

Memo

To: Mayor Currin and Town Board of Commissioners
From: Michael Elabarger, Interim Planning Director & Meredith Gruber, Senior Planner
Date: August 26, 2025
Re: TA-25-04 Land Development Ordinance (LDO) Text Amendment to Section 5.1.4.V.4.e. Vehicle, Minor Service Use Standard Regarding Service Bays

The Legislative Hearing for TA-25-04 LDO Text Amendment to Vehicle, Minor Service was opened on July 1, 2025 and then continued to September 2, 2025. On August 22, 2025, the applicant requested this application be postponed indefinitely. Postponement is included as one of the possible motions in this report.

Background

Land Development Ordinance (LDO) Text Amendment Application TA-25-04 was submitted by Patrick Byker of Morningstar Law Group. The application proposes changing Section 5.1.4.V.4.e. Vehicle, Minor Service Use Standards item “e” to allow three service bays facing the public right-of-way and unlimited service bays facing elsewhere. The applicant notes the nearby jurisdictions of Raleigh, Wake Forest, and Knightdale do not place number limitations on vehicle service bays.

Proposed Text Amendment

The proposed new text is shown in blue and underlined and deletions are shown in ~~red strikethrough~~.

5.1.4. Commercial Principal Uses

V. Vehicle Minor Service

e. No more than three (3) service bays facing the public right-of-way shall be permitted. ~~and unlimited service bays facing the side or rear yard are permitted.~~

Staff Analysis and Recommendation

Major objectives from the 2017 Comprehensive Plan include:

- Walkability;
- Greater variety of services, shopping experiences, and restaurants in Rolesville;
- More parks and active recreation;
- Retention of “small-town” feel reflecting a population that comes together to socialize.

Major recommendations from the 2017 Comprehensive Plan include:

- Create a close-knit system of secondary streets.

- Create a diversity of new houses but ensure high quality and limited locations for multifamily units.
- Create more capacity in the local parks and active recreation programs.
- Celebrate Downtown.

The amendment is not more restrictive than the current language, seeing as by each one, 3 service bays could be developed facing a public right-of-way. The Amendment adds clarity and specificity to the existing standard by referencing “facing the public right-of-way”, but then also opens up the intensity and (in the 2025 market economy) the viability of new or existing businesses to flourish. Considering public right-of-way facing service bays is how Vehicle repair uses were historically developed, maintaining – but limiting to 3 – that type of streetscape could be construed as a means to maintaining Rolesville’s “small-town” feel, which is the general sentiment about the core commercial areas of the Town.

Staff recommends the Town Board of Commissioners postpone TA-25-04 Vehicle, Minor Service indefinitely. Recently, the Town Board has expressed a focus on the broader scope of the core downtown area from both a Use and a Form of development perspective, and not on zoning use-specific standards.

Planning Board Meeting

The Planning Board met on May 27, 2025 to review and provide a recommendation on the Text Amendment application, TA-25-04, Vehicle, Minor Service Use Standard Regarding Service Bays. The Board recommended approval of TA-25-04 with a suggestion for the Town Board of Commissioners to consider no service bays facing the public right-of-way in the Main Street Corridor. Discussion during the motion included one board member voicing concern about having unlimited service bays. A substitute motion was made to limit the number of service bays to ten (10) and was approved 4 – 1. The original motion with the amendment was approved 5 – 0.

Consistency and Reasonableness

As noted in the Staff Analysis and Recommendation section of this report, Text Amendment TA-25-04, Vehicle, Minor Service Use Standard Regarding Service Bays, clarifies that the maximum number of service bays facing a public right-of-way is three (3) - the current language is silent to the orientation (ie public right-of-way facing) of service bays, and simply allows a maximum of three (3). This may help retain the “small-town” feel noted in Rolesville’s Comprehensive Plan. TA-25-04 is consistent with Rolesville’s Comprehensive Plan and is therefore reasonable.

Proposed Motions

- Motion to postpone indefinitely TA-25-04, Vehicle, Minor Service Use Standard Regarding Service Bays
- Motion to (*approve or deny*) TA-25-04, Vehicle, Minor Service Use Standard Regarding Service Bays

If TA-25-02 is approved:

- Motion to adopt a Statement of Consistency and Reasonableness because TA-25-04 is consistent with Rolesville's Comprehensive Plan and is therefore reasonable

Or

- Motion to continue TA-25-04, Vehicle, Minor Service Use Standard Regarding Service Bays, to a future Town Board meeting (provide date certain)

Attachments

1. Text Amendment Application TA-25-04 from Patrick Byker, Morningstar Law Group
2. Ordinance ORD-2025-21
3. Alternate Ordinance Incorporating Planning Board Recommendation



Case No. _____

Date _____

Text Amendment Application

Contact Information

Name Patrick BykerAddress 700 W. Main StreetCity/State/Zip Durham, NC 27701Phone 919-590-0384Email pbyker@morningstarlawgroup.com

Amendment Information

This petition is to amend the Unified Development Ordinance Section(s) 5.1.4.V.4*to allow* Three (3) service bays facing the public right-of-way and unlimited service bays facing the yard, side and/or yard, rear, as UDO Section 11.7.

as a

☒ permitted use☐ conditional use☐ special usein the General Commercialzoning district.

Applicant Signature

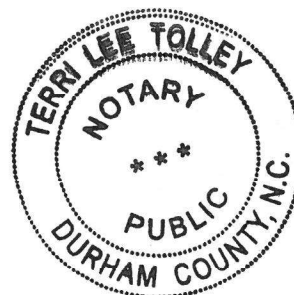
I hereby certify that the information contained herein is true and completed. I understand that if any item is found to be otherwise after evidentiary hearing before the Town Board of Commissioners, that the action of the Board may be invalidated.

Signature Patrick Byker Date 2/28/25

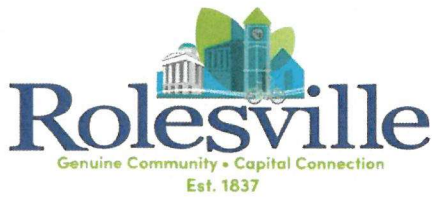
STATE OF NORTH CAROLINA

COUNTY OF Durham

I, a Notary Public, do hereby certify that Patrick Byker
personally appeared before me this day and acknowledged the due execution of the foregoing instrument. This
the 28th *day of* February *20* 25.

My commission expires 8/25/2028.Signature Terri Lee Tolley Seal

Town of Rolesville Planning**PO Box 250 / Rolesville, North Carolina 27571 / RolesvilleNC.gov / 919.554.6517**



Case No. _____

Date _____

Text Amendment Application

Description of Proposed Use

Vehicle, Minor Service is defined in the UDO at Section 5.1.4V 1-4. Subsection 4(e) specifically limits the use to, "No more than three (3) service bays shall be permitted. This Text Amendment would amend this subsection to state, "Three (3) service bays shall be permitted to face the public right-of-way. Service bays facing the yard, side and/or the yard, rear as defined in UDO Section 11.7, shall not be limited in number."

Justification

UDO Section 5.1.4.V.4(e) states, "No more than three (3) service bays shall be permitted." This subsection places an economic strain on the Vehicle, Minor Service use that allows establishments to provide minor vehicle services and repair including but not limited to brake adjustments, oil changes realignments, detailing, mufflers, hoses, belts, and the like. The nearby jurisdictions of Raleigh, Wake Forest, and Knightdale do not place number limitations on service bays on Vehicle Repair and Vehicle Maintenance use categories.

or ~~business~~ may not be displayed in any required manner.

V. 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.

Knightdale UDO

M. Vehicle Services –Maintenance / Repair / Body Work.

1. Vehicle services - maintenance, repair, and/or body work uses shall be located in the Mixed-Use Building Type as detailed in Section 6.8.
2. All vehicles, materials, or equipment shall be stored within an enclosed building, or within an outdoor storage area enclosed by an opaque fence or wall that meets the requirements of Section 7.6 and shall be restricted to the rear yard.
3. Any operation which results in the creation of noxious vibrations, odors, dust, glare, or sound is prohibited.
4. No vehicle may be kept or used for parts for other vehicles.
5. No vehicle may be stored in an unrepaired state for more than thirty (30) calendar days.

11. Vehicle Services, Minor Maintenance/Repair.

- a. Vehicle service bays associated with Vehicle Services, Minor Maintenance/Repair shall be located a minimum of 100 feet from any residential uses or the GR, NCR, MUR, or TSR Districts and any parallel Conditional District to those districts.
- b. In the NB District, vehicle service bays shall be set perpendicular to the street or otherwise screened with a Type C buffer from the street right-of-way.
- c. In the NB District, use operation shall be limited to between the hours of 8 a.m. and 9 p.m.

D. Vehicle Repair (Major)

Raleigh UDO

1. Defined

A facility where general vehicle repair and service is conducted, including transmission, brake, muffler and tire shops, along with body and paint shops. Major vehicle repair does not include any use meeting the definition for minor vehicle repair or commercial vehicle repair.

2. Use Standards

- a. The outdoor overnight storage of vehicles awaiting repair may be permitted in accordance with *Article 7.5. Outdoor Display and Storage*. Operable vehicles may be parked on-site during business hours.
- b. There shall be no dismantling of vehicles for salvage.
- c. The storage of impounded vehicles is not permitted.
- d. No outside speaker system is permitted.

**PROPOSAL TO AMEND
THE LAND DEVELOPMENT ORDINANCE,
TOWN OF ROLESVILLE, NORTH CAROLINA
Case Number TA-25-04 Vehicle, Minor Service Use Standard Regarding Service
Bays
Ordinance # ORD-2025-21**

WHEREAS, the Town of Rolesville seeks to amend the Land Development Ordinance Section 5.1.4.V.4.e. Vehicle, Minor Service Use Standard regarding service bays to allow unlimited service bays if they are not facing the public right-of-way.

WHEREAS, North Carolina General Statute Section NC Chapter § 160D-702. (Effective January 1, 2025) Grant of power; (a) A local government may adopt zoning regulations. Except as provided in subsections (b) and (c) of this section, a zoning regulation may regulate and restrict the height, number of stories, and size of buildings and other structures; the percentage of lots that may be occupied; the size of yards, courts, and other open spaces; the density of population; the location and use of buildings, structures, and land.

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

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

SECTION 1. That Section 5.1.4.V.4.e. Vehicle, Minor Service Use Standard be amended to read as follows:

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

5.1.4. Commercial Principal Uses

V. Vehicle Minor Service

- e. No more than three (3) service bays facing the public right-of-way shall be permitted. and unlimited service bays facing the side or rear yard are permitted.

SECTION 2. That all laws and clauses of law in conflict herewith are hereby repealed to the extent of said conflict.

SECTION 3. That if this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions of this ordinance which can be given separate effect and to the end the provisions of this ordinance are declared to be severable.

SECTION 4. That this ordinance has been adopted following a duly advertised legislative hearing of the Town Council and following review and recommendation by the Planning Board.

SECTION 5. That this ordinance shall be enforced as provided in the Town of Rolesville's Land Development Ordinance.

SECTION 6. Effective Date. This ordinance shall become effective on the date of its adoption by the Board of Commissioners.

Adopted this 2nd day of September 2025 by the Town of Rolesville Board of Commissioners.

Ronnie I. Currin
Town of Rolesville Mayor

CERTIFICATION

I, _____, 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 _____, 2025.

In witness whereof, I have hereunto set my hand and caused the seal of the Town of Rolesville to be affixed this ____ day of _____, 2025.

(seal)

Christina Ynclan
Town Clerk

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TOWN OF ROLESVILLE, NORTH CAROLINA
Case Number TA-25-04 Vehicle, Minor Service Use Standard Regarding Service
Bays
Ordinance # ORD-2025-21**

WHEREAS, the Town of Rolesville seeks to amend the Land Development Ordinance Section 5.1.4.V.4.e. Vehicle, Minor Service Use Standard regarding service bays to allow up to ten (10) service bays if they are not facing the public right-of-way.

WHEREAS, North Carolina General Statute Section NC Chapter § 160D-702. (Effective January 1, 2025) Grant of power; (a) A local government may adopt zoning regulations. Except as provided in subsections (b) and (c) of this section, a zoning regulation may regulate and restrict the height, number of stories, and size of buildings and other structures; the percentage of lots that may be occupied; the size of yards, courts, and other open spaces; the density of population; the location and use of buildings, structures, and land.

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Town Clerk