Floor Area of Buildings Plus 1.0 Per 10,000 SF of Outdoor Display Area	3.0 per 1,000 SF of Gross Floor Area of Buildings Plus 1.0 Per 10,000 SF of Outdoor Display Area	
OFFICE AND MEDICAL			
Hospital	2.0 per Hospital Bed	5.0 per Hospital Bed	
Medical Facility	2.0 per 1,000 SF	5.0 per 1,000 SF	
Professional Office	2.0 per 1,000 SF	5.0 per 1,000 SF	
INDUSTRIAL USES			
Industrial, Light	0.5 per 1,000 SF	2.0 per 1,000 SF	
Warehousing	0.5 per 1,000 SF	2.0 per 1,000 SF	
Wholesale Trade	0.5 per 1,000 SF	2.0 per 1,000 SF	

H. **AC and NC Mixed-Use District Parking**. Due to their nature, proximity to alternative transportation options including transit, and presence of on-street parking, development within Mixed-Use districts, per Section 3.4: Mixed-Use Districts, typically demand less parking. These districts allow for lower off-street parking requirements as follows.

1. **Mixed-Use Districts Parking.** Mixed-Use districts can reduce required parking by fifteen (15) percent. Calculations shall be provided to the Land Development Administrator demonstrating the fifteen (15) percent reduction in required parking.

2. **On-Street Parking.** Up to ten (10) percent of the required off-street parking may be provided through on-street parking. On-street parking shall be located within one-thousand (1,000) feet walking distance of the building along an improved path, sidewalk, or similar constructed facility, and may be counted toward a project's required off-street parking requirements.

I. **Shared Parking.** Shared parking shall reduce the overall required minimum off-street parking by fifteen (15) percent. An applicant shall submit a shared parking analysis to the Land Development Administrator as a means of reducing the total number of required off-street parking spaces required. Shared parking analysis, at minimum, shall include and comply with the following:

1. Identification of proposed uses within the development.

2. Calculation of the fifteen (15) percent shared parking reduction which will be applied, per proposed use.

3. Proposed uses served by the shared parking arrangement shall have different peak parking demands or otherwise operate in a manner that the uses sharing parking have access to the required minimum number of off-street parking spaces when in operation. Narrative and calculations shall be provided as part of the shared parking analysis explaining the merit of the shared parking arrangement.

4. Cross access agreements (i.e. legal instruments), if required, for the principal property and adjacent properties to ensure shared parking can function shall be provided to the Land Development Administrator.

5. Shared parking arrangements shall be a formal legal instrument and be provided to the Land Development Administrator. If a shared parking arrangement ceases, parking for the uses shall be recognized as a nonconformity and are subject to Section 10: Nonconformities unless brought into compliance with the standards of this section.

J. **Town Center District Parking.**

1. The following shall be the permitted range of off-street parking spaces provided for uses within the Town Center District. The following standards shall be applied to uses, as illustrated on a concept plan, site plan or similar document.

USES	NUMBER OF REQUIRED OFF-STREET PARKING SPACES	
	MINIMUM REQUIRED	MAXIMUM ALLOWED
MIXED-USE RESIDENTIAL	2 spaces per dwelling unit*1	2 spaces per dwelling unit
MIXED-USE NONRESIDENTIAL	3 spaces for each 1,000 square feet of gross floor area	5 spaces for each 1,000 square feet of gross floor area
Notes: *1: Includes guest parking		

2. It is understood that due to its nature, the TC district shall allow for lower off-street parking requirements than traditional zoning districts. Parking within this district may allow for on-street parking, parking structures, and alternative parking plans. The numbers above assume a mixed-use development. For developments not of a mixed-use nature that exclusively have single-use buildings, the standard parking rates per Section 6.4.3: Off-Street Parking Requirements, shall apply. The following standards for mixed-use development shall apply:

a. **On-Street Parking.** Up to five (5) percent of the required off-street parking may be provided through on-street parking. On-street parking shall be located within five-hundred (500) feet walking distance of the building for which it is used, along an improved path, sidewalk, or similar constructed facility, and is permitted to be counted toward the required off-street parking requirements.

b. **Parking Structures.** Parking structures may be permitted as part of a site plan. Parking structures shall utilize the same elements as those found within the principal building. Such elements shall not exceed fifty (50) percent of the façade, to allow for increased light and ventilation. Glazing standards are not required.

c. **Shared Parking.** The following shared parking standards shall be required in the TC district. Shared parking shall reduce the overall required minimum off-street parking by fifteen (15) percent. An applicant shall submit a shared parking analysis to the Board of Commissioners as a means of reducing the total number of required off-street parking spaces required. Shared parking analysis, at minimum, shall include and comply with the following:

    i. Identification of proposed uses within the development.

    ii. Calculation of the fifteen (15) percent shared parking reduction which will be applied, per proposed use.

    iii. Proposed uses served by the shared parking arrangement shall have different peak parking demands or otherwise operate in a manner that the uses sharing parking have access to the required minimum number of off-street parking spaces when in operation. Narrative and calculations shall be prepared by a Professional Engineer or Certified Land Use Planner and provided as part of the shared parking analysis, explaining the merit of the shared parking arrangement.

d. Alternative Parking Plan (APP). An applicant may propose an alternative parking plan (APP) if off-street parking requirements cannot be met, consistent with Section 6.4.3.K: Alternative Parking Plan.

K. **Alternative Parking Plan (APP).** To approve an alternative parking plan, the Board of Commissioners must first find that the proposed APP accomplishes the purposes of this section equally well or better than would a plan which complies with the standards of this section. In reviewing the request for an APP in order to determine whether it accomplishes the purposes of this section, as required above, the Board of Commissioners shall take into account the proposed use(s), amount of square footage (size), the availability of nearby on-street parking or public parking (if any), the availability of shared parking with abutting, adjacent or surrounding land uses (if any), or any other factors that may be unique to the applicant's development request. The Board of Commissioners shall not approve the APP unless:

1. A parking study is submitted that is prepared by a registered Professional Engineer or Certified Land Use Planner in the State of North Carolina;
2. The study must include the size, type, and proposed use(s) of the development; anticipated peak parking; anticipated normal parking amounts; and a narrative and data as to why the parking requirements of the LDO do not accurately reflect the needs of the proposed development;
3. The APP may include provisions for off-site parking if the number of off-street parking spaces required cannot reasonably be provided on the same lot where the principal use is located;
4. The APP does not detract from continuity, connectivity, and convenient proximity for pedestrians between or among existing or future uses in the vicinity;
5. The APP minimizes the visual and aesthetic impact along the public street by placing parking areas to the rear or along the side of buildings, to the maximum extent feasible;
6. The APP minimizes the visual and aesthetic impact on the surrounding neighborhood;
7. The APP creates no physical impact on any facilities serving alternative modes of transportation;
8. The APP creates no detrimental impact on natural areas or features; and

9. The APP maintains accessible parking ratios.

10. If size, type, and proposed use(s) of the development, anticipated peak parking, and anticipated normal parking amounts change due to expansions or change in uses, the APP will become null and void and a new APP will be required. There is flexibility of no more than ten (10) percent change in the above criteria. If changes exceed ten (10) percent, a new APP will be required. Alternative scenarios may also be provided which may be considered.

L. **Off-Site Parking**. Required off-street parking spaces may be located on a separate lot or parcel from which the principal use is located (i.e. "off-site"), only if the off-site parking complies with the following standards:

1. Off-site parking shall be under the same ownership as the principal use, or otherwise leased by a lease of no less than the term of lease for the principal use.

2. All necessary legal instruments shall be executed and recorded and copies provided to the Land Development Administrator. Renewal agreements shall continue to be provided to the Land Development Administrator.

3. Off-Site Parking shall be located within seven-hundred-and-fifty (750) feet of the nearest lot line of the principal use.

4. A sidewalk, paved pedestrian walkway, or crosswalk shall be provided to the off-site parking area from the principal use.

6.4.4. PARKING DESIGN STANDARDS

A. **General Design Standards.**

1. **Parking Plans.** A Parking Plan shall be required for all development and redevelopment, with the exception of single-family residential uses. Parking Plans shall include:

a. Access points;

b. Internal circulation (including drive aisles);

c. Landscaping;

d. Pedestrian connections;

e. Angle of parking; and

f. Dimensions of parking spaces.

2. **Arrangement.** Off-street parking shall be arranged so that vehicles may be parked/unparked without moving other vehicles. Parking structures shall be permitted to be designed to allow tandem parking and/or valet services.

3. **Encroachment.** No parking space shall be designed to encroach, hinder, or otherwise block a public or private right-of-way, alley, or sidewalk. Parking spaces may be allowed in a setback or build-to-zone.

4. **Overhang.** Where parking spaces are located such that the parked vehicle will overhang a sidewalk, a minimum clear width shall be provided equal to the minimum sidewalk width required.

5. **Driveways.** Driveways, aisles, and joint access easements shall not be used for parking vehicles except for single family and two-family residential.

6. **Wheel Stops.** Wheel stops shall only be prefabricated, concrete or recycled plastic product manufactured specifically for this use. No other materials shall be permitted. Parking spaces shall have curbs or motor vehicle stops or similar devices to prevent vehicles from overhanging on, or into, adjacent property, or from encroaching into required landscaped areas.

7. **Landscaped Parking Islands.** Parking areas shall be visually and functionally segmented using landscaped islands and canopy trees and meet the requirements of Section 6.3.4: Landscaping Design Standards.

8. **Drainage.** Parking lots shall not drain onto or across public sidewalks, or into adjacent property except into a natural watercourse or a drainage easement. In already developed areas where this condition would be impossible to meet, the Land Development Administrator may exempt the developer from this requirement, provided that adequate provision is made for drainage.

9. **Access and Maneuvering.** Parking areas shall be arranged for convenient access, maneuvering and safety of pedestrians and vehicles. Parking areas shall be

arranged so that no vehicle shall be required to back up from such facilities directly onto designated arterial or collector streets. Parking areas shall be designed, maintained, and regulated so that no parking or maneuvering incidental to parking shall be on any public street, sidewalk, Private Access Easement, or alley.

10. **Marking of Spaces.** All off-street parking area spaces shall be marked.

B. **Paving.**

1. **Applicability.** Paving shall be required, per the standards of this section, for:

    a. All new parking, loading, and driveway areas serving new construction, including expansions to existing uses;

    b. All parking, loading, and driveway areas, existing and new, serving any use expanded in lot coverage/square footage by more than twenty (20) percent after the effective date of this ordinance; and

    c. All existing parking, loading, and driveway areas serving a use discontinued for a period of one-hundred-and-eighty (180) days or longer.

2. **All Principal Uses (Except Single-Family Residential).** All parking, loading, and driveway areas shall be paved and maintained with asphalt or concrete.

3. **Vehicles, Boats, Manufactured Home, and Equipment Sales, Service, and Leasing Sites, Storage and Display.** All storage and/or display areas shall be paved with asphalt or concrete. Storage and/or display areas shall not be permitted on grass or unpaved areas.

C. **Dimensional Standards.**

1. **Parking Spaces.** Parking space sizes shall comply with the below requirements:

    a. Parallel Parking Space: 20’ x 9’

    b. Angle Parking Space: 19’ x 8.5’

    c. 90 Degree Parking Space: 19’ x 9’

2. **Aisle Widths**. Aisle widths shall comply with the minimum standards below.

Parking Angle Degree	One-Way Traffic	Two-Way Traffic
0-15	12’	24’
16-37	11’	24’
37-38	13’	24’
58-74	18’	24’
75-90	24’	24’

6.4.5. LOADING AREAS

A. **Purpose**. This section identifies the standards for loading areas. If a development requires goods or equipment be routinely delivered to or shipped from that development, a sufficient off-street loading area must be provided to accommodate the delivery or shipment operations in a safe and convenient manner.

B. **Loading Areas Design Standards**. Loading areas shall be designed to comply with the following standards:

1. Vehicle shall be able to maneuver safely and conveniently to and from a public right-of-way.
2. Vehicles can complete the loading and unloading operations without obstructing or interfering with any public right-of-way or any parking space or drive aisle.
3. Loading areas shall be located outside of a public right-of-way when practicable and be indicated through marking.
4. The size of loading areas shall be based upon the needs of the use in a building. The minimum size of a loading area shall be the same size as the minimum parking space. For uses that require commercial delivery trucks or semi-trailers, loading areas shall be made to accommodate the typical commercial delivery vehicle.
5. Loading areas that serve commercial delivery trucks, semi-trailers and similar vehicles shall be designed to include screen walls, landscaping, or other treatments to limit visibility of the loading area.
6. No area allocated to loading and unloading may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street

parking area be used to satisfy the area requirements for loading and unloading facilities.

C. Required Loading Spaces.

Use(s)	Minimum Number of Loading Spaces Required
Commercial	1 space per 20,000 square feet of gross floor area
Industrial	1 space per 10,000 square feet of gross floor area
Office and Medical	1 space per 50,000 square feet of gross floor area
Multiple Family	1 space per development to allow for move-in and move-out of residents
Mixed-Use Development	1 space per 30,000 square feet of gross floor area

D. **Compliance**. For lots with existing structures predating the effective date of this LDO, and for a change in use that does not involve any enlargement of a structure, the loading area requirements of this section need only comply with this section to the extent practicable.

6.4.6. STACKING

A. **Stacking Standards.** If a structure or use provides for the off-loading of passengers or involves a drive-through (i.e. allows for a use without exiting the vehicle), stacking spaces shall be provided for and marked on the site. The following standards shall apply for stacking space:

1. A stacking space shall be a minimum of ten (10) feet by twenty (20) feet.
2. Stacking spaces shall not obstruct, endanger, or interfere with on-site or off-site access, maneuvering, or traffic patterns.
3. For drive-through restaurant uses, a minimum of four (4) stacking spaces are required.
4. All other uses which provides for off-loading of passengers, or involves a drive-through, shall provide a minimum of two (2) stacking spaces.

6.4.7. BICYCLE PARKING

A. **Bicycle Parking Requirements.** Bicycle parking shall be provided for all new civic, commercial, office and medial, and multiple family uses and shall meet the following standards**:**

1. Bicycle parking shall be located no further than fifty (50) feet from a pedestrian entrance. Bicycle parking shall be publicly accessible and located in a visible and convenient area.
2. Bicycle racks shall be permanently fixed to a paved surface.
3. Bicycle racks shall be consistent in style and material of the overall project design.
4. Spacing and layout of bicycle racks shall provide maneuverable access.
5. Bicycle parking and/or racks shall be able to accommodate cable locks and “U” locks commonly used by bicyclists.
6. All new civic, commercial, and office and medical uses shall require a minimum of one (1) bicycle parking space per five-thousand (5,000) square feet of gross floor area, up to a maximum of twenty (20) required spaces.
7. All new multiple family uses shall require a minimum of one (1) bicycle parking space for every five (5) dwelling units, up to a maximum of thirty (30) required spaces.

6.5. FENCES, WALLS, AND BERMS

A. **Purpose and Intent.** The purpose of this section is to establish standards for construction or replacement of all fences, walls, and berms within the town on individual lots or developments. The standards of this section protect public safety while promoting aesthetic quality. The intent of this section is to:

1. Ensure the safe and aesthetically pleasing construction of fences, walls, and berms.
2. Provide for public safety, security, and privacy; and
3. Allow for high quality designs for fences, walls, and berms used as transitions between public and private spaces.

B. **Applicability.** The standards of this section shall apply to all construction or replacement of fences, walls, and berms. Reviews of fences, walls, and berms are required per 6.5.D: Review.

C. **Exemptions**. The following are exempt from the standards of this section:

1. Internal garden areas in residential districts;
2. Bona fide farm purposes and agriculture activities, as set forth in N.C. Gen. Stat. § 160D-903 and where permitted by the LDO;
3. Fences for active construction sites, where a permit has been issued by the town;
4. Silt fencing used during construction;
5. Fencing used for tree protection; and
6. Fences required around swimming pools by the North Carolina Building Code.

D. **Review**.

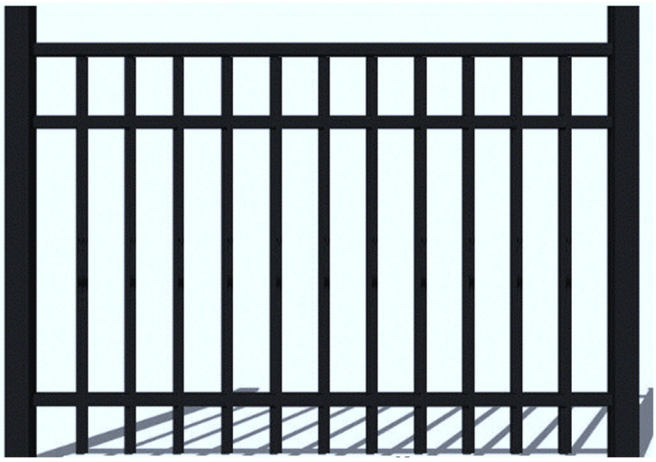
1. Review of all fences, walls, and berms applicable under this section shall be reviewed during the site plan process for any new development or building.

2. Review is not required for individual single-family or two-family dwellings for fences, walls, and berms. Review for fences, walls and berms for subdivisions however shall be required during preliminary plat.

E. **General Standards**.

1. **Materials**. Fences and walls shall be constructed of high-quality materials including brick and stone, stucco over concrete masonry blocks, treated wood, wrought iron/aluminum, composite fencing, or PVC vinyl. All other materials are prohibited.

Figure 6.5.1. Wrought Iron/Aluminum Material (Illustrative Example)



2. **Design.**

   a. All fence support structures must be located on the inside of the fence covering material.

   b. All fences and walls shall be installed with the finished side facing towards the exterior or adjoining properties and rights-of-way.

   c. All fences and walls shall be constructed in accordance with the North Carolina Building Code.

3. **Maintenance**. Fences, walls, and berms shall be maintained in the state in which they were approved. Any missing or deteriorated portions shall be replaced or

repaired as necessary. No fence, wall, or berm shall pose a threat to people or property due to neglect or lack of repair.

4. **Height**. Height shall be measured from the finished grade for all fences, walls and berms.

    a. The maximum height of a fence or wall shall be eight (8) feet in nonresidential zoning districts. Exceptions may be granted for unique uses such as sports venues, utilities, or where required for the safety of pedestrians or motorists.

    b. The maximum height of a fence or wall within required rear and side setbacks shall be six (6) feet in residential zoning districts. The maximum height of a fence within required rear and side setbacks is eight (8) feet when a residential lot on the perimeter of a subdivision is adjacent to a more intense residential or nonresidential zoning district. Fences and berms are not permitted in front setbacks unless a subdivision fence or wall is permitted in a site plan for a subdivision.

    c. Subdivision walls along the perimeter of residential development are permitted to be a maximum of eight (8) feet in height and shall have a minimum setback of eight (8) feet.

    d. Height requirements for berms are defined in Section 6.5.G: Specific Berm Standards.

    e. An additional maximum one (1) foot of height may be permitted for decorative details including posts, columns, light fixtures, and the like.

5. **Colors**. Bright colors, including orange, yellow, and red, are not permitted for permanent fences or walls.

6. **Location**.

    a. No fence, wall, or berm may encroach into a public right-of-way or inhibit motorist visibility or site triangle.

    b. Fences, walls, and berms shall not block any required ingress or egress point.

c. Fences, walls, and berms shall not inhibit access to fire hydrants.

d. Fences, walls, and berms may encroach into required setbacks.

e. Fences, walls, and berms may encroach into town owned easements. Encroachments shall be parallel to the easement. The landowner shall remain liable for any repair or replacement to the fence, wall, or berm if damage occurs while performing activities in the easement.

7. **Setbacks**. Fences, walls (excluding a subdivision wall), and berms, are exempt from setback requirements. However, a berm may not be constructed so that any portion of berms slopes extends over the property line.

8. **Drainage**. Fences, walls, and berms shall not alter, impede, or affect the natural flow of water in any stream, drainage swale, or easement.

9. **Landscaping**.

a. For any fence or wall above four (4) feet in height, the property owner (or HOA or similar group) shall landscape the area between the street side of the wall or fence and the right-of-way line if within five (5) feet of the right-of-way line. Landscaping shall comply with Section 6.2.4: Landscaping Standards.

b. For any subdivision perimeter wall, required landscaping shall include sufficient quantities, types, heights and densities of materials to provide at least fifty (50) percent opacity within five (5) years of planting, and shall be maintained at fifty (50) percent or greater opacity thereafter. All other fences and walls shall utilize shrubs, plant material and ornamental grasses to be planted and maintained.

c. Required landscape buffers shall be planted within sixty (60) days of the completion of the wall.

d. Maintenance of the landscaping shall be the responsibility of the owner, HOA, or similar group.

F. **Prohibited Fence and Wall Items.**

1. **Electric Fences**. Electric fences are only permitted in conjunction with bona fide agricultural activities as set forth in N.C. Gen. Stat. § 160D-903 and where permitted by the LDO, unless stated otherwise in this LDO.

    a. Warning signs shall be required on all-electric fences and meet all safety and emergency services requirements.

    b. Underground electric fences that are used in conjunction with electric transponder collars for pets may be permitted in all districts.

2. **Barbed Wire Fences.** Barbed wire fences are only permitted in conjunction with bona fide agricultural activities as set forth in N.C. Gen. Stat. § 160D-903 and where permitted by the LDO or may be approved as part of a site plan permit if deemed necessary to protect the public health and safety in association with utility structures, landfills, airports, law enforcement, or similar civil uses.

3. **Tarps and Silt Fencing**. Tarps and silt fencing utilized during construction shall not be permitted (i.e. shall be removed) after completion of construction.

4. **Smooth-Face Concrete**. Smooth-face concrete, which has not been stucco treated, shall not be permitted for any fence or wall.

G. **Specific Berm Standards.** Berms shall conform to the following standards:

1. **Berms In Required Setbacks**. Berms may be located in required setbacks or easements; however, the landowner shall remain liable for any repair or replacement to the berm if damage occurs while performing activities in the easement.

2. **Grading of Berms**. Berms shall not exceed a grade of one (1) foot of rise in three (3) feet of length.

3. **Landscaping.** Berms, which may also feature walls as permitted in Section 6.2.4: Landscaping Standards, of this LDO, shall be landscaped and meet all landscape requirements.

4. **Height**. Berms shall not exceed a total of eight (8) feet above the toe of the berm.

5. **Flat Top.** Berms shall have a minimum two (2) foot flat top width at the top of the berm height.

6. **Drainage**. Berms shall not drain onto neighboring yards and cause undue pooling of water. Runoff shall be directed into appropriate drainage easements or facilities.

7. **Fences and Walls On Berms**. Fences and walls that comply with the standards of this section may be permitted on top of a berm and comply with the following standards:

    a. In designs where a fence or wall is located on top of a berm, the maximum fence or wall height permitted shall include the height of the berm, as measured from the toe of the slope of the berm.

6.5.2. Berm (Illustrative Example)



6.6. LIGHTING

A. **Purpose and Intent.** The purpose of this section is to regulate the intensity of exterior lighting for all types of buildings, individual lots, and developments. This section intends to provide standards to prevent light from excessively illuminating other properties and street rights-of-way, minimize glare, reduce light pollution, protect the night skies, and to minimize other adverse impacts from light intensity.

B. **Applicability**. All new development shall comply with the standards of this section. The following shall also apply in instances of repairs, renovations or additions:

1. **Minor**. When a site area is improved by ten (10) percent or less, lighting subject to the standards of this section is required only for the additional improved site area.
2. **Major**. When a site area is improved by greater than ten (10) percent, both the additional area and existing area must conform to the lighting standards in this LDO.

C. **Nonconforming Lighting.** Lighting that does not comply with the standards of this section that was permitted before the adoption date of this LDO shall be considered nonconforming. Any modifications or replacement of such lighting shall conform to this LDO, subject to 6.6.B.

D. **Exemptions.** The following are exempt from the standards of this section:

1. Residential lighting that is not part of a site plan or subdivision plan, for single-family (detached and attached), two-family dwellings, or multiple family dwellings such as apartments or condos;
2. Security lighting required for public spaces consistent with *Crime Prevention Through Environmental Design* (CPTED) or similar safety requirements;
3. Lighting for permitted temporary uses, including grand openings, special events and celebrations;
4. Holiday displays;
5. FAA-required lighting on buildings and telecommunication towers;
6. Public street lighting;

7. Temporary lighting for construction work and/or emergency personnel;
8. Lighting for flags; and
9. Underwater lighting used for swimming pools and/or fountains.

E. **Prohibited Lighting.**

1. **Awning/Canopy Lighting**. Awnings and canopies used for building accents, such as over doors and windows, shall not be internally lit, i.e., from underneath or behind the awnings and canopies. Gas stations are exempt from this standard (see Section 6.6.M: Gas Station Lighting).
2. **Flashing Lights**. Lights that flash, move, rotate, blink, flicker, vary in intensity, or color, or use intermittent electrical pulses are prohibited. Such techniques used for signs internal to a building, behind windows is exempt.
3. **Floodlights**. Floodlights, spotlights, or any other similar lighting shall not be used to illuminate buildings or other site features unless approved as an integral architectural element on the site plan or as a permitted temporary use (such as spotlights for grand openings or celebrations).
4. **Tube Lighting**. Tube lighting in the form of neon or rope lighting is prohibited on building exteriors and along façade trims where it defines a window, door, or elevation. The utilization of tube lighting behind windows is exempt.
5. **Traffic Control**. Lighting that is similar or can be confused as being a traffic control device.

F. **Review and Lighting Plan.** All development subject to the standards of this section shall require a lighting plan. Plans shall be reviewed for compliance during the site plan and/or subdivision process. Before a certificate of occupancy is issued, the applicant shall supply the town with a final letter of certification from the lighting engineer and/or manufacturer verifying that all site lighting is installed according to town standards, the approved plans, and any applicable conditions. Lighting plans, at minimum, shall comply with the following:

1. **Licensed Engineer**.
    a. The plan must be prepared by a licensed engineer;

b. Shall be signed and sealed; and

c. Shall be of an engineered scale that is easily legible.

2. **Plan Requirements**. To facilitate dark-sky provisions, appropriate source light shielding is required in order to minimize glare and protect dark skies, while facilitating better vision at night. A lighting plan must show:

   a. All proposed and existing buildings on the site;

   b. Pedestrian and vehicular areas;

   c. Other above-ground improvements;

   d. The horizontal location of all proposed and existing outdoor lighting fixtures, including pole and wall-mounted fixtures;

   e. Mounting heights of each fixture;

   f. Overall height of each pole above grade;

   g. Fixture details;

   h. Location of externally illuminated signs and associated fixtures; and

   i. The location of all architectural and landscape lighting fixtures.

3. **Illumination Values**.

   a. Lighting plans shall be specified and calculated in maintained footcandles (FC), unless specified otherwise in this section. Measurements of light levels shall be taken at finished grade with an accurate and calibrated light meter.

   b. The plan must include a footcandle plan that provides typical footcandle contours and a point photometric grid that indicates foot-candle levels measured at grade across the site. Maximum, average and minimum site foot-candles, uniformity ratio (average and minimum), and depreciation factors also are required. The plan must show initial horizontal illuminance values in foot-candles for the area to be illuminated.

c. These values must be calculated at grade and include contributions from all onsite fixtures.

d. The plan must plot foot-candles of illumination at ground level to the nearest tenth of a foot-candle, and at horizontal grid intervals of no more than ten feet.

e. The plan shall show illumination level at the lot line (or perimeter of a development, if applicable) to ensure maximum illumination levels are not exceeded.

4. The manufacturer's cut sheets (specifications) for each proposed fixture must be submitted.

5. A lighting fixture schedule that presents the following information:

   a. Fixture type, including the manufacturer's product identification catalog number.
   b. Fixture mounting height.

G. **General Design Standards**.

1. All lighting fixtures shall be constructed and designed to prevent light from emitting upwards toward the dark night sky.

2. All fixtures, except for streetlighting fixtures, including security lighting, must be cutoff fixtures. Cutoff fixtures shall project all its light in a downward motion.

3. Canopy lighting fixtures shall be designed to be completely recessed within the canopy.

4. All fixtures must be incorporated into the building or site as an integrated design element through the use of common or complementary style, material, and color.

5. Wood light poles are prohibited in residential subdivisions.

6. Interior fixtures used to light the interior of parking garages must be shielded to prevent light spilling from the garage.

7. Light fixtures on the top deck of a parking garage may not exceed fifteen (15)

feet in height and must be shielded to prevent light spilling from the boundary of the garage deck. Rooftop lighting of parking garages must be setback a minimum fifteen (15) feet from the perimeter of the rooftop parking structure.

8. Lighting for permitted rooftop uses (such as a restaurant or lounge) shall be pedestrian in scale and not exceed twelve (12) feet in height (this does not include any FAA mandated lighting). Rooftop lighting fixtures used for permitted rooftop uses shall be located toward the center of the rooftop, away from its edges and not face outward. Safety lighting may be utilized along walls or rails. All lighting shall be designed to effectively eliminate glare, shielded to prevent light spilling over the side of the building, and shall be turned off when the rooftop area is not in use.
9. Walkways, bikeways, parks and trail lighting, and pedestrian facilities such as building connections shall be lit at a maximum 0.2 FC.
10. Wall packs on buildings may be used at entrances to a building or to light potentially unsafe areas. They should not be intended to draw attention to the building or provide general building or site lighting. Wall packs shall be fully shielded, cutoff type fixtures with concealed light sources. The lighting must be directed downward.
11. Loading/unloading docks shall only be illuminated by fixtures which feature full cutoff design and shall be affixed to an outside building wall or pole.
12. All outdoor lighting fixtures not mounted on buildings (i.e. ground based) shall be located a minimum of ten (10) feet from a property line or right-of-way line and should be no closer than two (2) feet from any required perimeter or streetscape buffer. Undergrounding service is encouraged.
13. Light fixtures shall not exceed thirty (30) feet in height in vehicle use areas (such as rights-of-way and parking areas). Additional standards for parking areas are defined in Section 6.6.J: Parking Area Lighting Standards.
14. Light fixtures shall be twelve (12) to fifteen (15) feet in height in nonvehicular pedestrian areas (such as sidewalks).
15. An illustrative example of permitted light fixture heights is provided in Figure 6.6.1.

Figure 6.6.1. Lighting Fixture Height Illustrative Example



H. **Lighting Intensity Standards.**

1. Table 6.6: Specific Lighting Standards, defines specific standards for lighting intensity based upon the use involved.

2. The table is organized by uses and permitted maximum values are presented in allowable foot-candles (FC). Maximum illumination is required to be maintained (measured horizontally) at grade and is to be averaged throughout the site to avoid hot spots and ensure illumination values at the edge of the development area.

3. Illumination shall not exceed the maximum illumination permitted at the edge of any lot line (i.e. property line), unless permitted elsewhere in this LDO.

4. Where a single development occupies multiple lots, the maximum illumination shall be required around the perimeter of the development.

Table 6.6. Specific Lighting Standards

Use	Maximum Illumination at Property Line
Multiple Family Residential	1.5 FC
Mixed-Use Developments	2.5 FC
Civic Uses (See Permitted Principal Use Table)	6.0 FC
Commercial Uses (See Permitted Principal Use Table)	5.0 FC
Office Uses (See Permitted Principal Use Table)	5.0 FC
Industrial Uses (See Permitted Principal Use Table)	2.0 FC
Infrastructure Uses (See Permitted Principal Use Table)	2.0 FC
Residential Sidewalks	0.3 FC
Non-Residential Sidewalks	0.8 FC
Vehicle Use Areas	1.0 FC
Primary Entrances	5.0 FC at entrance
Secondary Entrances	1.0 FC at entrance
Loading Docks	15.0 FC at loading dock
Storage Areas (Active)	5.0 FC
Storage Areas (Inactive)	1.0 FC

I. **External Building Lighting Standards.** External building lighting shall comply with the following standards:

1. Fixtures that decoratively light a building or wall may not light above the parapet of the building or the top of the wall.
2. Landscape and decorative lights are hereby made exempt from this subsection.
3. Floodlights, spotlights, or any other similar lighting shall not be used to illuminate buildings or other site features unless approved as an integral architectural element on the development plan.

4. On-site lighting may be used to accent architectural elements but not used to illuminate entire portions of building(s) or sign(s).

5. Where accent lighting is used, the maximum illumination on any vertical surface or angular roof surface shall not exceed 5.0 FC.

6. Building façade and accent lighting will not be approved unless the light fixtures are carefully selected, located, aimed, and shielded so that light is directed only onto the building façade and spillover light is negligible.

J. **Parking Area Lighting Standards**. Lighting is required within parking areas. The height of light fixtures within a parking area shall comply with the following standards:

1. Parking area lighting fixtures shall be required to stagger the heights of light fixtures so that the tallest fixtures are in the center of the parking lot, and the lowest heights are at the perimeter of the parking lot.

2. Light fixtures height shall not exceed thirty (30) feet within the center of a parking area and shall decrease height to twelve (12) to fifteen (15) feet at the boundary of the parking area.

3. To avoid conflict in layout, parking lot lighting must be coordinated with parking area landscaping.

4. Lighting design shall be coordinated with the landscape plan to ensure that vegetation growth will not substantially impair the intended illumination.

Figure 6.6.2 Parking Area Lighting Standards Illustrative Example



K. **Sign Lighting Standards.** All external lighting for signs shall be designed and located to assure there is no spillover light. Sign lighting, including ground mounted stop lights, shall not exceed 5.0 FC. Signs shall be in compliance with Section 6.2: Signs.

L. **Athletic Field Lighting Standards.** Lighting for athletic fields may be in excess of permitted fixture heights and illumination levels. Recreation lighting levels established by *Illuminating Engineering Society of North America* (IESNA) are to be used as the standard for all athletic field lighting. Higher lighting levels for tournament or high league play are sometimes required and must be approved by the Land Development Administrator or their designee. All sports fields, areas, or courts must meet the following minimum standards:

1. Fixtures must be fitted with manufacturer's glare control package.
2. Lighting shall be turned off no later than one (1) hour after any event ends.
3. Fixtures must be designed with a sharp cutoff and aimed so that their beams fall within the primary playing area and the immediate surroundings, so that off-site direct illumination is significantly restricted.
4. Sports fields may have lighting fixtures a maximum eighty (80) feet in height.
5. Spillover levels at the field property lines shall not exceed 0.3 foot-candles.

M. **Gas Station Lighting.**

1. All light fixtures for gas stations that are mounted on the lower surface of canopies must be fully shielded in and of themselves (canopy edges do not qualify as shielding).
2. Light fixtures mounted on canopies shall be recessed so that lens cover is recessed or flush with the bottom surface (ceiling) of the canopy or shielded by the fixture or the edge of the canopy so that light is restrained to seventy (70) degrees or less from vertical.
3. Lighting levels shall be no greater than 12.0 FC at the edge of the canopy.
4. Areas outside service station pump island canopy shall be illuminated so that the maximum horizontal luminance at grade level is no more than 10.0 FC.

6.7. COMPLETE STREETS

A. **Purpose and Intent**. The purpose of this section is to adopt, by reference, the policies contained within the comprehensive plan and the town's adopted community transportation plan (CTP). This section intends to require redevelopment of existing rights-of-way to institute complete streets and multimodal opportunities when required per the policies of the comprehensive plan and community transportation plan. More specifically, this section intends to:

1. Allow for context sensitive system of complete streets in the town;
2. Emphasize the user, whether vehicular, bicyclist, or pedestrian, and provide for equal opportunities of travel on complete streets; and
3. Combine the development standards of this LDO and the policies of the CTP to allow for multimodal facilities that enhance community activities, commercial development, mixture of land uses, higher development densities, and designs that encourage active transportation.

B. **Land Use Context Areas**. The Rolesville CTP lays the groundwork for more detailed policies and programs related to Rolesville's multimodal transportation network. The future land use map expresses the town's intent for how it will use land resources in the future. Out of the ten (10) identified character areas (i.e. land use designations) within the future land use map of the comprehensive plan, the CTP defines six (6) context areas:

1. Town Core
2. Mixed Use
3. Employment Center
4. Residential
5. Rural Crossroads
6. Open Space

C. **Relationship to Zoning Districts**.

1. The land use context areas defined in the CTP may be applied to development within the zoning districts defined in Section 3: Zoning Districts, of this LDO. The zoning districts defined in this LDO implement the various defined character areas on the town's future land use map.
2. For reference, Table 6.7 below enumerates which zoning districts correspond with the land use context areas.
3. Context areas may apply to multiple and overlapping zoning districts.

Table 6.7. Relationship to Zoning

Context Area	Land Use Designation (FLUM)	Zoning District
Town Core	Town Center, Commercial, Industrial	TC, GC, CH, OP, GI
Mixed Use	Mixed Use Neighborhood, High Density Neighborhood	TC, AC, NC
Employment Center	Business Park	TC, GC, CH, OP, GI, BT
Residential	Low Density Residential, Medium Density Residential	RL, RM, RH, MH
Rural Crossroads	Commercial	GC
Open Space	Preserved Open Space	RL

D. **Facility Recommendations**. Consistent with the adopted CTP, Figure 2: Context Areas and Thoroughfare Recommendations, investment in development of roadways should implement the recommended street facility recommendations. It is understood that the town's emphasis on a multimodal transportation network requires a design typology based upon the character areas (i.e. land use designations) from the future land use map and the zoning districts with implement those character areas. The recommended street facilities are codified within this LDO by adoption of the CTP.

E. **Street Sections.** Consistent with the CTP and the North Carolina Department of Transportation (NCDOT) adopted highway typical sections, all facility recommendations shall be built to the standards defined in the "Typical Highway Cross Sections For Use In SPOT On!ine" document. The document contains different highway typical cross sections, providing a standardized set of design standards for roadway facilities.

6.8. DESIGN STANDARDS

6.8.1 PURPOSE, INTENT AND APPLICABILITY

A. **Purpose and Intent.** The purpose and intent of this section is to provide minimum requirements for the design and configuration of single family (detached and attached) and duplex, multifamily, and industrial buildings, and developments. These standards are intended to provide the town's expectations for the quality and appearance of new development through the use of architectural designs, building features, exterior materials and colors, desirable design elements, and detailing. All provided figures, images, and rendered photographs are for illustrative purposes only; the text, dimensions and/or standards shall apply in all cases where there is a conflict.

B. **Applicability.** All new development shall comply with the standards of this section. Development existing prior to the adopted date of this LDO, as well as redevelopment of buildings established prior to the adopted date of this LDO, are encouraged but not required to comply with these standards. The following standards shall apply in instances of repairs, renovations and/or additions:

1. A building may be repaired or renovated without complying with the requirements of this section, provided there is no increase in gross floor area.

2. When a building or site is increased in gross floor area or improved site area by greater than twenty-five (25) percent, both the additional area and existing area must conform to the standards of this section. Notwithstanding any standards of this section to the contrary, any additions to a building which is constructed in compliance with the standards of this section may continue the design of the existing building, including building materials, colors, textures, architecture, roofs, façades, and other detailing.

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

1. Development located in the Industrial zoning district (see Section 6.8.7: Industrial Design Standards).

2. Conversion of a building from one (1) permitted principal use to another permitted principal use.

D. **Mixed-Use Zoning Districts.** Mixed-Use zoning district standards, as defined in Section 3.4: Mixed-Use Zoning Districts, may have unique and/or stricter design standards and requirements. Where a conflict arises in design or architectural standards, the stricter provision shall apply.

E. **Review**. All building and development subject to the standards of this section shall be reviewed for compliance during the site plan process. Artistic renderings and/or elevation drawings shall be provided to ensure compliance.

6.8.2 NONRESIDENTIAL BUILDING DESIGN STANDARDS

A. **Purpose.** The standards of this section establish criteria related to the appearance of buildings within the town. Buildings are an integral component of development form and set mass, scale and help define patterns of development. The standards of this section shall require applicable buildings to utilize high quality visual design elements and prohibit monotonous visual design. To further the welfare of the town, and the economic development interests of all residents and businesses, building design standards shall:

1. Limit undesirable design elements;
2. Require design elements intended to provide high quality building design; and
3. Promote and enhance pedestrian scale.

B. **Applicability.** Building design standards required per this section shall be required on all walls of a building that face a public street or right-of-way (including highways) and/or are adjacent to residentially zoned properties.

C. **Prohibited Building Design Elements.** Building design elements which do not meet the purpose and intent of the section consist of the following design elements:

1. Large, monotonous, unarticulated blank wall surfaces (i.e. blank wall areas);
2. Exposed and untreated, unarticulated walls;
3. Mirror window glazing;
4. False fronts;
5. False entrances;

6. Faux windows;
7. Mansard roofs;
8. Franchise architecture designs which do not meet the standards of this section;
9. Lack of architectural features; and
10. Lack of change in materials.

D. **Standards.** All buildings shall comply with the following standards:

1. **Facades**. Building facades shall be designed with a consistent architectural style, detail, and trim. All sides of a building shall require architectural detailing and windows that complement the primary façade. Facades shall comply with the following standards:

    a. **Vertical Mass**. The vertical mass of multistory buildings shall be visually broken at each story with architectural detail and articulation of at least one (1) foot in the vertical direction. Illustrated as "A" in Figure. 6.8.1.

    b. **Roof Lines**. To limit box-like building forms, roofs shall include differing planes, pitches, forms, heights, or materials that are distinct from one another. Roof lines shall not exceed a linear distance of one hundred (100) feet without the introduction of a physical articulation. Illustrated as "B" in Figure 6.8.1. Industrial Uses and Government Facility Uses are exempt from this requirement.

    c. **Horizontal Mass**. Building facades shall not exceed a linear distance of thirty-five (35) feet without the introduction of a physical articulation no less than one (1) foot wide and extending in a horizontal direction along the façade. Illustrated as "C" in Figure 6.8.1.

    d. **Wall Offsets**. Facades of 60 or greater feet in width shall incorporate wall offsets of at least one (1) foot of depth a minimum of every forty (40) feet. Illustrated as "D" in Figure 6.8.1.

    e. **Repeating Design Patterns.** Facades greater than one hundred (100) feet in length shall require a repeating, consistent pattern of change in color, texture, and material.

Figure 6.8.1. Building Facades

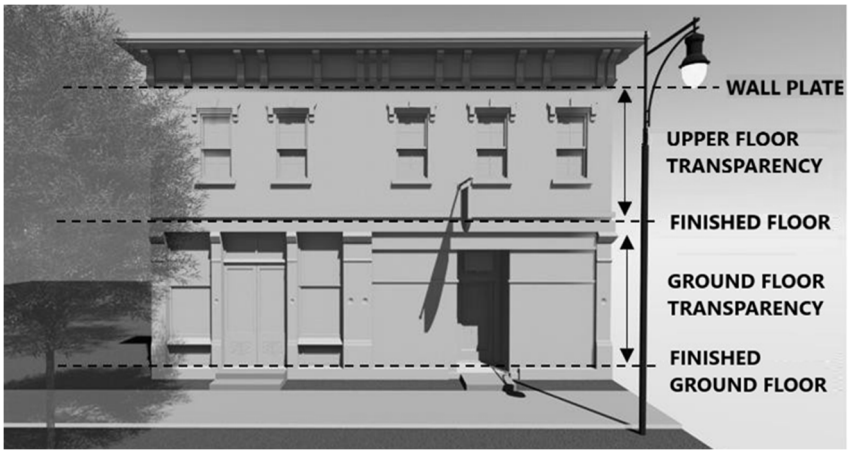


A-D	Façade Standards Illustrated
A	Vertical Mass
B	Roof Lines
C	Horizontal Mass
D	Wall Offsets

2. **Transparency**. Building shall be designed to have a minimum transparency, through the use of windows and doors, on ground and upper floors as illustrated in Figure 6.8.2. Transparency applies to all sides of buildings facing public streets. Transparency shall not be required for service areas, loading/unloading areas, or those areas not visible from public streets. Public Safety uses included in Government Facility uses are exempt from this requirement.
    a. **Ground Floor Transparency.** Ground floor transparency shall be calculated based on the total façade area located between the finished ground floor level and beginning of the upper floor. All ground floor transparency shall be a minimum thirty (30) percent, unless stated otherwise in this LDO.
    b. **Upper Floor Transparency.** Upper floor transparency is calculated based on total façade area located between the surface of any floor to the

surface of the floor above it. If there is no floor above, then the measurement shall be taken from the surface of the floor to the top of the wall plate. All upper floor transparency shall be a minimum twenty (20) percent unless stated otherwise in this LDO.

Figure 6.8.2. Transparency

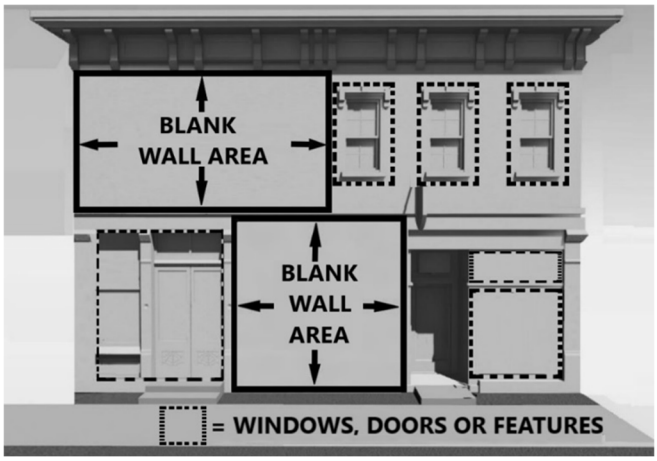


3. **Building Blank Wall Area**. Buildings shall limit blank wall area. Blank wall areas are portions of an exterior façade that does not include windows, doors, columns, pilasters, architectural features greater than one (1) foot in depth, or a substantial material change. Blank wall area shall be limited and comply with the following standards:
    a. Paint is not considered a substantial material change.
    b. Blank wall area applies in both a vertical and horizontal direction and applies to ground floors and upper floors.
    c. The maximum continuous blank wall area for any building in the General Commercial (GC) Zoning District shall be a maximum fifty (50) linear feet without a break by windows, doors, architectural features greater than one (1) foot in depth, or a substantial material change, unless stated elsewhere in this LDO.
    d. The maximum continuous blank wall area for any building in the Commercial Highway (CH), Office and Professional (OP), and Business, Industry, and Technology (BT) Districts shall be a maximum of one hundred (100) linear feet without a break by windows, doors, architectural features greater than one (1) foot in depth, or a substantial material change, unless stated elsewhere in this LDO.

e. When necessary to meet Fire Code requirements, blank wall area requirements may be waived by the Land Development Administrator.

f. Except as otherwise regulated, the maximum permitted blank wall length for the rear of buildings shall be one hundred (100) feet, or twenty-five (25) percent of the building length, whichever is less. Alternatively, where the facade faces adjacent residential uses or the Rolesville Expressway Bypass, an earthen berm shall be installed. The berm shall be no less than six (6) feet in height, containing at a minimum a double row of evergreen or deciduous trees, planted at intervals of fifteen (15) feet on center. This alternative is not intended for installation along frontage roads.

Figure 6.8.3. Blank Wall Area



4. **Materials and Colors**. Buildings shall have consistent materials and colors and comply with the following standards:

   a. **Materials**.

      i. Building materials shall be similar to materials used within the development and may only consist of brick, stone, stucco, exterior insulation and finish system (EIFS), fiber cement, treated wood, or similar materials. At least sixty (60) percent of the façade facing a public or private street shall be natural or man-made brick or stone (or a combination) with the remainder to allow for accent elements and design features. The requirements of this section

apply to any façade facing a street right-of-way or drive aisle that serves as a connection.

ii. The Town Center (TC) district shall require brick exterior wall construction, either natural or man-made brick or stone (or a combination), for any nonresidential structure that is approved after the effective date of the adoption of this LDO. The primary facade material used in construction shall compose, as a minimum, sixty (60) percent of the non-glass wall surface. For the purpose of this section, primary façade shall be defined as any façade facing a street right-of-way or drive aisle that serves as a connection; secondary facades shall be defined as any façade which does not face a street right-of-way or drive aisle that serves as a connection. The TC district shall prohibit wood or concrete shake siding, vinyl siding, painted brick, and split or smooth faced concrete block. Metal siding may be permitted up to a maximum five (5) percent of the non-glass wall surface, trim, and accents. Exterior insultation finishing system (EIFS) may be permitted on secondary facades.

iii. Dissimilar materials may be permitted if an applicant can provide a narrative and illustrations explaining how other characteristics of design, such as scale, detailing, color, and/or texture will be utilized to ensure enough similarities exist within the existing development.

iv. If two (2) or more materials are actively utilized on a building's design, the heavier material shall be located below the lighter material (i.e. stone material shall be placed below stucco material), along corners, at storefront divisions, or utilized as a material change to limit blank walls.

v. Vinyl siding, smooth untreated concrete block, metal siding, faux stucco, and plastic materials are prohibited building materials.

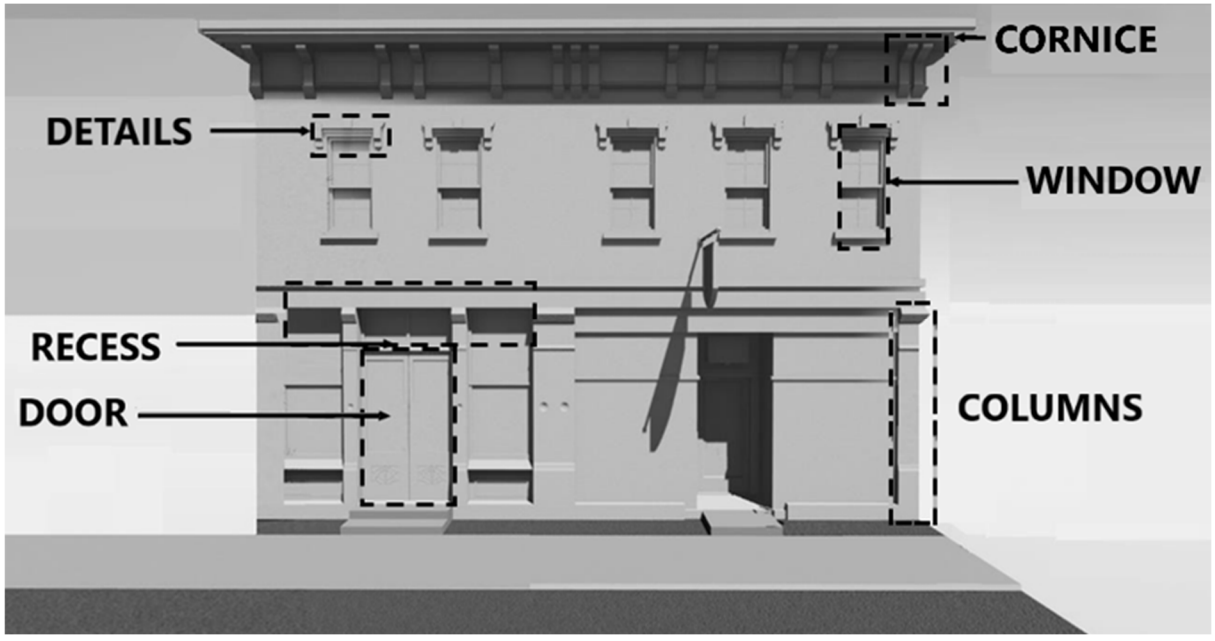
Figure 6.8.4. Materials



5. **Colors.** Building colors shall help unify buildings within a development and be similar. Building colors shall comply with the following standards:
    a. Primary colors shall be low reflectance earth tones, muted, subtle or neutral colors.
    b. Bright, neon colors shall be prohibited.
    c. Accent colors and colors on details and trims may be of brighter hue and variation than façade colors.
    d. Exterior color schemes that attract undue attention, or that cause the building to appear as a sign or advertisement, are not permitted.
    e. Color should be integral to the materials; where painted or applied finishes occur, the use of complementing hues is required.
    f. Traditional and standard franchise colors shall also comply with this section.
6. **Minimum Design Items.** To ensure visually interesting buildings of high-quality visual design, a minimum of four (4) design items shall be utilized in building design. The following design items may be chosen to fulfill the minimum requirement:
    a. A change in plane, such as a projection or recess which shall be a minimum of six (6) inches

b. Design features such as columns, arches, planters, dormers, gables, bay windows, voids, etc.;
c. Architectural details including cornices or similar details with relief elements;
d. Awnings, arcades, porches, stoops or balconies and similar weather/sun cover features over public entrances;
e. Complementary change in material or texture;
f. Complementary change in color;
g. Doors and windows with distinct ornamental details that are regularly spaced and similar shaped with details, hoods or trim.
h. Structural architectural details that are integrated into the overall design of the building, such as ironwork;
i. Parapet height transitions, vertical pilasters and other similar treatments to soften scale of a building;
j. Differing building setbacks or projections to help vary the plane of a building; and
k. Active use areas which promote outdoor dining, pedestrian gathering, and similar functions.

Figure 6.8.5. Minimum Design Items



7. **Roof Design Standards.** Building rooflines that face a street or public right-of-way shall not exceed a linear distance of one hundred (100) feet without the introduction of a physical articulation of no less than one (1) foot in the vertical direction, gable, or building projection.

    a. **Rooftop Equipment**. Publicly visible mechanical equipment or stacks shall be colored to match the roofing material and screened from public view.
    b. **Parapets**. Parapets may extend thirty-six (36) inches above the roof line. Mansard are prohibited.
    c. **Roof Treatments.** Roofs shall have architecturally significant roof treatments including, but not limited to, cornices, brackets, roof overhangs, and textured materials. Compatible color materials are required.

8. **Other Building Standards.**
    a. Building Address. Every building subject to the standards of this section shall include a building street address at the primary building entrance.
    b. Individual Storefronts. If a building contains several storefronts, each individual storefront shall be unified in design elements, including materials, colors, window and door placement, and signage. Materials and colors may however be utilized to separate storefronts so long a unified design is maintained.
    c. Accessory buildings shall include designs similar and consistent to the principal structure, including exterior materials, colors, and roof form.

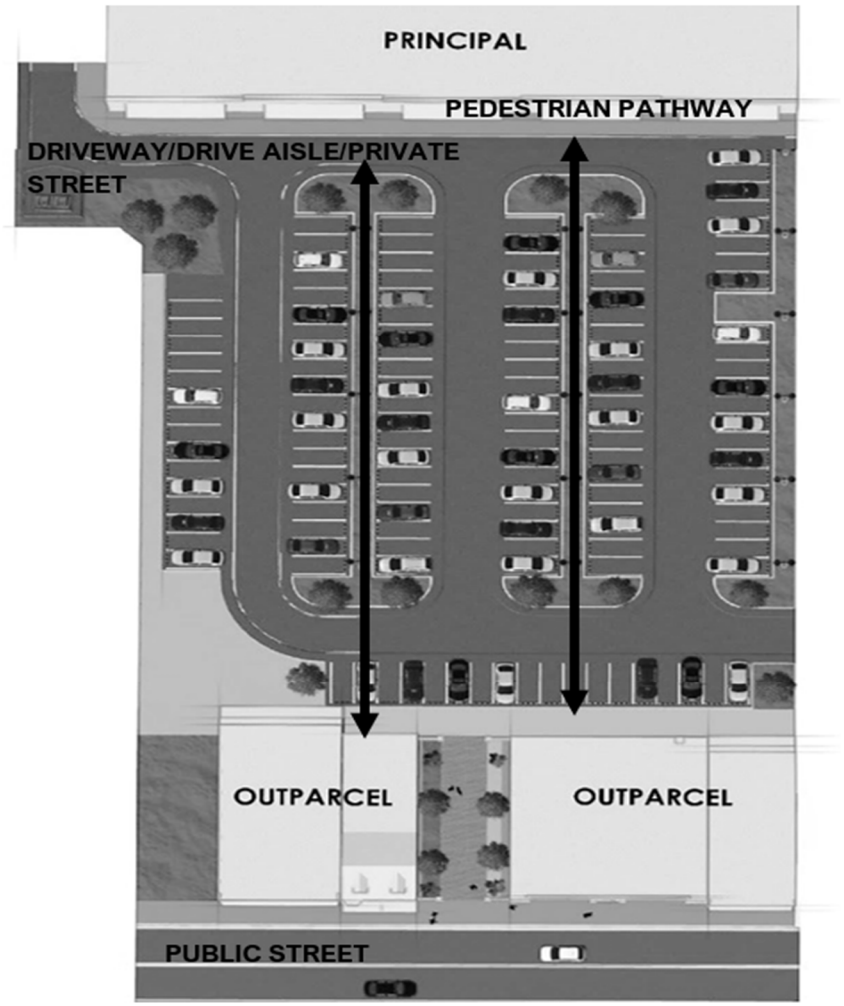
6.8.3 NONRESIDENTIAL SITE DESIGN STANDARDS

A. **Parking Location.**
    1. Location of parking areas shall be configured to limit parking in the front.

B. **Outparcels Buildings.**
    1. Outparcel buildings shall include a consistent level of architectural detail on all sides of the building and consist of similar exterior materials and compatible colors of the primary building in the development.

2. Spaces between buildings on outparcels or pad sites shall include enhanced pedestrian features or amenities such as plazas, paver walkways, seating areas, and gathering places in addition to off-street parking spaces.
3. Outparcel buildings, to the maximum extent practicable, shall be clustered along the street in order to define street edges, entry points and promote a pedestrian scale.
4. If a parking lot separates the principal building from an outparcel building, a pedestrian path/sidewalk shall be provided connecting the two through a direct link as illustrated in Figure 6.8.6.
5. Outparcel buildings shall be placed as close to rights-of-way as possible and limit surface parking between the building and street.

Figure 6.8.6. Outparcel Buildings



C. **Multi-Building Developments.**

1. Buildings that abut streets shall be oriented parallel to the street. Buildings shall not be oriented at an angle to the street.
2. Sites comprised of multiple buildings shall be configured such that no more than sixty (60) percent of the provided off-street parking shall be located between a building's primary building façade and the street it faces, unless the principal building(s) and/or parking lots are screened from view by outparcel development as regulated by 6.8.3.B: Outparcel Buildings.
3. Buildings within multiple-building developments shall be clustered to maximize open space opportunities.
4. Developments with multiple buildings shall break up the development area into a series of distinguishable smaller blocks which include on-site streets, vehicle accessways, pedestrian walkways and features, and provide interior circulation.

Figure 6.8.7. Outparcels and Multi-Building Development



D. **Internal Connections.** Within developments including the construction of new streets, an interconnected network of streets shall be provided. Streets shall connect to adjacent existing streets outside of the development.

E. **Accessory Facilities.**

1. Uses, structures, and mechanical equipment that are accessory to the principal building (i.e. loading and unloading areas, trash collection areas, maintenance and storage, and mechanical equipment areas) shall be incorporated into the overall design, architecture, and landscape of the development.

2. Colors and materials used in accessory uses and structures shall be consistent with the principal structure

3. Visual impacts of these areas shall be fully contained and out of view from streets and public rights-of-way.

F. **Architectural Styles.** In developments with multiple buildings, a consistent level of architectural style shall be maintained. Where dissimilar architectural styles are required, building designs shall be made more consistent through the use of consistent architectural features, similar scale and proportions, and consistent location of signage.

G. **Daylight Plane.** Buildings shall be oriented or designed to minimize shadows falling on public or semi-public open spaces and gathering areas.

6.8.4 NONRESIDENTIAL PEDESTRIAN CONSIDERATION

A. **Purpose.** The purpose of this section is to ensure the design of buildings and sites support a safe and attractive pedestrian environment. Pedestrian considerations shall clearly be provided for in all site plans.

B. **Pedestrian Consideration Standards.**

1. **Entrances**. The following requirements for building entrances shall be required:
    a. A primary facade and primary building entry shall face a street or public right-of-way. Secondary entrances are encouraged along local streets, parking lots, plazas and adjacent buildings. Vehicular openings, such as those for garages, shall not constitute a public entrance.

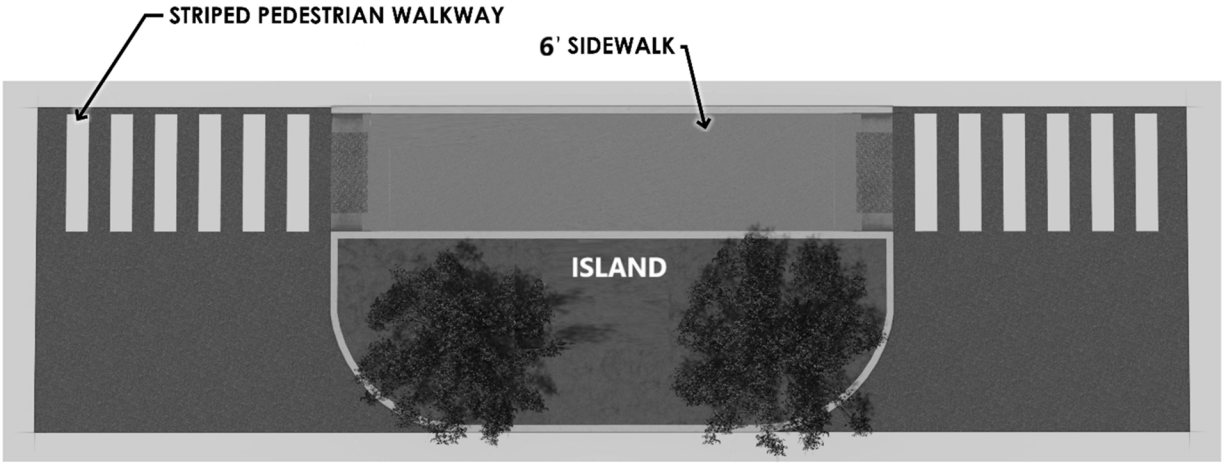
b. Every entrance for a building shall require two (2) of the following elements: Awning or covered entry way of at least three (3) feet in overhang length, variation in building height, arches, columns, and/or architectural details.
c. Each principal building on a site should have a clearly defined, highly visible customer entrance featuring no less than two (2) of the following: canopies or porticos, arcades, arches, wing walls, and/or planters.
d. Weather protection for pedestrians shall be provided along building frontages abutting a public sidewalk. These may include items such as awnings, canopies, galleries, and arcades.

2. **Pedestrian Amenities**. All non-residential development shall provide at least four (4) pedestrian amenities. Pedestrian amenities shall be constructed of materials similar to the principal building materials and shall have direct access to public sidewalk network. Pedestrian amenities may include, but are not limited to:
    a. Patio seating;
    b. Active use areas;
    c. Café style tables and seating
    d. Pedestrian features such as a fountain, water features or clock towers;
    e. Pedestrian plaza with benches;
    f. Decorative planters and large potted plants;
    g. Public art installments such as statutes or monuments;
    h. Enhanced paving areas and colored pavers;
    i. Pocket parks or gardens; and
    j. Focal feature.
3. **Pedestrian Access and Flow.** A continuous, internal pedestrian walkway system shall be provided from a perimeter public sidewalk or right-of-way to the principal customer entrance of all principal buildings on the site. Pedestrian walkways shall feature landscaping, benches, enhanced pavers, seating areas and similar materials/facilities for a minimum fifty (50) percent of the length of the walkway.
4. **Sidewalks.** Sidewalks shall be at least six (6) feet in width and shall be provided in the following locations:
    a. Along any street-facing side(s) of any lot that abuts a public street;

b. Along the full length of the building(s) along any façade(s) featuring a customer entrance, and
c. Along any façade(s) abutting public parking areas.
d. Sidewalks are required on both sides of any street.

5. **Pedestrian Crossings.** Street crossings shall be required whenever a walkway intersects a vehicular area; and/or a pedestrian walkway intersects a vehicular area within a development or along its frontage. Crossings dedicated for pedestrians within vehicle use areas shall be marked in accordance with state and federal law and designed to draw special attention to alert vehicles to its location through:
    a. Physical articulations such as bump-outs;
    b. Signage;
    c. Change in materials;
    d. Colored paint;
    e. Grade change; and/or
    f. A combination of these elements.

Figure 6.8.8. Pedestrian Crossing



6. **Landscaping.**
    a. A minimum of one (1) foundation planting bed shall be provided for every two-hundred-and-fifty (250) feet of pedestrian walkway.

b. Planting beds shall be spaced at regular intervals and located between curbs and buildings.
c. A minimum of one (1) tree and ground covering or mulch shall be installed in each planting bed.
d. Such beds shall have at least three hundred (300) square feet of area.

7. **Surfaces.** All internal pedestrian walkways shall be distinguishable from driving surfaces through the use of special pavers, bricks, or scored concrete to enhance pedestrian safety and the attractiveness of the walkways.

6.8.5 SINGLE FAMILY DESIGN GUIDELINES

A. **Intent and Applicability**. The standards of this section are additional design standards for single family (detached and attached) and duplexes intended to supplement the required zoning district development standards and specific use standards defined in this LDO. The standards in this section are only required when applicable proposed development voluntary consents through a submitted consent statement. These design guidelines intend to:

1. Ensure that single family and duplex homes feature high quality design;
2. Maintain consistent materials and architectural elements; and
3. Provide variability in home design to avoid repeated and monotonous developments where dwellings appear identical or very similar.

B. **Exemptions.**

1. Single family and duplexes approved prior to the adoption date of this LDO;
2. Single family and duplex not within a subdivision; and
3. Single family and duplex developments which do not voluntarily consent to the standards of this section.

C. **Design Guidelines Consent.**

1. **Voluntary Consent**. In compliance with N.C. Gen. Stat. § 160D-702(b), regulations relating to building design elements may not be applied to any structures subject to regulation under the North Carolina Residential code for One and Two-Family dwellings unless voluntarily consented to by the owners of

all the property to which those regulations may be applied as part of and in the course of the process of seeking and obtaining a zoning amendment or a zoning, subdivision, or development approval.

2. **Consent Statement**. If an applicant chooses to comply with the guidelines of this section, the applicant shall include the following note on any required application/permit and on the final plat:

   "The development depicted herein is subject to the Town of Rolesville Single family and Duplex Design Guidelines. I voluntarily consent to the application of these guidelines for all development herein, the acceptance of which shall run with the land regardless of changes in ownership. I recognize that failure to comply with the applicable guidelines following approval is a violation of the Town of Rolesville Land Development Ordinance."

D. **Facades.** Facades of single family and duplex structures subject to this section shall comply with the following standards:

1. All front, side and rear facades of the building shall incorporate architectural details, windows and doors (where applicable) that are consistent with the front façade and architectural design or elements.

2. Blank walls shall not be permitted for facades facing a street. Blank walls shall be understood to refer to portions of an exterior façade that does not include windows, doors, columns, pilasters, architectural features greater than one (1) foot in depth, or a substantial material change.

3. Street-facing building facades shall be articulated with wall offsets, in the form of recesses or projections from the primary façade plane, of at least two (2) feet for every thirty-five (35) linear feet of facade frontage.

E. **Material Changes.**

1. When two (2) or more materials are used on a façade, any change in material shall occur along horizontal lines where the two (2) materials meet.

2. Materials may be used as accents along components of a façade, including around windows and doors.

F. **Prohibited Materials.** The following materials are prohibited to be utilized for single family and duplex buildings:

1. Textured plywood;
2. Vinyl (except where used as an accent material, up to five (5) percent maximum of the facade);
3. Smooth-faced concrete block; and
4. Pre-fabricated steel/metal panels (except where used as an accent material, up to five (5) percent maximum of the facade)

G. **Architectural Variability.** The standards below are intended to prevent and avoid repeated and monotonous developments where dwellings appear identical or very similar. A row (i.e. three (3) or more dwellings in a row, including attached townhomes) of identical or near-identical buildings along a block shall be prohibited by this section. Buildings shall have varied and distinctly different façades within any phase of development. Single family dwellings and duplexes may qualify as distinctly different if two (2) of the following standards are met:

1. Variation of color and not a variation of huge shall be required and may count toward meeting the requirement of distinctly different facades;
2. Variation in exterior materials and utilization of materials on facades may count toward meeting the requirement of distinctly different facades;
3. Variation of habitable space within a dwelling by five hundred (500) square feet or more;
4. Change in roof materials; and/or
5. Variation in number of building stories.

H. **Setbacks**. Where a recessed garage or rear access garage is provided, the front yard setback may be reduced to no less than ten (10) feet.

I. **Street-Facing Garages.** Garages which face a street shall require at least two (2) of the following design components:

1. Transparent or opaque windows built into the garage;

2. Decorative hinges;
3. Columns, pilasters, posts or vertical design features;
4. High quality materials other than vinyl or aluminum; and/or
5. Overhangs, eaves, awning or similar design element that projects at least twelve (12) inches beyond the façade above the garage door

6.8.6. MULTIFAMILY DESIGN STANDARDS

A. **Intent and Applicability**. Multifamily design standards are additional standards intended to supplement the required zoning district development standards and specific use standards defined in this LDO. These design standards shall be required for all new multifamily buildings (including triplexes and quadplexes) and/or developments. Single family uses, including townhouses or attached single family, are exempt from these standards.

B. **Standards.** Multifamily design standards shall:

1. Promote and enhance pedestrian scale;
2. Feature appropriate levels of building articulation, transparency, and design elements, per the standards of this section;
3. Limit undesirable design elements and promote desirable design elements, as defined in this LDO;
4. Screen loading and delivery areas and mechanical use areas, including roof top equipment; and
5. Position primary entrance of a building toward a street.

C. **Prohibited Design Elements.** Design elements which do not promote high quality development or redevelopment, and of which should avoid facing public streets and civic space areas, are not allowed and shall include the following prohibited design elements:

1. Large, monotonous, unarticulated blank wall surfaces;
2. Exposed and untreated block walls;
3. False fronts;

4. Lack of architectural features; and
5. Lack of change in materials

D. **Required Design Elements.** Design elements that promote a high-quality development or redevelopment include the following required design elements which shall be included for all multifamily buildings subject to this section:

1. Consistent architectural style, detail and trim;
2. Facades which break down large elements of mass and scale where appropriate;
3. Architectural details and articulation;
4. Material changes reflective of function and appropriately placed;
5. Canopies, porches, stoops, roof overhangs;
6. Shade and weather protection for ground floor entrances;
7. Design elements such as cornice lines, columns, arches; and
8. Various fenestration and transparency elements

E. **Building Orientation and Placement.**

1. Multifamily buildings which abut streets shall be required to be oriented parallel to the street.
2. Multifamily buildings shall not be oriented at an angle to the street.
3. Developments with several multifamily buildings shall cluster buildings along streets or internal rights-of-way to allow for enhanced open space and recreation areas within the area of the development.
4. Developments with several multifamily buildings shall ensure no more than sixty (60) percent of the off-street parking area for the entire property is located between the front facade within the front yard of the principal building(s) and the primary abutting street unless the principal building(s) and/or parking lots are screened from view by outparcel development.

F. **Building Facades.** Building form design shall take into account mass, scale, and articulation. Building facades shall be designed with a consistent architectural style,

detail, and trim features. Facades which face a street, shall provide at minimum four (4) of the following elements:

1. A change in plane, such as an offset, reveal or projecting rib. Such plane projections or recesses shall have a width of no less than six (6) inches (columns, planters, arches, voids, etc.);
2. Architectural details such as raised bands and cornices;
3. Integrated planters that utilize landscaped areas for decorative details;
4. Awnings and or arcade;
5. Covered porches, terraces, lanais or balconies intended for private use by residents of the multifamily structure;
6. Shutters;
7. Pillars or posts;
8. Bay windows;
9. Roof eaves of at least three (3) inch wide trim
10. Complementary change in color; and/or
11. Complementary change in material/texture.

G. **Transparency.** Building facades shall be designed to have a minimum transparency, through the use of windows and doors, on ground floor and upper floors. Transparency standards shall apply to all sides of a buildings facing a public and/or private street. Transparency shall not be required for service areas, loading/unloading areas, or those areas not visible from the public and/or private street. The minimum transparency for multifamily buildings is twenty-five (25) percent, unless stated otherwise in this LDO.

H. **Blank Wall/Articulation Standards.** Blank wall area is understood to be an undesirable design feature and shall be limited as follows. Blank wall area standards shall apply to the front and sides of buildings or any portion of a building fronting a residential area or public or private street, and shall comply with the standards below:

1. *Blank wall area* shall be understood to refer to portions of an exterior façade

that does not include windows, doors, columns, pilasters, architectural features greater than one (1) foot in depth, or a substantial material change.

2. Paint shall not be considered a substantial material change.
3. Blank wall area applies in both a vertical and horizontal direction of the building façade and applies to ground floors and upper floors.
4. The maximum continuous blank wall area shall be a maximum thirty-five (35) linear feet without a break by windows, doors, architectural features greater than one (1) foot in depth, or a substantial material change.
5. Except as otherwise regulated, the maximum permitted blank wall length for the rear of buildings shall be one hundred (100) feet, or twenty-five (25) percent of the building length, whichever is less.

I. **Entrances.** The entrances of a residence along the front façade of a multifamily building are the most highly designed side of a building. A primary facade and main building entry shall face the right-of-way, and additional entrances are encouraged facing local streets, parking lots, plazas and adjacent buildings. Buildings adjacent to public rights-of-way shall have at least one (1) entrance providing access to the right-of-way. This entrance shall remain in operation and not be closed off to residents. Separate entrances to upperstory units shall be prohibited from being visible street rights-of-way. All multifamily development and redevelopment shall provide no less than four (4) of the following items for building entrances:

1. A change in plane indicating a building entrance;
2. Building wall projection;
3. Recess of entry at least three (3) feet;
4. Architectural features and fenestration;
5. Variety in color, material, texture orienting pedestrians to the building entrance;
6. Ornamental doors;
7. Covered entries including awnings, arcade or eave;
8. Windows;

9. Porches;

10. Arches, columns, stoops, cornices.

J. **Porches/Balconies**.

1. Porches, including covered porches, stoops, awnings, and bay windows and wings may only extend into the front yard up to five (5) feet. Encroachments may be permitted up to fifty (50) percent of the total length of the respective façade.

2. Balconies shall project or recess a minimum of two (2) feet from the façade.

K. **Accessory Structures**. All accessory structures for multifamily buildings and/or developments shall comply with the following standards:

1. Garages, carports, or covered parking areas shall be provided from local streets or alleys. Entrances to parking garages are exempt from this standard and may be accessed from street rights-of-way, alleys or internal courtyards or accesses.

2. Accessory structures shall have similar exterior materials, colors and roof forms as the principal structure.

L. **Miscellaneous Requirements**.

1. All utility equipment (including meters and conduits) attached to a building shall be painted to match the primary surface color of the wall on which it is attached, painted to match accent colors used on the façade, or be blocked from view (where practicable) through the use of landscaping or screens.

2. Downspouts shall be painted to match the primary surface color of the wall on which it is attached, be painted to match accent colors used on the façade, or be constructed of materials that complement the architectural style of the structure.

3. Refuse collection areas shall be distributed evenly throughout multiple building multifamily developments.

4. Roofing materials should complement the color and texture of the building façade.

6.8.7. INDUSTRIAL DESIGN STANDARDS

A. **Design Standards**. Due to the nature of industrial uses, limited design standards are required for buildings housing industrial uses. The following design standards are required for buildings used for industrial uses, as defined in this LDO:

1. **Industrial Building Facades**. Industrial building facades shall:

    a. Include windows and pedestrian features such as roof overhangs over identifiable public entrances to the building.

    b. Include well defined public utilizing projections, overhangs or canopies, and similar design elements.

    c. Be faced in a compatible and consistent manner for all elevations facing a street right-of-way or where visible from an existing right-of-way.

2. **Blank Wall Length.** Maximum permitted blank wall length for industrial buildings shall be one hundred (100) feet, or twenty-five (25) percent of the building length, whichever is greater. Blank wall lengths greater than one hundred (100) feet or twenty-five (25) percent of the building length, whichever is greater, shall require the introduction of physical articulations or material change.

3. **Lighting.** Industrial use buildings and required parking areas shall not exceed a maximum thirty (30) feet fixture height and 0.5 foot-candle intensity at the perimeter boundary.

4. **Equipment and Loading Areas.** Equipment and loading areas shall comply with the following standards:

    a. Cooling towers, HVAC and ventilation fans, mechanical units, etc., shall be either screened using a pitched roof façade, or parapets or constructed adjacent to the building and properly screened from view by either landscaping or the use of similar building materials.

    b. Ground-mounted equipment and mechanical equipment visible from a public right-of-way shall be screened from view by an opaque wall, landscaping, or combination thereof.

c. Except where regulated otherwise, walls and landscaping shall have a minimum opacity of eighty-five (85) percent and shall be the height of the equipment or facility plus six (6) inches.

d. Where the configuration of the building or site makes it impractical to locate the loading areas in the rear of the building, front or side loading areas may be proposed with additional screening or landscape requirements.

5. **Parking.** Parking for industrial use buildings be located on the sides or rear of buildings.

6. **Foundation Plantings.** Foundation plantings shall be provided per the standards below:

   a. Foundation plantings shall be required along a minimum of fifty (50) percent of the building facing a public or private street right-of-way.

   b. Service and loading areas shall be excluded from these calculations.

   c. The average width of the foundation planting bed must be a minimum of three (3) feet.

   d. Plantings shall consist of evergreen and deciduous ornamental shrubs. Shrubs shall be planted at a minimum size of twenty-four (24) inches at time of installation.

Figure 6.8.9. Industrial Use Foundation Plantings



7. **Prohibited Elements.** The following design elements are prohibited:
    a. Reflective surfaces;
    b. Exposed and untreated block walls; and
    c. Barbed wire and chain link fencing, unless required by law for security or safety purposes.

6.8.8. MECHANICAL EQUIPMENT SCREENING

A. **Mechanical Equipment.**
1. Rooftop mounted equipment shall be fully screened from view from a ground level view of an adjacent property line or middle of a right-of-way.
2. Any new buildings shall require a parapet wall or architectural element that screens roof mounted equipment or provide an opaque screen around the rooftop mounted equipment.
3. Roof-mounted sustainable energy systems (i.e. solar panels) are exempt from screening requirements.

6.9. ADMINISTRATIVE MINOR MODIFICATIONS

6.9.1. CHANGES

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

1. Minor adjustments to the reconfiguring of parking design if number of parking spaces remain the same and internal traffic patterns of the parking areas remain substantially the same;
2. Minor adjustments for changing landscape material and arrangements to the extent remaining in compliance with LDO standards and any express conditions of a development approval;
3. Minor adjustments to the location of streets, sidewalks, and lot boundary lines to account for discovered field conditions of rock, topography, riparian areas, or wetlands, which would make the original design impracticable;
4. Minor adjustments to residential development phasing lines that do not affect (i) any express conditions of a development approval; or (ii) the timing for construction of development amenities.
5. Minor adjustments to mail kiosk locations based on postal service issues or field conditions of rock, topography, riparian areas, or wetlands, which would make the original design impracticable.

7. TELECOMMUNICATION

7.1. TELECOMMUNICATION STANDARDS

7.1.1. DEFINITIONS

A. **Definitions.** Due to the unique nature of telecommunication, for the purpose of administrating the standards of this section, all definitions in N.C. Gen. Stat. § 160D-931, as amended, shall apply.

7.1.2. PURPOSE AND INTENT

A. **Purpose and Intent**. Consistent with N.C. Gen. Stat. § 160D-930, the purpose of this section is to ensure the safe and efficient integration of facilities necessary for the provision of advanced mobile broadband and wireless telecommunications services throughout the town and to ensure the ready availability of reliable wireless service to the public, government agencies, and first responders, with the intention of furthering the public safety and general welfare.

7.1.3. APPLICABILITY

A. **Applicability**. The provisions of this section and N.C. Gen. Stat. § 160D Part 3 Wireless Telecommunication Facilities shall apply to all wireless telecommunication facilities, unless specifically exempted in this section. All wireless telecommunication facilities, support structures (i.e. telecommunication tower) and small wireless facilities shall comply with this LDO, applicable Federal Aviation Administration (FAA) regulations, Federal Communications Commission (FCC) regulations, and any other state or federal government regulations.

7.1.4. COLLOCATION

A. **Consistency.** Consistent with N.C. Gen. Stat. § 160D-934 and 935, the intent of these collocation standards are to provide for proper location, height, and size of antennas so as not to impose unreasonable limitations on or prevent the quality of signals of telecommunications antennas, and to comply with state and federal laws regarding the siting and permitting of telecommunications facilities. A wireless provider, shall, whenever possible, enter into joint use agreements with the town and other parties, for

collocation, provided that the terms of such agreements are satisfactory to the wireless provider.

1. Nothing shall mandate that the wireless provider enter into joint use agreements with parties other than the town or an agency of the town. However, prior to placement of any new or additional wireless facilities in the public rights-of-way, a wireless provider is required to certify in writing to the town that it has made appropriate inquiry to all existing utilities and other entities possessing a right to occupy the public rights-of-way as to the availability of right-of-way that it could reasonably utilize to meet its needs, and that no such facility is available or planned at a reasonable cost by any other entity on the time schedule reasonably needed.

2. The wireless provider shall not be permitted to perform any placement or maintenance of wireless facilities in those segments of the public rights-of-way where there exists vacant or available collocation of facilities.

3. Collocations shall require a completed zoning permit application. Decisions on these applications must be made within forty-five (45) days of receipt of a completed application. Notice of any deficiencies in a collocation application must be provided within forty-five (45) days of submission of an application.

B. **Collocation Standards.**

1. **General Standards**. A completed Zoning Permit Application, the contents of which shall include the following items in addition to that information requested on the face of the Zoning Permit Application:

    a. Elevation of the tower or other support structure showing the proposed location and profile of the antennas;

    b. Explanation as to the location of equipment cabinets, unless not housed in an existing structure, then in such event a plot plan showing the location of the proposed structure to house the equipment cabinet for the collocation and an elevation showing the profile location of the proposed structure to house the equipment cabinet for the collocation;

c. Evidence that the proposed collocation will comply with federal, state and local safety requirements, including, but not limited to, evidence that the telecommunication tower (or other support structure) is engineered and constructed to, as currently equipped, accommodate the impacts of weight and location of the proposed antennas;

d. Evidence that the proposed collocation will not interfere with the operation of other antenna existing on the telecommunications tower (or other support structure), nor interfere with radio or television or similar reception for adjoining properties. In certain instances the town may deem it appropriate to have an on-site RF survey done after the construction and activation of the improvement, such to be done under the direction of the town or its designee, and a copy of the survey results provided, along with all calculations, prior to issuance of a Certificate of Compliance.

e. For Attachments to Buildings: To preserve and protect the nature and character of the area and create the least visually intrusive impact reasonably possible under the facts and circumstances, any attachment to a building or other structure with a façade, the antennas shall be flush-mounted on the façade without increasing the height of the building or other structure, unless it can be proven that such will prohibit or have the effect of prohibiting the provision of service, and all such attachments and exposed cabling shall use camouflage or stealth techniques to match as closely as possible the color and texture of the structure.

f. For Attachments to Towers: So as to be the least visually intrusive reasonably possible given the facts and circumstances involved, and thereby have the least adverse visual effect, all antennas attached to a tower or other structure shall be flush mounted or as near to flush mounted as is possible so as to create the smallest profile reasonably possible under the facts and circumstances, unless it can be proven that such would prohibit or serve to prohibit the provision of service or be technologically impracticable.

g. For Attachments to Water Tanks: If attaching to a water tank, in order to maintain the current profile and height, mounting on the top of the tank or the use of a corral shall only be permitted if the Applicant can prove that to locate elsewhere, less visually intrusive on the tank will prohibit or have the effect of prohibiting the provision of service.

h. Structural Analysis and Report: The Applicant shall provide a certification by a Professional Engineer licensed in the State, along with documentation in the form of a structural analysis, including calculations and a geotechnical sub-surface soils investigation report and foundation design, that prove that the support structure and its foundation as proposed to be utilized are designed and were constructed to meet all local, town, state, federal and TIA ANSI 222 structural requirements for loads, including wind and ice loads, and the placement of any equipment on the roof a building after the addition of the proposed new equipment.

i. ANSI Inspection: A complete, un-redacted TIA ANSI 222 Report regarding the physical condition of the Facility or Complex and its components done within the previous six months. If such report has not been done within the previous six months, one shall be done and submitted as part of the Application. No Building Permit shall be issued for any Wireless Facility or related equipment where the structure being attached to is in need of remediation to comply with the requirements of this subsection and other adopted standards of the town, unless and until all remediation work that is deemed needed has been completed or a schedule for the remediation work has been approved by the town Planning Department.

j. Compliance: Other than to remediate non-compliant situations related to matters of safety or the conditions of a permit, no permits for work at a Facility or Complex shall be issued for any work related to an Eligible Facility where the Facility and Complex are not in full compliance with all applicable local, State and federal laws, rules, regulations and orders. A Facility and Complex not in full compliance shall be required to be

brought into full compliance before a Building Permit will be issued for work related to an Eligible Facility request or application.

2. **Timing Requirements.**

   a. Within thirty (30) days of application submittal, the Land Development Administrator shall either deem the application a Completed Application or notify the applicant in writing of the deficiencies in the application.

   b. Within (45) days from the date the application is deemed a Completed Application, the Land Development Administrator shall take action to approve or deny the request.

3. **Consultant Fees.** The Applicant may be charged a fee to cover the cost to the town of outside consultants needed to review applications associated with telecommunication tower. These fees shall be subject to the limitations set forth in N.C. Gen. Stat. § 160D-934.

7.1.5. USE OF PUBLIC RIGHT-OF-WAY

A. **Generally**. Consistent with N.C. Gen. Stat. § 160D-936, the town shall not enter into an exclusive arrangement with any person for use of rights-of-way for the construction, operation, marketing, or maintenance of wireless facilities or wireless support structures or the collocation of small wireless facilitates. Additional standards are required for use of public right-of-way for small wireless facilities (See Section 7.1.7: Small Wireless Facilities).

7.1.6. REQUIREMENTS FOR SUPPORT STUCTURES (TELECOMMUNICATION TOWER)

A. **Consistency**. The submittal, application, and construction of telecommunication towers shall be consistent with N.C. Gen. Stat. § 160D-933.

B. **Support Structure Defined**. Any telecommunication structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers or monopole towers that are less than two-hundred and fifty (250) feet in height. Does not include any structure erected solely for a residential, noncommercial individual use, such as television antennas, satellite dishes or amateur radio antennas.

C. **Permitted Districts.** Telecommunication towers are permitted only through special use permit and are permitted through special use permit per Table 5.1: Permitted Principal use Table.

D. **Application Requirements.** A completed special use permit application, the contents of which shall include the following items in addition to required information on the application form:

1. Elevation of the tower or other support structure showing the proposed location and profile of the antennas;

2. Explanation as to the location of equipment cabinets, unless not housed in an existing structure, then in such event a plot plan showing the location of the proposed structure to house the equipment cabinet for the collocation and an elevation showing the profile location of the proposed structure to house the equipment cabinet for the collocation;

3. Evidence that the proposed collocation will comply with federal, state and local safety requirements, including, but not limited to, evidence that the telecommunications tower (or other support structure) is engineered and constructed to, as currently equipped, accommodate the impacts of weight and location of the proposed antennas;

4. Evidence that the proposed collocation will not interfere with the operation of other antenna existing on the telecommunications tower (or other support structure), nor interfere with radio or television or similar reception for adjoining properties. In certain instances the town may deem it appropriate to have an on-site RF survey done after the construction and activation of the improvement, such to be done under the direction of the town or its designee, and a copy of the survey results provided, along with all calculations, prior to issuance of a Certificate of Compliance;

5. So as to be the least visually intrusive reasonably possible given the facts and circumstances involved, and thereby have the least adverse visual effect, all antennas attached to a tower or other structure shall be flush mounted or as near to flush mounted as is possible so as to create the smallest profile

reasonably possible under the facts and circumstances, unless it can be proven that such would prohibit or serve to prohibit the provision of service or be technologically impracticable;

6. Structural Analysis and Report: The Applicant shall provide a certification by a Professional Engineer licensed in the State, along with documentation in the form of a structural analysis, including calculations and a geotechnical sub-surface soils investigation report and foundation design, that prove that the support structure and its foundation as proposed to be utilized are designed and will be constructed to meet all local, town, state, federal and TIA ANSI 222 structural requirements for loads, including wind and ice loads, and the placement of any equipment on the roof a building after the addition of the proposed new equipment; and

7. Such materials as are necessary to address the use standards listed in subsection C below.

E. **Standards.** All support structure shall comply with the following standards:

1. Radio or television or similar reception for adjoining properties will not be disturbed or diminished.

2. The height of the tower cannot exceed two-hundred and fifty (250) feet.

3. The lighting of the tower cannot exceed the minimum standards of the Federal Aviation Administration for red obstruction lighting system.

4. The minimum setback from the outside dimensions of the tower, not from guy anchors, and not located within a residential district, are as follows:

    a. Two-hundred (200) percent of the tower height, unless the tower is constructed as a monopole in which case the minimum setback shall be one-hundred and fifty (150) percent of the tower height, but no less than seventy-five (75) feet from the property line of an abutting residential zoning district.

    b. One-hundred (100) percent of the tower height from the property line of an abutting non-residential zoning district.

c. Fifty (50) feet from any public street.

d. If a telecommunication tower is located in a Residential District, the setbacks in Section 7.1.6.E.4.a apply, except that in no case shall a tower be located less than two-hundred (200) percent of the tower height to the property line unless a protective yard is preserved or installed adjacent to the property line. The protective yard shall be of a width equal to the tower height, and shall contain plantings meeting the minimum standards of a Buffer Type 1.

5. The base of the tower and each guy anchor are surrounded by a fence or wall at least eight (8) feet in height unless the tower and all guy anchors are mounted entirely on a building over eight (8) feet in height. Except for fence and wall entrances, all fences and walls shall be screened with plant material so that no more than one-third of the surface of the fence or wall is visible within three years after erection of the structure from a public street or from any adjoining lot which contains a dwelling, or from any adjoining lot zoned a residential district. Any fence or wall constructed shall conform to the standards of Section 6.5: Fences, Walls and Berms.

6. The area adjoining street rights-of-way shall contain a Buffer Type 1 (see Section 6.2.2: Buffering) installed parallel to the street right-of-way. A Buffer Type 3 (See Section 6.2.2: Buffering) is required along street frontage located a distance from the tower of more than two-hundred (200) percent of the tower height.

7. A protective yard that contains the same plantings required in a Buffer Type 1 (see Section 6.2.2: Buffering) must be installed within all the yard areas. The installation of any fence, wall, planting or berm shall not reduce or lessen this requirement.

8. The output power from the tower shall not exceed federally approved levels for exposure to electronic magnetic force (EMF).

9. If determined by the town that the proposed tower is situated in a location which will benefit the town's telecommunication systems, then the tower shall

be engineered and constructed to accommodate the additional telecommunication equipment beneficial to the public system.

10. The tower is either less than one-hundred (100) feet in height or located no closer than one-thousand (1,000) feet to a tower greater than one- hundred (100) feet in height (determined by a straight line and not street distance).

11. If the tower is located within an Overlay that restricts height, the tower cannot exceed the maximum building height allowed by the more restrictive standard.

12. No tower shall be approved unless evidence is presented that at least one telecommunication user upon installation will occupy the tower. If the tower is between one-hundred (100) feet and one-hundred and fifty (150) feet in height, the tower shall be engineered and constructed to accommodate a minimum of two telecommunication users. If the tower equals or exceeds one-hundred and fifty (150) feet in height but is less than one-hundred and eighty (180) feet in height, the tower shall be engineered and constructed to accommodate a minimum of three telecommunication users. If the tower equals or exceeds one-hundred and fifty (180) feet in height, but is less than two-hundred (200) feet in height, the tower shall be engineered and constructed to accommodate a minimum of four telecommunication users. If the tower equals or exceeds two-hundred (200) feet in height, the tower shall be engineered and constructed to accommodate a minimum of five telecommunication users.

13. Unless enclosed by a closed fence at least eight (8) feet in height to totally obscure the building from view, the exterior appearance of all buildings located in a Residential District shall look like a residential dwelling, including without limitation, pitched roofs and frame or brick veneer construction. The closed fence shall be the same or compatible in terms of texture and quality with the material and color of the surrounding dwellings. For each potential telecommunication user to occupy the tower, there shall be a minimum of six-hundred (600) square feet reserved on the plans for associated buildings and equipment, unless the applicant provides evidence that less space is necessary.

14. Within six (6) months after approval of a plot plan for the telecommunication tower, the tower must be installed and operational or the plot plan shall be void. No telecommunication tower approved prior to September 1, 2014, which is discontinued, unused or unoccupied by any telecommunication user for a continuous period 365 days or more shall be restarted, resumed, or reoccupied without the prior approval of a new plot plan complying with the then applicable provisions.

15. The applicant must provide evidence that the proposed tower meets Federal Aviation Administration requirements and will be in accordance with all the tower requirements and standards of the Raleigh Durham Airport Authority.

16. For any telecommunication tower approved after September 2, 2014, that is discontinued, unused or unoccupied by the telecommunication user for a continuous period of 365 days or more, the tower shall be removed within thirty (30) days of notification of the property owner by the Land Development Administrator.

F. **Substantial Modifications to Tower**

1. Substantial modifications shall mean modifications described as such N.C. Gen. Stat. § 160D-933.

2. Applications for substantial modifications to an approved tower shall require an amendment to the special use permit.

3. Outside Consultant Fees. The Applicant may be charged a fee to cover the cost to the town of outside consultants needed to review applications associated with telecommunication towers. These fees shall be subject to the limitations set forth in N.C. Gen. Stat. § 160D-934.

7.1.7. SMALL WIRELESS FACILITIES

A. **Definition.** Consistent with 160D-931(18), a small wireless facility is defined as a wireless facility that meets both of the following qualifications:

1. Each small wireless facility is located inside an enclosure of no more than six (6) cubic feet in volume or, in the case of an antenna that has exposed elements,

the antenna and all of its exposed elements, if enclosed, could fit within an enclosure of no more than six (6) cubic feet.

2. All other wireless equipment associated with the facility has a cumulative volume of no more than twenty eight (28) cubic feet. The following types of ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, ground-based enclosures, grounding equipment, power transfer switches, cut-off switches, vertical cable runs for the connection of power and other services, or other support structures.

B. **Standards**. A small wireless facility shall meet all of the standards below:

1. The placement of small wireless facilities in all cases are subject to the standards of this LDO and N.C. Gen. Stat. § 160D-935.
2. The small wireless facility shall not extend more than ten (10) feet above the highest point of a structure;
3. Any antenna shall be capable of fitting in an enclosure a maximum of six (6) cubic feet;
4. Associated equipment for a small wireless facility shall maintain a maximum volume of twenty eight (28) cubic feet;
5. The small wireless facility shall not have any type of lighted signal, lights, or illuminations unless required by an applicable federal, state, or local rule, regulation or law;
6. The small wireless facility shall comply with any applicable FCC emissions standards;
7. The small wireless facility shall comply with any applicable local building codes in terms of design, construction and installation; and
8. The small wireless facility shall not contain any commercial advertising.

C. **Town Utility Poles.** Consistent with N.C. Gen. Stat. § 160D-937, if small wireless facilities are installed on town utility poles, the town shall not enter into an exclusive agreement or arrangement with any person for the right to attach equipment to town utility poles.

Any rates or fees for collocations on town utility poles must be nondiscriminatory regardless of the services provided.

D. **Small Wireless Facilities In Public Right-of-Way.** If a small wireless facility is placed within the public right-of-way, in addition to a zoning permit, an additional right-of-way use permit shall be required. Consistent with N.C. Gen. Stat. § 160D-935(d)(5), the town may deny a right-of-way use permit for a small wireless facility if the proposed facility:

1. Fails to meet the standards of town codes;
2. Fails to comply with applicable standards of this LDO;
3. Interferes with the safe operation of traffic control equipment;
4. Interferes with sight visibility lines for transportation or pedestrians; and/or
5. Interferes with compliance of the Americans with Disabilities Act or similar federal or state mandated provisions regarding pedestrian access of movement.

The town must document the basis for a denial, including specific provisions and send the documentation to the applicant on or before the day the town denies an application. The applicant may cure the deficiencies identified by the town and resubmit the application within thirty (30) days of the denial without paying an additional application fee. The town shall approve or deny the revised application within thirty (30) days of the date on which the application was resubmitted Any subsequent review shall be limited to the deficiencies listed in the prior denial.

E. **Application Review Criteria**

1. Applications for small wireless facilities shall be processed and reviewed within forty five (45) days from the date an application is considered to be complete. The applicant and town may mutually agree to a longer review period.
2. Construction of any approved small wireless facility shall commence within six months of its approval date. The small wireless facility shall be activated for use within one year from the right-of-way use permit issuance date.

   Town approval is not required for routine maintenance, replacement of existing small wireless facilities which are substantially similar, or installation or

replacement of micro wireless facilities that are suspended on cables strung between existing utility poles.

F. **Abandonment**

1. As authorized by N.C. Gen. Stat. § 160D-935(g), whenever a small wireless facility ceases to be in active operation for more than one-hundred and eighty (180) days, it shall be considered abandoned and removed by the wireless provider.

    a. For purposes of this subsection, a small wireless facility shall be deemed abandoned at the earlier of the date that the wireless provider indicates that it is abandoning such facility or the date that is one-hundred and eighty (180) days after the date that such facility ceases to transmit a signal, unless the wireless provider gives the town reasonable evidence that it is diligently working to place such facility back in service.

    b. The Board of Commissioners may grant a one-time extension equal to one-hundred and eighty (180) days whenever it finds that such an extension will not compromise the public health, safety, or welfare and that such extension is not solely for the purpose of delaying the cost of removing the small wireless facilities.

2. The wireless provider shall be responsible for the removal of a small wireless facility.

3. Whenever a small wireless facility is abandoned, the wireless provider shall notify the town within thirty (30) days following abandonment.

4. Should the wireless provider fail to timely remove the abandoned small wireless facility, the town may cause such wireless facility to be removed and may recover the actual cost of such removal, including legal fees, if any, from the wireless provider.

8. TRAFFIC IMPACT

A. **Purpose and Intent.** The purpose of this section is to ensure that new development and redevelopment does not adversely affect the capacity of streets and intersections to accommodate vehicular traffic safely and efficiently. The intent of this section is to provide the information necessary to allow the town to assess the adequacy of available capacity to meet existing, projected, and proposed demand at adopted levels of service. More specifically, this section intends to:

1. Provide a standard set of analytic tools and format that shall be used to identify a development's expected traffic impact on the road system;
2. Identify traffic problems associated with access to and from a development site; and
3. Require Traffic Impact Analysis (TIA) for to develop improvements or site design modifications needed to solve potential adverse traffic impacts and access problems.

B. **Traffic Impact Analysis (TIA) Defined**. A TIA shall include information to:

1. Evaluate impacts of site-generated traffic on intersections and streets within an impacted area;
2. Evaluate impacts to site access points under projected traffic loads;
3. Ensure site accesses meet professional and accepted engineering design standards;
4. Evaluate site-generated traffic impacts on traffic flow on public streets within the designated impact area;
5. Evaluate the potential for impact on residential streets in the designated impact area; and
6. Identify transportation infrastructure needs and any costs created by the development and any necessary cost sharing for the improvements.

C. **Applicability**. A TIA is required prior to approval of any zoning map amendment (rezoning), special use permit, site plan and/or preliminary plat that exceeds the following thresholds in one (1) or more development applications submitted for a parcel or parcels under common ownership:

1. The proposed development, or phases of development, or contiguous tracts under the same ownership, would accommodate or could be expected to generate fifty (50) or more added vehicle trips to or from the site during the peak traffic hour (based on the proposed development or the adjacent roads and intersections); or

2. The proposed development, or phases of development, or contiguous tracts under the same ownership, would accommodate or could be expected to generate five-hundred (500) or more added vehicle trips to or from the site during a twenty-four (24) hour period (based on the proposed development or the adjacent roads and intersections).

3. In calculating the number of added vehicle trips expected to be generated, trip generation rates must be obtained from the most recent editions of Trip Generation and Trip Generation Handbook, published by the Institute of Transportation Engineers (ITE). Only "new" vehicle trips will be counted; no pass-by or internal trip capture will be used in calculating "added vehicle trips."

4. If the peak hour and/or daily drip threshold is not met for a proposed development, a trip generation letter and access location and design review analysis are required.

5. The Land Development Administrator (LDA) may waive the requirement for a TIA upon determining that a TIA is not necessary to determine needed road improvements, that adequate capacity exists to serve the proposed development, and that no unsafe or hazardous conditions will be created by the development as proposed. This decision shall be documented with specific reasoning provided by the LDA.

D. **Preparation of TIA**.

1. The cost of the TIA shall be the responsibility of the applicant of the development. The applicant shall utilize the services of an on-call consultant, hired, or retained by the town, to perform the required TIA.

2. All costs of the TIA by the on-call consultant shall be the responsibility of the applicant, not the town. The required TIA shall be sealed by a licensed professional engineer.

E. **Level of Service.**

1. The traffic impact analysis must demonstrate that the proposed development would not cause build-out-year, peak-hour levels of service on any arterial or collector road or intersection within the study area to fall below Level of Service (LOS) "D," as defined by the latest edition of the highway capacity manual, or, where the existing level of service is already LOS "E" that the proposed development would not cause the LOS to fall to the next lower letter grade.

2. If the road segment or intersection is already LOS "F," the traffic impact analysis must demonstrate that the proposed development, with any proposed improvements, would not cause build-out year peak-hour operation to degrade more than five (5) percent of the total delay on any intersection approach.

3. The spacing of access points within a proposed development shall comply with all applicable town, state and American Association of State Highway and Transportation Officials (AASHTO) standards (where applicable).

4. Access points shall provide for adequate sight distance for the safety of vehicles and pedestrians. To the extent that application proposes specific access points, the analysis must also demonstrate that the proposed development would avoid unsafe conditions on adjacent roads. This requirement applies to signalized and unsignalized intersections.

5. On-site Internal circulation shall not interfere with the flow of traffic on any public street.

6. Failure to meet these standards may serve as a basis for denying the application, or for conditional approval of the application or application on provision of improvements or other mitigation measures needed to correct deficiencies due to the proposed development's impacts. This shall be determined or agreed upon by the Board of Commissioners.

F. **Study Area**. The TIA shall address the proposed development's traffic impacts on:

1. Roads and intersections within the development site, as designated by town staff or the TIA preparing consultant;

2. Road segments and intersections abutting the development site, as designated by town staff or the TIA preparing consultant; and

3. Off-site road segments and intersections where traffic from the proposed development is expected to account for at least ten (10) percent of the road's or intersection approach leg's average daily traffic.

G. **Required Traffic Impact Analysis Contents**. A TIA shall be based on peak hour traffic and trips and contain all the information below:

1. A description of the project and site, including charts, graphics, and narrative. The description of the project and site shall include access plans, phasing plans, land uses, and intensity of uses;

2. Characteristics of the site and adjacent land uses and expected development in the study area;

3. The location and characteristics (functional classification, number of lanes, speed limit, signalization) of roads and intersections in the study area and existing traffic volumes and conditions (including level of service) of those roads and intersections;

4. A description of the location and traffic-related characteristic (land use, intensity, expected date of full build-out and occupancy, vehicular access points and characteristics, etc.) of the proposed development and other developments in the study area that are under construction, approved or pending approval, as well as roadway and other transportation facilities and improvements in the impact area that are under construction, programmed or planned;

5. Projections of future background traffic (existing traffic volumes forecasted to buildout year levels based on agreed upon traffic growth rate) plus traffic generated by other development in the study area that is under construction, approved, or pending approval, future site traffic and total future traffic (the sum of future background traffic and future site traffic;

6. Future background and site traffic projections must be made for the peak hours (as identified by town planning staff or review consultant) of the adjacent road segments and intersections and for the development's expected full build-out and occupancy date, and must include trip generation, trip distribution (using preapproved distribution by town planning staff or review consultant), and traffic assignment estimates;

7. Analyses of the proposed development's incremental impacts on:

    a. Road capacity during peak hours at all site access points and at road segments and intersections in the study area (including determination of the level of service for the road segments and intersections, queuing vs. existing/proposed storage);

    b. The need for signalization of intersections in the study area; and

    c. Existing or potential high accident areas (as references in the adopted transportation plan or determined by town planning staff.

8. A qualitative analysis/review of sight distance at access points, when required by planning staff or the review consultant;

9. A description of the location, nature, and extent of site access and transportation improvements and other measures recommended to mitigate any failure to meet traffic operation standards due to the proposed development's traffic impacts, including the expected effectiveness of each mitigation measure in addressing deficiencies, the feasibility of implementing the measures, suggested allocation of responsibility for funding and implementing the measures, the measures' relationship to planned public transportation improvements, and a suggested time schedule for the implementation of the measures;

10. Résumés of the preparers of the analysis, demonstrating specific education, training, and professional experience in traffic-related analyses and, if the analysis involves roadway or traffic signal design or traffic engineering;

11. Identification of all assumptions and data sources used in its projections, analyses, and recommendations; and

12. If the TIA accompanies a rezoning application, its description of the proposed development must indicate the full range of land uses and development intensities allowed by the proposed zoning and identification of the allowable land use/intensity that can be expected to have the greatest traffic impact on peak hour traffic on adjacent roads and intersections. This highest impact land use/intensity will constitute the "proposed development" for which traffic projections are made and traffic impacts are analyzed.

H. **Mitigation Alternatives**.

1. In situations where the LOS standards are projected to be exceeded for the buildout year for residential and the 10-year projection for commercial and mixed-use developments, the analysis shall evaluate each of the following alternatives for achieving the traffic service standards:

    a. Identify additional right-of-way and street improvements needed to implement mitigation strategies;

    b. Identify suggested phasing of development and transportation improvements where needed to maintain compliance with LOS standards;

    c. For developments impacting constrained facilities, identify access, pedestrian, transit, or other improvements required to mitigate the impacts of the proposed development on the constrained facility; and

    d. In the event that the proposed mitigation is not permitted by NCDOT, the development shall provide the most effective mitigation to improve LOS allowed by NCDOT.

9. SUBDIVISION REGULATIONS

9.1 INTRODUCTORY AND LEGAL PROVISIONS

9.1.1 AUTHORITY AND APPLICABILITY

A. **Authority**. This section is adopted under the authority of N.C. Gen. Stat. § 160 D, Article 8, Subdivision Regulation.

B. **Applicability**. Consistent with N.C. Gen. Stat. § 160D-802, subdivision regulations shall be applicable to all divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions, in any zoning district, when any one or more of those divisions is created for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets. The following shall not be included within this definition nor be subject to the regulations authorized by this section:

1. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the Town of Rolesville LDO.
2. The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved.
3. The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors.
4. The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the Town of Rolesville LDO.
5. The division of a tract into parcels in accordance with the terms of a probated will or in accordance with interstate succession under Chapter 29 of the N.C. General Statutes.

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.

9.1.3. PLAT RECORDATION

B. After the effective date of this LDO, no subdivision plat of land with the Town of Rolesville's jurisdiction shall be filed or recorded until it has been submitted to and approved by the Town of Rolesville and until this approval is entered in writing on the face of the plat.

C. The Register of Deeds shall not file or record a plat of a subdivision of land located within the territorial jurisdiction of the town that has not been approved in accordance with these provisions. The Clerk of Superior Court shall not order or direct the recording of a plat if the recording would be in conflict with this section.

D. Pursuant to N.C. Gen. Stat. § 160D-806, the approval of a plat shall not be deemed to constitute or effect the acceptance by the Town of Rolesville of the dedication of any street or other ground, public utility line, or other public facility shown on the plat.

   1. The Board of Commissioners of the Town of Rolesville may, by resolution, accept any dedication made to the public of lands or facilities for streets, parks, public utility lines, or other public purposes, when the lands or facilities are located within its subdivision regulation jurisdiction.

   2. Acceptance of dedication of lands or facilities located within the subdivision regulation jurisdiction but outside the corporate limits of the Town of Rolesville shall not place on the town any duty to open, operate, repair, or maintain any street, utility line, or other land or facility, and the Town of Rolesville shall in no event be held to answer in any civil action or proceeding for failure to open, repair or maintain any street located outside its corporate limits.

9.1.4. STREETS AND SERVICES

A. **Streets.** No street shall be maintained by the town nor street dedication accepted for ownership and maintenance in any subdivision for which a plat is required to be approved unless and until such final plat has been approved by the Town of Rolesville.

B. **Services**. Water, sewer, electric or other public services shall not be extended to or connected with, any subdivision for which a plat is required to be approved unless and until the requirements set forth in this section have been met.

9.1.5. SCHOOL SITES

A. **Reservation of School Site**. Consistent with N.C. Gen. Stat. § 160D-804(f), if the adopted comprehensive plan specifies a specific location and size of a school site to be reserved, the Board of Commissioners of the Town of Rolesville shall immediately notify the Board of Education whenever a subdivision is submitted which includes all or part of a school site to be reserved.

B. **Determination**. The Board of Education shall promptly decide whether the site shall be reserved. If the Board of Education does not wish to reserve the site, it shall so notify the Board of Commissioners of the Town of Rolesville. If the Board does wish to reserve the site, the subdivision shall not be approved without such reservation.

C. **Timing**. The Board of Education shall then have eighteen (18) months beginning on the date of final approval of the subdivision within which to acquire the site by purchase or by initiating condemnation proceedings. If the Board of Education has not purchased or begun proceedings to condemn the site within eighteen (18) months, the subdivider may treat the land as freed of the reservation.

9.1.6. CONFORMANCE WITH TOWN PLANS

All subdivisions shall comply with the principles, goals and/or objectives of the Rolesville comprehensive plan and all other officially adopted plans and policies of the town.

9.1.7. PENALTIES FOR VIOLATION

A. After the effective date of this LDO, any person who, being the owner or agent of the owner of any land located within the territorial jurisdiction of this LDO, thereafter subdivides their land in violation of this LDO or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under the terms of this LDO and recorded in the Office of the Wake County Register of Deeds, shall be guilty of a misdemeanor.

B. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty.

C. The town, through its attorney or other official designated by the Board of Commissioners of the Town of Rolesville, may enjoin illegal subdivision, transfer, or sale of land by action for injunction. Further, violators of this LDO shall be subject, upon conviction, to fine and/or imprisonment as provided by G.S. 14-4.

D. Each day's continuing violation of this LDO shall be a separate and distinct offense.

E. This section may be enforced by appropriate equitable remedies issuing from a court of competent jurisdiction.

F. Nothing in this section shall be construed to limit the use of remedies available to the town. The town may seek to enforce this LDO by using any one, all, or a combination of remedies.

9.1.8. FEES AS PRESCRIBED

A. Fees for the inspection of required improvements shall be charged according to a schedule adopted by the Board of Commissioners of the Town of Rolesville.

9.1.9. ABROGATION

A. It is not intended that this LDO repeal, abrogate, annul, impair, or interfere with existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously adopted or issued pursuant to law. However, where this LDO imposes greater restrictions, the provisions of this LDO shall govern.

B. When the requirements of this LDO are in conflict with other requirements of lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive, or that imposing the highest standards, shall govern.

9.1.10. PROCEDURE FOR REVIEW AND APPROVAL OF SUBDIVISION PLATS

A. Pursuant to N.C. Gen. Stat. § 160D-804, a final plat shall be prepared, approved, and recorded pursuant to the provisions of this LDO whenever any subdivision of land takes place.

B. 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.

C. The review and approval procedures for subdivision plats are identified in Appendix A – LDO Handbook.

9.1.11. RECOMBINATION OF LAND

A. Any plat, or any part of any plat, may be vacated by the owner at any time before the sale of any lot in the subdivision by a written instrument (to which a copy of such plat shall be attached) declaring the same to be vacated.

B. Such an instrument shall be approved by the same agencies as approved the final plat. The governing body may reject any such instrument which abridges or destroys any public rights in any of its public uses, improvements, street, or alleys.

C. Such an instrument shall be executed, acknowledged or approved and recorded and filed in the same manner as a final plat; and being duly recorded or filed shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the streets, alleys, and public grounds, and all dedications laid out or described in such plat.

D. When lots have been sold, the plat may be vacated by all owners of the lots in such plat joining in the execution of such writing.

9.1.12. PERFORMANCE/IMPROVEMENT GUARANTEES

A. **Agreement and Security Required**. All performance guarantees shall be consistent with N.C. Gen. Stat. § 160D-804.1. In lieu of requiring the completion, installation, and dedication of all improvements prior to final plat approval, the Town of Rolesville may enter into an agreement with the subdivider whereby the subdivider shall agree to complete all required improvements. Once the agreement is signed by both parties and the security required herein is provided, the final plat may be approved, if all other requirements of this LDO are met.

9.2 DESIGN STANDARDS

9.2.1. STREETS AND SIDEWALKS

A. **Generally.** All streets and related infrastructure in the town's jurisdiction shall be built and maintained in accordance with the principles, goals and/or objectives of the adopted comprehensive plan, community transportation plan, other officially adopted plans and policies of the town, and any applicable North Carolina Department of Transportation (NCDOT) requirements. All streets and rights-of-way shall be constructed in accordance to the standards below, unless a more restrictive standard is required by NCDOT, in which the street shall meet the more restrictive standard.

1. All subdivision lots shall abut, at least twenty (20) feet in width, on a public street, except that Lots for 'Dwelling, Single Family, Attached' uses may provide the required minimum twenty (20) feet of frontage width on a Private Access Easement per Section 5.1.2.B. Use Standards. Minimum lot frontage width is dictated by the Zoning District of the property; see LDO Section 3. For campus style developments of multiple lots of non-residential uses in the Office and

Professional (OP), Business, Industrial, and Technology (BT), and the General Industrial (GI) districts, lots may access to and abut Private Access Easements.

2. All public streets shall be dedicated to the Town of Rolesville, the State of North Carolina or the public as determined appropriate by the Board of Commissioners of the Town of Rolesville.

3. Public streets not dedicated to the town which are eligible for acceptance into the State Highway System shall be constructed to the standards necessary to be put on the State Highway System or the standards in this LDO, whichever is stricter, in regard to each particular item and shall be put on such system.

4. Streets not dedicated to the town which are not eligible to be put on the State Highway System because there are too few lots or residences shall, nevertheless, be dedicated to the public and shall be in accordance with the standards in this LDO or the standards necessary to be put on the State Highway System, whichever is stricter in regard to each particular item, so as to be eligible to be put on the system at a later date.

5. A written maintenance agreement with provisions for maintenance of the street until it is put on the State System shall be included with the final plat.

B. **Street Design Standards.** The design of all streets and roads within the jurisdiction of this LDO shall be in accordance with the accepted policies of NCDOT, Division of Highways, as taken or modified from the American Association of State Highway Officials (AASHO) manuals. Development should be supportive of transportation and mobility solutions. Additionally, this requires consideration of right-of-way expectations to ensure the site can accommodate future widening or inclusion of bicycle and pedestrian facilities. The standards of the NCDOT, Subdivision Roads Minimum Construction Standards, as amended, shall apply for any items not included in this LDO, or where stricter than this LDO. The provision of street rights-of-way shall conform to and meet the requirements of the thoroughfare plan of the Town of Rolesville as approved by the Planning Board and adopted by the Board of Commissioners of the Town of Rolesville and the North Carolina Board of Transportation. The urban planning area shall consist of that area within the urban planning boundary as depicted on the mutually adopted Rolesville thoroughfare plan.

The rural planning area shall be that area outside the urban planning boundary.

1. **Street Types Classifications.** Street types shall be consistent with provided definitions in the town thoroughfare plan, community transportation plan, and the below summaries:

Street Type	Definition
Freeway	Highest classification of arterial streets, designed for mobility and long-distance travel. Access is controlled and roadways are designed for high-speed travel.
Arterial	A federal and/or state highway designed primarily for the movement of large volumes of vehicular traffic through an urban area and neighboring rural areas.
Minor Arterial	Minor arterials connected arterials streets to one another and help distribute vehicle trips throughout the town.
Major Collector	A public way designed primarily to connect residential streets with arterial streets
Minor Collector	A public street used primarily for providing direct access to abutting properties, further defined below
Local Street	The largest percentage of lane miles across street types, local streets provide access to individual lots.

2. **Required Right-of-Way Widths.** Right-of-way widths shall not be less than the standards of this section, except in those cases where right-of-way requirements have been specifically set out in the Thoroughfare Plan.

    a. Subdivisions along existing streets which contain inadequate right-of-way width shall provide additional right-of-way to meet the minimum widths defined in this section. The entire required right-of-way shall be provided where any part of a new subdivision is on both sides of an existing street,

and one-half the required right-of-way measured from the centerline of the existing street shall be provided where a new subdivision is located only on one side of an existing street.

Planning Area	Street Type	Minimum ROW Width (Feet)
Rural	Freeway	350
Rural	Arterial	200
Rural	Minor Arterial	100
Rural	Major Collector	100
Rural	Minor Collector	100
Rural	Local Road	60*
Urban	Major Throughfare	90
Urban	Minor Throughfare	70
Urban	Local Street	60*
Urban	Cul-de-sac	Variable**

Additional Standards:

*The desirable minimum right-of-way is established as 60 feet. If curb and gutter is provided, 50 feet of right-of-way is adequate on local residential streets.

**The subdivider will only be required to dedicate a maximum of 100 feet of right-of-way. In case where over 100 feet of right-of-way is desired, the subdivider will be required only to reserve the amount in excess of 100 feet. In all cases in which right-of-way is sought for an access controlled facility, the subdivider will only be required to make a reservation.

3. **Street Widths.** Minimum street right-of-way widths shall be determined on the basis of the street classification shown on the town thoroughfare plan and/or community transportation plan, where such plans do not apply, according to the type of the street as illustrated on the plat. Minimum pavement width shall be measured from back of curb to back of curb. Width of local roads and streets shall be as follows:

    a. **Local Residential.**

        i. **Curb and Gutter Section:** Twenty-six (26) feet to face of curb.

        ii. **Shoulder Section:** Twenty (20) feet to edge of pavement, four (4) foot shoulders.

    b. **Residential Collector.**

        i. **Curb and Gutter Section:** Thirty-four (34) feet to face of curb.

        ii. **Shoulder Section:** Twenty (20) feet to edge of pavement, six (6) foot shoulders.

4. **Geometric Characteristics.** The standards outlined below shall apply to all subdivision streets proposed for addition to the State Highway System (or Municipal Street System). In cases where a subdivision is sought adjacent to a proposed thoroughfare corridor, the requirements of dedication and reservation discussed under Right-of-Way shall apply.

a. **Design Speeds**. The design speeds for subdivision-type streets shall be as below:

	Desirable	Minimum	
		Level	Rolling
Rural			
Minor Collector Roads	60	50	40
Local Road (Including Residential Collectors and Local Residential)	50	50*	40*
Urban			
Major Thoroughfares other than Freeway or Expressway	60	50	50
Minor Thoroughfares	60	50	50
Minor Thoroughfares	60	50	40
Local Streets	40	40**	30**

Additional Standards:

*The desirable minimum right-of-way is established as 60 feet. If curb and gutter is provided, 50 feet of right-of-way is adequate on local residential streets.

**The right-of-way dimension will depend on radius for vehicular turnaround. Distance from edge of pavement of turnaround to right-of-way should not be less than distance from edge of pavement to right-of-way on street approaching turnaround.

b. **Maximum and Minimum Grades.** The maximum grades in percent shall be as below:

Design Speed	Level	Rolling
60	3	4
50	4	5
40	5	6
30		9
20		

Additional Standards:

Based on projected annual average daily traffic of 400—750. In cases where road will serve a very limited area and small number of dwelling units, minimum design speeds can be reduced further, but in no case, below 25.

A minimum grade for curbed streets normally should not be less than 0.5 percent, a grade of 0.35 percent may be allowed where there is a high type pavement accurately crowned and in areas where special drainage conditions may control.

Grades for 100 feet each way from intersections should not exceed five percent.

For streets and road with projected annual average daily traffic less than 250, short grades less than 500 feet long, may be 150 percent greater.

c. **Minimum Site Distance.** In the interest of public safety, no less than the minimum sight distance applicable shall be provided in every instance. Vertical curves than connect each change in grade shall be provided and calculated using the following parameters. (General practice calls for vertical curves to be multiples of fifty (50) feet. Calculated lengths shall be rounded up in each case):

Design Speed, MPH	20	30	40	50	60
Min. Stopping Distance, Ft.	150	200	275	350	475
Des. Stopping Distance, Ft.	150	200	300	450	650
Minimum K* Value For:					
a. Min. Crest Vert. Curve	16	28	55	85	160
Des. Crest Vert. Curve	16	28	65	145	300
b. Min. SAG Vert. Curve	24	35	55	75	105
Des. SAG Vert Curve	24	35	60	100	155
Passing Sight Distance					
Min. Passing Distance, Ft. (2 lane)		1100	1500	1800	2100
Min. K* Value for Crest		365	686	985	1340
Vertical Curve					

Additional Notes:

K* is a coefficient by which the algebraic difference in grade may be multiplied to determine the length in feet of the vertical curve which will provide minimum sight distance.

Sight distance provided for stopped vehicles at intersections should be in accordance with, "A Policy on Geometric Design of Rural Highways", and the UDO for the Town of Rolesville.

d. **Maximum Degree of Curve.** The following table shows the maximum degree of curve and related maximum superelevation for design speeds. The maximum rate of roadway superelevation (e) for rural roads with no curb and gutter is .08. The maximum rate of superelevation for urban streets with curb and gutter is .06 with .04 being desirable.

Design Speed MPH	Maximum e*	Rounded (Feet)	Rounded (Degrees)
20	.04	125	45.0
30	.04	300	19.0
40	.04	5600	10.0
50	.04	925	6.0
60	.04	1410	4.0
20	.06	115	50.0
30	.06	275	21.0
40	.06	510	11.5
50	.06	830	7.0
60	.06	1260	4.5
20	.08	110	53.5
30	.08	250	23.0
40	.08	460	12.5
50	.08	760	7.5
60	.08	1140	5.0

Note:

* = rate of roadway superelevation, foot per foot.

5. **Intersection Design.** Intersections shall be designed with the following standards:

    a. Streets shall intersect as nearly as possible at right angles. No street shall intersect any other street at an angle of less than sixty (60) degrees.

    b. Property lines at intersections should be set so that the distance from the edge of pavement, of the street turnout, to the property line will be at least as great as the distance from the edge of pavement to the property line along the intersecting streets. This property line can be established as a radius or as a sight triangle. Greater offsets from the edge of pavement to the property lines will be required, if necessary, to provide sight distance for the vehicle on the side street.

    c. Offset intersections are to be avoided unless exception is granted by the DOT. Intersections which cannot be aligned should be separated by a minimum length of two-hundred (200) feet between survey center lines.

    d. Intersections with arterial, collectors and thoroughfares shall be at least one-thousand (1,000) feet from center line to center line, or more if required by the North Carolina Department of Transportation.

    e. Where two public rights-of-way (street or road) cross or where a Private Access Easement meets a public right-of-way and signalization is not warranted, a stop bar and stop sign shall be used on the minor right-of-way/Private Access Easement approaches.

    f. The requirements for installation of a stop bar shall be subject to the Manual on Uniform Traffic Control Devices. Stop bars shall be a twelve (12) to twenty-four (24) inches wide and must be located four (4) feet behind a crosswalk if present.

    g. A pavement marking and signage plan showing description and placement of traffic signs, pavement markings, and specialty sights shall be submitted with all roadway and subdivision plans as a requirement of the Developer and shall be done prior to final acceptance of the roadway by the town.

6. **Cul-De-Sacs.** Cul-de-sacs shall be avoided unless the design of the subdivision and street system in the surrounding area is so that a street is not essential in the location of the proposed cul-de-sac, or where environmental factors including streams, floodplains, and wetlands would be substantially disturbed by making road connections. Cul-de-sacs shall be designed with the following standards:

    a. Permanent deadened streets should not exceed five-hundred (500) feet in length unless necessitated by topography or property accessibility and in no case shall be permitted to be over nine-hundred (900) feet.

    b. Measurement shall be from the point where the center line of the deadened street intersects with the center of a through street to the center of the turnaround of the cul-de-sac. where one cul-de-sac intersects with another cul-de-sac, the end of each cul-de-sac shall be no more than five-hundred (500) to nine-hundred (900) feet from a through street, measured as stated above.

    c. The distance from the edge of pavement on the vehicular turnaround to the right-of-way line shall not be less than the distance from the edge of pavement to right-of-way line on the street approaching the turnaround.

    d. Cul-de-sacs should not be used to avoid connection with an existing street or to avoid the extension of an important street unless exception is granted by the Board of Commissioners of the Town of Rolesville.

7. **Alleys.** Alleys may be utilized for both nonresidential and residential developments. Alleys shall be designed with the following standards:

    a. **Nonresidential Alley Design.**

        i. Alleys shall be required to serve lots used for commercial and industrial (i.e. nonresidential) purposes except that this requirement may be waived where other definite and assured provision is made for service access.

        ii. The width of an alley shall be at least twenty (20) feet.

iii. Deadened alleys shall be avoided where possible, but unavoidable, shall be provided with adequate turnaround facilities at the deadened as may be approved by the Board of Commissioners of the Town of Rolesville.

iv. Sharp changes in alignment and grade shall be avoided.

v. All alleys shall be designed in accordance with N.C. Department of Transportation Standards.

b. Residential. Alleys may be appropriate in residential developments to provide rear access to houses.

i. Where lots front arterials, collectors, thoroughfares, or freeways without driveway access, then a public alley is required.

ii. Parking for visitors shall be served by an alternate adjacent street or parking area.

8. Addresses, Street Names, and Street Signs. Addresses and street names shall comply with the following standards:

a. Addresses and street names shall be coordinated with Wake County Geographic Information Services (GIS). Addresses and street names are required prior to the submittal of Construction Infrastructure Drawings (CID) and/or Site Development Plans.

b. Street name signs shall be required. The subdivider shall provide and erect street name signs to town standards at all intersections within the subdivision.

9. **Permits for Connection to State Roads**. An approved permit is required for connection to any existing state system road. This permit is required prior to any construction on the street or road. The application is available at the office of the nearest district engineer of the NCDOT.

10. **Wheelchair Ramps**. In accordance with Chapter 136, Article 2A, Section 135-44-14, all street curbs in North Carolina being constructed or reconstructed for maintenance procedures, traffic operations, repairs, correction of utilities, or

altered for any reason after September 1, 1973, shall provide wheelchair ramps for the physically handicapped at all intersections where both curb and gutter and sidewalks are provided and at other major points of pedestrian flow.

11. **Bridges**. The clear roadway widths for new and reconstructed bridges serving two-lane, two-way traffic shall be as follows:

    a. **Shoulder Section Approach**

        i. Under 800 ADT Design Year Minimum twenty-eight (28) feet width face-to-face of parapets or rails or pavement width plus ten (10) feet, whichever is greater.

        ii. 800—2,000 ADT Design Year Minimum thirty-four (34) feet width face-to-face of parapets or rails or pavement width plus twelve (12) feet, whichever is greater.

        iii. Over two-thousand (2,000) ADT Design Year Minimum forty (40) feet. Desirable forty-four (44) feet width face-to-face of parapets or rails.

    b. **Curbs and Gutters Approach.**

        i. Under eight-hundred (800) ADT Design Year. Minimum twenty-four (24) feet face-to-face of curbs.

        ii. Over eight-hundred (800) ADT Design Year. Width of approach pavement measured face-to-face of curbs. Where curb and gutter sections are used on roadway approaches, curbs on bridges shall match the curbs on approaches in height, in width of face-to-face of curbs, and in crown drop. The distance from face of curb to face of parapet or rail shall be one (1) foot and six (6) inches minimum, or greater if sidewalks are required.

        iii. The clear roadway widths for new and reconstructed bridges having four (4) or more lanes serving undivided two-way traffic shall ensure that any shoulder section approach has a width of approach pavement plus width of usable shoulders on the approach left and right, a minimum eight (8) feet; des. ten (10)

feet. Any curb and gutter approach shall have a width of approach pavement measured face-to-face of curbs.

12. **Curb and Gutter**. Curb and gutter shall be provided in all subdivisions except in watershed districts.

    a. Curb and gutter shall meet the specifications in Section I.C. of the NCDOT Subdivision Roads Minimum Construction Standards, as amended.

    b. Unless otherwise specified by the Rolesville Board of Commissioners, curb and gutter shall be provided along the entire length of each street in the subdivision.

    c. The Board of Commissioners of the Town of Rolesville may make an exception this policy in areas having very low traffic volume.

13. **Street Drainage, No Curb and Gutter**. Where the installation of curb and gutter is not required, the Town of Rolesville shall review all drainage prior to acceptance of any facility on the town system.

    a. The storm drainage system shall be designed to meet NCDOT standards.

    b. All driveway drainage pipes shall be constructed to meet a ten-year storm and shall be at least fifteen (15) inches in diameter constructed of reinforced concrete.

14. **Subdivision Street Disclosure Statement**. All streets shown on the final plat shall be designated in accordance with G.S. § 136-102.6 and designation as public shall be conclusively presumed an offer of dedication to the public. Where streets are dedicated to the public but not accepted into a municipal or the State system, before lots are sold, a statement explaining the status of the street shall be included with the final plat.

15. **Half-Streets**. The dedication of half streets of less than sixty (60) feet at the perimeter of a new subdivision shall be prohibited. If circumstances render this impracticable, adequate provision for the concurrent dedication of the remaining half of the street shall be furnished by the subdivider. Where there

exists a half-street in an adjoining subdivision, the remaining half shall be provided by the proposed subdivision.

a. In circumstances where more than sixty (60) feet of right-of-way is required, a partial width right-of-way, not less than sixty (60) feet in width, may be dedicated when adjoining undeveloped property is owned or controlled by the subdivider.

b. The width of the partial dedication shall be as such as to permit the installation of such facilities as may be necessary to serve abutting lots.

c. When the adjoining property is subdivided, the remainder of the full required right-of-way shall be dedicated.

d. The Board of Commissioners may accept a dedication of half-street right-of-way instead of fee-in-lieu.

16. **Marginal Access Streets.** Where a tract of land to be subdivided adjoins a principal arterial street, the subdivider may be required to provide a marginal access street parallel to the arterial street or reverse frontage on a minor street for the lots to be developed adjacent to the arterial. Where reverse frontage is established, private driveways shall be prevented from having direct access to the principal arterial.

17. **Nonresidential Streets**. The subdivider of a nonresidential subdivision shall provide streets in accordance with the North Carolina Department of Transportation Subdivision Roads Minimum Construction Standards (as amended) and the standards in this LDO, whichever are stricter in regard to each particular standard.

18. **Utility Poles.** Poles for overhead utilities should be located clear of roadway shoulders, a minimum of a least thirty (30) feet from the edge of pavement on major thoroughfares. On streets with curb and gutter, utility poles should be set back a minimum distance of six (6) feet from the face of curb.

C. **Sidewalks.** Sidewalks shall be required for all major subdivisions. Sidewalks shall comply with the following standards:

1. Sidewalks shall meet the applicable requirements of the ADA. All sidewalks must be ADA accessible from street intersections.
2. Sidewalks shall be provided along all lots fronting streets.
3. Sidewalks shall be provided along both sides of streets. Streets that are three-hundred (300) feet or less are only required to have a sidewalk on one (1) side if it ends in a cul-de-sac.
4. Sidewalks shall be constructed to a minimum width of five (5) feet and shall consist of a minimum thickness of four (4) inches of concrete. Sidewalks shall consist of a minimum thickness of six (6) inches of concrete at driveway crossings.
5. All sidewalks shall be placed in the right-of-way.
6. Sidewalks shall be in a parallel manner alongside the street. Where topography prohibits sidewalks being constructed in a straight manner, sidewalks may be designed to meander along the street.
7. Internal sidewalks shall be provided in all developments regardless of zoning district.
8. Sidewalks shall be required to connect to existing or planned sidewalks at property boundaries.
9. In low-lying areas or where natural topography requires it, the Land Development Administrator can require that the developer construct a boardwalk.
10. Greenways shall not be constructed in place of required sidewalks.
11. Where a subdivision is traversed by a stream or drainage way, an easement shall be provided conforming with the lines of such stream and of sufficient width as will be adequate for the purpose.

D. **Interconnectivity of Streets.**

1. The subdivision's street system shall conform to the Rolesville community transportation plan and thoroughfare plan.

2. In areas where there are no thoroughfares or collector streets, streets shall be designed and located in proper relation to existing and proposed streets.

3. Streets shall be designed or walkways dedicated to assure convenient access to parks, playgrounds, schools, or other places of public assembly.

9.2.2 BLOCKS

A. **Generally.** Blocks shall be designed with consideration given to the type of land use proposed within the block. The following additional factors shall be given consideration for block design:

1. LDO requirements;

2. Vehicular demands;

3. Pedestrian circulation;

4. Control and safety of street traffic;

5. Topographical limitations; and

6. Convenient access to water areas

B. **Length**. Blocks shall not be less than four-hundred (400) feet or more than one-thousand-two-hundred (1,200) feet.

C. **Width**. Residential blocks shall have sufficient width to allow for two (2) tiers of lots of appropriate depth, except where single tier lots are required to separate residential development from vehicular traffic or another type of use.

D. **Crosswalks**. A pedestrian crosswalk not less than fifteen (15) feet in width may be required near the center and entirely across any for the following instances and comply with the below standards:

1. Residential block nine-hundred (900) feet or more in length within residential zoning districts;

2. Where deemed essential to provide adequate access to schools, shopping centers, churches, transportation facilities or recreational facilities.

3. Crosswalks shall be constructed of permanent materials such as those generally used for sidewalks, including concrete, brick, asphalt and similar wear-resistant and weather resistant surfacing.

4. Crosswalks shall be marked in accordance with the standard "Manual on Uniform Traffic Control Devices" as provided by the Federal Highway Administration.

9.2.3. LOTS

A. **Standards**. Lots shall confirm to the zoning district standards set forth in Section 3: Zoning Districts, of this LDO. Conformance to zoning requirements means, among other things, that the smallest lot in the subdivision must meet all dimensional requirements of the LDO. It is not sufficient merely for the average lot to meet zoning requirements. Lots shall meet the following standards:

1. Lots shall meet any applicable Wake County Health Department Regulations.

2. Through lot designs should be avoided wherever possible.

3. Side lot lines shall be substantially at right angles to or radial to street lines.

4. Where public water and/or sewer is not offered, lots shall comply with the standards of the Wake County Environmental Services Department and the Town of Rolesville LDO.

B. **Setbacks**. Minimum building setback lines shall conform to the requirements of Section 3. Zoning Districts. Lots shall be designed to provide yards as required in connection with building sites by the terms of the LDO.

C. **Compliance with Development Standards**. The subdivider shall refer to the various development standards of the LDO and shall apply them in the layout of subdivisions to avoid creating irregular lots that make compliance with development standards difficult or impracticable.

D. **Access**. Every lot shall provide access to and abut a public right-of-way. For the Dwelling, Single Family, Attached use, Lots may access to and abut Private Access Easements rather than public rights-of-way.

E. **Flag Lots.**

1. The LDO prohibits the creation of flag lots in subdivisions except in the following circumstances:
    a. To reasonably utilize irregularly shaped land;
    b. To reasonably utilize land with unusual topography rendering a majority of the lot unbuildable;
    c. To reasonably utilize land with limited sites suitable for septic tank requirements; and/or
    d. To provide for the protection of significant natural resources.
2. Flag lots shall not be permitted if it increases the number of access points onto a major thoroughfare.
3. In no instance may a subdivision approved after the effective date of this LDO be re-subdivided to create flag lots.
4. Use of a single driveway easement, to serve adjoining flag lots is permitted and encouraged to reduce access points on public streets.

9.2.4 EASEMENTS

A. **Utility Easements**. Easements for underground or above ground utilities shall be provided, where necessary, across lots or centered on rear or side lot lines and shall be at least twenty (20) feet wide for water and sanitary sewer lines and as required by the companies involved, for telephone, gas, and power lines.

1. The Technical Review Committee (TRC) will determine whether one (1) easement is sufficient or whether several easements are necessary to accommodate the various facilities and the subdivider shall provide the required easements.
2. Easements may also be upsized by the Board of Commissioners based upon the size of lines, projected demand of facility, or need to remain clear of other utilities and easements.

B. **Drainage Easements**. Where a subdivision is traversed by a stream or drainage way, an easement shall be provided conforming with the lines of such stream and of sufficient width as will be adequate for the purpose.

C. **Drainageway Buffer Easements.** In watershed overlays, drainage way buffers shall be provided as required by the LDO and shall be recorded as easements.

9.2.5. SUBDIVISION ACCESS STANDARDS

A. **Open Access.** Subdivisions shall provide roadways that are permanently open to the public and provide community-wide access as part of a connected street network.

B. **Connectivity.** Streets shall be interconnected and connect with adjacent streets external to the subdivision to provide multiple routes for pedestrian and vehicle trips. Implementation of any access points or associated improvements recommended by a traffic impact analysis (TIA) are required. In addition, connections must be made to existing and planned street stubs.

C. **Number of Access Points.** Subdivisions shall provide access consistent with the North Carolina State Building Code: Fire Prevention Code.

9.2.6. UTILITIES

A. **Residential**. Residentially zoned lots shall comply with the following standards:

1. **New Construction**. Within the Town of Rolesville's jurisdiction, every residentially zoned lot being improved with a new dwelling that is within the distance defined in Table 9.2.6 shall be required to connect, at the expense of the owner or developer, to that public water or sewer system.

    a. The distance shall be measured from the closest property line of the development to the nearest existing water or sewer line.

    b. All water and sewer lines throughout each subdivision shall be placed within rights-of-way and/or existing easements except for each line serving the interior of individual lots.

    c. Residential properties developed for one single family dwelling need not connect to public utilities if they are replacing an existing single family

home with another single family dwelling or if the owner is adding onto an existing single family dwelling.

Table 9.2.6.

Number of Lots	Distance From System
1 Lot	300 Feet
2 to 4 Lots	1,000 Feet
<5 Lots (Major Subdivision)	5,280 Feet

2. **Lots with Existing Well and/or Septic System**.

   a. All individual lots which have failing ground absorption wastewater treatment and dispersal systems shall, upon notice from the Wake County Authorized Agent, connect to the Town of Rolesville wastewater collection system when it is determined that three-hundred (300) feet or less of sewer line is required for the connection.

   b. The property owner shall be required to connect to the wastewater collection system within ninety (90) days of the notice unless a variance is granted by Wake County.

   c. When a facility is required to be connected to the Town of Rolesville's wastewater collection system, and the septic and/or pump tank is not being utilized as part of that connection, the septic and/or pump tank shall be properly abandoned.

   d. All individual lots which have failing well systems shall connect to the Town of Rolesville water utility system when it is determined that three-hundred (300) feet or less of water line is required for the connection.

   e. When a facility is required to be connected to the Town of Rolesville's water utility, the failing well shall be properly abandoned.

B. **Community and Individual Water and Sewer**. For all community and individual water and/or sewer systems, including individual wells or septic systems in subdivisions or developments outside of the 5,280 foot distance of existing water and/or sewer systems, the materials, design, and installation shall be subject to approval by the

Division of Water Quality at the N.C. Department of Environmental Quality or the Wake County Health Department.

C. **Water and Sewer Utility Extensions.** Extensions of any water or sanitary sewer mains are to be made to the furthest property line of the tract where necessary to serve adjoining property owners with utilities along natural drainage patterns. In all instances, plans shall show the total area in acres draining to the uppermost bounds of the tract on any established watercourse. Additional extensions may be required if the Town of Rolesville or the City of Raleigh Public Utilities Department determines adjacent property can be served from extensions to the proposed site.

D. **Nonresidential Properties**. To provide for sufficient water and wastewater service for businesses of Rolesville, and to provide for the town's long term capacity for future utility customers, all applicants for nonresidential zoning permits shall be required to provide anticipated peak water and wastewater usage to the Land Development Administrator. Nonresidential zoned lots shall comply with the following standards:

    1. **Specifications**. All construction of water and/or sewer lines shall be done in conformity with the City of Raleigh specifications for utility construction.

    2. **Minimum Standards**. All nonresidential developments shall have capacity, at minimum, for 25,000 gallons of water and wastewater per day.

    3. **Conveyance.** Upon completion and approval of all water and/or sewer improvements to, into, and within the subdivision or development, the water and sewer improvements shall be conveyed, together with access easements for maintenance, to the City of Raleigh. The City of Raleigh shall maintain said lines as same shall be part of its water and/or sewer system.

9.2.7. REFUSE COLLECTION

A. For multiple family and attached housing developments, only dumpsters may be used for refuse collection. Alley loaded and/or individual refuse collection cans are prohibited.

10. NONCONFORMITIES

10.1 PURPOSE AND INTENT

A. **Purpose and Intent**. Due to the establishment of this LDO, there exists uses of land, structures, lots of record, and site features that were lawfully established prior to the adoption of this LDO that are not conforming. The purpose of this section is to allow and regulate the continued existence of such instances that do not conform to the provisions of this LDO, as nonconformities. This section further intends to:

1. Recognize the ability of landowners to continue to use property for uses and activities that were lawfully established;
2. Promote upkeep, maintenance, reuse, and rehabilitation of existing sites and buildings; and
3. Enforce limits on nonconformities that may adversely affect neighboring properties.

10.2. APPLICABILITY

A. **Determination of a Nonconformity.**

1. The burden of establishing that a nonconformity lawfully exists shall be the responsibility of the person who owns or rents the property upon which the nonconformity exists, or an authorized agent of the person who owns or rents the property (i.e. the owner, agent, or applicant).
2. Evidence that may be used to prove the legal status as a lawful nonconformity may include approved permits, approved construction plans, and/or records of previously approved regulations.

B. **Ownership Changes**. No change of title or possession of property shall be construed to prevent the continuance of a nonconformity.

C. **Increases in a Nonconformity**. A nonconformity shall not be expanded, intensified, or enlarged except as provided by this section.

10.3. NONCONFORMING STRUCTURES

A. Nonconforming structures are structures which were lawfully established in accordance with regulations at the time but no longer meet the development standards of this LDO. Any lawful nonconforming structures with conforming uses may be added to, enlarged, reconstructed, or moved in accordance with the standards below:

1. Nonconforming structures may be enlarged provided the enlargements comply with the development standards (i.e. yard, height, parking, loading, access, and all other applicable requirements) of this LDO for the district in which such a structure is located.
2. Nonconforming structures shall not be permitted to create any additional dwelling units, create new nonconformities, or increase the extent of existing nonconformities.
3. Minor repairs to, and routine maintenance on, nonconforming structures shall be allowed. Minor repairs and routine maintenance shall mean repairs and maintenance that are necessary to maintain a nonconforming structure in a safe condition and to protect against hazards to the safety of surrounding areas and uses.
4. Nonconforming structures which are damaged or destroyed by fire, explosion, flood, or other natural causes, may be reconstructed, and shall comply with the yard, height, parking, loading, access, and all other applicable development standards of this LDO for the district in which the structure is located.
5. If the nonconforming structure is situated on a nonconforming lot of record, the provisions concerning nonconforming within Section 10.5: Nonconforming Lots, shall apply.
6. If the nature of the damage would make it more feasible to rebuild in the previous location, the Board of Adjustment is authorized to approve a variance to allow the reconstruction or replacement.
7. A nonconforming structure may not be moved off the lot (or lots) on which it is located unless when relocated it complies with the regulations for the district in which it is located.

10.4. NONCONFORMING USES

A. A nonconforming use is a use of land or building that lawfully existed, or for which a vested right was established, before the adoption of this LDO, but is not a permitted use in the zoning district in which the use is located. Any lawful nonconforming use of a structure, land, or water existing at the time of the adoption of this LDO may be continued so long as the following standards are met:

1. Only that portion of the land or water in actual use may be so continued and the nonconforming use may not be enlarged or extended, except as provided for in Section 10.4.A.5.
2. No additional structures may be added to be occupied by the nonconforming use, except that existing cemeteries can expand to the boundaries of the property which they owned at the time they became nonconforming, provided that required setbacks are met.
3. Normal maintenance, repair, and incidental alteration of a building occupied by a nonconforming use is permitted provided it does not extend the nonconforming use.
4. A structure occupied by a nonconforming use may be changed to make the structure more in character (i.e. more conforming) with the use permitted in the district in which it is located.
5. If a nonconforming use is damaged by fire, explosion, flood, or other natural cause to the extent of more than seventy-five (75) percent of its current assessed value, it shall not be restored except so as to comply with the use provisions of this LDO. However, a nonconforming single family detached dwelling, double family dwelling, or manufactured unit dwelling may be restored in accordance with the provisions of Section 10.3: Nonconforming Structures.
6. If such nonconforming use is discontinued or terminated for a period of more than one-hundred-and-eighty (180) days, any future use of the structure, land, or water shall comply with the provisions of this LDO. Operation of the use without a license or permit required by the town or state for one-hundred-and-eighty (180) days or more shall constitute a termination of nonconforming use.

7. A nonconforming manufactured home used as a principal residential structure may be replaced with another manufactured home only if:
    a. The replacement is a manufactured home that bears a valid seal indicating conformance with the current National Manufactured Housing Construction and Safety Standards Act;
    b. The replacement manufactured home is a Class A manufactured home, as defined in this LDO;
    c. The replacement manufactured home must have been manufactured within five years from the date of a request for a replacement of the existing mobile home;
    d. Was not granted a special use permit to allow its presence at a particular location or zoning district
    e. It is not in a mixed-use district or the Town Center district.
    f. The replacement manufactured home must receive a certificate of occupancy no later than one-hundred-and-eighty (180) days of the removal of the original manufactured home. The manufactured home must meet all zoning district requirements.
8. A special use permit may allow for a change in nonconforming use provided that the requirements of this section are met. The special use permit shall find that such new use would be more in character with the uses permitted in the district than the previous use. In permitting such change, the special use permit may require appropriate conditions and safeguards in accordance with the provisions of this LDO.
    a. Once a nonconforming use has been changed or altered to comply with the provisions of this LDO, it shall not revert back to a nonconforming use.
    b. If the substitution of a more restrictive nonconforming use for an existing nonconforming use is approved, the substituted use shall lose its status as legal nonconforming use and become subject to all the requirements of this LDO.

9. If the structure occupied by a nonconforming use is changed so as to be more in character with the uses permitted in the district in which it is located, it shall not subsequently be changed to be less in character.

10.5. NONCONFORMING LOTS

A. A nonconforming lot is a tract of property that was lawfully established at the time of its establishment but is no longer conforming to the lot standards of this LDO.

B. Where the owner of a lawful lot of record, at the time of adoption of this LDO, or their successor in title thereto does not own sufficient land to enable them to conform to the lot area or lot width requirements of this LDO, such a lot may be used as a building site for a single-family residence in a district in which residences are permitted.

   1. The standards above shall also apply for a mobile home only if the lot is in a district where mobile homes are permitted.

C. In no situation shall the lot width and lot area be greater than twenty (20) percent below the minimum specified in this LDO. The appropriate county department shall approve the reduction if on-site water or wastewater facilities are involved.

D. In any case where the lot area and lot width are greater than twenty (20) percent below the minimum specified in this LDO, or other requirements cannot be met, the Board of Adjustment is authorized to approve, as a variance, such dimensions that shall conform as closely as possible to the required dimensions. This provision shall also require that Wake County Health Department submits a letter of approval if on-site water or wastewater facilities are involved.

E. If the pre-existing nonconforming lot is not in a district where single-family dwellings or mobile homes are permitted, the Board of Adjustment may issue a variance to allow some reasonable use.

F. If two (2) or more adjoining lots of record are in one ownership when this LDO is adopted, or at any time after the adoption of this LDO, and such lots individually do not meet the minimum dimensional requirements of this LDO for the district in which such lots are located, then such group of lots shall be considered as a single lot or several lots of minimum permitted width and area for the district in which located, and therefore, the provisions of Section 10.5: Nonconforming Lots, do not apply. No portion of said lot

or structure shall be used or sold in a manner which diminishes compliance with the requirements of this LDO.

10.6. CONFORMING USES AND STRUCTURES

A. Any use or structure existing prior to the effective date of this LDO which conforms to the regulations of this LDO for permitted uses and satisfies the development standards and any other applicable regulations of the district in which it is located, may be continued, provided any changes in use or structural or other changes shall comply with the provisions of this LDO.

B. Any structure or use existing prior to the effective date of this LDO which would be permitted by this LDO as a special use permit may be continued as if a special use permit had been applied for and issued, provided that any changes in use or structural or other changes shall comply with the provisions of this section and LDO.

10.7. EFFECT OF AMENDMENTS

A. If subsequent amendments to this LDO or the official zoning map result in the creation of additional nonconformities, such nonconformities shall be governed by the provisions of this section unless otherwise stated in the amendment.

11. ADMINISTRATION AND DEFINITIONS

11.1. INTRODUCTION

A. This section contains general administration provisions, interpretation provisions, and general definitions used throughout this LDO.

11.2. INTERPRETATION

A. Whenever the context in which words are used in the LDO indicates that such is the intent. All references to “herein”, “hereunder” and words of like import shall refer, unless the context clearly requires otherwise, to this LDO, as distinct from the paragraph or section within which such term is located.

B. The terms “shall”, “should”, “will”, and “may” are included within the LDO and are understood to be used in the following manner:

Shall: Provisions or items that are mandatory

Will: Declares a purpose to accomplish an item in the future

Should/May: Items that are more flexible in nature and are non-mandatory but encouraged

C. Any term not herein defined shall be as defined elsewhere in the LDO or Town Code or, if not defined elsewhere in the LDO or Town Code, as defined in Webster's New International Dictionary, most recent edition, unless the result does not effectuate the intent of the governing bodies, leads to absurd or illogical results, or is inconsistent with the surrounding textual context.

D. Any reference to “town” shall mean “Town of Rolesville”.

E. Any reference to “Comprehensive Plan” shall mean the most current version of the “Rolesville Comprehensive Plan.”

F. Minimum And Maximum. All regulations, standards and provisions defined in this LDO are considered as minimum or maximum requirements, as specified in each section. No

component of this LDO shall be deemed to limit, repeal, or hinder other powers or authority granted under the North Carolina General Statutes.

G. Use Interpretation. The Land Development Administrator is responsible for determination and interpretation of uses. A written record shall be kept by the Town following a determination by the Land Development Administrator. If a proposed principal use is not included in this LDO, the Land Development Administrator will use the following items to determine what use category the use is in, and whether the activities constitute primary uses or accessory uses

    1. The actual or project characteristics of the proposed use;
    2. The description of the activity(ies) in relationship to the characteristics of each use category;
    3. The relative amount of site or floor space and equipment devoted to the activity or use;
    4. Relative amounts of sales;
    5. The customer type;
    6. The relative number of employees;
    7. Hours of operation;
    8. Building and site arrangement;
    9. Vehicles used with the activity;
    10. The relative number of vehicle trips generated;
    11. Signs;
    12. Likely impacts on surrounding properties;
    13. How the use advertises itself; and
    14. Whether the activity would be likely to be found independent of the other activities on the site.

H. General Interpretation. The Land Development Administrator has the authority to interpret this ordinance and make associated determinations.

11.3. IMAGES

A. All drawings, illustrations, photographs, or other images used in this LDO are intended only to graphically portray the regulatory standards and overall intents established throughout this LDO. These images are considered guidelines as opposed to regulatory standards.

11.4. RULES OF MEASUREMENT

A. **Straight Lines**. Unless otherwise stated in this LDO, any distances required in this LDO are to be measured as the length of an imaginary straight line joining two (2) points.

B. **Rounding**. Any numerical calculation required by this LDO that results in the part of a whole number shall be rounded up to the next highest whole number, not down to the lower whole number.

C. **Irregular Shapes.** If an irregular shape makes the calculation of a standard requirement of this LDO unclear, the Land Development Administrator shall determine the appropriate standard requirement.

11.5. CONFLICTING PROVISIONS

A. Conflicts Between Standards in LDO. If any standard and regulation contain an actual, implied, or apparent conflict with other provisions of this LDO, the more restrictive standard or regulation shall apply.

B. Conflicts With State or Federal Law. If any standard or regulation is inconsistent with state or federal law, the more restrictive standard or regulation shall govern, to the extent permitted by law.

C. Conflicts With Other Town Laws or Codes. If any standard or regulation is inconsistent with another standard or regulation of the town, the more restrictive standard or regulation shall govern, unless specified otherwise.

11.6. ZONING MAP

A. If any uncertainty exists with regards to intended boundaries as shown on the Official Zoning Map, the Land Development Administrator is authorized to

interpret the boundaries. The following rules of construction apply in resolving uncertainty or ambiguity.

1. Boundaries shown as approximately following a street, highway, alley, road, right-of-way, parkway, utility line, railroad, stream or watercourse, the boundary shall be deemed to be the centerline of such feature.

2. If a street, alley, railroad, or utility easement forming the boundary between two separate zoning districts is abandoned or removed from dedication, the district boundaries shall be construed as following the centerline of the abandoned or vacated roadbed or utility easement.

3. In instances when a zoning case file contains detailed information regarding the boundary, that information will be used as the correct boundary location.

4. Boundaries indicated as approximately following the boundary of the town limits shall be construed as following the boundary of municipal corporation.

5. Boundaries indicated as approximately following a river, stream, canal, lake, or other watercourse shall be interpreted as following the centerline of the watercourse as it exists, and as moving with that centerline to the extent the watercourse moves because of gradual changes in such course (e.g. by accretion, erosion, or sedimentation). Sudden changes in a watercourse (e.g. by flood or avulsion) shall not effect a change in the boundary.

6. Boundaries generally following other physical features shall be construed as following such physical features, except where variation of the actual location from the mapped location would change the zoning of a lot or parcel, and in such case the boundary shall be interpreted in such manner as to avoid changing the zoning of any lot or parcel.

7. Boundaries parallel to or buffering physical features shall be construed as being parallel to or extensions of such feature.

8. Wherever a single lot is located within two or more different zoning districts, each portion of the lot shall be subject to all the regulations applicable to the zoning district where it is located.

9. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.

10. In instances where none of the above methods are sufficient to resolve the boundary location, the reasonable maintenance of a regular boundary will be used to establish the boundary location.

11. Interpretation of information on the zoning maps will be made by the Land Development Administrator. Appeals of the Land Development Administrator's interpretation may be made to the Board of Adjustment.

11.7. DEFINITIONS

A. In compliance with N.C. Gen. Stat. § 160D-706, all definitions of building, dwelling, dwelling unit, bedroom, or sleeping unit shall be consistent with the definition of those terms in another statute or in a rule adopted by a state agency, including the State Building Code Council. Where inconsistencies exist, the definitions of those terms in another statute or in a rule adopted by a state agency shall control.

B. Except where specific definitions are used within a specific section of the LDO for the purpose of such sections, the following terms, phrases, words, and their derivations shall have the meaning given herein when not inconsistent with the context. Principal uses, which correspond with the Permitted Principal Use Table, are defined in Section 5: Uses, of this LDO.

A

Abandonment : The termination or relinquishment of property or use for a continuous period.

Abutting : means that the property directly touches another piece of property.

Access : The right or ability of pedestrians and vehicles to enter and leave a lot or development.

Accessory building, structure, or *use* : A building, structure, or use on the same lot with, or of a nature customarily incidental or subordinate to, and of a character related to the principal use or structure. Garages, carports, and storage sheds are common urban accessory structures.

Pole barns, hay sheds and the like qualify as accessory structures on farms and may or may not be located on the same parcel as the farm dwelling or shop building.

Active Use Areas : Active Use Areas refers to those areas along a frontage that may provide for active uses such as a forecourt, courtyards, outdoor dining, merchandise display, and shared gardens. Active use areas may be used to achieve frontage requirements.

ADA : Americans With Disability Act

Adjacent Properties : A parcel or lot of land that shares part of a common lot line or boundary with another parcel or lot of land (or would abut if not for the presence of a street, waterbody, or right-of-way).

Addition (to an existing building, structure, or dwelling) : An extension or increase in the floor area (square feet) or height of a building or structure. Additions to existing buildings shall comply with the requirements for new construction, unless the addition, renovation or reconstruction to any building that was constructed prior to the initial Flood Insurance Study for that area, and the addition, renovation or reconstruction does not equal 50 percent of the present market value of the structure. Where a fire wall is proved between the addition and the exiting building, the addition(s) shall be considered a separate building and must comply with the standards for new construction.

Age Restricted Residential Development : An age-restricted residential development is any housing type that qualifies for an exemption as “Housing for Older Persons” under the Federal Fair Housing Amendment Act of 1988, 42 U.S.C. 3607(B).

Agent : A person who has legal, authorized consent to act upon another’s behalf.

Agricultural use : The use of water for stock watering, irrigation, and other farm purposes.

Agriculture : The raising and harvesting of vines, seeds, plants, trees (except silviculture as specified in this section) and crops, as well as the keeping, grazing, or feeding of animals (including fish) for animal products, animal propagation, or value increase.

Alley : A strip of land, owned publicly or privately, set aside primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

Animal Service Facility : Any facility (other than a dedicated animal hospital or veterinary clinic) that may provide services including, but not limited to training, boarding, grooming, and daycare of animals either for profit or for humane purposes.

Apartments : See "Dwelling, multifamily."

Appeal : A request for a review of the administrator's interpretation of any provision of this ordinance.

Application : A form designed by the town on which a development review process submission occurs.

Architectural compatibility : Quality of visual agreement, complement and/or balance based on elements of proportion, scale, use of materials and siding between structures or parts of the same structure.

Area of special flood hazard : The land in the floodplain within a community subject to a one percent or greater chance of being flooded in any given year.

Awning : A plastic, canvas, or metal shade structure, often foldable, covered over a storefront or doorway.

B

Balance of watershed : That portion of the watershed within the planning jurisdiction of a municipality that has not been identified for a Special Intensity Allocations (SIA).

Balcony : A platform enclosed by a railing or parapet, projecting from the wall of a building for the private use of tenants or for exterior access to the above-grade units.

Bar/Tavern/Nightclub : A business where alcoholic beverages are sold for on-site consumption, which is not part of a larger restaurant, and where any food service is subordinate to the sale of alcoholic beverages. Beer brewing as part of a microbrewery or other similar beverage tasting facilities should be considered as similar uses. Entertainment such as live music, dancing, comedy, etc. may also be permissible, but only in appropriate circumstances.

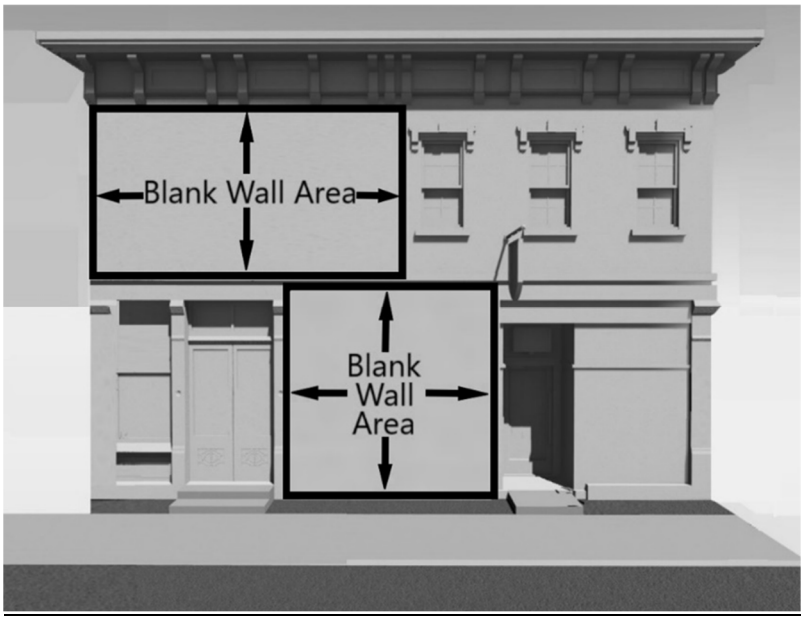
Base flood : The flood with a one percent chance of being equaled or exceeded in any given year.

Basement : For floodplain management purposes, any area of the building with its floor subgrade (below ground level) on all sides.

Berm : An undulating mound of soil designed to provide visual interest, aid in screening undesirable views and/or reduce noise. The berm must be within four to six feet in height, and approximately double its height in width, and must be planted with sufficient vegetation to meet the opacity desired. The surface of the berm must be covered with mulch or pin straw, or landscaped vegetation, including grass, or a combination thereof.

Best Management Practices (BMP) : A structural or nonstructural management based practice used singularly or in combination to reduce non-point source inputs to receiving waters to achieve water quality protection goals.

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



Block : A piece of land bounded on one or more sides by streets or roads.

Bona fide farm : Property used for bona fide farm purposes as defined by N.C. Gen. Stat. § 160D-102 and 160D-903.

Buffer : (also known as a "landscape buffer"): A combination of physical space and vertical elements such as plants, berms, fences or walls, the purpose of which are to separate and screen land uses from each other.

Buffer, base : An area of land with existing vegetation which includes trees with a minimum tree size of two and one-half inch caliper for buffer reforestation. This is the threshold to determine if the existing vegetation is mature enough to be considered as the base buffer. If the buffer is inferior to the base buffer requirements, the buffer may be graded. In either instance, the buffer must be upgraded to meet the opacity requirements specified during site or subdivision plan approval.

Buffer, drainageway : See "Drainageway buffer".

Buffer, riparian (also known as "stream buffer, "vegetative buffer", or "water supply buffer"): An area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

Buffer, streetfront : See "Streetfront buffer".

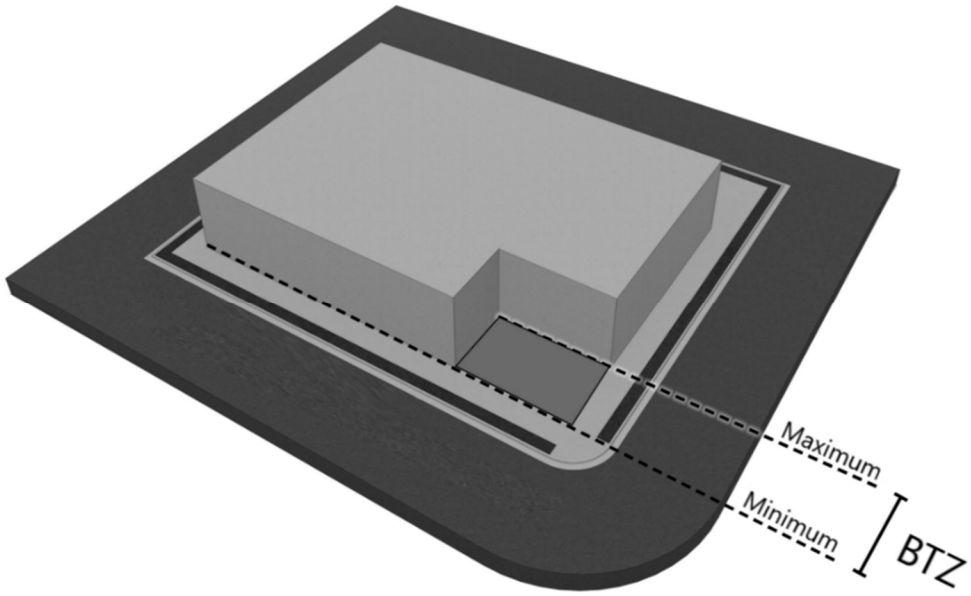
Buffer strip : A planted strip of land which shall be a minimum of 16 feet in width, and shall be composed of evergreen bushes, trees, and/or shrubs such that at least two rows are provided from the ground to a height of six feet within six years and foliage overlaps within six years.

Building : Any structure built for support, shelter or enclosure for any occupancy or storage.

Building (Residential) : Shall mean any one and two family dwelling or portion thereof, including townhouses, that is used or designed or intended to be used for human habitation, for living, sleeping, cooking, or eating purposes, or any combination thereof, and shall include accessory structures thereto.

Building Height : Building Height is measured as the vertical distance from the finished floor elevation to one of the following: the base of parapet or roof line of a flat roof, the midpoint of a pitched roof (gable, hip, or gambrel), or the deck line of a mansard roof.

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



Building setback line : A line parallel to the front property line in front of which no structure shall be erected. Setbacks shall be figured from the right-of-way line.

Built-upon area : Built-upon areas shall include that portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel areas (e.g. roads, parking lots, paths) recreation facilities (e.g. tennis courts), etc. (Note: Wooden slatted decks and the water area of a swimming pool are considered pervious.)

C

Caliper : The diameter of a tree trunk measured in inches to determine the graded size. The caliper of the trunk is measured six inches above the ground for trees up to and including four inch caliper trees, and 12 inches above the ground for trees larger than four-inch caliper.

Class A manufactured home: A multi-wide manufactured home certified as meeting or exceeding the Construction and Safety Standards promulgated by the U.S. Department of Housing and Urban Development and the "acceptable similarity" appearance standards.

Cluster Development : The grouping of buildings to conserve land resources and provide for innovation in the design of the project including minimizing storm water runoff impacts. This term includes non-residential development as well as single-family residential and multifamily development. For this ordinance, conservation subdivisions, planned unit developments, and mixed use developments are considered cluster development.

Collector street : A street that serves as the connecting street between local residential subdivision streets and the thoroughfare system. Collector streets carry traffic between neighborhoods. (Note: Consider revising this definition with the above changes included in the Rolesville Transportation Plan.)

Commercial Commissary : A nonresidential facility used by food trucks, mobile food units, and food carts in accordance with all applicable Wake County Environmental Health regulations of the same. Commercial commissary uses include, but are not limited to, refrigerator, freezer, dry storage, potable water, dishwashing, and wastewater facilities used in association with a food truck or mobile food unit.

Compatible uses : Land uses that are not substantially different and are to be used for activities that are not extremely dissimilar in nature.

Conditional Zoning : Conditional zoning, consistent with N.C. Gen. Stat. § 160D-102, is defined as a legislative zoning map amendment with site-specific conditions incorporated into the zoning map amendment. Conditional zoning is an alternative to rezoning land to a general use district, which allows for certain uses and development that may be appropriate but also allows

other uses and development that may have adverse impacts on public facilities or surrounding lands.

Condominium : A project meeting the requirements of the North Carolina General Statues, Chapter 47A. The type of structure and use rather than the condominium form of ownership shall be the determining factor in deciding whether a use is permitted in a district.

Corner lot : A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drain from the foremost points of the side lots lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.

Critical area : The area adjacent to a water intake of reservoir where risk associated with pollution is greater than from remaining portions of the watershed. The critical area is defined as extending either one-half mile from the normal pool elevation of the reservoir in which the intake is located or to the ridge line of the watershed (whichever comes first); or one-half mile upstream from the intake located directly in the stream or river (run-of-the-river), or the ridge line of the watershed (whichever comes first). Local governments may extend the critical area as needed. Major landmarks such as highways or property lines may be used to delineate the outer boundary of the critical area if these landmarks are immediately adjacent to the appropriate outer boundary of one-half mile.

Cul-de-sac : A short street having but one end open to traffic and the other end being permanently terminated and a vehicular turnaround provided.

Cultural or *Community Facility* : Facilities designed to promote cultural advancement and serve the community such as art galleries; non-profit civic or fraternal organizations; museums, exhibitions, or similar facilities; libraries; and community centers.

Cut-off light fixture : An artificial outdoor lighting fixture designed to ensure that no light is emitted above a horizontal line parallel to the ground.

D

Deciduous trees : Trees and other plants whose leaves fall off at certain seasons.

Dedication : A gift, by the owner, or a right to use of land for a specified purpose or purposes. Because transfer or property rights are entailed, dedication must be made by written instrument and is completed with an acceptance.

Density (Residential) : Residential development (density) is measured by dwelling units per gross acre (du/ac). The maximum density defined for a district shall constitute the maximum number of units allowed on property and shall be consistent with the Comprehensive Plan.



Development : The division of land into two or more parcels, construction, reconstruction, structural alteration, relocation, or enlargement of any structure; any excavation or land disturbance; and any use or the extension of the extension of the use of land.

Diameter at Breast Height (DBH) : Diameter of a tree measured at four and one-half feet from the ground.

Discharging Landfill : A landfill which discharges treated leachate and which requires a National Pollution Discharge Elimination System (NPDES) permit.

Dish antenna (or earth station) : An accessory structure and shall mean a combination of (1) antenna or dish antenna whose purpose is to receive communication or other signals from orbiting satellites and other extraterrestrial sources; (2) a low-noise amplifier which is situated at the focal point of the receiving component and whose purpose is to carry the signals into the interior of the building.

Dish antenna (or earth station) height : That distance as measured vertically from the highest point of the antenna or dish, when positioned at its lowest angle for operation, to ground level at the bottom of the base which supports the antenna.

Dish antenna (or earth station) setback : The distance measured from the center mounting post supporting the antenna.

Double frontage lot : A continuous (through) lot which is accessible from both streets upon which it fronts.

Drainageway buffer : A recorded easement or unrecording portion of land that shall remain undisturbed except as may be necessary to accommodate.

(1) Road, provided they cross at a horizontal angle of at least sixty (60) degrees.

(2) Utilities and their easements.

(3) Greenway, pedestrian paths, and their easements as part of a group housing project, mobile home park, or subdivision if permitted by the Board of Commissioners upon finding that the buffers are the most appropriate location for the greenway or pedestrian path.

Drainageway buffers shall be measured perpendicular to the flow of the drainage and from the edge of the drainageway banks, except when no drainageway swale shall be used. Homeowners shall be encouraged to help maintain drainageway buffers and streams and stream banks so that maximum stream protection is achieved.

Dwelling : A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Dwelling, multiple family : A building arranged to be occupied by more than two families, the building has more than two dwelling units but excludes mobile homes and townhouses.

Dwelling, single-family : A building arranged to be occupied by one family, the building housing only one dwelling unit, but excludes mobile homes and townhouses.

Dwelling, two-family : A building arranged to be occupied by two families, the building having two dwelling units, but excluding mobile homes and townhouses.

Dwelling unit : A building or portion thereof designed, arranged, and/or used for the living quarters for one or more persons living as a single family, with cooking facilities, excluding units

in rooming, boarding, and tourist homes, family or group care homes, or hotels or motels or other buildings designed for transient residence.

E

Easement : A grant by the property owner of a strip of land for specified purpose and use by the public, a corporation, or persons.

Electronic Gaming Operation : Any business enterprise, whether as a principal or an accessory use, where persons utilize electronic machines, including but not limited to computers and gaming terminals, to conduct games of chance and where cash, merchandise, or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. This term includes but is not limited to internet cafes, internet sweepstakes, or cyber cafes. This does not include any lottery approved by the State of North Carolina.

Elevated building : For floodplain management, a non-basement building that has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

Evergreen Plants : Trees or plants that retain their foliage all year.

Existing construction : For purposes of detaining rates, structures for which the start of construction commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures".

Existing development : Those projects that are built or those projects at a minimum have established a vested right under North Carolina zoning laws as of the effective date of this ordinance based on at least one of the following criteria:

1. Substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received valid local government approval to proceed with the project, or

2. Having an outstanding valid building permit as authorized by the N.C. Gen. Stat. § 160D-108 and 160D-1110; or
3. Having an approved site specific or phased development plan as authorized by the N.C. Gen. Stat. § 160D-108.

Existing manufactured home park or *manufactured home subdivision* : A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either the final site grading or the pouring of concrete slabs) is completed before December 19, 2000.

Expansion to an existing manufactured home park or *subdivision* : The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either the final site grading or the pouring of concrete slabs).

Externally Oriented Land Uses : A land use characterized by a greater degree of vehicular and pedestrian movement external to the structures on site relative to other sites. *Exterior Lighting* : Lighting such as that used in and around buildings, recreation areas, parking lots and signs designed to illuminate certain areas for visibility.

F

FAA : Federal Aviation Administration.

Family : One or more persons related by blood, adoption, or marriage, living together as a single housekeeping unit, exclusive of household servants. A number of persons not exceeding five living together as a single housekeeping unit thought not related by blood, adoption, or marriage, shall be deemed to constitute a family, as shall a foster care home approved by the state.

Family care home : A facility as defined in the N.C. Gen. Stat. § 160D-907.

FEMA : Federal Emergency Management Agency.

Fence : An artificially constructed barrier intended for protection, screening, or boundary.

Flag lot : Means a lot that is in the shape of a "flag", where the access to the road is provided along the long narrow "flagpole," and the shape of the lot is rectangular, as a flag.

Flood or *flooding* : A general and temporary condition of partial or complete inundation of normally dry land areas from: 1) the overflow of inland or tidal waters; and 2) the unusual and rapid accumulation of runoff of surface waters from any source.

Flood Hazard Boundary Map (FHBM) : An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Rate Map (FIRM) : An official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

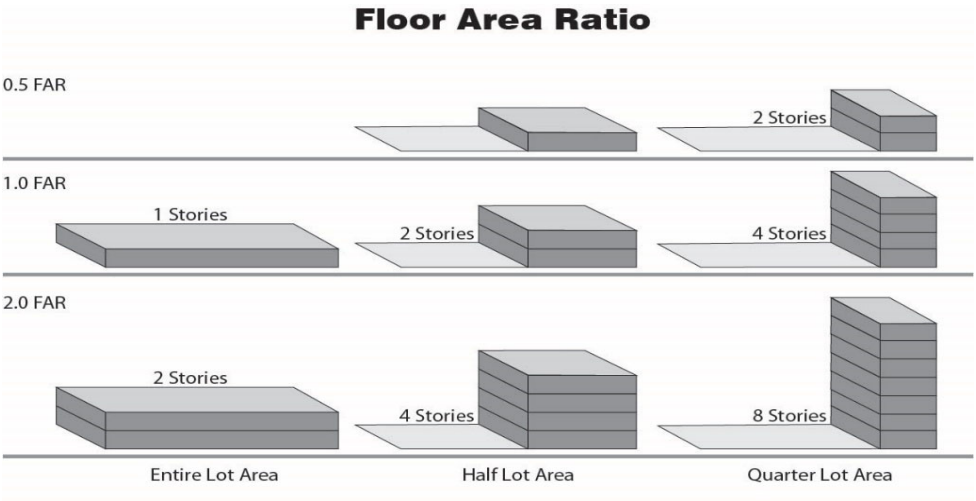
Flood Insurance Study : The engineering study performed by the Federal Emergency Management Agency to identify flood hazard areas, flood insurance risk zones, and other flood data in a community. The study includes Flood Boundary and Floodway Maps (FBFMs), Flood Hazard Boundary Maps (FHBMs), and/or Flood Insurance Rate Maps (FIRMs).

Floodway : The channel of a river or other watercourse and the adjacent land areas that must be reserved to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floor : The top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring on wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Floor area, gross : The number of square feet of total floor area bounded by the exterior faces of a structure, plus the number of square feet of unenclosed space devoted to the conduct of the use, excluding basements and unenclosed porches, balconies, and terraces, unless used in conjunction with the use, such as for outdoor eating, merchandising, storage, assembly, or similar uses, and excluding off-street parking and loading areas.

Floor Area Ratio : FAR is the measurement of a building's floor area in relation to the size of the lot which the building is located on (i.e. building square footage divided by lot square footage). All residential densities and non-residential intensities denoted in the adopted comprehensive plan are not guaranteed by right. The appropriate allocation of one or both shall support sustainable development using the town's applicable subdivision, zoning, and site plan review criteria and procedure.



Food Cart : Any non-motorized pushcart or other wheeled device, used expressly for the preparation and sale of food products, and without provisions for its operator to enter the unit to conduct such.

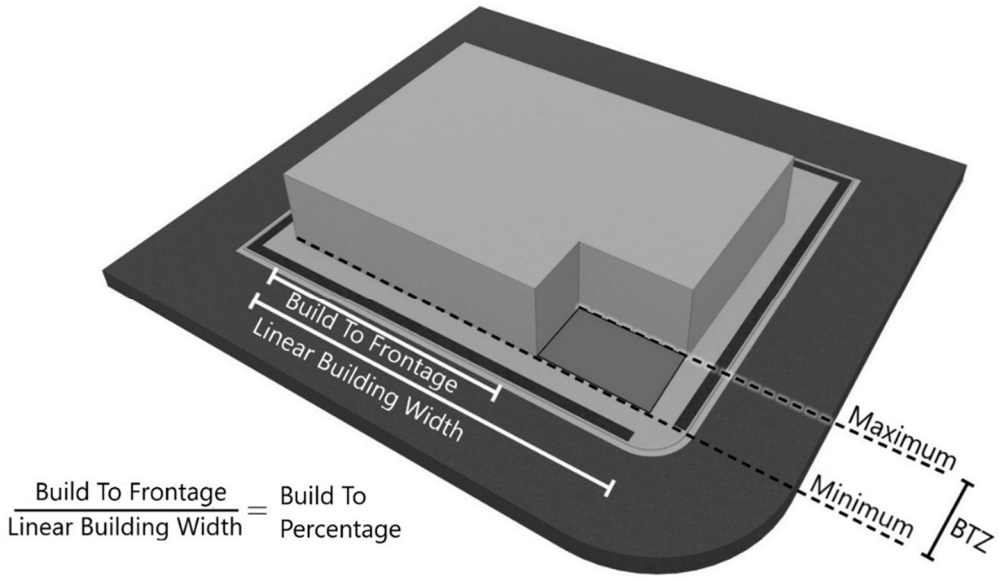
Food Truck : A business that serves food or beverages to the public from a self-contained unit (either motorized or in a trailer on wheels) that conducts all or part of its operations on premises other than its own, and is readily movable, without disassembling, for transport to another location. Such a unit can be entered into by its operator to conduct business operations. The term "food truck" shall not include food carts.

Food Truck Uses : All uses associated with the operation of a Food Truck.

Freeway, expressway, or *parkway* : Divided multilane roadway designed to carry large volumes of traffic at relatively high speeds. A freeway is a divided highway providing for continuous flow of vehicles with no direct access to abutting property or streets and with access to selected crossroads provided via connecting ramps. An expressway is a divided highway with full or

partial control of access and generally with grade separations at major intersections. A parkway is a highway for noncommercial traffic, with full or partial control of access, and usually located within a park or a ribbon of parkline development.

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



Frontage road : A local street or road that is parallel to a full or partial access controlled facility and functions to provide access to adjacent land.

Fully controlled access highway : A divided, multi-lane major highway in which the Department of Transportation has purchased all access rights to the highway. Access to the highway is by way of interchanged.

Functionally dependent facility : A facility that cannot be used for its intended purpose unless it is located or carried out near water, such as a docking or port facility necessary for the loading

and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

G

Greenway : An identified open space or linear park network left in its natural state except for the introduction of trails used by pedestrians and bicyclists. See Section 6.2.1: Open Space for standards regarding greenways.

Group Care Home, Non-Protected : A non-protected group care home as used throughout this ordinance means a residential use for six or fewer residents who are not handicapped or otherwise protected by the Fair Housing Act. Examples may include homes for battered individuals, homeless individuals, abused children, pregnant teenagers, or runaway children. Non-protected group care homes shall not house non-handicapped individuals who are mentally ill, alcoholics, drug addicts, or ex-offenders in transition between release from incarceration and return to freedom. All non-protected group care homes must comply with applicable federal, state, and local licensing requirements and health regulations. The limit of six residents applies to non-protected homes located in the residential zoning districts. Non-protected group homes located in O&P zoning district may house up to ten residents, to the extent applicable.

Group Care Home, Protected : A protected group care home as used throughout this ordinance means a "family care home" as defined in N.C. Gen. Stat. § 160D-907. A protected group care home means a home with support and supervisory personnel that provides room and board, personal care, and habilitation services in a family environment for not more than six resident handicapped persons. In addition, a protected group home shall mean a residential use provided in a residential environment for no more than six residents protected by the Fair Housing Act, even if such use does not conform to the language above. All protected group homes must comply with applicable federal, state, and local licensing requirements and health regulations. Protected group homes located in the R-MH, O&P, C, and C-MU zoning districts may house up to ten residents.

H

Half street : A street whose centerline coincides with a subdivision plat boundary, with one-half the street right-of-way width being contained within the subdivision plat. Also, any existing street to which the parcel of land to be subdivided abuts only one side.

Handicapped Person : A person with a temporary or permanent physical, emotional, or mental disability, including but not limited to, mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances and orthopedic impairments but not including mentally ill persons who are dangerous to others as defined in G.S. § 122C-3(11)b.

Highest adjacent grade : The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of the structure.

Historic structure : Any structure that is: 1) listed individually in the National Register of Historic Places; 2) certified or preliminarily determined by the Secretary of the Interior as contributing to the Secretary to qualify as a registered historic district; 3) individually listed on a state inventory of historic places; 4) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by an approved state program as determined by the Secretary of Interior or directly by the Secretary of the Interior in states without approved programs.

Home occupation : An incidental use of a dwelling unit for gainful employment involving the manufacture, provision, or sale of goods and/or services. The term "home occupation" shall not be deemed to include a tourist home.

I

Industrial development : Any non-residential development that requires an NPDES permit for an industrial discharge and/or requires the use or storage of any hazardous material for the purpose of manufacturing, assembling, finishing, cleaning, or developing any product or commodity.

Interior lot : A lot other than a corner lot with only one frontage on a street.

Internal save tree area : An area of land with existing vegetation that has been designated to be undisturbed and to be used on the design of site development.

Internally oriented land uses : A land use in which most of the activity is oriented to the interior of the structures on site with minimal vehicular and pedestrian movement external to the structures.

K

Kennel : An establishment for the keeping or breeding of dogs for profit.

L

Land use classification : The class or description of how land is to be used or occupied.

Land Development Administrator : The town employee responsible for the administration of this LDO.

Landfill : A facility for the disposal of solid waste on land in a sanitary manner in accordance with Chapter 130A Article 9 of the N.C. General Statutes. For this ordinance this term does not include composting facilities.

Landscape Area : A portion of a site or property containing vegetation to exist after construction is completed. Landscaped areas include, but are not limited to, natural areas, buffers, plantings, and streetscapes.

Landscape buffer : See "Buffer".

Landscape plan : The portion of the development plan that is submitted to show existing vegetation and proposed location of plant material used to conform to site plan application requirements.

Lighting plan : A portion of the development plan showing the location, height above grade, fixture type, isolux diagram, foot-candles at grade and bulb wattage for each light source proposed. The plan shall conform to the applicable policies contained herein.

Limited controlled access highway : A multi-lane major artery for through traffic that can be accessed at stoplights or specific curb cuts. The Department of Transportation has purchased partial access rights to such roads.

Live-work unit : A single-family house or townhouse with the first floor available as a commercial space, either independently leased or in conjunction with the residential unit above.

Loading area : A completely off-street space (or) berth on the same lot for the loading or unloading of freight carriers with ingress and egress to a public street or alley.

Local residential street : Cul-de-sacs, loop streets less than 2500 feet in length, or streets less than one mile in length that do not connect thoroughfares, or serve major traffic generators, and do not collect traffic from more than 100 dwelling units.

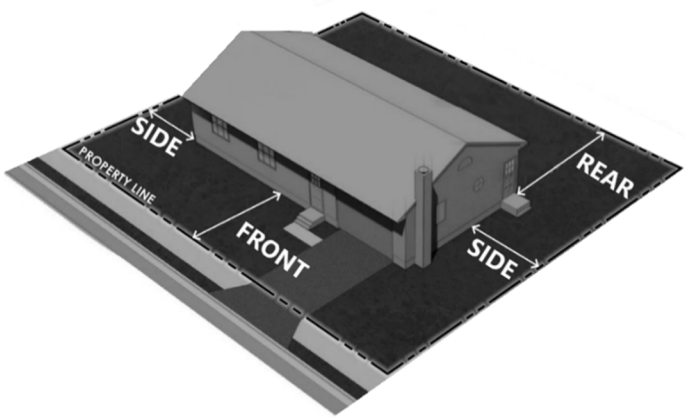
Local road : A local road serves primarily to provide access to adjacent land and for travel over relatively short distances.

Local street : A local street is any link not part of a higher-order urban system which serves primarily to provide direct access to abutting land and access to higher systems.

Lot : A portion of a subdivision, or any other parcel of land, intended as a unit of transfer of ownership for development or both. This shall include a single lot of record, or more than one contiguous lot for record in the same ownership, which lot or lots of records are not divided by any street or public alley, and excluding any part of a lot or lots of record which, when served from the contiguous land in the same ownership, creates a nonconformity or a lot or parcel which does not meet the dimensional requirements of this ordinance.

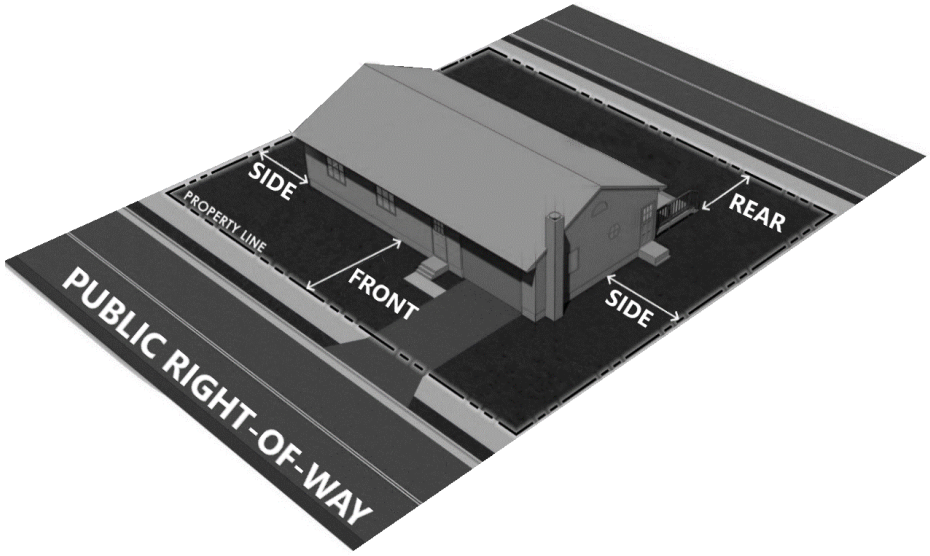
Lot (Corner) : A lot which abuts two or more streets, other than an alley or easement. Orientation of the home, driveways and entrances on the lot shall be required respective of the primary front yard, but side entrances may also be permitted. The front setback of a corner lot shall be measured from the designated front. The front shall be the side which has the main entrance to the home.

Lot (Interior) : A lot bounded by a street on only one side. For setbacks and yards, the street yard shall be recognized as the primary (i.e. front) yard. An interior lot shall have one primary street yard, two side yards, and one rear yard. Orientation of the home, driveway and entrances shall be required respective of the primary street yard.

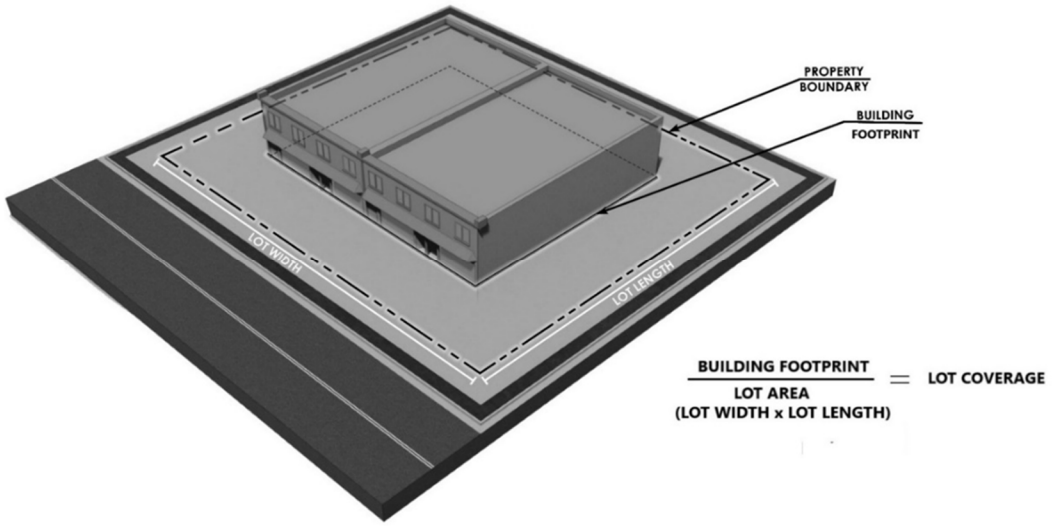


Lot (Irregular) : A lot which is irregular, such as a cul-de-sac street design or non-rectangular lot, which may feature a radial front yard, shall measure its primary street setback at the point in which the side and front lot lines would have met without rounding.

Lot (Through) : A lot which has frontage on two parallel streets. Each through lot shall be required to designate its primary front yard, which shall dictate its front setback requirements. Orientation of the house, driveways and entrances on the lot shall be required in the front yard and may not be permitted on the side or rear yard.



Lot coverage, maximum in percent : Lot coverage is guided by the minimum and maximum area of a lot that is permitted to be covered by roofed buildings or structures. Building coverage does not include paved areas such as parking lots, driveways, pedestrian walkways, or pools.



Lot depth : The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points for the side lot lines in the rear.

Lot length : Lot length is the distance between the front and rear property lines measured along a line midway between the side property lines.

Lot of record : A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds of Wake County prior to the adoption of this ordinance. Or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this ordinance.

Lot width : The distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard; provided however, that width between side lot lines at their foremost points (where they intersect the right-of-way line, or for lots having an access strip extending from the front of the main portion of the lot at the place where the access strip joins the main portion of the lot) shall not be less than eighty (80) percent of the required lot width, except in the case of the turning circle of cul-de-sacs where the eighty (80) percent requirement shall not apply.

Lowest floor : For floodplain management and flood insurance purposes, the lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, usable solely for parking vehicles, building access, or storage in an area other than a basement area is not considered a building's floor provided that such an enclosure is not built to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

M

Major collector : A road which serves major intracounty travel corridors and traffic generators and provides access to the arterial system.

Major thoroughfare : A roadway that carries traffic from one town to another, often through several other cities. These include interstate, other freeways, expressways, or parkway roads and major streets that provide for expeditious movement of high volumes of traffic within and through urbanized areas. Examples include Main Street in Rolesville and Capital Boulevard in Raleigh.

Major variance: A variance from the minimum statewide watershed protection rules that results in any one or more of the following:

(1) The relaxation, by a factor greater than ten percent, of any management requirement under the low density option;

(2) The relaxation, by factor greater than five percent of any buffer, density, or built-upon area requirement under the high density;

(3) Any variation in the design, maintenance or operation requirements of a wet detention pond or other approved storm water management.

Main Street Corridor: For the purposes of General Commercial (GC) setback reductions, the Main Street Corridor includes South Main Street between Highway 401 and Young Street and is measured five hundred feet (500') in each direction at any point from the Main Street centerline.

Manufactured home: A structure, transportable in one or more section, that is built on a permanent chassis and designed to be used with or without a permanent foundation when

connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle" as defined in N.C. Gen. Stat. § 160D-910, G.S. 143-145(7).

Manufactured home park or *subdivision* : A parcel (or contiguous) of land divided into two or more manufactured home lots for rent or sale.

Market and sales of produce and seasonal goods : A business, usually held outdoors, where a vendor can sell produce, such as vegetables and fruits; perishables; and seasonal goods, such as crafts and agriculturally related products, directly to consumers.

Mean sea level : For purposes of the NFIP, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a FIRM are referenced.

Minor arterial : A rural link in a network joining cities and larger towns and providing intrastate and intercounty service at relatively high overall travel speeds with minimum interface to through movement. This network would primarily serve traffic.

Minor Changes (to an approved site plan) : Changes that will not alter the basic relationship of the proposed property to adjacent property, will not alter the permitted uses or increase the density or intensity or development, or will not decrease the off-street parking ratio or reduce the yards provided at the boundary of the site.

Minor collector : A road which provides service to small local communities and links locally important traffic generators with their rural hinterland.

Minor Thoroughfare : A roadway that carries traffic from one part of a town to another. It performs the function of collecting traffic from local access streets and carrying it to the Major Thoroughfare system by facilitating minor through movements and may also serve abutting property.

Minor variance : A variance from the minimum statewide watershed protection rules that results in a relaxation, by a factor of up to five (5) percent of any buffer, density or built-upon area requirement under the high density option; or that results in a relaxation, by a factor of up to ten percent, of any management requirement under the low density option.

Mixed-use : The combination of either commercial, office, industrial and residential uses within a single building or within one single development. Mixed-use development may be vertically integrated within a single building or horizontally integrated where a development contains two or more buildings and/or uses.

Mobile/manufactured home : A dwelling unit that is not constructed in accordance with the standards of the North Carolina Uniform Residential Building Code for one and two-family dwellings; and (ii) is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis. A dwelling meeting the above definition shall be considered a mobile home, even if placed on a permanent foundation.

Mobile/manufactured home, class A : A mobile/manufactured home that meets the standards of the National Mobile Home Construction and Safety Standards Act of 1974 and which is certified by the zoning administrator as meeting the following appearance criteria:

(1) The mobile/manufactured home shall have a length not exceeding four times its width.

(2) The pitch of the mobile/manufactured home's roof shall have a minimum vertical rise of one foot for each five feet of horizontal run.

(3) The exterior materials and color shall be compatible with structures in the immediate vicinity.

(4) The underpinning for the mobile home shall be of solid masonry construction.

Mobile/manufactured home, class B : A mobile/manufactured home that meets the standards of the National Mobile Home Construction and Safety Standards Act of 1974, but which does not meet the criteria for a class A mobile/manufactured home.

Mobile/manufactured home, class C : A mobile/manufactured home that does not meet the standards for a class A or B mobile/manufactured home.

Mobile home park : Any plot of ground of at least ten acres in size upon which ten or more mobile homes, occupied for dwelling or sleeping purposes, are located, regardless of whether a charge is made for such accommodations.

Mobile home subdivision : A subdivision designed or intended primarily for sale of lots for residential occupancy by mobile homes.

Mobile Vendor : Any person who exhibits, displays, sells, or offers for sale goods or products from a wagon, handcart, pushcart, motor vehicle, conveyance, stand, lunch cart or from his person in the Town of Rolesville corporate limits and extraterrestrial jurisdiction. This definition does not include door-to-door peddlers or solicitors.

Modular home : As defined in N.C. Gen. Stat. § 160D-911, a self-contained assembly is transported to a building site in section or panels and erected thereon. The term shall not be construed to include extra-wide or double-wide mobile/manufactured homes. Modular homes are constructed in conformance with the North Carolina State Building Code. For this ordinance, a modular home shall be considered a single family dwelling.

N

Net acreage, acres, land area, square footage of land area : Land area with streets, rights-of-way, driveways which serve as access to more than two units or uses, and major transmission line easements not included in its measurement.

New construction : For floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of this ordinance and include any subsequent improvements to such structures.

New manufactured home park or *subdivision* : A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs) is completed on or after December 19, 2000.

Nonconforming building or *use* : Any legally existing building or use that fails to comply with the provisions of this ordinance.

Nonconforming Lot of Record : A lot described by a plat or a deed that was recorded prior to the effective date of local watershed protection regulations (or their amendments) that does not

meet the minimum lot size or other development requirements of the statewide watershed protection rules.

Non-cutoff Light Fixture : An outdoor lighting fixture designed to allow light to be directly emitted above a horizontal line parallel to the ground.

Non-residential Development : All development other than residential development, agriculture, and silviculture.

O

Official Maps or *Plans* : Any maps or plans officially adopted by the Board of Commissioners of the Town of Rolesville.

Open Space : An area (land and/or water) generally lacking in man-made structures and reserved for enjoyment in its unaltered state.

Ornamental Trees : Usually flowering trees such as dogwoods, flowering pears, and flowering plum trees. Ornamental trees typically are smaller, understory trees (see "Understory," below).

P

Park : See "Recreation area".

Planned Unit Development (PUD) : PUDs are a mix of residential and commercial uses in a single, planned development, that allows for a variety of housing densities within the development, controlled by an overall density limit and approved development plan.

Plat : A map or plan of a parcel of land which is to be or has been subdivided.

Principal arterial : A rural link in a network of continuous routes serving corridor movements having trip length and travel density characteristics indicative of substantial statewide or interstate travel and existing solely to serve traffic. This network would consist of interstate routes and other routes designed as principal arterial.

Principal building or *structure* : The main building or structure in or on which the main use of the lot takes place.

Principal use : shall be defined as the primary or predominant use of which a property, building, unit, site, or premises is devoted.

Private Access Easement : An easement across a common lot within a 'Dwelling, Single-family Attached' (i.e. Townhome) subdivision, which affords access to abutting properties, designed as a drive aisle, parking lot, pedestrian path or sidewalk, trail, bikeway, alley or other common travel lane intended for use by vehicles, pedestrians, or cyclists.

Private driveway : A roadway serving two or fewer lots, building sites or other division of land and not intended to be public ingress or egress.

Private street : An undedicated private right-of-way which affords access to abutting properties and requires a subdivision streets disclosure statement in accordance with G.S. § 136-102.6.

Protected Open Space : Fields, forests, streams, and other lands that have been set aside for permanent protection as open space. Activities within the protected open space are restricted in perpetuity using an approved legal instrument.

Public sewage disposal system: A system serving two or more dwelling units and approved by the Wake County Health Department and/or the North Carolina Department of Natural Resources and Community Development.

R

Recreation area (also "Park"): An area of land or combination of land and water resources that is developed for active and/or passive recreation pursuits with various man-made features that accommodate such activities.

Recreational vehicle : A vehicle that is: 1) built on a single chassis; 2) 4,000 square feet or less when measured at the largest horizontal projection; 3) designed to be self-propelled or permanently tow-able by a light duty truck; 4) designed primarily not for use as a permanent dwelling, but as a temporary living quarters for recreational, camping, travel, or seasonal use.

Remedy a violation : To bring the structure or other development into compliance with state or local floodplain management regulations or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from the flood damages, implementing the enforcement provisions of the ordinance, or otherwise deterring future similar violations, or reducing federal financial exposure with the regard to the structure or other development.

Reservation : A reservation of land does not involve any transfer of property rights. It simply constitutes an obligation to keep property free from development for a stated period.

Residential collector street : A local access street which serves as a connector street between local residential streets and the thoroughfare system. Residential collector streets typically collect traffic from 100 to 400 dwelling units.

Residential development : Buildings for residence such as attached and detached single-family dwellings, apartment complexes, condominiums, townhouses, cottages, etc. and their associated outbuildings such as garages, storage buildings, gazebos, etc. and customary home occupations.

Residuals : Any solid or semi-solid waste generated from a wastewater treatment plant, water treatment plant or air pollution control facility permitted under the authority of the Environmental Management Commission.

Restaurant : An establishment whose primary purpose is serving meals to patrons.

Restaurant, drive-in or *take-out* : Any restaurant which makes provision for curb service, outdoors service, or a drive-in window, or any restaurant where more than ten percent of whose average daily customers take their food or beverages out of the restaurant.

Restaurant, indoor : Any restaurant except a drive-in or take-out restaurant.

Reversed Frontage Lot : A lot on which the frontage is at right angles or approximately right angles (interior angles less than 135 degrees) to the general pattern in the area. A reserved frontage lot may also be a corner lot, an interior lot or a through lot.

Right-of-way, street : A strip of land, owned publicly or privately, which affords the principal means of access to abutting property.

Road : See "Street".

Roof line : The top edge of the roof or the top edges of the parapet, whichever forms the top line of the building silhouette, but not including penthouses or equipment structures.

S

Save Area : Any area of undisturbed land that has been designed to remain undisturbed within the development plan. These undisturbed areas shall contain small to significant vegetation that will be used to meet buffer requirements.

Screen : A method of reducing the impact of noise, visual instructions, and invasion of privacy with such elements as plants, berms, fences, walls, or any appropriate combination thereof.

Service station : A building or lot dedicated to the rendering of services such as the sale of gasoline, oil, grease, and accessories and the minor repaint of automobiles, excluding body working, overhauling, and painting.

Setback (Corner) : A corner setback extends the full width of a site on the corner side, the depth of which is the minimum horizontal distance between the corner side property line and a line parallel thereto on the site.

Setback (Front) : A front setback extends across the full width of a site, the depth of which is the minimum horizontal distance between the front property line and a line parallel thereto on the site. A lot which abuts a cul-de-sac street design, featuring a radial primary street yard, shall measure its primary street setback at the point in which the side and front lot lines would have met without rounding.

Setback (Rear) : A rear setback extends across the full width of a site, the depth of which is the minimum horizontal distance between the rear property line and a line parallel thereto on the site, except that on a corner lot the rear setback shall extend only to the side setback abutting the street.

Setback (Side) : A side setback extends from the rear line of the required front setback, or the front property line of the site where no front setback is required, to the front line of the required rear setback, or the rear property line of the site where no rear setback is required, the width of which is the horizontal distance between the side property line and a line parallel thereto on the site, except that the corner side setback shall extend to the rear lot line.

Setback lines : The line on the front, rear, and sides of a lot which delineates the area within which a structure may be built and maintained, according to the district regulations.

Shopping center : Two or more commercial establishments planned, and constructed, as a single unit with off-street parking and loading facilities provided on the property.

Sign : Any outdoor letter, symbol, number, trademark, or other form of publicity or combination of these as well as the surface on which they are painted or to which they are attached, or any of the above when placed inside a window facing out, and any background material, coloring, shapes, or other trim shall be considered a sign, unless entirely enclosed by a fence or a wall such that the above items and any structure or lighting attached to or accessory to them cannot be seen off the premises on which they are located. Works of fine art which in no way identify or advertise a product or business shall be excluded from this definition.

Sign area : The area of the smallest regular polygon composed of eight lines or less, circle, half-circle, ellipse, or combination thereof, which will encompass the entire sign, excluding the base or apron, supports, or other structural members unless some part of the message appears on them, in which case they shall be included. Where symbols, letters, or numbers are attached separately to a structure, including a sign structure or two separated surfaces, the area between the separate items or letters, whether open or solid, shall be computed as part of the sign area. The total sign area for a double-faced sign shall be measured on the largest face of the sign. Where three-dimensional figures are used as signs, the largest dimensions of such figure shall be projected on a vertical plane and measured in the standard manner.

Sign height : The vertical distance measured from the adjacent street grade or from the ground on which it rests, whichever allows the sign to be the greatest height, to the top of the sign.

Sign, identification : A sign which contains any or all the following: the name of the occupants, owner, or establishments, the type of establishment, the name of the franchise, the hours of operation, and house number, when located on the site of the establishment.

Sign, on-site advertising : A sign which contains information about an establishment or the products or services that it offers, other than that contained in an identification sign, when located on the same site as the establishment to which it refers.

Sign, on-site advertising (billboard): A sign which contains information about an establishment, business, commodity, activity, or service not conducted, sold, or offered upon the premises where such sign is located and not otherwise allowed in Table 11.5, and which is not specifically regulated in Table 11.5 as a directional sign to churches, meeting halls, civic clubs, or garage sales, or as a temporary sign.

Sign, ground : A sign erected on a free standing frame, mast, and/or pole and not attached to any building, fence, or wall.

Sign, wall : A sign which is attached flat to the wall or façade of a building, or to a fence or wall.

Sign, projecting : A sign which extends beyond and is attached to a building wall and may extend over a public right-of-way.

Sign, roof : A sign attached to and extending upward from a roof of a structure.

Significant vegetation : Existing vegetation eight inches in diameter and greater. This measurement is determined at breast height (Diameter at Breast height - DBH).

Silviculture : The growing, harvesting, and regeneration of trees, leaves, or seeds, in accordance with a forest management plan acceptable to the North Carolina Division of Forest Resources using best management practice as defined in Forest Practices Guidelines Related to Water Quality (15 NCAC 11.6101 - .0209) and all successor documents.

Single family residential : Any development where: 1) no building contains more than one dwelling unit, 2) every dwelling unit is on a separate lot, and 3) where no lot contains more than one dwelling unit.

Single-tier lot : A lot which backs upon a limited access highway, a railroad, a physical barrier, or the parcel of land including topography, building placement and all other pertinent site features.

Site plan : A portion of the development plan that shows the existing and proposed conditions of the parcel of land including topography, building placement and all other pertinent site features.

Small vegetation : Existing vegetation from two and one-half inches in caliper to significant vegetation size of eight inches in diameter at DBH.

Special Event : means any occasion including but not limited to fairs, shows, exhibitions, town celebrations, and festivals taking place within a specifically defined area of the Town of Rolesville.

Specimen tree : Any tree other than a pine tree with a caliper of eighteen (18) inches or more.

Start of construction : Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, or improvement was within one-hundred-and-eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether that alteration affects the external dimensions of the building.

Stream buffer : See "Buffer, riparian".

Street (also "road"): A public dedicated and accepted right-of-way for vehicular traffic (or a private road only if permitted by this ordinance) which affords the principal means of access to abutting properties.

Street Banners : Any one- or two-sided (faced) banner or sign suspended over public right-of-way between two or more street poles for the purpose of promoting a special event (see Town Code Chapter 113).

Street front buffer : A buffer, which is located along all thoroughfares, as defined by the Thoroughfare Plan of the Town of Rolesville.

Structure : Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, fences, signs, gas or liquid storage tanks, and swimming pools.

Subdivider : Any person, firm, or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.

Subdivision : A subdivision shall include all divisions of a parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose, whether immediate or future, or sale, legacy, partition, or building development and shall include all divisions of land involving the dedication of a new street or a change in existing streets; provided however, the following shall not be included within this definition:

(1) The combination or recombination of land with previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to the standards of this Code.

(2) The division of land into parcels greater than ten acres where no street right-of-way dedication is involved.

(3) The public acquisition by purchasing strips of land for the widening of opening of streets or for public transportation system corridors.

Subdivision perimeter wall:

Substantial damage : Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred. See definition of "substantial improvement."

Substantial improvement : Any repair, reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either: 1) any project of improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications that have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or, 2) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

Substantially improved existing manufactured home park or *subdivision* : Where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equal or exceeds fifty (50) percent of the value of the streets, utilities and pads before the repair, reconstruction, or improvement began.

T

Thoroughfare : See "Major thoroughfare" and "Minor thoroughfare".

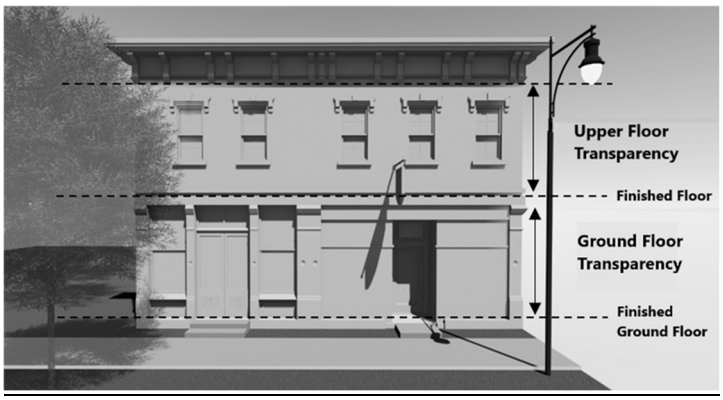
Through lot : A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

Townhouse : A dwelling unit constructed in a series or group of attached units with property lines separating such units.

Toxic substance : Any substance or combination of substances (including disease causing agents), which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, hast the potential to cause death, disease, behavioral abnormalities, cancer, genetic mutations,

physiological malfunctions (including malfunctions or suppression in reproduction or growth) or physical deformities in such organisms or their offspring or other adverse health effects.

Traditional neighborhoods : Traditional neighborhood developments (TND) allow for the development of fully integrated, mixed-use pedestrian oriented neighborhoods. TNDs provide a variety of housing types and densities and commercial activities sized to serve the TND. Emphasis is placed on sidewalks, green space, minimal house setbacks, narrow streets, and alleys for service traffic.



Transparency : Transparency is defined as the percentage of windows and doors on the elevations of a building. Transparency requirements promote visually appealing building facades. Transparency standards control the minimum percentage of windows and doors that must make up a ground floor (first story) or upper story facade.

Tree canopy : The diameter or variable radius from the tree trunk to the outermost reaches of tree branches.

Trunk line : Imaginary or visual line separating a cleared area from a forested area.

U

Understory trees : Understory trees are those which are smaller and usually grow under the canopy of larger trees. Examples are dogwoods, Japanese maples, and flowering red plums. Understory trees usually are selected for their ornamental.

V

Variance : A relaxation of the terms of this ordinance under the specific conditions set forth in the LDO Handbook and N.C. Gen. Stat. § 160D.

Vegetation buffer : See "Buffer, riparian".

Vehicular use area : An off-street ground level area used for temporary storage of motor vehicles or parking. Also includes drive entries, loading areas and/or other impervious surface areas used for transportation.

Violation : The failure of a structure or other development to be fully compliant with the communities' floodplain management regulations.

W

Water dependent structure : Any structure for which the use requires access to or proximity to or sitting within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks, and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots and commercial boat storage areas are not water dependent structures.

Watershed : The entire land area contributing surface drainage to a specific point (e.g. the water supply intake).

WS-II Waters Class : Sources of water supply for drinking, culinary, or food-processing purposes for those uses desiring maximum protection for their water supplies where a WS-I classification is not feasible and any best usage specified for Class C waters. Class WS-II waters are protected as water supplies that are in predominantly undeveloped watersheds and meet average watershed development density levels.

Y

Yard : An open space on the same lot with a principal structure of use unobstructed and unoccupied by any structure or portion thereof or parking or loading area, except as provided in this ordinance.

Yard, front : A yard extending the full width of the lot and situated between the right-of-way line and the front line of the principal structure or use projected to the side lines of the lot. Depth of required front yards shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot lines in the case of rounded property corners at street intersections shall be assumed to be the point at which the side and front lines would have met without such rounding. The foremost points of the side lot lines in the case of lots having as access strip extending from the front of the main portion for the lot shall be measured at the place where the access strip joins the main portion of the lot.

Yard, rear : A year extending the full width of the lot and situated between the rear line of the lot and the principal structure or use projected to the side lines of the lot.

Yard, side : A yard extending along either side of a lot measured from front yard line to rear yard line and lying between the side lot line and the principal structure or use on the lot.

Z

Zoning Administrator : The official charged with the enforcement of this ordinance, a designee of the Land Development Administrator.

ROLESVILLE NEXT

Land Development Ordinance

ADOPTED JUNE 1, 2021

APPENDIX A

Rolesville
Genuine Community • Capital Connection
Est. 1837

Kimley»Horn

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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 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 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 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 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 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.

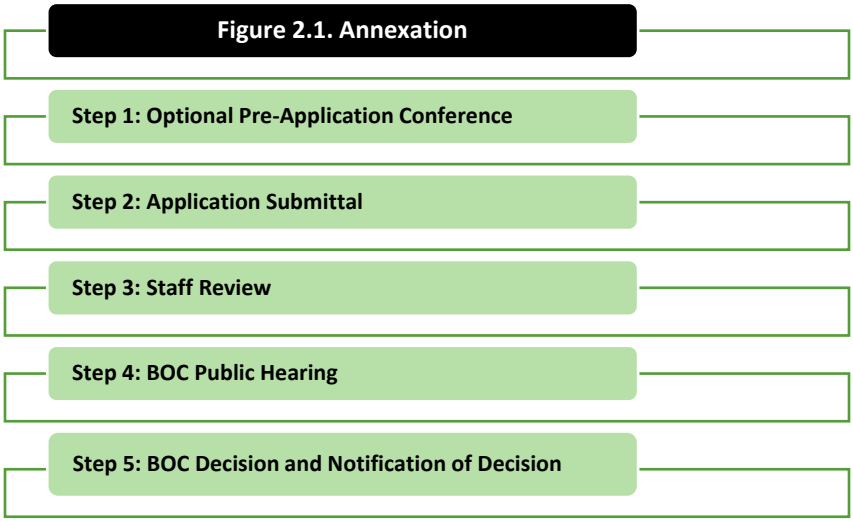
TABLE 1.15 – DEVELOPMENT PROCESSESS SUMMARY TABLE						
REVIEW PROCESS	**SECTION**	**LDA**	**BOA**	**PB**	**BOC**	
LEGISLATIVE PROCESSES						
Annexation	2.1	R			D	
Development Agreement	2.2	R		RR	D	
Rezoning (Zoning Map Amendment)	2.3	R		RR	D	
Text Amendment	2.4	R		RR	D	
EVIDENTIARY PROCESSES						
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	
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 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.

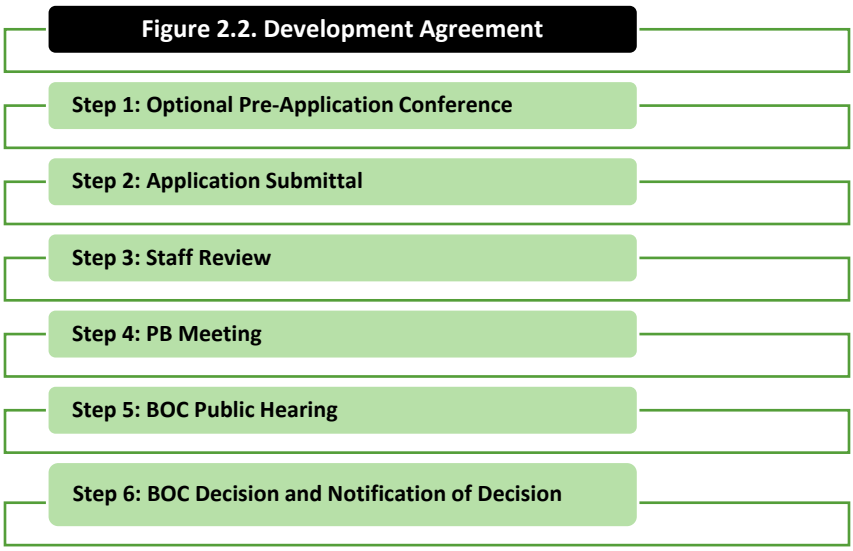
C. **Review Process.**

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 hearing review.
3. The BOC shall direct the clerk to schedule a hearing.

D. **Board of Commissioners Public 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 hearing by the BOC and meet all applicable common application procedures.

C. **Review Process.**

1. Development agreements shall occur through a public 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.

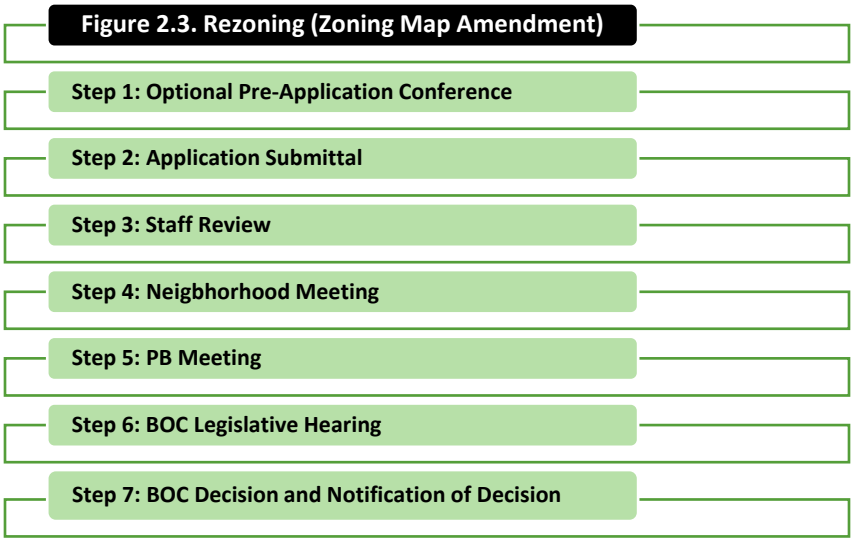
D. **Planning Board Meeting**.

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 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 hearing.

C. **Review Process.**

1. Rezoning applications shall occur through a public 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.**

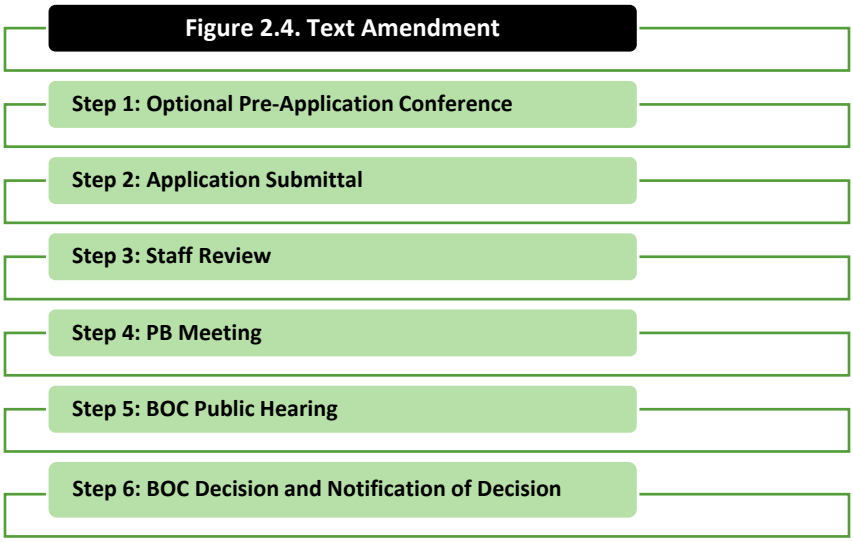
1. The BOC will review the proposed request under legislative discretion, taking into consideration all relevant comments from Town staff and the PB.
2. The owners of all property within five hundred (500) feet on all sides of the subject property (not to include street rights-of-way of less than one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

C. **Review Process.**

1. Text amendment applications shall occur through a public 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.

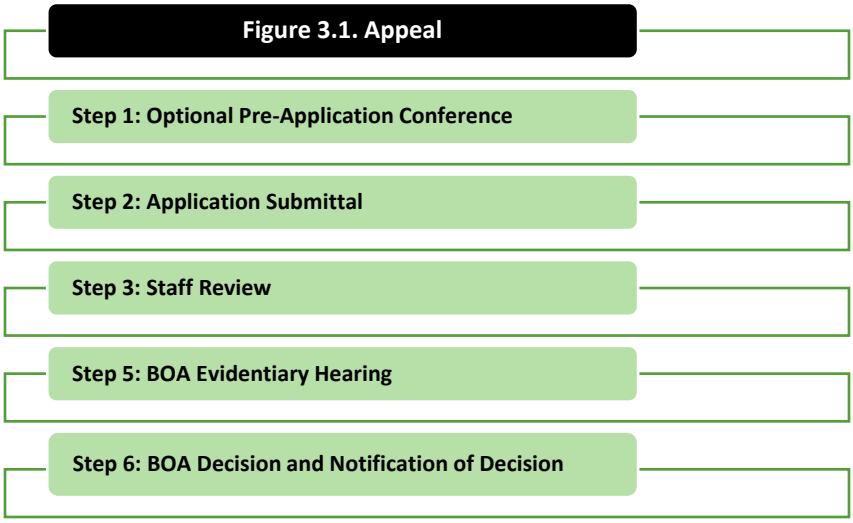
E. **BOC Public Hearing.**
   1. The BOC will review the proposed request under legislative discretion, taking into consideration all relevant comments from Town staff and the PB.
   2. The BOC shall vote for approval of the request or vote to deny the request.
   3. The BOC may add additional requirements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

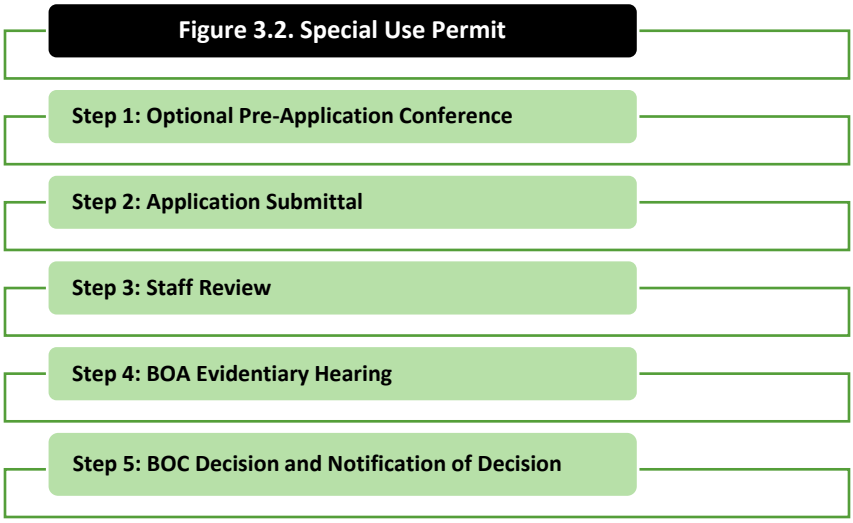
1. An appeal shall be reviewed by the LDA to ensure the appeal contains sufficient information to render a decision (see above).

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 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 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 a public 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.

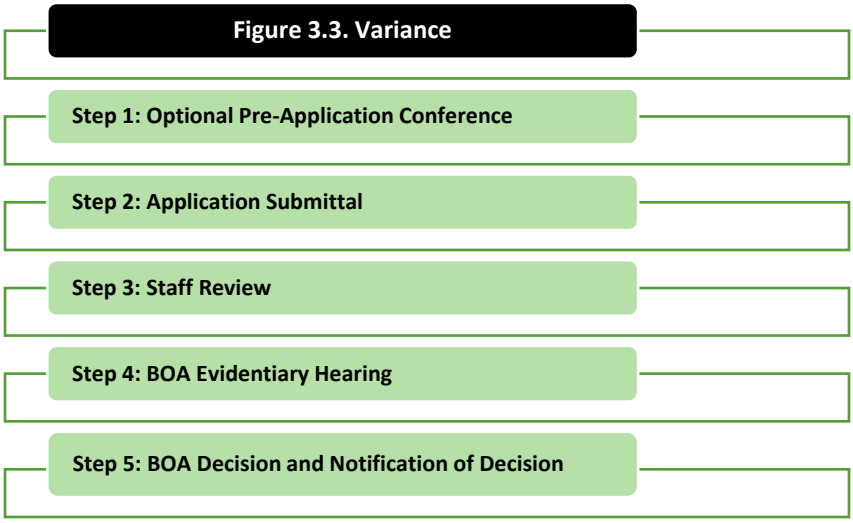
D. **BOA Evidentiary Hearing**

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 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 requirement 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.

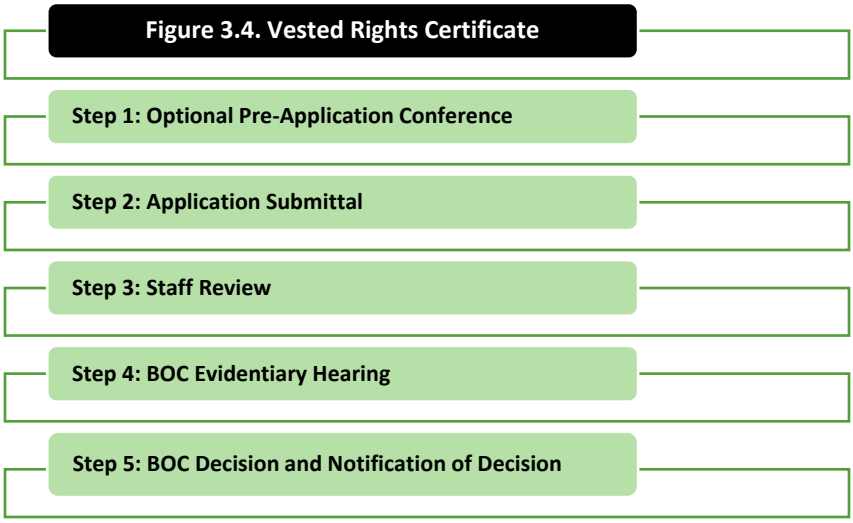
E. **Review Standards.** Variances and design alternatives shall use the same review standards (see below), except that additional review standards may be required for design alternatives and are included where the design alternative is permitted in the LDO. Review standards include:

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 a public hearing by the BOC and meet all applicable common application procedures.

C. Review Process.

a. Vested rights applications shall occur through a public 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.

b. A staff report (if applicable) by the Planning Department shall be provided to the BOC.

D. BOC Evidentiary Hearing.

a. The BOC will review the proposed request under evidentiary proceedings, taking into consideration all relevant comments from Town staff and the applicant.

b. 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.

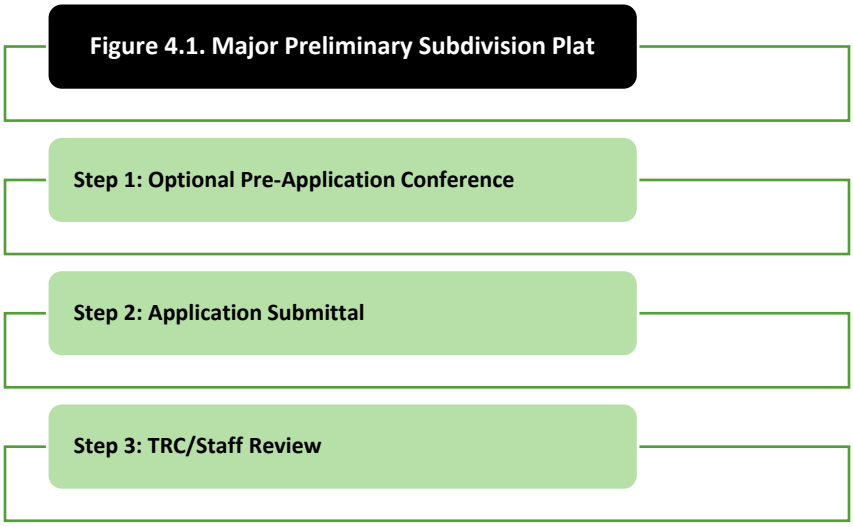
c. The BOC shall vote for approval of the request or vote to deny the request.

d. The BOC 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.**

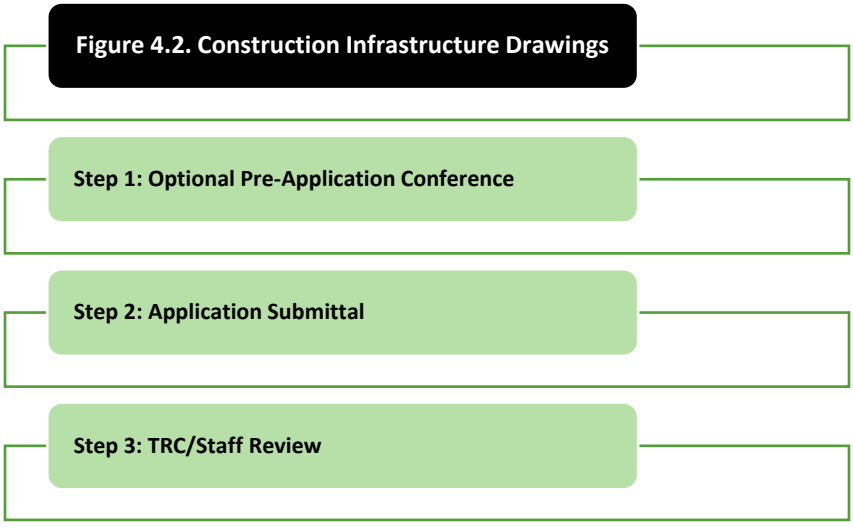
1. A request shall be submitted on a form designated by the Planning Department and include the appropriate filing fee.
2. ~~2.~~ The preliminary plat shall include all information required in N.C. Gen. Stat. § 47-30.

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.

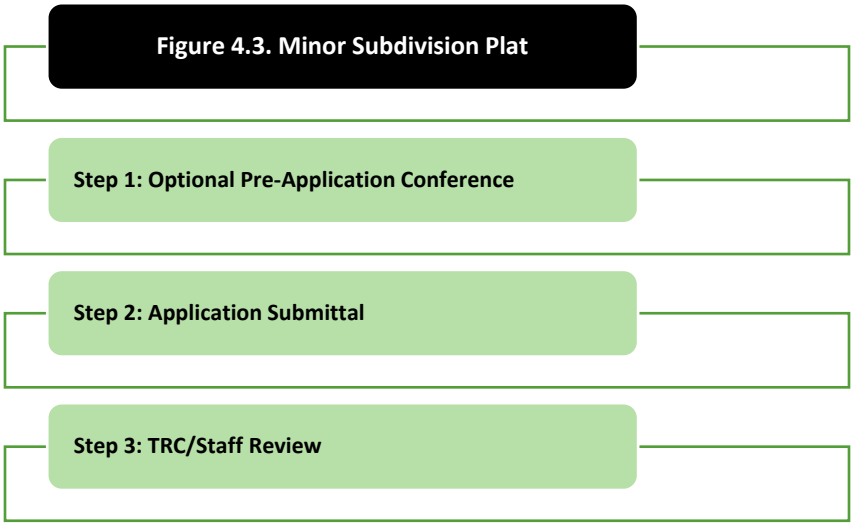
B. **Application.**

1. A request shall be submitted on a form 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 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

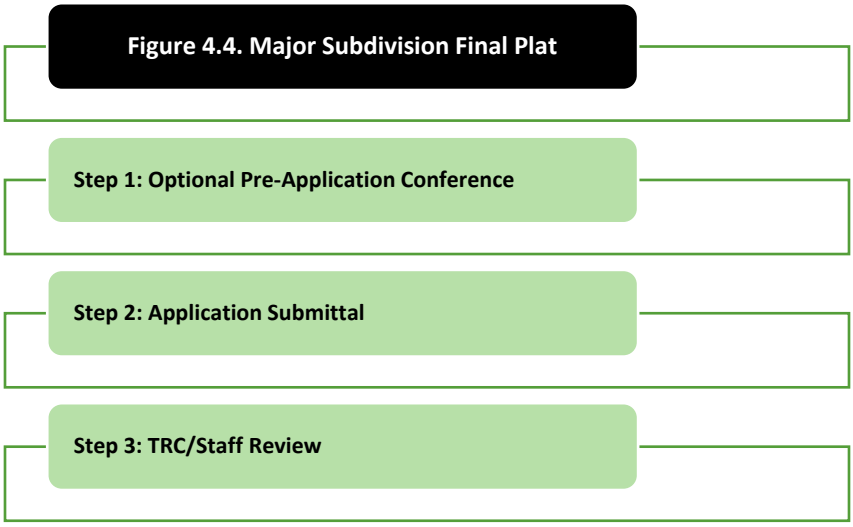
_____
LDA, Town of Rolesville
Rolesville, North Carolina"

"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 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

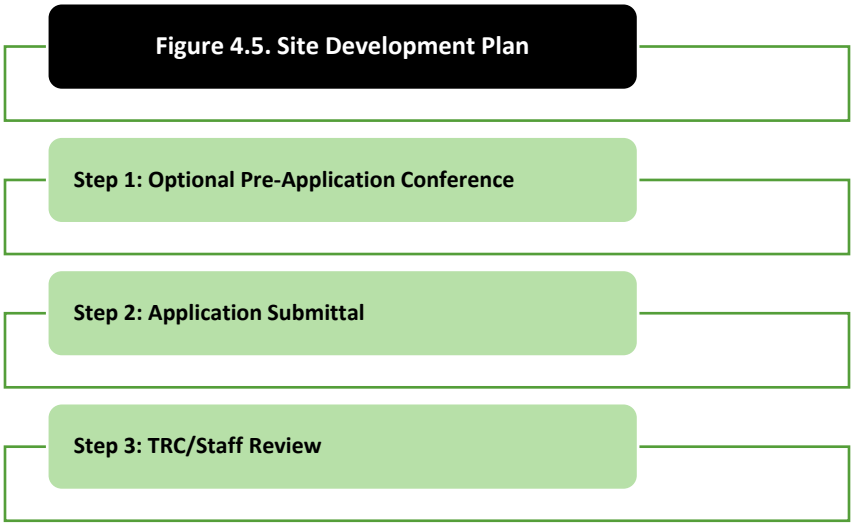
_____
LDA, Town of Rolesville
Rolesville, North Carolina"

"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 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.

ROLESVILLE NEXT

Land Development Ordinance

ADOPTED JUNE 1, 2021

APPENDIX B

Rolesville
Genuine Community • Capital Connection
Est. 1837

Kimley»Horn

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APPENDIX B – FLOOD DAMAGE PREVENTION AND STORMWATER MANAGEMENT

1.1. FLOOD DAMAGE PREVENTION OVERLAY

1.1.1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES.

A. **Statutory Authorization**. The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Article 8 of Chapter 160A; and Article 7, 9, and 11 of N.C. Gen. Stat. § 160D (Effective July 1, 2021) of the North Carolina General Statutes, delegated to local governmental units the authority to adopt regulations designed to promote the public health, safety, and general welfare. Therefore, the Board of Commissioners of the Town of Rolesville, North Carolina, does ordain as follows in this section.

B. **Findings of Fact.**

1. The flood prone areas within the jurisdiction of the Town of Rolesville are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

2. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood prone areas of uses vulnerable to floods or other hazards.

C. **Statement of Purpose.** It is the purpose of this section to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to:

1. Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;

2. Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;

3. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
4. Control filling, grading, dredging, and all other development that may increase erosion or flood damage; and
5. Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.

D. **Objectives.** The objectives of this section are to:

1. Protect human life, safety, and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business losses and interruptions;
5. Minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood prone areas;
6. Minimize damage to private and public property due to flooding;
7. Make flood insurance available to the community through the National Flood Insurance Program;
8. Maintain the natural and beneficial functions of floodplains;
9. Help maintain a stable tax base by providing for the sound use and development of flood prone areas; and
10. Ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

1.1.2. DEFINITIONS

A. Unless specifically defined below, words or phrases used in this section shall be interpreted so as to give them the meaning they have in common usage and to give this section it's most reasonable application. Due to the unique nature of flood damage

prevention standards, the interpretation of the words or phrases in this section are applicable only within the standards of this section and do not apply throughout the entire LDO. Definitions applicable to this section include below:

1. "Accessory Structure (Appurtenant Structure)" means a structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports, and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms and may or may not be located on the same parcel as the farm dwelling or shop building.
2. "Addition (to an existing building)" means an extension or increase in the floor area or height of a building or structure.
3. "Alteration of a watercourse" means a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.
4. "Appeal" means a request for a review of the Land Development Administrator's interpretation of any provision of this section.
5. "Area of Shallow Flooding" means a designated Zone AO or AH on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one (1) to three (3) feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.
6. "Area of Special Flood Hazard" see "Special Flood Hazard Area (SFHA)".
7. "Area of Future-Conditions Flood Hazard" means the land area that would be inundated by the 1-percent-annual-chance (100- year) flood based on future-conditions hydrology.
8. "Base Flood" means the flood having a one (1) percent chance of being equaled or exceeded in any given year based on current conditions hydrology.
9. "Base Flood Elevation (BFE)" means a determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a "Special Flood Hazard Area", it may be obtained from engineering studies available from a Federal, State, or other source using

FEMA approved engineering methodologies. This elevation, when combined with the "Freeboard", establishes the "Regulatory Flood Protection Elevation".

10. "Basement" means any area of the building having its floor subgrade (below ground level) on all sides.
11. "Building" see "Structure".
12. "Chemical Storage Facility" means a building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.
13. "Current Conditions Hydrology" means the flood discharges associated with the land-use conditions existing within the drainage area of a watercourse at the time a flood study of the watercourse was conducted. Current conditions flood discharges and historical flood study information are published in the Flood Insurance Study.
14. "Design Flood": See "Regulatory Flood Protection Elevation."
15. "Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.
16. "Development Activity" means any activity defined as Development which will necessitate a Floodplain Development Permit. This includes buildings, structures, and non-structural items, including (but not limited to) fill, bulkheads, piers, pools, docks, landings, ramps, and erosion control/stabilization measures.
17. "Digital Flood Insurance Rate Map (DFIRM)" means the digital official map of a community, issued by the Federal Emergency Management Agency (FEMA), on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.
18. "Disposal" means, as defined in NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

19. “Elevated Building” means a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.
20. “Encroachment” means the advance or infringement of uses, fill, excavation, buildings, structures, or development into a special flood hazard area, which may impede or alter the flow capacity of a floodplain.
21. “Existing building and existing structure” means any building and/or structure for which the “start of construction” commenced before the effective date of the floodplain management regulations of this section.
22. “Existing Manufactured Home Park or Manufactured Home Subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of this section.
23. “Flood” or “Flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:
    a. The overflow of inland or tidal waters; and/or
    b. The unusual and rapid accumulation or runoff of surface waters from any source.
24. “Flood Boundary and Floodway Map (FBFM)” means an official map of a community, issued by the FEMA, on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).
25. “Flood Hazard Boundary Map (FHBM)” means an official map of a community, issued by the FEMA, where the boundaries of the Special Flood Hazard Areas have been defined as Zone A.
26. “Flood Insurance” means the insurance coverage provided under the National Flood Insurance Program.
27. “Flood Insurance Rate Map (FIRM)” means an official map of a community, issued by FEMA, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated. (see also DFIRM)

28. “Flood Insurance Study (FIS)” means an examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the FEMA. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.
29. “Flood Prone Area” see “Floodplain”.
30. “Flood Zone” means a geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.
31. “Floodplain” means any land area susceptible to being inundated by water from any source.
32. “Floodplain Administrator” is the individual appointed to administer and enforce the floodplain management regulations. The floodplain administrator shall be the land development administrator of this LDO.
33. “Floodplain Development Permit” means any type of permit that is required in conformance with the provisions of this section, prior to the commencement of any development activity.
34. “Floodplain Management” means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.
35. “Floodplain Management Regulations” means this section and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power. This term describes federal, state, or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.
36. “Floodproofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

37. "Flood-resistant material" means any building product [material, component, or system] capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that is water-soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumbers are acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious, but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not flood-resistant. Please refer to Technical Bulletin 2, Flood Damage-Resistant Materials Requirements, and available from the FEMA. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.
38. "Floodway" means the channel of a river or other watercourse, including the area above a bridge or culvert when applicable, and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.
39. "Floodway encroachment analysis" means an engineering analysis of the impact that a proposed encroachment into a floodway or non-encroachment area is expected to have on the floodway boundaries and flood levels during the occurrence of the base flood discharge. The evaluation shall be prepared by a qualified North Carolina licensed engineer using standard engineering methods and hydraulic models meeting the minimum requirements of the National Flood Insurance Program.
40. "Freeboard" means the height added to the BFE to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, precipitation exceeding the base flood, and the hydrological effect of urbanization of the watershed. The BFE plus the freeboard establishes the "Regulatory Flood Protection Elevation".
41. "Functionally Dependent Facility" means a facility which cannot be used for its intended purpose unless it is located in close proximity to water, limited to a docking or port facility necessary for the loading and unloading of cargo or

passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

42. "Hazardous Waste Management Facility" means, as defined in NCGS 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.
43. "Highest Adjacent Grade (HAG)" means the highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.
44. "Historic Structure" means any structure that is:
    a. Listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
    b. Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
    c. Individually listed on a local inventory of historic landmarks in communities with a "Certified Local Government (CLG) Program"; or
    d. Certified as contributing to the historical significance of a historic district designated by a community with a "Certified Local Government (CLG) Program."

    Note: Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.
45. "Letter of Map Change (LOMC)" means an official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:
    a. Letter of Map Amendment (LOMA): An official amendment, by letter, to an effective National Flood Insurance Program map. A LOMA is based on technical data showing that a property had been inadvertently mapped

as being in the floodplain but is actually on natural high ground above the base flood elevation. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

b. Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

c. Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the BFE and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the Town's floodplain management regulations.

d. Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

46. "Light Duty Truck" means any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less as defined in 40 CFR 86.082-2 and is:

    a. Designed primarily for purposes of transportation of property or is a derivation of such a vehicle;

    b. Designed primarily for transportation of persons and has a capacity of more than 12 persons; or

    c. Available with special features enabling off-street or off-highway operation and use.

47. “Lowest Adjacent Grade (LAG)” means the elevation of the ground, sidewalk, or patio slab immediately next to the building, or deck support, after completion of the building.
48. “Lowest Floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this section.
49. “Manufactured Home” means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term “manufactured home” does not include a “recreational vehicle”.
50. “Manufactured Home Park or Subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
51. “Map Repository” means the location of the official flood hazard data to be applied for floodplain management. It is a central location in which flood data is stored and managed; in North Carolina, FEMA has recognized that the application of digital flood hazard data products carry the same authority as hard copy products. Therefore, the NCEM’s Floodplain Mapping Program websites house current and historical flood hazard data. For effective flood hazard data the NC FRIS website (http://FRIS.NC.GOV/FRIS) is the map repository, and for historical flood hazard data the FloodNC website (http://FLOOD.NC.GOV/NCFLOOD/) is the map repository.
52. “Market Value” means the building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.
53. “New Construction” means structures for which the “start of construction” commenced on or after the effective date of the initial floodplain management regulations and includes any subsequent improvements to such structures.

54. “Non-Conversion Agreement” means a document stating that the owner will not convert or alter what has been constructed and approved. Violation of the agreement is considered a violation of the section and, therefore, subject to the same enforcement procedures and penalties. The agreement must be filed with the recorded deed for the property. The agreement must show the clerk’s or recorder’s stamps and/or notations that the filing has been completed.
55. “Non-Encroachment Area (NEA)” means the channel of a river or other watercourse, including the area above a bridge or culvert when applicable, and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report.
56. “Post-FIRM” means construction or other development for which the “start of construction” occurred on or after the effective date of the initial Flood Insurance Rate Map for the area.
57. “Pre-FIRM” means construction or other development for which the “start of construction” occurred before the effective date of the initial Flood Insurance Rate Map for the area.
58. “Principally Above Ground” means that at least 51% of the actual cash value of the structure is above ground.
59. “Public Safety” and/or “Nuisance” means anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.
60. “Recreational Vehicle (RV)” means a vehicle, which is:
    a. Built on a single chassis;
    b. 400 square feet or less when measured at the largest horizontal projection;
    c. Designed to be self-propelled or permanently towable by a light duty truck;
    d. Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use, and
    e. Is fully licensed and ready for highway use.

61. "Reference Level" is the bottom of the lowest horizontal structural member of the lowest floor for structures within all Special Flood Hazard Areas .
62. "Regulatory Flood Protection Elevation" means the "Base Flood Elevation" plus the "Freeboard".
    a. In "Special Flood Hazard Areas" where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus 2 feet freeboard.
    b. In "Special Flood Hazard Areas" where no BFE has been established, this elevation shall be at least 2 feet above the highest adjacent grade.
    c. In Future Conditions Flood Hazard Areas this elevation shall be the Future Conditions Flood Elevation plus 2 feet of freeboard.
63. "Remedy a Violation" means to bring the structure or other development into compliance with state and Town floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the section, or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.
64. "Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.
65. "Salvage Yard" means any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances, and related machinery.
66. "Solid Waste Disposal Facility" means any facility involved in the disposal of solid waste, as defined in NCGS 130A-290(a)(35).
67. "Solid Waste Disposal Site" means, as defined in NCGS 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.
68. "Special Flood Hazard Area (SFHA)" means the land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year, as determined in 1.1.3.B of this section.
69. "Start of Construction" includes substantial improvement and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was

within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

70. "Structure" means a walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.
71. "Substantial Damage" means damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. See definition of "substantial improvement". Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.
72. "Substantial Improvement" means any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

(a) Any correction of existing violations of state or community health, sanitary, or safety code specifications which have been identified by the Town's code enforcement official and which are the minimum necessary to assure safe living conditions; or

(b) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure and the alteration is approved by variance issued pursuant to 1.1.4.E of this section.

73. "Technical Bulletin and Technical Fact Sheet" means a FEMA publication that provides guidance concerning the building performance standards of the NFIP, which are contained in Title 44 of the U.S. Code of Federal Regulations at Section 60.3. The bulletins and fact sheets are intended for use primarily by State and local officials responsible for interpreting and enforcing NFIP regulations and by members of the development community, such as design professionals and builders. New bulletins, as well as updates of existing bulletins, are issued periodically as needed. The bulletins do not create regulations; rather they provide specific guidance for complying with the minimum requirements of existing NFIP regulations.

    Note: It should be noted that Technical Bulletins and Technical Fact Sheets provide guidance on the minimum requirements of the NFIP regulations. State or Town requirements that exceed those of the NFIP take precedence. Design professionals should contact the Town officials to determine whether more restrictive State or local regulations apply to the building or site in question. All applicable standards of the State or local building code must also be met for any building in a flood hazard area.

74. "Temperature Controlled" means having the temperature regulated by a heating and/or cooling system, built-in or appliance.
75. "Variance" is a grant of relief from the requirements of this section.
76. "Violation" means the failure of a structure or other development to be fully compliant with the Town's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 1.1.4 and 1.1.5 is presumed to be in violation until such time as that documentation is provided.

77. "Water Surface Elevation (WSE)" means the height, in relation to NAVD 1988 (or currently accepted standard), of floods of various magnitudes and frequencies in the floodplains of riverine areas.
78. "Watercourse" means a lake, river, creek, stream, wash, channel, or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

1.1.3. GENERAL PROVISIONS

A. **Lands to Which This Section Applies.** This section shall apply to all Special Flood Hazard Areas within the jurisdiction, including Extraterritorial Jurisdiction (ETJ), as allowed by law, of the Town of Rolesville.

B. **Basis for Establishing The Special Flood Areas.** The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its FIS dated May 2, 2006 for Wake County and associated DFIRM panels, including any digital data developed as part of the FIS, which are adopted by reference and declared a part of this section, and all revisions thereto after January 1, 2021. Future revisions to the FIS and DFIRM panels that do not change flood hazard data within the jurisdictional authority of the Town of Rolesville are also adopted by reference and declared a part of this section. Subsequent Letter of Map Revisions (LOMRs) and/or Physical Map Revisions (PMRs) shall be adopted within 3 months.

C. **Establishment of Floodplain Development Permit.** A Floodplain Development Permit shall be required in conformance with the provisions of this section prior to the commencement of any development activities within Special Flood Hazard Areas determined in accordance with the provisions of 1.1.3.B of this section.

D. **Compliance.** No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this section and other applicable regulations.

E. **Abrogation and Greater Restrictions.** This section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this section and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

F. **Interpretation.** In the interpretation and application of this section, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under State statutes.

G. **Warning and Disclaimer of Liability.** The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Actual flood heights may be increased by man-made or natural causes. This section does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This section shall not create liability on the part of the Town of Rolesville or by any officer, employee, or administrative decision for any flood damages that result from reliance on this section.

H. **Penalties for Violation.** Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than $50.00 or imprisoned for not more than 30 days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Rolesville from taking such other lawful action as is necessary to prevent or remedy any violation.

1.1.4. ADMINISTRATION

A. Designation of Floodplain Administrator (Land Development Administrator). The Land Development Administrator (LDA) of this LDO, or their designee, is hereby appointed to administer and implement the provisions of this section.

B. Floodplain Development Application, Permit and Certification

1. Application Requirements. Application for a Floodplain Development Permit shall be made to the LDA prior to any development activities located within

Special Flood Hazard Areas. The following items shall be presented to the LDA to apply for a floodplain development permit:

a. A site plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:

    i. The nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;

    ii. The boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in 1.1.3.B, or a statement that the entire lot is within the Special Flood Hazard Area;

    iii. Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in 1.1.3.B;

    iv. The boundary of the floodway(s) or non-encroachment area(s) as determined in 1.1.3.B;

    v. The Base Flood Elevation (BFE) where provided as set forth in 1.1.3.B; 1.1.4.C; or 1.1.5.D;

    vi. The old and new location of any watercourse that will be altered or relocated as a result of proposed development; and

    vii. The certification of the plot plan by a registered land surveyor or professional engineer.

b. Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:

    i. Elevation in relation to NAVD 1988 (or currently accepted standard) of the proposed reference level (including basement) of all structures;

ii. Elevation in relation to NAVD 1988 (or currently accepted standard) to which any non-residential structure in Zones A, AE, AH, AO, A99 will be floodproofed; and

iii. Elevation in relation to NAVD 1988 (or currently accepted standard) to which any proposed utility systems will be elevated or floodproofed.

c. If floodproofing, a Floodproofing Certificate (FEMA Form 086-0-34) with supporting data, an operational plan, and an inspection and maintenance plan that include, but are not limited to, installation, exercise, and maintenance of floodproofing measures.

d. A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this section are met. These details include but are not limited to:

i. The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls); and

ii. Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with 1.1.5.B(4)(d) when solid foundation perimeter walls are used in Zones A, AE, AH, AO, A99.

e. Usage details of any enclosed areas below the lowest floor.

f. Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage.

g. Certification that all other Local, State and Federal permits required prior to floodplain development permit issuance have been received.

h. Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure that the provisions of 1.1.5.B, subsections (6) and (7) of this section are met.

i. A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

2. Permit Requirements. The Floodplain Development Permit shall include, but not be limited to:

   a. A complete description of all the development to be permitted under the floodplain development permit (e.g. house, garage, pool, septic, bulkhead, cabana, pier, bridge, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials, etc.).

   b. The Special Flood Hazard Area determination for the proposed development in accordance with available data specified in 1.1.3.B.

   c. The Regulatory Flood Protection Elevation required for the reference level and all attendant utilities.

   d. The Regulatory Flood Protection Elevation required for the protection of all public utilities.

   e. All certification submittal requirements with timelines.

   f. A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse unless the requirements of 1.1.5.F have been met.

   g. The flood openings requirements.

   h. Limitations of below BFE enclosure uses (if applicable). (i.e., parking, building access and limited storage only).

   i. A statement, that all materials below BFE/RFPE must be flood resistant materials.

3. Certification Requirements.

a. Elevation Certificates

i. An Elevation Certificate (FEMA Form 086-0-33) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the LDA a certification of the elevation of the reference level, in relation to NAVD 1988 (or currently accepted standard). The LDA shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.

ii. An Elevation Certificate (FEMA Form 086-0-33) is required after the reference level is established. Within seven (7) calendar days of establishment of the reference level elevation, it shall be the duty of the permit holder to submit to the LDA a certification of the elevation of the reference level, in relation to NAVD 1988 (or currently accepted standard). Any work done within the seven (7) day calendar period and prior to submission of the certification shall be at the permit holder's risk. The LDA shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.

iii. A final Finished Construction Elevation Certificate (FEMA Form 086-0-33) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the LDA a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The LDA shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to

Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy. The Finished Construction Elevation Certificate certifier shall provide at least 2 photographs showing the front and rear of the building taken within 90 days from the date of certification. To the extent possible, these photographs should show the entire building including foundation. If the building has split-level or multi-level areas, provide at least 2 additional photographs showing side views of the building. In addition, when applicable, provide a photograph of the foundation showing a representative example of the flood openings or vents. All photographs must be in color and measure at least 3" × 3". Digital photographs are acceptable.

b. Floodproofing Certificate

i. If non-residential floodproofing is used to meet the Regulatory Flood Protection Elevation requirements, a Floodproofing Certificate (FEMA Form 086-0-34), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the LDA a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 1988 (or currently accepted standard). Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The LDA shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure

to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

ii. A final Finished Construction Floodproofing Certificate (FEMA Form 086-0-34), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the issuance of a Certificate of Compliance/Occupancy. It shall be the duty of the permit holder to submit to the LDA a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 1988 (or currently accepted standard). Floodproofing certificate shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The LDA shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to Certificate of Occupancy. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to deny a Certificate of Compliance/Occupancy.

c. If a manufactured home is placed within Zones A, AE, AH, AO, A99 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required in accordance with the provisions of 1.1.5.B(3)(b).

d. If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by

the permit applicant prior to issuance of a floodplain development permit.

e. Certification Exemptions. The following structures, if located within Zones A, AE, AH, AO, A99, are exempt from the elevation/floodproofing certification requirements specified in items 1.1.4.3(a) and (b) of this subsection:

i. Recreational Vehicles meeting requirements of 1.1.5.B(6)(a);

ii. Temporary Structures meeting requirements of 1.1.5.B(7); and

iii. Accessory Structures less than 150 square feet meeting requirements of 1.1.5.B(6)

4. Determinations for existing buildings and structures. For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the LDA (or designee) shall:

a. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;

b. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;

c. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and

d. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that

compliance with the flood resistant construction requirements of the NC Building Code and this section is required.

C. Duties and Responsibilities of the Floodplain Administrator. The Floodplain Administrator (the Land Development Administrator of this LDO) shall perform, but not be limited to, the following duties:

1. Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this section have been satisfied.

2. Review all proposed development within Special Flood Hazard Areas to assure that all necessary local, state, and federal permits have been received.

3. Notify adjacent communities and the North Carolina Department of Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).

4. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.

5. Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of 1.1.5.F are met.

6. Obtain actual elevation (in relation to NAVD 1988 or currently accepted standard)) of the reference level (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with the provisions of 1.1.4.B(3).

7. Obtain actual elevation (in relation to NAVD 1988 or currently accepted standard) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with the provisions of 1.1.4.B(3).

8. Obtain actual elevation (in relation to NAVD 1988 or currently accepted standard) of all public utilities in accordance with the provisions of 1.1.4.B(3).

9. When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of 1.1.4.B(3) and 1.1.5.B(2).

10. Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas, floodways, or non-encroachment areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this section.

11. When BFE data has not been provided in accordance with the provisions of 1.1.3.B, obtain, review, and reasonably utilize any BFE data, along with floodway data or non-encroachment area data available 1.1.5.D(2)(c), in order to administer the provisions of this section.

12. When BFE data is provided but no floodway or non-encroachment area data has been provided in accordance with the provisions of 1.1.3.B, obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a federal, state, or other source in order to administer the provisions of this section.

13. When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a Special Flood Hazard Area is above the BFE, advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the LOMA issued by FEMA in the floodplain development permit file.

14. Permanently maintain all records that pertain to the administration of this section and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.

15. Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the LDA shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local section and the terms of the permit. In exercising this power, the LDA has a right, upon presentation of

proper credentials, to enter on any premises within the jurisdiction of the Town at any reasonable hour for the purposes of inspection or other enforcement action.

16. Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this section, the LDA may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.

17. Revoke floodplain development permits as required. The LDA may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.

18. Make periodic inspections throughout the Special Flood Hazard Areas within the jurisdiction of the Town. The LDA and each member of his or her department staff shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

19. Follow through with corrective procedures of 1.1.4.D.

20. Review, provide input, and make recommendations for variance requests.

21. Maintain a current map repository to include, but not limited to, historical and effective FIS Report, historical and effective FIRM and other official flood maps and studies adopted in accordance with the provisions of 1.1.3.B of this section, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.

22. Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-Fs) and Letters of Map Revision (LOMRs).

D. Corrective Procedures.

1. Violations to be corrected: When the LDA finds violations of applicable state and local laws; it shall be his or her duty to notify the owner of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.

2. Actions in Event of Failure to Take Corrective Action: If the owner of a building or property shall fail to take prompt corrective action, the LDA shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:

    a. That the building or property is in violation of the floodplain management regulations;

    b. That a hearing will be held before the LDA at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and

    c. That following the hearing, the LDA may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable.

3. Order to Take Corrective Action: If, upon a hearing held pursuant to the notice prescribed above, the LDA shall find that the building or development is in violation of the this section, they shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more than ninety (90) calendar days. Where the LDA finds that there is imminent danger to life or other property, he or she may order that corrective action be taken in such lesser period as may be feasible.

4. Appeal: Any owner who has received an order to take corrective action may appeal the order to the Board of Adjustment by giving notice of appeal in writing to the LDA and the clerk within ten (10) days following issuance of the final

order. In the absence of an appeal, the order of the LDA shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify, and affirm, or revoke the order.

5. Failure to Comply with Order: If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a Class 1 misdemeanor pursuant to NC G.S. § 143-215.58 and shall be punished at the discretion of the court.

E. Variance Procedures.

1. The BOA, shall hear and decide requests for variances from the requirements of this section.
2. Any person aggrieved by the decision of the BOA may appeal such decision to the applicable Court, as provided in Chapter 7A of the North Carolina General Statutes.
3. Variances may be issued for:
    a. The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure;
    b. Functionally dependent facilities if determined to meet the definition as stated in 1.1.2 of this section, provided provisions of 1.1.4.E(9)(b), (c), and (e) have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; or
    c. Any other type of development provided it meets the requirements of this section.
4. In passing upon variances, the BOA shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this section, and:

a. The danger that materials may be swept onto other lands to the injury of others;

b. The danger to life and property due to flooding or erosion damage;

c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

d. The importance of the services provided by the proposed facility to the community;

e. The necessity to the facility of a waterfront location as defined under 1.1.2 of this section as a functionally dependent facility, where applicable;

f. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

g. The compatibility of the proposed use with existing and anticipated development;

h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

i. The safety of access to the property in times of flood for ordinary and emergency vehicles;

j. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

k. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

l. The extent that the development limit will deprive the land owner of reasonable use of their property.

5. A written report addressing each of the above factors shall be submitted with the application for a variance.

6. Upon consideration of the factors listed above and the purposes of this section, the BOA may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this section.

7. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the BFE and the elevation to which the structure is to be built and that such construction below the BFE increases risks to life and property, and that the issuance of a variance to construct a structure below the BFE may result in increased premium rates for flood insurance up to $25 per $100 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.

8. The LDA shall maintain the records of all appeal actions and report any variances to the FEMA and the State of North Carolina upon request.

9. Conditions for Variances:

    a. Variances shall not be issued when the variance will make the structure in violation of other federal, state, or local laws, regulations, or sections.

    b. Variances shall not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge.

    c. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

    d. Variances shall only be issued prior to development permit approval.

    e. Variances shall only be issued upon:

        i. A showing of good and sufficient cause;

        ii. A determination that failure to grant the variance would result in exceptional hardship; and

iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or sections.

10. A variance may be issued for solid waste disposal facilities or sites, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met.

    a. The use serves a critical need in the community.

    b. No feasible location exists for the use outside the Special Flood Hazard Area.

    c. The reference level of any structure is elevated or floodproofed to at least the Regulatory Flood Protection Elevation.

    d. The use complies with all other applicable federal, state, and local laws.

    e. The Town of Rolesville has notified the Secretary of the North Carolina Department of Public Safety of its intention to grant a variance at least thirty (30) calendar days prior to granting the variance.

1.1.5. PROVISIONS FOR FLOOD HAZARD REDUCTION.

A. **General Standards**. In all Special Flood Hazard Areas the following provisions are required:

1. All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.

2. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage in accordance with the FEMA Technical Bulletin 2, Flood Damage-Resistant Materials Requirements.

3. All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.

4. All new electrical, heating, ventilation, plumbing, air conditioning equipment, and other service equipment shall be located at or above the RFPE or designed and installed to prevent water from entering or accumulating within the components during the occurrence of the base flood. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, hot water heaters, and electric outlets/switches.

    a. Replacements part of a substantial improvement, electrical, heating, ventilation, plumbing, air conditioning equipment, and other service equipment shall also meet the above provisions.

    b. Replacements that are for maintenance and not part of a substantial improvement, may be installed at the original location provided the addition and/or improvements only comply with the standards for new construction consistent with the code and requirements for the original structure.

5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.

7. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

8. Nothing in this section shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this section and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the Regulatory Flood Protection Elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this section.

9. New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in 1.1.4.E(10). A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the Regulatory Flood Protection Elevation and certified in accordance with the provisions of 1.1.4.B(3).
10. All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.
11. All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
12. All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
13. All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
14. When a structure is partially located in a Special Flood Hazard Area, the entire structure shall meet the requirements for new construction and substantial improvements.
15. When a structure is located in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest BFE shall apply.
16. Buildings and structures that are located in more than one flood hazard area shall comply with the provisions associated with the most restrictive flood hazard area.

17. Fill is prohibited in the SFHA, including construction of buildings on fill. This includes not approving Conditional Letters or Letters of Map Revision - Based on Fill (CLOMR-F or LOMR-F).

B. **Specific Standards**. In all Special Flood Hazard Areas where BFE data has been provided, as set forth in 1.1.3.B, or 1.1.5.D, the following provisions, in addition to the provisions of 1.1.5.A, are required:

1. Residential Construction. New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in 1.1.2 of this section.

2. Non-Residential Construction. New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in 1.1.2 of this section. Structures located in Zones A, AE, AH, AO, A99 may be floodproofed to the Regulatory Flood Protection Elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the Regulatory Flood Protection Elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AO Zones, the floodproofing elevation shall be in accordance with 1.1.5.G(2). A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied. Such certification shall be provided to the LDA as set forth in 1.1.4.B(3), along with the operational plan and the inspection and maintenance plan.

3. Manufactured Homes.

    a. New and replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the Regulatory Flood Protection Elevation, as defined in 1.1.2 of this section.

    b. Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement,

either by certified engineered foundation system, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.

c. All enclosures or skirting below the lowest floor shall meet the requirements of 1.1.5.B(4).

d. An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the LDA and the local Emergency Management Coordinator.

4. Elevated Buildings. Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor:

   a. Shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;

   b. Shall not be temperature-controlled or conditioned;

   c. Shall be constructed entirely of flood resistant materials at least to the Regulatory Flood Protection Elevation; and

   d. Shall include flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet

this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:

(i) A minimum of two flood openings on different sides of each enclosed area subject to flooding;

(ii) The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;

(iii) If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;

(iv) The bottom of all required flood openings shall be no higher than one (1) foot above the higher of the interior or exterior adjacent grade;

(v) Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and

(vi) Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

e. Fill/Grading

i. Fill is prohibited in the SFHA

f. Property owners shall be required to execute and record a non-conversion agreement prior to issuance of a building permit declaring that the area below the lowest floor shall not be improved, finished or otherwise converted to habitable space (30 CRS points); the Town of Rolesville will have the right to inspect the enclosed area (30 CRS points); the Town of Rolesville will conduct annual inspections (30 CRS points).

This agreement shall be recorded with the Town of Rolesville County Register of Deeds and shall transfer with the property in perpetuity.

g. Release of restrictive covenant. If a property which is bound by a non-conversion agreement is modified to remove enclosed areas below BFE, then the owner may request release of restrictive covenant after staff inspection and submittal of confirming documentation.

5. Additions/Improvements.

   a. Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

      i. Not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.

      ii. A substantial improvement, with modifications/rehabilitations/improvements to the existing structure or the common wall is structurally modified more than installing a doorway, both the existing structure and the addition must comply with the standards for new construction.

   b. Additions to pre-FIRM or post-FIRM structures that are a substantial improvement with no modifications/rehabilitations/improvements to the existing structure other than a standard door in the common wall, shall require only the addition to comply with the standards for new construction.

   c. Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

      i. Not a substantial improvement, the addition and/or improvements only must comply with the standards for new

construction consistent with the code and requirements for the original structure.

ii. A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

d. Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a 1 year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started must comply with the standards for new construction. For each building or structure, the 1 year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this section. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The requirement does not, however, include either:

i. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assume safe living conditions.

ii. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

6. Recreational Vehicles. Recreational vehicles shall either:

a. Temporary Placement

i. Be on site for fewer than 180 consecutive days; or

ii. Be fully licensed and ready for highway use. (A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and has no permanently attached additions.)

b. Permanent Placement. Recreational vehicles that do not meet the limitations of Temporary Placement shall meet all the requirements for new construction.

7. Temporary Non-Residential Structures. Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the LDA a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the LDA for review and written approval:

    a. A specified time period for which the temporary use will be permitted. Time specified may not exceed three (3) months, renewable up to one (1) year;

    b. The name, address, and phone number of the individual responsible for the removal of the temporary structure;

    c. The time frame prior to the event at which a structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);

    d. A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and

    e. Designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.

8. Accessory Structures. When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

    a. Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);

b. Accessory structures shall not be temperature-controlled;

c. Accessory structures shall be designed to have low flood damage potential;

d. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;

e. Accessory structures shall be firmly anchored in accordance with the provisions of 1.1.5.A(1);

f. All service facilities such as electrical shall be installed in accordance with the provisions of 1.1.5.A(4); and

g. Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below Regulatory Flood Protection Elevation in conformance with the provisions of 1.1.5.B(4)(d).

h. An accessory structure with a footprint less than 150 square feet or that is a minimal investment of $3,000 or less and satisfies the criteria outlined above is not required to meet the elevation or floodproofing standards of 1.1.5.B(2). Elevation or floodproofing certifications are required for all other accessory structures in accordance with 1.1.4.B(3).

9. Tanks. When gas and liquid storage tanks are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

a. Underground tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty;

b. Above-ground tanks, elevated. Above-ground tanks in flood hazard areas shall be elevated to or above the Regulatory Flood Protection Elevation on a supporting structure that is designed to prevent flotation, collapse, or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area;

c. Above-ground tanks, not elevated. Above-ground tanks that do not meet the elevation requirements of Section B (2) of this section shall be permitted in flood hazard areas provided the tanks are designed, constructed, installed, and anchored to resist all flood-related and other loads, including the effects of buoyancy, during conditions of the design flood and without release of contents in the floodwaters or infiltration by floodwaters into the tanks. Tanks shall be designed, constructed, installed, and anchored to resist the potential buoyant and other flood forces acting on an empty tank during design flood conditions.

d. Tank inlets and vents. Tank inlets, fill openings, outlets and vents shall be:

   i. At or above the Regulatory Flood Protection Elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and

   ii. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

10. Other Development.

a. Fences in regulated floodways and NEAs (Non-Encroachment Areas) that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of 1.1.5.F of this section.

b. Retaining walls, sidewalks and driveways in regulated floodways and NEAs. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of 1.1.5.F of this section.

c. Roads and watercourse crossings in regulated floodways and NEAs. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel

from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of 1.1.5.F of this section.

d. Commercial storage facilities are not considered "limited storage" as noted in this section and shall be protected to the Regulatory Flood Protection Elevation as required for commercial structures.

C. **Reserved.**

D. **Standards for Floodplains Without Established Base Flood Elevations.** Within the Special Flood Hazard Areas designated as Approximate Zone A and established in 1.1.3.B, where no BFE data has been provided by FEMA, the following provisions, in addition to the provisions of 1.1.5.A, shall apply:

1. No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of twenty (20) feet each side from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

2. The BFE used in determining the Regulatory Flood Protection Elevation shall be determined based on the following criteria:

    a. When BFE data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this section and shall be elevated or floodproofed in accordance with standards in 1.1.5.A and B.

    b. When floodway or non-encroachment data is available from a Federal, State, or other source, all new construction and substantial improvements within floodway and non-encroachment areas shall also comply with the requirements of 1.1.5B and F.

    c. All subdivision, manufactured home park and other development proposals shall provide BFE data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such BFE

data shall be adopted by reference in accordance with 1.1.3.B and utilized in implementing this section.

d. When BFE data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated or floodproofed (nonresidential) to or above the Regulatory Flood Protection Elevation, as defined in 1.1.2. All other applicable provisions of 1.1.5.B shall also apply.

E. **Standards for Riverine Floodplains With Base Flood Elevations But Without Established Floodways or Non-Encroachment Areas (NEAs).** Along rivers and streams where BFE data is provided by FEMA or is available from another source but neither floodway nor non-encroachment areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

1. Standards of 1.1.5.A and B; and

2. Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point.

F. **Floodways And Non-Encroachment Areas**. Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in 1.1.3.B. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in 1.1.5.A and B, shall apply to all development within such areas:

1. No encroachments, including fill, new construction, substantial improvements, and other developments shall be permitted unless:

a. It is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood

discharge, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the LDA prior to issuance of floodplain development permit; or

b. A Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained within six months of completion of the proposed encroachment.

2. If 1.1.5.F(1) is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this section.

3. Manufactured homes may be permitted provided the following provisions are met:

   a. The anchoring and the elevation standards of 1.1.5.B(3); and

   b. The encroachment standards of 1.1.5.F(1).

G. **Standards For Areas of Shallow Flooding (ZONE AO).** Located within the Special Flood Hazard Areas established in 1.1.3.B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to 1.1.5.A and B, all new construction and substantial improvements shall meet the following requirements:

1. The reference level shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of 2 feet, above the highest adjacent grade; or at least 2 feet above the highest adjacent grade if no depth number is specified.

2. Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in 1.1.5.I(1) so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in accordance with 1.1.4.B(3) and 1.1.5.B(2).

3. Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

H. **Standards For Areas of Shallow Flooding (ZONE AH).**Located within the Special Flood Hazard Areas established in 1.1.3.B, are areas designated as shallow flooding areas. These areas are subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are one (1) to three (3) feet. Base Flood Elevations are derived from detailed hydraulic analyses are shown in this zone. In addition to 1.1.5. A and B, all new construction and substantial improvements shall meet the following requirements:

1. Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

1.1.6. LEGAL STATUS PROVISIONS.

A. **Effect On Rights and Liabilities Under The Existing Flood Damage Section.** This section in part comes forward by re-enactment of some of the provisions of the Flood Damage Prevention Section enacted Dec 19th, 2000, as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this section shall not affect any action, suit or proceeding instituted or pending. All provisions of the Flood Damage Prevention Section of the Town of Rolesville enacted on Dec 19th, 2000, as amended, which are not reenacted herein are repealed.

B. **Effect Upon Outstanding Floodplain Development Permits**. Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a floodplain development permit has been granted by the LDA or authorized agents before the time of passage of this section; provided, however, that when construction is not begun under such outstanding permit within a period of six (6) months subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this section.

C. **Severability.** If any section, clause, sentence, or phrase of the section is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this section.

1.2. STORMWATER MANAGEMENT

1.2.1. GENERAL PROVISIONS

A. **Title**. This section shall be officially known as "The Post-Construction Stormwater Ordinance." It is referred to within this section herein as "this ordinance."

B. **Authority**. The Town Board is authorized to adopt this ordinance pursuant to North Carolina law, including but not limited to Article 14, Section 5 of the Constitution of North Carolina; the Charter of the Town of Rolesville; North Carolina General Statutes 143-214.7 and rules promulgated by the Environmental Management Commission thereunder; Session Law 2004-163; Chapter 160A, §§ 174, and 185.

C. **Findings.** It is hereby determined that Development and Redevelopment alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, soil erosion, stream channel erosion, nonpoint and point source pollution, and sediment transport and deposition, as well as reducing groundwater recharge. These effects can be managed and minimized by applying proper design and well-planned controls to manage stormwater runoff from Development sites. Further, the Federal Water Pollution Control Act of 1972 ("Clean Water Act") and federal Phase II Stormwater Rules promulgated under it compel the Town to adopt minimum stormwater controls such as those included in this ordinance. Therefore, the Town establishes this set of water quality and quantity regulations to meet the requirements of state and federal law regarding control of stormwater runoff and discharge.

D. **Purpose.**

1. General. The purpose of this ordinance is to protect, maintain and enhance the public health, safety, environment, and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-Development stormwater runoff and nonpoint and point source pollution associated with new Development and Redevelopment as well as illicit discharges into municipal stormwater systems.

2. Specific. This ordinance seeks to meet its general purpose through the following specific objectives and means:

a. Requiring that new Development and Redevelopment maintain the pre-Development hydrologic response in their post-Development state as nearly as practicable for the applicable design storm to reduce flooding, streambank erosion, nonpoint and point source pollution;

b. Establishing minimum post-Development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;

c. Encouraging the use of better management and site design practices, such as the use of vegetated conveyances for stormwater and the preservation of greenspace, riparian buffers, and other conservation areas to the maximum extent practicable;

d. Establishing provisions for the long-term responsibility for and maintenance of Structural and nonstructural Stormwater Best Management Practices (BMPs) to ensure that they continue to function as designed, are maintained appropriately, and pose no threat to public safety;

e. Establishing administrative procedures for the submission, review, approval, and disapproval of stormwater management plans, for the inspection of approved projects, and to assure appropriate long-term maintenance.

f. Managing flooding and downstream impacts with an awareness of impending regional growth.

E. **Applicability and Jurisdiction.**

1. **General**. Beginning with and subsequent to its effective date, this ordinance shall be applicable to all Development and Redevelopment, including, but not limited to, site plan applications, subdivision applications, and grading applications, unless exempt pursuant to subsection (2) of this section, Exemptions.

2. **Exemptions.** Development that cumulatively disturbs less than 20,000 square feet and is not part of a larger common plan of Development or Sale is exempt from the provisions of this ordinance. This exemption does not relieve any

Development from Neuse Buffer Rules or other applicable federal, state, or local laws. Redevelopment that cumulatively disturbs less than 20,000 square feet and is not part of a Larger Common Plan of Development or Sale is exempt from the provisions of this ordinance. This exemption does not relieve any Development from Neuse Buffer Rules or other applicable federal, state, or local laws. Development and Redevelopment that disturb less than 20,000 square feet are not exempt if such activities are part of a larger common plan of or sale, even though multiple, separate, or distinct activities take place at different times on different schedules. Activities that are exempt from permit requirements of Section 404 of the federal Clean Water Act as specified in 40 CFR 232 (primarily, ongoing farming and forestry activities) are exempt from the provisions of this ordinance.

3. **No Development or Redevelopment Until Compliance and Permit**. No Development or Redevelopment shall occur except in compliance with the provisions of this ordinance or unless exempted. No Development for which a permit is required pursuant to this ordinance shall occur except in compliance with the provisions, conditions, and limitations of the permit.

4. **Map**. The provisions of this ordinance shall apply within the areas designated as the municipal incorporated area and extraterritorial jurisdiction on the town's Official Zoning Map, which is adopted simultaneously herewith. The Zoning Map shall be kept on file by the Town and shall be amended from time to time to include changes in the land area covered by this ordinance. In the event of a dispute, the applicability of this ordinance to a particular area of land or BMP shall be determined by reference to the North Carolina Statutes, the North Carolina Administrative Code, and local zoning and jurisdictional boundary ordinances.

F. **Interpretation**.

1. **References to Statutes, Regulations and Documents**. Whenever reference is made to a resolution, ordinance, statute, regulation, manual (including the North Carolina Stormwater Best Management Practices Manual, hereinafter "the Design Manual"), or document, it shall be construed as a reference to the most

recent edition of such that has been finalized and published with due provision for notice and comment, unless otherwise specifically stated.

G. **North Carolina Stormwater Best Management Practices Design Manual.**

1. **Reference to Design Manual**. The Stormwater Administrator or his or her designee shall use the policy, criteria, and information, including technical specifications and standards, in the Design Manual as the basis for decisions about stormwater permits and about the design, implementation and performance of Structural and non-structural stormwater BMPs. The Design Manual includes a list of acceptable stormwater treatment practices, including specific design criteria for each stormwater practice. Stormwater treatment practices that are designed, constructed, and maintained in accordance with these design and sizing criteria will be presumed to meet the minimum water quality performance standards of the Phase II laws.

2. **Relationship of Design Manual to Other Laws and Regulations**. If the specifications or guidelines of the Design Manual are more restrictive or apply a higher standard than other laws or regulations, that fact shall not prevent application of the specifications or guidelines in the Design Manual.

H. **Relationship to Other Laws, Regulations and Private Agreements**.

1. **Conflict of Laws**. This ordinance is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this ordinance are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law. Where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or imposes higher protective standards shall control.

2. **Private Agreements.** This ordinance is not intended to revoke or repeal any easement, covenant, or other private agreement. However, where the regulations of this ordinance are more restrictive or impose higher standards or requirements than such an easement, covenant, or other private agreement, the requirements of this ordinance shall govern. Nothing in this ordinance shall modify or repeal any private covenant or deed restriction, but such covenant or

restriction shall not legitimize any failure to comply with this ordinance. In no case shall the Town be obligated to enforce the provisions of any easements, covenants, or agreements between private parties.

I. **Severability**. If the provisions of any section, subsection, paragraph, subdivision, or clause of this ordinance shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this ordinance.

J. **Effective Date and Transitional Provisions**.

1. **Effective Date**. This Ordinance shall take effect on August 3, 2009.

2. **Final Approvals, Complete Applications**. All Development and Redevelopment projects for which complete and full applications were submitted and accepted as complete by the Town prior to the effective date of this ordinance and which remain valid, unexpired, unrevoked and not otherwise terminated at the time of Development or Redevelopment shall be exempt from complying with all provisions of this ordinance dealing with the control and/or management of post-construction runoff, but shall be required to comply with all other applicable provisions. A phased Development plan shall be deemed approved prior to the effective date of this ordinance if it has been approved by all necessary government units, it remains valid, unexpired, unrevoked, and not otherwise terminated, and it shows:

    a. For the initial or first phase of Development: the type and intensity of use for a specific parcel or parcels. This shall include, at a minimum, the boundaries of the project and a subdivision plan that has been approved.

    b. For any subsequent phase of Development: sufficient detail showing that implementation of the requirements of this ordinance to that phase of Development would require a material change in that phase of the plan.

3. **Violations Continue**. Any violation of provisions existing on the effective date of this ordinance shall continue to be a violation under this ordinance and be subject to penalties and enforcement under this ordinance unless the use,

Development, construction, or other activity complies with the provisions of this ordinance.

1.2.2. STORMWATER DEFINITIONS

When used in this Ordinance, the following words and terms shall have the meaning set forth in this section, unless other provisions of this Ordinance specifically indicate otherwise.

Built-upon Area (BUA). That portion of a Development project that is covered by impervious or partially impervious surface including, but not limited to, buildings, pavement, and gravel areas such as roads, parking lots, and paths; and recreation facilities such as tennis courts. "Built-upon Area" does not include a wooden slatted deck, the water area of a swimming pool, or Permeable Pavement that meets the standards outlined in the North Carolina Division of Water Quality Stormwater Best Management Practices Manual.

Density. The calculation of the total Impervious Area of a project divided by the total project area. Surface water bodies shall be included in calculations of project Density.

Department. The North Carolina Department of Environment and Natural Resources.

Design Manual. The North Carolina Department of Environment and Natural Resources, Division of Water Quality Stormwater Best Management Practices Manual approved for use in Phase II jurisdictions by the Department for the proper implementation of the requirements of the federal Phase II stormwater program. All references herein to the Design Manual are to the latest published edition or revision.

Development. Any land-disturbing activity that increases the amount of built-upon area or that otherwise decreases the infiltration of precipitation into the soil.

Division. The Division of Water Quality in the North Carolina Department of Environment and Natural Resources.

Flood Protection Zone. The FEMA 100-year floodplain as identified on the current Flood Insurance Rate Map (FIRM) published by FEMA.

High-Density Project. A project is a High-Density Project if it has more than 24 percent Built-upon Area (BUA) based on total project acreage for all residential and non-residential Development. Any project that exceeds the low-Density threshold for Built-upon Area.

Impervious Area. Impervious Areas are those surfaces which prevent the infiltration of or impede the rate of infiltration of stormwater into the soil as compared with the natural conditions prior to Development. Common Impervious Areas include, but are not limited to, compacted surfaces used for pedestrian and vehicular travel or parking and other surfaces

which prevent or impede the natural infiltration of stormwater runoff that existed prior to Development.

Larger Common Plan of Development or Sale. Any area where multiple separate and distinct construction or land-disturbing activities will occur under one plan. A plan is any announcement or piece of documentation (including but not limited to a sign, public notice or hearing, sales pitch, advertisement, loan application, drawing, permit application, zoning request, subdivision application or computer design) or physical demarcation (including but not limited to boundary signs, lot stakes, or surveyor markings) indicating that construction activities may occur on a specific plot.

Low-Density Project. A project is a Low-Density Project if it has more than 15 percent Built-upon Area (BUA) and no more than 24 percent Built-upon Area (BUA) based on total project acreage for all residential and non-residential Development.

A project with an overall Density at or below the relevant low-Density threshold, but containing areas with a Density greater than the overall project Density, may be considered Low Density as long as the project meets or exceeds the post-construction model practices for Low-Density Projects and locates the higher Density in upland areas and away from surface waters and drainageways to the maximum extent practicable.

Non-structural BMP. A practice that is intended to reduce the impacts of stormwater runoff by minimizing pollution at the source and that is not a physical device constructed to control or treat stormwater runoff. Examples of Non-Structural BMPs include reducing Impervious Areas, making use of existing natural features and systems, reforestation, and cluster Development.

One-year, 24-hour Storm. The surface runoff resulting from a 24-hour rainfall of an intensity expected to be equaled or exceeded, on average, once in 12 months and with a duration of 24 hours.

Owner. The legal or beneficial Owner of land, including but not limited to a mortgagee or vendee in possession, receiver, executor, trustee, or long-term or commercial lessee, or any other person or entity holding proprietary rights in the property or having legal power of management and control of the property. "Owner" shall include long-term commercial tenants; management entities, such as those charged with or engaged in the management of properties for profit; and every person or entity having joint ownership of the property.

Perennial or Intermittent Surface Waters. A Perennial or Intermittent Surface Water shall be deemed present if the feature is approximately shown on either the most recent version of the soil survey map prepared by the Natural Resources Conservation Service of the United States

Department of Agriculture (USDA) or the most recent version of the 1:24,000 scale (7.5 minute) quadrangle topographic maps prepared by the United States Geologic Survey (USGS). An exception to this requirement shall be allowed when surface waters are not present in accordance with the provisions of 15A NCAC 2B .0233 (3)(a) or similar site-specific determination made using Division-approved methodology.

Permeable Pavement. An alternative to conventional concrete and asphalt paving materials that allows for infiltration of storm water into a storage area, with void spaces that provide temporary storage.

Redevelopment. Any Development on previously-developed land, other than a rebuilding activity that results in no net increase in Built-upon Area and provides equal or greater stormwater control than the previous Development.

Riparian Buffer Zone. Any area extending 50 feet landward of all Perennial and Intermittent Surface Waters.

Stormwater Administrator. The official assigned by the Town Manager, including the official's duly authorized agent or delegate, charged with the administration and enforcement of this ordinance, which includes but is not limited to the responsibility to make decisions about stormwater permits, the design, implementation and performance of structural and Non-structural BMPs; to make determinations and render interpretations of this ordinance; to establish application requirements and schedules; to enforce the provisions of this ordinance, and to designate appropriate other person(s) who shall carry out the powers and duties of the Stormwater Administrator.

Stormwater Management Practice. Any practice designed to reduce the impacts of stormwater runoff, including both Structural and Non-structural BMPs.

Structural BMP. A physical device designed to trap, settle out, or filter pollutants from stormwater runoff; to alter or reduce stormwater runoff velocity, amount, timing, or other characteristics; to approximate the pre-Development hydrology on a developed site; or to achieve any combination of these goals. Structural BMP includes physical practices such as constructed wetlands, vegetative practices, filter strips, grassed swales, and other methods installed or created on real property.

Substantial Progress. For the purposes of determining whether sufficient progress has been made on an approved plan, one or more of the following construction activities toward the completion of a site or subdivision plan shall occur: obtaining a grading permit and conducting grading activity; or installation and approval of on-site infrastructure; or obtaining a building

permit for the construction and approval of a building foundation. "Substantial Progress" for purposes of determining whether an approved plan is null and void is not necessarily the same as "substantial expenditures" used for determining vested rights pursuant to applicable law.
Two-year, 24-hour Storm. The surface runoff resulting from a 24-hour rainfall of an intensity expected to be equaled or exceeded, on average, once in two years and with a duration of 24 hours.
Ten-year, 24-hour Storm. The surface runoff resulting from a 24-hour rainfall of an intensity expected to be equaled or exceeded, on average, once in ten years and with a duration of 24 hours.

Ultra Low-Density Project. A project is an Ultra Low-Density Project if it has 15 percent or less Built-upon Area (BUA) based on total project acreage for all residential and non-residential Development. A project with an overall Density at or below the relevant ultra low-Density threshold, but containing areas with a Density greater than the overall project Density, may be considered ultra low-Density as long as the project meets or exceeds the post-construction model practices for Ultra Low-Density Projects and locates the higher Density in upland areas and away from surface waters and drainageways to the maximum extent practicable.

1.2.3. ADMINISTRATION AND PROCEDURES

A. **Review and Decision-Making Entities**

1. **Stormwater Administrator (As Designated By Land Development Administrator)**

    a. **Designation** A Stormwater Administrator shall be designated by the Town Board to administer and enforce this ordinance.

    b. **Powers and Duties** In addition to the powers and duties that may be conferred by other provisions of the Code of the Town of Rolesville and other laws, the Stormwater Administrator shall have the following powers and duties under this ordinance:

        i. To review and approve, approve with conditions, or disapprove applications for approval of plans pursuant to this ordinance.

        ii. To make determinations and render interpretations of this ordinance.

iii. To enforce the provisions of this ordinance in accordance with its enforcement provisions.

iv. To maintain records, maps, forms, and other official materials as they relate to the adoption, amendment, enforcement, and administration of this ordinance.

v. To designate appropriate other person(s) who shall carry out the powers and duties of the Stormwater Administrator.

vi. To take any other action necessary to administer the provisions of this ordinance.

B. **Review Procedures**

1. **Permit Required; Must Apply for Permit.** A stormwater permit is required for all Development and Redevelopment unless exempt pursuant to this ordinance. A permit may only be issued subsequent to a properly submitted and reviewed permit application, pursuant to this section.

2. **Effect of Permit.** A stormwater permit shall govern the design, installation, and construction of stormwater management and control practices on the site, including Structural BMPs and elements of site design for stormwater management other than Structural BMPs. The permit is intended to provide a mechanism for the review, approval, and inspection of the approach to be used for the management and control of stormwater for the Development or Redevelopment site consistent with the requirements of this ordinance, whether the approach consists of Structural BMPs or other techniques such as low-impact or low-Density design. The permit does not continue in existence indefinitely after the completion of the project; rather, compliance after project construction is assured by the maintenance provisions of this ordinance.

3. **Authority to File Applications.** All applications required pursuant to this Code shall be submitted to the Stormwater Administrator by the Owner or the Owner's duly authorized agent.

4. **Establishment of Application Requirements, Schedule, and Fees**

a. **Application Contents and Form** The Stormwater Administrator shall establish requirements for the content and form of all applications and shall amend and update those requirements from time to time. At a minimum, the stormwater permit application shall describe in detail how post-Development stormwater runoff will be controlled and managed, the design of all stormwater facilities and practices, and how the proposed project will meet the requirements of this ordinance.

b. **Submission Schedule** The Stormwater Administrator shall establish a submission schedule for applications. The schedule shall establish deadlines by which complete applications must be submitted for the purpose of ensuring that there is adequate time to review applications, and that the various stages in the review process are accommodated.

c. **Permit Review Fees** Permit review fees as well as policies regarding refund of any fees upon withdrawal of an application shall be established and may be amended and updated from time to time.

d. **Administrative Manual** For applications required under this Code, the Stormwater Administrator shall compile the requirements and information on how and where to obtain the Design Manual in an Administrative Manual, which shall be made available to the public.

5. **Submittal of Complete Application.** Applications shall be submitted to the Stormwater Administrator pursuant to the application submittal schedule in the form established by the Stormwater Administrator, along with the appropriate fee established pursuant to this section. An application shall be considered a complete submittal only when it contains all elements of a complete application pursuant to this ordinance and the Wake County Erosion and Sedimentation Control regulations, if applicable, along with the appropriate fee. If the Stormwater Administrator finds that an application is incomplete, the applicant shall be notified of the deficient elements and shall be provided with an opportunity to submit a complete application. However, the submittal of an incomplete application shall not suffice to meet a deadline contained in the submission schedule established above.

6. **Review.** Within 30 working days after a complete application is submitted, the Stormwater Administrator shall review the application and determine whether the application complies with the standards of this ordinance.

    a. **Approval** If the Stormwater Administrator finds that the application complies with the standards of this ordinance and the Wake County Erosion and Sedimentation Control regulations, if applicable, the Stormwater Administrator shall approve the application. The Stormwater Administrator may impose conditions of approval as needed to ensure compliance with this ordinance. The conditions shall be included as part of the approval.

    b. **Fails to Comply** If the Stormwater Administrator finds that the application fails to comply with the standards of this ordinance and the Wake County Erosion and Sedimentation Control regulations, if applicable, the Stormwater Administrator shall notify the applicant and shall indicate how the application fails to comply. The applicant shall have an opportunity to submit a revised application.

    c. **Revision and Subsequent Review** A complete revised application shall be reviewed by the Stormwater Administrator within 15 working days after its re-submittal and shall be approved, approved with conditions, or disapproved. If a revised application is not re-submitted within six months from the date the applicant was notified, the application shall be considered withdrawn, and a new submittal for the same or substantially the same project shall be required along with the appropriate fee for a new submittal.

C. **Applications for Approval**

1. **Concept Plan and Consultation Meeting** Before a stormwater management permit application is deemed complete, the Stormwater Administrator or developer may request a consultation on a concept plan for the post-construction stormwater management system to be utilized in the proposed Development. This consultation meeting should take place at the time of the preliminary plan of subdivision or other early step in the Development process. The purpose of this

meeting is to discuss the post-construction stormwater management measures necessary for the proposed project, as well as to discuss and assess constraints, opportunities, and potential approaches to stormwater management designs before formal site design engineering is commenced. Local watershed plans, the Zebulon and Rolesville Open Space and Greenway Master Plan, the Framework Plan (as described in the Town of Rolesville Comprehensive Plan), and other relevant resource protection plans should be consulted in the discussion of the concept plan. To accomplish this goal, the following information should be included in the concept plan, which should be submitted in advance of the meeting:

a. **Existing Conditions / Proposed Site Plans** Existing conditions and proposed site layout sketch plans, which illustrate at a minimum: existing and proposed topography; Perennial and Intermittent streams; mapping of predominant soils from soil surveys (if available); boundaries of existing predominant vegetation; proposed limits of clearing and grading; and location of existing and proposed roads, buildings, parking areas and other impervious surfaces.

b. **Natural Resources Inventory** A written and graphic inventory of natural resources at the site and surrounding area as it exists prior to the commencement of the project. This description should include a discussion of soil conditions, forest cover, geologic features, topography, wetlands, and native vegetative areas on the site, as well as the location and boundaries of other natural feature protection and conservation areas such as lakes, ponds, floodplains, stream buffers, Flood Protection Zones, and other setbacks (e.g., drinking water well setbacks, septic setbacks, etc.). Particular attention should be paid to environmentally sensitive features that provide particular opportunities or constraints for Development and stormwater management.

c. **Stormwater Management System Concept Plan** A written and graphic concept plan of the proposed post-Development stormwater management system including: preliminary selection and location of proposed structural stormwater controls; low-impact design elements;

location of existing and proposed conveyance systems such as grass channels, swales, and storm drains; flow paths; location of floodplain/floodway limits; relationship of site to upstream and downstream properties and drainages; and preliminary location of any proposed stream channel modifications, such as bridge or culvert crossings.

2. Stormwater Management Permit Application

a. **Purpose.** The stormwater management permit application shall detail how post-Development stormwater runoff will be controlled and managed and how the proposed project will meet the requirements of this ordinance.

b. **Downstream Impact Analysis.** As part of the permit application, all Development and Redevelopment shall perform a Downstream Impact Analysis as specified in Section 1.2.4.B.1.

c. **Plan Certification.** All such plans shall be prepared by a qualified registered North Carolina professional engineer, surveyor, soil scientist or landscape architect, and the engineer, surveyor, soil scientist or landscape architect shall perform services only in their area(s) of competence, and shall verify that the design of all stormwater management facilities and practices meets the submittal requirements for complete applications, that the designs and plans are sufficient to comply with applicable standards and policies found in the Design Manual, and that the designs and plans ensure compliance with this ordinance. The submittal shall include all of the information required in the submittal checklist established by the Stormwater Administrator.

D. **Approvals**

1. **Effect of Approval.** Approval authorizes the applicant to go forward with only the specific plans and activities authorized in the permit. The approval shall not be construed to exempt the applicant from obtaining other applicable approvals from local, state, and federal authorities.

2. **Time Limit/Expiration.** An approved plan shall become null and void if the applicant fails to make Substantial Progress on the site within one year after the date of approval. The Stormwater Administrator may grant a single, one-year extension of this time limit, for good cause shown, upon receiving a written request from the applicant before the expiration of the approved plan. In granting an extension, the Stormwater Administrator may require compliance with standards adopted since the original application was submitted unless there has been substantial reliance on the original permit and the change in standards would infringe the applicant's vested rights.

E. **Appeals**

1. **Right of Appeal.** Any aggrieved person affected by any decision, order, requirement, or determination relating to the interpretation or application of this ordinance made by the Stormwater Administrator, may file an appeal to the town's designated Appeal Board within 30 days.

2. **Filing of Appeal and Procedures.** Appeals shall be taken within the specified time period by filing a notice of appeal and specifying the grounds for appeal on forms provided by the town. The Stormwater Administrator shall transmit to the town's designated Appeal Board all documents constituting the record on which the decision appealed from was taken. The hearing conducted by the town's designated Appeal Board shall be conducted in the nature of a quasi-judicial proceeding with all findings of fact supported by competent, material evidence.

3. **Review by Superior Court.** Every decision of the town's designated Appeal Board shall be subject to Superior Court review by proceedings in the nature of certiorari. Petition for review by the Superior Court shall be filed with the Clerk of Superior Court within 30 days after the latter of the following:

    a. The decision of the town's designated Appeal Board is filed; or

    b. A written copy of the decision is delivered to every aggrieved party who has filed a written request for such copy with the (Chair or Secretary of the board that will hear appeals) at the time of its hearing of the case.

1.2.4. STANDARDS

A. **Standards Based on Project Density.**

1. **Development Standards for Ultra Low-Density and Low-Density Projects** Ultra Low-Density Projects and Low-Density Projects shall comply with each of the following standards, in addition to the General Standards found in subsection B in this section.
    a. Stormwater runoff from the Development shall be transported from the Development by vegetated conveyances to the maximum extent practicable.
    b. All Development and Redevelopment shall be located outside the Riparian Buffer Zone and the Flood Protection Zone. These Zones shall be in accordance with the following provisions:
        i. Except where other applicable buffer standards are more restrictive, the Riparian Buffer Zone shall extend a minimum of fifty (50) feet landward of all Perennial and Intermittent Surface Waters. The most restrictive standards shall apply.
        ii. The Riparian Buffer Zone shall remain undisturbed unless otherwise permitted by this section.
        iii. The Flood Protection Zone shall extend throughout the FEMA 100-year floodplain as identified on the current Flood Insurance Rate Map (FIRM) published by FEMA. The Flood Protection Zone shall remain undisturbed unless otherwise permitted by this section.
        iv. No Development or Redevelopment is permitted within the Riparian Buffer Zone or the Flood Protection Zone except for stream bank or shoreline restoration or stabilization, water dependent structures, and public or private projects such as road crossings and installations, utility crossings and installations, and greenways, where no practical alternatives exist.
        v. Permitted activities within the Riparian Buffer Zone and the Flood Protection Zone shall minimize impervious coverage,

direct runoff away from surface waters to achieve diffuse flow, and maximize the utilization of Non-structural BMPs.

vi. Where the Riparian Buffer Zone and the Flood Protection Zone both are present adjacent to surface waters, the more restrictive shall apply.

c. The approval of the stormwater permit shall require an enforceable restriction on property usage that runs with the land, such as a recorded deed restriction or protective covenants, to ensure that future owners maintain the site consistent with the approved project plans.

d. All Development and Redevelopment projects required to manage storm water shall provide permanent on-site BMPs to lower the nitrogen export amounts as part of the storm water management plan. BMPs are to be in accordance with and as specified in the Design Manual.

e. For Low-Density Projects only, structural, and Non-structural BMPs shall be used to ensure there is no net increase in peak flow leaving the site from the pre-Development conditions for the one-year, 24-hour storm. Runoff volume drawdown time shall be a minimum of 48 hours, but not more than 120 hours.

f. General engineering design criteria for all projects shall be in accordance with 15A NCAC 2H .1008(c), as explained in the Design Manual;

g. Developers must manage runoff so that after Development the site will not exceed the Target Curve Numbers in the table in subsection A.3 of this section.

h. Ultra Low-Density Projects and Low-Density Projects may be eligible for target curve number credits, as described in subsection B, below.

2. **Maximum Curve Number after Development** Developers must manage runoff so that after Development the site will not exceed the following composite curve numbers, in accordance with procedures specified in the United States Department of Agriculture, Natural Resource Conservation Service, Technical Release 55, Urban Hydrology for Small Watersheds.

Table 1.2.4.

Project Density	Maximum Composite Curve Number, by Soil Group			
	A	B	C	D
Ultra-Low	43	63	76	81
Low	48	66	78	83
High	N/A	N/A	N/A	N/A

3. **Target Curve Number Credits**
    a. **Purpose** The purpose of establishing a stormwater credit system is to provide incentives to implement better site design and locate new Development in a manner that causes less impact to aquatic resources. Certain Development practices reduce the generation of stormwater from the site; thereby reducing the size and cost of stormwater storage. In addition, these practices can provide partial removal of many pollutants. The credit system directly translates into cost savings and better protection of water resources.
    b. **Disconnected Impervious Surfaces** Disconnected impervious surfaces, included permeable pavers, are encouraged. Runoff from these disconnected surfaces must be spread over pervious areas as sheet flow. As a credit, these disconnected impervious surfaces will be assigned the lower curve number specified by procedures of the United States Department of Agriculture, Natural Resources Conservation Service, Technical Release 55, Urban Hydrology for Small Watersheds.
    c. **Reforestation** The planting of trees and shrubs is encouraged as a means of reducing runoff. As a credit for such practices, reforested areas in dedicated open space will be assigned the curve number for woods in good condition per procedures in the United States Department of Agriculture, Natural Resources Conservation Service (NRCS), Technical Release 55, Urban Hydrology for Small Watersheds. Areas planted with trees or shrubs must meet the following standards to qualify for the credit.
        i. **Tree/Shrub Density and Spacing** Planted trees or shrubs must meet the minimum Density and spacing standards of the NRCS,

as specified in the Field Office Technical Guide. Existing trees or shrubs may be used toward meeting the planting standard.

ii. **Mulching** An initial application of mulch is required for the area designated for reforestation. Mulching must meet applicable standards of the NRCS, as specified in the Field Office Technical Guide. Existing groundcover may be used toward meeting the mulching standard.

d. **Cluster, Conservation and Open Space Subdivisions** Cluster, conservation and open space subdivisions are encouraged. In applying curve number calculations to such developments, calculations must take into account the lots' proportionate share of right-of-way and permanent open space.

e. **Calculations Regarding Ponds, Lakes, and Streams** Surface water bodies may not be assigned a curve number for impervious surfaces. Instead, such water bodies will be removed from calculations so that developments are not penalized for their presence. Surface water bodies shall be included in calculations of project Density.

4. **Development Standards for High-Density Projects** High-Density Projects shall implement stormwater control measures that comply with each of the following standards, in addition to the General Standards found in subsection B of this section:

   a. The measures shall control and treat runoff from the first inch of rain. Runoff volume drawdown time shall be a minimum of 48 hours, but not more than 120 hours.

   b. All structural stormwater treatment systems used to meet these requirements shall be designed to have a minimum of 85 percent average annual removal for Total Suspended Solids (TSS).

   c. All Development and Redevelopment projects required to manage storm water shall provide permanent on-site BMPs to lower the nitrogen export amounts as part of the storm water management plan. BMPs are to be in accordance with and as specified in the Design Manual.

d. Structural and Non-structural BMPs shall be used to ensure there is no net increase in peak flow leaving the site from the pre-Development conditions for the one-year, 24-hour storm. Runoff volume drawdown time shall be a minimum of 48 hours, but not more than 120 hours.
e. General engineering design criteria for all projects shall be in accordance with 15A NCAC 2H .1008(c), as explained in the Design Manual;
f. All Development and Redevelopment shall be located outside the Riparian Buffer Zone and the Flood Protection Zone. These Zones shall be in accordance with the following provisions:
    i. Except where other applicable buffer standards are more restrictive, the Riparian Buffer Zone shall extend a minimum of 50 feet landward of all Perennial and Intermittent Surface Waters. The most restrictive standards shall apply.
    ii. The Riparian Buffer Zone shall remain undisturbed unless otherwise permitted by this section.
    iii. The Flood Protection Zone shall extend throughout the FEMA 100-year floodplain as identified on the current Flood Insurance Rate Map (FIRM) published by FEMA. The Flood Protection Zone shall remain undisturbed unless otherwise permitted by this section.
    iv. No Development or Redevelopment is permitted within the Riparian Buffer Zone or the Flood Protection Zone except for stream bank or shoreline restoration or stabilization, water dependent structures, and public or private projects such as road crossings and installations, utility crossings and installations, and greenways, where no practical alternatives exist.
    v. Permitted activities within the Riparian Buffer Zone and the Flood Protection Zone shall minimize impervious coverage, direct runoff away from surface waters to achieve diffuse flow, and maximize the utilization of Non-structural BMPs.

vi. Where the Riparian Buffer Zone and the Flood Protection Zone both are present adjacent to surface waters, the more restrictive shall apply.

g. The approval of the stormwater permit shall require an enforceable restriction on property usage that runs with the land, such as recorded deed restrictions or protective covenants, to ensure that future Development and Redevelopment maintains the site consistent with the approved project plans. Buffer widths and locations shall be clearly delineated on all plans, final plat, and as-builts.

B. **General Standards.**

1. **Downstream Impact Analysis** The downstream impact analysis must be performed in accordance with the "ten percent rule," and a copy of the analysis must be provided with the permit application. The purpose of the downstream impact analysis is to determine if the project will cause any impacts on flooding or channel degradation downstream of the project site. The analysis must include the assumptions, results and supporting calculations to show safe passage of post-Development design flows downstream. This analysis shall be performed at the outlet(s) of the site, and downstream at each tributary junction to the point(s) in the conveyance system where the area of the portion of the site draining into the system is less than or equal to ten percent of the total drainage area above that point. The typical steps in the application of the ten percent rule are:

a. Using a topographic map, determine the point downstream where the proposed site equals ten percent of the total drainage area, called the ten percent point. Identify all tributary junctions between the downstream site boundary and the ten percent point. All points identified, as well as the outlet of the site, are known as ten percent rule comparison points.

b. Using a hydrologic model with existing land uses, determine the pre-Development peak runoff rate (cfs) for the ten-year design storm event at each comparison point.

c. Insert the proposed site design and proposed BMPs into the land uses and determine the post-Development peak runoff rate for the ten-year design storm at each comparison point.
d. If the post-Development peak discharge rate is equal to or less than pre-Development conditions at all comparison points, no further analysis is required.
e. If the ten-year post-Development peak discharge rate is greater than the pre-Development peak discharge rate at any comparison point, then one of the following actions must be taken:
    i. Revise the site plan for the proposed site to incorporate better use of natural features, design additional structural control facilities, reduce impervious cover, or alter timing of peak flows to lower post-Development flows at each comparison point to pre-Development levels.
    ii. Obtain a flow easement from downstream property owners through the ten percent point where the post-Development peak discharge rate is higher than the pre-Development peak discharge rate.
    iii. Work with the Town to determine other acceptable approaches to reduce the peak discharge rate for the ten-year storm. For further information on the ten percent rule, refer to the Stormwater Manual, available online.

2. **Standards for Stormwater Control Measures**.
    a. **Evaluation According to Contents of Design Manual** All stormwater control measures and stormwater treatment practices (or BMPs) required under this ordinance shall be evaluated by the Stormwater Administrator according to the policies, criteria, and information, including technical specifications and standards and the specific design criteria for each stormwater practice, in the Design Manual. The Stormwater Administrator shall determine whether proposed BMPs will be adequate to meet the requirements of this ordinance.

b. **Determination of Adequacy; Presumptions and Alternatives.** Stormwater treatment practices that are designed, constructed, and maintained in accordance with the criteria and specifications in the Design Manual will be presumed to meet the minimum water quality and quantity performance standards of this ordinance. Whenever an applicant proposes to utilize a practice or practices not designed and constructed in accordance with the criteria and specifications in the Design Manual, the applicant shall have the burden of demonstrating that the practice(s) will satisfy the minimum water quality and quantity performance standards of this ordinance. The Stormwater Administrator may require the applicant to provide the documentation, calculations, and examples necessary for the Stormwater Administrator to determine whether such an affirmative showing is made.

c. **Separation from Seasonal High Water Table** For BMPs that require a separation from the seasonal high-water table, the separation shall be provided by at least 12 inches of naturally occurring soil above the seasonal high-water table.

d. **Changes to Stormwater Plan Based on Emerging Technologies** Subject to the standards of this ordinance and other applicable law, a developer, in conjunction with the Development's lot owners, may submit an application to revise the approved stormwater plan so as to use new technologies or best management practices not available when the original stormwater plan was approved. Innovative technologies may be used on a demonstration basis for a period of one year while simultaneously collecting data on the effectiveness of the technology according to its design. If at the end of the demonstration period the technology is not performing according to its intended design functions as judged by the Stormwater Administrator, the developer must retrofit the site with a standard technology.

3. **Additional Stormwater Management Measures.** In some cases, the Stormwater Administrator may require more stringent stormwater management measures where it is determined that

additional measures are required to protect water quality and maintain existing and anticipated uses of these waters or to minimize off-site damage from stormwater runoff in accordance with the purpose of this ordinance as defined in this section.

4. **Dedication of BMPS, Facilities & Improvements** The Town may elect to accept dedication of any existing or future stormwater management facility for maintenance, provided such facility meets all the requirements of this ordinance and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.
5. **Low Impact Development Project Classifications**.
    a. All Development or Redevelopment to which this ordinance applies may be submitted for classification as a Low Impact Development (LID) Project.
    b. Classification as a Low Impact Development Project requires that the Development mimic the pre-developed hydrologic conditions defined as woods in good condition for the two-year, 24-hour storm, within ten percent. The pre-developed conditions shall include: its hydrologic balance, frequency distribution of high flows; magnitude, frequency, and duration of low flows; groundwater recharge (or infiltration), and flow length and pattern. The conditions shall be measured through the comparison between measures of the pre-developed and developed conditions including: total runoff volume, time of concentration, curve number, and peak discharge. Mimicry of the pre-developed hydrologic conditions may be achieved through such techniques as the minimization of disturbed areas and the use of on-lot distributed retention storage as described in more detail on Wake County's Stormwater Web Site under Low Impact Development.
    c. The following techniques must be used to achieve LID classification:
        i. Natural site design in consultation with the town;
        ii. Site buildings, roads, and other land disturbance in the least environmentally-sensitive areas, preserving steep slopes, naturally well-draining soils, and other hydrologically valuable features undisturbed;

d. In addition, one of the following two techniques must be used to achieve LID classification:
    i. Bio-retention systems;
    ii. On-site infiltration;
e. In addition, at least two of the following techniques must be used to achieve LID classification:
    i. Retention of 50 percent of vegetated area, including open space, landscaping, or forests;
    ii. Use of Permeable Pavement for all private driveways, private roads, sidewalks, and parking areas in accordance with the North Carolina Stormwater Best Management Practices Design Manual;
    iii. Installation of one rain cistern per lot or three rain barrels per lot;
    iv. Installation of vegetated roofs;
    v. Increasing all buffers in the Riparian Buffer Zone or the Flood Protection Zone, whichever is greater, by 50 feet, in accordance with this section for Low-Density, Ultra Low-Density Projects, and High-Density Projects.
    vi. Use of reclaimed water for all buildings in accordance with State and local laws.
    vii. Use of innovative LID techniques subject to the approval of the town.
f. For Development and Redevelopment projects achieving classification as LID Projects, the Stormwater Administrator shall reduce or waive the stormwater permit fee if stipulated in the fee schedule duly adopted by the applicable governing board.
g. Upon collaboration with the Planning Board, the Stormwater Administrator may develop and apply an expedited review schedule for Development or Redevelopment projects achieving classification as LID Projects. Such a review schedule will depend upon the continued availability of local government resources to conduct expedited reviews.

C. **Onsite Wastewater** Onsite wastewater disposal systems shall be operated and maintained in accordance with the Regulations Governing Sewage Treatment and Disposal Systems in Wake County (Regulations) adopted by the Wake County Board of Human and Environmental Services and enforced by Wake County Onsite systems shall be inspected, permitted, repaired and/or professionally operated in accordance with the Regulations and in a manner to prevent adverse impacts to surface water and groundwater. The Town of Rolesville and WCES shall collaborate on identification of areas of high risk for system failures and associated need for environmental surveys, system repairs and possible service by municipal utilities.

1.2.5. COMPLETION OF IMPROVEMENTS AND MAINTENANCE

A. **Performance Security for Installation and Maintenance of Improvements** The Town may, at its discretion, require the submittal of a performance bond, letter of credit from, or cash escrow account with a local bank prior to issuance of a permit. If improvements are not installed prior to approval of a record plat, the Town shall require the submittal of a performance bond, letter of credit from, or cash escrow account with a local bank prior to issuance of a permit. This performance security is required in order to ensure that the Structural BMPs are Installed by the permit holder as required by the approved stormwater management plan, and/or maintained by the Owner as required by the operation and maintenance agreement.

1. **Form and Amount of Installation Performance Security.** The amount of an installation performance security must equal at least 125 percent of the estimated cost of the required improvements, including project management costs that have not been installed by the time of Record Plat submittal.
2. **Form and Amount of Maintenance Performance Security.** The amount of a maintenance performance security must be at least 125 percent of the total estimated construction cost of the Structural BMPs approved under the permit.
3. **Uses of Performance Security for Installation**.
    a. **Forfeiture Provisions.** The performance security shall contain forfeiture provisions for failure, after proper notice, to complete work within the time specified, or to initiate or maintain any actions which may be required of the applicant or Owner in accordance with this ordinance,

approvals issued pursuant to this ordinance, or an operation and maintenance agreement established pursuant to this ordinance.

b. **Default.** Upon default of the Owner to construct, maintain, repair and, if necessary, reconstruct any Structural BMP in accordance with the applicable permit or operation and maintenance agreement, the Stormwater Administrator shall obtain and use all or any portion of the security to make necessary improvements based on an engineering estimate. Such expenditure of funds shall only be made after requesting the Owner to comply with the permit or maintenance agreement. In the event of a default triggering the use of installation performance security, the Town shall not return any of the unused deposited cash funds or other security, which shall be retained for maintenance.

c. **Costs in Excess of Performance Security.** If the Town takes action upon such failure by the applicant or Owner or property owners' association, the Town may collect from the applicant or Owner or property owners' association the difference between the amount of the reasonable cost of such action and the amount of the security held, in addition to any other penalties or damages due.

d. **Refund.** Within 60 days of the final approval, the installation performance security shall be refunded to the applicant or terminated, except any amount attributable to the cost (plus 25 percent) of landscaping installation and ongoing maintenance associated with the BMPs covered by the security. Any such landscaping shall be inspected one year after installation with replacement for compliance with the approved plans and specifications and, if in compliance, the portion of the financial security attributable to landscaping shall be released.

4. **Uses of Performance Security for Maintenance**.

a. **Forfeiture Provisions** The performance security shall contain forfeiture provisions for failure, after proper notice, to complete work within the time specified, or to initiate or maintain any actions which may be required of the applicant or Owner in accordance with this ordinance, approvals issued pursuant to this ordinance, or an operation and maintenance agreement established pursuant to this ordinance.

b. **Default.** Upon default of the Owner to construct, maintain, repair and, if necessary, reconstruct any Structural BMP in accordance with the applicable permit or operation and maintenance agreement, the Stormwater Administrator shall obtain and use all or any portion of the security to make necessary improvements based on an engineering estimate. Such expenditure of funds shall only be made after requesting the Owner to comply with the permit or maintenance agreement. In the event of a default triggering the use of installation performance security, the Town shall not return any of the unused deposited cash funds or other security, which shall be retained for maintenance.

c. **Costs in Excess of Performance Security.** If the Town takes action upon such failure by the applicant or Owner or property owners' association, the Town may collect from the applicant or Owner or property owners' association the difference between the amount of the reasonable cost of such action and the amount of the security held, in addition to any other penalties or damages due.

B. **As-Built Plans and Final Approval.** Upon completion of a project, the applicant shall certify that the completed project is in accordance with the approved stormwater management plans and designs, and shall submit actual "as built" plans in both digital file (one copy) and mylar formats (three mylars) for all stormwater management facilities or practices after final construction is completed. The plans shall show the final design specifications for all stormwater management facilities and practices and the field location, size, depth, and planted vegetation of all measures, controls, and devices, as installed. The designer of the stormwater management measures and plans shall certify, under seal, that the as-built stormwater measures, controls, and devices are in compliance with the approved stormwater management plans and designs and with the requirements of this ordinance. A final inspection and approval by the stormwater Administrator shall occur before the release of any performance securities. No certificate of compliance or occupancy shall be issued without final as-built plans and a final inspection, or performance guarantees, and approval by the Stormwater Administrator.

C. **Maintenance of Improvements.**

1. **Maintenance Required** All structural and Non-structural BMPs must be maintained so they will continue to serve their intended functions.
2. **Parties Responsible for Maintenance of Structural BMPs**.
    a. The developer must maintain structural and Non-structural BMPs until accepted by a property owners' association or lot Owner. All Structural BMPs required for residential subdivisions, including those on individual lots, must be accepted for maintenance by a property owners' association. The developer must disclose which party will be responsible for continued maintenance on the record plat and on the stormwater management plan.
    b. Before improvements are accepted for maintenance by the property owners' association or lot Owner, the developer or the developer's engineer or other representative, as authorized by Statute, must certify to the property owners' association or lot Owner and to the Town that improvements are complete and functioning as designed.
    c. If a property owners' association or similar legal entity is to be responsible for the maintenance and control of BMPs, it shall be established so that it has clear legal authority to maintain and exercise control over, including the power to compel contributions from subdivision property owners to cover their proportionate shares of the costs associated with the maintenance of the BMPs. Such association shall be established prior to approval of the final plat.
    d. Documents providing for the establishment of a homeowners' association or similar legal entity in accord with this ordinance shall be approved by the Stormwater Administrator before any plat is recorded.
3. **Maintenance Plan.**
    a. The developer must record, and reference on the record plat, a maintenance plan that instructs the property owners' association or lot Owner about the annual maintenance tasks and associated costs for at least a 20-year period.
    b. It will be the responsibility of the property owners' association or lot Owner to update the maintenance plan at least every ten years in perpetuity.

4. **Maintenance Agreement**.
    a. The developer must record, and reference on the record plat, a maintenance agreement, or restrictive covenant that sets forth the property owners' association's or lot Owner's continuing responsibilities for maintenance, including specifying how cost will be apportioned among lot owners served.
    b. The maintenance agreement must provide that the association and its individual members are jointly and severally liable for maintenance.
    c. The maintenance agreement shall grant to the Town a right of entry in the event that the Stormwater Administrator has reason to believe it has become necessary to inspect, monitor, maintain, repair or reconstruct the structural and Non-structural BMPs; however, in no case shall the right of entry, of itself, confer an obligation on the Town to assume responsibility for the structural and Non-structural BMPs.
5. **Maintenance Easement** The developer must record easements for access, maintenance, and inspections by any property owners' association and by the town.
6. **Annual Maintenance Inspection and Report**.
    a. The person or entity responsible for maintenance of any structural and Non-structural BMPs installed pursuant to this ordinance shall submit to the Stormwater Administrator an annual inspection report from one of the following persons performing services only in their area of competence: a qualified registered North Carolina professional engineer, surveyor, landscape architect, soil scientist, aquatic biologist, or person certified by the North Carolina Cooperative Extension Service for stormwater treatment practice inspection and maintenance.
    b. Annual inspection reports are due by June 30 of each year. The first annual report is due by June 30 following one year after approval of the as-built plan. For Structural BMPs located on properties subject to property owners' association agreements, the property owners' association is responsible for collecting and submitting information on all individual lot Structural BMPs installed pursuant to this ordinance on an annual basis. The inspection report shall contain all of the following:

The name and address of the land Owner; the recorded book and page number of the lot of each structural and Non-structural BMPs; a statement that an inspection was made of all structural and Non-structural BMPs; the date the inspection was made; a statement that all inspected structural and Non-structural BMPs are performing properly and are in compliance with the terms and conditions of the approved maintenance agreement required by this ordinance; and the original signature and seal of the engineer, surveyor, or landscape architect.

c. All inspection reports shall be on forms supplied by the Stormwater Administrator. An original inspection report shall be provided to the Stormwater Administrator by the first day of July following the issuance of a certificate of occupancy. Subsequent annual reports shall be due on the first day of July each year.

D. **Inspection Program** Inspections and inspection programs by the Town may be conducted or established on any reasonable basis, including but not limited to routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to, reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in BMPs; and evaluating the condition of BMPs. If the Owner or occupant of any property refuses to permit such inspection, the Stormwater Administrator shall proceed to obtain an administrative search warrant pursuant to G.S. § 15-27.2 or its successor. No person shall obstruct, hamper, or interfere with the Stormwater Administrator while carrying out his or her official duties, including inspections on private property. Refusal of Owner or occupant of any property to permit such inspection is a violation of this ordinance.

E. **Signage** Where appropriate in the determination of the Stormwater Administrator to assure compliance with this ordinance, Structural BMPs shall be posted with a conspicuous sign stating who is responsible for required maintenance and annual inspection. The sign shall be maintained so as to remain visible and legible.

F. **Records of Installation and Maintenance Activities** The Owner of each Structural BMP shall keep records of inspections, maintenance, and repairs for at least five years from

the date of creation of the record and shall submit the same upon reasonable request to the Stormwater Administrator.

G. **Nuisance** The Owner of each stormwater BMP, whether structural or Non-structural BMP, shall maintain it so as not to create or result in a nuisance condition.

1.2.6 ENFORCEMENT AND VIOLATIONS

A. **General**

1. **Authority to Enforce** The provisions of this ordinance shall be enforced by the Stormwater Administrator, his or her designee, or any authorized agent of the town. Whenever this section refers to the Stormwater Administrator, it includes his or her designee as well as any authorized agent of the town.
2. **Violation Unlawful** Any failure to comply with an applicable requirement, prohibition, standard, or limitation imposed by this ordinance, or the terms or conditions of any permit or other Development or Redevelopment approval or authorization granted pursuant to this ordinance, is unlawful and shall constitute a violation of this ordinance.
3. **Each Day a Separate Offense** Each day that a violation continues shall constitute a separate and distinct violation or offense.
4. **Responsible Persons/Entities** Any person who erects, constructs, reconstructs, alters (whether actively or passively), or fails to erect, construct, reconstruct, alter, repair, or maintain any structure, BMP, practice, or condition in violation of this ordinance shall be subject to the remedies, penalties, and/or enforcement actions in accordance with this section. Persons subject to the remedies and penalties set forth herein may include any architect, engineer, builder, contractor, developer, agency, or any other person who participates in, assists, directs, creates, causes, or maintains a condition that results in or constitutes a violation of this ordinance, or fails to take appropriate action, so that a violation of this ordinance results or persists; or an Owner, any tenant or occupant, or any other person, who has control over, or responsibility for, the use or Development of the property on which the violation occurs. For the purposes of this article, responsible person(s) shall include but not be limited to:
    a. **Person Maintaining Condition Resulting In or Constituting Violation** An architect, engineer, builder, contractor, developer, agency, or any other

person who participates in, assists, directs, creates, causes, or maintains a condition that constitutes a violation of this ordinance, or fails to take appropriate action, so that a violation of this ordinance results or persists.

b. **Responsibility for Land or Use of Land** The Owner of the land on which the violation occurs, any tenant or occupant of the property, any person who is responsible for stormwater controls or practices pursuant to a private agreement or public document, or any person, who has control over, or responsibility for, the use, Development or Redevelopment of the property.

B. **Remedies and Penalties** The remedies and penalties provided for violations of this ordinance, whether civil or criminal, shall be cumulative and in addition to any other remedy provided by law, and may be exercised in any order.

1. **Remedies**.

a. **Withholding of a Building Permit** The Stormwater Administrator or other authorized agent may refuse to issue a building permit for a building or other improvements constructed or being constructed on any Development site and served by the Structural BMP in question until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.

b. **Withholding of Certificate of Occupancy** The Stormwater Administrator or other authorized agent may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site and served by the stormwater practices in question until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.

c. **Disapproval of Subsequent Permits and Development Approvals** As long as a violation of this ordinance continues and remains uncorrected, the Stormwater Administrator or other authorized agent may withhold, and the Board of Commissioners may disapprove, any request for permit or Development approval or authorization provided for by this

ordinance or the zoning and subdivision ordinances for the land on which the violation occurs.

d. **Injunction, Abatements, etc.** The Stormwater Administrator, with the written authorization of the Town Manager, may institute an action in a court of competent jurisdiction for a mandatory or prohibitory injunction and order of abatement to correct a violation of this ordinance. Any person violating this ordinance shall be subject to the full range of equitable remedies provided in the General Statutes or at common law.

e. **Correction as Public Health Nuisance, Costs as Lien, etc.** If the violation is deemed dangerous or prejudicial to the public health or public safety and is within the geographic limits prescribed by North Carolina G.S. § 160A-193, the Stormwater Administrator, with the written authorization of the Town Manager, may cause the violation to be corrected and the costs to be assessed as a lien against the property.

f. **Stop Work Order** The Stormwater Administrator may issue a stop work order to the person(s) violating this ordinance. The stop work order shall remain in effect until the person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein. The stop work order may be withdrawn or modified to enable the person to take the necessary remedial measures to cure such violation or violations.

2. **Civil Penalties** Violation of this ordinance may subject the violator to a civil penalty to be recovered in a civil action in the nature of a debt if the violator does not pay the penalty within 30 days after notice of the violation is issued by the Stormwater Administrator. Civil penalties may be assessed up to the full amount of penalty to which the Town of Rolesville is subject for violations of its Phase II Stormwater permit, or if no Phase II Stormwater permit exists for the jurisdiction, civil penalties may be assessed up to the full amount allowed by law.
3. **Criminal Penalties** Violation of this ordinance may be enforced as a misdemeanor subject to the maximum fine permissible under North Carolina

law. A civil penalty may be assessed from the date of the violation. Each day of a continuing violation constitutes a separate violation.

C. **Procedures**.

1. **Initiation/Complaint** Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall state fully the alleged violation and the basis thereof, and shall be filed with the Stormwater Administrator, who shall record the complaint. The complaint shall be investigated promptly by the Stormwater Administrator.
2. **Inspection** The Stormwater Administrator shall have the authority, upon presentation of proper credentials, to enter and inspect any land, building, structure, or premises to ensure compliance with this ordinance.
3. **Notice of Violation and Order to Correct** When the Stormwater Administrator finds that any building, structure, or land is in violation of this ordinance, the Stormwater Administrator shall notify, in writing, the property Owner or other person violating this ordinance. The notification shall indicate the nature of the violation, contain the address or other description of the site upon which the violation is occurring, order the necessary action to abate the violation, and give a deadline for correcting the violation. If civil penalties are to be assessed, the notice of violation shall also contain a statement of the civil penalties to be assessed, the time of their accrual, and the time within which they must be paid or be subject to collection as a debt. The Stormwater Administrator may deliver the notice of violation and correction order personally, by the Code Enforcement Officer, by certified or registered mail, return receipt requested, or by any means authorized for the service of documents by Rule 4 of the North Carolina Rules of Civil Procedure. If a violation is not corrected within a reasonable period of time, as provided in the notification, the Stormwater Administrator may take appropriate action under this ordinance to correct and abate the violation and to ensure compliance with this ordinance.
4. **Extension of Time** A person who receives a notice of violation and correction order, or the Owner of the land on which the violation occurs, may submit to the Stormwater Administrator a written request for an extension of time for correction of the violation. On determining that the request includes enough

information to show that the violation cannot be corrected within the specified time limit for reasons beyond the control of the person requesting the extension, the Stormwater Administrator may extend the time limit as is reasonably necessary to allow timely correction of the violation, up to, but not exceeding 14 days. The Stormwater Administrator may grant seven-day extensions in addition to the foregoing extension if the violation cannot be corrected within the permitted time due to circumstances beyond the control of the person violating this ordinance. The Stormwater Administrator may grant an extension only by written notice of extension. The notice of extension shall state the date prior to which correction must be made, after which the violator will be subject to the penalties described in the notice of violation and correction order.

5. **Enforcement After Time to Correct** After the time has expired to correct a violation, including any extension(s) if authorized by the Stormwater Administrator, the Stormwater Administrator shall determine if the violation is corrected. If the violation is not corrected, the Stormwater Administrator may act to impose one or more of the remedies and penalties authorized by this ordinance.
6. **Emergency Enforcement** If delay in correcting a violation would seriously threaten the effective enforcement of this ordinance or pose an immediate danger to the public health, safety, or welfare, then the Stormwater Administrator may order the immediate cessation of a violation. Any person so ordered shall cease any violation immediately. The Stormwater Administrator may seek immediate enforcement, without prior written notice, through any remedy or penalty authorized by this article.
7. **Variances**.
    a. Any person may petition the Town for a variance granting permission to use the person's land in a manner otherwise prohibited by this ordinance. To qualify for a variance, the petitioner must show all of the following:
        i. Unnecessary hardships would result from strict application of this ordinance.

ii. The hardships result from conditions that are peculiar to the property, such as the location, size, or topography of the property.

iii. The hardships did not result from actions taken by the petitioner.

iv. The requested variance is consistent with the spirit, purpose, and intent of this ordinance; will secure public safety and welfare; and will preserve substantial justice.

b. The Town may impose reasonable and appropriate conditions and safeguards upon any variance it grants.

c. **Statutory exceptions** Notwithstanding subdivision (a) of this section, exceptions from the Riparian Buffer Zone and Flood Protection Zone requirements as well as the deed restrictions and protective covenants requirements shall be granted in any of the following instances:

i. When there is a lack of practical alternatives for a road crossing, railroad crossing, bridge, airport facility, or utility crossing as long as it is located, designed, constructed, and maintained to minimize disturbance, provide maximum nutrient removal, protect against erosion and sedimentation, have the least adverse effects on aquatic life and habitat, and protect water quality to the maximum extent practicable through the use of BMPs.

ii. When there is a lack of practical alternatives for a stormwater management facility; a stormwater management pond; or a utility, including, but not limited to, water, sewer, or gas construction and maintenance corridor, as long as it is located 15 feet landward of all Perennial and Intermittent Surface Waters and as long as it is located, designed, constructed, and maintained to minimize disturbance, provide maximum nutrient removal, protect against erosion and sedimentation, have the least adverse effects on aquatic life and habitat, and protect water quality to the maximum extent practicable through the use of BMPs.

iii. A lack of practical alternatives may be shown by demonstrating that, considering the potential for a reduction in size, configuration, or Density of the proposed activity and all alternative designs, the basic project purpose cannot be practically accomplished in a manner which would avoid or result in less adverse impact to surface waters.

1.2.7. ILLICIT DISCHARGES

A. **Illicit Discharges and Connections**.

1. **Illicit Discharges** No person shall cause or allow the discharge, emission, disposal, pouring, or pumping directly or indirectly to any stormwater conveyance, the waters of the State, or upon the land in manner and amount that the substance is likely to reach a stormwater conveyance or the waters of the State, any liquid, solid, gas, or other substance, other than stormwater; provided that non-stormwater discharges associated with the following activities are allowed and provided that they do not significantly impact water quality:
    a. Water line flushing;
    b. Landscape irrigation;
    c. Diverted stream flows;
    d. Rising ground waters;
    e. Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20));
    f. Uncontaminated pumped ground water;
    g. Discharges from potable water sources;
    h. Foundation drains;
    i. Air conditioning condensation;
    j. Irrigation water;
    k. Springs;
    l. Water from crawl space pumps;
    m. Footing drains;
    n. Lawn watering;
    o. Individual residential car washing;
    p. Flows from riparian habitats and wetlands;

q. Dechlorinated swimming pool discharges;
r. Street wash water; and
s. Other non-stormwater discharges for which a valid NPDES discharge permit has been approved and issued by the State of North Carolina, and provided that any such discharges to the municipal separate storm sewer system shall be authorized by the town. Prohibited substances include but are not limited to: oil, anti-freeze, chemicals, animal waste, paints, garbage, and litter.

2. **Illicit Connections.**
   a. Connections to a stormwater conveyance or stormwater conveyance system that allow the discharge of non-stormwater, other than the exclusions described in subsection (A) above, are unlawful. Prohibited connections include, but are not limited to: floor drains, waste water from washing machines or sanitary sewers, wash water from commercial vehicle washing or steam cleaning, and waste water from septic systems.
   b. Where such connections exist in violation of this section and said connections were made prior to the adoption of this provision or any other ordinance prohibiting such connections, the property Owner or the person using said connection shall remove the connection within one year following the effective date of this ordinance. However, the one-year grace period shall not apply to connections which may result in the discharge of hazardous materials or other discharges which pose an immediate threat to health and safety, or are likely to result in immediate injury and harm to real or personal property, natural resources, wildlife, or habitat.
   c. Where it is determined that said connection:
      i. May result in the discharge of hazardous materials or may pose an immediate threat to health and safety, or is likely to result in immediate injury and harm to real or personal property, natural resources, wildlife, or habitat, or
      ii. Was made in violation of any applicable regulation or ordinance, other than this section. The Stormwater Administrator shall

designate the time within which the connection shall be removed. In setting the time limit for compliance, the Stormwater Administrator shall take into consideration: The quantity and complexity of the work, the consequences of delay, the potential harm to the environment, to the public health, and to public and private property, and the cost of remedying the damage.

3. **Spills.** Spills or leaks of polluting substances released, discharged to, or having the potential to released or discharged to the stormwater conveyance system, shall be contained, controlled, collected, and properly disposed. All affected areas shall be restored to their preexisting condition. Persons in control of the polluting substances immediately prior to their release or discharge, and persons owning the property on which the substances were released or discharged, shall immediately notify the Rolesville Fire Chief of the release or discharge, as well as making any required notifications under state and federal law. Notification shall not relieve any person of any expenses related to the restoration, loss, damage, or any other liability which may be incurred as a result of said spill or leak, nor shall such notification relieve any person from other liability which may be imposed by state or other law.
4. **Nuisance.** Illicit discharges and illicit connections which exist within the planning jurisdiction of the Town of Rolesville are hereby found, deemed, and declared to be dangerous or prejudiced to the public health or public safety and are found, deemed, and declared to be public nuisances. Such public nuisances shall be abated in accordance with the procedures set forth in sections 10-106 and 10-107 of the Code of the Town of Rolesville.