A Concise Guide to the Wake Forest UDO

Unified Development Ordinance

HANDBOOK

TOWN *of*
WAKE FOREST

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Unified Development Ordinance
Handbook

September 2014

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CHAPTER 1

Introduction

North Carolina General Statue 160A-381 permits local governments the ability to adopt zoning and development ordinances for the purpose of promoting the health, safety, morals and the general welfare of their community. These regulations can be adopted as separate ordinances or as one document commonly referred to as a unified development ordinance (UDO).

In 2010, The Lawrence Group, a nationally recognized and award winning town planning and design firm, was hired by the town to prepare a comprehensive analysis of all development related codes and ordinances. The recommendations of this report along with specific action items set forth in the Wake Forest Community Plan led the town to begin the process of integrating all related development ordinances into a single document, which would become the Wake Forest Unified Development Ordinance.

After nearly three years of preparation by town staff, The Lawrence Group and the UDO Advisory Committee, the town's Unified Development Ordinance was presented to the Wake Forest Board of Commissioners in April of 2013 and officially adopted on July 16, 2013.

The UDO is a partial re-write, reorganization and consolidation of previously adopted land development ordinances (Zoning, Subdivision, Erosion and Sedimentation Control, Phase 2 Storm Water and the Manual of Specifications, Standards & Design) into a single document. It also serves as an implementation tool for many of the visions statements, policies and action items set forth in the Wake Forest Community Plan.

One of the most important goals in developing the UDO was to create a cohesive document that is easy to navigate and written in a user-friendly manner. While these goals were achieved, the document still serves as a highly-technical device mainly used by planners, engineers, architects and surveyors for development related purposes. This handbook serves as a tool for citizens, businesses, developers, civic leaders or town employees who want to have a better understanding of the town's zoning, land use and development requirements. Annotated diagrams, graphs and charts have been added to help with visualizing and understanding some of these regulations.

This handbook is not a legal document and while it may serve as a significant tool for all users, it should be used as a guide and not a substitute for the actual Unified Development Ordinance which is available online at **www.wakeforestnc.gov/planning.aspx**.

CHAPTER 2

Frequently Asked Questions

What is the Unified Development Ordinance (UDO)? The UDO is a consolidated document which contains all of the town's regulations for zoning, development, subdivisions, flood damage prevention, erosion and sedimentation control, and storm water.

What is the relationship between the Wake Forest Community Plan and the UDO? The Community Plan serves as a comprehensive, long-range guide that establishes development related vision statements and policies. The UDO serves as an implementation tool for many of the development related visions statements, policies and action items set forth in the community plan.

What land area does the UDO regulate? All provisions of the UDO apply to land within the corporate limits and extra-territorial jurisdiction (ETJ) as identified on the official zoning map of the Town of Wake Forest. This map can be viewed at **www.wakeforestnc.gov/maps-plans-ordinances.aspx**.

Why did the town develop a UDO and what happened to the old codes? Many of the original land use ordinances needed updating and with the adoption of the Community Plan, some of these standards were in conflict with its recommendations. A cohesive document was needed to replace the older land development ordinances; therefore, the UDO was developed to consolidate development regulations and other related ordinances into a single ordinance.

Who can I contact for questions about the UDO? The Wake Forest Planning Department is responsible for administering most of the UDO as it relates to zoning and development. Please call 919-435-9510 or visit the planning department's home page at **www.wakeforestnc.gov/planning.aspx** for staff contact information.

What activities require a development permit per the UDO? Since development permits indicate compliance with the provisions of the UDO, all construction or development of any new use as well as any other site improvement as indicated in the UDO requires a development permit. In addition to new uses, a development permit is required for expansions of existing uses, changes of use, any uses permitted with special conditions and any signage requiring a permit. Typical development permits are issued for signs, fences, accessory buildings and home occupations.

How can I find application and plan review fees associated with the UDO? All town fees can be viewed on the comprehensive list of fees and charges. This can be viewed at **www.wakeforestnc.gov/fees-charges-1.aspx**.

Where can I view a copy of the entire UDO? The entire UDO and official zoning map can be viewed and downloaded via the town's website at **www.wakeforestnc.gov/maps-plans-ordinances.aspx**.

What role does the Wake Forest Planning Board have in the development process? The Planning Board provides recommendations to the Wake Forest Board of Commissioners on applications related to zoning, special use permits and major site/subdivision master plans.

To seek formal input regarding these issues, the Planning Board and Board of Commissioners hold "joint" public hearings on the first Tuesday of the month. The Planning Board meets after the joint public hearing and votes to recommend approval or denial of the application. Their recommendation is then forwarded to the Board of Commissioners.

How can I find out what my property is zoned? The official zoning map can be viewed at **www.wakeforestnc.gov/fees-charges-1.aspx** or contact the planning department at 919-435-9510.

How can I find out what land uses are allowed in a particular zoning district? Chapter 2 of the UDO provides a table listing land uses and the corresponding zoning district that indicate if the use is not permitted, permitted, permitted with standards or permitted with a special use permit. This table can be viewed on page 38 of this document.

What happened to my old zoning designation once the UDO was adopted? Most of the zoning districts that were in place prior to July 2013 were eliminated or replaced. For the majority of the parcels, the effect of the new zoning districts was very minimal and every effort was made to apply a new zoning district designation that closely resembled the old designation or actual land use of the parcel. If zoning conditions or a special use permit were in place prior to the adoption of the UDO, those conditions/permits did not change.

CHAPTER 3

UDO Chapter Summaries

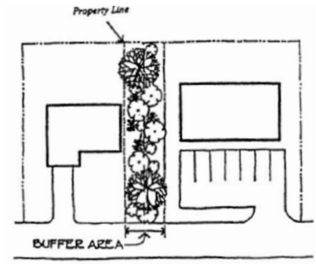
CH. 1 Purpose & Applicability

This chapter outlines the basic authority and jurisdiction of the Unified Development Ordinance. It also provides the general purposes and intent of the ordinance with respect to the Wake Forest Community Plan and all other adopted plans and policies of the town.

CH. 2 District Provisions

The town's official zoning districts are described in this chapter along with development standards (minimum lot sizes, setbacks, etc.) and permitted uses. A use table is provided for readers to easily determine if a use type is allowed in a particular zoning district.

CH. 3 Supplemental Use Standards



In certain zoning districts, land uses are permitted provided they meet conditions specified to their design and/or operation. The land uses listed in this chapter are permitted with additional standards by staff or a special use permit by the Board of Commissioners. Each land use has standards to ensure compatibility so that different uses may be located in proximity to one another without adverse effects to either.

CH. 4 General Provisions

Regulations in this chapter apply to all developments regardless of the underlying zoning district provisions. Basic lot and use standards for street frontages, encroachments, building height and accessory uses/structures are established in this chapter along with specific requirements for temporary uses (seasonal sales, construction trailers, festivals, etc.).

CH. 5 Building Design Standards

This chapter establishes architectural standards and design requirements to ensure that the physical characteristic of a proposed development is compatible with the context of the surrounding area and preserves certain characteristics unique to Wake Forest. Details for site design and building materials are assigned by building type (civic/institutional, residential, commercial, and industrial).

CH. 6 Subdivision & Infrastructure Standards

Chapter 6 establishes criteria for site development and subdivision of real property. Provisions for improvements such as adequate streets, utilities, transportation and pedestrian facilities are provided. This chapter also coordinates proposed developments with existing development and with officially adopted plans for future development.

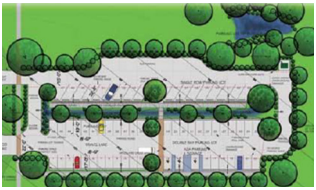
CH. 7 Recreation Facility Fees, Parks & Open Space Land

The intent of this chapter is to require that each new development contribute to a range of parks and open space critical to the quality of life for each resident within a particular development. Specific requirements for location, size, and type of neighborhood park and open space areas (both improved and natural) are given.

CH. 8 Tree Protection, Buffers & Landscaping

The Town seeks to maintain an overall coverage of mature trees and existing landscaping throughout the entire community. In order to meet this goal, standards for tree canopy coverage, tree preservation and protection, street trees and buffer requirements are provided in Chapter 8. The requirements in this chapter assist with maintaining the positive community image associated with the Town's mature vegetation and helps mitigate the negative impacts of noise, glare, air and water pollution, and soil erosion on the environment of the Town and its inhabitants.

CH. 9 Parking and Driveways



Parking lots and similar facilities are necessary elements in the urban environment. However, the provision of parking facilities are regulated in order to avoid negative impacts such as increased storm water volume, surface pollutants and levels of heart and glare. The purpose of this chapter is to ensure the adequate provision of parking spaces/facilities in Wake Forest without degrading the urban and natural environment.

CH. 10 Lighting

The standards in this chapter are designed to focus on the actual physical effects of lighting as well as the effect that lighting may have on surrounding neighborhoods. It is the intent of this chapter to guide the design of developments to:

- Minimizing light pollution such as glare and light trespass;
- Conserve energy and recourses;
- Maintain nighttime safety;
- Improve the nighttime visual environment.

CH. 11 Signs

All signs within the Town's jurisdiction are covered by the regulations found in this chapter. Regulations are established to ensure that signs are compatible (size, type, location) with their surroundings, do not become a public hazard, preserve the characteristics of each district and to protect and enhance the overall appearance of the community.

CH. 12 Erosion, Flood, Stormwater & Watershed Standards

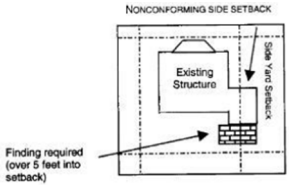
This chapter is divided into four sections:

- Erosion and Sedimentation Control;
- Flood Damage Prevention;
- Stormwater Management;
- Watershed Protection.

The regulations listed in Chapter 12 control land disturbance activities associated with development. Also included in this chapter are the restrictions for activities in Special Flood Hazard Areas and water quality protections measures for the Town's watersheds (Smith Creek, Richland Creek and Falls Lake).

CH. 13 Nonconformities

Nonconformities can be land uses, plans, lots or structures that were legally established prior to the effective date of the UDO that do not conform to the most current regulations. This chapter regulates and limits the continued existence of such land uses, plans, lots and structures and provides specific standards for each.



CH. 14 Administrative Agencies

The various provisions of the UDO is administered under the general direction of the town manager and the specific direction of various town departments. The powers and duties (as it relates to this ordinance) of each department, advisory board and decision making board is described in this chapter.

CH. 15 Administration

In order to establish an orderly process to develop land within the Town's jurisdiction consistent with standard development practices and terminology, the purpose of this chapter is to provide a clear and comprehensible development process that is fair and equitable to all interests including the petitioners, affected neighbors, town staff, advisory boards and the Board of Commissioners.

CH. 16 Violations and Penalties

Whenever a violation of the UDO occurs, any person may file a written complaint describing the alleged violation. These complaints are investigated by town staff and if found to be valid, trigger the Town to take appropriate actions to correct the violation. This chapter describes the process for issuing violation notices, civil penalties and orders of abatement to remove violations such as prohibited signage, illegal land disturbance activities, and other development related activities.

CH. 17 Definitions

For the purpose of interpreting the UDO, certain words, concepts and ideas are defined in this chapter.

CHAPTER 4

Zoning Districts

Zoning creates a number of different districts or "zones," each of which sets specific rules on how the land in that district can be used. For example, a district set aside for residential land uses may exclude businesses and industries. The specific rules and zoning boundaries are set forth in the Town's official zoning map which is part of the Unified Development Ordinance and which can be viewed on the town's website at **www.wakeforestnc.gov/maps-plans-ordinances.aspx**. In addition to specifying land uses permitted in each zone, the UDO also sets detailed standards on how uses may be carried out (i.e. setbacks from a street right-of-way, minimum lot size, etc.).

Wake Forest has two main categories for all zoning districts: Urban Districts and Rural/Suburban Districts.

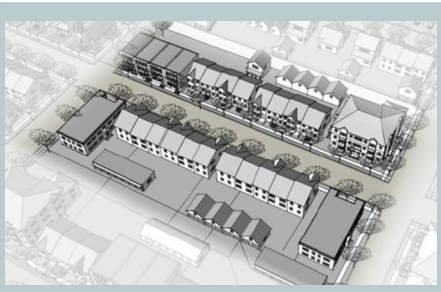
URBAN (FORM-BASED) DISTRICTS

A number of the key districts for the Town are ordered and classified according to the Rural-Urban Transect. The transect is a method of classifying the natural and built environments as a continuum of six conditions, ranging from rural to urban. The value of the transect is that it classifies development form with the appropriate land use and development context. For example, a rural street typically has no curbs or sidewalks and its buildings are often irregularly spaced. An urban street, depending on the intensity of urbanism, may have curbs and gutters, regularly placed street trees, sidewalks, and building forms that are more regular in form and spacing. Each urban zoning category has detailed provisions for the mix of uses, building type, density, height, street design, the design of parks and open space, the mix of uses, building design, parking, streetscape and other aspects of the human environment.

Urban District Descriptions

Urban Residential (UR)
The Urban Residential District is established as a predominately residential district in which a variety of types of housing is permitted, including single-family and duplex residences, small apartment buildings and townhouses.

Residential Mixed-Use (RMX)
The Residential Mixed-Use District is established to accommodate a variety of housing types in a neighborhood setting. The regulations of this district are intended to provide areas of the community for those persons desiring small residences and multifamily structures in relatively high density neighborhoods within walking or biking distance from mixed-use centers as well as some limited commercial uses in pedestrian-scaled, residential-style structures.



Neighborhood Mixed-Use (NMX)
The Neighborhood Mixed-Use District is established as a pedestrian-scaled, mixed-use district which caters to the everyday needs of nearby neighborhoods, stressing accessibility by automobiles, bicycles, and pedestrians.

Renaissance Area Historic Core (RA-HC)
The Historic Core of the Renaissance Area permits the sensitive continuation of the "Main Street" environment of White Street and its secondary streets. The ground floor of buildings on White Street should be comprised of active uses including retail or restaurants with office and residential located on second stories. Side streets east of White Street may have a greater variety of ground floor uses.

Urban Mixed-Use (UMX)
The Urban Mixed-Use District accommodates an active, pedestrian-friendly area of community-scale commercial, residential, office, and civic uses in both vertically mixed-use, as well as free-standing buildings. Retail should be placed at street level, with residential uses in rear or upper stories.

Urban District Development Standards

BASE DISTRICT	UR	RMX	NMX, RA-HC	UMX
BUILDING TYPE*	**Civic/ Institutional Detached House Townhouse**	**Civic/ Institutional Detached House Townhouse Apartment Commercial**	**Civic/ Institutional Townhouse Apartment Commercial**	**Civic/ Institutional Townhouse Apartment Commercial**
PRIVATE FRONTAGE*				
Common Lawn	Permitted	Permitted	Prohibited	Prohibited
Porch & Fence	Permitted	Permitted	Prohibited	Prohibited
Terrace or Light Court	Permitted	Permitted	Permitted	Permitted
Forecourt	Permitted	Permitted	Permitted	Permitted
Stoop	Permitted	Permitted	Permitted	Permitted
Shopfront/Awning	Prohibited	Permitted	Permitted	Permitted
Gallery	Prohibited	Prohibited	Permitted	Permitted
Arcade	Prohibited	Prohibited	Permitted	Permitted
DEVELOPMENT STANDARDS				
Max. Density (Units/ Acre)	10 dua	24 dua	n/a	n/a
Open Space (min.) per CH 7	5%	5%	2% for projects 5 acres or greater	2% for projects 5 acres or greater
Park Space (min.) per CH 7	2%	2%	2% for projects 5 acres or greater	2% for projects 5 acres or greater
Max. Size if not in TND	80 acres	40 acres	n/a	n/a
PRINCIPAL BUILDING				
Principal Front Setback	20 ft max.	18 ft max.	12 ft max. (NMX); 5 ft max. (RA-HC)	6 ft max.
Street Side/Secondary Front Setback**	5 ft min.	5 ft min.	12 ft max.	6 ft max.
Side (from adjacent lot) Setback**	5 ft min.	0 ft min.		
Rear Setback*	20 ft min. OR 5 ft min. w/ rear alley access	5 ft min.	0 ft min.	0 ft min.
Frontage Buildout	n/a	n/a	60%	70%

BASE DISTRICT	UR	RMX	NMX, RA-HC	UMX
ACCESSORY STRUCTURE				
Side Setback**	5 ft min.	5 ft min. OR n/a 0 ft for attached structures	5 ft min. OR n/a 0 ft for attached structures	n/a
Rear Setback**	5 ft min.	5 ft min.	5 ft min.	n/a
Garage Setback from Alley**	15 ft from face of garage to centerline of alley			
HEIGHT				
Min. Height	None	None	16 ft	2 stories
Max. Height	3 stories	6 stories (may exceed with an SUP)	6 stories (may exceed with an SUP) (3 stories along White Street from Elm to Roosevelt)	6 stories (may exceed with an SUP)
PARKING REQUIREMENTS: See Chapter 9 of UDO				

** See Chapter 5 of UDO*
*** Subject to building code*

RURAL AND SUBURBAN DISTRICTS

The rural and suburban zoning districts were established in order to maintain existing auto-oriented commercial and industrial areas and conventionally developed residential subdivisions. These districts were created with the designations and general purposes listed under each and the specifically permitted uses, special uses and dimensional standards included.

Rural and Suburban District Descriptions

Open Space District (OS)	The Open Space District is established to preserve and protect environmentally sensitive lands (e.g. floodways, wetlands) and properties that are already under public ownership and/or otherwise restricted for use for passive or active recreational use.
Rural Holding District (RD)	The Rural Holding District is established as a district in which the principal uses of the land are restricted due to lack of available utilities, unsuitable soil types or steep slopes.

General Residential (GR3, GR5, GR10)	The General Residential Districts are established to maintain previously developed suburban residential subdivisions for their existing or approved low-to-medium density single-family dwellings and related recreational, religious and educational facilities. Intended to act as a transitional zoning district between rural development in the county and the urban development of the town, these regulations are further intended to discourage any use which would be detrimental to the predominately residential nature of the areas included within the district.
Neighborhood Business (NB)	The Neighborhood Business District is established as a district in which the principle use of land is for retail trade and services purposes of a lower intensity than the Highway Business (HB) District. Such districts are generally located near residential areas and cater to the everyday needs of nearby residential neighborhoods, stressing accessibility by automobiles, bicycles and pedestrians.
Highway Business (HB)	The Highway Business District is generally located on the major thoroughfares in town and provides opportunities for the provision of offices, services and retail goods. The regulations for this district are intended to accommodate the predominately auto-oriented pattern of existing development while encouraging the creation of new pedestrian-friendly, mixed-use areas that avoid strip commercial development and establish more resilient land development patterns.
Institutional Campus Development (ICD)	This district is intended to allow for the continued and future use, expansion, and new development of academic and religious campuses and of governmental and health facilities, where the campus or facility has a total development size greater than 10 acres. The goal is to promote the many varied uses associated with such institutions while maintaining the overall design integrity of the campus setting and minimizing any adverse impacts on the neighboring residential and historic areas. In the attempt to meet this goal numerous requirements are included, such as but not limited to buffers, landscaping, outdoor lighting, parking, signage, building height, setbacks and the like.
Light Industrial (LI)	The Light Industrial District is established to accommodate externally benign industrial and office uses that pose little nuisance to adjacent residential or mixed-use areas.
Heavy Industrial (HI)	The Heavy Industrial District is established to accommodate those industrial, manufacturing, or large-scale utility operations that are known to pose levels of noise, vibration, odor or truck traffic that are considered nuisances to surrounding development.

Rural and Suburban District Development Standards

	Standard	RD	GR3, GR5, GR10	NB	HB	ICD	LI	HI
Development Standards	District/ Development Area (min.)	n/a	n/a	n/a	n/a	10 acres	10 acres	20 acres
	Develop-ment/District Exterior Setback/ Buffer	n/a	n/a	n/a	n/a	30 ft set-back from exterior streets and 20 ft from sur-rounding parcels	50 ft buf-fer (note: along frontage of existing streets a 50 ft set-back shall apply)	150 ft buffer
	Density (max.) ***	1 unit per acre***	GR3: 3 units/ acre GR5: 5 units/ acre GR10: 10 units/acre	n/a	n/a	deter-mined by adopted master plan	n/a	n/a
	Open Space (min.) per CH 7	10%	10%	n/a	n/a	25%	n/a	n/a
	Park Space (min.) per CH 7	2.50%	2.50%	n/a	n/a	n/a	n/a	n/a
	Building Floor Area (max.)	n/a	n/a	50,000 sf	100,000 sf (may exceed max with SUP)	n/a	n/a	n/a
	Development Floor Area (max.)	n/a	n/a	125,000 sf	n/a	n/a	n/a	n/a
Lot Standards	Lot Area (min.)*	40,000 sq ft	GR3: 10,000 sq ft GR5: 7,500 sq ft GR10: 5,000 sq ft	none except max. 15 acres for shop-ping centers	20,000 sf	n/a	40,000 sf (interior lots only)	5 acres (interior lots only)
	Lot Width at Front Set-back (min.)*	60 ft	50 ft	none	150 ft	n/a	n/a	n/a

	Standard	RD	GR3, GR5, GR10	NB	HB	ICD	LI	HI
Principle Building	Principal Front Set-back (min.)**	20 ft	20 ft	20 ft	30 ft	n/a	30 ft	n/a
	Street Side/ Secondary Front Set-back (min.)**	20 ft	20 ft	20 ft	30 ft	n/a	30 ft	n/a
	Side (from adjacent lot) Setback (min.)*	10 ft	8 ft	15 ft	10 ft	n/a	15 ft	n/a
	Rear Set-back (min.)	25 ft	25 ft	20 ft	30 ft	n/a	20 ft	n/a
	ACCESSORY STRUCTURE :							
	Side Setback (min.)	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft
	Rear Set-back (min.)	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft
	Other Standards	See Section 4.6						
Parking	Parking Location	By Building Type - See Section 9.3						
	Specific Restrictions	n/a	n/a	parking in front yard setback not per-mitted	parking in first 10 ft of front yard setback not per-mitted	parking in exterior setback not permitted except as part of an approved CD plan	parking in front yard and exterior setback not per-mitted	parking in exterior setback not per-mitted
Building Height	Principal Building (max)	35 ft	3 stories	3 stories	3 stories	35 ft	35 ft	35 ft
	Accessory Structure (max)	35 ft	2 stories	2 stories	2 stories	35 ft	35 ft	35 ft
	Additional Height Permitted w/ Additional Setback (Subject to SUP)	n/a	n/a	n/a	90 ft height permit-ted in US-1 Corridor Area	1 ft add'l height permit-ted with each 1 ft horizontal setback	n/a	n/a

* *For townhomes, this standard applies to the entire townhome development, not individual townhome lots. Different requirements may apply if located in a SHOD.*

** *Different requirements may apply if located in a SHOD.*

*** *Subject to the provisions of the Watershed Protection Overlay Districts (where applicable).*

CHAPTER 5

Rezonings

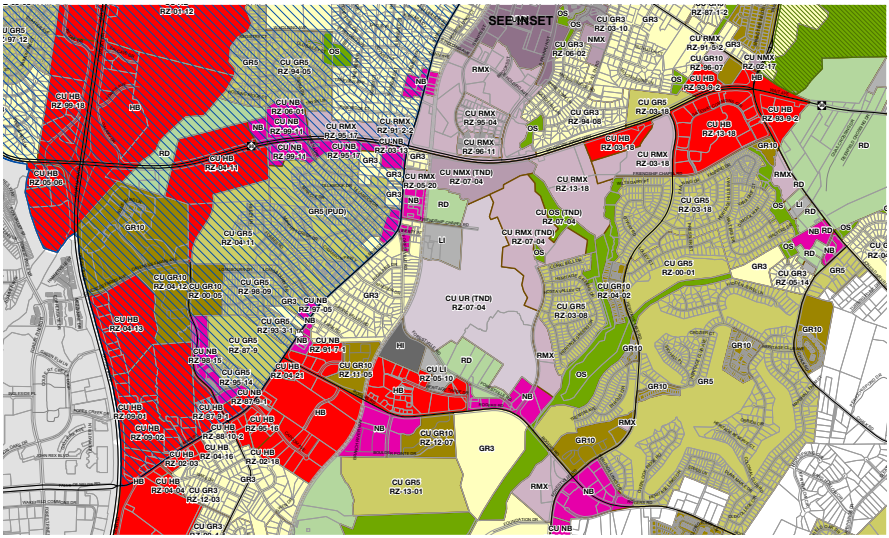
Zoning Changes and Map Amendments

The Town of Wake Forest's official zoning map designates all properties within the Town's jurisdiction with a specific zoning district. For example, a single family home may be zoned residential and a shopping center may be zoned highway business. A rezoning (a.k.a. a zoning map amendment in ordinance-speak) is simply the process to change the zoning designation of a property from one zoning district to another.

Usually, a property owner or an agent of the property owner initiates the rezoning process by submitting an application or "petition" to the town. Most often, the property owner or agent is seeking a change in zoning to accommodate a new development proposal. Other instances include changes initiated by the Wake Forest Board of Commissioners, the Wake Forest Planning Board or town staff.

In Wake Forest, there are two categories of zoning. One is for general use zoning districts; the other is for conditional districts. If the applicant seeks a general use zoning change, if approved, the property can be put to any use allowable within the desired zoning district. Should the applicant decide a more limited zoning is appropriate, the application can be for a conditional district. The applicant still seeks a change to a new zoning district, but voluntarily limits the property's uses.

Detail from zoning map, July 2014



Typical Steps in the Rezoning Process

Application Submitted

An application is submitted and reviewed by the Planning Department staff.

Notifications Sent

Notices are mailed to adjoining property owners (all property owners within 100 feet of the subject property) and legal ads are published for two weeks. The property is also posted with a sign.

Joint Public Hearing

A joint public hearing is held typically on the first Tuesday of the month with the Planning Board and the Board of Commissioners. The public hearing is considered a formal legislative process which offers a chance for citizens to make their views known to the boards.

During the hearing the applicant addresses the boards and answers questions. Then, citizens are able to speak in support of, or against, the application.

Planning Board Makes Recommendation

The Planning Board meets after the joint public hearing and votes to recommend approval or denial of the application. Their recommendation is then forwarded to the Board of Commissioners.

Board of Commissioners Makes Decision

The Board of Commissioners makes the final decision on the rezoning request at their next scheduled meeting, usually the third Tuesday of the month.

CHAPTER 6

Special Use Permits

Special Uses are uses which are generally compatible with other land uses permitted in a zoning district but which, because of their unique characteristics or potential impacts on the surrounding neighborhood and/or the town as a whole, require individual consideration in their location, design, configuration and/or operation at the particular location proposed.

The decision making process for Special Use Permits (SUP) is "quasi-judicial" in nature and is subject to demanding procedural rules, including the requirement of a formal evidentiary public hearing.

All Special Uses at a minimum must meet the standards for the zoning district in which they are located and the specific standards set forth in Chapter 3 of the UDO. In addition to determining that the application meets all other requirements of the UDO, the Board of Commissioners must find that the following findings of facts are made in order to issue a Special Use Permit:

- The proposed Special Use conforms to the character of the neighborhood, considering the location, type and height of buildings or structures and the type and extent of landscaping on the site.
- The proposed use will not cause undue traffic congestion or create a traffic hazard.
- Adequate utilities (water, sewer, drainage, electric, etc.) are available for the proposed use.

Large shopping centers typically require a Special Use Permit.

- The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.
- The establishment of the proposed use shall not impede the orderly development and improvement of surrounding property.
- The establishment, maintenance or operation of the proposed use shall not be detrimental to or endanger the public health, safety or general welfare.
- The application will not substantially injure the value of adjoining or abutting property.
- The proposed use is consistent with the officially adopted plans and policies of the town.

Some of the land uses that are typically associated with Special Use Permits are large shopping centers, public safety stations and wireless telecommunication towers.

CHAPTER 7

Major Plan Review

The major plan review process is divided into two categories: Major Site Master Plans and Major Subdivision Master Plans. These are plans that can only be approved if certain specified findings per the UDO are met.

The decision making process for a major plan review is "quasi-judicial" and is subject to demanding procedural rules, including the requirement of a formal evidentiary public hearing.

The Major Subdivision Master Plan review process is required for divisions of land into four or more lots, or which require dedication of public utilities and/or public streets. The Major Site Master Plan review process includes all residential developments over 100 units and any land use requiring an Enhanced Transportation Impact Analysis *(see chart below)*:

Level of Study Required by Development Type	Residential	Office	Hotel	Industrial or Warehouse	Retail/ Shopping Center	Other
None (unless located in area of special concern)	<100 units	<50,000 sf	<100 rooms	<150 employees	n/a	<100 peak hour trips
Standard TIA	100 to 500 units	50,000 sf to 350,000 sf	100 to 500 rooms	150 to 1,000 employees	<100,000 sf	100 to 500 peak hour trips
Enhanced TIA	>500 units	>350,000 sf	>500 rooms	>1,000 employees	>100,000 sf	>500 peak hour trips

The following findings of facts must be made in order to approve a major plan review application:

- The plan is consistent with the adopted plans and policies of the town;
- The plan complies with all applicable requirements of the UDO;
- There exists adequate infrastructure (transportation and utilities) to support the plan as proposed; and
- The application will not be detrimental to the use or development of adjacent properties or other neighborhood uses.

Some of the land uses that may require major plan review are apartment complexes, hotels and large shopping centers.

CHAPTER 8

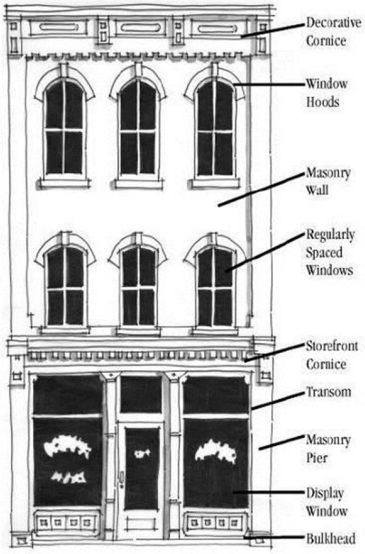
Major Architectural Design Review

The UDO establishes building design standards for all developments throughout the Town of Wake Forest's jurisdiction. Certain development projects as outlined in Section 15.8.5 of the UDO require specific architectural standards for review and approval by the Wake Forest Design Review Board. The review of these particular projects is considered a Major Architectural Design Review.

These requests can only be approved if certain specified findings per the UDO are met. The decision making process for a Major Architectural Design Review is "quasi judicial" and is subject to demanding procedural rules, including the requirement of a formal evidentiary public hearing.

The major architectural design review process applies to the following:

- RA-HC Zoning District: All development 6,000 square feet or greater in gross floor area (not in a Historic Overlay District);
- All Zoning Districts Except RA-HC: Non-residential development or expansion 10,000 square feet or greater in gross floor area;
- All mixed-use or non-residential projects in the UR, RMX, NMX or UMX Zoning Districts;
- All projects involving civic/institutional building types according to the provisions of Section 5.4 of the UDO (excluding any recreation facility under 2,500 square feet and any expansion or addition to an existing recreation facility);
- Multifamily developments containing eight or more units;
- Appeals from a decision of the administrator in a Minor Architectural Design Review.



The following findings of facts must be made in order to approve a major plan review application:

- The proposed plan is consistent with the adopted plans/policies of the town and complies with all applicable requirements of this ordinance;
- The proposed plan conforms to the character of the neighborhood, considering the location, type and height of buildings or structures and the type and extent of landscaping on the site; and
- The proposed plan will not be detrimental to the use or development of adjacent properties or other neighborhood uses.

CHAPTER 9

Variances and Administrative Modifications of Setbacks

A variance is an authorization to do something that is not in compliance with the strict terms of the UDO, such as building a structure inside a required setback area. The variance process is administered by the Wake Forest Board of Adjustment and is intended to provide limited relief from the requirements of the UDO in those cases where strict application of a particular requirement will create a practical difficulty or unnecessary hardship prohibiting the use of the land in a manner otherwise allowed under this ordinance.

Variances are "quasi-judicial" decisions and are subject to demanding procedural rules, including the requirement of a formal evidentiary public hearing. The Board of Adjustment may only issue a variance if it meets the following findings of fact:

- Carrying out the strict letter of the ordinance would result in an unnecessary hardship. It shall not be 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. 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.
- The hardship did not result from actions taken by the applicant of the property owner. The act of purchasing property with knowledge that

circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

- The requested variance is consistent with the spirit, purpose and intent of this ordinance, such that the public safety is secured and substantial justice is achieved.

ADMINISTRATIVE MODIFICATION OF SETBACKS

In keeping with the purpose of these regulations to accomplish coordinated, balanced, and harmonious development in a manner which will best promote the health, safety and general welfare while avoiding undue and unnecessary hardships, on approval by the town manager, the administrator is authorized to approve certain requests for deviation from dimensional standards.

Requests for deviation from required setbacks set forth in the UDO by up to 10% of the required setbacks or 24 inches, whichever is greater, may be considered upon determination that one or more of the conditions exist as written in Section 15.6.4 of the UDO.

Variances

A variance is an authorization to do something contrary to the strict terms of the UDO such as allowing a building to encroach within a required setback area.

A. Front Setback

B. Side Setback

C. Encroachment

CHAPTER 10

Certificate of Appropriateness

The Town of Wake Forest provides special coverage for historic neighborhoods and for historic landmark structures that exist within the Town's jurisdiction. In order to provide this protection, the Town established the Historic District and Landmark Overlay District in certain parts of the Town. The purpose of these "overlay districts" is to require special restrictions and controls on properties and buildings located within these areas.

These special restrictions require that a "certificate of appropriateness" be secured for any new construction, for any alteration of the exteriors of existing buildings and for any demolition or removal of a structure or building.

There are two types of Certificates of Appropriateness (COA):

- **Minor COA**—Those exterior changes that do not involve substantial alterations, additions or removals that could impair the integrity of the property and/or historic district as a whole. These are reviewed and approved by the administrator.
- **Major COA**—Any exterior change that does not qualify for a Minor COA. These are reviewed and approved by the Historic Preservation Commission (HPC).

Major COA applications require a public hearing by the HPC to which they may approve, deny or approve with conditions. No Major COA shall be granted unless the commission finds that the application complies with the Secretary of Interior's Standards for Rehabilitation and the Wake Forest Historic District Design Guidelines.

The Wake Forest Historic Preservation Commission approves major exterior changes in the Historic District.

APPENDIX A

Administrative Agencies

THE ADMINISTRATOR

Various provisions of the Unified Development Ordinance are administered under the general direction of the town manager and under the specific direction of the planning department, public works department, engineering department, and the City of Raleigh Public Utilities Department. The planning director, the director of public works, the director of engineering and their subordinate staffs are collectively referred to as the administrator throughout the UDO. The planning department serves as the "gatekeeper" for all development applications and advises applicants on appropriate personnel to contact.

TECHNICAL REVIEW COMMITTEE

The purpose of the Technical Review Committee (TRC) is to bring key players from each town department as well as the City of Raleigh together in a meeting to discuss issues related to development and the plan review process. The TRC is composed of various members of the planning, public works, parks, recreation & cultural resources, engineering, administration, City of Raleigh Utilities, inspections and public safety departments. Most master and construction plans are reviewed by the TRC. Upon submittal of a plan to the planning department, the plans are distributed to each department and discussed at the next TRC meeting. Upon review of a plan by the TRC, a comprehensive set of staff review comments are sent to the applicant.

TRC meetings are only attended by Town of Wake Forest staff members and are held on a monthly basis.

BOARD OF COMMISSIONERS

Per the UDO, the Wake Forest Board of Commissioners shall render final decisions regarding the following permits and plans types:

- Major Site Master Plans
- Subdivision Master Plans/TND
- Special Use Permits
- Designation of Historic Landmarks/Districts
- Text Amendments
- Map Amendments/Rezoning
- Conditional District
- Vested Right

The Board of Commissioners convenes on the first and third Tuesday of each month in the Town Hall Board Room, 301 S. Brooks St. The Board's monthly work session is scheduled on the first Tuesday of each month at 5:30 p.m. The Board's regular monthly meeting is scheduled for the third Tuesday of each month at 7 p.m.

Advisory Boards

PLANNING BOARD

The purpose of the Wake Forest Planning Board is to perform studies and surveys of the present conditions and probable future development of the town and its environs, including but not limited to, studies and surveys of land use, population, traffic, parking, annexation, expansion of extraterritorial jurisdiction, etc. The Planning Board must also formulate recommendations to the board of commissioners on petitions related to zoning amendments, Special Use Permits and major site/subdivision master plans.

The Planning Board meets at 7:30 p.m. on the first Tuesday of each month, unless otherwise noted, at the Wake Forest Town Hall, 301 S. Brooks St.

BOARD OF ADJUSTMENT

The purpose of the Wake Forest Board of Adjustment is to hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, determination, or refusal made by the administrator in the carrying out or enforcement of any provision of the UDO. The Board of Adjustment may also authorize variances from the terms of the UDO that will not be contrary to the public interest and where specific written findings per Chapter 14.5.1.B of the UDO are made.

The Board of Adjustment meets at 7 p.m. the third Thursday of each month (as needed).

DESIGN REVIEW BOARD

The purpose of the Wake Forest Design Review Board is to provide additional discretionary review for developments where the Major Architectural Design Review process is applicable. The types of development subject to this review are listed in Chapter 15.8.5 of the UDO. The membership of the Design Review Board includes individuals with experience, training and demonstrated interest in design, construction, preservation, or planning for buildings, site design or landscaping.

The Design Review Board meets at 4 p.m. the second Thursday of each month (as needed).

HISTORIC PRESERVATION COMMISSION

The purpose of this commission is to safeguard the heritage of Wake Forest by preserving districts and landmarks that embody important elements of the Town's culture, history, architectural history, or prehistory and to promote the use and conservation of such districts and landmarks for the education, pleasure, and enrichment of the residents of the town, the county and the state as a whole.

The Historic Preservation Commission meets at 7 p.m. the second Wednesday of each month.

APPENDIX B

Land Use Table

Uses listed as (P) or (PS) which require an Enhanced Transportation Impact Analysis (according to Section 6.11.1) and all residential developments over 100 units are subject to the Major Site Plan Review Process established in Section 15.8.2. See *UDO Appendix C—Typical Development Review Process Chart* for more information regarding how the development process will be administered according to the use allowances established below.

	RURAL		SUBURBAN								URBAN				
USE TYPES	OS	RD	GR 3	GR 5	GR 10	NB	HB	ICD	LI	HI	UR	RMX	RA-HC	NMX	UMX
A. RESIDENTIAL															
Dwelling-Single Family	—	P	P	P	P	—	—	P	—	—	P	P	—	—	—
Dwelling-Duplex	—	—	—	P	P	—	—	P	—	—	P	P	—	—	—
Dwelling-Multifamily	—	—	—	—	P	—	—	P	—	—	PS	P	P	P	P
Dwelling-Accessory	—	PS	PS	PS	PS	—	—	PS	—	—	PS	PS	PS	PS	PS
Family Care Home (6 or fewer residents)	—	PS	PS	PS	PS	PS	—	PS	—	—	PS	PS	PS	PS	PS
Live-Work Units	—	—	—	—	PS	P	P	PS	—	—	PS	PS	PS	P	P
Manufactured Housing – Class A	—	PS	—	PS	PS	—	—	—	—	—	SUP	—	—	—	—
Manufactured Housing – Class B & C	—	SUP	—	SUP	SUP	—	—	—	—	—	—	—	—	—	—
Manufactured Home Park	—	SUP	—	—	—	—	—	—	—	—	—	—	—	—	—
Residential Care Facilities (more than 6 residents)	—	—	PS	PS	PS	PS	PS	PS	—	—	PS	PS	PS	PS	PS
B. LODGING															
Bed and Breakfast Homes (up to 8 rooms)	—	SUP	SUP	SUP	—	—	—	PS	—	—	SUP	PS	PS	PS	PS
Boarding or Room-ing House (12 or less persons)	—	—	PS	PS	—	PS	PS	PS	—	—	PS	PS	PS	PS	PS
Dormitory	—	—	—	—	—	—	—	P	—	—	—	—	—	—	—
Hotel/Inn (less than 20 rooms)	—	—	—	—	SUP	P	P	P	—	—	—	P	P	P	P
Hotel/Inn (no room limit)	—	—	—	—	—	P	P	P	—	—	—	—	P	P	P

Uses indicated in table are subject to change by text amendments. Please verify with the Wake Forest Planning Department.

	RURAL		SUBURBAN								URBAN				
USE TYPES	OS	RD	GR 3	GR 5	GR 10	NB	HB	ICD	LI	HI	UR	RMX	RA-HC	NMX	UMX
C. OFFICE/SERVICE															
ATM	—	—	—	—	—	P	P	P	P	P	—	P	P	P	P
Banks, Credit Unions, Financial Services	—	—	—	—	—	P	P	P	—	—	—	P	P	P	P
Business Support Services	—	—	—	—	—	P	P	P	P	—	—	P	P	P	P
Dry Cleaning & Laundry Services	—	—	—	—	—	P	P	P	—	—	—	P	P	P	P
Funeral Homes/ Crematoria	—	P	—	—	—	P	P	—	—	—	—	P	P	P	P
Home Occupation	—	PS	PS	PS	PS	P	P	P	—	—	PS	PS	P	P	P
Medical Clinic	—	—	—	—	—	P	P	P	—	—	—	P	P	P	P
Personal Services	—	—	—	—	—	P	P	P	—	—	—	P	P	P	P
Personal Services, Restricted	—	—	—	—	—	—	P	—	—	—	—	—	—	—	—
Post Office	—	—	—	—	—	P	P	P	—	—	—	P	P	P	P
Professional Services	—	—	—	—	—	P	P	P	—	—	—	P	P	P	P
Small Equipment Repair/ Rental	—	—	—	—	—	P	P	—	P	P	—	—	P	P	P
Veterinary Services	—	—	—	—	—	P	P	P	P	P	—	PS	PS	PS	PS
D. COMMERCIAL/ENTERTAINMENT															
Adult Establishment	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Alcoholic Beverage Sales Store	—	—	—	—	—	P	P	—	—	—	—	P	P	P	P
Amusements, Indoor	—	—	—	—	—	P	P	—	P	—	—	—	P	P	P
Amusements, Outdoor	—	—	—	—	—	—	P	—	P	—	—	—	—	—	—
Bar/Tavern	—	—	—	—	—	P	P	—	—	—	—	—	P	P	P
General Commercial	—	—	—	—	—	PS	P	P	—	—	—	PS	P	P	P
General Commercial – Use Greater than 100,000 sf	—	—	—	—	—	—	SUP	—	—	—	—	—	—	—	—
Internet Sweepstakes Facilities	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Night Club	—	—	—	—	—	P	P	—	—	—	—	—	P	P	P
Open Air Retail	—	—	—	—	—	P	P	SUP	—	—	—	PS	PS	PS	PS
Outside or Display Sales	—	—	—	—	—	PS	P	PS	—	—	—	PS	PS	PS	PS
Pawnshops	—	—	—	—	—	P	P	—	—	—	—	—	P	P	P

	RURAL		SUBURBAN								URBAN				
USE TYPES	OS	RD	GR 3	GR 5	GR 10	NB	HB	ICD	LI	HI	UR	RMX	RA-HC	NMX	UMX
Racetrack	—	—	—	—	—	—	—	—	P	P	—	—	—	—	—
Restaurant	—	—	—	—	—	P	P	P	—	—	—	P	P	P	P
Riding Stables	—	P	P	—	—	—	—	—	—	—	—	—	—	—	—
Shooting Range, Outdoor	—	SUP	—	—	—	—	—	—	SUP	SUP	—	—	—	—	—
Theater, Indoor Movie or Live Performance	—	—	—	—	—	P	P	P	—	—	—	—	P	P	P
Theater, Outdoor	—	—	—	—	—	—	P	P	—	—	—	—	PS	PS	PS
E. CIVIC															
Cemetery	PS	PS	PS	PS	PS	PS	PS	PS	—	—	PS	PS	PS	PS	PS
Civic Meeting Facilities	—	P	—	—	—	P	P	P	—	—	P	P	P	P	P
Community or Cultural Facility	—	P	P	P	P	P	P	P	—	—	P	P	P	P	P
Conference/Convention Center	—	P	—	—	—	—	P	P	—	—	—	—	—	—	P
Public Safety Station	—	SUP	SUP	SUP	SUP	P	P	P	P	P	P	P	P	P	P
Recreation Facilities, Indoor	—	P	P	P	P	P	P	P	—	—	P	P	P	P	P
Recreation Facilities, Outdoor	P	P	P	P	P	P	P	P	—	—	P	P	P	P	P
Religious Institution	—	P	P	P	P	P	P	P	—	—	P	PS	PS	PS	PS
Sports Arena/Stadium	—	—	—	—	—	—	SUP	SUP	P	—	—	—	—	—	SUP
F. EDUCATIONAL/INSTITUTIONAL															
Child/Adult Day Care Home (8 or less persons)	—	P	P	P	P	P	P	P	—	—	P	P	P	P	P
Child/Adult Day Care Center (More than 8 persons)	—	PS	—	—	—	PS	PS	PS	—	—	—	PS	PS	PS	PS
College/University	—	—	—	—	—	—	—	P	—	—	—	—	—	—	—
Community Support Facility	—	PS	PS	PS	PS	PS	P	P	—	—	PS	PS	PS	PS	SUP
Correctional Institution	—	—	—	—	—	—	—	—	SUP	SUP	—	—	—	—	—
Halfway Homes	—	—	—	—	—	SUP	—	—	—	—	—	SUP	—	SUP	—
Hospital	—	—	—	—	—	—	P	P	P	—	—	—	—	—	—
Schools – Elementary & Secondary	—	PS	PS	PS	PS	PS	PS	PS	—	—	PS	PS	PS	PS	PS
Schools – Vocational/ Technical	—	—	—	—	—	—	—	P	—	—	—	P	P	P	P
Studio – Art, dance, martial arts, music	—	—	—	—	—	P	P	P	P	—	—	P	P	P	P

	RURAL		SUBURBAN								URBAN				
USE TYPES	OS	RD	GR 3	GR 5	GR 10	NB	HB	ICD	LI	HI	UR	RMX	RA-HC	NMX	UMX
G. AUTOMOTIVE															
Drive-Thru/Drive-In Facility	–	–	–	–	–	PS	P	–	–	–	–	–	SUP	SUP	SUP
Gas/Fueling Station	–	–	–	–	–	PS	P	–	–	–	–	–	–	PS	PS
Heavy Equipment/Manufactured Home Rental/Sales	–	–	–	–	–	P	P	–	P	–	–	–	–	–	–
Parking Lot/Structure – Principal Use	–	–	–	–	–	P	P	P	P	P	–	P	P	P	P
Theater, Drive-In	–	–	–	–	–	–	P	–	P	–	–	–	–	–	–
Vehicle Rental/Leasing/Sales	–	–	–	–	–	P	P	–	P	–	–	–	–	PS	PS
Vehicle Rental – Moving Trucks	–	–	–	–	–	P	P	–	–	–	–	PS	PS	PS	PS
Vehicle Services – Minor Maintenance/Repair	–	–	–	–	–	PS	P	–	P	P	–	–	–	PS	PS
Vehicle Services – Major Repair/Body Work	–	–	–	–	–	–	P	–	P	P	–	–	–	–	–
H. INDUSTRY/WHOLESALE/STORAGE															
Industry, Light	–	–	–	–	–	–	PS	–	PS	PS	–	–	–	–	–
Industry, Heavy	–	–	–	–	–	–	–	–	–	PS	–	–	–	–	–
Landfill	–	–	–	–	–	–	–	–	–	SUP	–	–	–	–	–
Light Manufacturing Workshops	–	–	–	–	–	P	P	–	P	P	–	P	P	P	P
Materials Recovery & Waste Transfer Facilities	–	–	–	–	–	–	–	–	SUP	PS	–	–	–	–	–
Recycling Collection Stations	–	–	–	–	–	PS	PS	PS	PS	PS	–	–	–	–	–
Storage - Outdoor Storage Yard	–	–	–	–	–	–	P	–	P	P	–	–	–	–	–
Storage – Self-Service	–	–	–	–	–	PS	PS	–	P	P	–	–	–	–	–
Storage – Warehouse, Indoor Storage	–	–	–	–	–	–	–	–	P	P	–	–	–	–	–
Wholesaling and Distribution	–	–	–	–	–	–	–	–	P	P	–	–	–	–	–
I. AGRICULTURE															
Animal Production	–	SUP	SUP	–	–	–	–	–	–	–	–	–	–	–	–
Backyard Pens/Coops	–	P	PS	PS	PS	PS	PS	PS	–	–	PS	PS	PS	PS	PS
Nurseries & Garden Centers	P	P	P	P	–	–	–	P	–	–	–	–	–	–	–

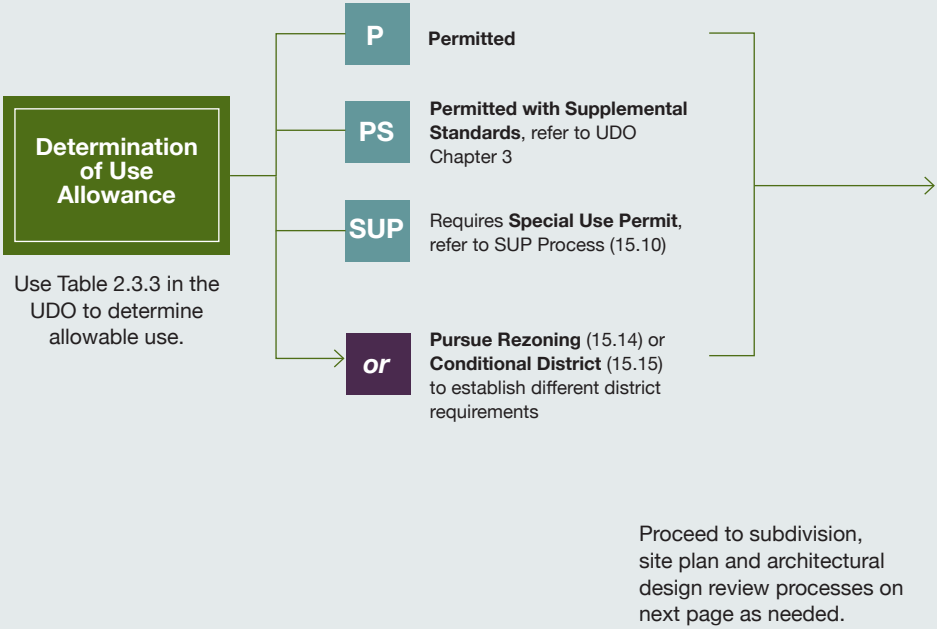
	RURAL		SUBURBAN								URBAN				
USE TYPES	OS	RD	GR 3	GR 5	GR 10	NB	HB	ICD	LI	HI	UR	RMX	RA-HC	NMX	UMX
Gardens (community and private)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Kennels, Outdoor	—	SUP	—	—	—	—	PS	—	P	P	—	—	—	—	—
Produce Stands	—	PS	PS	PS	PS	PS	PS	PS	—	—	PS	PS	PS	PS	PS
Swine Farms	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
J. INFRASTRUCTURE															
Airstrip	—	SUP	SUP	—	—	—	—	—	SUP	SUP	—	—	—	—	—
Wireless Telecommunications Tower	—	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP
Wireless Telecommunications Facility (non-tower)	—	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS
Utilities – Class 1	—	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Utilities – Class 2	—	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Utilities – Class 3	—	—	—	—	—	—	—	—	P	P	—	—	—	—	—
K. OTHER															
Temporary Uses	See Section 4.7 for Specific Provisions														

APPENDIX C

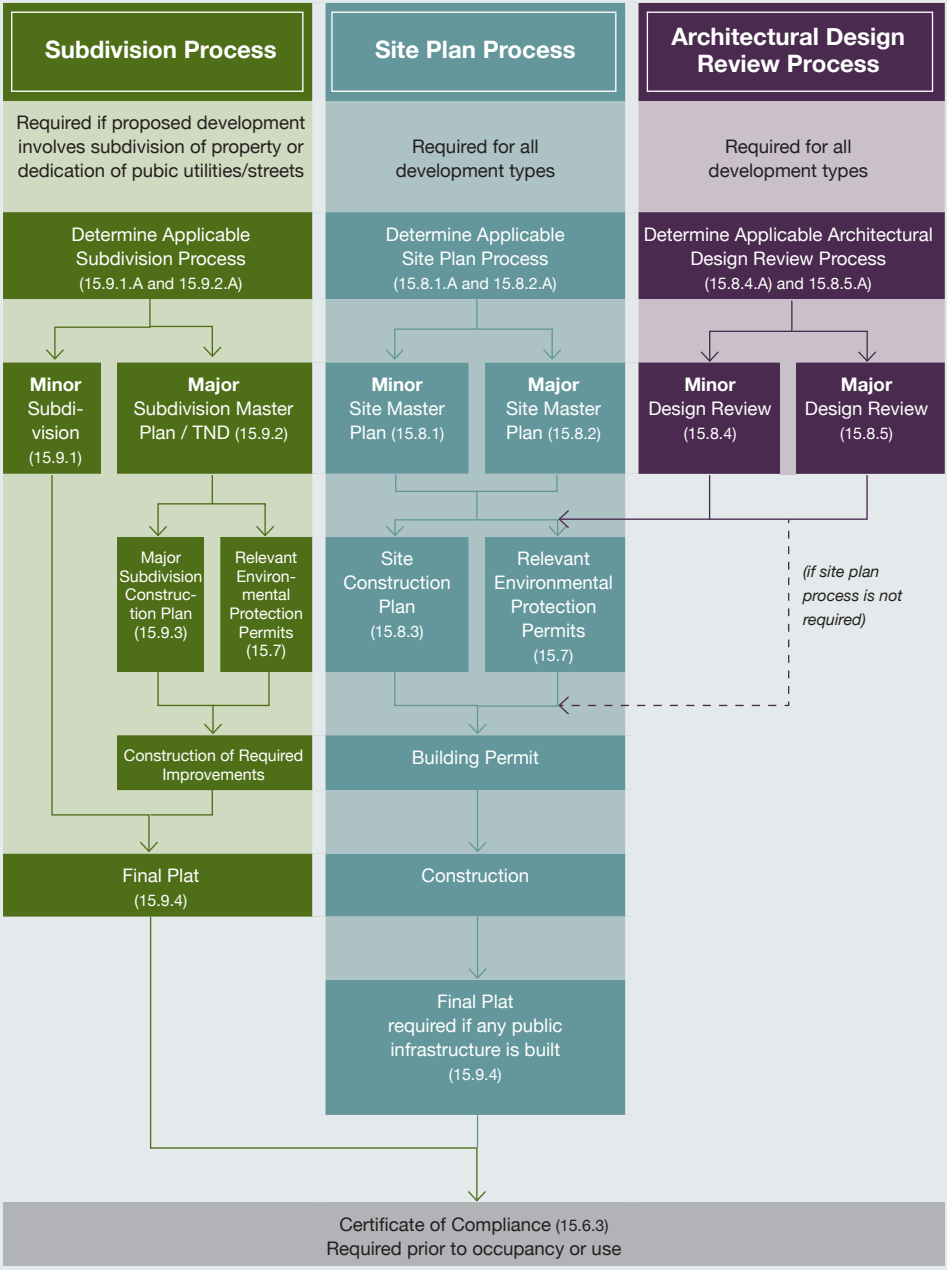
Development Review Process Flow Chart

The charts on these pages illustrate the typical development review process that most projects in the Town of Wake Forest will follow. It is not intended to be inclusive of all the application/approval processes that may be required in every instance. For specific information regarding what application/approval processes are required, contact the planning department.

Development Review Process



The following processes may run concurrently depending on the nature of the project. See the administrator for more details.



APPENDIX D

Glossary of Commonly Used Planning Terms

ACCESSORY USE OR STRUCTURE. A use or structure that is clearly incidental to and customarily found in connection with a principal building or use, is located on the same parcel and serves a principal building or use, and is subordinate in area, extent and purpose to the principal building or principal use served.

BED AND BREAKFAST HOMES (UP TO 8 ROOMS). A private home containing not more than eight guest rooms that offers bed and breakfast accommodations to guests.

BUFFER. A combination of physical space and vertical elements, such as plantings or fencing, used to separate and screen incompatible land uses from each other.

BUFFERYARD. The area of a required buffer in which plantings or other screening elements are to be located.

BUILDING. Any structure built for support, shelter or enclosure for any occupancy or storage.

CHANGE OF USE. For the purposes of this UDO only this term shall mean any alteration in the use of a lot or structure which, in the determination of the Administrator, changes the primary use of such lot or property from one use type listed in the Use Table in Section 2.3.3 to another use type.

CONDITIONAL DISTRICT. A zoning district with condition(s) voluntarily added by an applicant and approved in a legislative procedure by the board of commissioners in accordance with NCGS 160A-382.

CONSTRUCTION PLANS. A full and complete set of engineered drawings necessary for final permitting and construction.

CORNER LOT. A lot which abuts the right-of-way of two streets at their intersection.

DEVELOPMENT. Any land disturbing activity which adds to or changes the amount of impervious or partially pervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil, other than rebuilding activity that does not qualify as redevelopment.

DWELLING-ACCESSORY. A dwelling unit either detached or attached, such as a garage apartment or cottage, located on a lot with an existing single-family dwelling.

DWELLING-DUPLEX. A two-unit building that is divided horizontally or vertically, and each unit has a separate entrance from the outside or through a common vestibule.

DWELLING-MULTIFAMILY. A building, or portion thereof, containing three or more dwelling units on a single lot where each unit has a separate entrance from the outside or through a common vestibule. A multifamily structure where dwelling units are available for lease or rent for less than one month shall be considered lodging.

DWELLING-SINGLE FAMILY. A freestanding building designed for and/or occupied by one household. These residences may be individually owned as residences or residences owned by rental or management companies. Also includes factory-built, modular housing units that comply with NC State Building Code.

EASEMENT. A grant of one or more of the property rights by the property owner for limited use of private land for a public or quasi-public purpose and within which the owner of the property shall not erect any permanent structures except when authorized by the town.

FAMILY CARE HOME (6 OR FEWER RESIDENTS). A home with support and supervisory personnel that provides room and board, personal care and rehabilitation services in a family environment for not more than six resident handicapped persons and is certified by the State of North Carolina. (NCGS 168-21)

GREENWAY. A linear natural preserve available for free and unstructured recreation to the general public. This term is not meant to be inclusive of required pedestrian/bicycle connections from adjacent development to greenways.

HOME OCCUPATION. An occupation or profession conducted within a dwelling unit or accessory building by a residing family member that is incidental to the primary use of the dwelling as a residence. Home Occupations are small and quiet non-retail businesses generally invisible from the frontage, seldom visited by clients, requiring little parking, little or no signage, and having only one or two employees and provide services such as professional services, music instruction, and hair styling. Home Occupations include produce stands and day care centers where daytime care is provided to less than six children who are not the legal wards or foster children of the attendant adult within an owner-occupied residence.

IMPERVIOUS SURFACE. Impervious surface area includes any material which reduces and/or prevents absorption of storm water. This includes but is not limited to, buildings, roads, pavement, gravel surfaces, etc.

MAJOR SUBDIVISION. Any subdivision of land into four or more lots, or which requires the dedication of public utilities and/or public streets.

MINOR SUBDIVISION. Any subdivision of land into three or fewer lots which does not require the dedication of public utilities and/or public streets.

MANUFACTURED HOUSING. A structure that: (a) consists of a single unit completely assembled at the factory or of multiple principal components totally assembled at the factory and joined together at the site; (b) is designed so that the total structure (or in the case of a double-wide or triple-wide, each component thereof) can be transported on its own chassis; (c) is over 40 feet long and over 10 feet wide; and, (d) is originally designed for human occupancy and provides complete, independent living facilities for one family when connected to required utilities.

MANUFACTURED HOUSING-CLASS A. A manufactured home constructed after July 1, 1998 that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development authorized under the National Manufactured Housing Construction and Safety Standards Act of 1974 that were in effect at the time of construction, and has a HUD label attached.

MANUFACTURED HOUSING-CLASS B. A double-wide manufactured home constructed to meet or exceed the construction standards promulgated by the US Department of Housing and Urban Development authorized under the National Manufactured Housing Construction and Safety Standards Act of 1974 that were in effect at the time of construction and has a HUD label attached, but does not meet the criteria of a Class A Manufactured Home.

MANUFACTURED HOME-CLASS C. A single-wide manufactured home constructed to meet or exceed the construction standards promulgated by the US Department of Housing and Urban Development authorized under the National Manufactured Housing Construction and Safety Standards Act of 1974 that were in effect at the time of construction and has a HUD label attached.

NEIGHBORHOOD PARKS. Improved space set aside for public use and recreation that is comprised of one or more of the following typologies (as outlined in Section 7.5.1): Park/Greenway, Green, Square, Playground, and Community Garden.

NONCONFORMITY. A lot, structure, or land use that is inconsistent with current regulations, but which was entirely lawful when it was originally established.

OVERLAY DISTRICT. A zoning district that applies development standards in addition to the requirements of the underlying or "base" zoning district.

RESIDENTIAL CARE FACILITIES. A staffed premises (not a single-family dwelling) with paid or volunteer staff that provides full-time care to more than six individuals. Residential care facilities include group homes (NCGS §131D), nursing homes (NCGS § 131E-101), residential child-care facilities (NCGS § 131D-10.2), assisted living residences (NCGS § 131D-2), adult care homes (NCGS §131D-2), retirement housing, congregate living services, assisted living services, continuing care retirement centers, skilled nursing services and orphanages. This term excludes family care homes and halfway houses.

REZONING/MAP AMENDMENT. An amendment to the official zoning map to move property from one zoning district to another district.

SETBACK (MINIMUM). 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.

SIGN. Any device, fixture, placard or structure that uses any color, form, graphic, illumination, symbol or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

SITE PLAN. A plan and/or review process for any type of development or building activity on a wparticular parcel or parcels of land.

SPECIAL FLOOD HAZARD AREA (SFHA). The land in the floodplain subject to a 0.2% or greater chance of being flooded in any given year based on current conditions hydrology.

SPECIAL USE PERMIT. A permit required for a use that is allowed in a particular zoning district only if conditions specified in the ordinance are met.

SUBDIVISION. All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale, or building development (whether immediate or future) and shall include all divisions of land involving the dedications of a new street or a change in existing streets.

TEMPORARY USE. A land use on an individual parcel or site established for a limited and fixed period of time for a purpose which may not normally be permitted in a zoning district, or which does not meet all zoning requirements, but which is necessary in special situations.

VARIANCE. An authorization to do something contrary to the strict terms of an ordinance, such as building a structure inside a required setback.

TOWN *of*
WAKE FOREST