

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article or section of North Carolina General Statutes or adopted State Law, and that article or section is amended or superseded, this LDO shall be deemed amended to refer to the amended section.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.