

## 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 façade materials shall be installed unless otherwise approved by the Town Board of Commissioners.
- C. **Roof.** All structures must have roofing made of asphalt, slate, rubber membrane, or metal.
- D. **Mechanical Equipment.**
  1. **Ground Equipment.** All mechanical equipment located on the ground shall be screened with a façade similar in color and material as the exterior of the primary structure. The height of the screening wall shall be no less than the highest point of the mechanical equipment being screened. All access points to the mechanical equipment shall be serviced by gates made of either metal or a composite material. Wooden gates will not be permitted.
  2. **Roof Equipment.** All mechanical equipment located on the roof shall be screened with a parapet or low wall with a façade in similar color as the exterior of the building it is located on. The height of the screening wall shall be no less than the highest point of the mechanical equipment being screened.
- E. **Dumpster and Waste Disposal Equipment.** All dumpsters and waste disposal equipment shall be screened with a façade similar in color and material as the exterior of the primary structure. The height of the screening wall shall be no less than the highest point of the dumpster or waste disposal equipment being screened. All access points to the dumpster and waste disposal equipment shall be serviced by opaque screened gates made of either metal or a composite material. Wooden gates will not be permitted.
- F. **Location of Primary Buildings On The Property.** All buildings are encouraged not to have the service area (dumpsters, loading docks, and the like) side of the building face any public road.
- G. **Landscaping.**

1. **Grasses.** Drought tolerant grasses (Bermuda, zoysia, and the like) are encouraged to be sowed or laid down in turf areas.
  - 51 **Berms.** In transitional areas where there are adjacent residential uses that exist, berms and swales shall be required. Such berms shall have a slope no greater than a 2:1 slope and shall not be over 48 inches in height measured from the ground up. All berms shall be landscaped and may be counted when meeting landscape buffering setback requirements<sup>1</sup>
  - 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 submitted<sup>1</sup>
  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 <b>Residential Uses in the Watershed Overlay</b>	
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 or watercourse bank. The buffer shall be divided into two sections, as follows:
  - 1. **Stream Protection Buffer, Section 1.** Section 1 shall be defined as that area that begins at the stream bank and extends outward fifty (50) feet. Stream protection buffer, section 1, shall be undisturbed except for the following activities, which shall be allowed:

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

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

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

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

- iii. Trails running linearly within the buffer shall be located where possible in the outer twenty (20) feet of the buffer and in no instance shall be closer than fifty (50) feet to the edge of a river, stream, or watercourse.
- 3. Buffer areas shall be included in recorded lots and used to satisfy minimum lot sizes, provided that stream buffers are clearly delineated on the plat and that a note is included on each plat that contains a lot which includes any portion of a Stream Buffer as follows:
 

WARNING! DO NOT DISTURB STREAM PROTECTION BUFFERS: This lot includes a stream buffer. Disturbance within the buffer area is regulated by the Town of Rolesville. Contact the Town of Rolesville Planning Department before entering or disturbing the buffer area in any manner. Unauthorized disturbance of the buffer area will result in financial penalties. In addition, this buffer may be governed by the State of North Carolina under the Neuse River Rules. Please contact the North Carolina Department of Environmental Quality (DEQ) for additional information.
- D. **Conflict with Other Applicable Laws or Regulations.** In the event of conflict with other applicable laws or regulations, the more restrictive regulation shall govern. Note: streams may require both Stream Buffers and Neuse River Riparian Buffers. Stream Buffers and Neuse River Buffers may exist concurrently in the same location.
- E. **Previously Approved Projects.** The town recognizes that some property owners have already expended substantial funds in submitting for site plan, subdivisions, special use permits and other town approvals. Projects that were in the review process as evidenced by the submittal of at least a completed application accepted by the Planning Department for a site plan, subdivision, special use permit or building permit, before March 16, 2004 will be exempt from the requirements of this section.

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

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

#### 4.2.11 EXISTING DEVELOPMENT

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

#### 4.2.12. PUBLIC HEALTH REGULATIONS

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

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

#### **4.2.13. RECORD AND NOTIFICATION**

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

#### **4.2.14. AMENDMENTS**

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

#### **4.2.15. VARIANCES**

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

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