

TB adopted 3.2.21

**AMENDMENT TO THE
UNIFIED DEVELOPMENT ORDINANCE
TOWN OF ROLESVILLE, NORTH CAROLINA
Case Number UDO TA 21-01**

ORDINANCE TO ALIGN THE LANGUAGE OF THE UNIFIED DEVELOPMENT ORDINANCE WITH NEWLY ADOPTED PROVISIONS OF NORTH CAROLINA GENERAL STATUTES CHAPTER 160D.

WHEREAS, North Carolina General Statutes 160A-381 and 160D-702 authorize local governments, by ordinance, to regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lots that may be occupied, the size of yards, courts and other open space, the density of population, the location and use of buildings, structures, and land; and

WHEREAS, North Carolina Session Law 2019-111, Section 2.9(b) provides that existing special use districts or conditional use districts shall be deemed converted to conditional zoning districts; and

WHEREAS, North Carolina Session Law 2019-111, Section 2.9(b) further provides that any existing conditional use permit issued together as part of a special use district or conditional use district shall be deemed a "special use permit"; and

WHEREAS, The Town of Rolesville desires to amend the the language of the Town's Unified Development Ordinance, specifically its district labels, to align with the provisions of Session Bill 2019-111, Section 2.9(b); and

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

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

SECTION 1. That the Town of Rolesville Official Zoning Map be amended to rename or relabel all Special Use Districts (SUD) to Conditional Zoning Districts (CZ) as follows:

Special Use District (SUD) Change to Conditional Zoning District (CZ)

R-40W-SUD	R-40W-CZ
R-IS-SUD	R-IS-CZ
R-I-SUD	R-I-CZ
R-ID-SUD	R-ID-CZ
R-II-SUD	R-II-CZ

Special Use District (SUD) Change to Conditional Zoning District (CZ)

R-IID-SUD	R-IID-CZ
R-III-SUD	R-III-CZ
R-MH-SUD	R-MH-CZ
R-MH-SUD	R-MH-CZ
RuMH-SUD	RuMH-CZ
UMH-SUD	UMH-CZ
R&PUD-SUD	R&PUD-CZ
O&P-SUD	O&P-CZ
C-SUD	C-CZ
CH-SUD	CH-CZ
CO-SUD	CO-CZ
C-W-SUD	CW-CZ
I-SUD	I-CZ
I-W-SUD	IW-CZ

SECTION 2. That Article 4, Zoning District; Section 4.1 Establishment and Purpose of Districts; Special Use Districts, be amended to remove the following language from Section 4.1:

- ☐ Addition
- ☐ Alteration (additions are *italicized* and deletions are ~~struck through~~)
- ☒ Deletion

“Special Use Districts:

The purpose of these districts is to promote greater land use compatibility by allowing landowners to voluntarily place their property into classifications in which a special use permit is required as a prerequisite to any use or development. More specifically, the purpose of these districts is identical to that of the corresponding general use districts as indicated below, except that a special use permit is required as a prerequisite to any use or development, as provided in this ordinance.

Special Use District Corresponding General Use District

R-40W-SUD	R-40W
R-IS-SUD	R-IS
R-I-SUD	R-I
R-ID-SUD	R-ID
R-II-SUD	R-II
R-IID-SUD	R-IID
R-III-SUD	R-III

R-MH-SUD	R-MH
R&PUD-SUD	R&PUD
NC Overlay	N/A
O&P-SUD	O&P
C-SUD	C
CH-SUD	C-H
CO-SUD	C-O
CH-W-SUD	CH-W
C-W-SUD	C-W
I-SUD	I
I-W-SUD	I-W”

SECTION 3. That Article 5, Use and Dimensional Standards. Section 5.3 Special Use Districts, be amended to be removed entirely and retitled as “Section 5.3 Reserved”

- ☐ Addition
- ☐ Alteration (additions are *italicized* and deletions are ~~struck through~~)
- ✓ Deletion

“Section 5.3 Special Use Districts

A Special Use District corresponds to each of the other districts authorized in this ordinance. It is recognized that certain types of zoning districts would be inappropriate at particular locations in the absence of special conditions. Where the applicant desires property to be rezoned to such a district in such situations, the Special Use District is a means by which such special conditions can be imposed in the furtherance of the purposes of this ordinance. The Special Use District classification will be considered in response to a petition by the owners of all of the property to be included. If, for any reason, any condition imposed pursuant to these regulations is found to be illegal or invalid, or if the applicant should fail to accept any condition, it is the intent of this ordinance that the authorization of such Special Use Permit shall be null and void and of no effect and that proceedings be instituted to rezone the property to its previous zoning classification.

Within a Special Use District, only those uses authorized by this ordinance as permitted or special uses within the zoning district with which the Special Use District corresponds shall be permitted, and all other requirements of the corresponding district and other requirements of this ordinance shall be met. If the use would be a special use in the corresponding district, all of the requirements in Article 8 for all special uses and the applicable special use shall be met. In addition, within a Special Use District, no use shall be permitted except pursuant to a Special

Use Permit authorized by the Town Board of Commissioners which shall specify the use or uses authorized. The Special Use Permit may further specify conditions based on the issues raised concerning Special Uses in Article 8 of this ordinance and any other reasonable and appropriate conditions.”

SECTION 4.

Any valid Special Use Permit issued under “Article 4, Zoning District; Section 4.1 Establishment and Purpose of Districts; Special Use Districts” or “Article 5, Use and Dimensional Standards. Section 5.3 Special Use Districts” shall now be deemed a special use permit applicable to the property as well as a condition to its particular Conditional Zoning District.

SECTION 5. Effective Date. This ordinance shall become effective on the date of its adoption by the Board of Commissioners.

Adopted this ____ day of _____, 2021 by the Town of Rolesville Board of Commissioners.

Ronnie Currin
Town of Rolesville Mayor

CERTIFICATION

I, Robin Peyton, Town Clerk for the Town of Rolesville, North Carolina, do hereby certify the foregoing to be a true copy of an ordinance duly adopted at the meeting of the Town Board of Commissioners held on this ____ day of _____, 2021.

In witness whereof, I have hereunto set my hand and caused the seal of the Town of Rolesville to be affixed this ____ day of _____, 2021.

Robin Peyton
Town Clerk

(seal)

Schwedler introduced *Hunter Howell of Valbridge Property Advisors, 412 E. Chatham Street, Cary, NC 27511*, queried him as to his education, accreditation and experience as they relate to the case and tendered him as an expert in property appraisal and impacts to property followed by the board's acceptance of his pending testimony. Howell distributed an appraisal report (incorporated herein by reference) and testified to the following:

- a. The proposed development and/or use will be in harmony with the scale, bulk, coverage, density, and character of the neighborhood in which it is located;
- b. Additional housing is needed in the area as the residential housing market has improved.
- c. Supporting commercial uses tend to follow residential.
- d. Two mixed use developments in areas similar to Rolesville were analyzed revealing residential development brought commercial development and increased residential property values.
- e. The proposed development and/or use will not substantially injure the value of adjoining property.
- f. The proposed development and/or use location to a main corridor with commercial and resident will naturally assist in bringing additional activity and will be in harmony with the use, scale, and bulk of nearby uses.

PARTIES IN OPPOSITION

None

Schwedler reviewed the conditionals of approval, summarized the material and evidence provided and requested they be admitted into evidence.

There being no one remaining to provide testimony, Mayor Currin closed the public hearing on Case SUP2-02 at 9:17 pm.

Moved by Commissioner Sneed to approve SUP20-02 Wallbrook, based upon the evidence and testimony received at the hearing to determine the findings of fact; seconded by Mayor Pro Tem Medley. Motion carried by unanimous vote.

2. Public Hearing: (Legislative) Case: UDO TA21-01 Text Amendment to Change Special Use District (SUD) to Conditional Zoning (CZ) Districts.

Mayor Currin opened the public hearing on Case UDO TA21-01 at 9:27 p.m.

Town Planner Julie Spriggs reported the text amendment is being sought in order to come under compliance with new state regulations. Spriggs reported further that changing the zoning identity will in no way alter the requirements under the current zoning identity.

There being no one remaining to speak Mayor Currin closed the public hearing on Case UDO TA21-01 at 9:34 p.m.

Moved by Commissioner Wilson to approve the requested UDO Text Amendment 21-01 to change all Special Use Zoning Districts (SUD) to Conditional Zoning Districts (CZ). The request is consistent and with the Rolesville Comprehensive Plan to update the Unified Development Ordinance and Official Zoning Map to change all Special Use Zoning Districts to Conditional Zoning Districts as required in NC Chapter 160D: Article 7; Section 160D-703(a)1 and Session Bill 2019-111, Section 2.9(b); seconded by Mayor Pro Tem Medley. Motion carried by unanimous vote.

TOWN OF ROLESVILLE

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Rolesville, North Carolina 27571

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RolesvilleNC.gov



Annette Henson
Greenway Beer and Wine
3324 Neuse Crossing Dr.
Raleigh, NC 27616

October 9, 2018

Dear Annette,

The Town of Rolesville's Board of Commissioners approved Special Use Permit 18-02 on October 2nd, 2018. The permit allows for the operation of a retail beer and wine store with on-site consumption at 519 S Main St. in Rolesville.

If you have any questions, please contact the Planning Department at (919) 554-6517.

Sincerely,

Caroline Richardson

Caroline Richardson
Planner



MA15-04 CONDITIONAL ZONING

Rezoning Case Number: **MA15-04 (Supersedes MA14-04)**

DATE: February 23, 2015

PROPERTY/DESCRIPTION: 519 South Main Street

WAKE COUNTY PIN NUMBER: 1758.07 68 7482

ZONING/ACREAGE: CO-CZ

ZONING CONDITIONS:

1. Uses: Only the following uses shall be permitted on the subject property, and only after the appropriate approval is granted as noted below:

Subject to Site Plan Approval by the Town Board of Commissioners:

- Any Professional Office Uses
- Low Impact Retail Uses
- Medical/ Dental Clinic, Lab or Treatment Facility
- Outpatient Facility
- Conference or Training Center
- Business, Financial, Professional, Sales Offices
- Physical Therapy Facility
- Business School / Skills Training Facility
- Government Offices
- Medical Clinic / Offices
- Hair Salons, Spas, Barber Shop
- Non-Profit Charitable Office Use
- Physical Health/Exercise Services
- Public or Private Preschool/Kindergarten/Elementary/Middle School/High School Educational Learning Centers
- Lawyers, Accountants, Engineers or Architects
- Veteran Rehabilitation Day Services

Subject to Special Use Permit Approval by the Town Board of Commissioners:

- ***Single Family Dwelling***
- Music, Dance, Art or similar Fine Arts Studio and/or Sales
- Telecommunication Facility
- Adult Day Care /Rehabilitation Facility
- Furniture Restoration & Upholstery
- Furniture Retail/Wholesale/Antique Furniture Repair & Sales
- Retail Clothing Boutique
- General Merchandise Store

- Daytime Retail Sales & Service: Sales Oriented/Personal Service Oriented/Repair Oriented
2. Parking shall be determined at the time of site plan or special use permit review but must, at a minimum, comply with the standards established in Section 10 of the UDO as determined by the proposed use.
 3. Signage: The signage for the property shall be no more than two (2) signs that are four (4) feet long and six (6) feet in height located along South Main Street.
 4. Landscaping improvements: A Type A landscape buffer in accordance with the section 14 of the Town of Rolesville UDO shall be maintained in perpetuity on the subject property adjacent to existing residential development.
 5. There will be no outside storage for non-residential uses.
 6. Lighting improvements shall be designed such that light does not spill onto adjacent properties nor exceed 0.5 foot candles when measured at the property lines.
 7. Home occupation, in accordance with section 9.4 of the Town of Rolesville UDO, is a permitted accessory use where a single-family dwelling has been authorized by special use permit approval.
 8. Hours of operation for any non-residential use approved on this property shall be limited to 5:00AM – 10:00PM Monday-Thursday and 5:00AM – 11:00PM Friday – Sunday.
 9. Any future change of use, subject to those procedures outlined above (site plan or special use permit) could result in additional conditions of approval above and beyond those listed here.

Frank Eagles
Town of Rolesville Mayor

Leslie Rudd
Town of Rolesville Clerk

Reviewed and acknowledged by the property owner or applicant:

Printed Name

Signature

Date



MA14-04 CONDITIONS

Rezoning Case Number: MA14-04 (Supersedes MA06-03)

DATE: September 2, 2014

PROPERTY/DESCRIPTION: 519 South Main Street

WAKE COUNTY PIN NUMBER: 1758.07 68 7482

ZONING/ACREAGE: CO-CZ

ZONING CONDITIONS:

1. Uses: Only the following uses shall be permitted on the subject property, and only after the appropriate approval is granted as noted below:

Subject to Site Plan Approval by the Town Board of Commissioners:

- Any Professional Office Uses
- Low Impact Retail Uses
- Medical/ Dental Clinic, Lab or Treatment Facility
- Outpatient Facility
- Conference or Training Center
- Business, Financial, Professional, Sales Offices
- Physical Therapy Facility
- Business School / Skills Training Facility
- Government Offices
- Medical Clinic / Offices
- Hair Salons, Spas, Barber Shop
- Non-Profit Charitable Office Use
- Physical Health/Exercise Services
- Public or Private Preschool/Kindergarten/Elementary/Middle School/High School Educational Learning Centers
- Lawyers, Accountants, Engineers or Architects
- Veteran Rehabilitation Day Services

Subject to Special Use Permit Approval by the Town Board of Commissioners:

- Music, Dance, Art or similar Fine Arts Studio and/or Sales
- Telecommunication Facility
- Adult Day Care /Rehabilitation Facility
- Furniture Restoration & Upholstery
- Furniture Retail/Wholesale/Antique Furniture Repair & Sales
- Retail Clothing Boutique
- General Merchandise Store
- Daytime Retail Sales & Service: Sales Oriented/Personal Service Oriented/Repair Oriented

2. Parking shall be determined at the time of site plan or special use permit review but must, at a minimum, comply with the standards established in Section 10 of the UDO as determined by the proposed use.
3. Signage: The signage for the property shall be no more than two (2) signs that are four (4) feet long and six (6) feet in height located along South Main Street.
4. Landscaping improvements: A Type A landscape buffer in accordance with the section 14 of the Town of Rolesville UDO shall be maintained in perpetuity on the subject property adjacent to existing residential development.
5. There will be no outside storage.
6. Lighting improvements shall be designed such that light does not spill onto adjacent properties nor exceed 0.5 foot candles when measured at the property lines.
7. Hours of operation for any use approved on this property shall be limited to 5:00AM – 10:00PM Monday-Thursday and 5:00AM – 11:00PM Friday – Sunday.
8. Any future change of use, subject to those procedures outlined above (site plan or special use permit) could result in additional conditions of approval above and beyond those listed here.

Frank Eagles
Town of Rolesville Mayor

Leslie Rudd
Town of Rolesville Clerk

Reviewed and acknowledged by the property owner or applicant:

Printed Name

Signature

Date



MA06-03 APPROVED CONDITIONS

Rezoning Case Number: MA06-03

DATE: August 7, 2006

PROPERTY/DESCRIPTION: 519 South Main Street

WAKE COUNTY PIN NUMBER: 1758.07 68 7482

ZONING/ACREAGE: CO-CZ

ZONING CONDITIONS:

1. Uses: Only the following uses shall be permitted on the subject property.
 - a.) florist
 - b.) single-family dwelling
2. Parking: No more than nine (9) parking spaces shall be permitted.
3. Signage: The signage for the property shall be no more than two (2) signs that are four (4) feet long and six (6) feet in height located along South Main Street.
4. Landscaping improvements: A Type A landscape buffer in accordance with the section 14 of the Town of Rolesville UDO shall be provided on the subject property adjacent to existing residential development.
5. There will be no outside storage.
6. Lighting improvements shall be designed such that light does not spill onto adjacent properties nor exceed 0.5 foot candles when measured at the property lines.

I acknowledge that these restrictions and conditions are offered voluntarily and I certify that all owners of the subject property have signed these rezoning conditions.

Mr. Joe Stephens
Property owner of 519 South Main Street