Town of Wake Forest

UNIFIED DEVELOPMENT ORDINANCE

DRAFT for Public Review
October 12, 2026

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1 GENERAL PROVISIONS

1.1 Title and Authority

A. This ordinance, effective as of March 1, 2027, shall be known and may be cited as the Unified Development Ordinance of the Town of Wake Forest, North Carolina. This Ordinance may also be known and referred to as "the UDO" or "this UDO".

B. This UDO is adopted pursuant to the authority granted by the North Carolina General Statutes (NCGS), including primarily NCGS §160A and §160D and other provisions in NCGS, the Town Charter, and local legislation that grant specific authority to the Town to regulate land use and development.

1.2 Purpose

This UDO is adopted in accordance with the Comprehensive Plan in order to:

A. Support a balanced mix of uses that create attractive residential areas, well-paying employment opportunities, and an abundance of recreation options;

B. Continue efforts to revitalize and extend Downtown into a lively, pedestrian-friendly center of civic activity that provides places to eat, shop, and enjoy outdoor public gathering spaces;

C. Enhance and maintain the Town's green space and tree canopy as growth occurs to protect the natural environment;

D. Establish a well-connected public transit system that improves access to regional and local destinations while supporting transit-oriented development;

E. Reinvest in established neighborhoods, preserve historic assets, and ensure the quality design of future development to maintain Wake Forest's unique charm and desirability as a place to live;

F. Ensure Wake Forest provides a range of housing choices for residents of all income levels, stages of life, and abilities;

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G. Establish a highly-connected network for active modes of transportation to ensure residents can safely and conveniently travel between their neighborhoods, shopping areas, and other community destinations without a car;

H. Prioritize infill development and ensure the necessary infrastructure is in place to support future growth; and

I. Support small businesses, innovative industries, and diverse employment opportunities to strengthen the Town's tax base and increase its job, retail, and service options.

1.3 Applicability

1.3.1. Jurisdiction

All lands within the corporate limits of the Town and the Town's extraterritorial jurisdiction, as identified on the Zoning Map, are subject to this UDO.

1.3.2. Application to Government Units

To the extent allowed by NCGS §160D-913 and other applicable laws, this UDO shall apply to any development, subdivision, land, building, structure, or use by Town, county, state, or federal agencies on lands subject to this UDO. Where this UDO does not control, such agencies are encouraged to meet the provisions of this UDO.

1.3.3. Exemptions

The following forms of development and activities are exempted from the requirements of this UDO, except for lot and subdivision standards in accordance with Chapter 4 and erosion and sedimentation control, flood damage prevention, stormwater management, watershed protection, and watercourse buffer area standards in accordance with Chapter 12:

A. Agricultural or agritourism related activities taking place in the Town's extraterritorial jurisdiction on a bona fide farm or on land taxed under the present use value standard in accordance with NCGS §160D-903,

B. Beehives located in the Town's extraterritorial jurisdiction in accordance with NCGS §106-645,

C. Forestry activities taking place on a bona fide farm or on land taxed under the present use value standard provided that the forestry activities follow a forestry management plan approved in accordance with NCGS §160D-921, and

D. State property and projects in Wake County to the minimum extent required by NCGS §160D-913.

1.4 Consistency with Adopted Plans and Policies

1.4.1. Implementation of Comprehensive Plan

This UDO is intended to implement the Comprehensive Plan. Amendments to this UDO should be consistent with the Comprehensive Plan. If the Comprehensive Plan is amended, this UDO should be amended as necessary to ensure consistency with the amended Comprehensive Plan.

1.4.2. Amendments to Comprehensive Plan

The Comprehensive Plan shall be amended when a rezoning is approved that is inconsistent with the Comprehensive Plan in accordance with NCGS §160D-605.

1.4.3. Variations to Comprehensive Plan

Specific alignments, locations, or areas of public facilities noted in any adopted plan may be varied on a site-by-site basis as requested by the applicant or the Administrator, provided the integrity of the proposed network and connections, location, or area shown in the plan are maintained.

1.5 Zoning Map

The Zoning Map is hereby incorporated into and made part of this UDO. The Administrator shall maintain the Zoning Map in accordance with Section 16.3.1.

1.6 Required Compliance with all Applicable Laws

No structure, land, or use of a structure or land shall, after the effective date of this UDO, be established, located, subdivided, extended, converted, altered, developed, or disturbed in any way without full compliance with all applicable requirements of this UDO.

1.6.1. No Land Developed or Subdivided

Unless exempted, no land shall be developed or subdivided without compliance with this UDO and all other applicable Town, State, and federal regulations.

1.6.2. No Grading or Excavation

Unless exempted, no land shall be cleared, graded, filled, or excavated without compliance with this UDO and all other applicable Town, State, and federal regulations.

1.6.3. No Removal of Trees

Unless exempted, no existing trees shall be removed without compliance with this UDO and all other applicable Town, State, and federal regulations.

1.6.4. No Use or Occupancy

No person shall use, occupy, or divide any land or a building or authorize or permit the use, occupancy, or division of land or a building under their control, except in accordance with this UDO and all other applicable Town, State, and federal regulations.

1.6.5. No Building Constructed

No building or structure, or portion thereof, shall be erected, used, occupied, maintained, moved, or altered except in conformity with this UDO and all other applicable Town, State, and federal regulations.

1.6.6. No Sale or Transfer

No lots in a subdivision may be sold or titles to land transferred until all the requirements of this UDO have been met, except as authorized by NCGS §160D-807.

1.7 Transitional Provisions

1.7.1. Pending Applications

A. **At Initial UDO Adoption**
Where an application for a development approval or permit was accepted as complete before the date of adoption of this UDO and a final decision on the application was not made before that date, the applicant may choose which regulations shall apply to the application, either the regulations in effect at the time the application was accepted as complete or this UDO in its entirety. If the applicant chooses this UDO in its entirety, a final decision shall not be made on the application until after the effective date of this UDO.

B. **At Initial UDO Effective Date**
Where an application for a development approval or permit was accepted as complete before the effective date of this UDO and a final decision on the application was not made before that date, the applicant may choose which regulations shall apply to the application, either the regulations in effect at the time the application was accepted as complete or this UDO in its entirety.

C. **Subsequent Amendments**
After the effective date of this UDO, where an application for a development permit, as defined in NCGS §143-755(e)(2), has been accepted as complete and, either before a final decision on the application is made or after a development permit decision has been challenged and found to be wrongfully denied or illegal, this UDO is amended, the applicant may choose which regulations shall apply to the application.

D. **Multiple Permits for Development Project**
Where multiple development approvals or permits are required to complete a development project, the applicant's choice under Sections A, B, or C in this Section 1.7.1, shall apply to subsequent development approval or permit applications filed for the project within 18 months of the approval date of the initial approval or permit. For purposes of this Section D, neither an erosion and sedimentation control permit nor a Zoning Compliance Permit for a sign shall be considered an initial development approval or permit. This 18-month period shall not be construed to limit or affect the duration of any vested right established under Section 1.7.2.

1.7.2. Previously Granted Approvals – Vested Rights

A. General Provisions

1. This Section 1.7.2 is intended to implement NCGS §160D-108 and NCGS §160D-108.1 with respect to the establishment of vested rights for landowners or applicants who have received a development approval from the Town.
2. As used in this UDO, a vested right is defined as the right to undertake and complete the development and use of land under the terms and conditions of a development approval issued by the Town. Where a vested right is established, amendments of the UDO occurring within the vesting period shall not be applicable or enforceable regarding the vested approval, except as otherwise provided in NCGS §160D-108, NCGS §160D-108.1, or other applicable provisions of state or federal law.
3. Each type of vested right listed below is defined by and subject to the limitations provided in this Section 1.7.2 and the cited sections of NCGS. Vested rights established under this Section 1.7.2 are not mutually exclusive.
4. A person claiming a vested right may submit information to substantiate that claim to the Administrator, who shall make an initial determination as to the existence of the vested right in accordance with Section 16.6.9. The Administrator's determination may be appealed in accordance with Section 16.7.1. On appeal, the existence of the vested right shall be reviewed de novo. In lieu of seeking such a determination, a person claiming a vested right may bring an original civil action as provided by NCGS §160D-1403.1.

B. Common Law Vested Rights

1. A common law vested right establishes the right to undertake and complete the development and use of property on substantial expenditures in good faith reliance on a valid governmental approval.
2. A request for a determination of a common law vested right shall follow the Interpretations process established in Section 16.6.9.
3. The applicant shall provide satisfactory proof that each of the following standards are met in order to establish a common law vested right:
   a. Prior to the adoption or amendment of an ordinance, the applicant made substantial expenditures of time, effort, or money on a proposed development;
   b. The expenditures were incurred in good faith;
   c. The expenditures were made in reasonable reliance on and after the issuance of a valid governmental permit, if such permit is required; however, a mistakenly-issued governmental permit shall not give rise to a common law vested right; and
   d. The amended or newly adopted ordinance is a substantial detriment to the applicant.

C. Statutory Vested Rights

1. **Development Permit for Building, Use, or Subdivision**
   a. Approval of a development permit, as defined under NCGS §143-755(e)(2), for a building, use of a building, use of land, or subdivision of land shall establish a statutory vested right, which shall entitle the permit holder to proceed with development in accordance with the approved permit, subject to the following limitations:
      i. A development permit is valid for one year after issuance, unless otherwise specified in this UDO, and the applicant is vested in that permit for the term of validity. If the applicant fails to substantially commence authorized work within that period of validity, then the development permit and vesting expire.
      ii. Vesting shall continue provided there is a substantial commencement of authorized work under a valid development permit.
      iii. The development permit and vesting shall expire after substantial work commences if there is a period of 24 consecutive months of intentional and voluntary discontinuance of work, subject to any automatic tolling of this 24-month period in accordance with NCGS §160D-108.
2. **Site-Specific Vesting Plan**
   a. This Section 2 provides for a vested right to be established with respect to a site-specific vesting plan, as defined in Section 18.24, in accordance with NCGS §160D-108.1. If established, the vested right shall remain vested for a period of

five years; however, the Board of Commissioners may establish a vesting period of up to eight years in accordance with Section 16.8.8.

b. A site-specific vesting plan shall bear the following note, including the applicable expiration date: "Approval of this plan shall be recognized as having established a zoning vested right under Section 160D-108.1 of the North Carolina General Statutes, as amended, upon approval of a Vested Rights Certificate by the Board of Commissioners. Unless terminated at an earlier date, the vested right shall be valid until _____(date)."

c. A right vested under this Section 2 shall terminate at the end of the applicable vesting period with respect to buildings or uses for which no valid building permit applications have been filed. For building permits issued during the vesting period, the provisions of NCGS §160D-1111 and NCGS §160D-1115 shall apply, except that the permit shall not expire or be revoked because of the running of time while a vested right under this Section 2 exists.

d. A vesting established under this Section 2 shall not be extended by the approval of an amendment or modification of a site-specific vesting plan unless a Vested Rights Certificate explicitly extending the vesting period is approved in accordance with Section 16.8.8.

e. The establishment of a vested right under this Section 16.8.8 shall not preclude, change, or impair the adoption or enforcement of regulations governing nonconformities.

3. **Multi-Phased Development**

a. This Section 3 provides for a vested right to be established with respect to a multi-phased development in accordance with NCGS §160D-108. For the purposes of this Section 3, a multi-phased development shall be any development that:

i. Contains at least 25 acres;

ii. Is submitted for development permit approval to occur in more than one phase; and

iii. Is subject to a master development plan with committed elements required by the application checklist, showing the type and intensity of use of each phase.

b. All phases of the multi-phased development shall become vested at the time approval is granted for the initial phase of the multi-phased development and shall remain vested for a period of seven years from that time.

1.8 Applicability of Standards to Existing Development

Developments that were legally established prior to the adoption of this UDO may continue in place in accordance with the Town regulations in effect when the development was established, including any terms of approval, until such time as new development (see Section 18.19) occurs, or until a change of use or redevelopment causes the standards in this UDO to become applicable to the development in accordance with Table 1-1. Any UDO standards not listed in Table 1-1 shall apply to redevelopment and changes of use as specified in the applicability provisions in the various chapters of this UDO.

Table 1-1: Applicability of Standards to Existing Legally Established Development [1]

Key
■ = the development in its entirety must be made to comply with the specified standards
○ = that portion of the development where development activities are proposed or where proposed development activities would directly impact the regulated site feature must be made to comply with the specified standards [2]
blank cell = no additional compliance with the specified standards is required

Standards	Type of Development [3]			
	Change of Use	Minor Redevelopment	Intermediate Redevelopment	Major Redevelopment
Chapter 2 Zoning District & Dimensional Standards				
As specified in Section 2.2				
Chapter 3 Use Regulations				
As specified in Section 3.2				
Chapter 4 Lot & Subdivision Standards				
As specified in Section 4.2				
Chapter 5 Building Design Standards				
As specified in Section 5.2				
Chapter 6 Open & Community Space Standards				
6.3 General Open and Community Space Standards			○	■
6.4 Open Space Area Standards			○	■
6.5 Community Space Area Standards			○	■
6.6 Open and Community Space Improvement Standards			○	■
6.7 Cemetery Protection Standards	○	○	○	○
Chapter 7 Tree Preservation, Buffers, & Landscaping Standards				
7.3 Tree Canopy Coverage and Protection	○		○	■
7.4 Perimeter Buffers	■		○ [4]	■
7.5 Street Buffers	○		○	■
7.6 Building Foundation Landscape	○	○	○	■
7.7.2 Parking Area Perimeter Landscape		○	■	■
7.7.3 Parking Area Interior Landscape		○	○	■
7.8 Street Trees	○	○	■	■
7.9 Residential Lot Landscape			○	■
Chapter 8 Fence, Wall, & Screening Standards				
8.3 Fence and Wall Standards	■	■	■	■
8.4 Retaining Walls and Wall Systems	■	■	■	■
8.5 Berms	■	■	■	■
8.6 Screening	○	○	○	■
Chapter 9 Access & Circulation				
9.3 Transportation Impact Analysis	■	■	■	■
9.4 Comprehensive Transportation Plan Improvements, other than right-of-way dedication or sidewalk or multi-use path installation (see Section 9.4.2 below)		○	○	■
9.4.2 Right-of-way dedication		○	■	■
9.4.2 Sidewalk or multi-use path installation		○	■	■
9.5 Roadway Design	○	○	○	■

Table 1-1: Applicability of Standards to Existing Legally Established Development [1]

Key
■ = the development in its entirety must be made to comply with the specified standards
○ = that portion of the development where development activities are proposed or where proposed development activities would directly impact the regulated site feature must be made to comply with the specified standards [2]
blank cell = no additional compliance with the specified standards is required

Standards	Type of Development [3]			
	Change of Use	Minor Redevelopment	Intermediate Redevelopment	Major Redevelopment
9.6 Internal Drives			○	■
9.7 Vehicle Parking	○	○	○	■
9.8 Loading	■	○	○	■
9.9 Driveways	■	○	○	■
9.10 Vehicle Stacking	■	○	○	■
9.11 Bicycle Parking	■	○	○	■
9.12 Sidewalks, Multi-Use Paths, Greenways, and Pedestrian Walkways	■	○	■	■
9.13 Public Transit Improvements	■	■	■	■
Chapter 10 Lighting Standards				
10.3 Design Standards	○			■
10.4 Specific Lighting Type Standards, not including Section 10.4.7	○	○	○	○
10.4.7 Street Lighting	■		■	■
10.5 Prohibited Lighting	■	■	■	■
Chapter 11 Utilities, Services, & Impact Fees				
11.3 Utilities, not including Section 11.3.4	■	■	■	■
11.3.4 Underground Wiring	○	○	○	■
11.4 Easements	■	■	■	■
11.5 Waste Management	■	■	■	■
11.6 Community Service Facility Fees	■	■	■	■
Chapter 12 Natural Resource Protection Standards				
As specified in Section 12.2				
Chapter 13 Sign Standards				
All Chapter 13 Standards [5]	■	○	○	■
Chapter 14 Performance & Maintenance				
As specified in Section 14.2				

Table 1-1: Applicability of Standards to Existing Legally Established Development [1]				
Key **■ = the development in its entirety must be made to comply with the specified standards** **○ = that portion of the development where development activities are proposed or where proposed development activities would directly impact the regulated site feature must be made to comply with the specified standards [2]** **blank cell = no additional compliance with the specified standards is required**				
Standards	**Type of Development [3]**			
	Change of Use	**Minor Redevelopment**	**Intermediate Redevelopment**	**Major Redevelopment**

Notes

[1] If full compliance with the specified standards as established in this table is not possible because there is insufficient developable area, the change of use or redevelopment shall comply with the standard to the maximum extent practicable. Requirements in this UDO pertaining to maintenance and operations shall apply regardless of whether the development was established in accordance with this UDO.

[2] For example, assume an application for development meeting the definition of "minor redevelopment" is submitted for an existing commercial site. Proposed changes to the site include an expansion of the parking lot and the installation of a new fence on the perimeter of the site. As set out in this table, minor redevelopment must comply with the Section 9.7 vehicle parking standards for the parking lot area where the new spaces are proposed. This would include parking lot landscaping, drive aisle and parking space dimensions, etc. If the additional spaces, in combination with existing spaces, would exceed the maximum number of spaces allowed, the number of new spaces would need to be reduced to comply with the maximum number, or an adjustment to the maximum would need to be requested (see Section 9.7.3). As set out in this table, the new fence would need to comply with the standards for fences and walls in Section 8.3.

[3] See the definitions of these terms in Section 18.23. If the proposed development falls under multiple development types, such as a change of use and a minor redevelopment, the applicable requirement imposing the greatest degree of conformity with the standards shall control.

[4] To best accomplish the purpose of the Chapter 7 standards, the Administrator may require the perimeter buffer to be established adjacent to the area of expansion or an alternative configuration dispersing perimeter buffer landscaping along the site perimeter buffer area.

[5] The applicability of the requirements in this table shall be subject to NCGS §160D-912.1. Replacement of sign copy shall not, by itself, be considered a modification of, or direct impact to, the sign. If a sign that was not erected in accordance with this UDO is damaged, it may be reconstructed only if the following criteria are met: 1) the damage is less than 50 percent of the sign's assessed value; 2) a Development Permit for the reconstruction is obtained within 90 days after the date of the damage; and 3) the sign is reconstructed as it was previously lawfully erected, with no increase in any inconsistency with the standards in this UDO.

1.9 Conflicting Provisions

1.9.1. Relationship to Other Regulations and Agreements

A. Except as hereinafter provided, this UDO shall not be deemed to interfere with, abrogate, annul, or otherwise affect in any manner whatsoever any easement, covenants, or other agreements between parties. However, where the regulations of this UDO are more restrictive or impose higher standards or requirements than an easement, covenant, or other private agreement, then the requirements of this UDO shall govern. Unless deed restrictions, covenants, or other contracts directly involve the Town as a party in interest, the Town shall have no administrative responsibility for enforcing deed restrictions or covenants.

B. Where the requirements of this UDO are in conflict with other requirements of laws of the United States or the State of North Carolina, or with lawfully adopted Town rules, regulations, ordinances, or with overlay district regulations as specified in Section 2.3.4, the most restrictive requirement shall govern. The most restrictive provision is the one that imposes the greatest restrictions or burdens or the most stringent controls.

1.9.2. Authorized Deviations

Deviations from UDO requirements, such as an approved Administrative Modification, Planned Development Rezoning, Variance, Waiver or alternative form of compliance that are authorized by and established in accordance with this UDO shall control and shall not be considered to conflict with other more restrictive standards in this UDO.

1.10 Severability

1.10.1. UDO Severability

If a court of competent jurisdiction determines any section, sentence, clause, or phrase of this UDO to be invalid for any reason, such determination shall not affect the validity of the remaining portions of this UDO.

1.10.2. Development Permit Conditions Severability

If a court of competent jurisdiction holds any condition attached to a development permit or approval granted in accordance with this UDO to be invalid for any reason, such judgment shall not affect the validity of any other conditions of the permit or approval not specifically included in the judgment.

1.10.3. Interpretation Severability

If a court of competent jurisdiction invalidates the application of any provision of this UDO to a development, such judgment shall not affect the application of that provision to any other development not specifically included in the judgment.

1.10.4. Lawful Presumption

There shall be a conclusive presumption when a review authority authorizes regulatory action, that the review authority would not have authorized the action except in the belief that such action was lawful.

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2.8 Residential Infill Development
2.9 Housing Affordability Incentives

2 ZONING DISTRICT & DIMENSIONAL STANDARDS

2.1 Purpose

The purpose of this Chapter is to establish the zoning districts of the Town including their purposes, dimensional standards, and allowed encroachments, in order to accomplish the general purposes of this UDO.

2.2 Applicability

All development and use of lands shall comply with this Chapter, based on the zoning district boundaries on the Zoning Map.

2.3 Establishment of Zoning Districts

2.3.1. Base Districts

Each base zoning district prescribes a set of uniform development regulations for a defined geographic area. Table 2-1 identifies the base districts that are established by this UDO.

Table 2-1: Base Zoning Districts
General Residential (GR)
Northeast Community Residential (NCR)
Mixed-Use Residential (MUR)
Transit Supportive Residential (TSR)
Downtown (DT)
Activity Center (AC)
Neighborhood Business (NB)
Corridor Business (CB)
Civic and Institutional (CI)
Industrial (IND)
Parks and Open Space (OS)

2.3.2. Conditional Districts

A. Conditional Districts are denoted with "CD" following a base district designation (for example, "NB-CD"). Each Conditional District is subject to the requirements of the designated base district and to district-specific conditions that are established in the legislative action creating the Conditional District. See Section 16.8.6 for the procedures required to establish a Conditional District.

B. The conditions in a Conditional District must be agreed to by the Board of Commissioners and the landowner. To create stronger community compatibility, ensure conformity with the Comprehensive Plan, and minimize potential impacts on surrounding uses, any conditions modifying the standards of this UDO must result in Conditional District standards that are more stringent than the UDO standards.

2.3.3. Planned Unit Development Districts

A. Planned Unit Development (PUD) Districts provide flexibility to establish standards specific to each PUD that deviate from the standards of this UDO, in order to accommodate innovative design and development practices that would not otherwise be achievable. In exchange for that flexibility, a PUD should provide higher quality development and more community benefits than would otherwise be required. See Section 2.4.12 for PUD District requirements and Section 16.8.6 for the procedures required to establish a PUD District.

B. The standards for each PUD District are established in the legislative action creating the PUD District. PUD District standards that modify the standards of this UDO may be more and/or less restrictive than the UDO standards.

2.3.4. Overlay Districts

Overlay Districts prescribe a set of development regulations for a defined geographic area that apply in addition to or instead of the underlying base, PUD, or Conditional District regulations. Where the Overlay District regulations are different from the underlying district regulations, the Overlay District regulations control. Table 2-2 identifies the Overlay Districts established by this UDO.

Table 2-2: Overlay Zoning Districts

Local Historic Overlay (LH-O)
Mill Village Overlay (MV-O)
Transit Oriented Development Overlay (TOD-O)
Watershed Protection Overlay (WP-O)

2.4 Base Zoning Districts

The purpose and standards of each base zoning district are set out in this Section 2.4.

2.4.1. General Residential (GR)

A. **Purpose**
The General Residential District is established to accommodate a range of housing types that supports the traditional single-family character and form of Wake Forest's established residential neighborhoods. Infill housing, including single-family detached, duplexes, cottage courts, townhomes, triplexes, and quadplexes, should complement existing single-family detached housing and provide appropriate transitions that preserve the character of existing neighborhoods including massing, orientation, and scale.

B. **Dimensional Standards**
The dimensional standards for the GR District are established by use type in Table 2-3.

C. **Cross References**
Dimensional standards in Table 2-3 may be superseded by other UDO standards, where applicable, such as those in Section 2.5 Overlay Zoning Districts; Section 2.7 Viewshed Protection, Transitions, & Step Backs; Section 2.8 Residential Infill Development; Section 2.9 Housing Affordability Incentives; Chapter 3 Use Regulations; Chapter 5 Building Design Standards; Section 7.4 Perimeter Buffers; Section 7.5 Street Buffers; and Chapter 12 Natural Resource Protection Standards.

Table 2-3: GR District Dimensional Standards

	Duplex, Single-Family Detached, Manufactured Home		Triplex / Quadplex		Cottage Court		Townhome		Other Allowed Uses
Lot Standards									
Lot Area, Minimum (sq ft)	7,000		10,000		20,000 [1]		2,200		20,000
Lot Width, Minimum (ft) [2]	50		50		100 [1]		22		150
Yard Setbacks									
	w/ Alley	w/o Alley	w/ Alley	w/o Alley	w/ Alley	w/o Alley	w/ Alley	w/o Alley	w/ or w/o Alley
Front, Minimum (ft)	10	20	10	20	10	20	10	20	20
Front, Maximum (ft)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Street Side, Minimum (ft)	20	20	20	20	20	20	20	20	20
Capital Boulevard, Minimum (ft) [3]	100	100	100	100	100	100	100	100	100
Interior Side, Minimum (ft)	8	8	10	10	5	5	8 [4]	8 [4]	10
Rear, Minimum (ft)	20	25	20	25	20	15	20	25	25
Building Standards									
Height, Maximum (ft)	35		24		24		35		35
Building Coverage, Maximum (%)	n/a		n/a		n/a		n/a		n/a

Notes

[1] See Cottage Court Supplemental Standards (Section 3.4.2.A) for additional dimensional standards.

[2] If lot width is less than 50 feet, alley access or shared driveway access to rear loaded garage(s) or parking area(s) is required.

[3] An administrative adjustment may be allowed based on NCDOT recommended alternatives for Capital Boulevard North upgrade.

[4] Setback shall be 0 feet if fire rated partition wall provided.

Figure 2-1: GR Dimensional Standards - With Alley

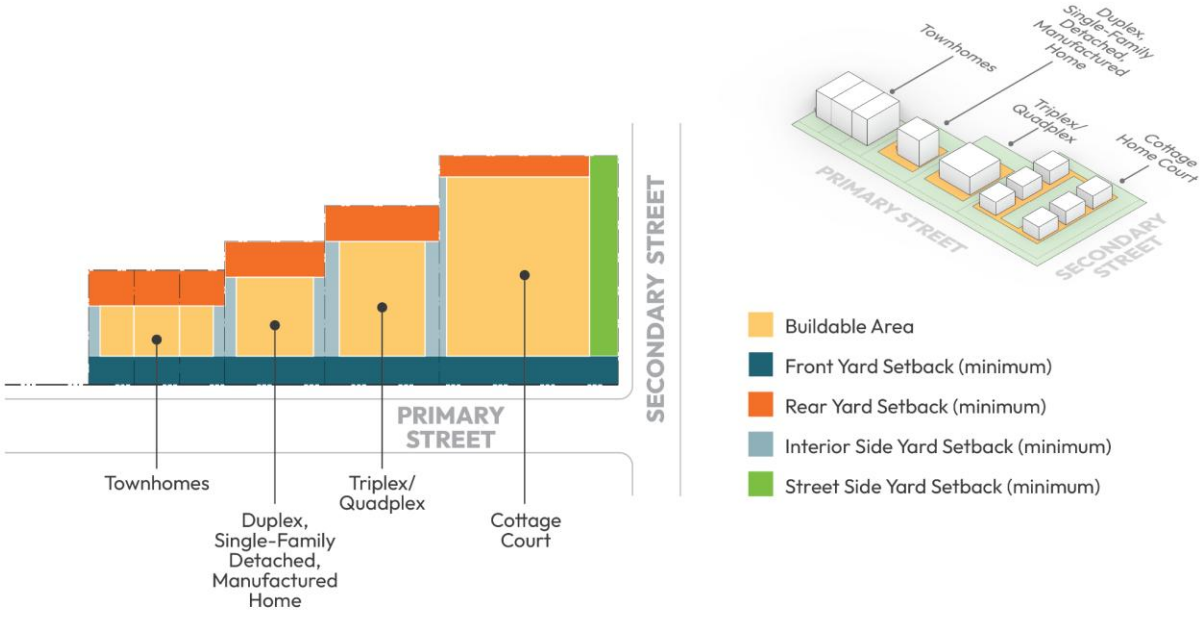

Figure 2-2: GR Dimensional Standards - Without Alley

2.4.2. Northeast Community Residential (NCR)

A. **Purpose**
The Northeast Community Residential District is established to preserve and protect the special character of the Northeast Neighborhood as identified in the Northeast Community Plan. Defining characteristics of the district include single-story, detached homes with front porches and without street facing attached garages.

B. **Dimensional Standards**
The dimensional standards for the NCR District are established by use type in Table 2-4.

Table 2-4: NCR District Dimensional Standards

	Duplex, Single-Family Detached	Cottage Court	Other Allowed Uses
Lot Standards			
Lot Area, Minimum (sq ft)	5,000	20,000 [1]	10,000
Lot Width, Minimum (ft)	50	100 [1]	100
Yard Setbacks			
Front, Minimum (ft)	[2]	15	20
Front, Maximum (ft)	n/a	n/a	n/a
Street Side, Minimum (ft)	20	15	20
Interior Side, Minimum (ft)	8	5	10
Rear, Minimum (ft)	25	20	25
Building Standards			
Height, Maximum (ft)	24	24	24
Building Coverage, Maximum – Parcels 10,000 sq ft or less in area (%)	45	n/a	45
Building Coverage, Maximum – Parcels more than 10,000 sq ft in area (%)	25	n/a	25
Notes			
[1] See Cottage Court Supplemental Standards (Section 3.4.2.A) for additional dimensional standards. [2] The principal building setback shall be not more or less than five feet from the average established front yard of developed lots within 300 feet on each side of the lot, fronting on the same street as the lot, and within the NCR District.			

C. **Cross References**
Dimensional standards in Table 2-4 may be superseded by other UDO standards, where applicable, such as those in Section 2.5 Overlay Zoning Districts; Section 2.7 Viewshed Protection, Transitions, & Step Backs; Section 2.8 Residential Infill Development; Section 2.9 Housing Affordability Incentives; Chapter 3 Use Regulations; Chapter 5 Building Design Standards; Section 7.4 Perimeter Buffers; Section 7.5 Street Buffers; and Chapter 12 Natural Resource Protection Standards.

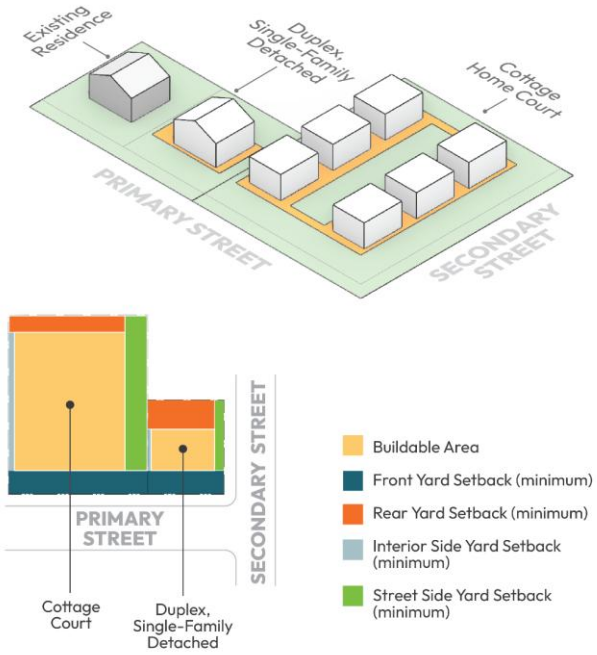

Figure 2-3: NCR District Dimensional Standards

2.4.3. Mixed-Use Residential (MUR)

A. **Purpose**
The Mixed-Use Residential District is established to incorporate a broad mix of housing types integrated within neighborhoods. Development in this district is more compact and creates highly walkable neighborhoods. This district also offers limited commercial uses in pedestrian-scaled structures that should be safely and conveniently accessible to nearby residents through the pedestrian and bicycle transportation network. The district should serve as a transition between residential districts and non-residential districts.

B. **Dimensional Standards**
The dimensional standards for the MUR District are established by use type in Table 2-5.

C. **Cross References**
Dimensional standards in Table 2-5 may be superseded by other UDO standards, where applicable, such as those in Section 2.5 Overlay Zoning Districts; Section 2.7 Viewshed Protection, Transitions, & Step Backs; Section 2.8 Residential Infill Development; Section 2.9 Housing Affordability Incentives; Chapter 3 Use Regulations; Chapter 5 Building Design Standards; Section 7.4 Perimeter Buffers; Section 7.5 Street Buffers; and Chapter 12 Natural Resource Protection Standards.

Table 2-5: MUR District Dimensional Standards

	Duplex, Single-Family		Triplex / Quadplex		Cottage Court		Townhome		Other Allowed Uses
Lot Standards									
Lot Area, Minimum (sq ft)	3,000		7,000		20,000 [1]		n/a		10,000
Lot Width, Minimum (ft) [2]	30		50		100 [1]		20		100
Yard Setbacks									
	w/ Alley	w/o Alley	w/ Alley	w/o Alley	w/ Alley	w/o Alley	w/ Alley	w/o Alley	w/ or w/o Alley
Front, Minimum (ft)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Front, Maximum (ft)	20	20	20	20	20	20	20	20	20
Street Side, Minimum (ft)	10	10	10	10	10	10	10	10	10
Capital Boulevard, Minimum (ft) [3]	100	100	100	100	100	100	100	100	100
Interior Side, Minimum (ft) [4]	5	5	5	5	5	5	5	5	5
Rear, Minimum (ft)	20	15	20	15	20	15	20	15	15
Building Standards									
Height, Maximum (ft)	35		35		24		35		50
Height, Minimum (stories)	n/a		2		n/a		2		n/a
Frontage Build Out, Minimum (%)	n/a		n/a		n/a		n/a		60
Building Coverage, Maximum (%)	n/a		n/a		n/a		n/a		n/a

Notes

[1] See Cottage Court Supplemental Standards (Section 3.4.2.A) for additional dimensional standards.

[2] If lot width is less than 50 feet, alley access or shared driveway access to rear loaded garage(s) or parking area(s) is required.

[3] An administrative adjustment may be allowed based on NCDOT recommended alternatives for Capital Boulevard North upgrade.

[4] Setback shall be 0 feet if fire rated partition wall provided.

Figure 2-4: MUR District Dimensional Standards - With Alley

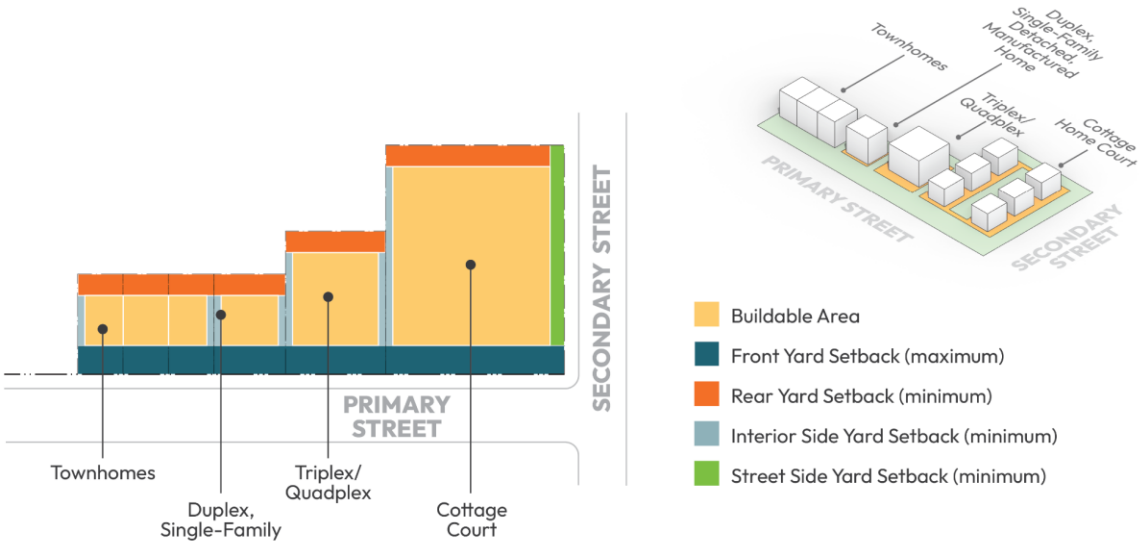

Figure 2-5: MUR District Dimensional Standards - Without Alley

2.4.4. Transit Supportive Residential (TSR)

A. **Purpose**
The Transit Supportive Residential District is established to accommodate higher intensity residential uses in active, pedestrian friendly environments with proximity to public transportation. Development may include residential and non-residential uses within a single building or development for convenient residential access to amenities, such as commercial, office, and civic uses. Retail and professional office uses should front primary roadways, and residential uses should primarily be located in rear buildings or upper stories. Parking should be located in the rear of buildings to create activated street frontages with enhanced walkability.

B. **Dimensional Standards**
The dimensional standards for the TSR District are established by use type in Table 2-6.

C. **Cross References**
Dimensional standards in Table 2-6 may be superseded by other UDO standards, where applicable, such as those in Section 2.5 Overlay Zoning Districts; Section 2.7 Viewshed Protection, Transitions, & Step Backs; Section 2.8 Residential Infill Development; Section 2.9 Housing Affordability Incentives; Chapter 3 Use Regulations; Chapter 5 Building Design Standards; Section 7.4 Perimeter Buffers; Section 7.5 Street Buffers; and Chapter 12 Natural Resource Protection Standards.

Table 2-6: TSR District Dimensional Standards

	Two-Over-Two	Townhome		Other Allowed Uses
Lot Standards				
Lot Area, Minimum (sq ft)	n/a	n/a		n/a
Lot Width, Minimum (ft) [1]	70	18		100
Yard Setbacks				
	w/ or w/o Alley	w/ Alley	w/o Alley	w/ or w/o Alley
Front, Minimum (ft)	n/a	n/a	n/a	n/a
Front, Maximum (ft)	18	10	18	18
Street Side, Minimum (ft)	n/a	n/a	n/a	n/a
Street Side, Maximum (ft)	18	10	18	18
Capital Boulevard, Minimum (ft) [2]	100	100	100	100
Interior Side, Minimum (ft)	5	5 [3]	5 [3]	5
Rear, Minimum (ft)	5	20	5	5
Building Standards				
Height, Maximum (ft)	50	35		75 [4]
Height, Minimum (stories)	2	2		2
Frontage Build Out, Minimum (%)	60	n/a		60
Building Coverage, Maximum (%)	n/a	n/a		n/a

Notes

[1] If lot width is less than 50 feet, alley access or shared driveway access to rear loaded garage(s) or parking area(s) is required.

[2] An administrative adjustment may be allowed based on NCDOT recommended alternatives for Capital Boulevard North upgrade.

[3] Setback shall be 0 feet if fire rated partition wall provided.

[4] Additional standards for viewshed protection, transitions, and step backs in Section 2.7 may apply.

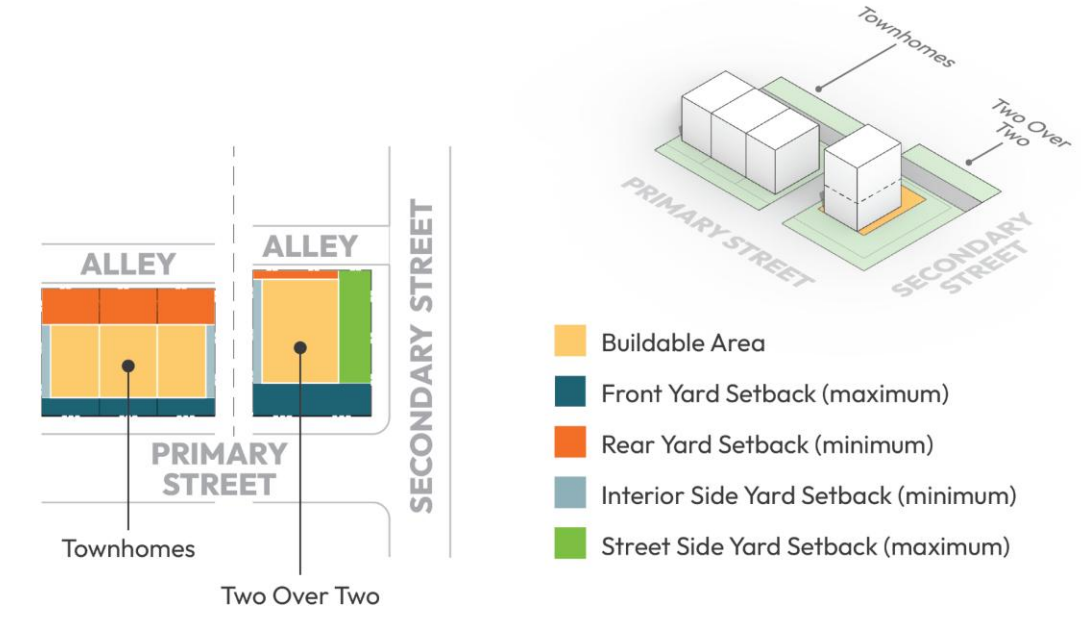

Figure 2-6: TSR District Dimensional Standards - With Alley

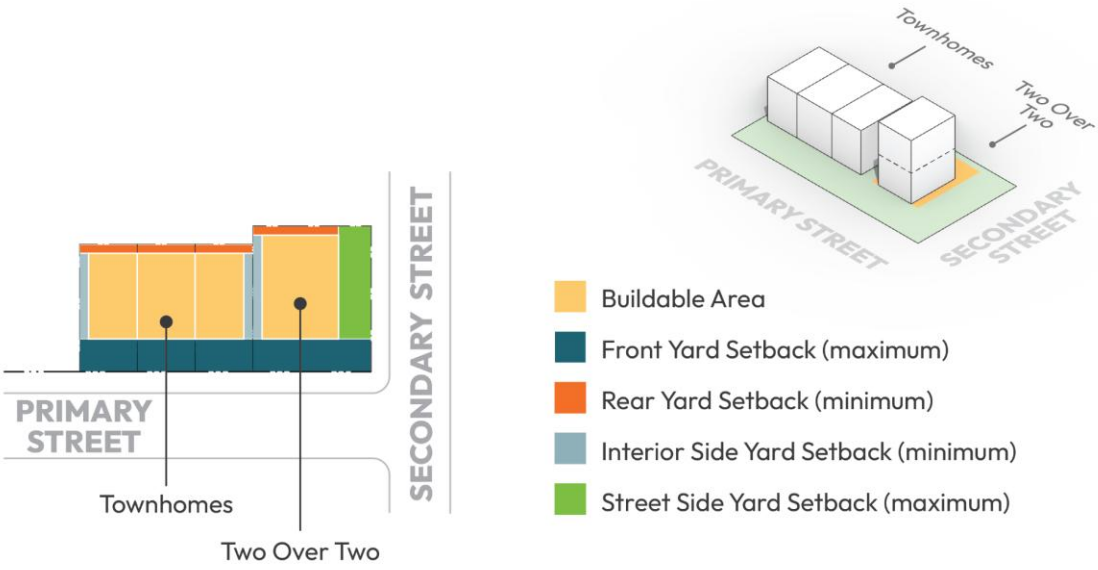

Figure 2-7: TSR District Dimensional Standards - Without Alley

2.4.5. Downtown District (DT)

A. **Purpose**
The Downtown District is established to accommodate the sensitive continuation of historic White Street and intensification of development in the surrounding area. Recognizing the varying character of the Downtown, subdistricts are established to accomplish specific objectives, such as historic preservation and residential transitions with the overall goal to further enhance walkability and streetscape vibrancy and to offer Downtown living choices that support area businesses.

1. **Downtown - Historic White Street (DT-HWS)**
The Downtown – Historic White Street Subdistrict is established to preserve the Downtown Wake Forest National Register Historic District. The subdistrict contains historically significant buildings that contribute to Downtown's historic character and heritage. The historic character of the buildings and the subdistrict should continue to be preserved by implementing the Secretary of the Interior's Standards for Rehabilitation to renovations. Redevelopment in this area should complement and enhance the character of existing historically significant structures through the setbacks, scale, massing, and materials utilized. A wide variety of commercial and entertainment uses that encourage activity both during the day and in the evening should be supported.

2. **Downtown – North (DT-N)**
The Downtown – North Subdistrict is established to accommodate retrofitted buildings and the mix of residential, commercial, and professional service uses in the northeastern portion of the Downtown District. Redevelopment in this area should include higher density multifamily development along with restaurant and personal and professional service uses in vertically mixed-use buildings. Buildings are located along the property line to create a desirable sense of enclosure and consistent street wall that signal the northern entrance to downtown.

3. **Downtown – Central (DT-C)**
The Downtown – Central Subdistrict is established to accommodate existing civic buildings including the Town Hall Complex, H.L. Miller Park, Fire Station, and the former police department building. This area provides services, amenities, and employment uses that bring individuals to Downtown throughout the week. Residents and local business owners are regularly drawn to Downtown Wake Forest for various purposes from public meetings to recreational activities, making it a dynamic focal point of civic life.

4. **Downtown – South (DT-S)**
The Downtown – South Subdistrict is established to accommodate existing residential, commercial, office, and to support mixed-use infill development and adaptive reuse. Redevelopment in this area should include Residential and Commercial uses in vertically mixed-use and standalone buildings that are pedestrian oriented. Redevelopment should provide connections to other Downtown Subdistricts through improved streetscape and walkability. Adaptive reuse of buildings with desirable built form is promoted to encourage sustainability, placemaking, and historic preservation.

B. **Dimensional Standards**
The dimensional standards for the Historic White Street, Downtown North, Downtown Central, Downtown South are established in Table 2-7.

C. **Cross References**
Dimensional standards in Table 2-7 may be superseded by other UDO standards, where applicable, such as those in Section 2.5 Overlay Zoning Districts; Section 2.7 Viewshed Protection, Transitions, & Step Backs; Section 2.8 Residential Infill Development; Section 2.9 Housing Affordability Incentives; Chapter 3 Use Regulations; Chapter 5 Building Design Standards; Section 7.4 Perimeter Buffers; Section 7.5 Street Buffers; and Chapter 12 Natural Resource Protection Standards.

Table 2-7: DT District Dimensional Standards

	Downtown-Historic White Street	Downtown - North	Downtown - Central	Downtown - South
Lot Standards				
Lot Area, Minimum (sq ft)	n/a	n/a	n/a	n/a
Lot Width, Minimum (ft)	n/a	n/a	n/a	n/a
Yard Setbacks				
Front, Minimum (ft)	0	0	0	0
Front, Maximum (ft)	0	10 [1]	20	10 [1]
Street Side, Minimum (ft)	0	0	0	0
Street Side, Maximum (ft)	0	10 [1]	20	10 [1]
Interior Side, Minimum (ft)	0	5	10	5
Rear, Minimum (ft)	0	5	10	5
Building Standards				
Height, Maximum (ft)	35	75 [2] [3]	75 [2]	75 [3] [4]
Height, Minimum (stories)	2	2	2	2
Frontage Build Out, Minimum (%)	80	60	60	60
Building Coverage, Maximum (%)	100	80	80	80
Impervious Surface Coverage, Maximum (%)	100 [4]	100 [4]	100 [4]	100 [5]
Notes				
[1] Setback may be a maximum of 20 feet to accommodate building entryway design as detailed in Table 5-5 or to accommodate activated community space as detailed in Table 6-4				
[2] Additional standards for viewshed protection, transitions, and step backs in Section 2.7 may apply.				
[3] All buildings adjacent to a property in the Historic White Street Subdistrict shall be subject to the Height Restriction and Transition Standards in Section 2.7.				
[4] This is the maximum impervious cover allowed when utilizing the High Impervious Development option detailed in Chapter 12.				

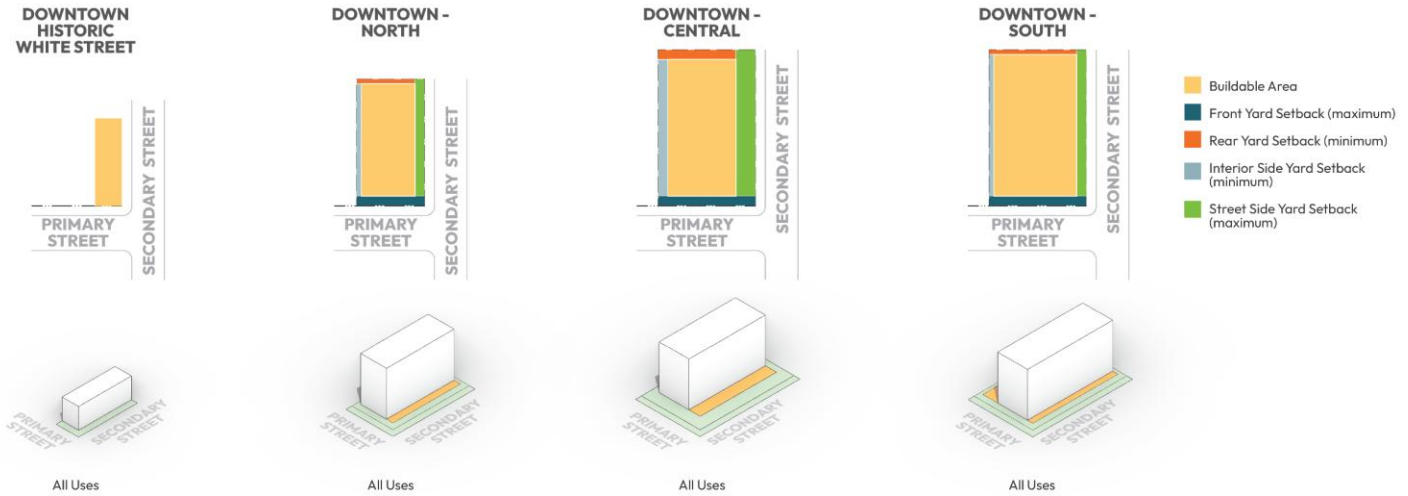

Figure 2-8: DT District Dimensional Standards

2.4.6. Activity Center (AC)

A. **Purpose**
The Activity Center District is established to accommodate unique focal points of the community where residents gather, socialize, live, work, and shop. Activity centers should include a wide variety of uses in a pedestrian-scaled environment that enhances quality of life, fosters creative placemaking, and provides living experiences unique to Wake Forest. It is the intent and purpose of this district to protect areas for commercial development and the generation of property tax revenue from the encroachment of nontaxable bodies including non-commercial places of assembly as defined in this UDO.

B. **Dimensional Standards**
The dimensional standards for the AC District are established in Table 2-8.

Table 2-8: AC District Dimensional Standards

Yard Setbacks	
Front, Minimum (ft)	0
Front, Maximum (ft) [3]	10
Street Side, Minimum (ft)	0
Street Side, Maximum (ft)	10
Capital Boulevard, Minimum (ft) [1]	100
Interior Side, Minimum (ft)	5
Rear, Minimum (ft)	10
Building Standards	
Height, Maximum (ft) [2]	75
Height, Minimum (stories)	2
Frontage Build Out, Minimum (%)	70
Notes	
[1] An administrative adjustment may be allowed based on NCDOT recommended alternatives for Capital Boulevard North upgrade.	
[2] Additional standards for viewshed protection, transitions, and step backs in Section 2.7 may apply.	
[3] General commercial buildings greater than 100,000 square feet in area shall meet the liner building setback standards in Section 5.11.	

C. **Cross References**
Dimensional standards in Table 2-8 may be superseded by other UDO standards, where applicable, such as those in Section 2.5 Overlay Zoning Districts; Section 2.7 Viewshed Protection, Transitions, & Step Backs; Section 2.8 Residential Infill Development; Section 2.9 Housing Affordability Incentives; Chapter 3 Use Regulations; Chapter 5 Building Design Standards; Section 7.4 Perimeter Buffers; Section 7.5 Street Buffers; and Chapter 12 Natural Resource Protection Standards.

D. **Required Mix of Uses**
All residential developments within the AC District shall include at least a specified mix of uses based on whether the uses will be horizontally or vertically mixed per the following:

1. **Horizontal Mixed Use**
If the required mix of uses are provided in standalone buildings within the development site, a minimum of 125 square feet of commercial space shall be provided per dwelling unit. Required commercial space shall be constructed by the time 50 percent of dwelling units receive Certificates of Occupancy.

2. **Vertical Mixed Use**
If the required mix of uses is provided in vertically integrated buildings, a minimum of 75 square feet of commercial space shall be provided per dwelling unit.

3. **Existing**
If the required mix of uses exists within one quarter mile of the development and can be accessed via a continuous pedestrian network, a minimum of 250 square feet of commercial space shall be provided per dwelling unit

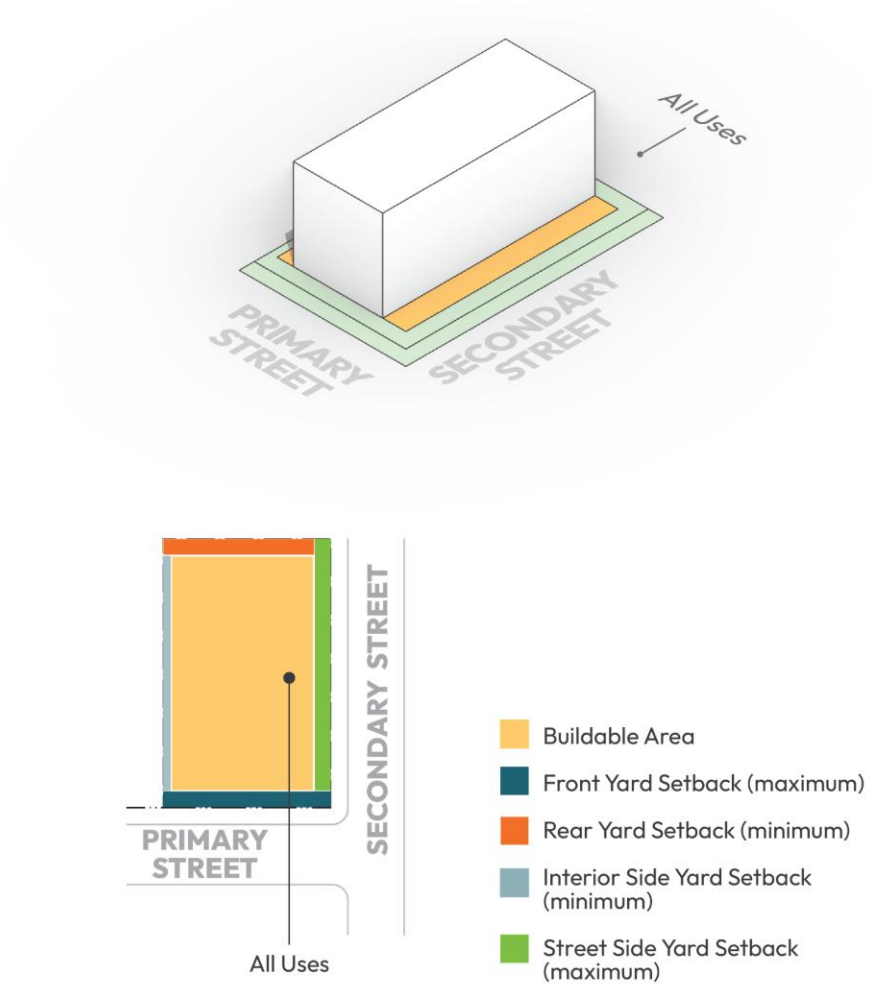

Figure 2-9: AC District Dimensional Standards

2.4.7. Neighborhood Business (NB)

A. **Purpose**
The Neighborhood Business District is established to accommodate small and moderate scale, local serving non-residential nodes that provide surrounding residents with convenient access to day-to-day goods and services. Development in this district should be compact and pedestrian oriented, provide multimodal connectivity to surrounding development, and may include vertical mixed-use buildings with ground floor non-residential uses and upper floor residential and office uses.

B. **Dimensional Standards**
The dimensional standards for the NB District are established in Table 2-9.

Table 2-9: NB District Dimensional Standards

Lot Standards	
Lot Area, Minimum (sq ft)	7,000
Lot Width, Minimum (ft)	50
Yard Setbacks	
Front, Minimum (ft)	n/a
Front, Maximum (ft)	20
Street Side, Minimum (ft)	n/a
Street Side, Maximum (ft)	20
Capital Boulevard, Minimum (ft) [1]	100
Interior Side, Minimum (ft)	15
Rear, Minimum (ft)	20
Building Standards	
Height, Maximum (ft)	40
Height, Minimum (stories)	n/a
Building Footprint, Maximum (sq ft)	25,000
Notes	
[1] An administrative adjustment may be allowed based on NCDOT recommended alternatives for Capital Boulevard North upgrade.	

C. **Cross References**
Dimensional standards in Table 2-9 may be superseded by other UDO standards, where applicable, such as those in Section 2.5 Overlay Zoning Districts; Section 2.7 Viewshed Protection, Transitions, & Step Backs; Section 2.8 Residential Infill Development; Section 2.9 Housing Affordability Incentives; Chapter 3 Use Regulations; Section 7.4 Perimeter Buffers; Chapter 5 Building Design Standards; Section 7.5 Street Buffers; and Chapter 12 Natural Resource Protection Standards.

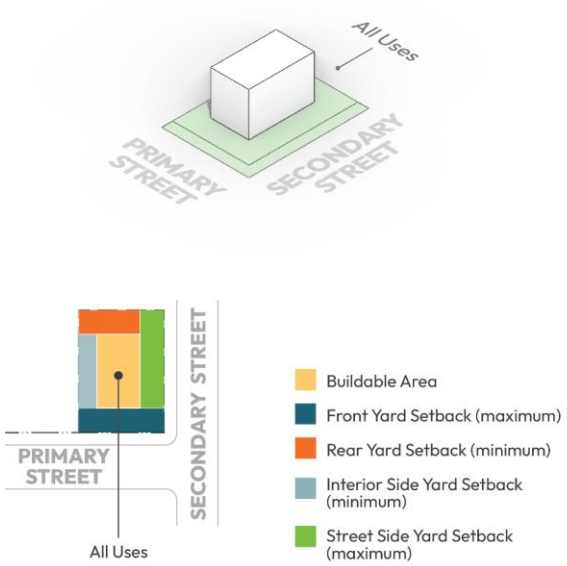

Figure 2-10: NB District Dimensional Standards

2.4.8. Corridor Business (CB)

A. **Purpose**

The Corridor Business District is established to accommodate larger scale non-residential uses that serve Wake Forest residents as well as the surrounding region. This district should be located at highly visible and accessible locations along major roadways to facilitate convenient access and minimize traffic congestion while supporting multimodal transportation options through internal and external site connections.

B. **Dimensional Standards**

The dimensional standards for the CB District are established in Table 2-10.

Table 2-10: CB District Dimensional Standards

Lot Standards	
Lot Area, Minimum (sq ft)	20,000
Lot Width, Minimum (ft)	150
Yard Setbacks	
Front, Minimum (ft)	30
Front, Maximum (ft) [2] [3]	n/a
Street Side, Minimum (ft)	30
Street Side, Maximum (ft)	n/a
Capital Boulevard, Minimum (ft) [1]	100
Interior Side, Minimum (ft)	10
Rear, Minimum (ft)	30
Building Standards	
Height, Maximum (ft)	75
Height, Minimum (stories)	n/a
Frontage Build Out, Minimum (%) [2]	50
Notes	
[1] An administrative adjustment may be allowed based on NCDOT recommended alternatives for Capital Boulevard North upgrade.	
[2] Buildings and/or building elevations utilized to meet the frontage build out minimum shall be set back a maximum of 50 feet.	
[3] General commercial buildings greater than 100,000 square feet in area shall meet the liner building setback standards in Section 5.11.	

C. **Cross References**

Dimensional standards in Table 2-10 may be superseded by other UDO standards, where applicable, such as those in Section 2.5 Overlay Zoning Districts; Section 2.7 Viewshed Protection, Transitions, & Step Backs; Section 2.8 Residential Infill Development; Section 2.9 Housing Affordability Incentives; Chapter 3 Use Regulations; Section 7.4 Perimeter Buffers; Chapter 5 Building Design Standards; Section 7.5 Street Buffers; and Chapter 12 Natural Resource Protection Standards.

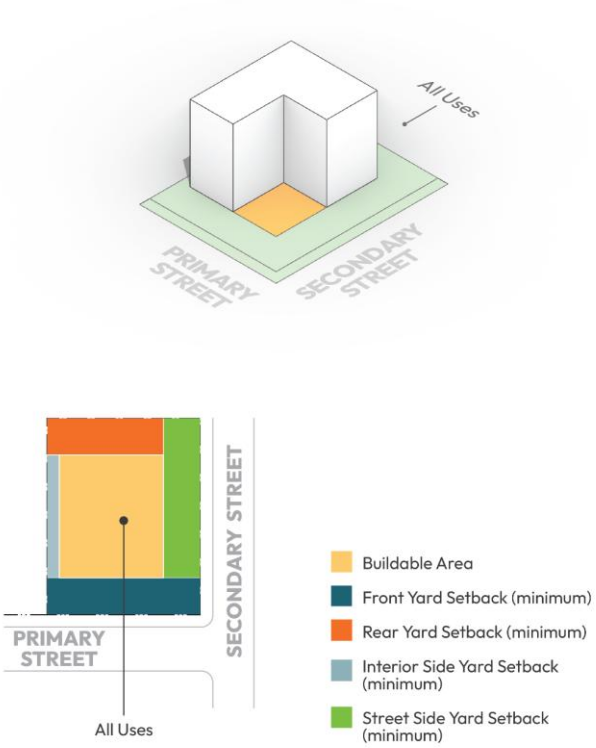

Figure 2-11: CB District Dimensional Standards

2.4.9. Civic and Institutional (CI)

A. **Purpose**
The Civic and Institutional District is established to accommodate larger scale public or semi-public uses, municipal facilities, educational facilities, and noncommercial places of assembly. This district should be located near residential uses to serve the community while also ensuring sufficient vehicular and pedestrian access is provided.

B. **Dimensional Standards**
The dimensional standards for the CI District are established in Table 2-11.

Table 2-11: CI District Dimensional Standards

Lot Standards	
Lot Area, Minimum (sq ft)	40,000
Lot Width, Minimum (ft)	100
Yard Setbacks	
Front, Minimum (ft)	20
Front, Maximum (ft)	n/a
Street Side, Minimum (ft)	20
Street Side, Maximum (ft)	n/a
Capital Boulevard, Minimum (ft) [1]	100
Interior Side, Minimum (ft)	15
Rear, Minimum (ft)	20
Building Standards	
Height, Maximum (ft)	50
Height, Minimum (stories)	n/a
Building Floor Area, Maximum (sq ft)	n/a
Notes	
[1] An administrative adjustment may be allowed based on NCDOT recommended alternatives for Capital Boulevard North upgrade.	

C. **Cross References**
Dimensional standards in Table 2-11 may be superseded by other UDO standards, where applicable, such as those in Section 2.5 Overlay Zoning Districts; Section 2.7 Viewshed Protection, Transitions, & Step Backs; Section 2.8 Residential Infill Development; Section 2.9 Housing Affordability Incentives; Chapter 3 Use Regulations; Section 7.4 Perimeter Buffers; Chapter 5 Building Design Standards; Section 7.5 Street Buffers; and Chapter 12 Natural Resource Protection Standards.

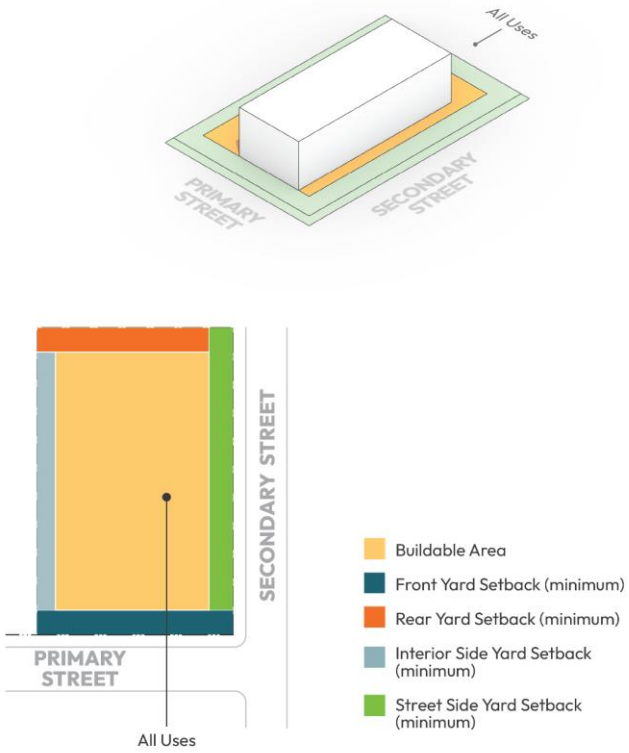

Figure 2-12: CI District Dimensional Standards

2.4.10. Industrial (IND)

A. **Purpose**
The Industrial District is established to accommodate facilities involved in the manufacturing, processing, storage, and distribution of goods and materials; telecommunication facilities; research centers; life sciences facilities; and flex spaces that support employment opportunities. Development in the IND district should feature large-scale buildings that produce minimal outdoor activity and are concentrated in campus-style industrial parks located near major roadways.

B. **Dimensional Standards**
The dimensional standards for the IND District are established in Table 2-12.

Table 2-12: IND District Dimensional Standards

Lot Standards	
Lot Area, Minimum (sq ft)	40,000
Lot Width, Minimum (ft)	100
Yard Setbacks	
Front, Minimum (ft)	30
Front, Maximum (ft)	n/a
Street Side, Minimum (ft)	30
Street Side, Maximum (ft)	n/a
Capital Boulevard, Minimum (ft) [1]	100
Interior Side, Minimum (ft)	15
Rear, Minimum (ft)	20
Building Standards	
Height, Maximum (ft)	50
Height, Minimum (stories)	n/a
Building Floor Area, Maximum (sq ft)	n/a
Notes	
[1] An administrative adjustment may be allowed based on NCDOT recommended alternatives for Capital Boulevard North upgrade.	

C. **Cross References**
Dimensional standards in Table 2-12 may be superseded by other UDO standards, where applicable, such as those in Section 2.5 Overlay Zoning Districts; Section 2.7 Viewshed Protection, Transitions, & Step Backs; Section 2.8 Residential Infill Development; Section 2.9 Housing Affordability Incentives; Chapter 3 Use Regulations; Chapter 5 Building Design Standards; Section 7.4 Perimeter Buffers; Section 7.5 Street Buffers; and Chapter 12 Natural Resource Protection Standards.

Figure 2-13: IND District Dimensional Standards

2.4.11. Parks and Open Space (OS)

A. **Purpose**
The Parks and Open Space District is established to preserve and protect environmentally sensitive lands (e.g. floodways, wetlands), historic properties, and properties that are already under public ownership and/or otherwise restricted for use for passive or active recreation.

B. **Dimensional Standards**
The dimensional standards for the OS District are established in Table 2-13.

Table 2-13: OS District Dimensional Standards

Lot Standards	
Lot Area, Minimum (sq ft)	n/a
Lot Width, Minimum (ft)	n/a
Yard Setbacks	
Front, Minimum (ft)	20
Front, Maximum (ft)	n/a
Street Side, Minimum (ft)	20
Street Side, Maximum (ft)	n/a
Capital Boulevard, Minimum (ft) [1]	100
Interior Side, Minimum (ft)	10
Rear, Minimum (ft)	25
Building Standards	
Height, Maximum (ft)	40
Height, Minimum (stories)	n/a
Building Floor Area, Maximum (sq ft)	n/a
Notes	
[1] An administrative adjustment may be allowed based on NCDOT recommended alternatives for Capital Boulevard North upgrade.	

C. **Cross References**
Dimensional standards in Table 2-13 may be superseded by other UDO standards, where applicable, such as those in Section 2.5 Overlay Zoning Districts; Section 2.7 Viewshed Protection, Transitions, & Step Backs; Section 2.8 Residential Infill Development; Section 2.9 Housing Affordability Incentives; Chapter 3 Use Regulations; Chapter 5 Building Design Standards; Section 7.4 Perimeter Buffers; Section 7.5 Street Buffers; and Chapter 12 Natural Resource Protection Standards.

2.4.12. Planned Unit Development Zoning Districts

2.4.13. Planned Unit Development (PUD)

A. **Purpose**
The purpose of Planned Unit Development (PUD) Districts is to achieve high quality, creative, and innovative land planning and site design that furthers the objectives of the Town, as detailed in Section D below, but which cannot be achieved through the strict application of the standards of this UDO. A Map Amendment to a PUD District (see Section 16.8.6) provides a process by which customized, site-specific standards consistent with the character and context of the area may be established to further the objectives in this Section 2.4.13.

B. **Governance**
Each PUD adopted applies specific standards over a defined area through a Map Amendment to a new PUD District using the procedure in Section 16.8.6. The purposes of and standards applicable in a PUD District are formalized in a PUD Governing Document and a concept plan or Site Plan, in accordance with Section 16.8.6.

C. **Types of PUDs**
Two types of PUDs are established, as detailed below:

1. **Type I PUD**
Development sites greater than five acres in gross area may choose to pursue a Type I PUD, as detailed in Section D.4.a below.

2. **Type II PUD**
Development sites less than or equal to five acres in gross area may choose to pursue a Type II PUD, as detailed in Section D.4.b below.

D. **Minimum PUD District Objectives**
Each PUD shall meet all of the following objectives.

1. **Community Plan Alignment**
The PUD shall be consistent with and clearly put into effect the goals, objectives, and policies set forth in the Community Plan and other adopted plans and policy documents of the Town.

2. **Placemaking**
The PUD shall have a distinctive identity and brand that is utilized in signs, streetscape, public art, architecture, public gathering spaces, and open spaces.

3. **Integrated Design with Identifiable Centers and Edges**
The PUD shall be laid out and developed as a unit in accordance with an integrated overall design. For Type I PUDs, the design shall provide identifiable centers and edges through the harmonious grouping of buildings, uses, facilities, community spaces, and open spaces. The design shall be highly connected internally and externally and maximize multimodal transportation.

4. **Mix of Land Uses**

a. **Type I PUD**
Each Type I PUD shall include either:

i. Two or more dwelling types, two or more Commercial use types, and open and community space, or

ii. A public cultural/community facility, public entertainment/recreation facility, public service/safety facility, or public service maintenance and storage facility use.

b. **Type II PUD**
Each Type II PUD shall include open and community space and at least one of the following:

i. Two or more dwelling types,

ii. Two or more Commercial use types,

iii. At least one residential and one non-residential use, or

iv. A public cultural/community facility, public entertainment/recreation, public service/safety facility, or public service maintenance and storage facility use.

5. **Compatibility with Adjacent Land Uses**
The PUD shall include uses which are generally compatible with the uses of adjacent parcels, with consideration given to the level of activity or intensity, noise, light, and odor. If the uses are not generally compatible, adverse impacts are mitigated through building design, height, and placement; significant screening; landscaping; public open space; and other buffering features that protect uses within the development and

surrounding properties beyond what is otherwise required.

6. **Landscape Conservation and Visual Enhancement**
   The PUD shall preserve and enhance existing natural features and amenities, such as stands of mature trees, specimen trees, riparian areas, wildlife habitat, unique landforms or topography, and significant viewsheds.

7. **Open Space and Community Space**
   The PUD shall include prominent and accessible open space and community space above and beyond that which is required in Chapter 6, including additional land area and enhanced improvements.

8. **Archaeological, Historical, or Cultural Impact**
   The PUD shall not substantially adversely impact an archaeological, historical, or cultural resource, including historic properties designated as Local Historic Landmarks, eligible for or listed in the National Register of Historic Places located on or off the parcel(s) proposed for development. Examples of adverse impacts include but are not limited to:

   a. Neglect, destruction, damage, or removal of resources; alteration of property inconsistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties,

   b. Change of the character of the physical features of the resource's setting and association that contribute to its historic significance, and

   c. Introduction of visual, atmospheric, or audible elements that diminish the integrity of the property's significant historic features.

E. **Additional Required PUD District Objective**
Each PUD shall meet at least one of the following objectives. The Board of Commissioners may approve an alternate combination of objectives that meet the purpose and intent of the objectives established below.

1. **Environmentally Sustainable Site and Building Design**
   The PUD is designed with consideration given to various methods of site design and building location, architectural design of individual buildings, and landscaping design in order to:

   a. Substantially reduce energy, waste and water consumption, for example, by meeting LEED certification standards or adaptive reuse,

   b. Enhance local food systems, or

   c. Improve onsite stormwater management and water quality, for example, by designing to the 100-year storm event.

2. **Affordability**

   a. A minimum of 20 percent of dwellings are offered for rent or for sale at an amount no more than 30 percent of the gross annual income of households that earn no more than 80 percent of the area median income as defined by the US Department of Housing and Urban Development for a minimum period of 30 years.

   b. A minimum of 15 percent of dwellings are offered for rent at an amount no more than 30 percent of the gross annual income of households that earn no more than 60 percent of the area median income as defined by the US Department of Housing and Urban Development for a minimum period of 30 years.

   c. A combination of dwellings offered for rent or for sale at an amount no more than 30 percent of the gross annual income of households that earn no more than 80 percent, and more than 60 percent of the area median income as defined by the US Department of Housing and Urban Development for a minimum period of 30 years, which is comparable to the amount required in Sections a and b above.

3. **Senior Oriented and Accessible**
   The PUD is designed so that a minimum of 20 percent of dwellings, non-residential buildings, and community and open spaces are accessible (exterior and interior) to persons with limited mobility. The PUD also includes other senior friendly design features such as front porches, back patios, walking paths, outdoor sports facilities, and activated community spaces.

4. **Other**
   The applicant may propose an "other" objective for consideration by the Board of Commissioners. An "other" objective shall be a combination of more than one of the options above and/or shall implement Tourism or Community Facilities policies

in the Community Plan or address emerging technologies.

F. **Dimensional Standards**
The dimensional standards for the PUD District are as established through the PUD approval process in Section 16.8.6.

Table 2-14: PUD District Dimensional Standards

Lot Standards	
Lot Area, Minimum (sq ft)	Per Approved PUD
Lot Width, Minimum (ft)	
Yard Setbacks	
Front, Minimum (ft)	Per Approved PUD
Front, Maximum (ft)	
Street Side, Minimum (ft)	
Street Side, Maximum (ft)	
Capital Boulevard, Minimum (ft)	
Interior Side, Minimum (ft)	
Rear, Minimum (ft)	
Building Standards	
Height, Maximum (ft)	Per Approved PUD
Height, Minimum (stories)	
Building Floor Area, Maximum (sq ft)	

G. **Prohibited Uses**
A PUD shall not include any of the following uses:

1. Adult Establishment,
2. Agritourism, accessory,
3. Animal Production,
4. Car Wash,
5. Concrete/Cement Manufacturing,
6. Contractor Services,
7. Correctional Institution,
8. Crematorium,
9. Drive-thru/Drive-in Facility,
10. Funeral Home,
11. Halfway Home,
12. Heavy Commercial Sales,
13. Industry, Heavy,
14. Internet Sweepstakes Facility,
15. Landfill,
16. Liquid Natural Gas Processing,
17. Manufactured Home,
18. Recycle Collection Station,
19. Restricted Commercial,
20. Outdoor Storage Yard,
21. Shooting Range, Indoor or Outdoor,
22. Solar Farm,
23. Storage, Self-service,
24. Vehicle Fueling Station,
25. Vehicle Rental/Leasing/Sales,
26. Vehicle Services – Major repair/body work,
27. Vehicle Services – Minor maintenance/repair,
28. Waste Transfer Facility, or
29. Wholesaling and Distribution.

2.5 Overlay Zoning Districts

2.5.1. Conflicting Zoning District Standards

A. In the event of a conflict between an Overlay District standard in this Section 2.5, and another standard in this UDO, the Overlay District standard shall control, even in cases where the Overlay District standard is less restrictive.

B. In cases where land is located in two or more different Overlay Districts and the standards between the Overlay Districts conflict, the more restrictive requirements shall control.

2.5.2. Local Historic Overlay (LH-O)

A. **Purpose**
The Local Historic Overlay District is established to protect designated local historic landmarks and local historic districts in Wake Forest and to require review of applications for Certificate of Appropriateness (COA) and ensure the preservation of the special character of historic properties, buildings, structures, and districts in the community.

B. **Applicability**
All locally designated Historic Districts and Historic Landmarks shall be a part of the Local Historic Overlay District.

C. **Demolition by Neglect**
Demolition by neglect of any designated historic landmark or property located within a district shall constitute a violation of this UDO. For the purposes of this UDO, "demolition by neglect" shall generally mean the failure to properly maintain a structure, whether intentionally or not, such that it falls into such disrepair that it may become uninhabitable. The local governing body may take appropriate actions to prevent demolition by neglect, as outlined in Section 17.3.5.

D. **Permanent Signs**
Permanent signs shall comply with the Historic Property Handbook with Design Standards. To ensure such compliance, approval of a COA is required before a permanent sign may be erected or modified.

E. **Permitted Uses**
All uses permitted in the base zoning district underlying the LH-O District are permitted with the exception of triplex/quadplex, townhome, and cottage court dwellings; manufactured homes, and Wireless Telecommunication Towers. All alterations, additions, new construction, relocation, and demolitions regardless of use are subject to approval by the Wake Forest Historic Preservation Commission and compliance with the Wake Forest Design Standards for the Local Historic District and Local Landmarks and the Secretary of the Interior's Standards for Rehabilitation.

2.5.3. Mill Village Overlay (MV-O)

A. **Purpose**
The Mill Village Overlay District is established to preserve and protect the historic and unique characteristics of the buildings, structures, and neighborhood contained within the Glen Royall Mill Village National Register Historic District. This includes promoting traditional development patterns and continuity of the streetscape to reduce conflict between new construction and existing development. The overlay district seeks to protect the character of this neighborhood originally constructed as housing for mill workers.

B. **Applicability**
The regulations in this Section 2.5.3 shall apply to all properties within the Mill Village Overlay District, except those properties that are also located within the Wake Forest Local Historic District are exempt from the regulations in this Section 2.5.3 but are subject to the regulations in Section 2.5.2.

C. **Permitted Uses**
All uses permitted in the base zoning district underlying the MV-O District are permitted with the exception of triplex/quadplex, towhome, and cottage court dwellings; manufactured homes, and Wireless Telecommunication Towers.

D. **Dimensional Standards**

The dimensional standards for the MV-O District are as established in Table 2-15 and shall supersede the standards of any base district.

Table 2-15: MV-O District Dimensional Standards

	Residential	Non-Residential
Lot Standards		
Lot Area, Minimum (sq ft)	6,500	
Lot Area, Maximum (sq ft)	20,000	87,120
Yard Setbacks		
Front, Minimum (ft)	[1]	
Front, Maximum (ft)	[1]	
Building Standards		
Height, Maximum (ft)	18 [2]	
Building Coverage, Maximum (%)	25	
Notes		
[1] Principal building setback shall be within five feet of the average established front yard of developed lots within 300 feet on each side of the lot, fronting on the same street as the lot, and within the MV-O.		
[2] Building height shall not exceed the greater of one story or the average height of the principal buildings of the same use on lots within 300 feet on each side of the lot, fronting on the same street as the lot, and within the MV-O.		

E. **Cross References**

Dimensional standards in Table 2-15 may be superseded by other UDO standards, where applicable, such as those in Section 2.5 Overlay Zoning Districts; Section 2.7 Viewshed Protection, Transitions, & Step Backs; Section 2.8 Residential Infill Development; Section 2.9 Housing Affordability Incentives; Chapter 3 Use Regulations; Section 7.4 Perimeter Buffers; Section 7.5 Street Buffers; and Chapter 12 Natural Resource Protection Standards.

F. **Development Standards**

1. **Garages and Accessory Structures**

   a. No portion of any detached garage, carport, or accessory structure shall be located in the front yard nor shall it protrude beyond the primary façade of the principal structure.

   b. Attached garages are prohibited.

   c. Accessory structures shall not exceed 80 percent of the height of the primary structure.

2. **Fences and Walls**

Walls are prohibited, except for retaining walls necessary for soil erosion, retaining purposes.

   a. **Height**

   In front and side yards, fences shall not exceed four feet in height from the front property line to the rear corner of the principal building. In rear yards, fences shall not exceed six feet and shall not be installed in front of the rear corner of the principal building.

   b. **Design**

   Fences shall be vertically oriented. Split rail and chain link are prohibited. Privacy fences and garden fences, such as chicken wire, are permitted only in the rear yard.

G. **Design Standards**

The following design standards shall be applied to alterations to existing structures and new construction. The following design standards do not apply to regular maintenance or repair of the exterior of existing structures.

1. **Residential Uses**

   a. **Building Orientation**

   The main building entrance shall be oriented towards the public right-of-way.

   b. **Porches**

   Front porches and existing entrances shall be preserved and/or replication of entrances and porches shall be based on historical evidence. As such, existing front porches shall not be enclosed or screened in; however, existing screened in front porches are permitted and may be repaired or replaced provided that transparent screens are utilized and installed from the inside of the porch, behind the railing and other porch features. If new construction is proposed, front porches shall be provided and meet the following standards:

      i. Span a minimum of 50 percent of the front façade width,

      ii. Be located symmetrically on the front façade,

      iii. Be shared for duplex dwelling uses, and

      iv. Shall not be enclosed or screened in.

c. **Roof**
Only Side-Gable, Pyramidal, Triple-A Gable, and Gable-front roof types are permitted.

d. **Building Materials**
Exterior walls shall be finished in horizontally oriented wood clapboard, cementitious fiber board, wood shingle, wood drop siding or primed board. Brick, stone, stucco, and vinyl siding are not permitted. Except that:

i. Existing structures may replace existing materials in kind, and

ii. Accessory buildings visible from the public right-of-way are subject to the building material requirements.

e. **Foundation Materials**
Principal building foundations shall be brick or brick veneer on front and side façades.

f. **Finished Floor Elevation**
The finished floor elevation at the front façade shall be a minimum of 18 inches above grade for principal structures.

g. **Utilities**
Skylights, solar panels, utilities, mechanical equipment, satellite dishes, air conditioning units, and associated structures shall only be located on rear or side slopes of the roof, on rear or side portions of the building, and in rear or side yards provided they are not visible from the public right-of-way or are screened from view from the public right-of-way with vegetation or fencing.

2. **Public and Institutional Uses**

a. **Building Materials**
Exterior walls shall be finished in accordance with Section 5.3, except that stucco, EIFS, and metal shall not be permitted.

b. **Orientation**
The primary entrance shall face the primary street. If side or rear parking is utilized, a front entrance shall still be provided.

c. **ADA Compatibility**
Fire exits, landings, ramps, chair lifts, and other access features shall be located on the building where they have the least visibility and impact to the character of the structure, when possible. When appropriate temporary structures may be approved by the Administrator.

d. **Utilities**
Skylights, solar panels, utilities, mechanical equipment, satellite dishes, air conditioning units, and associated structures shall only be located on rear or side slopes of the roof, on rear or side portions of the building, and in rear or side yards provided they are not visible from the public right-of-way or are screened from view from the public right-of-way with vegetation or fencing.

3. **Non-Residential Uses in Residential Structures**
Historically significant residential structures in the MV-O District may be repurposed for uses other than residential. In order to preserve the architectural integrity and special historical character of these structures in the Mill Village, the following shall apply to non-residential uses within detached dwellings.

a. The residential character and architectural elements of the house shall remain unchanged,

b. With the exception of door and window replacements, which shall match the size of the existing openings, and routine repair and maintenance, there may be no other alterations to the front façade of the building,

c. Building additions must be in accordance with Section 4 below,

d. On-site parking shall be located to the side or rear of the principal structure.

4. **Additions**
The following standards are applicable to all additions in the MV-O District.

a. Additions shall be located to the rear of the structure or the most inconspicuous side of the building. Additions to roofs shall not be visible from the front elevation. The addition shall be sited such that it is clearly an appendage and distinguishable from the existing main building. Additions shall be recessed behind the rear corner of the principal structure and shall not exceed the height of the principal structure or be visible from the front of the structure.

b. Additions shall be constructed with the least possible loss of historic building material and without damaging or obscuring character-defining features of the building, including, but not limited to, rooflines, cornices, eaves, and brackets.

c. Additions shall be designed to be reversible with the least amount of damage to the historic building so that if removed in the future, the historic building will be intact.

d. Additions, including multiple additions to structures, shall:

   i. Not increase the floor area of the main structure by more than 100 percent, and

   ii. Not increase the height of the main structure nor exceed the height of the main structure.

e. Designs for additions shall be compatible with the building design standards in Chapter 5.

H. **Submittal Requirements**
In addition to the standard submittal requirements, applications in the MV-O District shall also include building elevations, site plan, and floorplans.

2.5.4. Transit Oriented Development Overlay (TOD-O)

A. **Purpose**
The Transit Oriented Development Overlay District is established to accommodate higher density residential development and greater mix of uses in proximity to transit stations in order to increase access to transit services; promote walkable, active environments; and support multimodal transportation. Recognizing the unique character of transit-oriented areas throughout Wake Forest, subdistricts are established to adequately address topics such as historic preservation, residential transitions, and environmental conditions. It is the intent and purpose of this district to protect areas for commercial development and the generation of property tax revenue from the encroachment of nontaxable bodies including non-commercial places of assembly as defined in this UDO.

B. **Subdistricts**
The TOD-O District includes the following subdistricts:

1. TOD Old Forestville, and
2. TOD Burlington Mills.

C. **Dimensional Standards**
The dimensional standards for the TOD-O Subdistricts are as established in Table 2-16 and shall supersede the standards of any base district.

Table 2-16: TOD-O District Dimensional Standards

	TOD Old Forestville	TOD Burlington Mills
Yard Setbacks		
Front, Minimum (ft)	0	0
Front, Maximum (ft) [1]	10	10
Street Side, Minimum (ft)	5	5
Interior Side, Minimum (ft) [2]	5	5
Capital Boulevard, Minimum (ft) [3]	100	100
Rear, Minimum (ft)	5	5
Building Standards		
Height, Maximum (ft) [4]	50	75
Height, Minimum (stories)	2	2
Frontage Build Out, Minimum (%)	60	80
Building Coverage, Maximum (%)	n/a	n/a
Notes		
[1] Setback may be a maximum of 10 feet to accommodate building entryway design as detailed in Table 5-5 or to accommodate activated community space as detailed in Table 6-4.		
[2] Setback shall be 0 feet if a fire rated partition wall is provided.		
[3] An administrative adjustment may be allowed based on NCDOT recommended alternatives for Capital Boulevard North upgrade.		
[4] Additional standards for viewshed protection, transitions, and step backs in Section 2.7 may apply.		

D. **Cross References**

Dimensional standards in Table 2-16 may be superseded by other UDO standards, where applicable, such as those in Section 2.5 Overlay Zoning Districts; Section 2.7 Viewshed Protection, Transitions, & Step Backs; Section 2.8 Residential Infill Development; Section 2.9 Housing Affordability Incentives; Chapter 3 Use Regulations; Section 7.4 Perimeter Buffers; Section 7.5 Street Buffers; and Chapter 12 Natural Resource Protection Standards.

E. **Required Mix of Uses**

All residential developments within the TOD-O District shall include at least a specified mix of uses based whether the uses will be horizontally or vertically integrated, as outlined below. Single-use commercial developments shall be permitted within the district, but standalone residential buildings shall not be allowed.

1. **Horizontal Mixed Use**
   If the required mix of uses are provided in standalone buildings within the development site, a minimum of 150 square feet of commercial space shall be provided per dwelling unit. Required commercial space shall be constructed by the time 50 percent of dwelling units receive Certificates of Occupancy.

2. **Vertical Mixed Use**
   If the required mix of uses is provided in vertically integrated buildings, a minimum of 100 square feet of commercial space shall be provided per dwelling unit.

3. **Existing**
   If the required mix of uses exists within one quarter mile of the development and can be accessed via a continuous pedestrian network, a minimum of 300 square feet of commercial space shall be provided per dwelling unit.

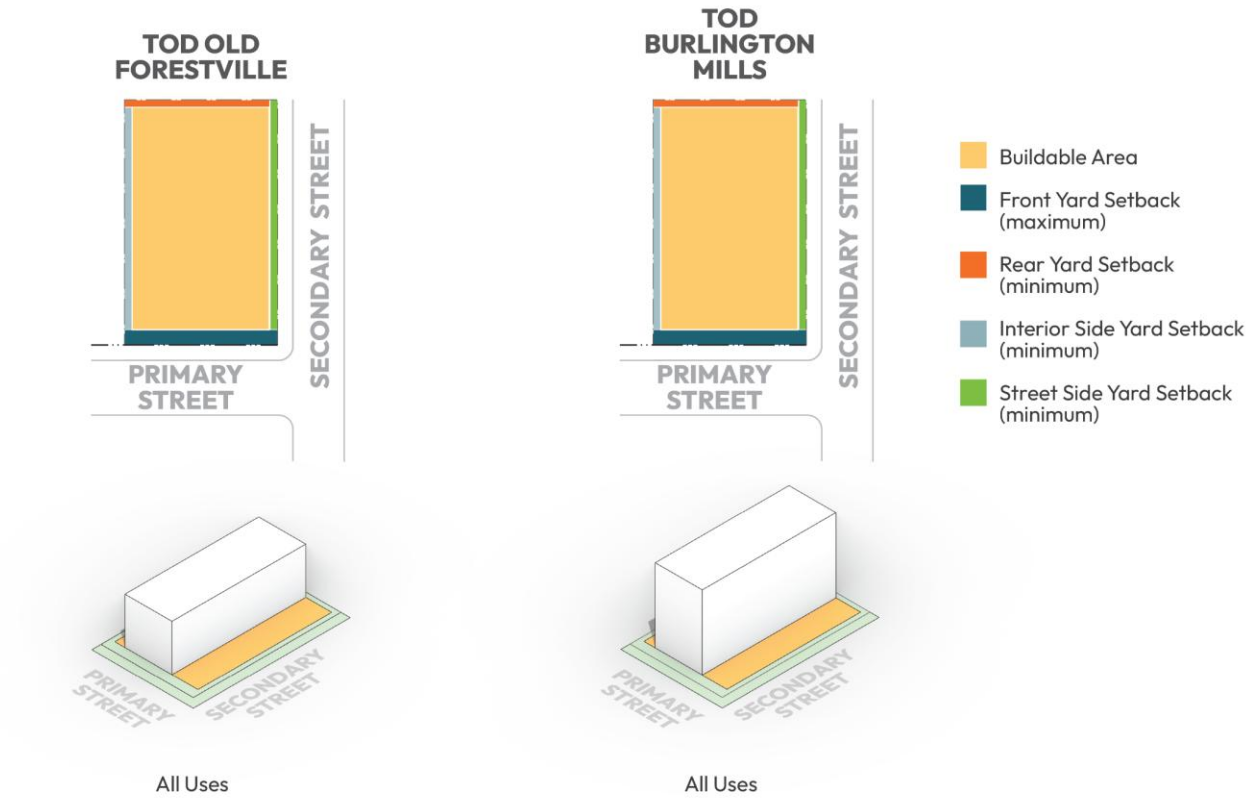

Figure 2-14: TOD-O District Dimensional Standards

2.5.5. Watershed Protection Overlay (WP-O)

A. **Purpose**
The Watershed Protection Overlay District is established to protect the integrity of drinking water in Wake Forest and surrounding communities to provide clean and safe water for residents, businesses, industries, and plant and animal life. Development within certain WP-O areas shall follow conservation design standards as established in Section 4.4. As multiple watersheds exist within Wake Forest, the following subdistricts are established to adequately regulate the protected, critical, and nutrient sensitive water protection areas:

1. Falls Lake Critical Area,
2. Falls Lake Protected Area,
3. Little River Balance of Watershed,
4. Richland Creek Critical Area,
5. Richland Creek Protected Area,
6. Smith Creek Critical Area, and
7. Smith Creek Balance of Watershed.

B. **Cross References**
Reference Section 12.8 for development standards for state designated areas of water supply watershed protection.

2.6 Allowable Encroachments

Encroachments into minimum setbacks required by this Chapter shall be allowed in accordance with Table 2-17.

Table 2-17: Allowable Encroachments into Minimum Setbacks

Encroachment Type	Allowed Location	Allowed Encroachment
Accessibility Ramps and Fire Escapes required by the North Carolina State Building Code	Any minimum setback	May encroach into the minimum setback up to three feet from the property line.
Awnings and Attached Canopies without Support Columns/Posts	Any minimum setback	May encroach up to five feet into the minimum setback.
	Town public right-of-way (air rights)	May encroach up to three feet from the curb if right-of-way encroachment agreement approval is granted. Shall not interfere with street trees. Shall maintain a minimum vertical clearance of eight feet.
Attached Canopies with Support Columns/Posts and Freestanding Canopies	Any minimum setback	May encroach up to five feet into the minimum setback.
Bay Windows and Balconies	Front and street side minimum setbacks	May encroach up to five feet into the minimum setback.
	Interior side and rear minimum setbacks	May encroach up to three feet provided that a minimum building separation of eight feet is maintained.
Bicycle Racks; Public Transit Improvements	Front and street side minimum setbacks	May encroach up to three feet from the curb if right-of-way encroachment agreement approval is granted. Shall not interfere with street trees. Shall maintain a minimum vertical clearance of eight feet.
Building Entryway Design Features (Section 5.6)	Front and street side minimum setbacks	May encroach any amount if the feature complies with the standards in Section 5.6
Community Sharing Cabinet	Any minimum setback	May encroach any amount. A maximum of one per parcel shall be allowed in either the front or street side yard.
		May not exceed 15 cubic feet in cabinet interior volume and six feet in height.
Covered Porches, Covered Decks, and Covered Patios associated with the Principal Use	Any minimum setback	May encroach up to eight feet into the minimum setback but may not be closer than five feet from the property line.
		May not exceed 30 inches in height above the average finished grade.
		May not be screened-in or enclosed.
Cornices, Gutters, Eave Overhangs, Chimneys, and Similar Architectural Projections (excluding projections otherwise listed in this table)	Any minimum setback	May encroach up to two feet into the minimum setback.
Electric Vehicle Charging Station	Interior side and rear minimum setbacks	May encroach into the minimum setback up to five feet from the property line.
Fences, Walls, and Berms	Any minimum setback	May encroach any amount but shall comply with the standards in Sections 8.3 and 8.4.
Flagpole	Any minimum setback	May encroach any amount. A maximum of two shall be allowed within either the front or street side yard. [1]
		Shall have a maximum height of twenty feet. [1]

Table 2-17: Allowable Encroachments into Minimum Setbacks

Encroachment Type	Allowed Location	Allowed Encroachment
Garden Features	Any minimum setback	May encroach any amount.
Lighting – Landscape, Building Façade, Outdoor Recreational, and Pedestrian Scale	Any minimum setback	May encroach any amount but shall comply with the standards in Chapter 10.
Mailbox, Cluster Box Unit (CBU)	Any minimum setback	May encroach into the minimum setback up to three feet from the property line.
Mailbox, Individual	Any minimum setback	May encroach any amount.
Mechanical Equipment	Interior side minimum setback	May encroach into the minimum setback up to three feet from the property line. For townhome lots, may encroach up to one foot from the property line.
	Rear minimum setback	May encroach into the minimum setback up to five feet from the property line.
Pedestrian Walkways and Steps	Any minimum setback	May encroach into the minimum setback up to three feet from the property line or up to the property line for a pedestrian connection to the abutting parcel.
Signs	Any minimum setback	May encroach any amount but shall comply with the standards in Chapter 13.
Street Furniture	Front and street side minimum setbacks	May encroach up to three feet from the curb if right-of-way encroachment agreement approval is granted. Shall not interfere with street trees.
Swimming Pool	Rear and interior side minimum setback	May encroach into the minimum setback up to 10 feet from the property line.
Uncovered and Unenclosed Steps and Stairs Attached to a Building	Front and street side minimum setbacks	May encroach up to six feet into the minimum setback but may not be closer than five feet from the property line.
Uncovered Porches, Decks, Patios, and similar Features	Interior side and rear minimum setbacks	May encroach into the minimum setback up to five feet from the property line.
		May not exceed 30 inches in height above the average finished grade.

Notes

[1] Display of official government flags, as defined in NCGS §144-7, shall be allowed in accordance with NGGS §144-7.

2.7 Viewshed Protection, Transitions, & Step Backs

2.7.1. Viewshed Protection

A. **Purpose**
The purpose of these viewshed protection height restrictions is to preserve the views of the steeple of Binkley Chapel, a prominent landmark that holds significant historical and contextual value in Town.

B. **Applicability**
These viewshed protection height restriction standards shall apply to new structures and modifications of existing structures within the viewshed area.

C. **Viewshed Area**
The viewshed area consists of the visible corridors from which the steeple of Binkley Chapel is prominently visible, including Joyner Park, Calvin Jones Highway, Forestville Road, and Downtown Wake Forest.

D. **Height Restriction**
No building, structure, or portion of a building or structure in the viewshed protection area shall exceed 75 feet in height.

2.7.2. Adjacent Property Transition

A. **Purpose**
The purpose of these height transition standards is to protect the special character of the following buildings and areas from incompatible new development:

1. Historic buildings and districts that are locally designated or are listed in the State Study List, or that are listed in the National Register of Historic Places,
2. The Northeast Neighborhood, in terms of the special character identified in the Northeast Community Plan, and
3. Wake Forest's established residential neighborhoods in the General Residential district, in terms of their traditional single-family character and form.

B. **Applicability**
The adjacent property transition standards in this Section 2.7.2 apply to new buildings, regardless of the zoning district in which they are located, that abut a protected building. For the purposes of this Section 2.7.2, a protected building is a building that is not separated from the new building by a street and that is:

1. In the GR, NCR, or LH-O District,
2. On the State Study List, or
3. Listed in the National Register of Historic Places, either individually or as part of a district.

C. **Height Transition Required**
Each building that is subject to the standards in this Section 2.7.2 in accordance with Section B above, and that exceeds the height of a protected building identified in Section B above, by more than one story shall provide at least one of the following transitions:

1. A step down in height along the shared property line so that the new building height is equal to or less than that of the protected building for a depth of at least eight feet along at least 50 percent of the length of the new building façade facing the protected building,
2. Dormers and sloping roofs on any stories above the height of the protected building, or
3. A Type C Buffer along the property line shared with the protected building.

Figure 2-15: Adjacent Property Transitions

2.7.3. Step Back

Any building four stories or greater in height in the TSR, DT, AC, or TDO-O district shall provide at least one of the following:

A. A step back at least 20 feet in depth after the first, second, or third story on the front elevation and a step back at least ten feet in depth after the first, second, or third story on street side elevations,

B. A building setback of one foot for each foot of building height greater than 40 feet along at least 40 percent of the wall length on front and street side elevations, or

C. A pedestrian arcade at the ground floor that is at least 40 percent of the wall length on the front elevation.

2.8 Residential Infill Development

2.8.1. Purpose

The purpose of the residential infill regulations is to ensure that development of vacant lots or redevelopment of properties in established neighborhoods is sensitive to the context of surrounding development while accommodating a variety of housing types and densities.

2.8.2. Applicability

These residential infill development regulations shall apply to infill development in the GR, NCR, LH-O, and MV-O Districts.

2.8.3. Building Orientation

The building orientation of infill development shall reflect the orientation of buildings along the same side of the street and on the same block. Corner lots may choose their street alignment.

2.8.4. Dimensional Standards

A. **Lot Width**
Minimum lot width requirements for subdivided infill lots shall be within 15 percent the average of the residential lot widths of front-facing lots along the same side of the street and within 300 feet of the subject property. The widest and narrowest lot widths shall be eliminated in calculating the average lot width.

B. **Setbacks**

1. **Front Yard**
The required front yard setback for infill development shall be not more nor less than five feet from the average established front yard of developed lots within 300 feet on each side of the lot, fronting on the same side of the street as the lot. If the lot fronts a cul-de-sac, the average of all lots within 300 feet of the subject lot, on both sides of the cul-de-sac shall be considered.

2. **Street Side Yard**
The required street side yard setback for infill development shall be no more or no less than five feet from the average established street side yard of developed lots within 300 feet on each side of the lot, fronting on the same street as the lot.

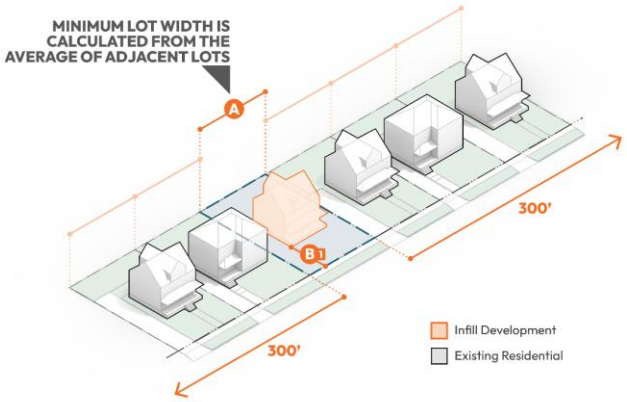

Figure 2-16: Residential Infill Building Orientation and Dimensional Standards

2.9 Housing Affordability Incentives

2.9.1. Purpose

The purpose of these housing affordability incentives is to support and promote the development of dwelling units that are affordable to households making 80 percent or less or 60 percent or less than the Wake County area median income.

2.9.2. Applicability

Each development project meeting an affordability requirement type definition in Section 2.9.3 below, may utilize up to two housing affordability incentives in Table 2-18 corresponding to that affordability requirement type, based on the zoning district where the project is located and the uses proposed. If at least 50 percent of the dwelling units in the project meet the criteria for the affordability requirement type, up to three of the incentives in Table 2-18 corresponding to that type may be utilized.

2.9.3. Affordability Requirement Types Defined

The following affordability requirement types are defined for purposes of determining allowable incentives in accordance with Table 2-18. When computations for the number of affordable dwelling units result in a fraction, the numerical standards in Section 18.3.6 shall apply; however, in no instance shall less than one affordable dwelling unit be provided.

A. **Affordability Requirement Type 1**
At least 20 percent of dwelling units in the development site shall be deed restricted affordable to households having an income of not more than 80 percent of the Wake County area median income for a minimum of 30 years.

B. **Affordability Requirement Type 2**
At least ten percent of dwelling units in the development site shall be deed restricted affordable to households having an income of not more than 60 percent of the Wake County area median income for a minimum of 30 years.

C. **Affordability Requirement Type 3**
At least 40 percent of dwelling units resulting from allowed increase in building height shall be deed restricted affordable to households having an income of not more than 80 percent of the Wake County area median income for a minimum of 30 years.

D. **Affordability Requirement Type 4**
At least 20 percent of dwelling units resulting from allowed increase in building height shall be deed restricted affordable to households having an income of not more than 60 percent of the Wake County area median income for a minimum of 30 years.

E. **Affordability Requirement Type 5**
At least 50 percent of dwelling units in the development shall be on land owned by a community land trust and shall be deed restricted affordable to households having an income of not more than 80 percent of the Wake County area median income for a minimum of 30 years.

2.9.4. Housing Affordability Incentives

Table 2-18 establishes the incentives allowed under this Section 2.9.

Table 2-18: Housing Affordability Incentives

Use	District(s)	Incentive	Applicable Affordability Requirement Type(s)
Cottage Court Dwelling	GR NCR MUR	Option 1: A maximum of two dwelling units may be allowed per building, but no more than 12 dwelling units shall be allowed per cottage court. The minimum number of principal buildings allowed shall be three. For each building having two dwelling units, the maximum allowed floor area may be increased to 3,000 square feet.	1; 2; 5
		Option 2: In the GR and MUR districts, the maximum building height of a dwelling shall be 35 feet. In the NCR district, the maximum building height of a dwelling shall be 28 feet. The maximum allowed floor area per building may be increased to 2,200 square feet.	1; 2; 5
Single-Family Detached or Duplex Dwelling	GR NCR MUR	Option 1: In the GR and MUR districts, buildings that would otherwise be height restricted by Section 2.7 shall be exempt from Section 2.7 and instead shall be subject to a maximum building height of 30 feet.	1; 2; 5
		Option 2: In the GR and NCR districts, the minimum interior side setback shall be five feet.	5
		Option 3: In the NCR district, lots that would otherwise be subject to the minimum infill lot width standard in Section 2.8.4 shall be exempt from that standard and shall comply with the minimum lot width standard in Section 2.4.2.	1; 2; 5
Multifamily Dwelling	MUR	Up to 40 dwelling units may be allowed per building.	1; 2
	AC	Maximum height of a multifamily dwelling may be 70 feet.	3; 4
	AC TOD-O	Option 1: If required mix of uses are provided in standalone buildings, required commercial space may be a pad-ready outparcel rather than constructed by the time 50 percent of dwelling units are certified for occupancy.	1; 2
		Option 2: Minimum required floor area of non-residential uses reduced by 25 percent.	
Multifamily Dwelling or Retirement Housing	TSR	Option 1: Minimum required open space area may be reduced by 50 percent.	1; 2
		Option 2: Minimum required tree canopy coverage area may be reduced by 25 percent.	
	AC TOD-O	Option 1: Outside of the WP-O District, maximum impervious surface area may be increased to 90 percent.	
	DT-N DT-C DT-S	Option 1: Maximum building height may be increased to 85 feet.	1; 2
		Option 2: Exemption from Section 2.7.3.	
		Option 3: Multifamily allowed on the ground floor in the DT-South subdistrict.	
Multifamily Dwelling, Above Ground Floor Only	NB	Maximum height of a mixed-use building with above ground floor multifamily dwellings may be increased to 50 feet.	3; 4
All Residential	Any District	The community service facility fees, except for the Water and Sewer Capital Facility Fees, (Section 11.6) associated with the affordable units may be waived.	1; 2
		Up to 50% of dwelling units may be front loaded. Attached front facing garages shall be set back a minimum of eight feet from the front façade. Attached, front facing garages shall have a maximum width of 14 feet.	

2.9.5. Affordable Unit Requirements

If a development includes both affordable dwelling units and other dwelling units, the affordable units shall:

A. Be comparable in finishes and size and have similarly convenient access to the same services and amenities as the development's other units, and

B. Be constructed concurrently with the development's other units.

2.9.6. References to Other Housing Affordability Provisions

In addition to this Section 2.9, the following provisions directly address housing affordability:

A. Cottage Court supplemental standards in Section 3.4.2.A, and

B. Housing affordability objective for Planned Unit Development in Section 2.4.13.E.

3 USE REGULATIONS

3.1 Purpose

The purpose of this Chapter is to establish the allowed principal, accessory, and temporary uses in each zoning district, including how they are regulated (permitted, special use, etc.) and to establish supplemental standards that apply to specific uses.

3.2 Applicability

The use regulations in this Chapter shall apply to all land in the Town's jurisdiction, as identified in Chapter 1.

3.3 Classification of Uses

3.3.1. Use Types

This UDO establishes use types as the systematic bases for classifying and grouping land uses, in order to regulate the use of land in a logical and efficient way. Use types are based on the functional, product, and/or physical characteristics of land uses and activities.

A. Characteristics include the type and amount of activity at various times of day; the individuals using the site, whether residents, employees, customers, visitors, or other; how goods and services are sold and/or delivered; likely impacts on surrounding properties in terms of noise, light, visual obstruction, traffic, odors, dust, vibrations, and so forth; and site conditions.

B. Where a use definition contains a list of example uses, the list should not be considered exhaustive. Uses shall be categorized through the Interpretation process established in Section 16.6.9.

C. The use types are defined in Chapter 18.

CONTENT

–
3.1 Purpose
3.2 Applicability
3.3 Classification of Uses
3.4 Principal Uses
3.4.1 Principal Use Table
3.4.2 Residential Use Standards
3.4.3 Public & Institutional Use Standards
3.4.4 Commercial Use Standards
3.4.5 Industrial & Automotive Use Standards
3.4.6 Utilities, Infrastructure, and Transportation Use Standards
3.4.7 Agriculture and Animal Related Use Standards
3.5 Accessory Uses
3.6 Temporary Uses

3.3.2. Qualified Uses

A. **Floor Dependent**

1. If a use includes "above ground floor only" in the title, it shall be allowed on the second story or higher of a building only.
2. If a use does not include "above ground floor only" in the title, it shall be allowed on all building stories.

B. **Square Footage Dependent**

1. If a use includes a qualifying statement regarding square footage, such as "less than 15,000 sq ft" the total square footage of the building in which the use may operate shall not exceed what is specified.
2. If a use does not include a qualifying statement regarding square footage, the total square footage of the building in which the use may operate is not restricted, unless otherwise stated in this UDO.

C. **Public or Private Designation**

1. Use of the word "public" in the name or description of a general use indicates that it is owned and operated by a governmental, quasi-governmental, or other not-for-profit entity.
2. Use of the word "private" in the name or description of a general use indicates that it is owned and operated by a for-profit organization or business or carries out a function and operations typical of a for-profit organization.

D. **Indoor or Outdoor Designation**

1. If a use includes "indoor" in the title, the use shall be operated within a fully enclosed building only.
2. If a use includes "outdoor" in the title, the use may be operated within a fully enclosed building or an outdoor area meeting applicable supplemental use standards.

3.3.3. Use Categories

Each principal use type is grouped under one of the following use categories. When referenced throughout this UDO, use categories are capitalized.

A. **Residential**
Premises for long-term human habitation, excluding short-term leasing or rental of less than one month.

B. **Public & Institutional**
Premises for organizations dedicated to religion, government, arts and culture, recreation and sports, or other similar areas of public assembly in addition to uses and premises dedicated to education, social service, and health care.

C. **Commercial**
Premises for the sale of merchandise or prepared foods, food and drink consumption; the transaction of general business and the provision of services; and short-term human habitation, including daily and weekly rental. It does not include wholesale sales.

D. **Industrial & Automotive**
Premises for the creation, assemblage, storage, or repair of items including their wholesale sale in addition to uses and premises dedicated to the sale, maintenance, servicing or storage of automobiles or similar vehicles.

E. **Utilities & Infrastructure**
Uses and structures dedicated to transportation, communication, and utilities.

F. **Agriculture & Animal Related**
Premises for growing crops, raising animals, harvesting timber, and harvesting fish and other animals from a farm, ranch or their natural habitat and all related functions in addition to animal care facilities located in commercial settings.

3.4 Principal Uses

3.4.1. Principal Use Table

Principal uses are allowed by district in accordance with Table 3-1: Principal Uses. A parcel may contain one or more principal uses in accordance with Table 3-1, except multiple principal Residential uses are not allowed on one parcel, and each principal use shall be subject to the applicable supplemental standards. The following shall be used in the interpretation of Table 3-1.

A. **Permitted Uses (P)**
Uses which are marked as "P" in the table shall be allowed principal uses subject to all applicable regulations of this UDO.

B. **Special Uses (S)**
Uses which are marked as "S" in the table shall require approval as a Special Use in accordance with Section 16.7.4 prior to establishment.

C. **Conditional District Uses (C)**
Uses which are marked as "C" in the table shall require approval of a Conditional District rezoning in accordance with Section 16.8.6 prior to establishment.

D. **Prohibited Uses**
A blank space in the table indicates that a use is not permitted.

E. **Uses Not Listed**
A use not specifically listed is prohibited unless, through the Interpretation process established in Section 16.6.9, it is determined that the use is a part of a use type as described in Section 3.3 or is nearly similar in terms of type, density/intensity of development, environmental effects, the anticipated amount traffic, noise, light, vibration, odor, and other impacts on neighbors and the community.

F. **Supplemental Standards**
If a use has supplemental standards, they are referenced in the Supplemental Standards column. Use specific standards shall apply to the use, regardless of whether it is a permitted, special, or conditional district use.

G. **Other Districts**
The Planned Unit Development (PUD), LH-O, MV-O, and WP-O districts are not included in Table 3-1. Allowed uses in those districts are specified in Sections 1 and 2 below.

1. **PUD**
Uses allowed in a PUD district shall be established through the PUD approval process, in accordance with Section 16.8.6.

2. **LH-O, MV-O, and WP-O**
Uses allowed in the LH-O, MV-O, and WP-O districts shall be the uses allowed in the underlying base district unless otherwise specified by Section 2.5 or another provision of this UDO.

Table 3-1: Principal Uses																
P = Permitted Use; S = Special Use; C = Conditional District Use																
Use	Supplemental Standards	GR	NCR	MUR	TSR	DT-HWS	DT-N	DT-C	DT-S	AC	NB	CB	CI	IND	OS	TOD-O
RESIDENTIAL																
Dormitory													P			
Dwelling, Cottage Court	3.4.2.A	P	P	P									S			
Dwelling, Duplex	3.4.2.B	P	P	P												
Dwelling, Multifamily	3.4.2.C			P	P		P	P		P			C			P
Dwelling, Multifamily, Above Ground Floor Only	3.4.2.C					P	P	P	P		P		C			
Dwelling, Single-Family Detached	3.4.2.D	P	P	P												
Dwelling, Townhome	3.4.2.E	C		P	P					P						P
Dwelling, Triplex/Quadplex	3.4.2.F	P		P									S			
Dwelling, Two-Over-Two				P	P				P	P						P
Family Care Home	3.4.2.G	P	P	P												
Live-Work Unit	3.4.2.H			P	P		P		P	P						P
Manufactured Home	3.4.2.I	P	P													
Residential Care Facility	3.4.2.J	P		P	P					P		C	C			P
Retirement Housing	3.4.2.K			P	P					P			C			P
Single Room Occupancy	3.4.2.L			P	P					P						P
PUBLIC & INSTITUTIONAL																
Cemetery	3.4.3.A														P	
Child/Adult Day Care Center	3.4.3.B	P	P	P	P					P	P	P	P			P
Chemical Dependency Treatment Facility	3.4.3.C										S	S	S	S		
Civic Meeting Facility, 15,000 sq ft or More													P			
Civic Meeting Facility, Less Than 15,000 sq ft		P	P	P	P				P				P			
College/University													P			
Community Support Facility	3.4.3.D								S		P	P	P			C
Correctional Institution																
Cultural/Community Facility, Public, 15,000 sq ft or More								C					P			
Cultural/Community Facility, Public, Less Than 15,000 sq ft		P	P	P	P			P					P			
Entertainment/Recreation Facility, Public, 15,000 sq ft or More								C	C				P			
Entertainment/Recreation Facility, Public, Less Than 15,000 sq ft		P	P	P	P			P	P				P			
Halfway Home	3.4.3.E										S					

Table 3-1: Principal Uses																
P = Permitted Use; S = Special Use; C = Conditional District Use																
Use	Supplemental Standards	GR	NCR	MUR	TSR	DT-HWS	DT-N	DT-C	DT-S	AC	NB	CB	CI	IND	OS	TOD-O
Hospital												P		P		
Park		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Place of Worship, 15,000 sq ft or More	3.4.3.F												P			
Place of Worship, Less Than 15,000 sq ft	3.4.3.F	P	P	P	P				P		C	C	P			
Public Service/Safety Facility								P		P		P	P	P		P
Public Service Maintenance and Storage Facility													S	P		
School, Elementary	3.4.3.G	P		P									P	C		
School, High	3.4.3.H												P			
School, Middle	3.4.3.I												P	C		
School, Vocational/Technical											P	P		P		P
School, Vocational/Technical, Above Ground Floor Only									P	P						
COMMERCIAL																
Adult Establishment	3.4.4.A													S		
Artisan Production	3.4.4.B			P	P				P	P	P	P		P		P
Bar				P	P	P	P	P	P	P	P	P				P
Bed and Breakfast	3.4.4.C	S		S	S											
Co-Working						C	C	P	P		P	P				
Co-Working, Above Ground Floor Only					P	P	P			P						P
Contractor Service										P	P	P		P		P
Crematorium														P		
Cultural/Community Facility, Private 15,000 sq ft or More					C	C	C	C	C	P	P	P		P		P
Cultural/Community Facility, Private, Less Than 15,000 sq ft				P	P	P	P	P	P	P	P	P		P		P
Entertainment/Recreation Facility, Private, 15,000 sq ft or More					C	C	C	C	C	P	P	P		P		P
Entertainment/Recreation Facility, Private, Less than 15,000 sq ft				P	P	P	P	P	P	P	P	P		P		P
Financial Services							C				P	P				C
Food Truck Court	3.4.4.D								P	P	P	P				P
Funeral Home											P	P				
General Commercial, Less Than 100,000 sq ft	3.4.4.E			P	P	P	P	P	P	P	P	P				P
General Commercial, 100,000 sq ft or More	3.4.4.E								C	C		C				
Heavy Commercial Sales												P		P		
Hotel	3.4.4.F					P	P	P	P	P	P	P				P
Internet Sweepstakes Facility																

Table 3-1: Principal Uses																
P = Permitted Use; S = Special Use; C = Conditional District Use																
Use	Supplemental Standards	GR	NCR	MUR	TSR	DT-HWS	DT-N	DT-C	DT-S	AC	NB	CB	CI	IND	OS	TOD-O
Medical Clinic							P		P	P	P	P	P			P
Medical Clinic, Above Ground Floor Only						P										
Meeting/Event Facility, Private, 15,000 sq ft or more							C	C	C	P	C	P		P		P
Meeting/Event Facility, Private, less than 15,000 sq ft				C	C		P	P	P	P	P	P		P		P
Micro-Brewery/Distillery/Winery	3.4.4.G				P	P	P	P	P	P	P	P		P		P
Personal Services				P	P	P	P	P	P	P	P	P				P
Post Office											P					
Professional Services, 15,000 sq ft or More				C	C	C	P	P	P	P	P	P		P		P
Professional Services, Less Than 15,000 sq ft				P	P	C	P	P	P	P	P	P		P		P
Professional Services, Above Ground Floor Only				P	P	P										
Restaurant	3.4.4.H			P	P	P	P	P	P	P	P	P				P
Restricted Commercial	3.4.4.I											P				
Shooting Range, Indoor	3.4.4.J											P		P		
Shooting Range, Outdoor	3.4.4.K														S	
Short-Term Rental	3.4.4.L	P	P	P	P	P	P	P	P	P						P
Studio, Art				C	C	C	C	C	P	P	P	P		P		P
Studio, Art, Above Ground Floor Only				P	P	P	P	P	P							
INDUSTRIAL & AUTOMOTIVE																
Brewery/Distillery/Winery												P		P		
Car Wash	3.4.5.A											P		P		
Commercial Kitchen												P		P		
Concrete/Cement Manufacturing	3.4.5.B													S		
Data Center	3.4.5.C											S	S	S		
Industry, Heavy																
Industry, Light	3.4.5.D											P		P		
Landfill																
Life Sciences/Biomanufacturing Facilities												P		P		
Liquid Natural Gas Processing	3.4.5.E													S		
Materials Recovery														S		
Parking Lot	3.4.5.F	P				C	C	C	C							
Parking Structure						P	P	P	P	P		P				P
Recycling Collection Station	3.4.5.G													P		
Storage, Self-Service	3.4.5.H											P		P		

Table 3-1: Principal Uses																
P = Permitted Use; S = Special Use; C = Conditional District Use																
Use	**Supplemental Standards**	**GR**	**NCR**	**MUR**	**TSR**	**DT-HWS**	**DT-N**	**DT-C**	**DT-S**	**AC**	**NB**	**CB**	**CI**	**IND**	**OS**	**TOD-O**
Storage, Self-Service, Above Ground Floor Only	3.4.5.H										C					
Storage Warehouse, Indoor														P		
Vehicle Fueling Station	3.4.5.I										P	P				
Vehicle Rental/Leasing/Sales	3.4.5.J											P				
Vehicle Services - Major Repair/Body Work	3.4.5.K											S		P		
Vehicle Services - Minor Maintenance/Repair	3.4.5.L										P	P		P		
Waste Transfer Facility	3.4.5.M													S		
Wholesaling and Distribution														P		
UTILITIES & INFRASTRUCTURE																
Solar Farm																
Transit Station						P										P
Utilities - Class 1		P	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	P
Utilities - Class 3									S					S		
Wireless Telecommunications Facility	3.4.6.A	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Wireless Telecommunications Tower	3.4.6.A				S			S		S	S	S	S	S		
AGRICULTURE & ANIMAL RELATED																
Animal Production																
Garden		P	P													
Indoor Agriculture														P		
Nursery and Garden Center	3.4.7.A	P									P	P		P		
Riding Stable	3.4.7.B	P													P	
Veterinary and Animal Care Services, Indoor and Outdoor	3.4.7.C											P				
Veterinary and Animal Care Services, Indoor Only	3.4.7.C								P	P	P	P				P

3.4.2. Residential Use Standards

A. **Dwelling, Cottage Court**

1. **Number of Cottage Courts**
   Multiple cottage courts are allowed per development site, except in the GR and NCR districts, where a maximum of one cottage court shall be allowed per development site.

2. **Dwelling Unit Standards**

   a. **Dwelling Unit Lot Standards**
   If the cottage court dwellings are located on individual lots, the following standards shall apply.

      i. **Lot Area**
      The minimum size of a cottage court dwelling lot shall be 2,500 square feet.

      ii. **Subdivision Standards**
      An individual cottage court dwelling lot shall be exempt from the street frontage subdivision standards in Chapter 4 provided that the court complies with street frontage requirements.

   b. **Size of Dwelling Units**
   A cottage court dwelling shall have a maximum floor area of 1,800 square feet, except as otherwise approved as a housing affordability incentive in accordance with Section 2.9.

   c. **Number of Buildings and Units**

      i. A maximum of one dwelling unit shall be allowed per building in a cottage court, except as otherwise approved as a housing affordability incentive in accordance with Section 2.9.

      ii. A cottage court shall have a minimum of four and a maximum of 12 principal buildings per site, except as otherwise provided by Section 2.9.

      iii. One additional building may be utilized for common amenity space.

   d. **Building Orientation and Design**

      i. Cottage court development reduces zoning district dimensional requirements in return for voluntary compliance with the standards in this Section 3.4.2.A and with the Cottage Court Building Design Standards in Section 5.8. A certification signed by the landowner, and by the applicant, if other than the landowner, shall be included on all Subdivision Plans, Site Plans, Construction Plans, and Final Plats for cottage court development, stating that the landowner, and the applicant, as applicable, voluntarily consent to the application of the cottage court standards in the UDO, that compliance with all cottage court development standards, including the cottage court building design standards, shall be required in the approved development, regardless of any changes in ownership, and that any failure to comply with the applicable standards is a violation of the Wake Forest Unified Development Ordinance.

      ii. Buildings shall be oriented with their main entrance facing the shared common court open space, except buildings that abut a public right-of-way and buildings in a development project meeting the definition of Affordability Requirement Type 5 in Section 2.9.

      iii. Buildings that abut a public right-of-way shall have their main entrance facing the public right-of-way.

      iv. Buildings in a development project meeting the definition of Affordability Requirement Type 5 in Section 2.9 shall be oriented with their primary entrance facing either the street, community space provided in accordance with Chapter 6, or other common open space that is landscaped and includes a pedestrian walkway in accordance with Section 4 below.

3. **Common Court Open Space**
   The standards for common open space in this Section 3 apply to all cottage court development projects, except projects meeting the definition of Affordability Requirement Type 5 in Section 2.9 are exempt from this Section 3 if they include community space in accordance with Chapter 6. Any such Type 5 project that has only four units and would otherwise be exempted from the Chapter 6 standards shall provide community space as required for non-exempted projects by Chapter 6.

a. Buildings in a cottage court shall be arranged around a common court.

b. The common court shall be open to and visible from the street.

c. The common court shall have a minimum area of 2,500 square feet.

d. The common court shall have a minimum width of 30 feet as measured from the interior of the pedestrian walkway.

e. If the cottage court is subdivided into lots for each building, the required setbacks on each lot do not count as common court open space.

f. The common court open space shall count towards the open space and community space standards specified in Chapter 6.

g. A maximum of 30 percent of a common court open space may be used for stormwater management. Such stormwater management open space areas shall be designed as a rain garden or bioswale.

4. **Pedestrian Access**

a. A pedestrian walkway with a minimum width of four feet shall connect all buildings to the public right-of-way, common court open space or other required community space, and parking areas.

b. The pedestrian walkway shall be setback a minimum of four feet from all building walls.

5. **Vehicle Access and Parking**

a. Parking and driveways shall be located to the side or rear, collectively, of the principal buildings. If parking is located to the side of the principal buildings, an opaque fence or wall that is at least six feet tall shall be used to screen the parking area from the street in addition to other landscaping required by Chapter 7.

b. Parking shall be accessed by an alley if an alley is provided.

c. If an alley is not provided, parking shall be accessed by a single driveway to the overall development site. If the development site is on a corner, the drive shall connect to the secondary street be located or to the interior side of the buildings, away from the intersection.

d. In lieu of providing parking area perimeter landscape in accordance with Section 7.7.2, cottage courts may provide a Type D Option 2 perimeter buffer (see Section 7.4.7) between parking areas and street right-of-way and adjacent parking.

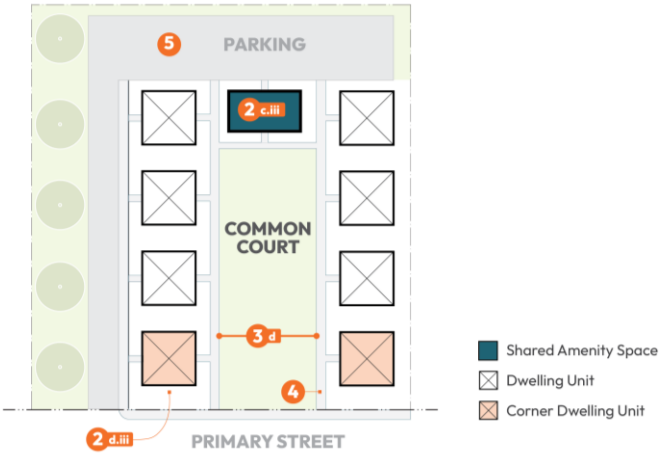

Figure 3-1: Cottage Court Standards

B. **Dwelling, Duplex**

1. Duplex dwellings shall have at least one primary entry oriented toward the public right-of-way.
2. The finished floor elevation at the front façade shall be a minimum of 18 inches above grade unless designed to be compliant with the Americans with Disabilities Act (ADA).
3. The maximum allowed floor area of a duplex dwelling is 4,500 square feet.
4. The maximum building width of a duplex dwelling is 40 feet, except additional width is permitted up to 60 feet total if:
   a. The additional width is setback a minimum of ten feet from the front building plane, or the height of the portion of the building containing the additional width is reduced by a minimum of ten feet; and
   b. A minimum of three of the following design features are included to minimize building bulk:
      i. On the side and front façade walls, at least two exterior wall materials are provided in a consistent and harmonious manner such that the material changes occur at logical points, such as at roofline changes, where the foundation wall transitions to the building wall, and at changes in building stories, and that material changes wrap façade corners;
      ii. Provide varying roof forms or massing, such as dormers or gables;
      iii. Provide trim band, decorative vents, or gable pediments to eliminate large blank exterior side and front façade walls;
      iv. Provide glazing on at least 15% of primary façades;
      v. Provide windows with window trim or window shutters to eliminate large blank exterior side and front façade walls; or
      vi. Provide varied wall planes, such as wall bump outs or bay windows.
5. To provide variation to the building bulk, emphasize primary entrances, and support community relationships, a duplex dwelling shall incorporate a front porch a minimum of 12 feet in width and six feet in depth.

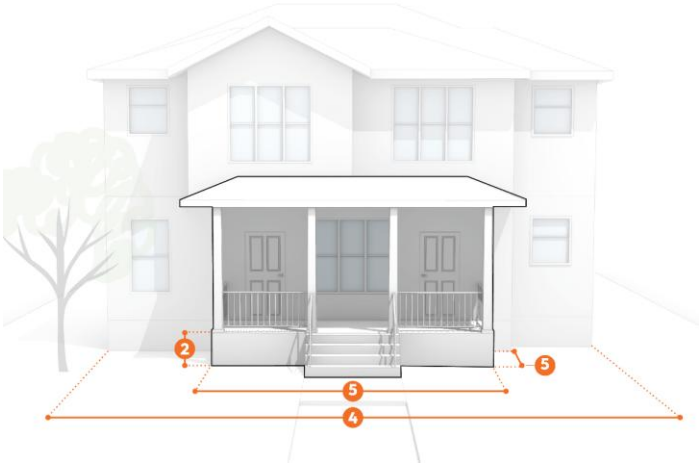

Figure 3-2: Duplex Dwelling Standards

6. Compliance with the design standards in Sections 4.a and 4.b above, is voluntary and at the discretion of the applicant in return for alternative building dimensional standards. In cases where an applicant chooses to comply with the standards in this Section, the landowner shall sign the following statement of consent and include it with the application for a Subdivision Plan, Site Plan, Final Plat, or Building Permit, as appropriate.

   VOLUNTARY COMPLIANCE WITH DUPLEX DWELLING DESIGN STANDARDS The duplex dwelling depicted on the attached site plan, subdivision plat, or other development approval is subject to the Town of Wake Forest's Duplex Dwelling Design Standards in place at the time the application for this development was determined to be complete. I hereby voluntarily consent to the application of these design standards, this acceptance of which shall run with the land regardless of changes in ownership, and recognize that failure to comply with the applicable standards following approval is a violation of the Wake Forest Unified Development Ordinance

C. **Dwelling, Multifamily**

1. In the MUR District, new development of a multifamily dwelling shall comply with the following standards:
   a. A maximum of eight units are allowed per building unless:
      i. All units are located above the ground floor of a mixed-use building,
      ii. The development meets the definition of adaptive reuse, or
      iii. The housing affordability incentives are met per Section 2.9.
   b. A development site that includes only one multifamily dwelling shall be located within one-quarter mile of a Commercial or Public & Institutional use.
   c. A development site that includes more than one multifamily dwelling shall be located within one-quarter mile of a Commercial use.
2. In the TSR District, a multifamily dwelling located within 50 linear feet of a one-story single-family detached or duplex dwelling shall include a step back of at least eight feet on floors above the ground floor on the building elevation adjacent to the single-family detached or duplex dwelling.

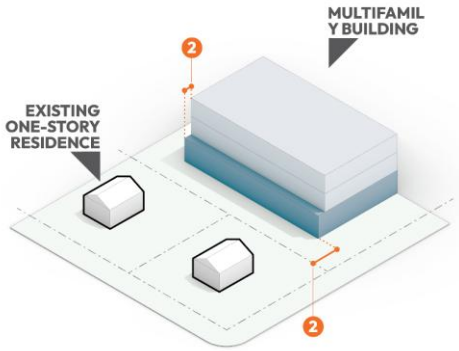

Figure 3-3: Multifamily Dwelling Step Back

D. **Dwelling, Single-Family Detached**

1. The primary entry shall be oriented toward the street right-of-way.
2. In the NCR District, to ensure new development complements the historic character of the district, new development of a single-family detached dwelling shall include a front porch that is at least 12 feet in width and six feet in depth.
3. In the MUR District, new development of a single-family detached dwelling shall be allowed only within one-quarter mile of a Commercial or Public & Institutional use.

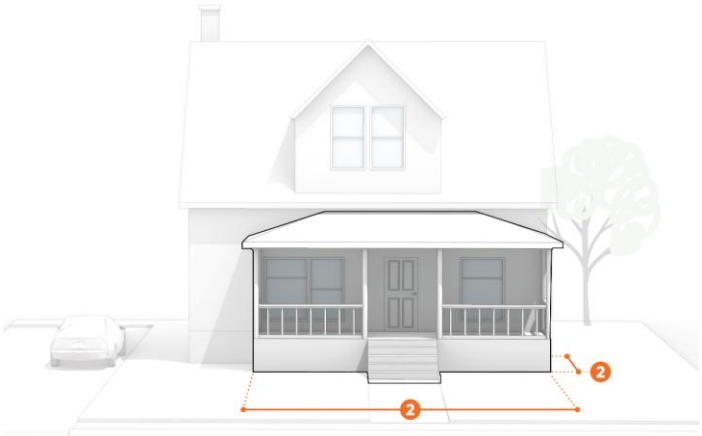

Figure 3-4: Single-Family Detached Dwelling Front Porch

E. **Dwelling, Townhome**

1. **All Districts Where Allowed**
   Except for development sites less than five acres in the GR District, a new townhome dwelling development shall be:

   a. Limited to six dwelling units per building, and

   b. Oriented with the primary entrances facing either:

      i. The designated front lot line, in which case the primary entrance of end unit townhomes on corner lots may be oriented toward the designated front or exterior side lot line; or

      ii. A Community Space in accordance with Chapter 6, in which case the primary entrance of end unit townhomes closest to the designated front lot line shall be oriented toward the designated front lot line.

2. **GR District**

   a. **Development Sites Five Acres or More in Area**
   If located 100 linear feet or less from adjacent existing single-family detached dwellings, a new townhome dwelling development shall incorporate single-family detached dwellings along the boundary with the adjacent single-family detached dwellings to serve as a transition and provide a mix of residential types.

   b. **Development Sites Less than Five Acres in Area**

      i. Townhome dwellings shall be oriented with the entrance facing the primary street right-of-way, with the exception of corner units which may be oriented toward the secondary street right-of-way.

      ii. Units per Building. Townhome dwelling development shall be limited to four units per building.

   c. **Infill Dimensional Standards in Conditional District**
   When approved through the Conditional District rezoning process or conservation design, the infill dimensional standards in Section 2.8.4 shall not apply.

Figure 3-5: Townhome Orientation - Toward Street Without Alley

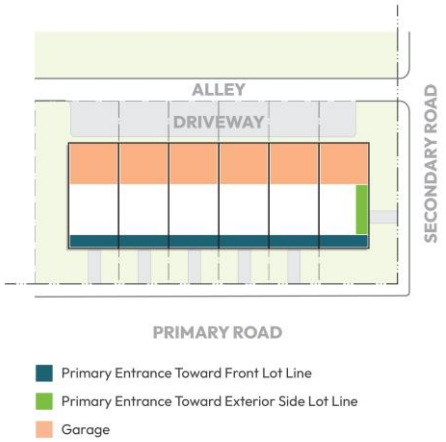

Figure 3-6: Townhome Orientation - Toward Street With Alley

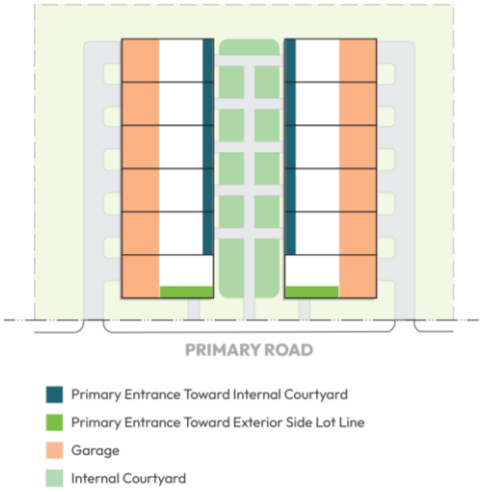

Figure 3-7: Townhome Orientation - Toward Community Space

3. **MUR District**

   a. **Proximity to Uses**
   New townhome dwelling development shall be allowed only within one-quarter mile of a Commercial or Public & Institutional use.

   b. **Single-Family Detached Transition**
   If located 100 linear feet or less from adjacent existing single-family detached dwellings, a new townhome dwelling development shall incorporate single-family detached dwellings along the boundary with the adjacent single-family detached dwellings to serve as a transition and provide a mix of residential types.

4. **TOD-O District**
   In the TOD-O District, new townhome dwelling development shall be allowed only:

   a. If adjacent to a single-family detached dwelling development existing prior to the adoption of this UDO, or

   b. As a maximum of 20 percent of all residential units within a development.

F. **Dwelling, Triplex/Quadplex.**

1. **Number of Buildings**

   a. A triplex/quadplex dwelling development site shall have one principal building per lot.

   b. A maximum of 25 percent of lots within a new subdivision may be used for triplex/quadplex dwelling development.

2. **Building Orientation and Bulk**

   a. A triplex/quadplex dwelling shall have a maximum floor area of 4,500 square feet. An additional 1,000 square feet of floor area is allowed if the design standards in Section d below are met.

   b. A triplex/quadplex dwelling shall be oriented toward the street right-of-way.

   c. The finished floor elevation at the front façade shall be a minimum of 18 inches above grade unless designed to be ADA compliant.

   d. A triplex/quadplex dwelling shall have a maximum building width of 40 feet. Additional width is permitted up to 60 feet total if the additional width is setback a minimum of ten feet from the front building plane, or the height of the portion of the building containing the additional width is reduced by a minimum of ten feet, and if a minimum of three of the following design features are included to minimize building bulk:

      i. Provide at least two exterior wall materials on the side and front façade walls in a consistent and harmonious manner, with material changes occurring at logical points, such as at roofline changes, where the foundation wall transitions to the building wall, and at changes in building stories, and with material changes wrapping front-to-side façade corners;

      ii. Provide varying roof forms or massing, such as dormers or gables;

      iii. Provide trim band, decorative vents, or gable pediments to eliminate large blank exterior side and front façade walls;

      iv. Provide glazing on 15 percent of street facing façades;

      v. Provide windows with window trim or window shutters to eliminate large blank exterior side and front façade walls; or

      vi. Provide varied wall planes, such as wall bump outs or bay windows.

   e. To provide variation to the building bulk and emphasize the primary entrance, triplex/quadplex dwelling development shall incorporate a porch that is a minimum of 12 feet in width and six feet in depth.

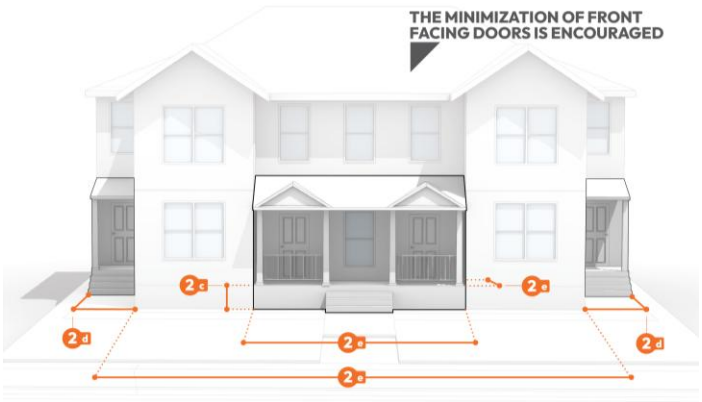

Figure 3-8: Triplex/Quadplex Dwelling Orientation and Bulk

f. Compliance with the design standards in this Section 2 is voluntary and at the discretion of the applicant in return for alternative building dimensional standards. In cases where an applicant chooses to comply with the standards in this Section 2, the landowner shall sign the following statement of consent and include it with the application for a Subdivision Plan, Site Plan, Final Plat, or Building Permit, as appropriate.

VOLUNTARY COMPLIANCE WITH TRIPLEX/QUADPLEX DWELLING DESIGN GUIDELINES The triplex, or quadplex depicted on the attached site plan, subdivision plat, or other development approval is subject to the Town of Wake Forest's Triplex/Quadplex Dwelling Design Standards in place at the time the application for this development was determined to be complete. I hereby voluntarily consent to the application of these design standards, this acceptance of which shall run with the land regardless of changes in ownership, and recognize that failure to comply with the applicable standards following approval is a violation of the Wake Forest Unified Development Ordinance.

G. **Family Care Home**
Family care homes shall meet all standards applicable to single-family detached dwellings and the following standards:

1. Family care Homes shall have a maximum of six residents.
2. Family Care homes shall meet requirements of all applicable North Carolina Building codes.
3. No family care home shall be closer than one-half of a mile to another such use.

H. **Live-Work Unit**
Construction shall meet requirements of the applicable North Carolina Building Code, and the following standards:

1. The maximum total size of a live-work unit shall be 3,000 square feet and 3 stories in height.
2. The work area shall occupy a minimum of 25 percent and maximum of 50 percent of the total unit.
3. The non-residential area shall be limited to the first or main floor only.
4. The residential area shall be limited to portions of a first or main floor not adjacent to primary street rights-of-way and upper floors only.
5. A maximum of five non-resident workers or employees are allowed to occupy the non-residential area at any one time.
6. The same tenant shall occupy the work area and living area. Mixed occupancy shall be subject to the stricter building code requirements.

I. **Manufactured Home**
All manufactured U.S. Department of Housing Urban Development (HUD) homes shall meet the following requirements:

1. **General Provisions**

a. Each manufactured home stand and space shall be graded to provide adequate storm drainage away from the structure and such that there will exist no more than three feet difference between the chassis of the home and the finished grade of the stand along the entire perimeter of the property.

b. Manufactured homes shall be set up in accordance with the standards set by the North Carolina Department of Insurance in the current edition of the North Carolina Regulations for manufactured homes, including, but not limited to, all footings, supporting piers, anchors, and tie downs.

c. The tongue, axles, running lights and removable towing apparatus must be removed prior to the issuance of a certificate of occupancy.

d. Stairs, porches, entrance platforms, ramps, and other means of entrance and exit to and from the home are installed in accordance with the requirements of the North Carolina State Building Code, attached firmly to the principal structure, and anchored securely to the ground

e. Other than those within the manufactured home itself, all installations of plumbing and electrical wiring and all gas and oil appliances shall comply with the provisions of the building, plumbing, electrical, heating, and gas regulations of the North Carolina State Building Code.

2. **Siting and Design Standards.**

   a. **Intent**
   It is the intent of these criteria to ensure that manufactured homes, when installed, have substantially the appearance of an on-site, conventionally built, single-family home.

   b. **Dimensions**
   The length of a manufactured home shall not exceed three times the width.

   c. **Orientation**
   Manufactured homes shall be sited so the primary entrance is oriented toward the street right-of-way.

   d. **Exterior Design Standards**
   Exterior siding shall be of a material customarily used on site-built dwellings which does not have a high gloss finish, such as wood, fiber cement, metal lap siding, brick, stucco, or similar materials. Smooth, ribbed, or corrugated metal or plastic panels are not permitted.

   e. **Foundation**
   A continuous permanent masonry foundation, unpierced except for required ventilation and access, shall be installed around the entire perimeter of the home, unless otherwise exempted by NCGS §160D. If the masonry foundation is not brick, stone, or decorative concrete block it shall be parged (coated with a mortar-like finish) on the front and side elevations.

   f. **Front Porch**
   Manufactured homes shall have a front porch a minimum of six feet in width and six feet in depth.

   g. **Roof**

      i. The pitch of the roof shall have a minimum vertical rise of three inches for every 12 inches of horizontal run.

      ii. The roof must be covered with a material that is customarily used on site-built dwellings. Aluminum or metal roofing is not permitted unless standing seam metal roofing or metal shingles are utilized.

      iii. The roof shall have a minimum eave projection and roof overhang of six inches, not including the gutter.

J. **Residential Care Facility**

   1. **Buffering**
   Residential care facilities must be buffered from adjacent property in the GR, NCR, or MUR Districts and any parallel Conditional District to those districts, or adjacent to residential uses with a Type C buffer in accordance with Section 7.4. This buffer requirement shall not apply to portions of continuing care retirement facilities where buildings each have four or fewer dwelling units.

   2. **Licensing**
   Prior to Construction Plan approval, an owner/operator of a residential care facility shall have received a license from the State of North Carolina for such a facility.

   3. **Number of Units**
   A maximum of 16 units are allowed unless the facility has frontage on, and direct access to, a thoroughfare of a Tier 2 or higher classification in the CTP.

   4. **Minimum Spacing**
   Unless it has frontage on, and direct access to, a thoroughfare of a Tier 2 or higher classification in the CTP, a residential care home shall not located within one-half of a mile of another such use.

   5. **Proximity to Commercial Uses**
   In the AC, TOD-O, and DT Districts, each residential care facility must be located within 660 linear feet of a Commercial use.

K. **Retirement Housing**
In the AC, TOD-O, and DT districts, retirement housing is only permitted if located within 660 linear feet of a Commercial use.

L. **Single Room Occupancy**

   1. **Parking**
   Parking areas shall not be permitted in the front yard and shall be screened from adjacent properties by a Type C buffer in accordance with Section 7.4.

   2. **Owner**
   The owner shall serve as a full-time manager or otherwise designate a full-time manager, either of which shall permanently reside on the premises.

3. **Building and Lot Standards**
   a. The minimum size of any sleeping room shall be 200 square feet per resident.
   b. One full bath consisting of a tub or shower, toilet and sink shall be provided for each four residents.
   c. Full kitchen facilities, consisting of a stove, oven, sink, refrigerator, food preparation area, and storage areas shall be provided and accessible to all tenants.
   d. Signs shall not be permitted.
4. **Tenancy Restrictions**
   a. The minimum rental period of a Single Room Occupancy shall be 30 days.
   b. A maximum of eight tenants may occupy a single room occupancy at any one time.

3.4.3. Public & Institutional Use Standards

A. **Cemetery**

1. **North Carolina Cemetery Act**
   All cemetery and related uses shall meet the requirements set forth by the North Carolina Cemetery Act, and if applicable shall obtain a license from the North Carolina Cemetery Commission.
2. **Minimum Lot Size**
   A minimum of three contiguous acres shall be required to establish a cemetery, columbarium or mausoleum not located on the same tract of land as a Place of Worship.
3. **Minimum Yard Setback Requirements**
   a. The minimum yard setback required for all structures, excluding gatehouses, is 50 feet from any exterior property line. A gatehouse shall meet the setback requirements of the base zoning district in which it is located.
   b. Mausoleums or columbaria adjacent to a street shall meet the setback requirements of the base zoning district in which they are located.
   c. The minimum yard setback required for any grave or burial plot is 50 feet from any exterior property line. This requirement does not apply where the adjacent property contains an existing cemetery.
   d. The minimum yard setback required for any grave or burial plot adjacent to a street shall be equal to a principal building front yard in the district provided that, where graves or burial plots are adjacent to streets and closer than 50 feet, a low planted screen shall be provided between the street and the cemetery. Such screen shall be 8 feet wide planted with evergreen shrubbery placed a maximum of 5 feet on center. All shrubs shall achieve a height of four feet within three years.
4. **Protection of Existing Cemetery**
   Should a landowner, next of kin, or other interested party chose to protect a cemetery when a land development or subdivision is not proposed, the applicant shall submit a completed copy of the North Carolina Cemetery Site Form to the State as indicated on the form and submit a copy to the Town. A fence in accordance with Section 8.3 should be installed and the applicant should follow the design standards contained in the Historic Property Handbook with Design Standards for Wake Forest's Local Landmarks and Historic Districts as they relate to cemeteries.

B. **Child/Adult Day Care Center**

1. In the GR, NCR, MUR, or TSR Districts and any parallel Conditional District to those districts, child/adult day care centers shall have frontage on, and direct access to, a thoroughfare of a Tier 2 or higher classification in the CTP.
2. Day Care Centers shall meet the applicable requirements of the North Carolina Department of Health and Human Services.
3. Outdoor play spaces for child/adult day care centers shall be located:
   a. Outside of driveways, drive aisles, parking areas, buffers, and required landscape areas;
   b. In the rear and/or interior side yard; and
   c. Adjacent to the building in which the child/adult day care center use is located;
   d. Play structures within the outdoor play spaces are subject to accessory structure setbacks.

C. **Chemical Dependency Treatment Facility**
No such use may be located within one-quarter of a mile of any of the following uses, measured as a straight line on a map:

1. Another chemical dependency treatment facility,
2. A Residential use,
3. An elementary, middle, or high school, or
4. Child/adult daycare center.

D. **Community Support Facility**
Unless it is an accessory use to an existing place of worship, no such use shall be located within one-quarter of a mile of another such use, measured as a straight line on a map.

E. **Halfway Home**
No such use may be located within a half mile of another such use.

F. **Place of Worship**
In the DT-C District, places of worship shall be allowed:

1. Above the ground floor only unless combined with another principal use; or
2. As a tenant of a multi-tenant building.

G. **School, Elementary**

1. Athletic fields and parking areas must be buffered from adjacent property in the GR, NCR, MUR, or TSR Districts and any parallel Conditional District to those districts or adjacent residential uses with a Type B buffer in accordance with Section 7.4.
2. Pedestrian connections in the form of sidewalks, multi-use paths, or greenways shall connect elementary schools with surrounding residential neighborhoods for a minimum distance of one-quarter mile.
3. Bicycle connections in the form of multi-use paths, greenways, or similar off-street facilities shall connect elementary schools with surrounding residential neighborhoods for a minimum distance of one-quarter mile.
4. Student pick-up/drop-off areas shall adhere to NCDOT standards for vehicular circulation and stacking regardless of roadway jurisdiction.
5. Vehicular access from a thoroughfare of a Tier 2 or higher classification in the CTP is required.
6. Unless it is an adaptive reuse of existing building, an elementary school shall not be located within one-half of a mile of another elementary school.
7. Unless it is an adaptive reuse of an existing building, a school having a floor area of 50,000 or more square feet shall have at least two points of site ingress or egress that are compliant with the driveway provisions in Section 9.9.

H. **School, High**

1. Athletic fields and parking areas must be buffered from adjacent property in the GR, NCR, MUR, or TSR Districts and any parallel Conditional District to those districts or adjacent residential uses with a Type B buffer in accordance with Section 7.4.
2. Pedestrian connections in the form of sidewalks, multi-use paths, or greenways shall connect high schools with surrounding residential neighborhoods for a minimum distance of one-quarter mile.
3. Bicycle connections in the form of multi-use paths, greenways, or similar off-street facilities shall connect high schools with surrounding residential neighborhoods for a minimum distance of one-quarter mile.
4. Student pick-up/drop-off areas shall adhere to NCDOT standards for vehicular circulation and stacking.
5. Vehicular access from a thoroughfare of a Tier 3 or higher classification in the CTP is required.
6. Unless it is an adaptive reuse of existing building, a high school shall not be located within one mile of another high school.
7. Unless it is an adaptive reuse of an existing building, a school having a floor area of 50,000 or more square feet shall have at least two points of site ingress or egress that are compliant with the driveway provisions in Section 9.9.

I. **School, Middle**

1. Athletic fields and parking areas must be buffered from adjacent property in the GR, NCR, MUR, or TSR Districts and any parallel Conditional District to those districts or adjacent residential uses with a Type B buffer in accordance with Section 7.4.
2. Pedestrian connections in the form of sidewalks, multi-use paths, or greenways shall connect middle schools with surrounding residential neighborhoods for a minimum distance of one-quarter mile.
3. Bicycle connections in the form of protected multi-use paths, greenways, or similar off-street facilities

shall connect middle schools with surrounding residential neighborhoods for a minimum distance of one-quarter mile.

4. Student pick-up/drop-off areas shall adhere to NCDOT standards for vehicular circulation and stacking.
5. Vehicular access from a thoroughfare of a Tier 2 or higher classification in the CTP is required.
6. Unless it is an adaptive reuse of existing building, a middle school shall not be located within one-half of a mile of another middle school.
7. Unless it is an adaptive reuse of an existing building, a school having a floor area of 50,000 or more square feet shall have at least two points of site ingress or egress that are compliant with the driveway provisions in Section 9.9.

3.4.4. Commercial Use Standards

A. **Adult Establishment**

1. An Adult Establishment shall be located a minimum of 750 feet from properties with the following pre-existing uses:
   a. All Residential uses,
   b. School, Elementary,
   c. School, High,
   d. School, Middle,
   e. Place of Worship,
   f. Public Cultural/Community Facility,
   g. Public Entertainment/Recreation Facility,
   h. Child/Adult Daycare Center,
   i. Park, or
   j. Cemetery.
2. An Adult Establishment shall be located a minimum of 750 feet from another property with an Adult Establishment.
3. There may be no more than one Adult Establishment on the same property or in the same building.

B. **Artisan Production**

1. Gross floor area shall not exceed 5,000 square feet.
2. Outdoor storage shall be prohibited.
3. Artisan production shall not create or cause any perceptible noise, odor, smoke, electrical interference, or vibrations that constitute a public or private nuisance to neighboring properties.
4. Retail sales of goods manufactured on-site shall be required and shall comprise a minimum of 25 percent of the total area of the building. Retail sales areas shall be located on the ground floor and shall be directly adjacent to storefront windows.
5. Manufacturing areas are encouraged to be visible from retail areas.

C. **Bed and Breakfast**

1. In the GR District, if a bed and breakfast has more than four rentable rooms, it shall be located on a corner lot.
2. An owner/manager of the bed and breakfast shall reside on the property.
3. Activities and functions provided for overnight guests shall include breakfast and may include an afternoon and/or evening refreshment.
4. Accessory retail/restaurant uses are allowed only if explicitly included in the Special Use Permit. Such uses shall be subject to any conditions of approval of the permit, such as minimum parking requirements and limitations on hours of operation.
5. In addition to the functions for overnight guests, the bed and breakfast may have six private parties, receptions, or similar activities per year. In no way is this provision meant to restrict the owner/manager's use of their home for personal entertaining.

D. **Food Truck Court**

1. A minimum of three food trucks shall be provided per child/adult day care center.
2. The maximum number of food trucks allowed on site will be dependent on the size of the lot and the site's ability to provide required electrical access and parking.
3. A minimum of ten feet of clearance shall be provided between all individual food trucks and from buildings.
4. The area for a child/adult day care center shall be clearly defined and separated from all patron parking with an enclosure. Any use of fencing,

decorative bollards, or planters to separate the food truck park from parking shall provide visibility into the site and shall not exceed four feet in height.

5. To create an inviting and attractive aesthetic environment seating and shade elements shall be provided.

6. A minimum of two permanent restrooms that meet ADA standards within 200 feet of the food truck area shall be made accessible to patrons during hours of operation. Restrooms shall comply with the accessory structure architectural standards in Chapter 5.

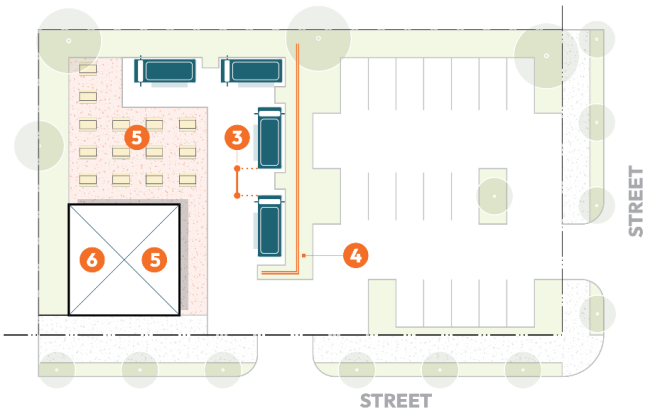

Figure 3-9: Food Truck Court Standards

7. A permanent power source shall be provided to each food truck; use of noise-producing generators is prohibited.

8. Food trucks shall be inspected in accordance with the State of North Carolina and County.

E. **General Commercial**
In the MUR and TSR Districts, general commercial uses shall be limited to 5,000 square feet unless located on the ground floor of a vertically mixed use building.

F. **Hotel**

1. In the DT District, a minimum of 25 percent of the ground floor shall be occupied by a bar, general commercial, micro-brewery/distillery/winery, or restaurant use.

2. In the NB District, a hotel may be located only on a parcel abutting a Boulevard or Freeway Thoroughfare, as identified in the CTP.

G. **Micro-Brewery/Distillery/Winery**

1. A micro-brewery/distillery/winery shall include one or more accessory or principal uses such as a tasting room, tap room, restaurant, retail, demonstration area, education and training facility or other uses incidental to the micro-brewery/distillery/winery and open and accessible to the public.

2. Storage of materials used in the manufacturing, processing, and for distribution shall be located entirely within an enclosed building.

H. **Restaurant**
Outdoor cooking facilities shall not be permitted adjacent to residential uses. Where allowed, the outdoor cooking facility area shall be properly ventilated.

I. **Restricted Commercial**
Restricted commercial uses shall be located a minimum of 660 linear feet from schools, public parks, and Residential uses.

J. **Shooting Range, Indoor**
Indoor shooting ranges shall be designed as a controlled shooting environment that include:

1. Impenetrable walls, floor and ceiling,

2. Adequate ventilation, and

3. Lighting systems and acoustical treatment for sound attenuation suitable for the range's approved use.

K. **Shooting Range, Outdoor**

1. **Buffering**
Outdoor shooting ranges shall be buffered from adjoining properties with a Type A buffer in accordance with Section 7.4.

2. **Contamination Prevention**

a. New outdoor shooting ranges shall be designed with bullet containment devices, such as earthen berms and backstops, sand, steel, or rubber traps, or shock absorbing concrete.

b. To prevent lead from migrating off-site, vegetative ground cover shall be utilized. Vegetation that attracts birds and wildlife shall be avoided to prevent potential lead ingestion.

3. **Location**
   Outdoor shooting ranges shall be located a minimum of one quarter of a mile from places of worship, schools, and Residential uses.

L. **Short-Term Rental**

1. A parcel containing a short-term rental use shall be located a minimum of 660 feet from other parcels containing a short-term rental use.
2. Information regarding trash pick up days and nonemergency public safety contact information shall be posted in the short-term rental unit.
3. Cooking facilities are not permitted in any bedroom. For the purpose of this regulation, cooking facilities include:
   a. Any refrigerator in excess of seven cubic feet; any stovetop 2 range that operates on 220-volt electric service;
   b. Any appliance that operates on natural gas; or any cooktop, whether integrated into a countertop or a separate appliance, which contains more than two cooking surfaces or burners.
   c. This shall not prohibit cooking facilities within a one-room studio short-term rental. For the purpose of this regulation, a studio shall be a single-room rental with a sleeping area, living area, and kitchen/eating area in one consolidated room.
4. No exterior advertising shall be allowed.
5. For any residential building with three or more dwelling units, no more than five percent, or two dwelling units, whichever is greater, may be used for short-term rental in any single building.
6. Short-term rental operators shall comply with all applicable State and local laws, including those relating to fire and building codes, smoke detecting and carbon monoxide detecting equipment, housing codes, and payment of taxes to appropriate governmental entities, including occupancy taxes.
7. The zoning compliance permit number authorizing the short-term rental shall be conspicuously posted on all advertisements for short-term rentals, and inside the subject property.
8. Short-term rentals shall be exempt from buffer requirements otherwise applicable to Commercial uses.

3.4.5. Industrial & Automotive Use Standards

A. **Car Wash**

1. Hours of operation shall be restricted to between 8 a.m. and 9 p.m. only.
2. All mechanical equipment, excluding self-service vacuum units, shall be enclosed within a building.
3. All facilities shall be designed and configured such that any outdoor spraying preparation or drying activities are directed away from any abutting residential use or the GR, NCR, MUR, or TSR districts and any parallel Conditional District to those districts.
4. All car wash facilities and accessory equipment such as vacuums, dryers, accessory buildings, etc. shall be set back a minimum of 100 feet from any residential use or the GR, NCR, MUR, or TSR Districts and any parallel Conditional District to those districts.
5. If self-service vacuum facilities are provided, they shall include designated areas for vehicles to be stationed during use of the facilities so as to not interfere with circulation or entrance or exit drives.
6. Accessory equipment including vacuum facilities shall be set back a minimum of 20 feet from all property lines.
7. All full-service or conveyor-based carwash facilities shall be equipped with, and maintain in operation, a water recycling system that shall recycle a minimum of 50 percent of the water being used by the facility.

B. **Concrete/Cement Manufacturing**

1. **Location**
   Concrete/Cement manufacturing uses shall be located a minimum of 500 feet from any residential use or the GR, NCR, MUR, and TSR District and any parallel Conditional District to those districts.
2. **Environmental Hazards**
   All establishments shall be maintained so as not to create environmental hazards (such as oil or gas leaks or spills) that pose a threat to ground or surface water quality, air quality, wildlife and/or humans.

C. **Data Center**

1. In the CB and CI zoning districts, data storage and/or processing shall serve on-site entities only, and buildings housing data centers shall comply with the Chapter 5 building design standards that apply to "All Other Commercial" buildings.
2. A data center shall not have more than 10,000 square feet of floor area nor require more than ten megawatts of power in total, including from power utilities and all other sources.
3. The use of liquid cooling systems shall be limited to closed loop systems.
4. If diesel-powered generators are used, they shall meet the requirements for Environmental Protection Agency Tier 4 generators or better. On-site nuclear power generation is prohibited.
5. All cooling equipment and auxiliary power systems shall be either entirely within an enclosed structure or completely screened on all sides by an acoustic barrier and set back at least 300 feet from the periphery of the site and at least 1,000 feet from residential uses.
6. In addition to complying with the Noise Ordinance, the data center shall not produce sound exceeding 50 dB(C) at the periphery of the site. This 50 dB(C) sound limit shall not apply during testing of generators once a month between the hours of 10:00 a.m. and 4:00 p.m. or during emergency situations, including the operation of emergency generators or other life-safety systems when responding to power outages, equipment failure, or other bona fide emergencies.

D. **Industry, Light**

1. **Off-Site Impacts**
   No generation of dust, odors, noise, vibration or electrical interference or fluctuation shall be perceptible beyond the property line.
2. **Environmental Hazards**
   All establishments shall be maintained so as not to create environmental hazards (such as oil or gas leaks or spills) that pose a threat to ground or surface water quality, air quality, wildlife and/or humans.
3. **Vehicular Access**
   Primary vehicular access to the site shall be provided from a roadway that meets the high daily truck traffic pavement specifications in the WFD3.

E. **Liquid Natural Gas Processing**

1. **Location**
   Liquid natural gas processing uses shall be located a minimum of 500 feet from any residential use or the GR, NCR, MUR, and TSR District and any parallel Conditional District to those districts.
2. **Environmental Hazards**
   All establishments shall be maintained so as not to create environmental hazards (such as oil or gas leaks or spills) that pose a threat to ground or surface water quality, air quality, wildlife and/or humans.

F. **Parking Lot (As a Principal Use)**

1. **Parking Space Limit**
   In the GR District, parking lots shall be limited to a maximum of 12 spaces.
2. **Screening**
   Parking lots shall be screened from view from the street and adjacent residential properties with a masonry wall meeting the standards in Chapter 8 with a minimum height of three feet and maximum height of four feet.

G. **Recycling Collection Station**

1. **Location**
   All outdoor storage, collection loading and processing areas must be located a minimum of 200 feet from residential uses or the GR, NCR, MUR, or TSR districts and any parallel Conditional District to those districts.
2. **Environmental Hazards**
   The development site shall be maintained so as not to create environmental hazards (such as oil or gas leaks or spills) that pose a threat to ground or surface water quality, air quality, wildlife and/or humans.
3. **Vehicular Access**
   Vehicular access to the site shall be from a thoroughfare of a Tier 2 or higher classification in the CTP.

H. **Storage, Self-Service**

1. **Permitted Activities**
   The only activities permitted in individual storage units shall be the rental of the unit and the deposit or pick-up of goods and/or property. Storage units shall not be used for activities such as:

   a. Residences, offices, workshop, hobby, or rehearsal area;

   b. Manufacturing, fabrication, processing, service or repair, or any industrial activity;

   c. Retail sales, including garage sales or auctions;

   d. Storage of flammable, perishable, or hazardous materials; or

   e. Keeping of animals

2. **Hours of Operation**
   Self-service storage facilities shall not operate or allow tenant access between the hours of 9 p.m. and 8 a.m. if the site abuts the GR, NCR, MUR, or TSR districts, or any parallel Conditional District to those districts, or a Residential use.

3. **Additional IND-District Standards**
   In the IND District, the following additional standards apply:

   a. Self-service storage uses accessed from the outside shall be located to the rear of a principal building.

   b. A conforming principal building is required and shall occupy a minimum of 60 percent of the parcel frontage.

4. **Additional CB District Standards**
   In the CB District, the following additional standards apply:

   a. All storage units must be contained within a building and accessed internally. Separate entrances to individual storage units from outside the building are not permitted.

   b. The business office of the self-service storage shall have a front entrance facing the street to allow pedestrian access.

   c. Facilities are only permitted in multi-story structures designed to resemble office buildings.

   d. If storage units are visible from the exterior, glazing shall be tinted so as to minimize the focus on units and reduce glare of interior lighting.

   e. The outdoor storage of goods or materials, portable storage units, boats, RVs or similar vehicles is not permitted.

I. **Vehicle Fueling Station**

1. **Canopies/Pumps**

   a. Pump canopies must be located to the side or rear of a principal building.

   b. In the NB District, pump canopies must be located at least 100 feet from any interior side or rear property line that adjoins a Residential use or the GR, NCR, MUR, or TSR districts, or any parallel Conditional District.

   c. In all other districts, pump canopies must be located at least 75 feet from any interior side or rear property line that adjoins a Residential use.

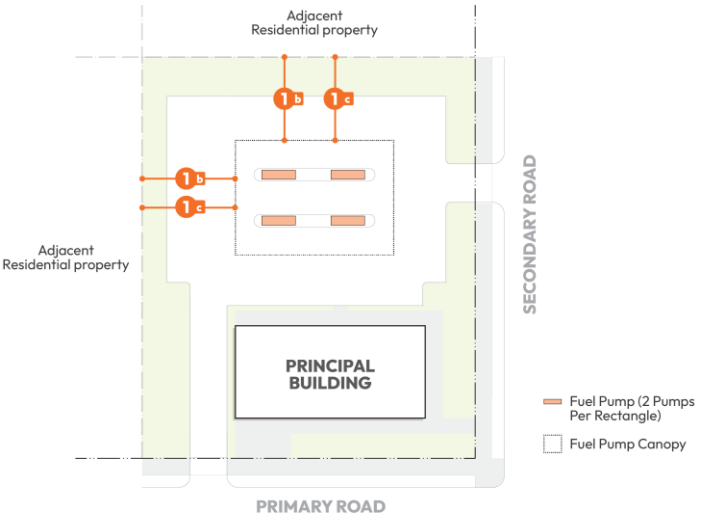

Figure 3-10: Vehicle Fueling Station Pump Canopy Setbacks

   d. In the NB District, the maximum number of pumps (two sided) permitted at a single fueling station shall be eight.

   e. In all other districts, the maximum number of pumps permitted at a single fueling station shall be 12.

   f. The support columns of canopies shall be constructed with masonry consistent with the principal building materials for the full height of the columns.

g. Plastic or other similar roofing materials are prohibited for canopies.

h. Canopy height shall not exceed the height of the principal building or 20 feet, whichever is greater.

2. **Principal Buildings**
A conforming principal building is required and shall be a minimum of 1,600 square feet when it is on a stand-alone parcel. In a shopping center, no principal building is required as long as all other standards in this Section 3.4.5.I are met.

3. **Lighting**
All lighting must be shielded to direct light and glare only onto the lot or parcel where the vehicle fueling station is located and shall comply with Chapter 10.

4. **Access**
In the NB District, vehicle fueling stations shall have their sole vehicular access from a thoroughfare of a Tier 3 or higher classification in the CTP.

J. **Vehicle Rental/Leasing/Sales**

1. The minimum lot size for vehicle rental/leasing/sales shall be three acres in area.

2. All displayed vehicles shall be located on hard surfaced areas as approved by the Administrator.

3. All displayed vehicles shall be operable and suitable for driving. Vehicles which are not operable or suitable for driving shall be stored indoors or in parking areas for a period not to exceed 24 hours.

4. Operations shall not create obstructions to traffic circulation on public streets.

K. **Vehicle Services, Major Repair/Body Work**

1. **Location**
All such uses must be located a minimum of 500 feet from any residential use or the GR, NCR, MUR, and TSR Districts and any parallel Conditional District to those Districts.

2. **Non-Operable Vehicles**
Vehicles which are not operable or suitable for driving shall be stored indoors, in accessory outdoor storage areas meeting all supplemental use standards in this Chapter, or in parking areas for a period not to exceed 24 hours.

3. **Environmental Hazards**
All establishments shall be maintained so as not to create environmental hazards (such as oil or gas leaks or spills) that pose a threat to ground or surface water quality, air quality, wildlife and/or humans.

L. **Vehicle Services, Minor Maintenance/Repair**

1. Vehicle service bays shall be located a minimum of 100 feet from any residential uses or the GR, NCR, MUR, or TSR districts or any parallel Conditional District.

2. 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.

3. In the NB District, hours of operation shall be limited to between 8 a.m. and 9 p.m.

M. **Waste Transfer Facility**

1. **Location**
All such uses must be located a minimum of 500 feet from any residential use or the GR, NCR, MUR, or TSR District or any parallel Conditional District.

2. **Environmental Hazards**
All establishments shall be maintained so as not to create environmental hazards (such as oil or gas leaks or spills) that pose a threat to ground or surface water quality, air quality, wildlife and/or humans.

3. **Vehicular Access**
Primary vehicular access to the site shall be provided from a roadway that meets the high daily truck traffic pavement specifications in the WFD3.

4. **Screening**

a. A minimum 150-foot setback is required along all property lines and public rights-of-way. No waste transfer activities, including parking, access roads, buildings, or disposal shall occur in the setback. Roads for access to the site and monitoring wells may be located within the inner 100-foot area of the setback. All existing trees within the setback shall be preserved, except to allow for construction of necessary road crossings and monitoring wells.

b. A Type A buffer in accordance with Section 7.4 shall be required in the setback along all property lines and public rights-of-way

regardless of the adjacent zoning. Existing plant material may be included in the computation of the required plantings, with approval of the Administrator.

3.4.6. Utilities, Infrastructure, and Transportation Use Standards

A. Wireless Telecommunications Facility and Wireless Telecommunications Tower

1. **Purpose**
In accordance with NCGS §160D-930 et seq., this Section 3.4.6.A establishes a framework for siting and designing Wireless Telecommunication Facilities and Wireless Telecommunications Towers to protect the public health, safety, and general welfare and to implement the following Town policies:
   a. Facilitate the provision of comprehensive wireless telecommunication services to residents and businesses in the Town's jurisdiction.
   b. Minimize the number of Wireless Telecommunication Towers needed to serve the community by locating new Wireless Telecommunications Facilities on existing and approved Wireless Telecommunication Towers, buildings, and other structures to the maximum extent possible.
   c. Minimize the number, height, obtrusiveness, and visual impact of Wireless Telecommunications Towers and their associated equipment and buildings.
   d. Direct and allow Wireless Telecommunication Facilities to areas which are least disruptive to residential, park, open space, and greenway uses and to be as unobtrusive and invisible as reasonably possible.
   e. Ensure that the height of Wireless Telecommunications Towers has the least visual impact and is no greater than required to achieve service area requirements and potential co-location. The utilization of appropriately-spaced towers of a shorter height to provide service is preferred to fewer, taller towers.
   f. Protect views of, and vistas from, architecturally or historically significant structures and historically significant landscapes so that these architectural or historical resources are not impaired or diminished by the placement of Wireless Telecommunications Towers.
   g. Avoid potential damage to adjacent properties from Wireless Telecommunication Tower failure through structural design standards and setback requirements.
2. **Applicability**
   a. Except as exempted by Section b below, this Section 3.4.6.A applies to Wireless Telecommunication Facilities and Wireless Telecommunications Towers.
   b. The following are exempt from the requirements in this Section 3.4.6.A:
      i. Any reception or transmission devices expressly exempted under the Telecommunications Act of 1996,
      ii. Non-commercial wireless facilities on government-owned property or facilities,
      iii. Facilities used exclusively for private, non-commercial radio and television reception and private citizen's bands, licensed amateur radio and other similar non-commercial telecommunications with a tower less than 60 feet in height,
      iv. Facilities used exclusively for providing unlicensed spread spectrum technologies, such as IEEE 802.11a, b, g services (e.g., Bluetooth) where 1) the facility does not require a new tower or increase the height, silhouette, or profile of the structure being attached to, 2) the service is not to be used for commercial purposes, 3) there is no fee or charge for the use of the service, and 4) the service is intended to be useable only within 200 feet of the facility.
   c. The provisions of this Section 3.4.6.A are in addition to, and do not replace, any obligations an applicant may have under any franchises, licenses, encroachments, or permits issued by Federal, state, or local government.
3. **Special Use Permit Required**
   a. A valid Special Use Permit issued in accordance with Section 16.7.4 is required for the

establishment of a new Wireless Telecommunications Tower and for any substantial modification of an existing Wireless Telecommunications Tower. Repair, maintenance, and other modifications of a Wireless Telecommunications Facility or Wireless Telecommunications Tower that are not substantial modifications may require a Zoning Compliance Permit or other permit or approval under this UDO, depending on the modification proposed.

b. In addition to the requirements in Section 16.7.4, the following requirements apply to the Special Use Permit application submittal, review, and approval:

   i. The pre-application meeting shall include a site visit.

   ii. The Town may hire any consultant and/or expert necessary to assist with reviewing and evaluating the application, including the construction and modification of the site, once permitted, and any site inspections. The cost of such shall be the responsibility of the applicant in accordance with the Town's adopted fee schedule. The payment of the expert assistance fee to the Town shall occur prior to the site visit for the pre-application meeting. The Town may apply additional reasonable and cost-based fees for costs incurred in the review of revisions to the application.

   iii. The Special Use Permit application must include 1) a written commitment from specific carrier to use the tower or facility if permitted, 2) documentation of the technical need for the height requested to primarily and essentially serve the Town; 3) photo simulations showing the site in its current conditions compared with a photo realistic representation of the site with the proposed tower or facility as it would appear when viewed from GR, NCR, MUR, or TSR zoned lands, public rights-of-way, and other locations within a one-mile radius that the Administrator determines are key viewpoints; and 4) a siting alternatives analysis (see Section 5.b below) showing by clear and convincing evidence that co-location on an existing structure within the applicant's search ring is not feasible and service would be prohibited without the new tower or substantial modification.

c. The Board of Commissioners should include a condition of approval of a Special Use Permit for a new tower that the owner of the tower, and their successors in interest, must:

   i. Respond within 60 days to a request for information from a potential shared-use applicant,

   ii. Negotiate in good faith concerning future requests for shared use of the new tower by other telecommunications providers, and

   iii. Allow shared use of the new tower if another telecommunications provider agrees in writing to pay reasonable charges.

d. The applicant and the owner of record of a proposed tower or facility shall jointly execute and file with the Town a bond, or other form of security acceptable to the Town, in an amount of at least $75,000 for a tower and with such sureties as are deemed sufficient by the Town to ensure the faithful performance of the terms and conditions of this Section 3.4.6.A and any conditions of approval of the Special Use Permit. The full amount of the bond or security shall remain in full force and effect throughout the term of the Special Use Permit, and/or in the case of discontinuance or abandonment, until any necessary site restoration is completed to restore the site to a condition comparable to that which existed prior to the issuance of the original Special Use Permit.

e. If construction of the tower or substantial modification does not begin within 120 days of the date the Special Use Permit is issued, the Special Use Permit shall expire and become invalid. Construction of a tower or substantial modification shall be completed within a reasonable time not to exceed 24 months of the date of approval of the Special Use Permit, unless a longer period is specified in the permit or completion is not possible due to an act of force majeure.

4. **General Standards**

   a. **Compliance with Federal Rules and Regulations**
   Wireless Telecommunications Towers shall be erected and operated in compliance with the most current Federal Communication Commission and Federal Aviation Administration rules and regulations and other applicable federal and state regulations and with the Code of Ordinances.

   b. **Interference with Public Safety Telecommunications**
   No new or existing telecommunications service shall interfere with public safety telecommunications. Before the introduction of new service or changes in existing service, telecommunication providers shall notify the Town at least ten calendar days in advance of such changes and allow the Town to monitor interference levels during the testing process.

   c. **Flush Mounting Required**
   All antennas attached to a tower or other structure shall be flush mounted or as near to flush mounted as is possible without prohibiting or having the effect of prohibiting the provision of service, unless it can be proven by clear and convincing evidence that it would be technologically impracticable. Such evidence shall include hard data and a detailed narrative.

   d. **Relocation May be Required**
   Notwithstanding anything to the contrary in this Section 3.4.6.A, for good cause shown if it could result in a less intrusive facility or facilities, singly or in combination, and still accomplish the primary service objective, the Town may require the relocation of a proposed site, including allowing for the fact that relocating the site chosen by the applicant may require the use of more than one site to provide substantially the same service.

   e. **Maintenance**
   All Wireless Telecommunications Towers and Facilities and related equipment, including buildings, fences, cabinets, poles, and landscaping, shall be maintained in good working condition over the life of the use. This shall include keeping the structures and site features maintained to the visual standards established at the time of approval and ensuring they remain free from trash, debris, litter, graffiti, and other forms of vandalism. Any damage shall be repaired as soon as practicable.

   f. **Discontinuance or Abandonment**
   The following requirements apply to all Wireless Telecommunications Towers and Wireless Telecommunications Facilities to ensure all structures and equipment are removed when they are no longer operable or in use and that the site is restored to a condition comparable to its previous condition.

      i. Where use of a tower or facility is discontinued or the tower or facility is abandoned, the landowner and the owner of the tower or facility, if other than the landowner, shall be jointly and severally responsible for completing all necessary site restoration necessary to restore the site to a condition comparable to that which existed prior to the installation of the tower or facility. Failure to complete this site restoration within a reasonable time shall be a violation of this UDO, subject to the enforcement provisions in Chapter 16.

      ii. The owner of a tower or facility and the last service provider to use the tower or facility shall notify the Administrator that use of the tower or facility has been discontinued within 30 days of the discontinuance.

      iii. Towers and facilities that have not been used for a continuous period of one year shall be deemed abandoned.

5. **Wireless Telecommunication Towers and Substantial Modifications of Existing Towers**
The standards in this Section 5 apply to new Wireless Telecommunication Towers and substantial modifications of existing Wireless Telecommunications Towers, in addition to the general standards in Section 4 above.

   a. **Co-location Generally Required**
   New Wireless Telecommunication Towers and substantial modifications may be allowed only where co-location, or co-location without substantial modifications, as applicable, is deemed infeasible through a siting alternatives analysis, in accordance with Sections b and c below.

   b. **Siting Alternatives Analysis Required**
   Applications shall include a siting alternatives analysis demonstrating whether co-location on existing structures, including without substantial modifications, as applicable, is feasible within the applicant's search ring, as defined by NCGS §160D-931(17). The analysis shall consider the feasibility of siting the proposed Wireless Telecommunications Facility within each of the following siting alternatives, listed here in descending order of priority:

      i. Co-location on an existing Wireless Telecommunications Tower, without any substantial modification,

      ii. Co-location on an existing Wireless Telecommunications Tower in the IND District, with a substantial modification,

      iii. Co-location on existing Wireless Telecommunications Towers with a substantial modification in a district other than the GR, NCR, MUR, TSR, DT, LH-O, or MV-O districts or the IND District (see Section ii above),

      iv. Utilization of other existing structures and buildings in the IND District,

      v. Utilization of other existing structures and buildings in a district other than the GR, NCR, MUR, TSR, DT, LH-O, or MV-O districts or the IND District (see Section iv above),

      vi. Construction of a new Wireless Telecommunications Tower in the IND District, or

      vii. Construction of a new Wireless Telecommunications Tower in a district other than the IND District where such towers are allowed in accordance with Table 3-1.

   c. **Justification for Lower Priority Alternative**
   If the proposed site is not within the highest priority alternative in Section b above, the applicant shall provide a detailed explanation and justification, including clear and convincing technical evidence, as to why a site of each and all higher priority alternative was not selected. The applicant must satisfactorily demonstrate the reason or reasons why such a permit should be granted for the proposed site, and any hardship that would be incurred by the applicant if the permit were not granted as proposed. The test for cost-based arguments shall be commercial impracticability, and such arguments shall include information pertaining to the fair market value of similar contracts. If a new tower is proposed, the applicant must demonstrate with clear and convincing technical evidence that not permitting the proposed tower would result in, or would preclude eliminating, a significant gap in service.

   d. **Minimum Setbacks**
   Towers, including all accessory structures, shall be set back from abutting parcels and rights-of-way by the greater of the following distances:

      i. A distance equal to 110 percent of the height of the proposed tower,

      ii. The minimum setback requirement of the underlying zoning district, or

      iii. 300 feet from all existing and planned thoroughfares of a Tier 3 or higher classification in the CTP.

   e. **Maximum Height**

      i. The maximum permitted total height of a tower shall be 90 feet above pre-construction ground level. The maximum permitted height is not an as-of-right height, but rather the maximum permitted height under any

circumstances, absent proof of the technological need for a greater height.

ii. An applicant may request and the Board of Commissioners may approve, a tower height in excess of 90 feet only where the applicant provides clear and convincing technical evidence substantiating that a taller height is technically necessary for a specific carrier or user of the tower for the provision of wireless service primarily and substantially within the Town, to the exclusion of any alternative option that is not technologically or commercially impractical, and where denial of a taller height would have the effect of prohibiting the provision of wireless service to the community by a specific carrier or user of the tower.

iii. Where a height in excess of 90 feet is allowed, it shall be the minimum height necessary for the provision of wireless service.

f. **Justification for Proposed Height**

i. Where a new tower or a substantial modification involving and increase in height is proposed, the applicant shall submit clear and convincing technical documentation justifying the technical need for the total height of the requested tower or substantial modification, as applicable. Documentation must include all modeling data and assumptions used to produce the evidence at the requested height and a minimum of ten feet lower height to enable verification of the need for the requested height.

ii. As a means of minimizing the height necessary, a claim of interference because of a need to have greater than six feet of vertical clearance between facilities, measured from the vertical centerline of one array to the vertical centerline of another, must be proven by technical data showing that there is no technological alternative that would enable the service to be provided that would require less vertical space. The Administrator may waive this requirement on determining the applicant has demonstrated that the provisions of future shared usage beyond six tower users is not reasonably feasible.

g. **Monopole Required**
All towers shall be of the monopole type.

h. **Structural Requirements**
Each tower shall be structurally designed to accommodate the maximum number of antenna arrays possible for the tower height as regards the load and stress created on the structure, with each array to be sited in such a manner as to provide for flush attachments to the greatest extent possible with the minimum separation required to achieve the co-locations in the minimum height possible without causing RF interference or physical conflict.

i. **Fall Zone**
New towers shall be designed and located on the property in a manner that would avoid safety hazards on surrounding uses in the event of a fall. The tower shall be designed so that, if it should fall along its longest dimension, the tower will remain within the lot lines and avoid dwelling units, habitable structures, public rights-of-way, utility lines, and other Wireless Telecommunications Towers.

j. **Engineer Certification Required**
All towers shall be certified by a licensed structural engineer as being structurally adequate and in accordance with all local, state, and federal structural requirements for loads, including wind and ice loads and including, but not limited to all applicable ANSI guidelines (e.g., ANSI-EIA/TIA 222). The engineer's certification shall be accompanied by a detailed structural report that includes all supporting calculations. No tower shall have equipment attached to it that exceeds a literal 100 percent of the loading and stress capability the tower is designed to support.

k. **Lights**
No signals, lights or other illumination shall be permitted on towers unless required by the Federal Communications Commission, the Federal Aviation Administration, or the Town.

l. **Non-Required Signs Prohibited**
No lettering, symbols, images, trademarks, signs, or advertising shall be placed on or affixed

to any part of a tower, antenna array, or antenna, other than as required by Federal Communications Commission regulations regarding tower registration or other applicable law.

m. **Underground Utilities**
All utilities at a site shall be installed underground and in compliance with all Laws, ordinances, rules, and regulations of the Town, including specifically, but not limited to applicable electrical codes.

n. **Security Fencing**
Security fencing shall surround the tower base, all guy anchors, and equipment. The compound area and all guy anchors shall be secured with a fence that is at least six feet tall but not more than ten feet tall. A security wire (barbed, curved, razor, etc.) may be located on the tower side of the fence but shall not extend above the top of the fence. The fence shall comply with all applicable standards in Chapter 8.

o. **Vehicular Access**
An access road, parking, and turn around space for emergency vehicles shall be provided to assure adequate emergency and service access. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall minimize the cutting of vegetation, grading, and other ground disturbance. Roads shall be set back at least 15 feet from the nearest property line, other than at the point of access.

6. **Wireless Telecommunications Facilities Mounted on Existing Buildings or Structures**
The standards in this Section 6 apply to Wireless Telecommunications Facilities, other than Small Wireless Telecommunications Facilities (see Section 7 below), that are mounted on existing buildings or other structures, in addition to the general standards in Section 4 above.

   a. **Tower-Mounted Facilities**
   Applications for a co-location on a Wireless Telecommunications Tower shall be structurally certified by a licensed structural engineer to be in accordance with all local, state and Federal structural requirements for loads and stresses, including wind and ice loads and stresses and including, but not limited to the most recently adopted version of all applicable ANSI guidelines (e.g., ANSI-EIA/TIA 222). The engineer's certification shall be accompanied by a detailed structural report that includes all calculations.

   b. **Roof-Mounted Facilities**
   Roof-mounted Wireless Telecommunications Facilities are permitted in all districts on all buildings and structures except single-family detached, duplex, and townhome dwellings. Such facilities shall be subject to the following standards.

      i. Whip antenna features (an antenna which transmits signals in 360 degrees) shall not exceed the height of the building by more than 15 feet and shall be no closer than 15 feet to the perimeter of the building.

      ii. Non-whip antenna features shall not exceed the height of the building by more than ten feet and shall be no closer than ten feet to the perimeter of the building.

      iii. The Wireless Telecommunications Facilities shall be screened in elevation view with enclosures or façades having an appearance that blends with the building on which they are located, and be located so they are not overtly visible from an adjacent public right-of-way.

   c. **Surface-Mounted Facilities**
   Surface-mounted Wireless Telecommunications Facilities (facilities attached to a building exterior

wall) are permitted in all districts on buildings or structures, subject to the following standards.

i. The appearance of the facilities shall blend with the surrounding surface of the building or structure in terms of color and texture. This may include utilization of stealth or camouflage or concealment technology.

ii. The facilities shall not extend above the top of the building, unless it can be shown by clear and convincing evidence that this height limitation would prohibit or have the effect of prohibiting the provision of service.

iii. In the Local Historic District or on properties designated as Local Historic Landmarks, surface-mounted facilities must meet the design standards as detailed in the Wake Forest Historic Property Handbook & Design Standards.

d. **Facilities Attached to Other Existing Structures**
Wireless Telecommunications Facilities are permitted on existing utility, lighting, towers, and other structures in all districts and subject to the following standards.

i. Existing utility, lighting, and other structures to which the facility is affixed, other than water tanks, shall not exceed 50 feet in height above grade.

ii. If the facility is mounted on a water tank, mounting on the top of the tank or the use of a corral shall only be permitted where the applicant demonstrates that to locate the facility elsewhere less visually intrusive will prohibit or have the effect of prohibiting the provision of service.

iii. The facility shall not exceed the height of the existing structure by more than ten feet for a non-whip antenna or 15 feet for a whip antenna.

iv. Existing structures may be rebuilt/modified to support the load of the facility, in accordance with the Building Code.

v. In the Local Historic District or on properties designated as Local Historic Landmarks, the facilities must meet the design standards as detailed in the Wake Forest Historic Property Handbook & Design Standards.

7. **Special Requirements for Small Wireless Telecommunication Facilities**
The standards in this Section 7 apply to Small Wireless Telecommunications Facilities, except as exempted by NCGS §160D-935.

a. **Co-Location Generally Required**

i. Where feasible, new Small Wireless Telecommunications Facility shall be co-located on existing utility poles, light pole fixtures, or wireless support structures within the applicant's search ring, without the construction of any new support structures.

ii. Co-location on existing utility poles, light pole fixtures, or wireless support structures is not feasible if co-location is technically or commercially impractical or the owner of the existing utility poles, light pole fixtures, or wireless support structures has refused in writing to the requesting party, after having been offered the fair market fee for co-location, to enter into a contract for such use at fair market value. Minor alterations or adjustments to the location or technical specifications of the Small Cell Wireless Facility as a result of co-locating on an existing utility pole, light pole fixture, or wireless support structure shall not constitute a technical or commercial impracticality.

iii. If a new support structure is proposed, the applicant shall provide to the Town all information necessary to determine whether co-location on existing utility poles, light pole fixtures, or wireless support structures is feasible, including information pertaining to the fair market value of similar contracts. The Town shall determine the sufficiency of the information and may employ such experts as outside consultants to evaluate the information. In the event that the Town determines outside consultants are necessary, the fee for such consultant shall be fixed in advance as part of the application fee for a new Small Wireless Telecommunications Facility.

b. **Co-location Standards**
The standards in this Section b apply to co-locations of a Small Cell Wireless Facility on existing utility poles, light pole fixtures, or wireless support structures, and all associated equipment and buildings.

i. **Height**
The facility shall not extend more than ten feet above the existing utility pole, light pole fixture, or wireless support structure on which it is mounted nor be located less than 15 feet above grade.

ii. **Style, Color, and Cabling**
The facility shall be designed to match the style and color of the existing utility pole, light pole fixture, or support structure on which it is mounted, with all associated cabling inside the existing utility pole, light pole fixture, or wireless support structure to the extent possible. If cabling cannot be located inside the existing utility pole, light pole fixture, or support structure, it shall be located within a solid enclosure that is designed to match the style and color of the existing utility pole, light pole fixture, or support structure.

iii. **Stealth Design**
All Small Wireless Telecommunication Facilities shall be stealth antenna facilities. Stealth antenna and accessory equipment must be shrouded or otherwise concealed.

iv. **Screening**
All ground equipment shall be screened, to the extent possible as approved by the government body with jurisdiction of the right-of-way in which the Small Cell Wireless Facility is to be located.

v. **Engineer's Certification**
The application shall include an engineer's certification that existing utility pole, light pole fixture, or wireless support structure will support the proposed facility.

c. **Standards for Facilities Mounted on New Support Structures**
This Section c applies to Small Wireless Telecommunication Facilities on new support structures erected solely to support the facility, including all associated equipment or buildings.

i. **Height**
The maximum height of new support structures shall be 50 feet above grade. The facility shall not extend more than ten feet above the height of the support structure on which it is mounted nor be located less than 15 feet above grade.

ii. **Location**
No portion of the support structure may be placed in the public right-of-way in a manner that obstructs pedestrians or vehicular or bicycle access or obstructs sight lines or visibility for regulatory or directional signage or signals or public art. An applicant may be required to place equipment in vaults located underground to avoid obstructions or interference. To the greatest extent possible, the support structure shall align with existing utility poles, light pole fixtures, and wireless support structures installed in the right-of-way.

iii. **Minimum Separation from Facility of Same Provider**
The facility shall not be located so that its anticipated search ring substantially overlaps the search ring of any other Wireless Telecommunications Facility of the same wireless telecommunications provider. For purposes of this requirement, substantial overlap shall be defined as more than ten percent area overlap between the search rings.

iv. **Minimum Separation from Facility of Different Provider**
The facility shall not be located shall not be located within 300 feet of another Small Cell Wireless Facility of a different provider unless the applicant can show that locating the Small Cell Wireless Facility within the prescribed distance is necessary.

v. **Compatibility**
To the maximum extent practicable, and subject to Section vi below, the facility and support structure shall have a color and texture that is consistent with that of the

surrounding street light fixture poles and shall be located to visually appear to be part of a common scheme of street light fixture pole placement.

vi. **Allowed Materials**
Support structures shall be made of galvanized or powder coated steel or comparable material, except as otherwise required by applicable Federal or state regulations. Wood support structures are prohibited.

vii. **Minimize Visual Impact**
Small Wireless Telecommunication Facilities shall use stealth technology and shall be located, designed, and/or screened to blend in with the existing natural or built surroundings.

viii. **Screening**
All ground equipment associated with the facility shall be screened, to the maximum extent practicable.

ix. **Non-Required Signs Prohibited**
No lettering, symbols, images, trademarks, signs, or advertising shall be placed on or affixed to any part of a Small Cell Wireless Facility, other than as required by Federal Communications Commission regulations or other applicable law.

3.4.7. Agriculture and Animal Related Use Standards

A. **Nursery & Garden Center**
In the GR District, the minimum lot size is one acre.

B. **Riding Stable**
The minimum lot size is one acre.

C. **Veterinary and Animal Care Services**

1. No livestock or large animals, such as cattle, sheep, pigs, goats, horses, donkeys, and mules, may be boarded, treated, or kept on the premises. For the purposes of this Section 3.4.7.C, a large animal shall include any animal, other than a dog, that is over 100 pounds.
2. The use shall be conducted primarily within a fully enclosed building designed with acoustical treatment for sound attenuation.
3. All litter and waste shall be contained and controlled on site by having appropriate flushing drains and other physical elements to properly dispose of cleaning waste from the animal care area.
4. The animal care areas must be air-conditioned and heated so that windows, doors or other openings can be closed at any time.
5. Outdoor areas, if provided, shall comply with the following standards:
    a. Drainage shall be directed to gravel, grassed, or other planted areas in a manner that prevents direct discharge to storm drain inlets and surface waters.
    b. Solid waste shall be removed from outdoor areas after each use of the area.
    c. Outdoor areas shall be set back a minimum of 150 feet from any residential uses or the GR, NCR, MUR, or TSR Districts and any parallel Conditional District to those districts.
    d. Outdoor areas shall be screened with a solid, opaque fence or wall at least six feet in height. Slatted chain link fences shall not meet this requirement.
    e. Use of outdoor areas between the hours of 10 p.m. and 7 a.m. is prohibited.

3.5 Accessory Uses

3.5.1. Accessory Use Table

Accessory uses are allowed by district, as established in Table 3-2: Accessory Uses, if the accessory use is incidental to a lawfully established principal use, in accordance with the definition of Accessory Use in Chapter 18, and subject to the nonconformities provisions in Chapter 15. The following shall be used in the interpretation of Table 3-2.

A. **Permitted Uses (P)**
Uses which are marked as "P" in the table shall be allowed as accessory uses, subject to all applicable regulations of this UDO.

B. **Special Uses (S)**
Uses which are marked as "S" in the table shall require Board of Commissioners approval as a Special Use in accordance with Section 16.7.4 prior to establishment.

C. **Prohibited Uses**
A blank space in the table indicates that a use is not permitted.

D. **Uses Not Listed**
A use not specifically listed is prohibited unless the Administrator determines the use to be part of a use type as described in Section 3.3 or determines the use to meet the definition of Accessory Use as established in Chapter 18.

E. **Supplemental Standards**
If a use has supplemental standards, they are referenced in the Supplemental Standards column. Use specific standards shall apply to accessory uses.

F. **Other Districts**
The PUD, LH-O, MV-O, and WP-O Districts are not included in Table 3.4. The allowed uses in these Districts shall be as detailed below:

1. **PUD**
Uses allowed in a PUD District shall be as established through the PUD approval process, in accordance with Section 16.8.6.

2. **LH-O, MV-O, and WP-O**
Uses allowed in the LH-O, MV-O, and WP-O Districts shall be the uses allowed in the underlying base district unless otherwise specified in Section 2.5.

Table 3-2: Accessory Uses																
Key: P = Permitted Use; S = Special Use; C = Conditional Use																
Use	Sup-plemental Standards	GR	NCR	MUR	TSR	DT-HWS	DT-N	DT-C	DT-S	AC	NB	CB	CI	IND	OS	TOD-O
Accessory Commercial Unit	3.5.2.A	P	P	P	P											
Accessory Dwelling Unit	3.5.2.B	P	P	P												
Accessory Retail/Restaurant					P	P	P	P	P	P	P	P		P		P
Accessory Structure	3.5.2.C	P	P	P	P					P	P	P	P	P	P	P
Agritourism		P														
ATM	3.5.2.D			P	P	P	P	P	P	P	P	P				P
Backyard Small Animal Keeping	3.5.2.E	P	P	P											P	
Cemetery		P	P	P	P								P			
Child/Adult Day Care Home	3.5.2.F	P	P	P	P											P
Cluster Mailbox Unit	3.5.2.G	P	P	P	P					P	P	P	P	P	P	P
Community/Recreation Center	3.5.2.H	P	P	P	P					P	P	P	P	P	P	P
Donation Drop Box	3.5.2.I											P	P		P	
Drive-Through Facility	3.5.2.J										S	P				
Drone Delivery Operations Facility												P		P		
Electric Vehicle Charging Facility	3.5.2.K	P	P	P	P					P	P	P	P	P	P	P
Flagpole and Flag	3.5.2.L	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Fleet Vehicle Storage/ Maintenance	3.5.2.M											P		P		
Food Truck, Accessory	3.5.2.N					P	P	P	P	P	P	P	P	P	P	P
Garden, Accessory	3.5.2.O	P	P	P	P					P	P	P	P	P	P	P
Home-Based Business	3.5.2.P	P	P	P	P	P	P	P	P	P	P		P			P
Outdoor Display / Sale of Merchandise, Accessory	3.5.2.Q			P	P	P	P	P	P	P	P	P		P		P
Outdoor Gathering Area, Accessory	3.5.2.R			P	P	P	P	P	P	P	P	P				P
Outdoor Storage Yard	3.5.2.S													P		
Parking Lot		P	P	P	P		P	P	P	P	P	P	P	P	P	P
Parking Structure		P	P	P	P		P	P	P	P	P	P	P	P	P	P
Produce Stand	3.5.2.T	P	P	P	P					P	P	P				P
Public Art, Mural	3.5.2.U	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Public Art, Sculpture		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Public Safety Training Structure	3.5.2.V	P	P	P	P					P	P	P	P	P	P	P
Scoreboard	3.5.2.W	P	P	P	P					P	P	P	P	P	P	P
Solar Energy Collection System, Canopy	3.5.2.X			P	P					P	P	P	P	P	P	P

Table 3-2: Accessory Uses

Key: P = Permitted Use; S = Special Use; C = Conditional Use

Use	Sup-plemental Standards	GR	NCR	MUR	TSR	DT-HWS	DT-N	DT-C	DT-S	AC	NB	CB	CI	IND	OS	TOD-O
Solar Energy Collection System, Ground Mounted	3.5.2.Y	P	P	P	P					P	P	P	P	P	P	P
Solar Energy Collection System, Roof Mounted	3.5.2.Z	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Storage Container	3.5.2.AA									S		S		P		

3.5.2. Accessory Use Supplemental Standards

A. **Accessory Commercial Unit (ACU)**

1. **General Standards**
   An ACU shall be clearly incidental and secondary to residential occupancy.
2. **Number**
   Only one ACU is permitted per lot.
3. **Placement on the Lot**
   A detached ACU shall be sited to the side or rear of the principal building in accordance with Table 3-3.
4. **Dimensional Standards**
   A detached ACU shall meet the dimensional standards in Table 3-3. An ACU that is attached or internal to the principal dwelling shall meet the dimensional standards applicable to the principal dwelling.

Table 3-3: Detached ACU Dimensional Standards

Yard Setbacks	
Front, Minimum (ft)	5 feet behind the front elevation of the principal dwelling
Front, Maximum (ft)	n/a
Street Side, Minimum (ft)	5 feet to the street side elevation of the principal dwelling
Street Side, Maximum (ft)	n/a
Interior Side, Minimum (ft)	5
Rear, Minimum (ft)	5
Building Standards	
Height, Maximum (ft) [1]	25
Height, Minimum (stories)	n/a
Building Floor Area, Maximum (sq ft)	1,000 sq ft or 60% of the total floor area of the principal dwelling, whichever is less
Notes	
[1] Maximum building height includes the garage story.	

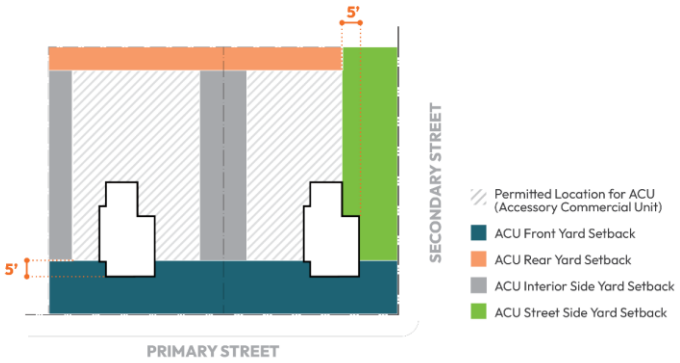

Figure 3-11: Accessory Commercial Unit - Permitted Locations

5. **Compatibility**
   a. The ACU shall meet all applicable design standards for the zoning district in which it is located in accordance with Chapter 5.
   b. The exterior of the ACU shall be compatible with the principal residence in terms of color, siding, and roofing appearance.
   c. The activity conducted within an ACU shall not produce noise, vibrations, odors, or other impacts on surrounding property.
   d. ACUs with a footprint greater than 600 square feet shall provide a Type C Buffer in accordance with Section 7.4 if adjacent to the GR, NCR, MUR, or TSR Districts and any parallel conditional district to those districts.
6. **Number of Employees**
   A maximum of three people may be employed at an ACU at a given time.
7. **Hours of Operation**
   Hours of operation shall be limited to between the hours of 8 a.m. and 8 p.m.
8. **Prohibited Structures and Vehicles**
   Manufactured homes, campers, travel trailers and recreational vehicles are not permitted for use as an ACU.
9. **Outdoor Entrance**
   If located within the principal dwelling, the ACU shall have a private outdoor entrance.
10. **Parking**
    One medium-duty commercial vehicle used exclusively for business purposes, rather than for personal use by employees, may be parked on a lot with an ACU at one time. The vehicle must be parked on a paved surface. On-street parking shall comply with applicable requirements in the Code of Ordinances.
11. **Signs**
    One post sign, meeting the standards in Chapter 12, may be allowed per ACU.

B. **Accessory Dwelling Unit (ADU)**

1. **Principal Use**
   ADUs shall be allowed accessory to single-family detached dwellings only.
2. **Number**
   Only one ADU is permitted per lot.
3. **Placement on the Lot**
   A detached ADU shall be sited to the side or rear of the principal building in accordance with Table 3-4.
4. **Dimensional Standards**
   A detached ADU shall meet the dimensional standards in Table 3-4. An ADU that is attached or internal to the principal dwelling shall meet the dimensional standards applicable to the principal dwelling.

Table 3-4: Detached ADU Dimensional Standards

Yard Setbacks	
Front, Minimum (ft)	At or behind the front elevation of the principal dwelling
Front, Maximum (ft)	None
Street Side, Minimum (ft)	At or behind the street side elevation of the principal dwelling
Street Side, Maximum (ft)	None
Interior Side, Minimum (ft)	The lesser of: 10 feet or The applicable accessory structure setback in Section C below
Rear, Minimum (ft)	
Building Standards	
Height, Maximum (ft) [1]	25 [2]
Height, Minimum (stories)	n/a
Building Floor Area, Maximum	The greater of: 800 sq ft [3] or 60% of the total floor area of the principal dwelling, not to exceed 1,000 sq ft
Notes	
[1] Maximum building height includes the garage story.	
[2] Maximum building height shall be the height of the principal dwelling or 25 feet, whichever is less.	
[3] The ADU floor area shall not exceed the floor area of the principal dwelling.	

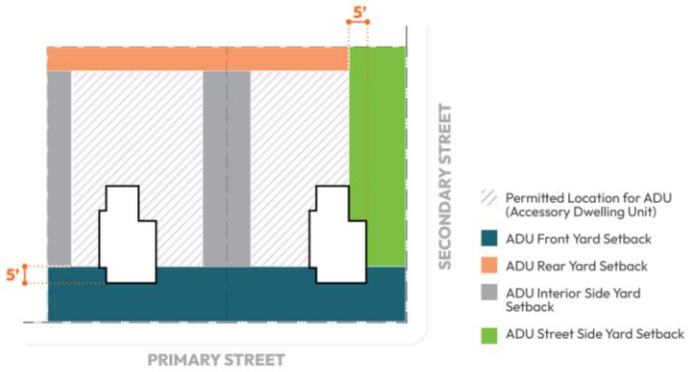

Figure 3-12: Accessory Dwelling Unit - Permitted Locations

5. **Compatibility**
   ADUs with a footprint greater than 600 square feet shall provide a Type D Perimeter Buffer in accordance with Section 7.4.7 if adjacent to the GR, NCR, MUR, or TSR Districts and any parallel conditional district to those districts.
6. **Prohibited Structures and Vehicles**
   Manufactured homes, campers, travel trailers and recreational vehicles are not permitted for use as an ADU.
7. **Outside Entrance**
   If located within the principal dwelling, the ADU shall have a private outside entrance located on or facing the interior side or rear of the principal dwelling.
8. **Dwelling Features**
   The ADU must contain complete kitchen facilities including a stove or cook top and a full bath including lavatory, water closet, and tub or shower (or combination).
9. **Signs**
   No signs visible from the street or public sidewalk are permitted.
10. **Subsequent Subdivision**
    After a building permit has been issued for the ADU, the lot where it to be located may not be subdivided such that the ADU and the principal dwelling would be located on different parcels.

C. **Accessory Structure**

1. **General**

   a. **Allowed Uses**
   Accessory structures may only be used for uses permitted in the district in which they are located.

   b. **Not for Dwelling Purposes**
   Accessory structures shall not be used for dwelling purposes except as approved ADUs in accordance with Section 3.5.2.B.

   c. **Building Permits May Be Required**
   Depending on the size of the structure and the incorporation of various improvements (e.g., electrical, plumbing) a building permit may also be required.

2. **Number and Area**
   The maximum number and area of accessory structures on a lot shall be as specified in Table 3-5.

Table 3-5: Accessory Structure Maximum Number and Area

Standards	Single-family or Duplex Dwelling - Lots less than 1 acre	Single-family or Duplex Dwelling - Lots 1-3 acres	Single-family or Duplex Dwelling - Lots larger than 3 acres & All other uses
Maximum Number of Accessory Structures Allowed	2	4	4
Maximum Accessory Structure Area [1]	600 sq ft / structure	1,000 sq ft / structure	
	1,000 sq ft / lot	1,400 sq ft / lot	

Notes

[1] Accessory Commercial Units (ACUs) and Accessory Dwelling Units (ADUs) are subject to separate maximum size requirements. Refer to Table 3-3 and Table 3-4 for detailed information.

3. **Setbacks**
   Accessory structures shall meet the setback standards in Table 3-6. Structures attached to the principal structure are considered part of the principal structure and shall meet the dimensional standards established for the district in Chapter 2.

Table 3-6: Accessory Structure Setback Standards per Base District

	GR NCR MUR TSR AC		DT		NB CB CI IND	OS
Yard Setbacks						
	w/ Alley	w/o Alley	w/ Alley	w/o Alley	w/ or w/o Alley	w/ or w/o Alley
Front, Minimum	5 ft behind the front or street side elevation, as applicable, of principal building [1] [2]					
Street Side, Minimum						
Interior Side, Minimum (ft)	5 [3]		5 [3]		10 [3]	10
Rear, Minimum (ft)	10	5	10	0	20 [4]	25

Notes

[1] If the subject lot is over two acres in area and developed with a single-family detached or duplex dwelling, an accessory structure may be located in the front and/or street side yard as long as it is not located closer than 50 feet to the right-of-way.

[2] A detached or attached garage shall be setback a minimum of 18 feet from the right-of-way or 5 feet behind the front elevation of the principal building, whichever is greater.

[3] Setback shall be 0 feet for attached dwelling uses.

[4] Setback shall be 20 feet if adjacent to the GR, NCR, MUR, or TSR Districts and any parallel conditional district to those districts.

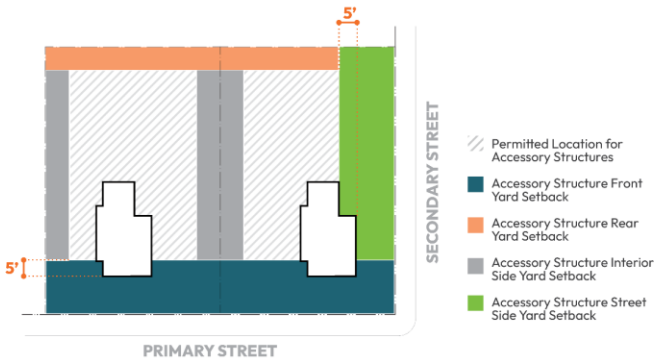

Figure 3-13: Detached Accessory Structure - Allowed Location

4. **Maximum Structure Height.**
   a. Except as otherwise provided below, accessory structures shall have a maximum height of 35 feet or the height of the principal building on the parcel, whichever is less.
   b. In the GR, NCR, MUR, NB, and CI districts, accessory structures shall have a maximum height of 24 feet, or the height of the principal building on the parcel, whichever is less.
5. **Buffering**
   Accessory structures with a footprint greater than 600 square feet shall provide a Type C Buffer in accordance with accordance with Section 7.4 if adjacent to any residential use or the GR, NCR, MUR, or TSR Districts and any parallel conditional district to those districts.
6. **Lighting**
   Exterior lighting for accessory structures shall meet the requirements by which principal structures are governed in accordance with accordance with Chapter 10.

D. **ATM**
In the DT, TOD-O, and AC districts and any parallel Conditional District, an ATM shall be located and accessed fully within a building.

E. **Backyard Small Animal Keeping**

1. **Number of Animals Allowed**
   The number of backyard small animals allowed shall be as detailed below, but in no instance shall sheep, pigs, goats, or alpacas be allowed on a parcel less than one acre in area:
   a. Alpaca: two per acre
   b. Pigs: two per acre
   c. Sheep: two per acre
   d. Goats: two per acre
   e. Bees: five hives per parcel
   f. Fowl (excluding Roosters): ten maximum
   g. Rabbits: ten maximum
2. **Enclosure**
   a. All backyard small animals shall be kept in an enclosure, such as a chicken coop or beehive, or sufficiently secured area.
   b. Enclosures shall be located in the rear yard only and shall be setback a minimum of 15 feet from side and rear property lines.
   c. Enclosures shall not encroach into any easements unless written permission from the easement holder is provided.
   d. A beehive shall be placed at ground level or securely attached to an anchor or stand.
   e. All enclosures shall be removed if the owner no longer maintains the enclosure or if removal is necessary to protect the health, safety, and welfare of the public.
3. **Other Standards**
   a. Backyard small animals shall be kept solely as a pet; a hobby; for educational or rehabilitation purposes; for the production of food products for personal consumption by the resident; or for small scale business enterprise.
   b. Slaughtering of backyard small animals on premises as part of keeping such animals is prohibited.

F. **Child/Adult Day Care Home**

1. **Outdoor Play Space for Child Day Care Home**
   a. Outdoor play space shall be provided in accordance with the regulations of North Carolina Department of Health and Human Services.

b. Outdoor play space shall be enclosed on all sides by the building and/or walls or fences in accordance with the standards in Section 8.3. The minimum height for such fences shall be four feet.

c. Outdoor play space may not include driveways, parking areas, or land otherwise unsuitable for children's play space.

d. Outdoor play space shall be limited to side and rear yards.

G. **Cluster Mailbox Unit**

1. Units shall meet all applicable standards of the United States Postal Service.
2. Units shall have a powdercoat finish to resist scratches and vandalism.
3. Units shall have a decorative cap and pedestal cover or be located within a kiosk made of materials consistent with the exterior building cladding materials of the principal building(s) on the development site.
4. Units are prohibited in National Register of Historic Places and the LH-O District.

H. **Community/Recreation Center**
Community/Recreation centers are allowed accessory to park uses only.

I. **Donation Drop Box**

1. Drop boxes shall be associated with the principal use of the lot and on properties that contain an existing and operating use.
2. No more than two drop boxes shall be permitted on a lot.
3. Each drop box shall not exceed seven feet in height and 25 square feet in ground area.
4. Drop boxes shall be located on an area surfaced with a hard, durable, all-weather material, such as asphalt or concrete.
5. Drop boxes shall not be located in a driveway, drive aisle, or pedestrian walkway.
6. Drop boxes shall not be located in such a way as to disrupt the flow of vehicular or pedestrian traffic.
7. Drop boxes shall not be located nearer than 40 feet from an adjoining lot in the GR or NCR district.
8. A notice shall be permanently affixed to each drop box in a highly visible location prohibiting the placement of items outside of the box. The name and 24-hour telephone number of the owner/operator shall be permanently affixed to each drop box.
9. No items may be placed or stored outside of the drop box.

J. **Drive-Through Facility**

1. **Location**
Signage, menu boards, intercoms/order boxes, pick-up windows, and other drive-thru features and structures shall be located and accessed only in interior side and rear yards. This requirement does not apply to a single stacking lane that is less than 12 feet in width.

2. **Circulation**
Vehicle storage/stacking areas for drive-thru facility uses shall be located outside of, and visually separated from, parking area drive aisles and from the right-of-way of any street and shall not cause interruption of any public sidewalk or bicycle facility. Furthermore, the drive-thru facility use shall be designed to avoid obstructions to pedestrian movement along site sidewalks, through public use areas, or between parking spaces and building entrances.

3. **Vehicle Stacking Spaces**
The minimum number of vehicle stacking spaces shall be provided in accordance with Section 9.10. Vehicle stacking spaces shall meet the standards in Section 9.10.

4. **Overhead Canopy**

a. Any overhead canopy or similar structure shall maintain a uniform and consistent roof line with the building to which the drive-thru facility is a part but in no instance shall it exceed 20 feet in height as measured to the highest part of the canopy structure.

b. Any overhead canopy or similar structure shall have columns, solid walls or semi-solid walls placed so that they are similar in their relation to the roof as that of the exterior walls of the building to which the drive-thru facility is a part. The support columns of the canopies shall be constructed of masonry materials consistent with

the principal building materials and shall extend to the full height of the columns.

c. Any overhead canopy or similar structure shall be finished with exterior cladding materials consistent with the principal building façade.

5. **Screening**
The following regulations shall apply to any drive-thru facility adjacent to a residential use regardless of the use to which the facility is accessory.

a. Drive aisles must be effectively screened from view along public rights-of-way and at the edges of sites adjacent to residential properties to minimize the visual impact of menu boards and headlight glare and audio impact of intercoms.

b. Screening shall be a minimum of six feet wide, and must consist of:

i. An opaque masonry wall or solid wood fence with a minimum height of four feet and a maximum height of six feet;

ii. One ornamental tree per every 25 linear feet of screening; and

iii. One shrub or native grass per every three feet of screening.

K. **Electric Vehicle Charging Facility**

1. **Equipment**

a. Facilities that are accessory to mixed-use, multifamily, OR nonresidential uses shall be a minimum of a level 2 charging capacity.

b. Facility equipment shall be protected by a wheel stop, curb, or bollards.

c. In parking lot applications, all connections of the charging station to electrical utility equipment shall be underground.

d. All facility equipment shall comply with the National Fire Protection Association/National Electrical Code and be approved by the Underwriters Laboratory.

e. All facility equipment should be made of low-maintenance, durable materials and shall be vandal-proof to the extent possible.

f. All facility equipment shall provide a cord management system that minimizes tripping hazards for pedestrians. Charging cords may not cross sidewalks, walkways, or driveways.

g. Electrical equipment such as transformers shall be screened in accordance with Section 8.6. If supporting electrical equipment exceeds six feet in height, the charging facilities shall be located on the perimeter of the parking lot to minimize visibility.

2. **Design**

a. Facility equipment shall be located in a manner that will not obstruct pedestrian walkways. A minimum of three feet of clear area shall be maintained.

b. Facilities shall be located to optimize ease of use for all potential users.

c. Facilities shall provide a safe and clearly delineated area for maneuvering around the vehicle for connecting to the equipment.

d. A sign indicating that the electric vehicle parking is for use while charging only shall be provided.

e. All charging stations shall be illuminated. Lighting shall comply with the limitations in Chapter 10.

f. When located within a parking structure,facilities shall be located on the first level and along the perimeter to the extent practicable.

3. **Accessibility**
A minimum of one accessible charging station is required. The accessible charging station shall provide equipment, reach, clear area, route, and other applicable building blocks to comply with the North Carolina Accessibility Code and shall incoroprate industry recommended best practices and current federal accessibility recommendations.

4. **Other Standards**

a. Electric vehicle parking spaces are exempt from maximum vehicle parking space standards in Section 9.7.3.

b. Property owners may charge a fee for use of electric vehicle charging facilities.

L. **Flagpole and Flag**
Flagpoles and flags shall comply with the standards in this Section 3.5.2.L, except for the display of official government flags to the extent exempted by NGGS §144-7.

1. No more than one flagpole and two flags per flagpole shall be allowed on a residential lot. No more than three flagpoles and two flags per flagpoles shall be allowed on a nonresidential development site.
2. Flagpoles shall be located on the same lot as the principal building and shall not be located within a public right-of-way.
3. Flagpoles may not be taller than the principal building.
4. The area of a flag shall not exceed five feet by eight feet.

M. **Fleet Vehicle Storage/Maintenance**

1. **Storage**
   Fleet vehicle storage shall be allowed in parking areas meeting all landscape and screening requirements only.
2. **Maintenance**
   Except in the IND District, fleet vehicle maintenance shall occur indoors only.

N. **Food Truck, Accessory**

1. **Required Approvals and Permits**
   An accessory food truck operator shall be responsible for obtaining any applicable state and county approvals/permits and shall provide evidence of having obtained a County Permit (e.g. Wake County Commissary Form), a NC Sales and Use Certificate for collecting and paying the proper sales taxes and prepared meals taxes, and a means for the disposal of grease within an approved grease disposal facility as part of their food truck application. All required Town, County, and State permits and licenses shall be clearly displayed on the food truck.
2. **Relationship to Principal Use**
   a. The hours of operation of the accessory food truck shall not exceed the hours of operation of the principal use.
   b. Accessory food trucks shall not have separate outdoor seating areas from the principal use.
3. **Location**
   a. Accessory food trucks shall be located outside of public rights-of-way, except in the DT District.
   b. Accessory food trucks shall be located a minimum of ten feet from structures, buildings, and driveways.
   c. Accessory food trucks shall be parked in a designated paved area.
   d. Accessory food trucks shall not block points of ingress or egress.
   e. Accessory food trucks shall not be located in a manner that interferes with vehicle, pedestrian, or bicyclist circulation.
   f. Accessory food trucks shall not be located in fire lanes.
4. **Signs**
   Signs, except for Freestanding sidewalk signs, shall be permanently affixed to or painted on the accessory food truck. Each Food Truck may have one sandwich board sign which may not be located in any right-of-way or impede pedestrian or vehicular traffic and which shall be within 25 feet of the Food Truck.
5. **Operational Requirements**
   a. Accessory food trucks shall comply with the Noise Ordinance and shall not have audio amplification.
   b. Accessory food trucks shall connect to a permanent power source. Use of noise-making alternative power sources, such as gas powered generators, is prohibited.
   c. An accessory food truck operator shall be responsible for proper disposal of waste, trash, and grease.

O. **Garden, Accessory**

1. All storage/stockpiling of materials on site shall:
   a. Be screened from view from adjacent property and the public right-of-way,
   b. Be managed to prevent the harborage of rodents and pests,
   c. Be maintained to prevent odors, and
   d. Be located to prevent leachate from flowing onto adjacent property or into natural or human-made storm channels.
2. The site shall be designed and maintained to prevent water from irrigation and/or other activities

and/or fertilizer from draining onto adjacent property.

P. **Home-Based Business**
To ensure the protection of public health and safety and to ensure its compatibility with surrounding residential uses, a home-based business shall:

1. Not generate dust, odors, noise, vibration, or electrical interference or fluctuation that is perceptible beyond the property line, and
2. Maintain all required licenses and permits for the activities conducted on site.

Q. **Outdoor Display / Sale of Merchandise, Accessory**

1. Outside sales must be clearly secondary to the principal use within the associated permanent structure and shall generally be located to the side or rear of the principal structure. Display of merchandise for sale outdoors in the front yard shall not exceed a maximum of 12 feet from the front face of the building.
2. Outdoor display or sales areas shall not be located within any required yard setback, occupy more than 20 percent of off-street parking spaces, or occupy any required loading space or fire lane.
3. Merchandise for sale may be placed on a sidewalk or other pathway for pedestrian access along, and directly adjacent to, the front of the establishment if a clear pedestrian pathway that is at least five feet wide is maintained. An encroachment agreement is required for such displays within the public right-of-way.

R. **Outdoor Gathering Area, Accessory**

1. No sound production or reproduction machine or device (including, but not limited to musical instruments, loud-speakers, and sound amplifiers) shall be used, operated, or played at a volume that is any louder than necessary for the convenient hearing of persons within the outdoor gathering area, and that would disturb the peace, quiet, or comfort of adjoining properties or businesses.
2. Hours of operation shall be the same as those of the principal use.
3. Food preparation shall not occur within the outdoor gathering area.
4. Outdoor gathering areas may be located on a sidewalk or other pathway for pedestrian access adjacent to the principal structure if they maintain a clear pedestrian pathway that is at least five feet wide. An encroachment agreement is required for such areas within the public right-of-way.
5. A clear separation of at least five feet shall be maintained from any alley, crosswalk, fire hydrant, or similar public or emergency access feature. A greater clear distance may be required where necessary to ensure use of the public or emergency access feature.
6. All points of building ingress and egress shall be maintained clear of obstructions.
7. Any tables, chairs, umbrellas, and other furnishings shall be of sufficient quality design, materials, and workmanship to ensure the safety and convenience of area occupants and compatibility with adjacent uses and outdoor gathering areas. If located in the public right-of-way, no such furnishings or other equipment may be attached, chained, or otherwise affixed to any curb, sidewalk, tree, post, sign, or other fixture.
8. The outdoor gathering area may be located in a parking lot if:
   a. No more than 15 percent of total parking spaces are utilized;
   b. A fence, landscape hedge, or other barrier approved by the Administrator, with a minimum height of three feet and a maximum height of four feet is utilized to define the outdoor gathering area from parking areas; and
   c. The area is located outside of landscape areas.

S. **Outdoor Storage Yard**
Outdoor storage yard areas shall be surfaced with a hard, durable, all-weather material, such as asphalt or concrete.

T. **Produce Stand**

1. No more than one stand per lot is allowed.
2. Sales shall be limited to the retail sale of agricultural products, including the sale of value added products made from such agricultural products by the producer (e.g., jams and jellies, juices).
3. The area occupied by the stand shall not exceed 300 square feet.

U. **Public Art, Mural**

1. **Allowed Principal Uses**
   Murals are allowed on multifamily, mixed use, and nonresidential structures and buildings only.
2. **Area and Allowed Elevations**
   A mural may cover up to 50 percent of a front façade of a building and up to 100 percent of all other façades of a building. If a mural is a Public Arts Commission (PAC) project, it may cover up to 100 percent of any façade.
3. **Content**
   a. Except for PAC projects, words shall not comprise more than 25 percent of the area of the mural.
   b. Prohibited content specified in Section 13.9.2 is prohibited on murals.
   c. Electrical or mechanical components or a changing image art display are prohibited.
4. **Installation and Maintenance**
   a. Murals shall be maintained in good repair, free from peeling paint or damage due to age, weather, vandalism, or the like.
   b. Anti-graffiti coating (non-sacrificial) is required.
   c. UV ray resistant paint is required.
   d. All surfaces must be power washed and primed (two coats) prior to mural installation.
   e. If for any reason the mural is removed, altered, or destroyed, the property owner is responsible for restoring the surface the mural is painted or mounted on to the original condition.
   f. If a mural is constructed off-site on moveable panels to be installed on a façade, the attachment of said panel must comply with the NC Building Codes, subject to required permits and inspections, panels, must not cover window or door openings or otherwise impede building egress or pedestrian traffic or block/cover any intake or exhaust openings (maintaining proper clearance), the attached devices must not compromise the structure integrity of the surface to which the panels are attached, and said panels must be securely attached to prevent failure due to high wind conditions, vandalism or age.
      i. All installation hardware must be rust resistant
      ii. Wooden panels must be sanded, sealed and waterproofed (with proper primer and topcoat) on the front, sides and back.
      iii. Panels must be attached in mortar joints not the brick or stone face for installation of moveable panels on contributing buildings within the Downtown Wake Forest National Register Historic District or the LH-O District.
   g. In the Downtown Wake Forest National Register Historic District:
      i. Murals shall not be painted on previously unpainted masonry.
      ii. Murals may be painted on existing painted walls provided that a moisture test is conducted and determined that the paint shall provide a sound film.
      iii. Decal murals shall not be installed on historic brick walls.

V. **Public Safety Training Structure**

1. **Accessory Allowance**
   Public safety training structures shall be allowed accessory to public service/safety facility use only.
2. **Setbacks**
   Public safety training structures shall be setback a minimum of 30 feet from all property lines, or as required by Section 3 below.
3. **Height**
   Public safety training structures shall not exceed 35 feet in height unless the setback from the property line is increased by five feet for each additional foot of structure height to a maximum height of 50 feet.
4. **Design Standards Exemption**
   Public safety training structures are exempt from the building configuration and design standards in Chapter 5.

W. **Scoreboard**

1. **Accessory Allowance**
   Scoreboards shall be allowed accessory to recreation facility, school, and park uses only.
2. **Location**
   Scoreboards shall be located as far from residential property lines as site conditions allow.

3. **Orientation**
   Scoreboards shall be oriented with their primary face directed away from residential property lines and public right-of-way.
4. **Height**
   Scoreboards shall not exceed 35 feet in height.
5. **Operation**
   Scoreboards shall be operated only as a part of an organized event.
6. **Brightness**
   Scoreboards shall meet the outdoor lighting standards in Chapter 10.
7. **Number**
   One Scoreboard shall be permitted per outdoor sports field or court.

X. **Solar Energy Collection System, Canopy**

1. Canopy solar energy collection systems are permitted over any principal or accessory parking lot.
2. The height of canopy solar energy collection systems shall not exceed the height of the principal building that the parking area serves or 20 feet, whichever is greater.
3. The minimum height of canopy solar energy collection systems shall allow clearance for emergency and service vehicles.

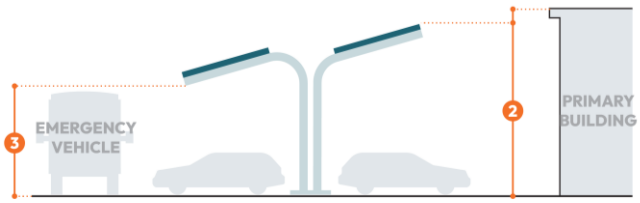

Figure 3-14: Canopy Solar Collection System Standards

Y. **Solar Energy Collection System, Ground Mounted**

1. Ground mounted Solar Energy Collection systems shall be permitted in the rear yard only.
2. The maximum height of ground mounted solar energy collection systems shall be five feet, measured from the grade at the base of the pole to the highest edge of the system.
3. Minimum clearance between the lowest point of the system and the surface on which the system is mounted shall be 12 inches.
4. Ground mounted solar energy collection systems shall be exempt from the impervious surface limits if the ground directly under the solar panel is planted with native plantings and ground cover.
5. All parts of the ground mounted solar energy collection system shall be set back five feet from the side and rear lot lines and shall not be located in an easement.

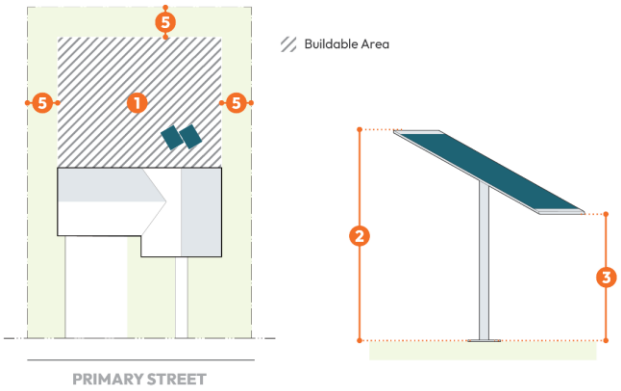

Figure 3-15: Ground Mounted Solar Energy Collection System Standards

6. **Sites One to Five Acres in Area**
   In addition to meeting the standards in provisions (a) through (e) above, ground mounted solar energy collection systems occupying one to five acres in area shall also meet the following requirements:

   a. **Decommissioning Required**
      Any Solar Energy use that is not actively in use for 12 consecutive months the operator shall decommission the operator shall have six months to fully decommission the use, including all panels, structures, accessories, and

appurtenances, shall be entirely removed from the lot.

b. **Decommissioning Plan**
Prior to receiving approval, the applicant for any Solar Energy use shall submit a decommissioning plan to ensure that the project is properly decommissioned, which shall include:

i. Procedures for the removal of structures, debris, and cabling, including those below the soil surface,

ii. Provisions for the restoration of the natural soil and vegetation,

iii. A provision that the terms of the decommissioning plan shall be binding upon the owner or operator and any of their successors, assigns, or heirs.

Z. **Solar Energy Collection System, Roof Mounted**

1. Properties in the LH-O District shall receive a Certificate of Appropriateness prior to the installation of roof mounted solar energy collection systems.
2. Roof mounted solar energy collection systems may be located on any roof face of principal or accessory buildings. Systems should be flush mounted when possible.
3. Systems on structures 35 feet or less in height shall not extend beyond 12 inches parallel to the roof surface.
4. Systems on structures greater than 35 feet in height shall not extend beyond thirty-six (36) inches parallel to the roof surface.
5. Systems on all structures shall not extend above the highest peak of a pitched roof.
6. All materials used for racking, mounts, mounting clamps, and flashings shall be of a color consistent with the color of the roof surface to minimize visibility.

AA. **Storage Container**

1. A storage container may include a portable outdoor storage device, shipping container, trailer, or other purpose built storage structure approved by the Administrator.
2. The maximum dimensions of a storage container shall be:
   a. Length: 20 feet
   b. Width: 8 feet
   c. Height: ten feet
3. Stacking one or more storage containers on top of another storage container or any structure is prohibited.
4. Storage containers shall be located outside of:
   a. Drive aisles,
   b. Fire lanes, and
   c. Rights of way.
5. Storage containers shall be located to the rear of the principal building and shall not be located between a primary building wall and the public right of way.
6. The number of storage containers per lot shall be limited to:
   a. IND District: 4
   b. CB and AC Districts: 1

3.6 Temporary Uses

3.6.1. Temporary Use Table

Temporary uses are allowed by district as established in Table 3-7: Temporary Uses. The following shall be used in the interpretation of Table 3-7.

A. **Permitted Uses (P)**
Uses which are marked as "P" in the table shall be allowed temporary uses subject to all applicable regulations of this UDO. Except as otherwise noted in Table 3-7, a valid Temporary Use Permit issued in accordance with Section 16.6.14 is required prior to commencing a temporary use.

B. **Prohibited Uses**
A blank space in the table indicates that a use is not permitted.

C. **Uses Not Listed**
A use not specifically listed is prohibited unless the Administrator determines the use to be part of a use type as described in Section 3.3 or determines the use to meet the definition of Temporary Use as established in Chapter 18.

D. **Supplemental Standards**
If a use has supplemental standards, they are referenced in the Supplemental Standards column. Use specific standards shall apply to temporary uses.

E. **Other Districts**
The PUD, LH-O, MV-O, and WP-O districts are not included in Table 3-7. The allowed uses in these districts shall be as detailed below:

F. **PUD**
Uses allowed in a PUD district shall be as established through the PUD approval process, in accordance with Section 16.8.6.

G. **LH-O, MV-O, and WP-O**
Uses allowed in the LH-O, MV-O, and WP-O districts shall be the uses allowed in the underlying base district unless otherwise specified in Section 2.5.

Table 3-7: Temporary Uses

Key: P = Permitted Use; S = Special Use; C = Conditional Use

Use	Sup-plemental Standards	GR	NCR	MUR	TSR	DT-HWS	DT-N	DT-C	DT-S	AC	NB	CB	CI	IND	OS	TOD-O
Contractor Trailer	3.6.3.A	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Emergency Declaration Related		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Farmers Market		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Food Truck, Temporary [1]	3.6.3.B	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Garage / Estate Sale [2]		P	P	P	P					P	P					P
Mobile Classroom	3.6.3.C	P		P									P	P		
Mobile Retail/Services [1]	3.6.3.D	P	P	P	P		P	P	P	P	P	P		P	P	P
Outdoor Display / Sale of Merchandise, Temporary [3]	3.6.3.E			P	P	P	P	P	P	P	P	P		P		P
Outdoor Storage, Temporary	3.6.3.F				P					P		P		P		P
Pop-up Retail/Restaurant				P	P	P	P	P	P	P	P	P		P		P
Portable Outdoor Storage Device [2]	3.6.3.G	P	P	P	P					P	P	P	P	P		P
Seasonal Sales	3.6.3.H						P	P	P		P	P				
Special Event [2]		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Temporary Real Estate Sales		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

Table 3-7: Temporary Uses																
Key: P = Permitted Use; S = Special Use; C = Conditional Use																
Use	Sup-plemental Standards	GR	NCR	MUR	TSR	DT-HWS	DT-N	DT-C	DT-S	AC	NB	CB	CI	IND	OS	TOD-O
Notes																
[1] A Temporary Use Permit is not required if the temporary use is part of a Town-permitted event or a private, catered event occurring on private property, such as private parties, reunions, weddings, and the like. [2] A Temporary Use Permit is not required. [3] A Temporary Use Permit is required only if any portion of the parking area is proposed to be used for the display/sale.																

3.6.2. Temporary Use Duration

The allowed duration of temporary uses shall be limited as specified in Table 3-8.

Table 3-8: Temporary Use Duration Limits

Temporary Use	Maximum Duration per Period	Minimum Separation of Periods	Maximum Duration per Year
Contractor Trailer / Temporary Real Estate Sales	n/a	none	n/a
Emergency Declaration Related	Emergency declaration period	none	n/a
Farmers Market	3 days per occurrence, up to 120 days per year	none	n/a
Food Truck, Temporary	1 day	none	n/a
Garage / Estate Sale	3 days	30 days	24 days
Mobile Classroom	3 years [1]	1 year	n/a
Mobile Retail/Services	1 day	none	90 days
Outdoor Display / Sale of Merchandise, Temporary	60 days	30 days	120 days
Outdoor Storage, Temporary	30 days	none	60 days
Portable Outdoor Storage Device	30 days	none	30 days
Pop-up Retail/Restaurant	60 days	30 days	120 days
Seasonal Sales	60 days	none	120 days and limited to four periods per year
Special Event	As determined by Special Event Permit	As determined by Special Event Permit	As determined by Special Event Permit
Notes			
[1] The maximum duration may be extended by the Administrator if the applicant demonstrates, prior to the expiration of the temporary use permit, that construction of a replacement classroom in a permanent structure is imminent, or that a good faith effort to obtain the necessary approval for such construction is being undertaken, or that enrollment will be changed such that the mobile classroom will not be necessary within one year.			

3.6.3. Temporary Use Supplemental Standards

A. **Contractor Trailer / Temporary Real Estate Sales**

1. Contractors' trailers and temporary real estate sales model units are allowed when accessory to a construction project or a new development.
2. Such use shall be limited to a period not to exceed the duration of the active construction phase of such project or the active selling and leasing of space in such development.
3. No such use shall contain any sleeping or cooking accommodations, except those located in a model unit.
4. No such trailer, unit, or office shall be used as the general office or headquarters of any firm.

B. **Food Truck, Temporary**

1. **Required Approvals and Permits**
   a. A temporary food truck operator shall be responsible for obtaining any applicable state and county approvals/permits and shall provide evidence of having obtained a County Permit (e.g. Wake County Commissary Form), a NC Sales and Use Certificate for collecting and paying the proper sales taxes and prepared meals taxes, and a means for the disposal of grease within an approved grease disposal facility as part of their Food Truck application. All required Town, County, and State permits and licenses shall be clearly displayed on the Food Truck.
   b. No temporary food truck shall be set up on any privately owned lot or parcel without written permission of the owner.
   c. Multiple temporary food trucks may locate on the same lot or parcel so long as each vendor has the property owner's written permission and all other provisions contained herein are met.
   d. A street closure permit may be required in order to locate a Food Truck on any Town street or right-of-way where the provisions contained in this Section 3.6.3.B cannot be met. Food Trucks may not cater for private events from either the sidewalk or road right-of-way without an approved street closure permit.
2. **Location**
   a. Temporary food trucks shall be located outside of public rights-of-way, except in the DT District when they comply with the following criteria:
      i. No merchandise shall be offered, displayed or sold and no customers served except from the sidewalk,
      ii. Only non-motorized carts may be located on sidewalks,
      iii. Carts or trucks shall be located at least 25 feet from any intersection, 15 feet from any driveway, and ten feet from any building or structure,
      iv. Food Trucks shall comply with all traffic and parking ordinances of the Town, as they may be amended, and
      v. If located in a NCDOT right-of-way, all NCDOT standards shall be met.
   b. Any location in a Town right-of-way, including sidewalks, may be subject to temporary suspension or revocation without cause, but for reasons that may include construction, repairs, maintenance or emergencies as determined by the Town.
   c. Temporary food trucks shall not block points of ingress or egress.
   d. Temporary food trucks shall not be located in a manner that interferes with vehicle, pedestrian, or bicyclist circulation.
   e. Temporary food trucks shall not be located in fire lanes.
   f. No temporary food truck shall be located within 50 feet of the established outer boundary of any Town-permitted or licensed event where the sale of merchandise and food has been allowed unless it is part of the event.
3. **Seating Areas**
   Temporary food trucks may make use of seating areas if a restroom is provided in accordance with a County Permit but otherwise shall not have any seating areas.
4. **Signs**
   Signs, except for Freestanding sidewalk signs, shall be permanently affixed to or painted on the Food

Truck. Each temporary food truck may have one sandwich board sign which may not be located in any right-of-way or impede pedestrian or vehicular traffic and which shall be within 25 feet of the Food Truck.

5. **Operational Requirements**

   a. Temporary food trucks shall comply with the Noise Ordinance and shall not have audio amplification.

   b. A temporary food truck operator shall be responsible for proper disposal of waste, trash, and grease.

   c. When not in operation, a Food Truck shall not be stored in the public right-of-way.

C. **Mobile Classroom**

1. **Accessory Allowance**
   Mobile classroom units shall be allowed on the site of a school or place of worship use only.

2. **Location**
   Mobile classroom units shall be located to the rear or interior side of the principal building.

3. **Design Standards**

   a. The design standards in Chapter 5 shall not apply to mobile classroom units; however, screening is required.

   b. Mobile classroom units shall be placed on a masonry foundation and all wheels, axles, hitches, and other mobile appurtenances shall be removed.

4. **Number**
   A maximum of nine mobile classroom units shall be allowed on a school and/or place of worship site concurrently.

5. **Connectivity**
   Mobile classroom units shall be connected to the principal building via pedestrian walkways meeting the standards in Chapter 9.

D. **Mobile Retail/Services**
A mobile retail/services use whether motorized or non-motorized may be set up on a semi-regular, or one-time basis subject to the following criteria:

1. The owner or operator of the mobile retail/services use shall obtain and maintain all required licenses at all times.
2. A valid Temporary Use Permit shall be displayed to the public in a visible location on the mobile retail/services structure.
3. Operations shall not be located in a driveway or drive aisle.
4. The owner or operator shall ensure that all trash generated by mobile retail/services use is disposed of in designated receptacles. And shall arrange for regular trash collection services to handle waste generated by the Mobile Structure. Operations shall not obstruct parking lot circulation or block access to a public street, alley, sidewalk, or fire lane.
5. The operation of the mobile retail/services use shall not block a pedestrian walkway or public sidewalk in a manner which reduces the width of that walkway or sidewalk to less than five feet or causes damage to any improvements within the public right-of-way.
6. The owner or operator shall place safety cones around the mobile retail/services structure to alert pedestrians and vehicles to its presence for safety.
7. No mobile retail/services use shall be set up on any privately owned lot or parcel without written permission of the owner.
8. Signs, except for freestanding sidewalk signs shall be permanently affixed to or painted on the mobile retail/services structure. Each mobile retail/services use may have one sandwich board sign which may not be located in any right-of-way or impede pedestrian or vehicular traffic and shall be within 25 feet of the mobile retail/services use.
9. One mobile retail/services uses may locate and operate on a lot or parcel at a time.
10. When not in operation, a mobile retail/services structure shall not be stored in the public right-of-way.
11. If located in a Town right-of-way:

    a. No merchandise shall be offered, displayed or sold and no customers served except from the sidewalk,

    b. Only non-motorized mobile retail/services structures may be located on sidewalks,

    c. Mobile retail/services structures shall be located at least 25 feet from any intersection and 15 feet from any driveway.

12. Any location in a Town right-of-way, including sidewalks, may be subject to temporary suspension or revocation without cause, but for reasons that may include construction, repairs, maintenance or emergencies as determined by the Town.
13. A street closure permit may be required in order to locate a mobile retail/services use on any Town street or right-of-way where the provisions contained in this Section 3.6.3.D cannot be met. Mobile retail/services uses may not cater for private events from either the sidewalk or road right-of-way without an approved street closure permit.

E. **Outdoor Display / Sale of Merchandise, Temporary**

1. Only those goods and materials offered for sale by the existing on-site use may be displayed or sold.
2. Temporary outdoor display or sales areas shall not be located within any required yard setback, parking spaces necessary to meet the parking demand on-site, required loading space, or fire lane.
3. Temporary outdoor display or sales areas shall be surfaced with an approved hard surface material. Partially paved or unpaved outdoor retail sales areas shall be prohibited.
4. Temporary outdoor display or sales areas shall not exceed ten percent of the gross floor area of the principal building on the property unless approved through a conditional district rezoning.

F. **Outdoor Storage, Temporary**

1. Temporary outdoor storage shall be limited to the rear or interior side yard of the principal building.
2. Temporary outdoor storage shall not:
   a. Be located in any fire lane or loading zone,
   b. Use more than four off-street parking spaces,
   c. Inhibit vehicular and pedestrian circulation, or
   d. Occupy more than ten percent of the yard where it is located.

G. **Portable Outdoor Storage Device**

1. Only one portable outdoor storage device may be located on a lot at a time.
2. No portion of any container may extend onto the public right-of-way, including but not limited to sidewalk, verge, curb and gutter, or travelway.
3. The portable outdoor storage device shall not exceed eight feet in width, 16 feet in length, or eight feet in height.
4. The portable outdoor storage device must be located on an all-weather surface, such as pavement or gravel.
5. Every portable outdoor storage device must be locked and secured when not being loaded or unloaded.

H. **Seasonal Sales**

1. Seasonal sales areas may use a maximum of 20 percent of off-street parking spaces or 2,000 square feet, whichever is less.
2. Seasonal sales areas shall not block vehicular circulation and movement of emergency vehicles.
3. Seasonal sales areas shall not block pedestrian walkways in a manner which reduces the width of that walkway to less than five feet.
4. Seasonal sales hours of operations shall be limited to between 8 a.m. and 9 p.m.
5. Seasonal sales operators shall notify the fire department of the duration, location, and nature of seasonal sale activities a minimum of 30 days prior to the commencement of the seasonal sales activity.
6. Seasonal sales shall not be located in a fire lane.

4 LOT & SUBDIVISION STANDARDS

4.1 Purpose

The purpose of this Chapter is to establish criteria for lots and subdivision of real property. These standards are set forth to:

A. Provide for the orderly growth and development of the Town;

B. Provide for suitable residential and nonresidential development that further the goals of the Town in accordance with the Comprehensive Plan;

C. Ensure the proper legal description, monumentation, and recordation of subdivided land; and

D. Create conditions essential to public health, safety, and general welfare.

4.2 Applicability

A. Unless exempted by Section B below, the standards in this Chapter shall apply as specified in Sections 4.3, 4.4, 4.5, and 4.6.

B. The standards in this Chapter shall not apply to subdivisions statutorily exempted by NCGS §160D, as listed below, if the lot standards in Section 4.3 are met:

1. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the subdivision regulations in this UDO,
2. The division of land into parcels greater than ten acres where no street right-of-way dedication is involved,
3. The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors,
4. The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way

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dedication is involved and where the resultant lots are equal to or exceed the standards of the subdivision standards of this UDO,

5. The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under NCGS §29.

4.3 Lots

4.3.1. Applicability

The standards in this Section 4.3 shall apply to all subdivisions and lots.

4.3.2. Lot Dimensions

Each lot shall meet the applicable lot area and width standards in Chapter 2, unless otherwise approved by this UDO, and otherwise be developable in accordance with the standards in this UDO and WFD3 requirements.

4.3.3. Lot Arrangement

Lots, with the exception of open space lots, remnant lots, and/or lots owned by a homeowner's/property owner's association, shall be arranged:

A. In relationship to topography, flood hazards, tree canopy retention areas, and other site conditions to minimize difficulties in providing a reasonable building site and yard area, in accordance with the standards in this UDO and WFD3 requirements,

B. To minimize the level to which easements encumber lots, easements shall be located, to the maximum extent possible, outside of lots or on lot boundaries and shall be no wider than necessary to perform their function (see Section 11.4), and

C. So that stormwater may be easily directed away from buildings in subsequent site-specific development. Lots shall be configured so that buildings are not located in drainage ways. No portion of a Stormwater Control Measure (SCM) easement shall be located on subdivided lots.

Figure 4-1: Easement on Common Lot

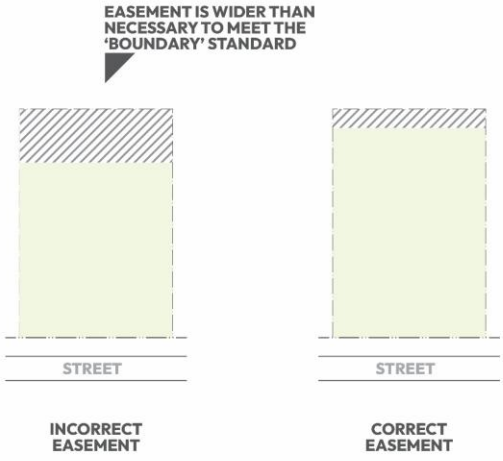

Figure 4-2: Easement Not Wider Than Necessary

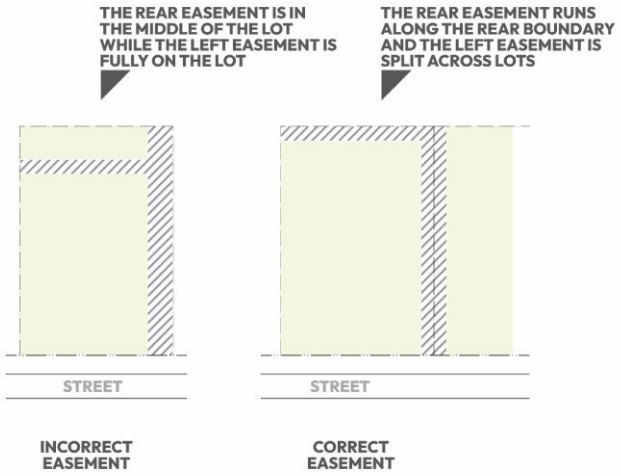

Figure 4-3: Easements at Lot Boundaries

D.

4.3.4. Lot Frontage

Each lot shall have minimum frontage on a public street right-of-way in accordance with lot width minimum requirements established for each zoning district in Chapter 2 or the residential infill development standards in Section 2.8, except for the following:

A. In the MUR, TSR, TOD-O or AC Districts, if the lot has vehicular access from a rear alley, it may front on pedestrian accessible open space instead of a street,

B. Subdivided lots within Dwelling-Cottage Home Court developments provided that the development site as a whole meets the public street right-of-way frontage requirement.

4.3.5. Through Lots

The creation of through lots shall be avoided except where necessary to provide access to residential development from a street other than a thoroughfare of Tier 3 or higher classification in the CTP, or to overcome specific disadvantages of existing, pre-development topography and lot configuration.

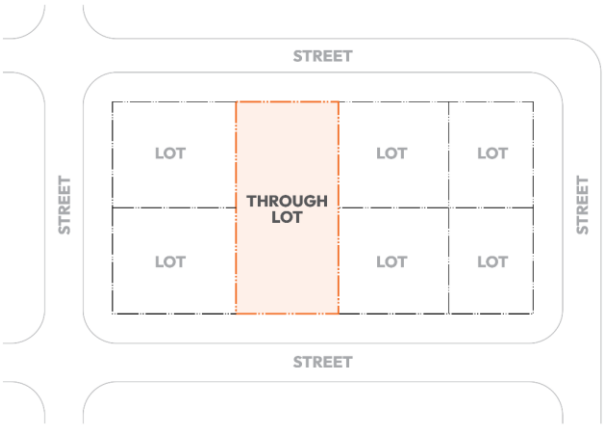

Figure 4-4: Through Lot

4.3.6. Flag Lots

The creation of flag lots is prohibited.

4.3.7. Lot Line Orientation

Lot lines shall intersect a fronting street right-of-way in a substantially perpendicular manner or radially to curves of streets or cul-de-sacs.

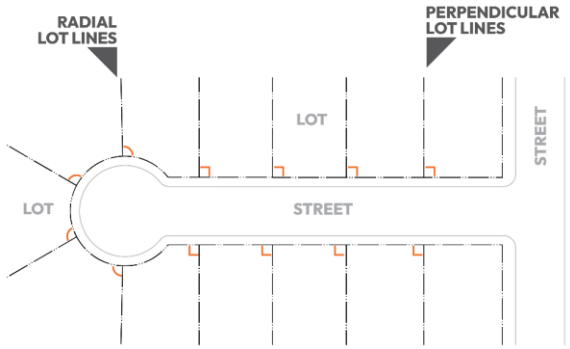

Figure 4-5: Lot Lines - Radial and Perpendicular Intersections

4.4 Conservation Design

4.4.1. Purpose

The purpose of conservation design is to:

A. Provide flexibility of design in order to promote environmentally sensitive and efficient uses of the land,

B. Preserve in perpetuity unique or sensitive natural resources such as floodplains, wetlands, streams, groundwater, steep slopes, woodlands, and wildlife habitat,

C. Preserve important historic and archaeological sites,

D. Permit clustering of houses and structures on less environmentally sensitive soils which will reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development,

E. Reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development,

F. Promote interconnected greenways and corridors and contiguous green space within Wake Forest and with adjacent jurisdictions,

G. Encourage interaction in the community by clustering houses and orienting them closer to the street, providing gathering places and encouraging use of parks and community facilities as focal points in the neighborhood, and

H. Protect agricultural land.

4.4.2. Applicability

A. Conservation design is allowed in any residential subdivision and any residential portions of mixed-use subdivisions.

B. Conservation design is required for all residential subdivisions in the Falls Lake Protected, Little River Protected, and Smith Creek Critical and Protected subdistricts of the WP-O District.

4.4.3. Relation to Chapter 6: Open and Community Space Standards

Conservation design subdivisions shall be exempt from the requirements of Chapter 6, except the ownership and maintenance requirements in Section 6.3.6 shall apply to required conservation areas.

4.4.4. Conservation Design Standards

A. **Required Conservation Area**

1. A minimum of 50 percent of the total gross area of the development site shall be identified as a conservation area and placed in a conservation area easement where no development activity may occur, with the exception of open space activation or low impact infrastructure, such as that specified in Section 6.6. Routine maintenance and other measures to ensure public safety are permitted within the conservation area.
2. At least 30 percent of required conservation area shall be contiguous land.

B. **Ownership and Maintenance**
Required conservation area(s) shall meet the ownership and maintenance standards in Section 6.3.6.

C. **Conservation Area Types**

1. **Primary Conservation Area**
A minimum of 80 percent of the required conservation area shall consist of primary conservation areas. Primary conservation areas shall include:
   a. Special Flood Hazard Areas and Future Conditions Flood Hazard Areas,
   b. Riparian buffers along all perennial and intermittent streams,
   c. Wetlands and any provided or required buffers,
   d. Tree canopy retention areas having at least 1,600 square feet in contiguous area in accordance with Section 7.3.3.B.2.a,
   e. Lakes, ponds, and other water bodies, excluding created stormwater management facilities,
   f. Areas at least 5,000 contiguous square feet in size with any natural slopes greater than 25 percent,
   g. Greenways and other open space identified in adopted plans,
   h. Historic properties designated as Local Historic Landmarks, eligible for or listed in the National Register of Historic Places, Cemeteries, and

i. Sites at least five contiguous acres in size identified by the Town, County, State, or federal government as active or inactive farmland or farmland meeting the requirements of "Prime Farmland" as defined by the United States Department of Agriculture.

2. **Secondary Conservation Area**
If all primary conservation area resources identified do not meet the minimum conservation area requirement, the following areas may be credited toward the requirement:

a. Tree canopy retention areas less than or equal to 1,600 square feet in contiguous area but otherwise complying with Section 7.3.3.B.2.a,

b. Areas at least 2,000 contiguous square feet in size with any natural slope greater than 20 percent, unless identified as primary conservation area, and

c. Stormwater management facilities engineered as bioretention areas or wetlands.

D. **Activation Elements**
A minimum of 20 percent of the required conservation area shall meet the open space activation element requirements established in Section 6.6.2.

E. **Maximum Density per Acre**
The maximum allowed gross density is three dwelling units per acre.

F. **Allowed Uses**
Allowed uses shall be those established in the governing base or overlay district, except for conservation design in the GR District, where townhomes are permitted without Conditional District rezoning.

Figure 4-6: Primary and Secondary Conservation Areas

G. **Conservation Design Dimensional Standards**
Regardless of base district designation, the dimensional standards applicable to conservation design shall be as established in Table 4-1.

Table 4-1: Conservation Design Dimensional Standards

Lot Standards	
Lot Area	No minimum [1]
Lot Width	
Yard Setbacks	
Front, Minimum (ft)	8
Street Side, Minimum (ft)	8
Interior Side, Minimum (ft) [2]	5
Rear w/ Alley, Minimum (ft)	20
Rear w/o Alley, Minimum (ft)	15
Notes	
[1] If lot width is less than 50 feet, alley access or shared driveway access to rear loaded garages or parking areas is required unless, the lot(s) is adjacent to a tree canopy retention area or environmental feature and the lot(s) is adjacent to the perimeter of the development site, in which case, a maximum of 50 percent of lots may have an attached, front loaded garage so long as the portion of the building associated with the attached garage is no more than 14 feet in width and recessed a minimum of 8 feet behind the front façade of the unit.	
[2] No setback shall be required for townhomes.	

4.4.5. Conservation Design Process

The following shall be required for a subdivision proposal to be reviewed as a conservation design subdivision.

A. **Conservation Design and Improvements Plan Requirements**

1. **Step 1: Development Site Analysis Map**

   a. The applicant shall prepare a map of the development site and all land within 500 feet of the development site that identifies existing natural resources, including but not limited to the resources detailed in Section 12.3.1. The information required to be presented in the development site analysis may be produced primarily from existing sources in order to ensure the process is economical for the applicant.

   b. The applicant shall prepare an accompanying narrative analysis of existing natural resources detailing their quality and environmental value.

   c. The applicant shall submit the development site analysis map to the Administrator for review.

2. **Step 2: Development Site Inspection**
After receipt of the development site analysis map, the applicant shall schedule an inspection of the development site with Town staff. The applicant or applicant's representative shall be present at the development site inspection. The purpose of the development site inspection is to:

   a. Familiarize the Administrator with the existing development site conditions and natural and historic features of the development site, and

   b. Provide an opportunity to discuss development site concepts, including the general layout of conservation areas and potential locations for proposed structures, utilities, streets, and other development features. Comments made by the Administrator during the development site inspection shall be nonbinding. No official decision on the conservation design plan shall be made during the development site inspection.

3. **Step 3: Conservation Design and Improvements Plan**
Based on the development site analysis map and the development site inspection, the applicant shall prepare:

   a. A conservation design map that depicts proposed primary conservation areas, secondary conservation areas, and development areas, in accordance with Section 4.4.4.C.

   b. A conservation design improvements plan including utilities, roadways, open space activation elements, other development features, buffers (if applicable), and lot lines in the proposed development areas.

4. **Conservation Design and Improvements Plan Review and Approval**
Along with the subdivision plan (see Section 16.6.13), the applicant shall submit the conservation design and improvements plan to the Administrator for review and approval in accordance with the standards in this Section 4.4 and the purposes of conservation design as established in Section 4.4.1.

5. **Final Plat**
   The final plat shall identify the primary and secondary conservation areas as a conservation area easement.

4.5 Subdivision Surveys

4.5.1. Applicability

The requirements of this Section 4.5 shall apply to all subdivisions.

4.5.2. Permanent Concrete Monuments

Permanent concrete monuments four inches in diameter or square, three feet long, shall be placed at not less than two corners of the subdivision provided that additional monuments shall be placed where necessary so that no point within the subdivision lies more than 500 feet from a monument. Two or more of the required monuments shall be designated as control corners. The top of each monument shall have an indented cross, metal pin, or metal plate to identify properly the location of the point. A monument shall be set at least 30 inches in the ground with at least six inches exposed above the ground unless this requirement is impractical because of traffic or other factors. All monuments shall be shown on the final plat.

4.5.3. Markers

All lot corners, all points where the street lines intersect the exterior boundaries of the subdivision, and all angle points and points of curve in each street shall be marked with iron pipe either three quarter inches or one inch in diameter and 18-24 inches long, driven so as to be within one inch of finished grade.

4.5.4. Property Corner Tie

One or more corners of the subdivision shall, by a system of azimuths or courses and distances, be accurately tied to a monument of some United States or State Agency Survey System, such as the United States Coast and Geodetic Survey Systems, where such monument is within 2,000 feet of said corner. Where the North Carolina Grid System coordinates of said monument have been published by the North Carolina Department of Natural and Economic Resources, the coordinates of the referenced corner shall be computed and shown X and Y ordinates on the map. Where such a monument is not available, the tie shall be made to some pertinent and permanent recognizable landmark or identifiable point.

4.5.5. Accuracy

A. The angular error of closure shall not exceed 25 seconds times the square root of the number of angles turned. The linear error of closure shall not exceed one foot per 10,000 feet of perimeter of the lot or tract of land.

B. The accuracy of the survey shall be designated on the Final Plat by a certificate/form completed by the person under whose supervision the survey or plat was made and including all information required by HB #454; 47-30(d)).

4.6 Naming

The name of a subdivision or other development shall not duplicate nor closely approximate the name of an existing subdivision within the Town.

5 BUILDING DESIGN STANDARDS

5.1 Purpose

The purpose of these building design standards is to ensure that the physical characteristics of proposed new and modified buildings are compatible with the context of the surrounding areas, to preserve and enhance the unique visual character and streetscapes of Wake Forest, and to create unique and inspiring places that support pedestrian activity and promote economic vitality. These standards are intended to encourage creativity and innovation while avoiding obtrusive, incongruous buildings.

5.2 Applicability

5.2.1. Generally

Except as otherwise stated in Section 5.2.2 below, the standards for façade materials, minimum glazing, façade articulation and design, entry design, and roof design in Sections 5.3, 5.4, 5.5, 5.6, and 5.7 of this Chapter shall apply to all new buildings, and to alterations of existing buildings in accordance with Table 5-1. Except as otherwise provided in Section 5.2.2 below, the design standards for two-over-two dwellings, multifamily dwellings, and general commercial buildings greater than 100,000 square feet shall apply as specified in Sections 5.8 through 5.11.

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5.3 Façade Materials
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5.6 Entry Design
5.7 Roof Design
5.8 Cottage Court Building Design Standards
5.9 Two-Over-Two Building Design Standards
5.10 Multifamily Building Design Standards
5.11 General Commercial, Greater than 100,000 sq ft Building Design Standards

Table 5-1: Applicability of Building Design Standards	
Size of Building or Addition	**Applicable Standards**
New Building	
Façade length less than 20 feet	• Section 5.3 façade materials standards and Section 5.7 roof design standards apply to primary buildings only. Accessory buildings shall use exterior cladding materials consistent with the cladding materials on the principal building. • Except in the DT district, Section 5.4 minimum glazing standards do not apply. In the DT district, Section 5.4 standards apply to principal structures only. • Section 5.5 façade articulation and design standards and Section 5.6 entry design standards do not apply.
Façade length 20 feet or greater	All standards in Sections 5.3 through 5.7 apply, except accessory structures having a façade length less than 60 feet are exempt from the Section 5.7 roof design standards if they use a roof design consistent with a principal building roof design.
Interior Modification of an Existing Building – No Addition [1] [2]	
N/A	Standards in Sections 5.3 through 5.7 do not apply.
Exterior Modification of an Existing Building – No Addition [1] [2]	
N/A	• Section 5.3 façade materials standards do not apply; instead, any modification of exterior façade materials shall use materials from the same Section 5.3 materials category or better as the existing building. • Section 5.4 minimum glazing standards, Section 5.5 façade articulation standards, and Section 5.7 roof design standards do not apply. • Section 5.6 entry design standards apply to any new entries and to any existing entries proposed to be modified.
Addition to an Existing Building [1]	
Façade length of addition less than 50% of the existing primary façade length	• Section 5.3 façade materials standards do not apply; instead, the addition shall use materials from the same Section 5.3 materials category or better as the existing building. • Section 5.4 glazing standards apply to the maximum extent practicable to the addition only. • Section 5.5 façade articulation and design standards apply to the addition only. • Section 5.6 entry design standards apply to any new entries and to any existing entries proposed to be modified. • Section 5.7 roof design standards do not apply if the roof design of the addition is consistent in materials and style with the roof of the existing building.
Façade length of addition 50% or greater of the existing primary façade length	All standards in Sections 5.3 through 5.7 apply to the addition only.
Notes	
[1] Elements of the existing building shall not be made non-compliant, or, if they do not comply with Chapter 5 standards, shall not be made less compliant in nature or degree, because of the modification or addition. [2] Changes in glazing that impact transmittance or reflectance, such as application of window film, are considered exterior modifications.	

5.2.2. Exceptions and Modifications

A. Where the standards in this Chapter conflict with requirements for specific architectural elements in an adopted plan or local historic standards or with design standards required by an Overlay District, the latter shall control over the standards in this Chapter.

B. Where the standards in this Chapter conflict with the Secretary of the Interior's Standards as applied to exterior work on existing contributing buildings to a National Register District or to alterations of existing buildings and construction of new buildings in the Downtown Wake Forest National Register Historic District, the Administrator may modify the standards in

the Chapter as necessary to allow compliance with the Secretary of the Interior's Standards.

C. All buildings located within the Fire Limits, as identified in the Code of Ordinances, shall comply with the NCGS building standards and restrictions for buildings in the Fire Limits, as specified in the Code of Ordinances.

D. To the extent required by NCGS §160D-702, structures subject to regulation under the North Carolina Residential Code are exempt from this Chapter, unless they are part of a cottage court. Cottage court dwellings are exempt from Sections 5.5, 5.6, and 5.7.

E. Two-over-two dwellings are exempt from Section 5.5.

F. The Administrator may grant modifications to standards in this Chapter where an applicant proposes an alternative design if the Administrator determines the following:

1. Full compliance with the standards in this Chapter is not feasible nor practicable due to site topography, lot shape, lot size, other restraining site features, unique building occupancy, safety requirements, applicable laws or regulations, or a substantial investment in green building in the project, such as adaptive reuse of an existing building, preservation of significant on-site environmental features, on-site renewable energy generation, or use of green building practices consistent with an established green building certification program, such as Leadership in Energy and Environmental Design (LEED),
2. The proposed alternative design is the minimum modification necessary to address the conditions that preclude full compliance, and
3. The proposed alternative design is consistent with the purposes of this UDO, and, in particular, the purposes of this Chapter.

5.3 Façade Materials

5.3.1. General Requirement

To ensure durability, enhance value, and preserve the visual character of the community, high quality materials shall be utilized for building façades in accordance with this Section 5.3.

5.3.2. Prohibited Materials

Prohibited façade materials include:

A. Vinyl siding, except as a material for windows and gable vents,

B. Unfinished concrete, except when used on parking structures or selectively for architectural accents, and

C. EIFS, except as a cornice material.

5.3.3. Permitted Materials

A. Allowable façade materials are grouped into the following categories:

1. **Category 1 (Cl)**
   Category 1 includes brick, stone, and architectural concrete masonry unit.
2. **Category 2 (C2)**
   Category 2 includes cementitious fiber board, architectural metal siding, finished wood, and tile.
3. **Category 3 (C3)**
   Category 3 includes stucco, finished concrete, and metal other than architectural metal.

B. If a material that is not listed as prohibited or permitted is proposed for a building façade, the material may be approved by the Administrator as a Category 1, Category 2, or Category 3 material if, after reviewing the proposed manner of usage, the Administrator determines that the proposed material provides comparable durability, value, and appearance as the materials in that category.

5.3.4. Minimum and Maximum Materials Standards

A. Materials shall be used on building façades in accordance with Table 5-2 (see definitions of Principal Façade, Secondary Façade, and Tertiary Façade in Chapter 18). If a building is located in a district listed in Table 5-2, it shall meet the standards of that district regardless of the proposed use. If a building is not located in a district listed in Table 5-2, it shall meet the standards applicable to the proposed use of the building. Glazing shall not be included in the façade material calculations.

Table 5-2: Minimum and Maximum Façade Materials by Use and District

	Building Façade Elevation					
	Primary and Secondary Façades			Tertiary Façades		
	C1 %	C2 %	C3 %	C1 %	C2 %	C3 %
By District						
DT	100 minimum [1]	prohibited [1] [2]	prohibited	25 min	75 max [2]	prohibited
AC	50 min	50 max	prohibited	25 min	75 max	prohibited
TOD-O	75 min	25 max	prohibited	25 min	75 max	prohibited
By Use						
Cottage Court Dwelling	any	any [3]	prohibited	any	any [3]	prohibited
All Other Residential	50 min	50 max	prohibited	25 min	75 max	prohibited
Public and Institutional	50 min	50 max	prohibited	25 min	75 max	prohibited
General Commercial, 100,000 sq ft or More	50 min	50 max	prohibited	any	any	50 max
All Other Commercial	75 min	25 max	prohibited	25 min	75 max	25 max
Industrial	25 min [4]	75 max [5]	50 max	any	any	any
All Other Uses	50 min	50 max	prohibited	25 min	75 max	25 max

Notes

[1] On third story or higher floors, C1 materials may be reduced to 75% and C2 materials may be allowed up to 25%.

[2] C2 materials shall be limited to architectural metal siding and tile.

[3] Cementitious fiber board shall be allowed only. Architectural metal siding is prohibited.

[4] The minimum 25% requirement can be reduced by one percentage point for each percentage point of glazing that exceeds the required minimum.

[5] The maximum percentage may be increased by one percentage point for each percentage point of glazing that exceeds the minimum requirement or with additional one foot of articulation beyond the required minimum.

B. Generally, mixed-use buildings shall use the façade materials identified as appropriate for all other commercial buildings on the portions of the building designed for nonresidential use and façade materials identified as appropriate for all other residential buildings on portions of the building designed for residential use. The Administrator may approve modifications in this placement of façade materials to ensure appropriate transitions between materials.

C. When part of a common development, buildings shall use façade materials that are consistent with or complement buildings within the development.

Figure 5-1: Allowable Materials - Commercial Building Example

5.3.5. Colors of Façade Materials

The colors of façade materials shall comply with the following standards.

A. The use of high-intensity, metallic, fluorescent, day glow, or neon colors is prohibited, except in an approved Public Art-Mural.

B. Exterior building colors shall be low reflectance, earth tone, muted, subtle, or neutral colors. Building trim and design features may include brighter colors, other than those in Section A above, as an accent material.

C. Color variation shall be provided on individual buildings and within multibuilding development.

D. When part of a multibuilding development, buildings shall utilize colors that are consistent with or complement other buildings within the development.

E. The colors of ventilation grates and emergency exit doors that are at the ground floor level in the building façade and are oriented to a public street shall be consistent with or complementary to the colors of the ground floor level façade materials.

5.4 Minimum Glazing

Glazing shall be provided on building façades in accordance with Table 5-3. If a building is located in a district listed in Table 5-3, it shall comply with the glazing standards specified for that district and the proposed use under the "By District and Use" table heading. If a building is not located in a district listed in Table 5-3, it shall comply with the glazing standards specified for the use under the "By Use" heading. In accordance with NCGS §160D-702.1, the minimum glazing standards treat those portions of the ground floor façade of a building that are used as non-storefront separately from all other portions of the ground floor façade (see note [2] in Table 5-3).

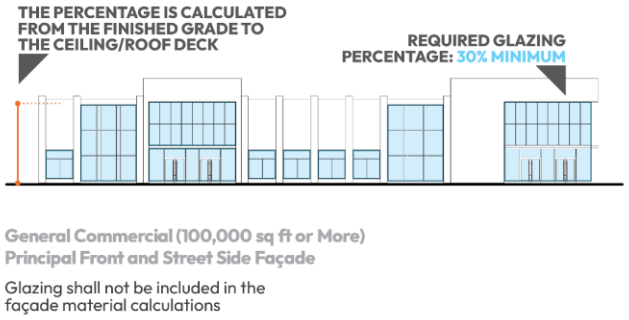


Figure 5-2: Glazing Example

Table 5-3: Minimum Glazing as Percent of Façade Area

Zoning District and/or Use		Ground Floor Façade [1] [2]						Upper Floor Primary and Secondary Façades
		Primary		Secondary		Average (All Façades)		
		Non-Storefront	All Other	Non-Storefront	All Other	Non-Storefront	All Other	
By District and Use								
DT, AC, or TOD-O	Nonresidential	20%	35%	20%	35%	20%	35%	30%
	Residential	N/A	50%	N/A	40%	No minimum	No minimum	30%
By Use								
Residential								
Cottage Court Dwelling		15%	N/A	No minimum	N/A	No minimum	N/A	15%
All Other Residential		30%	N/A	15%	N/A	No minimum	N/A	15%
Public & Institutional								
All Public & Institutional		20%	35%	20%	30%	20%	No minimum	20%
Commercial and Mixed-Use								
General Commercial, 100,000 sq ft or More		20%	30%	20%	30%	20%	No minimum	20%
General Commercial, Less Than 100,000 sq ft		20%	35%	20%	35%	20%	35%	20%
Restaurant		20%	35%	20%	35%	20%	35%	20%
All Other Commercial and Mixed-Use		20%	35%	20%	30%	20%	No minimum	20%
Industrial								
All Industrial		20%	20%	10%	10%	No minimum	No minimum	10%
Accessory Buildings								
All Accessory Buildings		20%	20%	15%	15%	No minimum	No minimum	15%

Notes

[1] For purposes of this table, ground floor façade area consists of the wall area of the building measured from grade to ten feet above grade, excluding loading docks, service bays, mechanical areas, emergency exits, vehicular doors, and other such non-storefront functional areas.

[2] For purposes of this table, "Non-Storefront" is defined as those portions of the ground floor façade area used primarily for religious assembly or sanctuary space; medical or dental examination, treatment, or healthcare services; educational instruction or counseling; civic or nonprofit services; funeral services; lodge or meeting hall use; storage or back-of-house operations; or other institutional, assembly, or service uses not primarily operated as walk-in retail, restaurant, bar, entertainment, or commercial storefront uses.

5.5 Façade Design and Articulation

5.5.1. General Façade Design Standards

A. **Continuous Base**
Category 1 materials or glazing shall be utilized to create a continuous base with a minimum height of two feet from the finished grade of all buildings.

B. **Transitions in Materials**
Transitions from one exterior façade material to another shall be integrated and responsive to the design of the building, such as at roofline changes, building entryways, at the top of the building story, or to distinguish tenant spaces.

C. **Variation in Multi-Building Sites**
Sites containing three or more buildings shall incorporate visual diversity through variations in building size, shape, height, color palette, and exterior building cladding materials.

D. **Ventilation Grates and Exit Doors**
Ventilation grates and emergency exit doors located at the ground floor level of a primary or secondary façade shall be consistent with, or complementary to, the colors of the rest of the façade. Unless otherwise required by the building code, such grates and doors shall be located away from public sidewalks and public gathering spaces.

5.5.2. Primary Façades

Primary façades shall comply with the standards in this Section 5.5.2.

A. **Wall Plane Changes**
Wall plane changes provided in accordance with this Section A shall be scaled to, and coordinated with, the façade's sections and decorative elements to create visual rhythm and unity over the building elevation

1. **Minimum Horizontal or Vertical Changes**

a. In districts other than the IND district, façades having a length of 60 feet or more shall include for every 60 linear feet of wall length at least one horizontal or vertical change in wall plane that is at least two feet in depth.

b. In the IND District, façades having a length of 120 feet or more shall include for every 120 linear feet of wall length at least one horizontal or vertical change in wall plane that is at least two feet in depth.

c. Wall plane changes provided in accordance with this Section 1 shall be spaced so that no single wall plane extends along more than 80 percent of the façade length.

2. **Required Recesses**

a. In the TOD-O district and in all base zoning districts other than the CB, CI, and IND districts, primary façades of nonresidential and mixed-use buildings shall include the following recesses in wall plane:

i. Façades having a length of at least 150 feet but less than 250 feet shall include at least one recess in wall plane that is at least ten feet deep and at least ten feet wide.

ii. Façades having a length of more than 250 feet shall provide at least one recess in wall plane that is at least 20 feet deep and at least 20 feet wide within every 250-foot segment of façade length.

b. In the CB and CI districts, façades having a length of more than 250 feet shall include at least one recess in wall plane that is at least 15 feet deep and at least 15 feet wide within every 250-foot segment of façade length.

c. Up to 50 percent of the minimum recess depth required by this Section 2 may be met through the use of an arcade, colonnade, gallery, or other feature providing equivalent massing.

d. The minimum dimensions of a recess required by this Section may be reduced by up to 30 percent where the area within the recess is an active, pedestrian-accessible space with integrated seating and landscape features.

B. **Sections**
Each primary façade of a nonresidential or mixed-use building shall be divided into architecturally distinct sections in accordance with this Section B.

1. Each section shall be taller than it is wide.

2. Each section shall be delimited by at least one of the following features:

a. Wall plane changes, either as required by Section A above or other wall plane changes having a minimum depth of one foot,

b. A building entry complying with the entry feature and element requirements in Section 5.6.2, or

c. Elements that visually divide the wall and include a cap feature that provides a rational terminus and integrates with the overall design of the façade. Such elements may include columns, ribs, pilasters or piers, or another element that the Administrator determines provides equivalent visual distinction.

3. Features provided in accordance with Section 2 above, other than building entries, shall:

   a. Extend at least the full height of the ground floor of the building,

   b. Have a minimum width of 12 inches, and

   c. Include a projection or recess in accordance with Table 5-4, based on the width of the feature.

Table 5-4: Minimum Depth of Delimiting Feature

Width of Façade Dividing Element	Minimum Projection of Façade Dividing Element
At least 12 but less than 24 inches	4 inches
At least 24 but less than 36 inches	8 inches
36 or more inches	12 inches

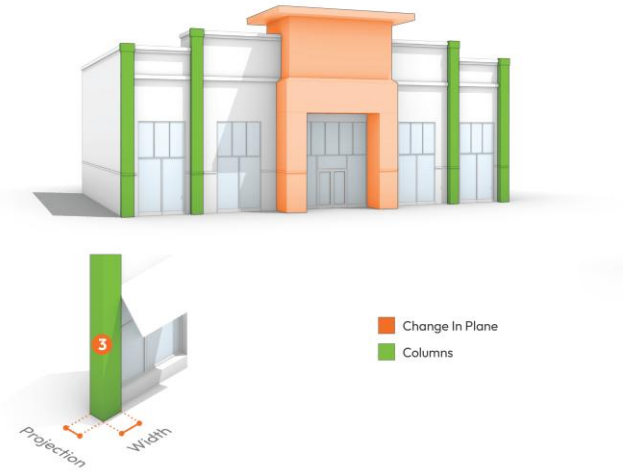


Figure 5-3: Delimiting Feature Projection

Figure 5-4: Façade Articulation Example - Multi-Story Building

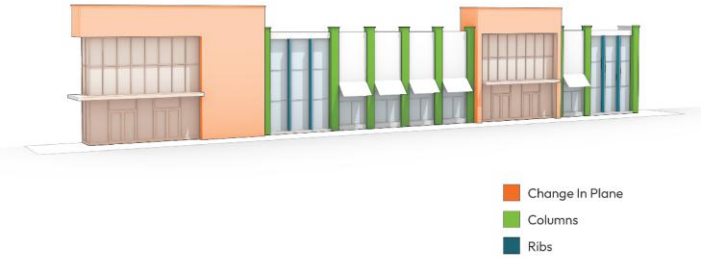


Figure 5-5: Façade Articulation Example - Multi-Tenant Building

C. **Minimum Ground Floor Features**

1. In all districts other than the IND District, at least one of the following features shall be provided within every eight-foot segment of ground floor façade length:

   a. Windows,

   b. Doors with glazing,

   c. Wall plane changes or delimiting features provided in accordance with Sections A or B above,

   d. Public gathering space provided in accordance with the community space standards in Section 6.3,

   e. A vertical trellis with landscaping or a planter integrated into the building wall with landscaping,

   f. An arcade, colonnade, gallery, or ground supported canopy, or

g. A protruding or recessed soldier course or other masonry embellishment providing depth.

2. Features provided in accordance with Section 1 above, shall be varied such that not more than 70 percent of the eight-foot segments of the façade length utilize the same feature.

5.5.3. Secondary Façades

On secondary façades, blank expanses shall not exceed 20 feet in length or 30 feet in height. Blank expanses shall consist of portions of the façade not interrupted by one or more of the following features:

A. Windows,

B. Doors with glazing or painted to complement the building,

C. Wall plane changes that are at least two feet in depth,

D. Public art,

E. Public gathering space in accordance with the community space standards in Section 6.3,

F. Vertical trellises with landscaping or planters integrated into the building wall with landscaping,

G. Canopies having a minimum depth of three feet,

H. A soldier course or other masonry embellishment.

Figure 5-6: Interruptions of Blank Expanses on Secondary Façades

5.5.4. Downtown Wake Forest National Register Historic District Design Features

In addition to complying with all other applicable standards in this Chapter, primary facades of new buildings in the Downtown Wake Forest National Register Historic District shall include at least three of the following design features:

A. Decorative or embellished building and/or storefront cornice,

B. Regularly spaced, vertically oriented upper story windows,

C. Window design features, such as hoods, muntins, mullions, or trim,

D. Signboard frieze,

E. Transom,

F. Bulkhead/base panel, or

G. Traditional storefront (center, recessed door, flanked by storefront display windows).

Figure 5-7: Downtown Historic Design Features

5.6 Entry Design

Entries into buildings shall comply with the standards in this Section 5.6.

5.6.1. Entry Elevation Relative to Grade

A. **DT, TOD-O, and AC Districts**
In the DT, TOD-O, and AC districts, primary entries adjacent to a sidewalk or multi-use path that is within the public right-of-way or that is part of an internal drive shall be at the same grade elevation as the adjacent sidewalk or multi-use path.

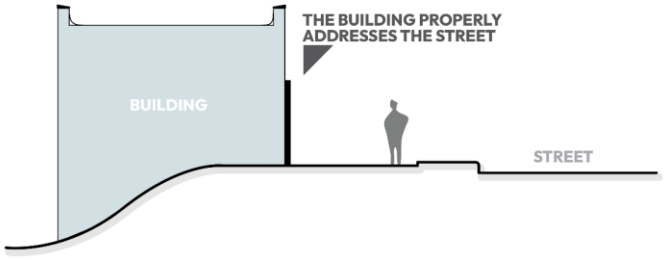


Figure 5-8: Entry at Same Grade Elevation as Sidewalk

B. **All Other Districts**
In all other districts, primary entries adjacent to a sidewalk or multi-use path that is within the public right-of-way or part of an internal drive shall be no more than five feet below or above the grade elevation of the adjacent sidewalk or multi-use path.

Figure 5-9: Entry Example - Inappropriate Grade Elevation

5.6.2. Entry Design Features

Each primary façade of a principal building shall contain an entry designed for the pedestrian utilizing at least one of the design features in Table 5-5, such as an arcade, portico, or plaza. The feature used to comply with this requirement shall incorporate at least three of the elements bulleted under that feature in Table 5-5, or, in the case of a two-over-two dwelling, at least one of the elements bulleted under that feature in Table 5-5.

Table 5-5: Building Entryway Design Features

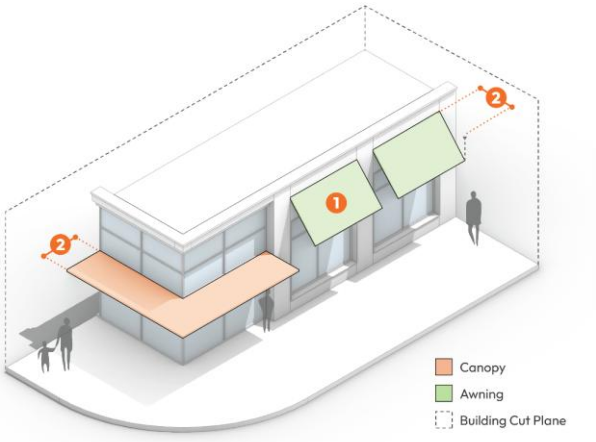
Awning or Canopy	
• Shall be located above all ground floor windows and doors within entryway area. Awnings shall fit within the frame of the storefront without hiding the building's façade, distorting its proportions, or covering architectural features. If the building has transom windows, awnings or canopies shall be mounted above the transom windows. • Shall project from the building a maximum of six feet and a minimum of three if located above windows or five feet if located above doors, unless otherwise approved by the Administrator to accommodate community space. • Shall use a distinct building material or color to highlight the entryway while maintaining consistency and compatibility with the buildings and surroundings. Materials shall be high quality, such as canvas or durable fabric for awnings and metal for canopies. Vinyl is prohibited.	

Figure 5-10: Entryway Design - Awning/Canopy

Table 5-5: Building Entryway Design Features

Portico
1. Shall project a minimum of 5 feet above the doorway and a minimum of 3 feet above the windows. 2. Shall extend a minimum of five feet from either side of the building entry. 3. Portico columns shall be wrapped with one of the Category 1 exterior building cladding materials utilized on the building. 4. Shall incorporate a distinct architectural feature that extends above the primary roof height, such as a tower.

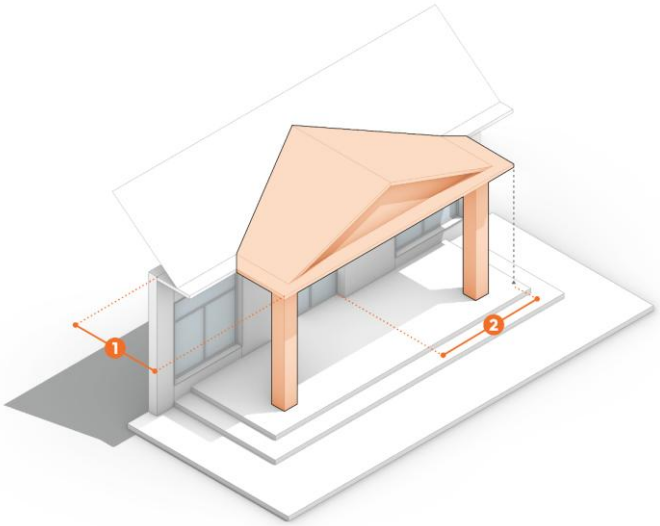


Figure 5-11: Entryway Design - Portico

Plaza
1. Shall be located within a recessed portion of the building that is enclosed on two or three sides. 2. Shall be a minimum of 100 square feet. 3. Shall have a minimum width of 20 feet. 4. Shall be improved as a public gathering space in accordance with Section 6.3.

Figure 5-12: Entryway Design – Plaza

Table 5-5: Building Entryway Design Features

Arcade
1. Shall run the full length of the building façade. 2. Shall project over the full width of the on-site pedestrian walkway. 3. Shall have a minimum depth of six feet. 4. Pedestrian arcade columns shall be wrapped with one of the Category 1 exterior building cladding materials utilized on the building. 5. Shall include projections or recesses of at least four feet in the wall plane at the entryway.

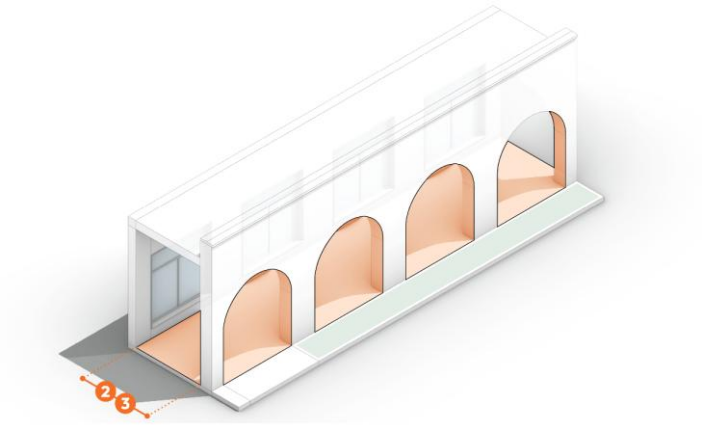


Figure 5-13: Entryway Design: Pedestrian Arcade

Landscape Forecourt
1. Shall include permanent planters comprised of the Category 1 building material utilized on the primary building. 2. Shall be located in a manner that frames the building entry. 3. Shall have a minimum depth of ten feet. 4. Shall be planted and perpetually maintained with landscape including understory trees, and shrubs/native grasses.

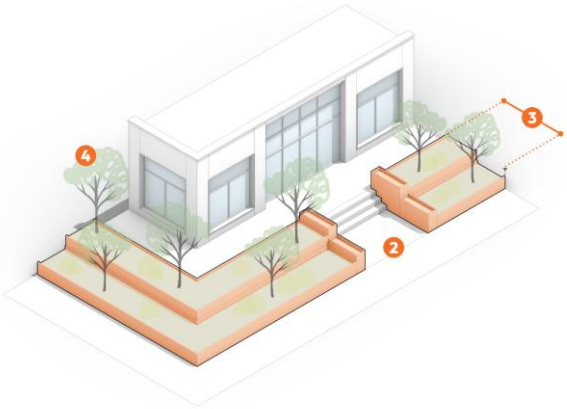


Figure 5-14: Entryway Design - Landscape Forecourt

Table 5-5: Building Entryway Design Features

Courtyard
1. The portion of the building façade with the entry, with a minimum width of ten feet, shall be recessed from the primary façade a minimum of eight feet. 2. A fence or wall, comprised of the allowed materials detailed in Section 8.3.4, or a landscape hedge shall extend from the primary façade of the building to create a sense of enclosure in the courtyard. 3. The fence, wall, or landscape hedge shall have a minimum height of three feet and a maximum height of four feet if more than 20 percent opaque. 4. The fence, wall, or landscape hedge shall have a minimum height of three feet and a maximum height of six feet if 20 percent or less opaque.

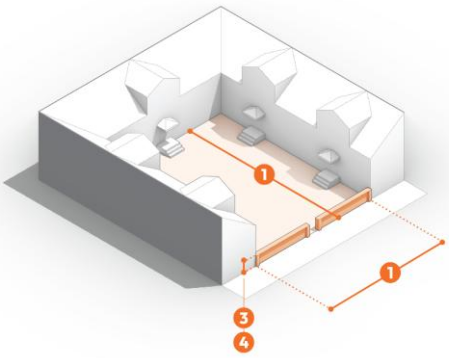


Figure 5-15: Entryway Design - Courtyard

Recessed Entrance
1. Shall apply to buildings with zero-foot front yard setback only. 2. The recessed area shall be proportionally wider than it is deep. 3. The recessed area shall include glazing extending a minimum of 65% of the height of the building at the entryway. 4. The recessed area shall be decorative through the incorporation of design elements including but not limited to a mosaic tile floor, angled storefront windows, use of accent building materials, or other as approved by the Administrator.

Figure 5-16: Entryway Design - Recessed Entrance

Other
Each of the following building entryway design improvements shall count as one required feature: Change in building material or color to highlight the entryway; Distinct architectural feature that extends above the primary roof height a minimum of four feet; Projections or recesses of at least four feet in the wall plane at the entryway; Glazing extending a minimum of 65% of the height of the building at the entryway

5.7 Roof Design

Building roofs shall comply with the standards in this Section 5.7.

5.7.1. Roof Materials

Shake or shingles may be used on nonresidential buildings on a maximum of 80 percent of the roof area.

5.7.2. Roof Types

A. In all districts other than the AC and TOD-O districts, primary roof types shall be consistent with or complementary to adjacent development.

B. In the AC and TOD-O Districts, primary roof lines shall be flat.

5.7.3. Roofline Change Requirements

A. Changes in roofline shall be provided on all elevations as follows:

1. In all districts except the IND District, one change at least every 60 linear feet of roof length, and
2. In the IND District, one change at least every 120 linear feet of roof length, except changes are not required for rear elevations that are farther than 200 feet from all residential uses.

B. The Administrator may approve an alternative distribution of roofline changes required by Section A if the minimum number of changes is provided and if the Administrator determines the proposed distribution is consistent with the purposes of this UDO and this Chapter.

C. The roofline change requirement in Section A above shall be met using at least two of the following:

1. Distinctions in roof pitch or design, such as through the use gables, dormers, shed dormers, flat roofs, or towers, that are visually apparent as seen from the ground,
2. Variation in roof materials, such as on roof accent elements, and
3. Variation of at least two feet in building section height.

Figure 5-17: Roofline Change Example - Flat Roof

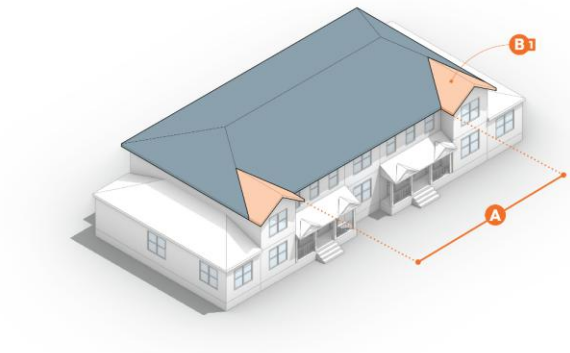


Figure 5-18: Roofline Change Example - Pitched Roof

5.7.4. Parapet Walls

A. All flat roofs shall utilize parapet walls.

B. Parapet walls shall be designed and constructed to prevent views of the rear of the parapet wall or to any portion of the roof from any adjacent property or right-of-way.

C. Taller parapets shall wrap around on each side of the building or be constructed as a three- or four-sided architectural feature. The material on the sides of the wrapped parapet wall or feature shall be consistent with that on the front of the parapet wall. The color of the backside of the parapet wall shall be inconspicuous in relation to the other colors of the building exterior.

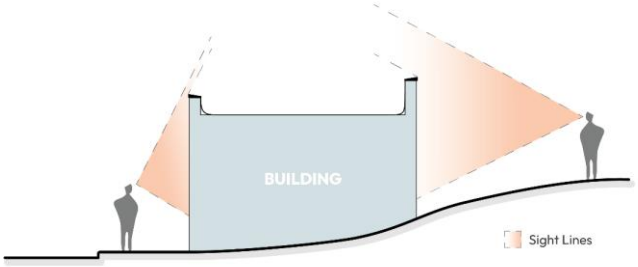


Figure 5-19: Parapet Walls

5.8 Cottage Court Building Design Standards

5.8.1. Applicability

Cottage court dwellings shall comply with the standards in this Section 5.8 in addition to all other applicable standards in this Chapter.

5.8.2. Front Porch

Each cottage court dwelling shall have a front porch that is at least 12 feet wide and at least six feet deep.

5.8.3. Front Façade Features

The façade of each cottage court dwelling having the primary entry shall include at least two of the architectural features listed below. It is prohibited for one Cottage Dwelling to use the same two required architectural features as an adjacent dwelling in the cottage court.

A. Bay, bow, and/or box window,

B. Recessed window,

C. Decorative/stained glass window,

D. Permanent landscape planters,

E. Gable pediment, cornice bracket, eave bracket, and porch column brackets,

F. Porch running trim and matching balustrade,

G. Decorative window surrounds, such as shutters, arches, sills, and rails, or

H. Use of Category 1 building materials (see Section 5.3.3) for at least 20 percent of façade.

5.8.4. Colors

All cottage court dwellings in a cottage court shall use at least one siding color and at least one primary trim/accent color from an established palette that includes at least six color options. It is prohibited for one cottage home building to use the same siding and primary trim color combination used on another cottage court dwelling in the cottage court.

5.9 Two-Over-Two Building Design Standards

5.9.1. Applicability

Two-over-two dwellings shall comply with the standards in this Section 5.9 in addition to all other applicable standards in this Chapter.

5.9.2. Private Outdoor Space

Two-over-two dwellings shall have either:

A. One private outdoor space at least 25 square feet in area per each dwelling, or

B. One shared outdoor area occupying a minimum of 50 percent of the roof area that is accessible to the residents of the building and their guests.

5.9.3. Design

A. **Design Components**
Two-over-two dwellings consist of stacks of dwelling units clustered together. Two-over-two dwelling units, stacks, and clusters shall be configured as follows:

1. **Dwelling Units**
Dwelling units shall include at least two stories.

2. **Stacks**
Typically, the first and second floor dwelling unit and the third and fourth floor dwelling unit create a two-over-two stack. A stack is accessed by a common entrance or by individual entrances if the upper level dwelling unit entrance is recessed and not visible from the public right-of-way.

3. **Cluster**
Each two-over-two cluster may include up to six two-over-two stacks.

B. **Design Standards**

1. **Stack Width**
The maximum width of a two-over-two stack shall be 50 feet.

2. **Stack Differentiation**
Two-over-two stacks included in a two-over-two cluster shall be distinguished from one another through at least two of the methods detailed below:

a. Variation in stack setback,

b. Variation in stack height,

c. Variation in stack roof type,

d. Variation in stack exterior building cladding materials,

e. Variation in stack exterior building cladding material colors,

f. Alternating use of front porches or other building entry design features included in Section 5.6.2,

g. Other as approved by the Administrator.

3. **Cluster Siting**
To the maximum extent practicable, two-over-two clusters shall be sited in a manner that defines street edges, entry points, and public gathering spaces.

5.9.4. Garage Location

A. **Attached Garage**
Access points for attached garages shall be located on a secondary or tertiary façade of the building.

B. **Detached Garage**
Detached garages shall comply with the location standards for accessory structures in Section 3.5.2.C.

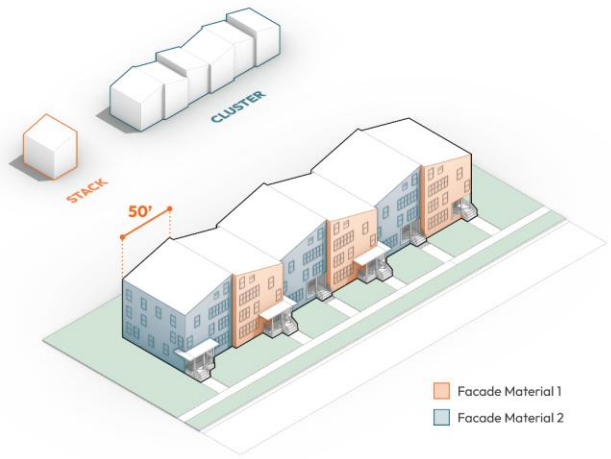


Figure 5-20: Two-Over-Two Design

5.10 Multifamily Building Design Standards

5.10.1. Applicability

A. Except as otherwise specified in B below, all multifamily dwellings shall comply with the standards in this Section 5.10 in addition to all other applicable standards in this Chapter.

B. Residential Care Home and Retirement Home buildings are exempt from the balcony and patio requirements in Section 5.10.2.

5.10.2. Balconies and Patios

A. At least 75 percent of upper-story dwelling units on each primary or secondary facade shall incorporate a balcony or screened porch having a floor area of at least 25 square feet that is accessible from inside the unit.

B. At least 75 percent of ground-level dwelling units on each primary or secondary facade shall include a patio or porch having a floor area of at least 25 square feet that is accessible from inside the unit.

C. At least 75 percent of the units in each building must include a balcony, patio, or porch having a floor area of at least 25 square feet that is accessible from inside the unit.

D. Balconies, patios, and porches required by A or B above shall either project or recess a minimum of two feet from the façade wall, as measured from the edge of the patio or railing, as appropriate, to the façade wall.

5.10.3. Upper-Story Pedestrian Access

Openness of upper-story accessways serving two or more individual Multifamily units shall comply with Table 5-6.

Table 5-6: Upper-Story Pedestrian Access

Building Façade	Fully Enclosed Stairwell	Open Stairwell [1]
Primary	Required	Prohibited
Secondary	Allowed	Allowed
Tertiary	Allowed	Allowed

Notes

[1] The visibility of an open stairwell from the public right-of-way or adjacent property shall be minimized through the use of decorative screening materials, or, where screening is not possible, through the use of other decorative elements such as decorative awnings, railings, stair treads, or Category 1 exterior building cladding materials (see Section 5.3.3).

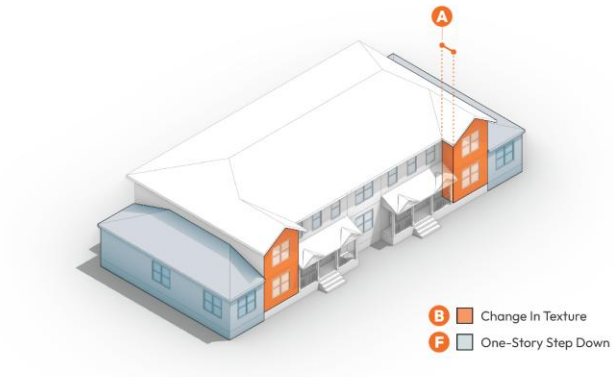


Figure 5-21: Multifamily Building Mass and Scale Example

5.10.4. Mass and Scale

To reduce the perceived mass and scale of the building, each primary façade that is more than 60 feet in length shall incorporate at least three of the following design elements that are consistent with the development's architectural character and create distinctive variations in the façade spaced no more than 60 feet apart (see also transition and step back requirements in Section 2.7):

A. Pronounced (at least two feet deep) recesses and/or projections in the wall plane,

B. Distinct changes in texture, material and color of wall surfaces,

C. Pedestrian entrances or building pass-throughs,

D. Eight-foot minimum step back of the entire front façade after the ground, second, or third floor,

E. 20-foot minimum step back of 30 percent of the mass of the front façade after the ground floor in a manner that results in a "C" or "U" shaped building, or

F. One-story minimum step down of height of the side or wing of a building.

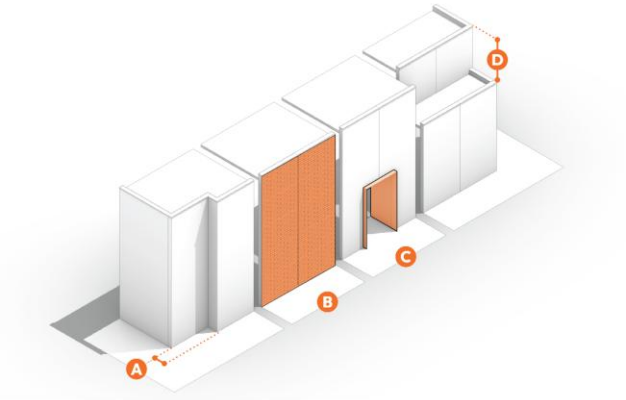


Figure 5-22: Multifamily Building Mass and Scale Example

5.11 General Commercial, Greater than 100,000 sq ft Building Design Standards

5.11.1. Applicability

Buildings containing general commercial uses with more than 100,000 square feet of gross floor area shall comply with the standards in this Section 5.11 in addition to all other applicable standards in this Chapter.

5.11.2. Requirement

A. Buildings containing general commercial uses with more than 100,000 square feet of gross floor area have the potential to significantly impact the appearance and function of the commercial corridors of Wake Forest. To minimize potential negative impacts of such buildings, each development project that includes such a building shall include liner buildings that comply with the standards in this Section 5.11.

B. All liner buildings required by this Section 5.11 shall be ready to build, including the installation of utility stubs, driveway stubs, and common landscaping, prior to the occupancy of the building containing the general commercial use with more than 100,000 square feet of gross floor area.

5.11.3. Liner Building Standards

A. **Description**
Liner buildings are shallow structures, with a typical width of 60 feet.

B. **Front Yard Setback**
The maximum front yard setback of a liner building shall be 30 feet.

C. **Configuration**
Buildings shall be configured on the site as either attached or detached as set out below.

1. **Attached**
The liner building is attached to all primary façades of building housing the general commercial use with more than 100,000 square feet of gross floor area. Gaps in liner buildings are allowed to comply with the façade design and articulation standards in Section 5.5 and/or to accommodate service areas or outdoor amenity or gathering areas.

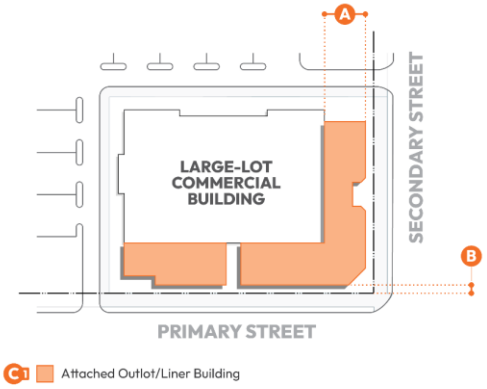


Figure 5-23: Liner Building – Attached

2. **Detached**
The building housing the general commercial use with more than 100,000 square feet of gross floor area is located to the rear of the parking area and the liner building(s) is located in a manner that screens the parking area from the right-of-way.

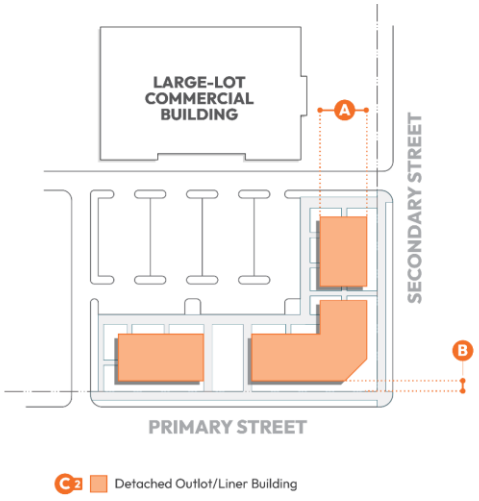


Figure 5-24: Liner Building - Detached

6 OPEN AND COMMUNITY SPACE STANDARDS

6.1 Purpose

The purpose of this Chapter is to:

A. Ensure that each new development has a range of community and open spaces within walking or biking distance,

B. Preserve natural, historic, and cultural resources, improve environmental quality, and provide ecosystem services,

C. Enhance community character and sense of place,

D. Provide areas for people to gather and connect,

E. Close gaps in park service areas, and

F. Expand equity in open and community space quality and quantity throughout Wake Forest.

6.2 Applicability

A. Except as otherwise provided by Section B or Section C below, or by Section 1.8, open space and community space shall be provided in accordance with this Chapter in development that includes:

   1. Five or more residential lots or dwelling units, or

   2. More than 5,000 square feet of nonresidential gross floor area.

B. Residential developments with 12 or fewer dwelling units that are within a quarter mile of a Public Park or Public Cultural/Community Facility are exempt from Sections 6.3, 6.4, 6.5, and 6.6.

C. Cemetery protection standards in Section 6.7 shall apply to all development, regardless of the number of residential lots or units or the gross floor area.

CONTENT

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6.1 Purpose

6.2 Applicability

6.3 General Open and Community Space Standards

6.4 Open Space Area Standards

6.5 Community Space Area Standards

6.6 Open and Community Space Improvement Standards

6.7 Cemetery Protection Standards

6.3 General Open and Community Space Standards

6.3.1. Location

A. Development shall be designed in a manner that orients buildings towards required open and community space, making the spaces highly visible focal points.

B. Areas described in the Comprehensive Plan or any other adopted plan as park, recreation, or open space land or greenways shall be dedicated where practical and feasible and in conformance with all applicable federal and state rules and/or interlocal agreements.

6.3.2. Minimum Dimensions

A. **Open Space**
Required open space areas shall have a minimum dimension of 400 square feet.

B. **Community Space**

1. **Residential**
Required residential community space shall have a minimum dimension of 200 square feet.

2. **Mixed Use and Nonresidential**
Required mixed-use and nonresidential community space shall have no minimum dimension.

6.3.3. Visibility

A. All open and community spaces shall be highly visible and conveniently accessible to all users of the development and shall have at least 20 feet of frontage on at least one public street within the development or be integrated into the pedestrian circulation network.

B. All community spaces should be visible from dwelling units that are adjacent to them.

6.3.4. Accessibility

A. **Contiguous Open or Community Space**
If 50 percent or more of required open space is contiguous, no residential unit within a development shall be further than a half mile, as measured along a sidewalk, greenway, or other similar continuous pedestrian walkway, from an open or community space or other publicly accessible park facility.

B. **Noncontiguous Open or Community Space**
If less than 50 percent of required open space is contiguous, no residential unit within a development shall be further than a quarter mile, as measured along a sidewalk, greenway, or other similar continuous pedestrian walkway, from an open or community space or other publicly accessible park facility.

6.3.5. Usability

Within the designated area proposed, sufficient engineering data and/or detail shall be indicated to ensure compliance with the following:

A. At least 25 percent of all open space shall be located outside special flood hazard areas, watercourses, and watershed buffers,

B. All community space shall be located outside special flood hazard areas, watercourses, and watershed buffers,

C. Areas including ponds, lakes, or wetlands shall not exceed more than 30 percent of the required open space and shall not constitute any portion of required community space.

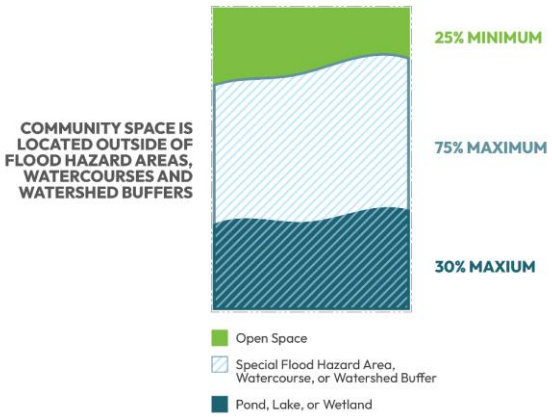


Figure 6-1: Open and Community Space Usability

6.3.6. Ownership and Maintenance

A. Required open and community space shall be managed and maintained as permanent open and community space through one or more of the following options:

1. Open and community space may be held in common ownership by the owner(s) of the development, who will be responsible for managing and maintaining the land for its intended open and community space purposes.
2. Open and community space areas may be conveyed to a property owners' or homeowners' association that holds the land in common ownership and will be responsible for managing and maintaining the land for its intended open and community space purposes.
3. Open space areas may be conveyed to a third-party beneficiary such as an environmental or civic organization that is organized for, capable of, and willing to accept responsibility for managing and maintaining the land for its intended open space purposes.
4. Open space areas may be dedicated to the public and conveyed to the Town or other public agency that is organized for, capable of, and willing to accept responsibility for managing and maintaining the land for its intended open space purposes.

B. Any options in Section A above, involving private ownership of required open or community space area shall include association by-laws, deed restrictions, covenants, or other legal instruments that ensure continued use of the land for its intended open or community space purposes and provide for the continued and effective management, operation, and maintenance of the land and facilities. Such instruments shall be approved by the Town as sufficient to comply with this requirement before or conjunction with approval of any Subdivision Plan for the development, or approval of any Construction Plan for the development if approval of a Subdivision Plan is not required, and identification of who bears responsibility for managing and maintaining the open and community space areas shall be shown on the Subdivision Plan and Final Plat or Construction Plan, as applicable.

C. Required open and community space shall perpetually run with the development site and shall not be developed or separated from the development site at a later date, unless no development of any portion of the project which is benefited by or required to provide such open space has occurred and an application is submitted for a new development approval or permit for the entire area of the project the effect of which will be to nullify the prior approval.

6.4 Open Space Area Standards

6.4.1. Required Open Space Amount

Development shall set aside a minimum percent of the gross area of the development site as open space, as required per district in Table 6-1. Open space shall be required in addition to community space required by Section 6.5.

Table 6-1: Required Open Space

District	Minimum Required Open Space Percent of Development Site [1]
GR	20%
NCR; MUR: TSR; CI; NB; CB; IND	15%
DT	0%
AC	10%
OS	45%
TOD-O	5%

NOTES

[1] In a Cottage Court, the required minimum open space shall be reduced by one-half.

6.4.2. Open Space Areas

A. **Allowed Open Space Areas**
Development site area set aside as open space shall include land that falls into at least one of the following categories:

1. Special Flood Hazard Areas and Future Conditions Flood Hazard Areas,
2. Riparian buffers along all perennial and intermittent streams,
3. Wetlands protected by the Army Corps of Engineers or the North Carolina Department of Environmental Quality and any provided or required buffers,
4. Tree canopy retention areas (see Section 7.3.3.B),
5. Lakes, ponds, and other water bodies, excluding created stormwater management facilities,
6. Areas adjacent to land in the LH-O District, on the state study list, or National Register of Historic Places,

7. Cemeteries (see Section 6.7),
8. Areas adjacent to riparian buffers (see Section 12.9),
9. Areas at least 5,000 contiguous square feet in size with any natural slopes greater than 25 percent,
10. Greenways and other open space identified in adopted plans,
11. Sites at least five contiguous acres in size identified by the Town, County, State, or federal government as active or inactive farmland or farmland meeting the requirements of "Prime Farmland" as defined by the United States Department of Agriculture, or
12. Land left natural or revegetated with native plants and utilized for required open space improvements per Section 6.6.

B. **Prohibited Open Space Areas**
Development site area set aside as open space shall not include land that falls into any of the following categories:

1. Utility easement that does not include land that falls into at least one of the allowed open space area categories per Section A above,
2. Stormwater control measures unless designed with green infrastructure,
3. Required building foundation landscape (see Section 7.6) or parking area landscape (Section 7.7) unless designed with green infrastructure, or
4. Other remnant land not covered in Section A above, that is covered in turf grass or an impermeable surface and/or not utilized for required open space improvements per Section 6.6.

6.5 Community Space Area Standards

6.5.1. Required Community Space Amount

Development shall set aside a percent of the gross area of the development site as community space, as required per district in Table 6-2, except that development site area that is designated or in the process of becoming designated as a local landmark or is on or in the process of getting on the state study list or National Register of Historic Places shall be omitted from the land area used to calculate the required community space amount. Community space shall be required in addition to any open space required by Section 6.4.1.

Table 6-2: Required Community Space

District	Minimum Required Community Space Percent of Development Site
GR; NCR; MUR; TSR; NB; CB	5%
DT	2%
AC; CI; TOD-O	10%
IND; OS	0%

6.5.2. Community Space Location Standards

Community space area shall be located:

A. In a manner that creates a development focal point,

B. To be highly visible and accessible to residents and/or visitors of the development,

C. Outside of:

1. Special Flood Hazard Areas and Future Conditions Flood Hazard Areas,
2. Riparian buffers along all perennial and intermittent streams,
3. Wetlands protected by the Army Corps of Engineers or the North Carolina Department of Environmental Quality and any provided or required buffers,
4. Tree canopy retention areas (see Section 7.3.3.B),
5. Lakes, ponds, and other water bodies,
6. Stormwater management facilities, and
7. Areas with average natural slopes greater than 25 percent.

6.6 Open and Community Space Improvement Standards

6.6.1. Open and Community Space Improvement Point System

A point system is utilized to ensure open and community spaces are appropriately activated amenities and to provide flexibility to the applicant to allow improvements to be tailored to each development. Table 6-3 establishes the number of points required per district and required open and community space square footage.

6.6.2. Open and Community Space Improvement Types

A. Table 6-4 establishes allowed types of open and community space improvements and their corresponding points, that may be used to meet the required number of open and community space improvement points detailed in Table 6-3.

B. Improvements shall comply with all applicable WFD3 requirements.

Table 6-3: Required Open and Community Space Improvement Points

District	Required Open and Community Space Points		
	Less than 1 acre of Required Open and Community Space	1 acre - 3 acres of Required Open and Community Space	More than 3 acres of Required Open and Community Space
GR; NCR; AC; CI; TOD-O	10	13	16 [1]
MUR; TSR; NB; CB	7	10	13 [1]
DT	2	4	6 [1]
OS	0	0	0

Notes

[1] Plus one additional point per every two acres over three acres.

Figure 6-2: Open and Community Space - Required Improvement Points

Table 6-4: Open and Community Space Improvement Types

Improvement Type	Points	Maximum Point Allowance per Development Site
Amphitheater	1 point per 250 square feet	3 points
Athletic Court	3 points per court sized per industry standard	9 points
BBQ Grilling Station and Outdoor Dining/Seating Area [1]	1 point per BBQ and outdoor dining /seating area with 8-person capacity	3 points
Bench	0.5 per bench	1.5 points
Bicycle Repair Station	1 per station	1 point
Boat Launch	3 points per boat launch	3 points
Community Garden [2]	1 point per 250 square feet	3 points
Covered Gazebo or Pavilion [1]	1 point per 250 square feet of covered area	3 points
Co-Working/Indoor Meeting or Gathering Space/Clubhouse	1 point per 500 square feet	3 points
Dog park [3]	1 point per 2,500 square feet	3 points
Educational / Interpretive Signage	1 point per sign	3 points
Fishing Dock	3 points per fishing dock	3 points
Fire Pit with Seating [1]	1 point per fire pit with seating	3 points
Fountain / Water Feature	3 points per fountain/water feature	3 points
Green Infrastructure [4]	Per LEED BD+C Sustainable Sites	No maximum
Hammock [1]	1 point per 3 hammocks	2 points
Historic Structure Preservation/Restoration and preservation easement dedication to Capital Area Preservation or equivalent nonprofit able to accept preservation easements [5]	5 points	5 points
Impaired Stream Restoration [4]	2 points per 400 linear feet	No maximum
Indoor Fitness Center	1 point per 500 square feet	3 points
Landscape Planter/Supplemental Planting	0.5 points per 2 cubic feet of soil volume plus 1 point per rain garden; 0.5 points per canopy tree and 0.25 points per shrub or ornamental grass	4 points
Observation Lookout	3 points per observation look out	3 points
Other	As determined by the Administrator	
Outdoor Fitness Equipment	1 point per fitness station with person capacity less than 25 2 points per fitness station with person capacity 25-35 3 points per fitness station with person capacity greater than 35	6 points
Outdoor Seating [1]	1 point per 200 square feet	5 points
Pedestrian Scaled Lighting	1 point per 2 light fixtures	4 points
Pedestrian Walkway with Pedestrian Scale Lighting [6]	1 point per 400 linear feet	6 points

Table 6-4: Open and Community Space Improvement Types

Improvement Type	Points	Maximum Point Allowance per Development Site
Permanent Yard Games [1]	1 point per 2 games	2 points
Pet Waste Station	0.5 per station	1 point
Picnic Shelter	0.5 point per 250 square feet	2 points
Playground [7]	1 point per play system with child capacity less than 25	6 points
	2 points per play system with child capacity 25-35	
	3 points per play system with child capacity greater than 35	
Pollinator Garden	1 point per 250 square feet	3 points
Pool [8]	7 points per pool	7 points
Public Art - Mural	1 point per 250 square feet	3 points
Public Art - Sculpture	3 points per sculpture	6 points
Public Art - Other	1 point per art piece	3 points
Secured and Protected Bicycle Storage	1 point per 2 secured and protected bicycle storage spaces	6 points
Solar Shelter or Solar Tree	2 points per structure	4 points
Splash Pad	2 points per 500 square feet	6 points
Trash and Recycling Receptacle [9]	0.5 points per trash and recycling receptacle	0.5 points per 1,000 square feet
Multiuse Path / Greenway [10]	1 point per 400 linear feet	No maximum

Notes

[1] Improvement shall qualify for one additional point if located on a rooftop patio.

[2] Community gardens shall be enclosed by a fence and have an irrigation source and storage for tools and other equipment.

[3] Dog parks shall include pet waste stations, a double gate, and watering station. Pet waste station points are not granted in addition to dog park points.

[4] Improvement type and points shall be used to satisfy open space improvement point requirements only.

[5] Structures must be reviewed and approved as contributing structures

[6] Pedestrian scale lighting shall meet the standards in Section 10.4.8.

[7] Playground equipment shall be IPEMA certified.

[8] Pool shall include lounge seating and shade structures/umbrellas in the pool deck area. Seating points are not granted in addition to pool points.

[9] Credit shall be given only when not otherwise required by this UDO.

[10] This requirement specifically pertains to multiuse paths and greenways that exceed the minimum standards outlined in the Comprehensive Transportation Plan (CTP) and this UDO.

6.7 Cemetery Protection Standards

To protect and honor the deceased interred in an existing cemetery, the Town regulates the protection of existing cemeteries and encourages their use as private open space.

6.7.1. Identification

A. The Cemetery shall be demarcated in the field prior to submittal of a Site Plan, Subdivision Plan, or Rezoning. A site visit should be scheduled at the pre-application meeting, in order to evaluate the proposed project design and potential impacts to the cemetery.

B. In order to determine and verify the actual boundaries of the Cemetery subsequent to a field evaluation, the applicant, at his or her own expense, shall have an archaeological investigation performed by a registered professional archaeologist (RPA), which shall include Ground Penetrating Radar (GPR). If the topography or other environmental features do not allow for an accurate GPR reading, the Administrator may permit ground probing or other professionally recognized methodology. The applicant shall submit a project methodology and the qualifications of the professional conducting the work for the Administrator's approval. A copy of the report shall accompany the application for subdivision/land development and shall be recorded as a portion of the Final Plat.

C. The location and details of specific grave sites shall be indicated on the Existing Conditions Plan in the site plan, subdivision plan, and construction plan.

6.7.2. Design Standards

A. A minimum 25-foot setback shall be provided around the perimeter of the Cemetery.

B. The Cemetery shall be included in the site design as either its own subdivided lot or as a portion of the open space. Public street right-of-way is not required provided that the access requirements in Section C below are met. No portion of the Cemetery or its required 25-foot setback shall be included on an individual lot occupied by another use. In all instances, the land occupied by the Cemetery shall be surveyed and indicated with a metes and bounds description that shall be recorded in perpetuity.

C. A means of access to the Cemetery must be provided. However, in accordance with NCGS §65-101, access to the cemetery is limited to kin of the interred, the decedent's designee, or any person with a special interest and only with the consent of the landowner. Landowner consent is not required if Superior Court approval is granted through the procedures in NCGS §65-102. This does not preclude the responsible party or landowner from typical and routine maintenance.

D. If one does not exist, a decorative fence or brick or natural stone wall, 42 inches in height, with a gate, shall be installed or constructed to delineate and protect the cemetery boundaries.

6.7.3. Long Term Maintenance

The applicant shall provide a maintenance plan to ensure in perpetuity public safety and the protection of the Cemetery. The long-term maintenance of the Cemetery shall mean the protection of gravemarkers, graves, plantings, and site features, such as topography and mature trees. Removal of any of these elements is not permitted. If a HOA is to maintain the Cemetery, the maintenance plan must be included as a portion of the recorded documents.

6.7.4. Protection During Construction

A. No construction, grading, excavation, or any other ground disturbing activity is allowed within 25 feet of a Cemetery. A Grave Disturbance Permit is required for all proposed grave disinterment.

B. Silt fencing and/or tree protection fencing shall be installed at the perimeter of the 25-foot setback surrounding the cemetery prior to any land disturbance activity. Further, signage shall be installed on the perimeter fencing indicating, "DO NOT ENTER – SENSITIVE AREA." Fencing shall not be removed until authorization is given by the Town.

6.7.5. Inadvertent Discovery of a Cemetery

If a previously unknown Cemetery, unmarked Cemetery, burial site, graveyard, or human skeletal material is inadvertently discovered during any construction, excavation, or other ground disturbing activity, all excavation and earth moving activity shall cease immediately. The Administrator shall be notified, and the process outlined in NCGS §70-29 through §70-33 shall commence. The investigation and process shall be followed to completion and a Zoning Compliance Permit shall be required prior to resuming construction or excavation activity.

7 TREE PRESERVATION, BUFFERS, & LANDSCAPING STANDARDS

7.1 Purpose

The purpose of these tree protection, landscaping, and buffer standards is to:

A. Preserve and enhance Wake Forest's character,

B. Improve air quality, conserve water, manage stormwater, cool urban heat islands, and mitigate climate change, and

C. Minimize negative off-site impacts including but not limited to noise, glare, and views to parking, service and loading areas.

7.2 Applicability

A. The standards in this Chapter shall apply to all new development, and to redevelopment and changes of use in accordance with Section 1.8, as specified in Sections 7.3, 7.4, 7.5, 7.6, 7.7, 7.8, and 7.9

B. An applicant may propose, and the Administrator may approve as satisfying the requirements of this Chapter, alternate landscaping plans that include plant materials and planting methods that are not included in this Chapter if the Administrator determines the proposed materials and methods:

   1. Are consistent with the purpose of this Chapter, and
   2. Provide equivalent quality, effectiveness, durability, and performance to what is required by this Chapter.

CONTENT

7.1 Purpose
7.2 Applicability
7.3 Tree Canopy Coverage and Protection
7.4 Perimeter Buffers
7.5 Street Buffers
7.6 Building Foundation Landscape
7.7 Parking Area Landscape
7.8 Street Trees
7.9 Residential Lot Landscape
7.10 Installation and Maintenance

7.3 Tree Canopy Coverage and Protection

7.3.1. Applicability

A. Except as otherwise provided in Section B below, the tree canopy coverage and protection standards in this Section 7.3 shall apply to all new development, and to redevelopment and changes of use in accordance with Section 1.8.

B. The following are exempt from this Section 7.3:

1. A single-family detached, duplex, or triplex/quadplex dwelling or a manufactured or family care home on an existing lot of record,
2. Property covered by an active forestry management plan written by a North Carolina Registered Forester, provided documentation has been furnished to the Town,
3. The removal of dead or naturally-fallen trees,
4. The removal of diseased trees that pose a threat to adjacent trees, and
5. The removal of trees as necessary for rescue in an emergency or for clean-up following a natural disaster.

7.3.2. Tree Survey

No grading or construction activity shall commence prior to the submittal and approval of a tree survey conducted by an ISA-certified arborist, registered landscape architect, or registered forester.

A. **Required Trees to Survey**
The tree survey shall identify all specimen trees, and their critical root zones, on the development site. Specimen trees shall be any tree, other than invasive/noncontributing trees, with a diameter at breast height (DBH) greater than 20 inches.

B. **Optional Trees to Survey**
The tree survey may identify and break into the categories identified below, other trees, and their critical root zones, on the development site. If a tree identified on the tree survey is preserved, the Administrator may approve credit toward any of the tree-based standards of this UDO, based on the purposes of the specific standard and the characteristics of the preserved tree.

1. **Established Trees**
Established trees shall be any tree, other than invasive/noncontributing trees, with a DBH between 15 and 20 inches.
2. **Young Trees**
Young trees shall be any tree, other than invasive/noncontributing trees, with a DBH of more than five and less than 15 inches.

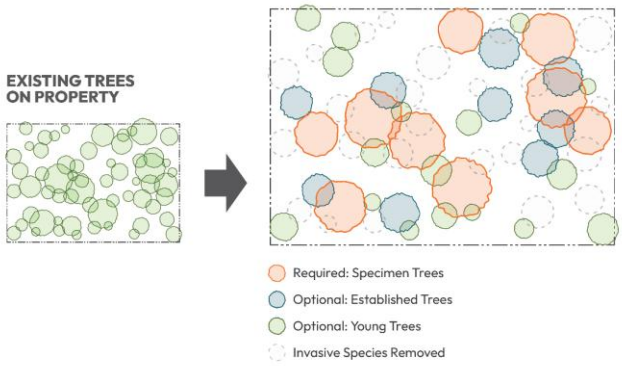


Figure 7-1: Tree Survey

7.3.3. Tree Canopy Coverage

A. **Requirement**
All development sites shall, at a minimum, meet the base requirement established in Table 7-1. Additional tree canopy coverage, in accordance with Table 7-1, may be required based on the amount of existing tree canopy coverage that will be retained.

Table 7-1: Required Tree Canopy Coverage

District	Base Requirement [2]	Additional Tree Canopy Coverage Required Beyond Base Requirement			
		If 25%-75% of base requirement met by retained trees		If less than 25% of base requirement met by retained trees	
GR	20%	3%	23% Total	6%	26% Total
NCR; MUR; TSR; CI; NB; CB; IND	15%	3%	18% Total	6%	21% Total
DT	0%	0%		0%	
AC	10%	2%	12% Total	5%	15% Total
OS	45%	0%	45% Total	0%	45% Total
TOD-O	5%	2%	7% Total	5%	10% Total

Notes

[1] Calculation of canopy coverage shall be based on site area exclusive of public right-of-way dedication, existing natural surface waters, and existing easements.

[2] For sites with no existing tree canopy or existing tree canopy below the base requirement percentage, the required provision of canopy shall meet the base requirement.

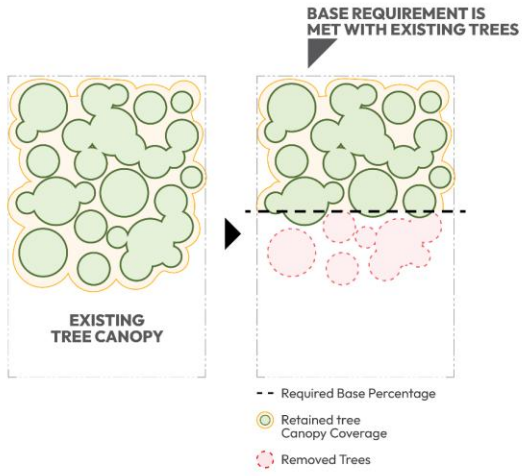


Figure 7-2: Canopy Coverage Met With Existing Trees

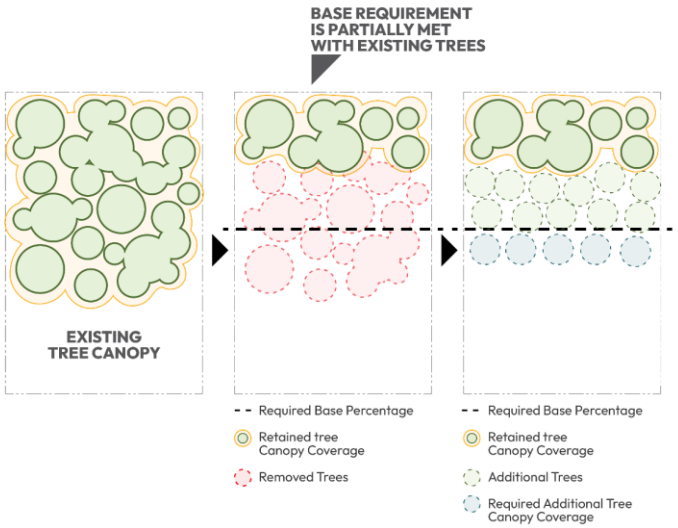


Figure 7-3: Canopy Coverage Met With Existing and New Trees - With Removal

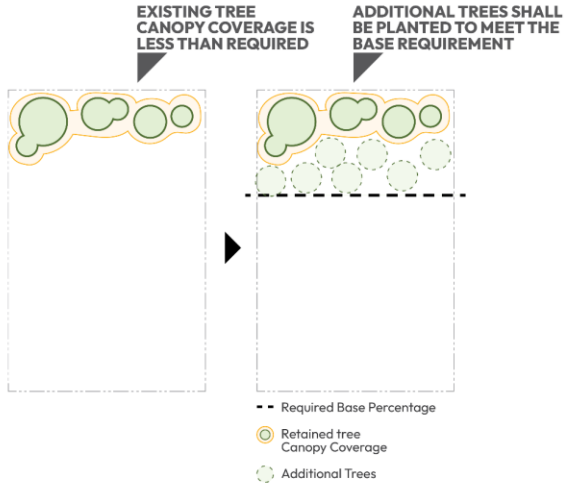


Figure 7-4: Canopy Coverage Met With Existing and New Trees - Without Removal

B. **Tree Canopy Retention Areas**
All trees utilized to meet the requirements of Table 7-1. A shall be located in a tree canopy retention area meeting the following standards.

1. **Tree Canopy Retention Priority Areas**
Priority areas for tree canopy retention areas shall be as listed below:

   a. Area including one or more specimen tree,

   b. Area within a wetland, riparian buffer, floodplain, or other environmentally sensitive area identified by the Administrator,

   c. Area adjacent to a wetland, riparian buffer, floodplain, or other environmentally sensitive area identified by the Administrator,

   d. Area adjacent to neighboring residential uses or adjacent to a Tree Canopy Retention Area on an adjacent parcel,

   e. Area adjacent to parks, greenways, or parcels in the LH-O, MV-O, or WP-O district.

2. **Tree Canopy Retention Area Standards**

   a. No tree canopy retention area shall measure less than 1,600 square feet in size,

   b. No tree canopy retention area shall measure less than 20 feet in width at its narrowest point,

c. Tree canopy retention areas shall be located within required Open Space or Community Space.

3. **Tree Canopy Retention Easement**

a. Any tree canopy retention area shall be identified as a tree canopy retention easement on the final plat,

b. The easement shall be denoted as private and shall not be dedicated to the Town unless otherwise approved through the Open Space standards in Chapter 6,

c. Tree trimming and other measures to ensure public safety shall be the responsibility of the property owner.

4. **Prohibited Activity in Tree Canopy Retention Areas**

a. **Land Disturbance**
There shall be no clearing, excavation, soil compaction or changes of the existing grade within the delineated tree canopy retention area. Any removal of underbrush vegetation shall be done by hand to minimize the disturbance.

b. **Fences**
Fences shall not be installed in tree canopy retention areas unless the root systems of existing trees are taken into consideration and any post holes or trenches close to trees are dug by hand and adjusted as necessary to avoid damage to major roots.

C. **Calculating Canopy Coverage of New Trees**
New tree canopy coverage shall be calculated based on the typical canopy size per tree species as detailed below. Detail regarding which tree species fall into the three canopy size categories established below is included in the WFD3.

1. Canopy Size – Small: 50 square feet,
2. Canopy Size – Medium: 175 square feet,
3. Canopy Size – Large: 315 square feet.

7.3.4. Tree Preservation Incentives

An applicant may request, and the Administrator may approve, credits for specimen, established, and young trees identified on a tree survey that are preserve in accordance with this Section 7.3.4, if the Administrator determines that the intent of the landscape area (see Sections 7.4.4.A, 7.4.5.A, 7.4.6.A, 7.4.7, 7.7.2.A, 7.7.3.A, and 7.8.1) is met.

A. **Specimen Trees**

1. If a specimen tree, with a DBH greater than or equal to 30 is preserved, the Administrator may approve a credit of five trees in required landscaping elsewhere on the site.
2. If a specimen tree, with a DBH less than 30 is preserved, the Administrator may approve a credit of three trees in required landscaping elsewhere on the site.

B. **Established Trees**
If an established tree is preserved, the Administrator may approve a credit of two trees in required landscaping elsewhere on the site.

C. **Young Trees**
If a young tree is preserved, the Administrator may approve a credit of 1.25 trees in required landscaping elsewhere on the site.

7.3.5. Tree Protection During Development Activity

A. **Responsibility**
During any development activity (including demolition activity), the property owner or developer shall be responsible for protecting trees identified in the Construction Plan for compliance with the requirements of this Section 7.3.5.

B. **Storage of Equipment**
The storage of construction or other vehicles and/or equipment, site construction materials, portable buildings, including portable toilets, or other heavy objects is prohibited within delineated tree canopy retention areas.

C. **Protective Barriers**

1. All existing trees and vegetation that are to be preserved shall be completely enclosed with a sturdy and visible fence prior to any land disturbance. Fencing shall extend at least to the boundary of the critical root zone, to the maximum extent practicable, including adjacent to landscaped streetscapes and buffers. The tree protection fencing shall be consistent with WFD3 requirements and shall be shown on the Site Plan or Subdivision Plan, as applicable, and on the Construction Plan.

2. Fencing is also required adjacent to protected streetscapes or buffers. The tree protection fencing shall be clearly shown on the site and/or subdivision plan and shall be consistent with WFD3 requirements.
3. All protected trees must be protected from silt with wire mesh fencing, as provided for in the WFD3, placed along the outer uphill edge of the tree protection zones at the land disturbance interface.
4. All tree fencing and erosion control measures shall be installed prior to and maintained throughout the land disturbance process and building construction and may not be removed until the authorization is given by the Town.

D. **Excavations**

1. **Location**
   a. Excavations for utilities shall be routed within a drip line of a tree to be preserved only if the Administrator determines that:
      i. No route bypassing the root area is practical, and
      ii. Tunneling under the roots with a power-driven soil augur is impractical or financially infeasible in relation to the value of the tree.
   b. The Administrator shall consult with the public utilities to avoid conflicts with Section a above.
2. **Root Protection**
   Parties excavating within the root area shall:
   a. Minimize the number of roots cut, especially large main roots, and
   b. Cleanly cut with proper tools such roots as must be cut and re-trim them after excavation, and
   c. Paint cuts of roots of 1/4-inch diameter or larger with a wound dressing like orange shellac, and
   d. Backfill the trench as soon after excavation as possible to minimize the time roots are exposed to the air, and
   e. Leave no pockets of air when backfilling, and
   f. Mix peat moss with fill soil to promote new growth.
3. **Damage Mitigation**
   Where, despite the foregoing provisions, significant damage has been done to the roots, the tree shall be replaced in accordance with the replacement rate established in Table 17-1.
4. **Cleanup**
   a. **Disposal of Debris**
   Debris shall not be burned on site but shall be hauled away to an appropriate disposal site.
   b. **Removal of Barriers**
   Protective fences and barriers around trees shall be removed only as the final stage of post-construction cleanup.

7.3.6. Invasive Landscape Removal

Any development activity involving tree removal shall also be required to remove all invasive landscape from the development site.

7.4 Perimeter Buffers

7.4.1. Applicability

A. Except as otherwise provided in Section B below, the perimeter buffer standards in this Section 7.4 shall apply to all new development, and to redevelopment and changes of use in accordance with Section 1.8.

B. The following are exempt from this Section 7.4:

1. A single-family detached, duplex, or triplex/quadplex dwelling or a manufactured or family care home on an existing lot of record,
2. Development in the DT, AC, and TOD-O districts, and
3. Areas between adjacent uses that are within a common development site.

7.4.2. Location

The perimeter buffer shall be located on a commonly owned portion of the subject property along all property lines not adjacent to a street or alley right-of-way. The perimeter buffer shall not be placed on individual lots within a subdivision.

7.4.3. Perimeter Buffer Required

The perimeter buffer types shall be required based on the land use of the subject lot and the land use of the adjacent lot, or the zoning district of the adjacent land if it is vacant, in accordance with Table 7-2.

Table 7-2: Perimeter Buffer Types Required

Key: A = Type A Perimeter Buffer; B = Type B Perimeter Buffer; C = Type C Perimeter Buffer; D = Type D Perimeter Buffer; X = No Perimeter Buffer Required

Subject Land Use Classification	Adjacent Land Use Classification										
	All uses locally designated, State Study List, or National Register of Historic Places districts or individual listings landmarks, buildings, and/or districts	Single-Family Detached, or Duplex Home, Manufactured Home	Triplex/Quadplex, Family Care Home, Cottage Court	All other Residential, Bed & Breakfast	Public & Institutional	Commercial	Industrial & Automotive	Class 3 Utilities, Cell Towers, & Infrastructure	Agriculture & Animal Related	Vacant land in OS, GR, NCR, MUR, NB	Vacant Land in TSR, CB, CI, IND
All uses on the historic - locally designated, State Study List, or National Register of Historic Places districts or individual listings	X	B	B	B	A	A	A	A	A	C	A
Single-Family Detached, Duplex Dwelling, Manufactured Home	B	X	D	C	A	B	A	A	A	X	C
Triplex/Quadplex, Family Care Home, Cottage Court	B	D	X	D	B	C	A	A	A	D	C
All other Residential, Bed & Breakfast	B	C	C	X	B	C	A	A	A	B	C
Public & Institutional	B	B	C	C	X	C	A	A	A	B	X
Commercial	A	B	C	C	C	X	A	A	A	B	X
Industrial & Automotive	A	A	A	A	A	A	X	C	A	A	B
Class 3 Utilities, Cell Towers, & Infrastructure	A	A	A	A	A	A	X	X	A	A	B
Agriculture & Animal Related	B	B	B	B	B	B	B	B	X	A	B

7.4.4. Type A Perimeter Buffer Standards

A. **Intent**
The intent of the Type A perimeter buffer is to create a completely opaque buffer, having no horizontal openings from the ground to a height of eight feet within two years of planting.

B. **Credit**
The Administrator may credit preserved trees for the requirements established in Table 7-3 in accordance with Section 7.3.4.

C. **Requirements**
If a Type A perimeter buffer is required, the standards established for one of the options detailed in Table 7-3. shall be met, unless a deviation in minimum width is approved by the Administrator to accommodate tree preservation.

Table 7-3: Type A Perimeter Buffer Requirements

	Specification	Option 1	Option 2	Option 3
a.	Minimum Width [1]	50 feet	30 feet	30 feet
b.	Fence/Wall [2]	optional	optional	required
c.	Berm [3]	optional	required	optional
	Minimum Number of Landscape Elements per 100 Linear Feet			
d.	Evergreen Tree [4]	10	3	3
e.	Canopy Tree	6	3	3
f.	Understory Tree	6	6	6
g.	Shrubs/Native Grasses [5]	48	36	36

Notes

[1] Required yard setbacks may be utilized for perimeter buffer landscape on the same property.

[2] Fences and walls shall comply with Section 7.4.8.

[3] Berms shall comply with Section 8.5 and shall be installed, excluding the planting of required landscape material, at the time of site grading and prior to the commencement of any construction activity.

[4] Evergreen trees are an additional category to understory and canopy trees, regardless of whether the understory and canopy trees utilized to meet the minimum requirements are also evergreen.

[5] 50 percent of required shrubs/ornamental grasses shall be evergreen.

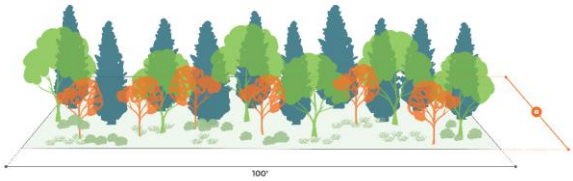


Figure 7-5: Type A Buffer Option 1

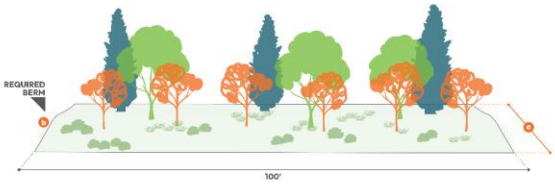


Figure 7-6: Type A Buffer Option 2

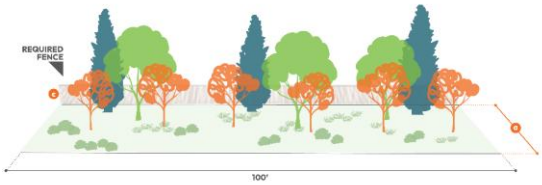
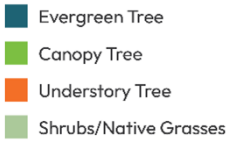


Figure 7-7: Type A Buffer Option 3



7.4.5. Type B Perimeter Buffer Standards

A. **Intent**
The intent of the Type B perimeter buffer is to create a semi-opaque buffer, having only seasonal horizontal openings, not to exceed ten percent of the total width, from the ground to a height of eight feet within two years of planting.

B. **Credit**
The Administrator may credit preserved trees for the requirements established in Table 7-4 in accordance with Section 7.3.4.

C. **Requirements**
If a Type B perimeter buffer is required, the standards established for one the options detailed in Table 7-4 shall be met, unless a deviation in minimum width is approved by the Administrator to accommodate tree preservation.

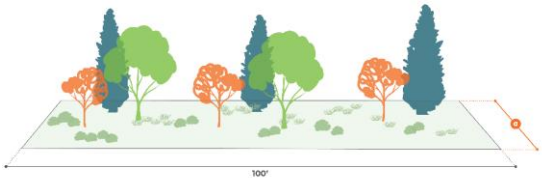


Figure 7-8:Type B Buffer Option 1

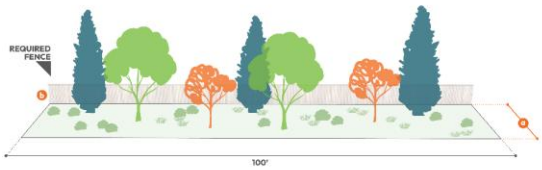
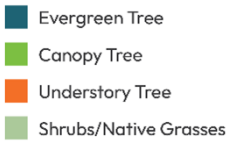


Figure 7-9: Type B Buffer Option 2

Table 7-4: Type B Perimeter Buffer Requirements

	Specification	Option 1	Option 2
a.	Minimum Width [1]	30 feet	20 feet
b.	Fence [2]	optional	required
c.	Berm [3]	optional	optional
	Minimum Number of Landscape Elements per 100 Linear Feet		
d.	Evergreen Tree [4]	3	3
e.	Canopy Tree	2	2
f.	Understory Tree	3	2
g.	Shrubs/Native Grasses [5]	36	24

Notes
[1] Required yard setbacks may be utilized for perimeter buffer landscape.
[2] Fences and walls shall comply with Section 7.4.8.
[3] Berms shall comply with Section 8.5.
[4] Evergreen trees are an additional category to understory and canopy trees, regardless of whether the understory and canopy trees utilized to meet the minimum requirements are also evergreen.
[5] 50 percent of required shrubs/ornamental grasses shall be evergreen.



7.4.6. Type C Perimeter Buffer Standards

A. **Intent**
The intent of the Type C perimeter buffer is to create a semi-opaque buffer, having only seasonal horizontal openings, not to exceed 25 percent of the total width, from the ground to a height of six feet within two years of planting.

B. **Credit**
The Administrator may credit preserved trees for the requirements established in Table 7-5 in accordance with Section 7.3.4.

C. **Requirement**
If a Type C perimeter buffer is required, the standards detailed in Table 7-5 shall be met, unless a deviation in minimum width is approved by the Administrator to accommodate tree preservation.

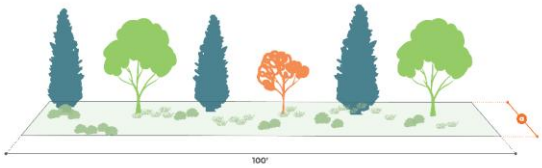


Figure 7-10: Type C Buffer Option1

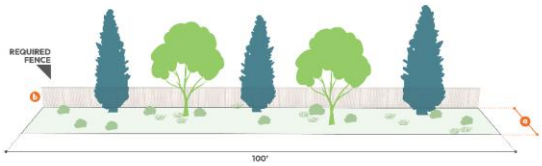


Figure 7-11:Type C Buffer Option 2

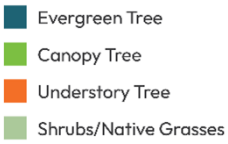


Table 7-5: Type C Perimeter Buffer Requirements

	Specification	Option 1	Option 2
a.	Minimum Width [1]	20 feet	15 feet
b.	Fence/Wall [2]	optional	required
c.	Berm [3]	optional	optional
	Minimum Number of Landscape Elements per 100 Linear Feet		
d.	Evergreen Tree [4]	3	3
e.	Canopy Tree	2	2
f.	Understory Tree	1	0
g.	Shrubs/Native Grasses	36	20

Notes
[1] Required yard setbacks may be utilized for perimeter buffer landscape.
[2] Fences and walls shall comply with Section 7.4.8.
[3] Berms shall comply with Section 8.5.
[4] Evergreen trees are an additional category to understory and canopy trees, regardless of whether the understory and canopy trees utilized to meet the minimum requirements are also evergreen. Required evergreen trees may be replaced with an equal number of understory trees.

7.4.7. Type D Perimeter Buffer Standards

A. **Intent**
The intent of the Type D perimeter buffer is to create all-season visual separation through the use of either continuous fencing or vegetation having horizontal openings over not more than 80 percent of the total width, from the ground to a height of six feet within two years of planting.

B. **Credit**
The Administrator may credit preserved trees for the requirements established in Table 7-4 in accordance with Section 7.3.4.

C. **Requirements**
If a Type D perimeter buffer is required, the standards established for one the options detailed in Table 7-4 shall be met, unless a deviation in minimum width is approved by the Administrator to accommodate tree preservation.

Table 7-6: Type D Buffer Requirements

	Specification	Option 1	Option 2
a.	Minimum Width [1]	5 feet	5 feet
b.	Fence/Wall [2]	optional	required
c.	Berm [3]	optional	optional
	Minimum Number of Landscape Elements per 100 Linear Feet		
d.	Evergreen Tree	4	0
e.	Canopy Tree	0	0
f.	Understory Tree	0	0
g.	Shrubs/Native Grasses	18	0
	Notes		
[1] Required yard setbacks may be utilized for perimeter buffer landscape.			
[2] Fences and walls shall comply with Section 7.4.8.			
3] Berms shall comply with Section 8.5.			

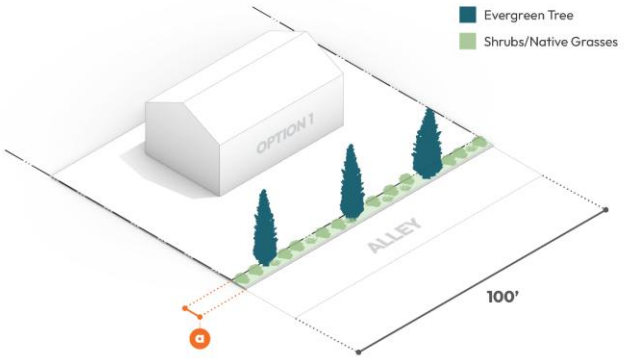


Figure 7-12: Type D Buffer Option 1

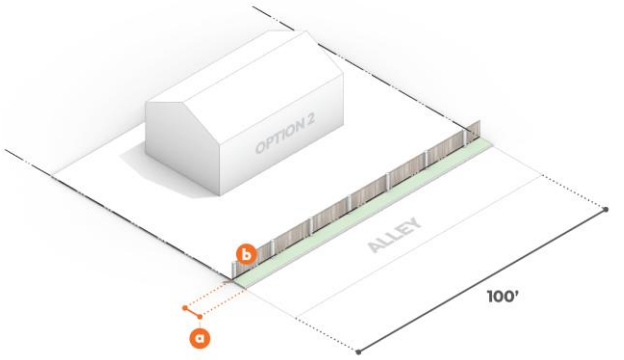


Figure 7-13: Type D Buffer Option 2

7.4.8. Perimeter Buffer Fence/Wall Standards

Any fence or wall included in a buffer shall meet the following standards.

A. **Height**

1. **Type A and B Buffer**
   The fence or wall shall have a minimum height of six feet.
2. **Type C and D Buffer**
   The minimum height shall be six feet for a fence and four feet for a wall.

B. **Opacity**
Opacity shall be measured in accordance with Section 18.4.4.

1. **Type A and B Buffer**
   The fence or wall shall be 100 percent opaque.
2. **Type C and D Buffer**
   The minimum opacity shall 20 percent for a fence and 50 percent for a wall.

C. **Materials**
The fence or wall shall comply with the materials standards in Section 8.3.4.

D. **Fences to Include Masonry Columns**
Fences shall include masonry columns as follows:

1. Masonry columns shall be spaced no more than 16 linear feet of fence length apart, and
2. Each masonry column shall have minimum width and depth of one foot and a height of between three and 12 inches taller than the rest of the fence.

E. **Location**
The fence or wall shall be located in the portion of the perimeter buffer adjacent to the property line unless, due to the site topography, the fence is more effective in another part of the buffer.

F. **Landscape Access**
If landscaping is installed on the adjacent property side of the fence/wall a gate shall be installed for access/maintenance of the plantings.

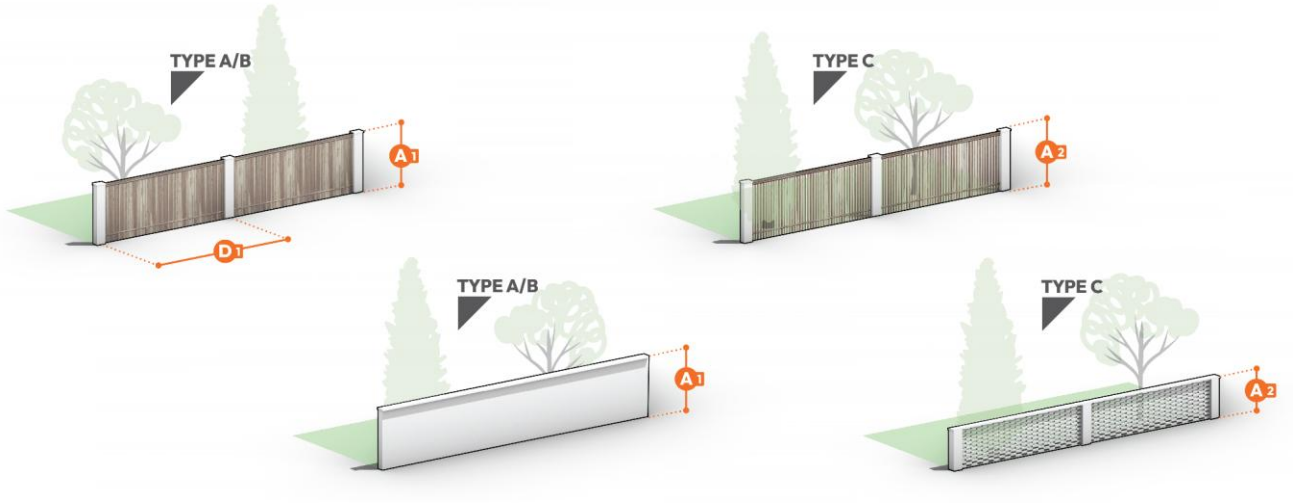


Figure 7-14: Perimeter Buffer Fence/Wall Standards

7.5 Street Buffers

7.5.1. Applicability

A. Except as otherwise provided in Section B below, the street buffer standards in this Section 7.5 shall apply to all new development, and to redevelopment and changes of use in accordance with Section 1.8, in the following locations:

1. Adjacent to Highway 98,
2. Adjacent to Capital Boulevard, including associated service frontage roads when within shared right-of-way, and
3. For new Residential and Industrial development only, adjacent to a thoroughfare of a Tier 3 or higher classification in the CTP.

B. The following are exempt from the street buffer standards in this Section 7.5:

1. Development that is subject to a maximum front setback and that is adjacent to a thoroughfare of a Tier 3 or higher classification in the CTP,
2. Development that is adjacent to South Main Street between Capital Boulevard and Highway 98, and
3. Development in the DT District.

7.5.2. Location

A. The street buffer shall be located along the property line nearest the triggering element detailed in Section 7.4.1. The street buffer shall not be placed on individual lots within a subdivision and shall be located on a common ownership lot.

B. Perpendicular encroachments by driveways, pedestrian walkways, and utilities are permitted, but should be minimized to the extent feasible.

C. Buildings are prohibited within the street buffer.

D. Structures are prohibited within the street buffer except those integrated into the design of the buffer, limited to fences, walls, monument signs, street lighting, bus stops/shelters, and street furniture.

7.5.3. Requirements

If a street buffer is required, the standards detailed in Table 7-7 shall be met, unless a deviation in minimum width is approved by the Administrator to accommodate tree preservation.

Table 7-7: Street Buffer Requirements

	Specification	Option 1	Option 2	Option 3 [1]
a.	Minimum Width [2]	30 feet	30 feet	20 feet
b.	Fence/Wall [3]	Either a fence/wall or berm is required	Either a fence/wall or berm is required	Either a fence/wall or berm is required
c.	Berm [4]			
	Minimum Number of Landscape Elements per 100 Linear Feet			
d.	Evergreen Tree	3	[5]	3
e.	Canopy Tree	3	[5]	2
f.	Understory Tree	6	[5]	3
g.	Shrubs/ Native Grasses	36	[5]	24
	Notes			
[1] Option 3 shall be available only for residential uses.				
[2] Required yard setbacks may be utilized for street buffer landscape.				
[3] Fences and walls shall comply with Section 8.3.				
[4] Berms shall comply with Section 8.5.				
[5] Required landscape shall include existing, preserved trees at a minimum density of 15 trees per 100 linear feet of street buffer. If existing, preserved trees do not meet the minimum density, supplemental planting may be permitted to meet the requirement. Option 2 shall not be allowed if the minimum density cannot be achieved through existing, preserved trees or supplemental planting.				

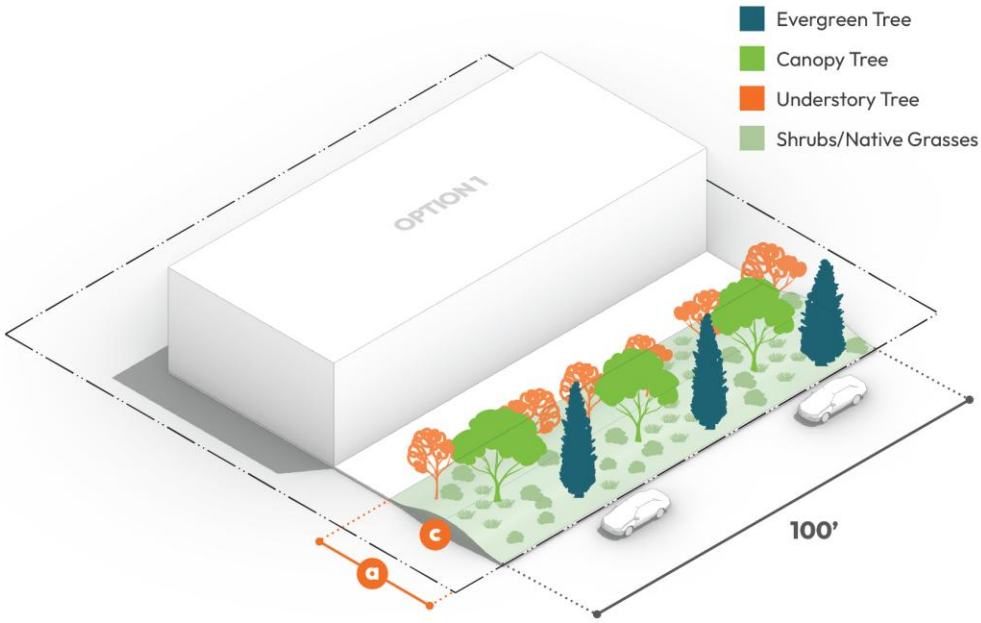


Figure 7-15: Street Buffer Option 1

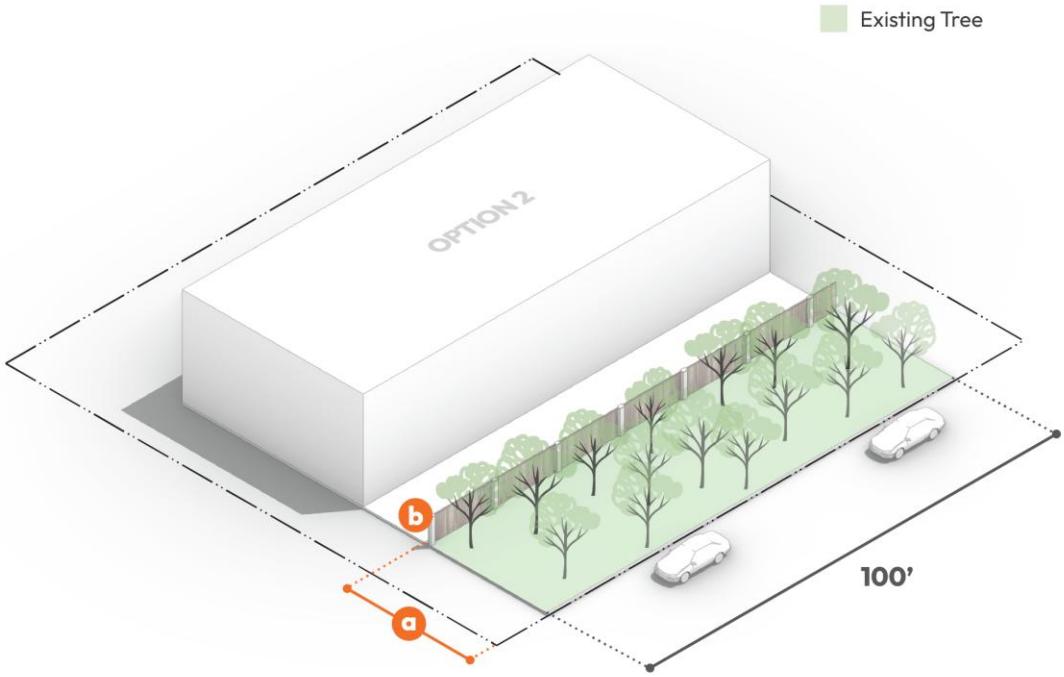


Figure 7-16: Street Buffer Option 2

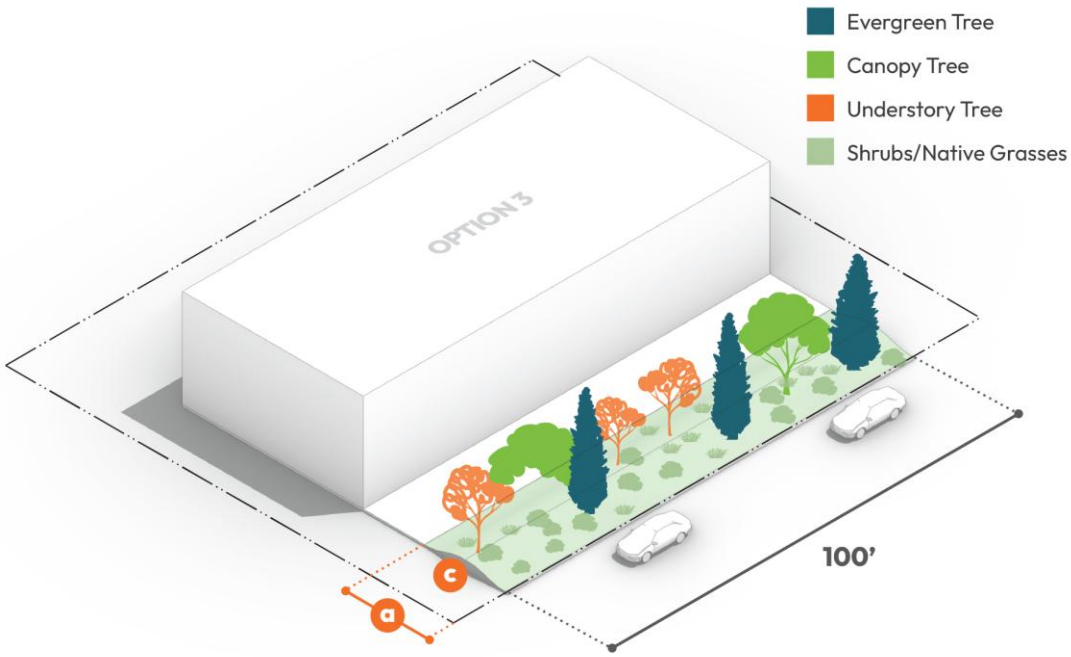


Figure 7-17: Street Buffer Option 3

7.6 Building Foundation Landscape

7.6.1. Applicability

A. In order to provide a visually softening effect at the base of buildings, except as otherwise provided in Section B below and Section 1.8, this Section 7.6 shall apply building façades facing a public right-of-way or a parking area.

B. The following are exempt from this Section 7.6:

1. A single-family detached, duplex, or triplex/quadplex dwelling or a manufactured or family care home on an existing lot of record, and
2. Building façades that are within six feet of the right-of-way are exempt from the standards in this Section 7.6.

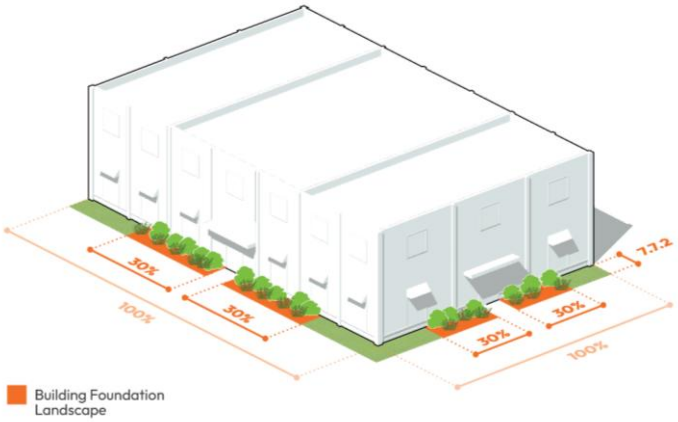


Figure 7-18: Building Foundation Landscape

7.6.2. Minimum Depth

The building foundation landscape planting area shall extend a minimum depth of six feet from the building façade.

7.6.3. Design Objectives

Building foundation landscape shall be designed to supplement other required landscape and to frame important views, while visually softening long expanses of walls.

7.6.4. Landscape Area Requirements

Building foundation landscape shall be installed across 60 percent of the length of the façade.

7.6.5. Planting Types

Foundation plantings may include shrubs, native perennial plants, and ornamental grasses.

7.6.6. Alternative Options

Above-ground stormwater planter boxes or permanent planters along building façades that are planted and maintained with decorative plants may be substituted for foundation plantings.

7.7 Parking Area Landscape

7.7.1. Applicability

A. Except as otherwise provided in Section B below, the parking area landscape standards in this Section 7.7 shall apply to all new development, and to redevelopment and changes of use in accordance with Section 1.8.

B. A single-family detached, duplex, or triplex/quadplex dwelling or a manufactured or family care home on an existing lot of record shall be exempt from this Section 7.7.

7.7.2. Parking Area Perimeter Landscape

A. **Purpose**
The purpose of these perimeter landscape standards is to provide screening between parking areas and rights-of-way, to improve the pedestrian environment, and to accommodate the integration of stormwater management with required landscaping.

B. **Perimeter Landscape Required**
Except as otherwise provided for cottage courts in Section 3.4.2.A.5, parking areas that abut a street right-of-way or adjacent property shall include landscape in accordance with this Section 7.7.2, located between the parking area and the street right-of-way or adjacent property, as applicable, except where cross access is provided or where equivalent screening is provided by a perimeter buffer.

C. **Minimum Width**
To accommodate vehicle bumper overhang and ensure healthy vegetation, the parking area perimeter landscape shall have a minimum width of ten feet.

D. **Required Improvements Generally**
In all districts except the DT, AC, and TOD-O districts, each perimeter landscape area required by this Section 7.7.2 shall be improved using either Option 1 or Option 2 below. In the DT, AC, and TOD-O districts, Section E below shall apply.

1. **Option 1 - Traditional**

   a. One canopy tree shall be planted every 30 feet of perimeter landscape length. Where a canopy tree is required and overhead utility lines exist, or within a cottage court, each canopy tree may be substituted by two understory trees, with the approval of the Administrator.

   b. One shrub or ornamental grass shall be planted every four feet of perimeter landscape length. At least 50% of the shrubs shall be evergreen species.

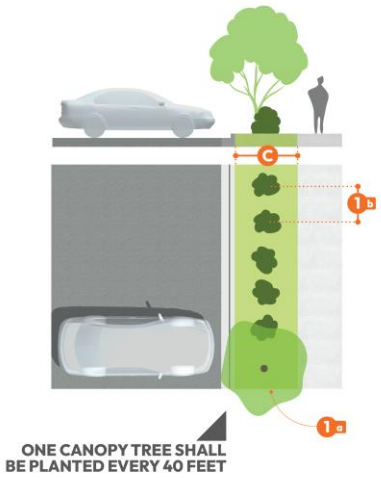


Figure 7-19: Parking Area Perimeter Improvements - Option 1

2. **Option 2 – Rain Garden**
If a rain garden is utilized, it may be credited towards required stormwater management in accordance with Section 12.7.

   a. A curb shall be utilized to separate the parking area perimeter landscape from the parking area. One curb cut or inlet structure shall be located in the curb line every 40 feet of parking area perimeter landscape length.

   b. A vegetated ponding area with a minimum width of six feet and a minimum depth of 18 inches

below the surface of the parking area shall be provided and shall meet the following standards:

i. The top layer of the vegetated ponding area shall be planted with native flowers, grasses, and shrubs and have a four-inch-thick layer of hardwood mulch.

ii. The middle layer of the vegetated ponding area shall consist of a 24-inch layer of highly permeable mixture of engineered soil including sand and compost.

iii. The bottom layer of the vegetated ponding area shall consist of 36 inches of gravel.

iv. An underdrain, consisting of a perforated pipe running along the bottom of the vegetated ponding area at the top of the bottom layer and connecting to an adjacent sewer inlet shall be provided at the discretion of the Administrator.

c. A perimeter with a minimum width of two feet shall be provided on either side of the vegetated ponding area which shall be planted in native, living groundcover, not including turf grass.

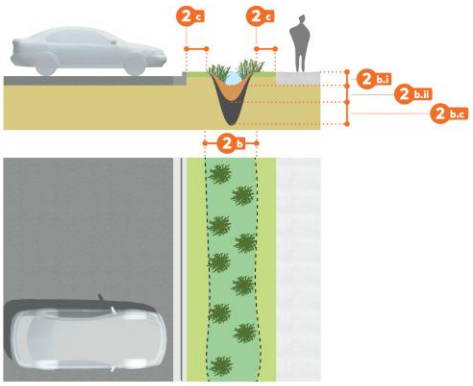


Figure 7-20: Parking Area Perimeter Improvements - Option 2

E. **Required Improvements Within DT, AC, and TOD-O Districts**

In the DT, AC, and TOD-O districts, each perimeter landscape area required by this Section 7.7.2 shall include the following:

1. A low masonry wall or wrought iron style fence, with a minimum height of three feet and a maximum height of four feet, installed between the parking area back of curb and required plantings, and

2. One shrub or ornamental grass every four feet of perimeter landscape length. Such plantings may be clustered or spaced at even intervals. At least 50% of the shrubs shall be evergreen species.

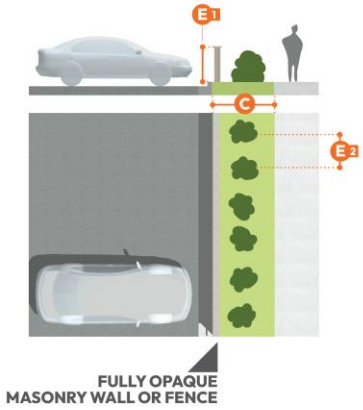


Figure 7-21: Parking Area Perimeter Improvements - DT, AC, TOD-O Districts

7.7.3. Parking Area Interior Landscape

A. **Purpose**
The purpose of these parking area interior landscape standards is to provide shade within parking areas, break up large expanses of paved parking area, support stormwater management where appropriate, improve the appearance of parking areas as viewed from rights-of-way, and provide a safe and comfortable pedestrian environment.

B. **Required Interior Landscape Elements**
Parking area interior landscape shall be provided for each parking area based on the location of the parking area in relation to the principal building, as detailed below. Required elements shall comply with the standards for the respective type of element in Sections C, D, and E below.

1. **Parking Areas in Front or to Side of Principal Buildings**
Parking areas in front or to the side of principal buildings, with the exception of large lot commercial buildings with detached liner buildings along 60 percent or more of the street frontage, shall include the following landscape elements.

   a. **Parking Area End Caps**
   A parking area end cap shall be located at the end of every row of parking.

   b. **Parking Area Medians**
   Parking area medians shall be placed between every four rows of parking.

   c. **Parking Area Islands**
   Parking area islands shall be located on every parking row. Parking area islands shall be spaced not more than 90 feet or ten continuous spaces apart.

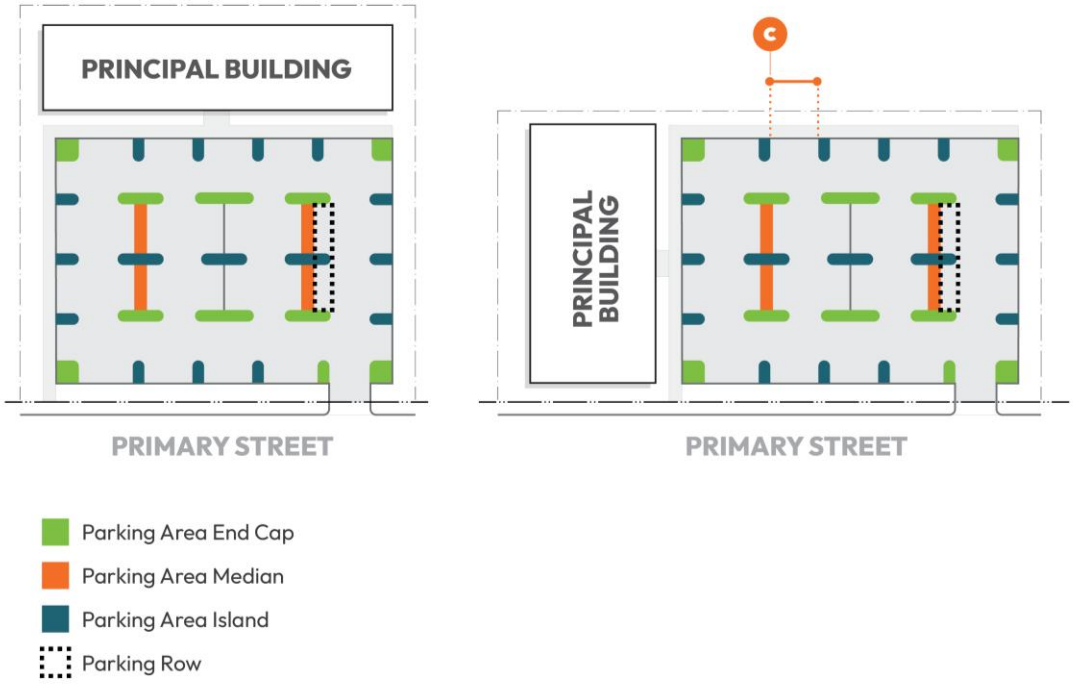


Figure 7-22: Parking Area Interior Landscape - Front or Side of Building

2. **Parking Areas in Rear of Principal Building**
   Parking areas to the rear of principal buildings or located between large lot Commercial buildings with detached liner buildings along 60 percent or more of the street frontage, shall include the following landscape elements.

   a. **Parking Area Medians**
   Parking area medians shall be placed between every six rows of parking.

   b. **Parking Area Islands**
   Parking area islands shall be located on every parking row. Parking area islands shall be spaced not more than 180 feet or 20 continuous spaces apart.

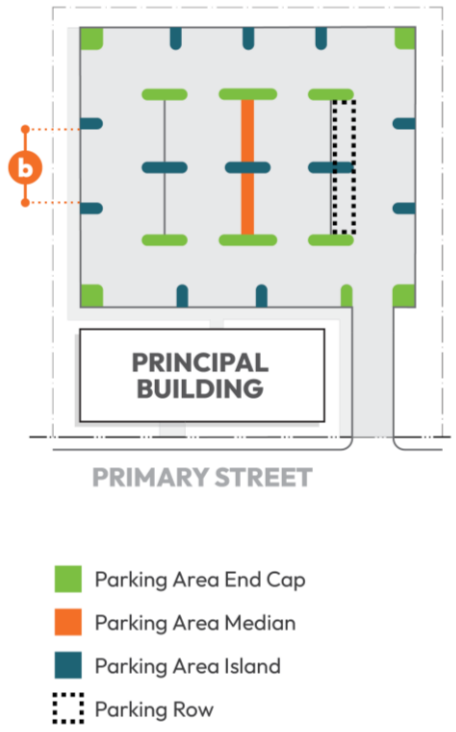


Figure 7-23: Parking Area Interior Landscape - Rear of Building

C. **Parking Area End Cap Standards**

1. **Size**

   a. Parking area end caps shall be a minimum of ten feet wide by 18 feet long, measured from the backs of curbs, and shall have a minimum soil depth of 36 inches.

   b. Double rows of parking shall provide parking area end caps opposite one another to form a continuous single end cap.

2. **Planting**

   a. A minimum of one canopy tree and three shrubs or ornamental grasses shall be provided for every parking area end cap.

   b. If the end cap extends the width of a double bay, then two canopy trees and six shrubs or ornamental grasses shall be provided.

   c. A minimum of two cubic feet of soil volume per one square foot of projected tree canopy at maturity shall be provided per canopy tree.

   d. Plant height shall not exceed 30 inches to maintain required sight distance.

   e. Where required utilities, easements, or pedestrian walkways prevent the installation of a tree within the parking area end cap, the required tree may be waived provided that all parking spaces are located no further than 50 linear feet from a tree.

3. **Design**
   Parking area end caps shall be protected with concrete curbing or other suitable barriers approved by the Administrator. Such end caps shall be properly drained and/or irrigated as appropriate to the site conditions to ensure survivability of plant materials or proper stormwater management function.

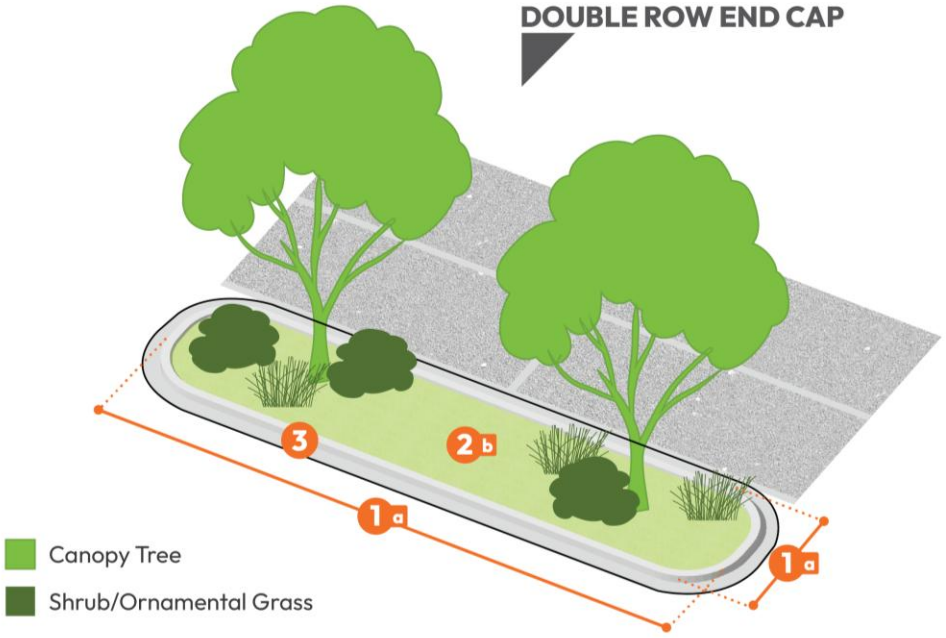


Figure 7-24: Parking Area End Cap Standards

D. **Parking Area Median Standards**
Parking Area Medians shall meet the standards of one of the options below and shall be designed with consideration given to the pedestrian walkway standards (Chapter 9).

1. **Option 1 – Traditional**

a. **Width**
Parking area medians shall have a minimum width of ten feet, measured from the backs of curbs, and minimum soil depth of 48 inches.

b. **Planting**

i. A minimum of one canopy tree and 20 shrubs or ornamental grasses shall be planted for every 50 linear feet of parking area median.

ii. A minimum of two cubic feet of soil volume per one square foot of projected tree canopy at maturity shall be provided per canopy tree.

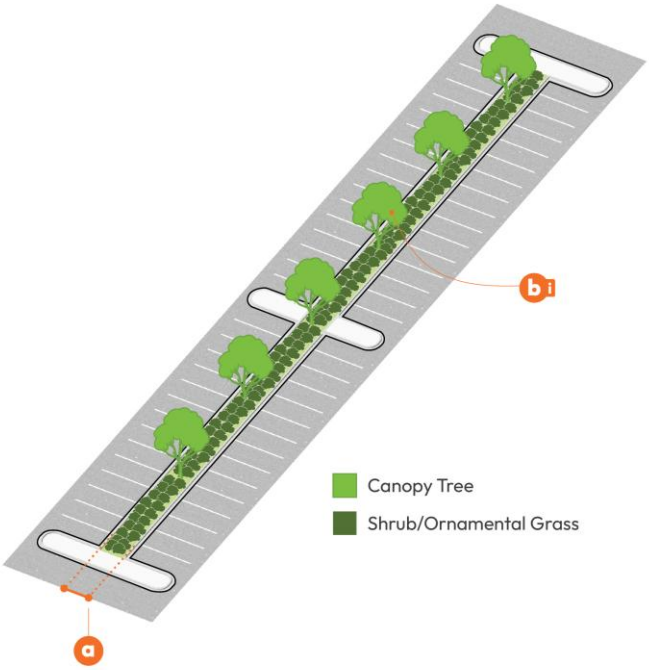


Figure 7-25: Parking Area Median - Option 1

2. **Option 2 – Rain Garden**
If a rain garden is utilized, it may be credited towards required stormwater management in accordance with Section 12.7.

a. A curb shall be utilized to separate the parking area median from the parking area, with one curb cut or inlet structure located in the curb line every 40 feet of parking area perimeter landscape length.

b. A vegetated ponding area with a minimum width of six feet and a minimum depth of 18 inches below the surface of the parking area shall be provided and shall meet the following standards:

i. The top layer of the vegetated ponding area shall be planted with native flowers, grasses, and shrubs and have a four-inch-thick layer of hardwood mulch.

ii. The middle layer of the vegetated ponding area shall consist of a 24- inch layer of highly-permeable mixture of engineered soil including sand and compost.

iii. The bottom layer of the vegetated ponding area shall consist of 36 inches of gravel.

iv. An underdrain, consisting of a perforated pipe running along the bottom of the vegetated ponding area at the top of the bottom layer and connecting to an adjacent sewer inlet shall be provided at the discretion of the Administrator.

c. A perimeter with a minimum width of two feet shall be provided on either side of the vegetated ponding area which shall be planted in native, living groundcover, not including turf grass.

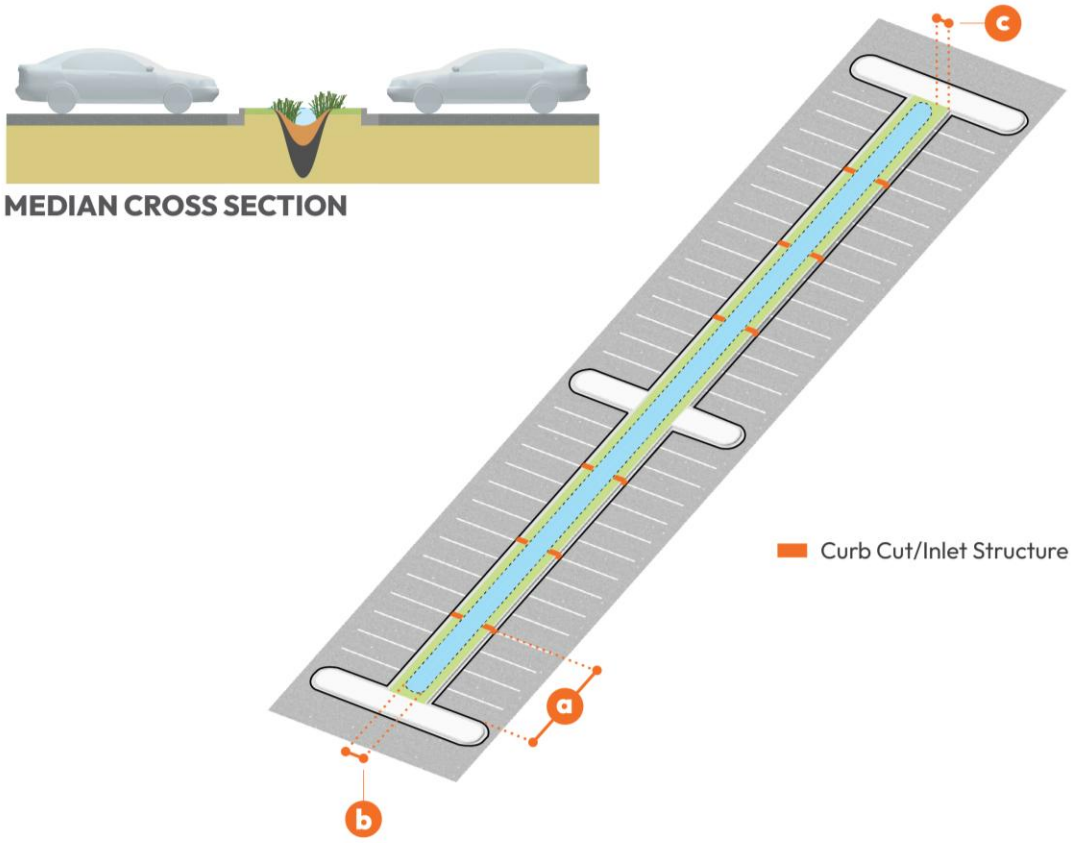


Figure 7-26: Parking Area Median - Option 2

E. **Parking Area Island Standards**

1. **Size**

   a. Parking area islands shall be a minimum ten feet wide by 18 feet long, measured from the backs of curbs, and shall have a minimum soil depth of 36 inches.

   b. Double rows of parking shall provide parking area islands opposite one another to form a continuous single island.

2. **Planting**

   a. A minimum of one canopy tree shall be provided for every parking area island.

   b. If the island extends the width of two rows, then two canopy trees shall be provided.

   c. A minimum of two cubic feet of soil volume per one square foot of projected tree canopy at maturity shall be provided per canopy tree.

   d. Where required utilities, easements, or pedestrian walkways prevent the installation of a tree within the parking area island, the required tree may be waived provided that all parking spaces are located no further than 50 linear feet from a tree.

3. **Design**
   Parking area islands shall be protected with concrete curbing or other suitable barriers approved by the Administrator. Such islands shall be properly drained or irrigated as appropriate to the site conditions to ensure survivability of plant materials or proper stormwater management function.

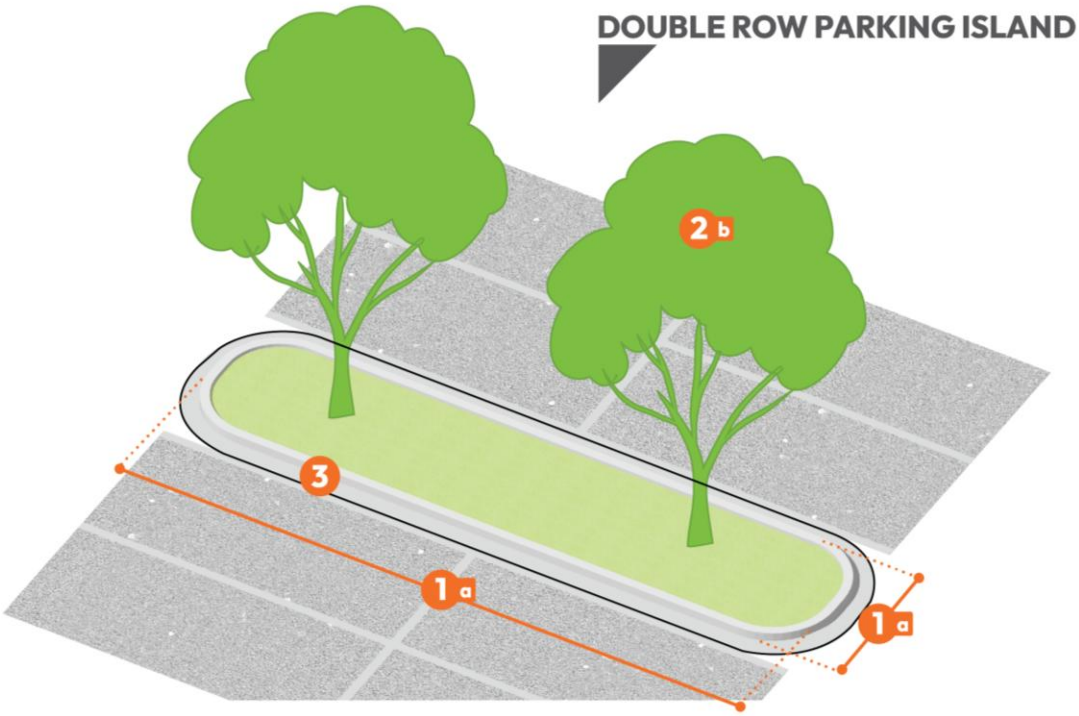


Figure 7-27: Parking Area Island Standards

7.8 Street Trees

7.8.1. Purpose

The purpose of these street tree standards is to ensure that Wake Forest remains a community of tree-lined streets so that excessive noise, glare, and heat are reduced and the aesthetic quality of the Town is protected and enhanced.

7.8.2. Applicability

A. Except as otherwise provided in Section B below, the street tree standards in this Section 7.8 shall apply to all new development, and to redevelopment and changes of use in accordance with Section 1.8. Trees required by this Section 7.8 shall be in addition to trees and landscape required by other sections of this UDO.

B. A single-family detached, duplex, or triplex/quadplex dwelling or a manufactured or family care home on an existing lot of record shall be exempt from this Section 7.8.

7.8.3. Location

Street trees shall be located in the verge area in accordance with the applicable roadway cross section in the CTP.

7.8.4. Requirements

A. One canopy tree shall be planted for every 50 linear feet street tree area length.

B. Where a canopy tree is required and overhead utility lines exist, two understory trees shall be substituted with the approval of the Administrator.

C. Arrangement of and distance between required trees shall correspond to the expected mature spread of the adjacent trees and in no instance shall be less than:

1. 30 feet between canopy trees,
2. 20 feet between canopy trees and understory trees, and
3. 15 feet between understory trees.

D. Required trees shall be located and planted so as not to diminish the effectiveness of required street lighting, and in no instance shall streetlights be located closer than:

1. 25 feet to canopy trees, and
2. 12 feet to understory trees.

E. The location, species, and approximate planting date of any tree in the street tree area must be approved by the Administrator prior to planting.

F. Required trees shall be installed according to the standards in the Wake Forest Development Design & Details (WFD3).

G. Trees species shall vary in accordance with the recommendations for species, genus, and family diversity in the WFD3.

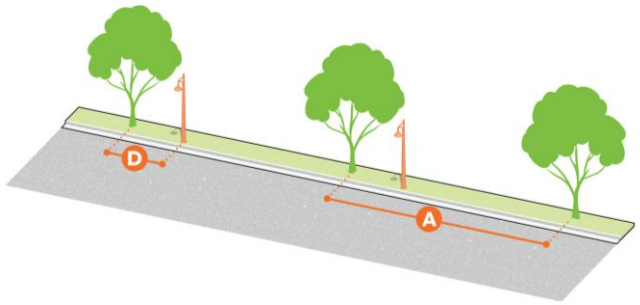


Figure 7-28: Street Tree Standards

7.9 Residential Lot Landscape

7.9.1. Applicability

The residential lot landscape standards this Section 7.9 apply to all new development, and to redevelopment in accordance with Section 1.8, of a single-family detached, duplex, or triplex/quadplex dwelling or a manufactured or family care home.

7.9.2. Front Yard Tree Requirements

Residential lots greater than 30 feet in width with a front setback of 20 feet or greater shall include at least one tree, planted between the principal building and the right of way. The tree may be either an understory tree or a canopy tree.

7.9.3. Rear Yard Tree Requirements

Residential lots greater than 30 feet in width without alley access shall include at least one tree between the principal building and the rear lot line. The tree may be an understory or canopy tree.

7.10 Installation and Maintenance

7.10.1. Installation

A. Landscape improvements required by this Chapter shall consist of living vegetation in a combination of plants, trees, shrubs, ornamental grasses, perennials, and/or groundcover, as required.

B. Landscape improvements required by this Chapter shall have the following minimum size at the time of planting.

1. Canopy Tree: Two-inch caliper,
2. Understory Tree: One and one-half-inch caliper,
3. Evergreen Tree: Six-foot height,
4. Shrub: Two-foot height,
5. Native Grasses: Two-foot height.

C. All new plant material shall comply with WFD3 species and installation requirements and recommendations, including acceptable planting season.

D. To ensure healthy root growth, where required trees and shrubs are installed, the soil shall be non-compacted, free of construction debris, and appropriately amended in accordance with WFD3 requirements.

E. To minimize erosion, ensure surface permeability, and promote soil water retention, the ground surface of required landscape areas shall be installed and maintained with turf or other types of pervious groundcover or mulch in accordance with WFD3 requirements.

F. To ensure healthy growth of all required vegetation planted, measures, such as irrigation systems, shall be put in place to ensure that adequate water is provided to the vegetation.

G. In no instance shall any light pole be located within 25 feet of a canopy tree or 12 feet of an understory tree.

7.10.2. Maintenance

A. In all instances, all required landscaping must be installed prior to the issuance of a final certificate of occupancy.

B. The applicant shall provide a guarantee for all required landscape improvements in accordance with Section 14.4.

C. Landscape maintenance shall be performed according to the standards outlined in Section 14.6.4.

D. No pine straw or any other landscape cover material with a fire rate spread of more than 24-inches per minute shall be placed, kept, or stored within ten feet of buildings with combustible exterior construction.

8 FENCE, WALL, & SCREENING STANDARDS

8.1 Purpose

The purpose of this Chapter is to regulate the location, design, and maintenance of fences, walls, and berms to allow their use for safety, security, privacy, and screening while preserving Wake Forest's natural topography, maintaining visual harmony, and enhancing community appearance.

8.2 Applicability

This Chapter shall apply to permanent fences, walls, and berms as specified in Sections 8.3, 8.4, 8.5, and 8.6. Regulations addressing fences and walls that are located in buffer yards (see Section 7.4) or in Overlay and Historic Districts (see Section 2.5) supersede the regulations of this Chapter where a conflict exists.

CONTENT

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8.1 Purpose
8.2 Applicability
8.3 Fence and Wall Standards
8.4 Retaining Walls and Wall Systems
8.5 Berms
8.6 Screening

8.3 Fence and Wall Standards

8.3.1. Applicability

The fence and wall standards in this Section 8.3 shall apply to all new fences and walls, other than retaining walls regulated by Section 8.4, and to existing fences and walls in accordance with Section 1.8.

8.3.2. Location

Fences and walls may be located anywhere within or along property lines, except:

A. Within sight distance triangles,

B. In a manner that inhibits the function or inspection of stormwater conveyance measures, or

C. Within public or private stormwater easements or any other public easement, including but not limited to drainage, utility, and tree easements, unless the applicant provides written permission from the easement holder for the placement of the proposed fence or wall on or within the easement. In such cases, the Town shall not be responsible for any repair or replacement of fences or walls that are damaged or removed in the course of activities authorized by the easement.

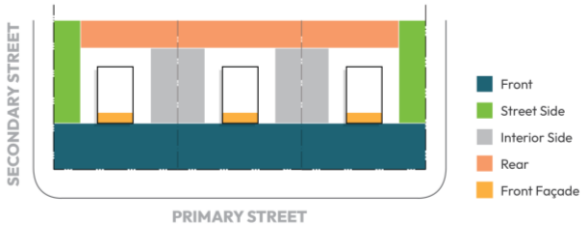

Figure 8-1: Fence and Wall Location and Height

8.3.3. Height

The height of fences or walls shall be as detailed per use and yard in Table 8-1. Measurement of fence and wall height shall be as specified in Section 18.4.

Table 8-1: Maximum Fence and Wall Height

Yard	Duplex, Single-Family Detached, or Triplex/Quadplex Dwelling, Manufactured Home	All Other Residential	Mixed Use, Commercial, Automotive	Public and Institutional, Industrial
Front	4 feet	4 feet	4 feet	4 feet [2]
Street Side	4 feet [3]	4 feet [3]	4 feet [3]	4 feet [2] [3]
Side	6 feet	6 feet	8 feet	8 feet
Rear	6 feet	6 feet	8 feet	8 feet

Notes

[1] A fence or wall that is used to comply with Chapter 7 perimeter buffer requirements shall comply with the height standards in Section 7.4.8 instead of the standards in this table.

[2] Fence or wall height may be increased if approved by the Administrator in accordance with Section 16.6.1, Administrative Modifications.

[3] Fence or wall may have a maximum height of six feet if setback at least five feet from the property line.

8.3.4. Materials

Allowed fence or wall materials shall be as detailed per use in Table 8-2.

Table 8-2: Allowed Fence and Wall Materials

Key: ■ = Allowed; ○ = Allowed with Administrator Approval Only (Section 16.5.2, Administrative Modifications/Adjustments); Blank = Not Allowed

Allowed Material	Duplex, Single-Family Detached, or Triplex/Quadplex Dwelling, Manufactured Home	All Other Residential	Mixed Use, Commercial, Automotive	Public and Institutional, Industrial
Masonry	■	■	■	■
Stone	■	■	■	■
Decorative Metal [1]	■	■	■	■
Architectural Block	■	■	■	■
Stucco on Masonry	■	■	■	■
Stained or Painted Wood	■	■	■	■
Wood Composite	■	■	■	■
Vinyl/PVC [2]	■			
Chain Link [3]				○
Barbed/Concertina Wire				○
Curved/Spear Tip				■
Above Ground Electrified [4]				○
Deer and other Temporary Fence Material [5]				
Waste Materials [6]				

Notes

[1] Control of access fencing along rights-of-way shall be decorative metal.

[2] Vinyl/PVC is not an allowed material for fences in street facing yards.

[3] Fences around the perimeter of an athletic court meeting all other standards of this UDO may utilize black vinyl-coated chain link fence, without slats or inserts, and with a maximum height of 12 feet.

[4] Administrative Modification is not required in the CB, IND, and CI Districts if the standards of NCGS§160A-194.1 are met and demonstrated on the fence permit application.

[5] Accessory gardens may have a deer fence around the garden perimeter if the deer fence is located fully within the side and/or rear yard, the fence is setback a minimum of five feet from the property line, and the fence has a maximum height of eight feet.

[6] Waste materials shall include debris, junk, rolled plastic, sheet metal, plywood, wood pallets, or other materials not designed for use as a fence or wall.

Table 8-3: Retaining Wall and Wall System Design

Wall Height (feet)	Wall Type	Terracing [1]	Required Landscaping per 100 Linear Feet [2]
4-7.99	Segmental; Gravity; or Cast in Place	Optional	**Foreground and Terrace (if provided):** 20 Shrubs; 24 Native Grasses
8-14.99	Segmental; Gravity; or Cast in Place	Required	**Foreground:** 2 Evergreen Trees [3]; 1 Understory Tree; 20 Shrubs or Native Grasses **Terrace:** 20 Shrubs; 24 Native Grasses
15-20	Gravity; or Cast in Place	Required if visible from adjacent properties	**Foreground:** 4 Evergreen Trees [3]; 2 Understory Tree; 10 Shrubs 12 Native Grasses **Terrace (if provided):** 20 Shrubs; 24 Native Grasses

Notes

[1] Each level of a terraced retaining wall or wall system shall not exceed eight feet in height at its highest point. Each terraced retaining wall shall have a platform depth between 36 and 42 inches. The terracing requirements of this Section 8.4 shall not apply where the wall or wall system serves as the structural support wall of a connected building or structure.

[2] Trees shall be setback a minimum of ten feet from the wall. Additional distance may be required for segmental walls.

[3] Maximum mature height of trees shall not exceed 30 feet.

8.4 Retaining Walls and Wall Systems

8.4.1. Applicability

A. Except as otherwise provided in Section B below, the standards in this Section 8.4 shall apply to all new retaining walls and retaining wall systems.

B. The retaining wall and retaining wall system standards in this Section shall not apply to retaining walls or wall systems associated with culverts, stream crossings, or transportation improvements, such as bridge overpass structures for streets or railroads; however, the requirement for professional engineer certification in Section 8.4.8 shall apply to all retaining walls.

8.4.2. Height

A. If the retaining wall or wall system is visible from a public right-of-way or public greenway it shall not exceed a cumulative height of 15 feet.

B. If the retaining wall or wall system is not visible from a public right-of-way or public greenway, it shall not exceed a cumulative height of 20 feet.

8.4.3. Design

Retaining walls or wall systems shall be designed and improved in accordance with Table 8-3. The Administrator may waive required landscaping if deemed in conflict with stormwater control measure access and maintenance requirements.

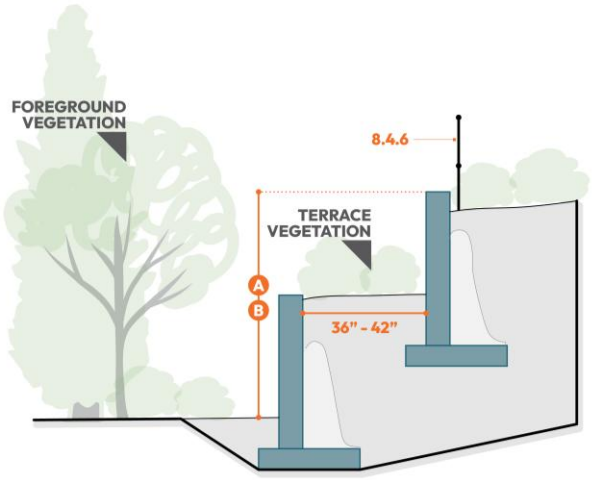

Figure 8-2: Retaining Wall Design - Cast in Place

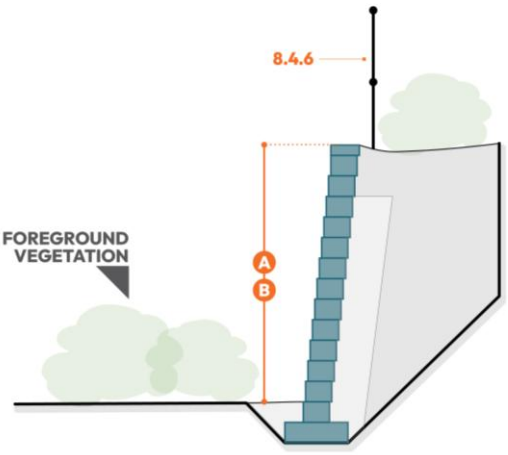

Figure 8-3: Retaining Wall Design - Segmental

8.4.4. Materials

Retaining walls shall be constructed or clad with decorative block, stone, or brick. Concrete walls shall be finished with a decorative mural.

8.4.5. Tie Back System

A. Buildings, structures, and trees shall be set back a minimum of one foot per each foot of height of the segmental retaining wall to avoid disruption of tie back system.

B. Tie backs shall not encroach into the public right-of-way.

8.4.6. Slope and Stormwater Management

A. The slope at toe of the wall or wall system shall not exceed 3:1.

B. No stormwater sheet flow shall over top the wall. A diversion ditch or other adequate measure, per the WFD3, must be installed behind the wall to divert runoff.

8.4.7. Safety Barrier Required

A. The installation of black aluminum fencing, four to six feet in height, shall be required at the top level of the retaining wall or wall system greater than 30 inches in height in order to deter unsafe activities near the edge of the wall.

B. A guardrail, bollard, or berm shall be installed where vehicular traffic will be within ten feet of the edge of the top level of the retaining wall.

8.4.8. Engineer Certification Required

Retaining walls and wall systems shall be certified by a professional engineer.

8.4.9. Easements

Retaining wall easements shall be required to allow access for maintenance by the responsible party for any retaining wall crossing a property boundary. The minimum width of the easement shall be ten feet on all sides of the wall.

8.5 Berms

8.5.1. Applicability

The berm standards in this Section 8.5 shall apply to all new berms.

8.5.2. Berm Slope

The slope of a berm shall:

A. Not exceed a 3:1 ratio (horizontal to vertical),

B. Have a top width at least one-half the berm height, and

C. Have a maximum height of eight feet above the toe of the berm.

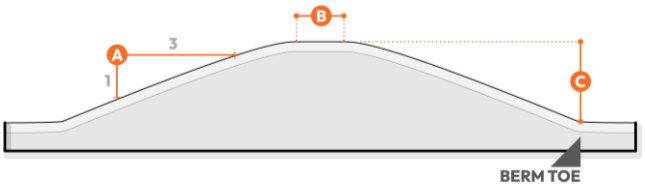

Figure 8-4: Berm Slope Standards

8.5.3. Berm Stabilization

All berms regardless of size, shall be stabilized in accordance with Chapter 12. Topsoil brought in for mounds are to be mixed with native soil to avoid interfacing problems.

8.5.4. Berm Tapering

Berms shall be tapered appropriately to allow for maintenance.

8.6 Screening

8.6.1. Purpose

The purpose of these screening standards is to minimize views of waste receptacles, building-mounted and ground-mounted equipment, loading docks, and truck parking areas in order to improve the compatibility between uses and to enhance the appearance of the community.

8.6.2. Applicability

A. Except as otherwise provided in Section B below, the screening standards in this Section 8.6 shall apply to all new development, and to redevelopment and changes of use in accordance with Section 1.8.

B. The following uses are exempt from the standards in this Section 8.6, as specified:

1. Solar energy collection systems that comply with Section 3.5.2.X, Section 3.5.2.Y, or Section 3.5.2.Z, as applicable, are not subject to the ground or wall-mounted building equipment standards in Section 8.6.4 or the roof-mounted building equipment standards in Section 8.6.5,
2. Tanks and silos accessory to a Brewery/Winery/Distillery use are not subject to the ground or wall-mounted building equipment standards in Section 8.6.4, and
3. A single-family detached, duplex, or triplex/quadplex dwelling or a manufactured or family care home that utilizes rollout waste carts shall be exempt from the waste receptacle standards in Section 8.6.3.

8.6.3. Waste Receptacles

A. **General Requirement**
Waste receptacles, including both large dumpsters and small roll-out carts, shall be screened on all four sides with solid, opaque materials. This requirement shall not apply to publicly accessible trash and recycling bins found in streetscapes, parks, greenways, or amenities intended for customer or visitor use.

B. **Location**

1. Waste receptacle enclosures shall not occupy areas designated for parking spaces or loading bays.
2. Enclosures shall not be located between the primary building and the street right-of-way unless otherwise approved by the Administrator in accordance with the review criteria established in Section 16.6.1.

C. **Dimensions**

1. Enclosure walls shall be of sufficient height to completely screen waste receptacles from view from the public right-of-way, abutting property, on-site walkways, and common areas.
2. Enclosures shall be of an adequate size to accommodate all on-site waste receptacles.

D. **Materials and Design**

1. The exterior of the enclosure shall consist of brick, stone, or other masonry materials allowed in Table 8-2 and shall complement the exterior cladding materials and colors of the primary building.
2. Materials and elevations for enclosures that are attached to buildings shall use materials and quality of finish consistent with those of the primary building.
3. The gate shall be constructed of metal, stained or painted wood, or composite wood and shall incorporate colors that are visually consistent with those of the screening walls. All gates shall be provided with wheels, drop pins or rods, or other support mechanisms such as industrial strength hinges, for securing gates when open and closed.
4. Enclosure structures shall be designed to protect the walls from damage by containers. Such protection may be provided on the interior of the enclosure by the use of barrier curbing, reinforced masonry walls, bollards, bumpers, or other similar means.

E. **Landscaping**
Evergreen shrubs shall be installed every three feet along the exterior of the portions of the enclosure adjacent to a public right-of-way or on-site walkways or abutting residential parcels (zoned for residential use or with existing residential uses), with the exception of enclosure openings, to provide a softening effect.

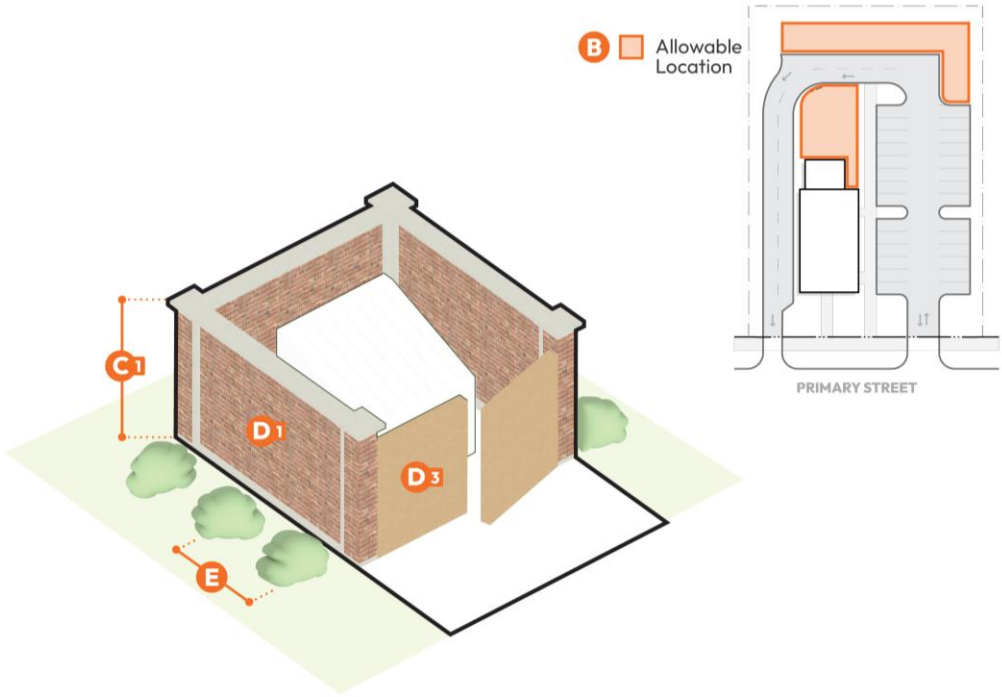

Figure 8-5: Waste Receptacle Screening

8.6.4. Ground or Wall-Mounted Building Equipment

A. **General Requirements**

1. Screening shall be provided for all ground or wall-mounted building equipment, including but not limited to: generators, air-conditioning condensers, heat pumps, ventilation units, transformers, backflow preventers, and/or above ground water meters, that is visible from any on-site pedestrian walkway, public right-of-way or adjacent property. Equipment that is located in a side or rear yard and is otherwise screened by landscaping, fence, a building, or distance so that it is not visible from any on-site pedestrian walkway, public right-of-way or adjacent property shall not require additional screening. However, the equipment shall be painted to match or complement the color of the building or enclosure.
2. Locating building equipment within the building or on the roof, as practical, is encouraged in order to minimize exterior visual impacts. Ground mounted equipment is prohibited within the front or street yard, regardless of whether screening is provided, unless the applicant demonstrates it is not feasible to locate equipment, such as transformers or backflow preventers, outside of the front or street yard.

B. **Screening Materials.**

1. Materials used for screening shall be a minimum of 80 percent opaque, as measured in Section 18.4 Rules of Measurement.
2. Materials used for screening shall include allowed materials for fences and walls as established in Table 8-2 and shall complement the exterior building cladding materials of the primary building.
3. Evergreen shrubs installed to meet the opacity requirements outlined above and with a minimum height to screen the equipment may be utilized.

C. **Alternatives**

If, due to site constraints or utility provider restrictions, it is not possible to screen ground or wall-mounted building equipment in accordance with the requirements above, the Administrator may approve an alternative screening method such as but not limited to painting equipment to match or complement the building façade or wrapping the equipment with public art.

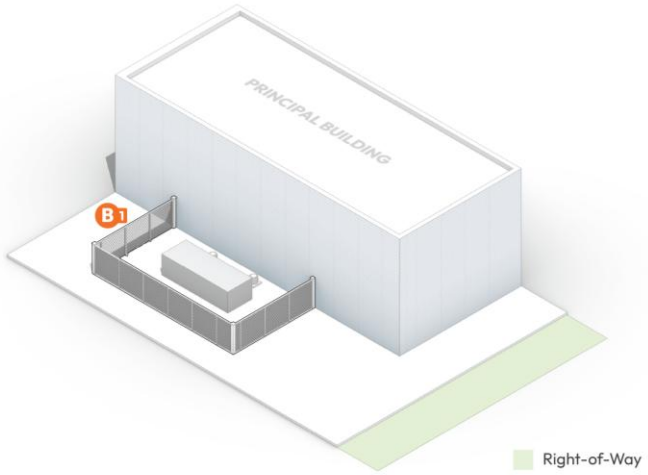

Figure 8-6: Ground Mounted Equipment Screening

8.6.5. Roof-Mounted Building Equipment

A. **General Requirements**
Roof-mounted building equipment shall be screened from adjacent properties and rights-of-way with a continuous, permanent material that is architecturally integrated with the building on a minimum of three building elevations, including the front elevation.

B. **Other Approaches**
In accordance with the review criteria established in Section 16.6.1 Administrative Modifications/Adjustments, the Administrator may approve other methods that provide superior screening if parapets or mechanical wells cannot be provided.

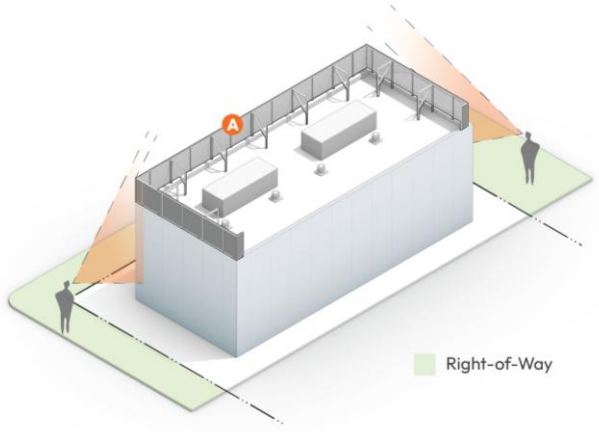

Figure 8-7: Roof-Mounted Equipment Screening

8.6.6. Loading Docks and Truck Parking Areas

Loading docks and truck parking areas adjacent to a residential use or visible from a public right-of-way shall be screened with a Type A perimeter buffer as detailed in Section 7.4.

9 ACCESS & CIRCULATION

9.1 Purpose

The purpose of this Chapter is to regulate vehicular, transit user, pedestrian, and bicyclist access and mobility in a manner that:

A. Provides local and regional transportation options including bicycling, transit, walking, and ride sharing services,

B. Ensures the safety of all transportation system users through designs that prioritize pedestrian and bicyclist movements over automobile movements where appropriate, maintain a safe separation of movements in other cases, and avoid unnecessary or unsafe conflicts between vehicular movements,

C. Supports the efficient movement of people and goods through a multi-modal, interconnected transportation network to improve quality of life, support the local economy, and facilitate rapid emergency response,

D. Minimizes negative impacts on the environment through a reduction in carbon emissions associated with automobile use,

E. Prioritizes a human-scaled built environment that accommodates pedestrians to improve physical, mental, and emotional health,

F. Preserves the community's historic small-town character and enhances it as a business-friendly environment,

G. Relieves traffic congestion on streets by limiting curb cuts and promoting alternative modes of transportation, and

H. Provides adequate, but not excessive, off-street parking.

CONTENT

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9.2 Applicability
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9.6 Internal Drives
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9.8 Loading
9.9 Driveways
9.10 Vehicle Stacking
9.11 Bicycle Parking
9.12 Sidewalks, Multi-Use Paths, Greenways, and Pedestrian Walkways
9.13 Public Transit Improvements

9.2 Applicability

The standards in this Chapter shall apply to all new development, and to redevelopment and changes of use in accordance with Section 1.8, as specified in Sections 9.3, 9.4, 9.5, 9.6, 9.7, 9.8, 9.9, 9.10, 9.11, 9.12, and 9.13. Where both NCDOT and Town standards apply, the more stringent of the requirements shall apply in accordance with Section 1.9.

9.3 Transportation Impact Analysis

9.3.1. Purpose

A Transportation Impact Analysis (TIA) is a specialized study that evaluates the effects of a development's traffic on the surrounding transportation infrastructure. A TIA helps identify where the development may have a significant impact on safety, traffic, and transportation operations, and provides a means for the developer and government agencies to mitigate these impacts. A TIA can be used to evaluate whether the scale of development is appropriate for a particular site and what improvements may be necessary, on and off the site, to provide safe and efficient access and traffic flow.

9.3.2. Applicability

A TIA shall be required in accordance with this Section 9.3 prior to approval of a Site Plan, Subdivision Plan, Construction Plan, or building permit, whichever occurs first, for proposed development meeting any of the following criteria:

A. The development is projected to generate 100 or more vehicle trips in any one-hour period,

B. The development includes 100 or more residential dwelling units,

C. The development is projected to generate 1000 or more vehicle trips daily,

D. The development is located within one half mile of a Comprehensive Transportation Plan (CTP) Hotspot and is projected to generate 50 or more vehicle trips in any one-hour period, or

E. Additional phases or changes to existing development, or a development for which an approval or permit is under review, bring the development above one of the aforementioned thresholds.

9.3.3. Licensed Engineer Required

TIAs shall be conducted by a licensed professional engineer.

9.3.4. Timing

TIAs, including traffic counts, must have been conducted within the previous six months from time of submittal. If site or subdivision plan approval is not received within two years of the submittal of the TIA, a new TIA shall be required.

9.3.5. Study Area Boundaries

Site drives, intersections, and adjacent roadways within a one-half-mile radius of the proposed development site shall be studied within the TIA in addition to any intersection at which at least seven percent of any traffic movement approach volume is generated by or as a result of the proposed project. Study area boundaries may be modified in accordance with the WFD3.

9.3.6. Study Scope

Prior to submitting a TIA for review, the Professional Engineer preparing the analysis shall conduct a scoping meeting with Town staff, and NCDOT if applicable, to determine the level of detail and assumptions for the scope of the study. After the scoping meeting, the agreed upon details shall be outlined in a Memorandum of Understanding (MOU). Required factors for discussion and inclusion in the MOU are outlined in the WFD3.

9.3.7. Mitigation Requirements and Level of Service (LOS)

To ensure proposed development does not create unsafe or inefficient traffic conditions, mitigation measures shall be provided in accordance with this Section 9.3.7 and WFD3 requirements.

A. Based on the TIA findings, identified improvements, and staff review, the applicant shall be required to make mitigation improvements to the transportation network if at least one of the following conditions exists when comparing base network conditions to project conditions:

   1. The total average delay at an intersection or individual approach increases by 20 percent or greater during the peak hour of analysis,

2. LOS is "E" or "F" at an intersection or individual approach,
3. When the analysis of a turning lane indicates that the 95th percentile queue exceeds the storage capacity of the existing lane,
4. When the multimodal analysis recommends improvements in accordance with the WFD3, or
5. When the TIA includes a safety analysis, predicted crashes increase by 20 percent or more at an intersection or corridor within the study area boundaries.

B. Mitigation measures shall improve study areas to operate at acceptable levels of service of "D" or better.

C. Typical mitigation measures may involve roadway construction and physical improvements as well as non-construction measures, such as changes to traffic signal timing or phasing and transportation management strategies. The Administrator will be responsible for determining the mitigation improvements required to be constructed by the applicant in accordance with this Section 9.3.

9.3.8. Payment in Lieu

The Administrator may allow an applicant to provide payment in lieu of all or a portion of the mitigation measures required by Section 9.3.7 above, in cases where the applicant demonstrates that the required improvements cannot physically be constructed with the associated development. The amount, form, and timing of the payment in lieu shall comply with Section 14.3.

9.4 Comprehensive Transportation Plan Improvements

9.4.1. Applicability

A. Except as otherwise provided in Section B below, the Comprehensive Transportation Plan improvements required by this Section 9.4 shall apply to all new development, and to redevelopment in accordance with Section 1.8.

B. A single-family detached, duplex, or triplex/quadplex dwelling or a manufactured or family care home on an existing lot of record shall be exempt from this Section 9.4.

9.4.2. Right of Way Dedication and Improvement

In conjunction with development or redevelopment subject to this Section 9.4, the developer shall dedicate and improve the adjacent right-of-way in accordance with the Comprehensive Transportation Plan (CTP) and the Wake Forest Development Design & Details (WFD3), as specified in this Section 9.4.2.

A. In locations where the development or redevelopment is on both sides of an existing or proposed roadway, the entire roadway right-of-way shall be provided and the roadway improved in accordance with the CTP.

B. In locations where the development or redevelopment is on only one side of a roadway, from the centerline of the roadway to the edge of the right-of-way, the required right-of-way shall be provided and the roadway improved in accordance with the CTP.

C. Construction of a multilane facility shall not be required under this Section 9.4.2 unless a TIA (see Section 9.3) recommends such construction.

D. If the property adjacent to the opposite side of the right-of-way is a service road, railroad right-of-way, or similar the developer shall be responsible for dedicating the entire required right-of-way width but shall only be responsible for half of the improvement requirements, unless full construction is needed to provide required or desired access to the development.

9.4.3. Payment in Lieu

The Administrator may allow an applicant to provide payment in lieu of all or a portion of the improvements required by Section 9.4.2 above, in cases where the applicant demonstrates that the required improvements cannot physically be constructed with the associated development. The amount, form, and timing of the payment in lieu shall comply with Section 14.3.

9.5 Roadway Design

9.5.1. Applicability

The roadway design standards in this Section 9.5 shall apply to new development, and to redevelopment and changes of use in accordance with Section 1.8. The developer shall bring all roadways within or adjacent to the site of the new development, redevelopment, or change of use into conformity with this Section 9.5.

9.5.2. General Provisions

A. **Roadway Classifications and Required Improvements**
Each roadway shall be classified in accordance with the CTP and shall include the elements detailed for the roadway in the CTP.

B. **Acceptance by Town**
All roadways shall be dedicated to and accepted by the Town, in accordance with Section 14.5, except roadways maintained by NCDOT and alleys, which shall be private unless approval for the alley to be public is granted by the Public Works Director.

C. **Private Alleys**
Private alleys must:

1. Be located within an access easement that is at least 20 feet wide, and
2. Include a Type D perimeter buffer (see Section 7.4.7) between the back of curb of the alley and adjacent property lines of lots containing existing single-family detached or duplex dwellings.

D. **Roadway Naming**

1. Roadway names must be approved by the County in which the roadway is located.
2. Extensions of existing named roadways shall continue the existing roadway name.
3. Roadway signs shall comply with the applicable requirements in the WFD3.

E. **Gated Entranceways Prohibited**
Gated streets, roadways, developments, and driveways are prohibited except for Industrial uses and Public Service/Safety Facility uses.

9.5.3. Subdivision Connectivity Index

A. The subdivision connectivity index standards in this Section 9.5.3 apply to all subdivisions except subdivisions using conservation design in accordance with Section 4.4 and subdivisions resulting in five or fewer lots.

B. A connectivity index shall be used to determine the adequacy of roadway network design. The connectivity index is calculated as the ratio of the number of roadway links (road sections between intersections) in the subdivision divided by the number of roadway nodes (intersections and cul-de-sac heads).

1. Intersections located outside a subdivision but entering into it may count towards roadway links and nodes.
2. Intersections between a road and an alley shall not count towards roadway links and nodes.

C. Roadways within a subdivision shall have a minimum connectivity index measurement of 1.5.

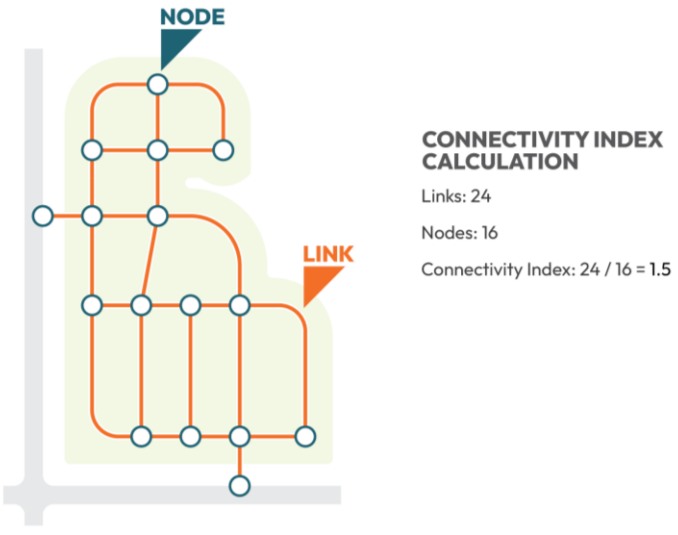

Figure 9-1: Connectivity Index Calculation

D. Where compliance with the minimum connectivity index standards in this Section 9.5.3 is not practical due to site topography, bodies of water, or similar features, the Administrator may allow substitution of any of the following non-roadway connections for required roadway links at a rate of 1:1 to ensure an internally connected subdivision:

1. Pedestrian or bicycle trail connections outside the street right-of-way that connect different portions within the subdivision or connect the subdivision with adjacent development, and
2. Midblock pedestrian street crossings.

9.5.4. External Connections

A. **Development Site Access Points**

1. Development sites shall maintain external access points through roadway and/or internal drive connections to existing roadways and internal drives in accordance with the Fire Code.
2. Except as otherwise regulated by NCGS, development generating more than 100 vehicular trips per peak hour shall provide a minimum of two access points to the development site, and development generating more than 500 vehicular trips per peak hour shall provide a minimum of three access points to the development site.

B. **External Roadway Connections**
To the extent feasible, the roadway network shall be designed to align with and extend existing roadways. Roadway connections included in the CTP are required. Subdivision designs that include strips of land designed to preclude future roadway connections to adjacent lands are prohibited.

C. **Roadway Stubs**

1. **Applicability**
The roadway stub standards in this Section C shall apply unless:

a. The development contains one or more of the following land uses: a lot less than two acres in area with a single-family detached or duplex dwelling; School, Elementary; School, Middle; School, High; Landfill, Cemetery, Public Service/Safety Facility, Correctional Institution, or Place of Worship, or

b. The development is in the LH-O District or is individually listed on the State or National Registers of Historic Places.

2. **Connection to Existing Roadway Stubs**
Development shall include connections to all existing roadway stubs from an adjacent properties. If the Town collected PIL from the adjacent development for an unbuilt roadway stub, the Town shall issue the amount collected to be used by the owner or applicant to construct the existing roadway from the built roadway within the stub onto the property under development. If an existing roadway stub is located on nearby property other than adjacent property, new roadway stubs shall be arranged to allow for future connection to the existing roadway stub.

Figure 9-2: Connection to Existing Roadway Stubs

3. **Number and Arrangement of New Stubs**

a. All development shall stub to all adjacent properties at the rate of at least one roadway stub per 800 feet of property boundary.

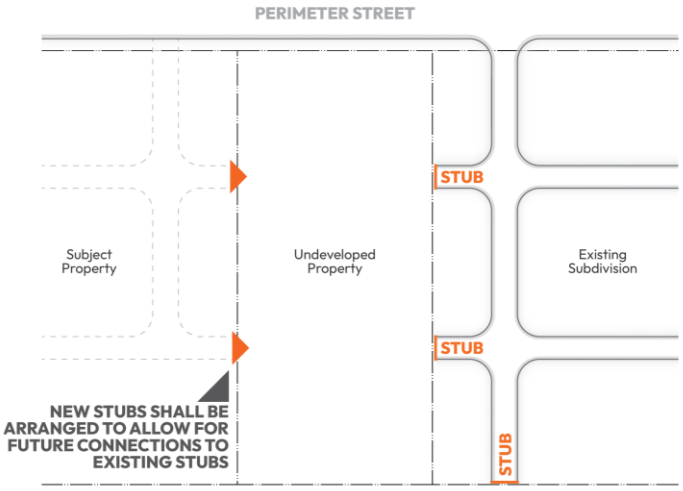

Figure 9-3: New Roadway Stubs to Adjacent Property

b. Local roadway stubs to adjacent parcels shall be arranged and designed to allow future constructable connections. Local roadways shall not be designed or located in a manner to stub to the following:

   i. Railroad or controlled access highway, or

   ii. Previously established tree canopy retention area, open space, or community space, or

   iii. Significant physical barrier where steep slopes or wetlands prevent the construction of a roadway at the maximum slope requirements per the WFD3, or

   iv. Adjacent development containing one or more of the following land uses: lot less than two acres in area with a single-family or duplex dwelling; School, Elementary; School, Middle; High, School; Landfill, Cemetery, Public Service/Safety Facility, Correctional Institution, Place of Worship, or

   v. Adjacent property containing a Local Historic Landmark or individually listed in the National Register of Historic Places.

c. The Administrator may waive the requirement for roadway stubs after all viable locations for a roadway stub to an adjacent property have been exhausted.

4. **Stub Design and Construction**

   a. Roadway stubs and roadways shall be designed and constructed to the property line or as close to the line, as practicable. The owner or applicant shall provide a PIL in accordance with Section 14.3 for the construction of the remainder of the unbuilt roadway on their property, including all required elements within the roadway cross-section and any other required infrastructure as identified in Section 9.4 or the WFD3, and for future conversion of any temporary turnarounds.

   b. Any slope easements, construction easements, and/or right-of-way needed to construct the future connection shall be dedicated.

   c. Roadway stubs that exceed 150 feet in length shall include a paved turnaround that complies with WFD3 requirements. Any portions of the turnaround that extend beyond the right-of-way width required for the ultimate street extension shall be placed in an easement until the roadway is extended. The easement shall be designed to allow for the necessary construction space for future conversion of the turnaround into a roadway connection. The owner or applicant shall provide a PIL for the conversion in accordance with Section a above.

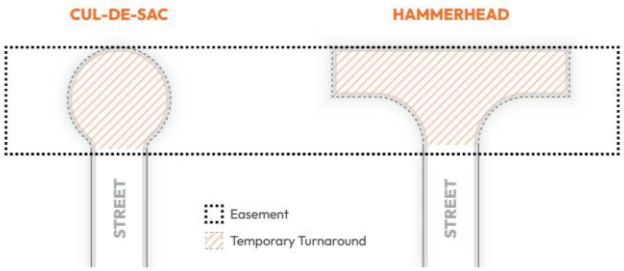

Figure 9-4: Temporary Turnarounds

   d. When a roadway stub is provided, a clearly visible roadway sign per WFD3 standards shall be erected at the end of the stub roadway stating that the roadway is planned to connect to a future roadway.

9.5.5. Blocks

A. **Block Length**
Block lengths shall comply with Table 9-1, based on the abutting roadway's classification in the CTP. Block length shall be measured from centerline to centerline of the roadway intersections.

Table 9-1: Block Length Standards

	GR; NCR; MUR; TSR;	DT; AC; NB TOD-O	CB; CI; IND	OS
Minimum Block Length – Tier 1 Thoroughfare	250 feet	250 feet	250 feet	250 feet
Maximum Block Length – Tier 1 Thoroughfare	600 feet	600 feet	800 feet	600 feet
Minimum Block Length – Tier 2 or Tier 3 Thoroughfare	250 feet	250 feet	250 feet	250 feet
Maximum Block Length – Tier 2 or Tier 3 Thoroughfare	800 feet	800 feet	800 feet	800 feet

B. **Block Bulbs**
Partial bulbs, also called eyebrows or elbows, are prohibited.

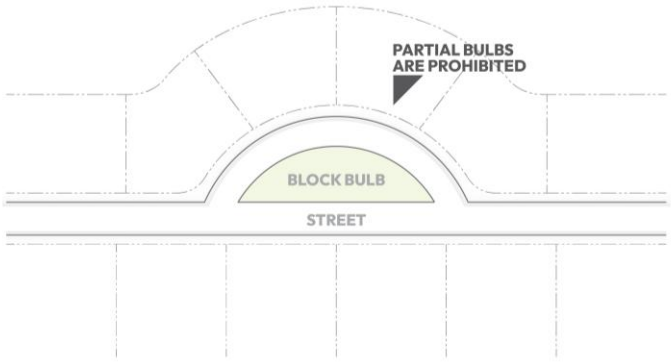

Figure 9-5: Partial Bulbs Prohibited

9.5.6. Dead End Roadways

A. **Allowed Use**
Dead end roadways shall be avoided and utilized only when necessary due to existing site conditions, such as:

1. To preserve areas with pre-development slopes 25 percent or greater, if the entirely of the steep sloped area is to remain undisturbed,
2. When adjacent to preserved open space per Chapter 6,
3. If the development site is uniquely shaped, and an extended roadway is not possible,
4. If access to the development site is restricted by the governing jurisdiction, and
5. To minimize issues of land use incompatibility.

B. **Length**

1. Dead end roadways designed to have one end permanently closed shall not exceed 300 feet in length.
2. Dead end roadways exceeding 150 feet in length shall terminate with a turnaround meeting the standards in this Section 9.5.6.

C. **Adequate Turn-Around Required**
Dead end roadways shall terminate in a cul-de-sac or hammerhead that complies with WFD3 and Fire Code requirements.

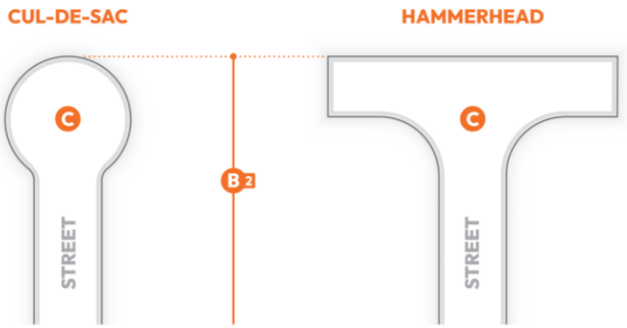

Figure 9-6: Dead End Roadways

9.5.7. Intersections

Roadway intersections shall comply with the standards in this Section 9.5.7.

A. No more than two roadways shall intersect at one point unless the intersection is designed as a roundabout.

B. Roadways shall intersect as nearly as possible at right angles, and no roadway shall intersect any other roadway at an angle of less than 60 degrees, unless the intersection is designed as a roundabout.

C. Intersections with a thoroughfare of a Tier 4 or Boulevard classification in the CTP shall be at least 800 feet apart, measured from centerline to centerline. The Board of Commissioners may waive this requirement if:

   1. Such requirement would prevent a property owner fronting on the Tier 4 or Boulevard thoroughfare, as identified in the CTP, from having access to the thoroughfare, and

   2. Vehicular cross access from an adjacent property is not available.

D. Roadway jogs with centerline offsets of less than 150 feet are prohibited.

E. Property lines at roadway intersections shall be rounded with a minimum radius of 20 feet.

F. All intersections shall meet the sight distance triangle standards in the WFD3.

G. All proposed connections to NCDOT roads shall meet the criteria of the latest revisions of the NCDOT "Subdivision Roads Minimum Construction Standards," and the "Policy on Street and Driveway Access to North Carolina Highways."

9.5.8. Grades and Curves

Vertical and horizontal roadway curves and grades shall be designed in accordance with WFD3 or NCDOT requirements, as applicable.

9.5.9. Traffic Calming

A. All new residential developments shall provide for the installation of traffic calming measures on each residential roadway within the development where public roadways exceed 1,000 linear feet for safe pedestrian and cyclist mobility. The location and type of measure shall be determined by the Administrator and shall comply with applicable WFD3 requirements. Traffic calming measures include but are not limited to those listed below:

   1. Roundabouts,

   2. Traffic circles,

   3. Pedestrian refuge island,

   4. Rapid flash beacon,

   5. Chicane,

   6. Curb extensions/Bump outs,

   7. Other as approved by the Administrator.

B. Vertical deflection devices such as speed bumps and speed tables are not allowed.

C. Traffic calming measures on existing roadways shall refer to the Town's Traffic Calming Policy.

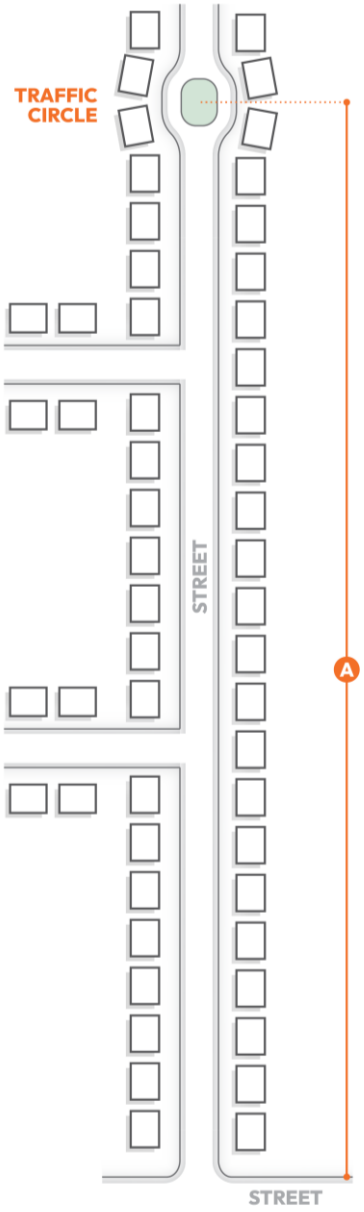

Figure 9-7: Traffic Calming Requirement

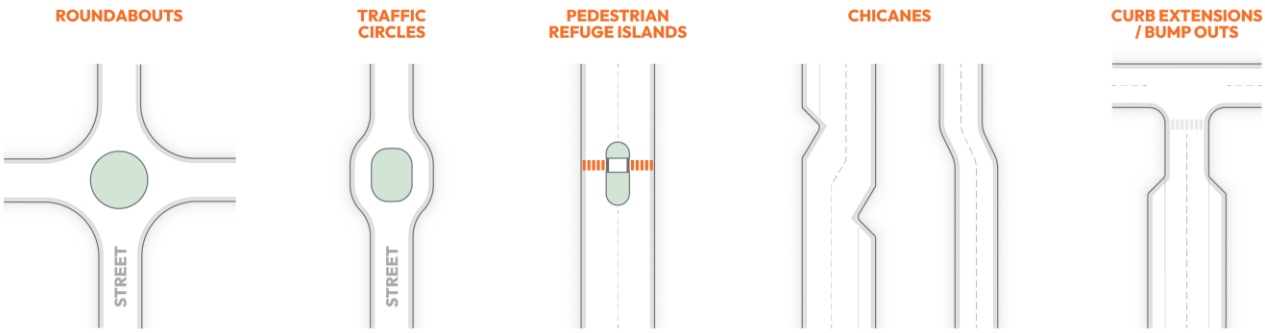

Figure 9-8: Traffic Calming Measures

9.6 Internal Drives

9.6.1. Applicability

A. Except as otherwise provided in Section B below, the internal drive standards in this Section 9.6 shall apply to new development, and to redevelopment in accordance with Section 1.8, in either of the following situations:

   1. The development site is greater than five acres, or
   2. The development is served by one or more parking areas having a total of 200 or more parking spaces.

B. Development in the IND District is exempt from the requirements of this Section 9.6.

9.6.2. Primary and Secondary Internal Drives

Site access and circulation in parking areas shall be provided by internal drives that comply with WFD3 requirements and with the standards in this Section 9.6.2 and not by drive aisles.

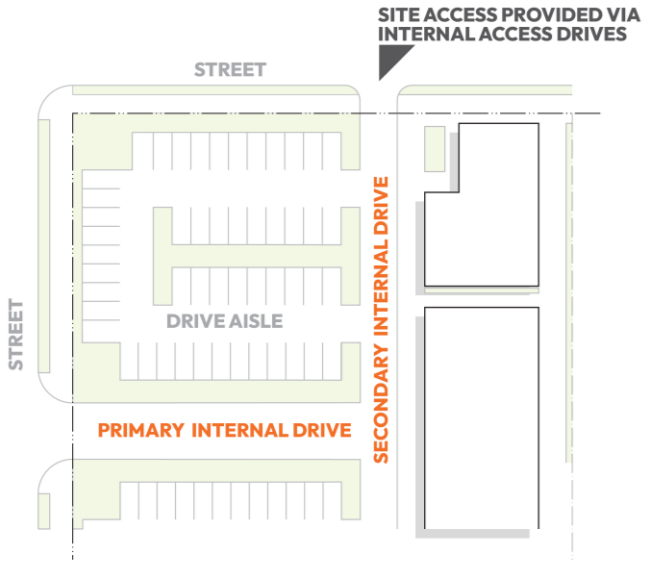

Figure 9-9: Internal Drives

A. **Primary Internal Drive**

A primary internal drive shall connect a site to the public right-of-way, provide access to secondary internal drives, and meet the standards in Table 9-2.

Table 9-2: Primary Internal Drive Standards

Primary Internal Drive Component	Required	Minimum Dimensions
Two Travel Lanes	Yes	18 feet per lane
Planted Median	Yes	9 feet [1]
Bike Lane	No	5 feet, within 18-foot travel lane
Parallel Parking	No	9 feet
Angled Parking [2]	No	20 feet
Curb and Gutter	Yes	Per WFD3
Verge	Yes	6 feet
Verge Landscape	Yes	Shall meet the standards in Section 7.8
Sidewalk – both sides of drive [3]	Yes	6 feet
Bump outs [4]	Yes [4]	Per WFD3

Notes

[1] Planted medians shall be improved with a mountable curb with a minimum height of nine inches and a gutter with a minimum width of nine inches. Medians shall taper to a minimum of two feet in width at intersections. Medians may have breaks to accommodate turning movements. Medians shall be planted with a minimum of one canopy tree, two understory trees, and ten shrubs or native grasses every 50 feet.

[2] If 45- or 60-degree angled parking is utilized, the minimum width of the adjacent sidewalk shall be ten feet in order to accommodate bicycle traffic.

[3] Pedestrian walkways shall connect the primary internal drive to the building.

[4] Bump outs shall be required at intersections/pedestrian crosswalks when parking is included.

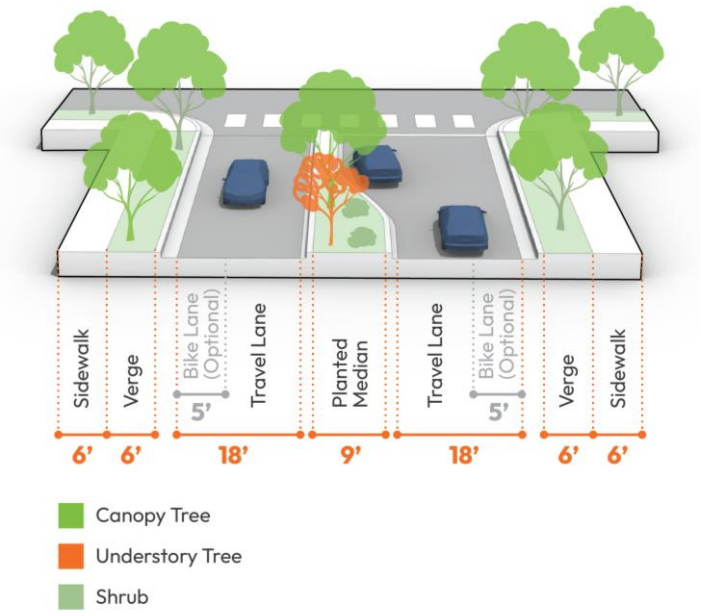

Figure 9-10: Primary Internal Drive - No Parking

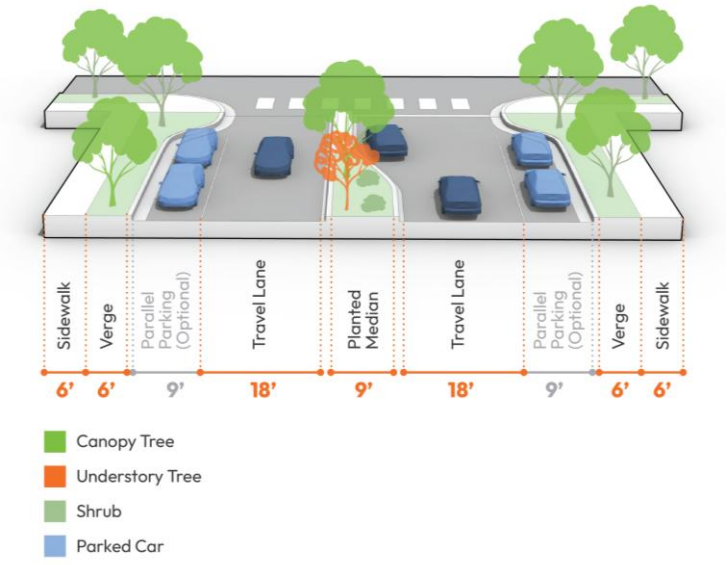

Figure 9-11: Primary Internal Drive - With Parking

B. **Secondary Internal Drive**

A secondary internal drive shall connect primary internal drives to buildings and parking areas on a site and meet the standards in Table 9-3.

Table 9-3: Secondary Internal Roadway Standards

Secondary Internal Drive Component	Required	Minimum Dimensions
Two Travel Lanes	Yes	10 feet per lane
Bike Lane	No	5 feet
Parallel Parking	No	9 feet
Angled Parking [1]	No	20 feet
Curb and Gutter	Yes	per WFD3
Verge	Yes	6 feet
Sidewalk – one side of drive [2]	Yes	6 feet

Notes

[1] If 45- or 60-degree angled parking is utilized, the minimum width of the adjacent sidewalk shall be ten feet in order to accommodate bicycle traffic.

[2] Pedestrian walkways shall connect the primary internal drive to the building.

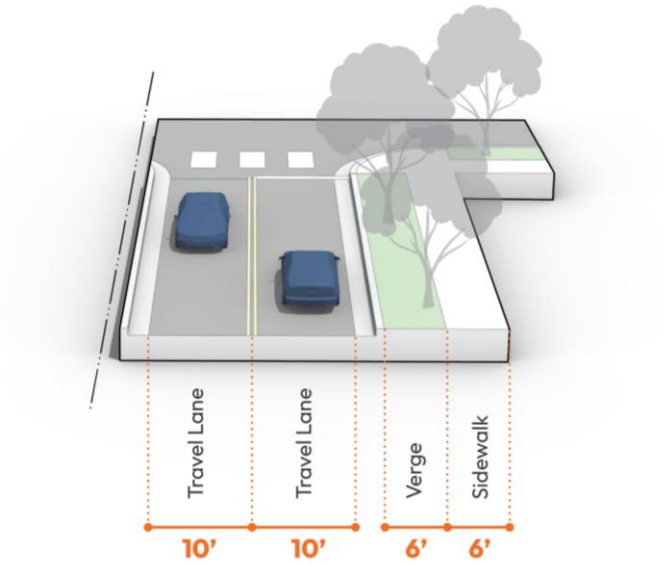

Figure 9-12: Secondary Internal Drive - No Parking

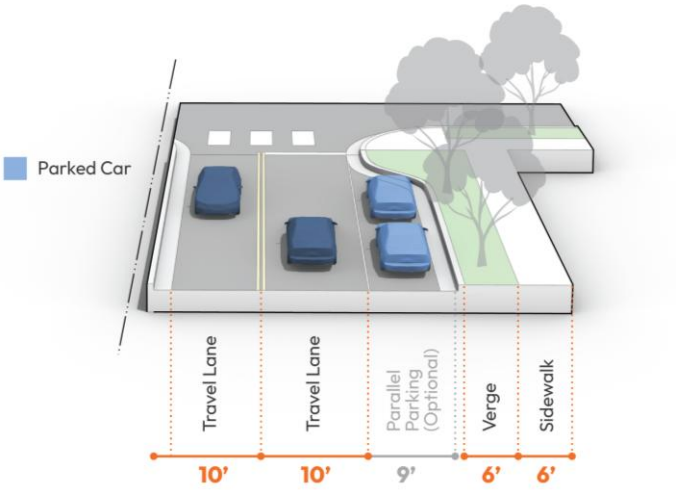

Figure 9-13: Secondary Internal Drive - With Parking

9.7 Vehicle Parking

9.7.1. Applicability

The vehicle parking standards in this Section 9.7 shall apply to all new development, and to redevelopment and changes of use in accordance with Section 1.8.

9.7.2. Permitted Parking Area Locations

The allowed location of accessory parking areas shall comply with Table 9-4.

Table 9-4: Allowed Parking Area Location

Key: ■ = Allowed; ○ = Allowed per [1]; Blank = Not Allowed

District	Between Building(s) and any Street Right-of-Way	Between Building(s) and Side Lot Line	Between Building(s) and Rear Lot Line
GR (Duplex, Single-Family Detached)	■	■	■
NCR (Duplex, Single-Family Detached)		■	■
GR; NCR (all other uses)		■	■
MUR; TSR; NB;		■	■
DT; AC; TOD-O	○	○	■
CB; CI, IND	○	■	■

Note

[1] If a parking area is located between building(s) and any street right-of-way the parking area shall be separated from the building(s) by a primary internal drive meeting the standards in Section 9.6. Alternatively, upon approval of an Administrative Modification (Section 16.6.1) and determining that it is impracticable to comply with the allowed parking area location requirements, alternative parking locations and arrangements are allowed provided that enhanced parking area perimeter landscaping is provided between the parking area and the street right-of-way with the following composition: A solid masonry wall, with a minimum height of three feet and a maximum height of four feet, three canopy trees per 100 linear feet, six understory trees per 100 linear feet, and one shrub or ornamental grass planted every four feet of the wall length. Such plantings may be clustered or spaced at even intervals as deemed appropriate by the Town. At least 50 percent of the shrubs shall be evergreen species.

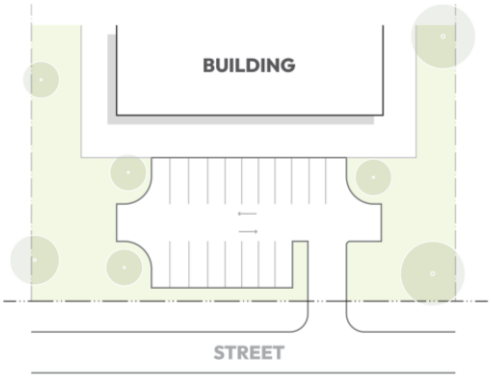

Figure 9-14: Parking Area Between Building and Street Right-of-Way

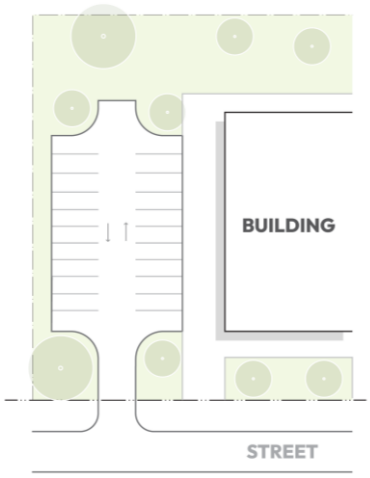

Figure 9-15: Parking Area Between Building and Side Lot Line

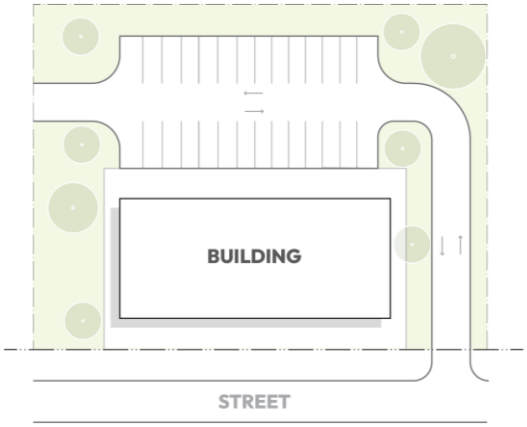

Figure 9-16: Parking Area Between Building and Rear Lot Line

9.7.3. Maximum Parking Space Standards

A. **Maximum Parking Spaces by Use**
The maximum number of off-street parking spaces shall be calculated in accordance with Table 9-5. The parking standards in Table 9-5 may be adjusted in accordance with Section C below.

1. **Per Square Footage**
The term "sq ft" shall mean the square footage of the gross floor area.

2. **Per Other**
Other variables are measured according to their common meanings.

Table 9-5: Maximum Parking Standards

Use	Maximum Allowed Off-Street Parking
Residential	
Dormitory	No maximum
Dwelling, Cottage Court	
Dwelling, Duplex	
Dwelling, Multifamily	2/unit
Dwelling, Multifamily, Above Ground Floor Only	
Dwelling, Single-Family Detached	No maximum
Dwelling, Townhome	
Dwelling, Triplex/Quadplex	
Dwelling, Two-Over-Two	
Family-Care Home	
Live-Work Unit	
Manufactured Home	
Single-Room Occupancy	
Residential Care Facility	
Retirement Housing	2/unit

Table 9-5: Maximum Parking Standards	
Use	**Maximum Allowed Off-Street Parking**
Public & Institutional	
Cemetery	n/a
Child/Adult Day Care Center	1/300 sq ft
Chemical Dependency Treatment Facility	1/200 sq ft
Civic Meeting Facility, 15,000 sq ft or More	1/100 sq ft
Civic Meeting Facility, Less Than 15,000 sq ft	
College/University	1/200 sq ft
Community Support Facility	
Correctional Institution	
Cultural/Community Facility, Public 15,000 sq ft or More	1/150 sq ft
Cultural/Community Facility, Public, Less than 15,000 sq ft	
Entertainment/Recreation Facility, Public, 15,000 sq ft or More	
Entertainment/Recreation Facility, Public Less Than 15,000 sq ft	
Halfway Home	1/200 sq ft
Hospital	
Park	
Place of Worship, 15,000 sq ft or More	
Place of Worship, Less Than 15,000 sq ft	
Public Service Maintenance and Storage Facility	No maximum
Public Service/Safety Facility	
School, Elementary	
School, High	
School, Middle	
School Vocational/Technical	1/200 sq ft
School Vocational/Technical, Above Ground Floor Only	
Commercial	
Adult Establishment	1/250 sq ft
Artisan Production	
Bar	1/100 sq ft
Bed and Breakfast	1.5/room
Co-Working	1/250 sq ft
Co-Working, Above Ground Floor Only	
Crematorium	
Cultural/Community Facility, Private, 15,000 sq ft or More	
Cultural/Community Facility, Private, Less than 15,000 sq ft	
Entertainment /Recreation Facility, Private, 15,000 sq ft or More	
Entertainment /Recreation Facility, Private, Less than 15,000 sq ft	
Financial Services	
Food Truck Court	10/food truck stall
Funeral Home	1/200 sq ft
General Commercial, Less Than 100,000 sq ft	1/250 sq ft
General Commercial, 100,000 sq ft or More	
Heavy Commercial Sales	
Hotel	1.5/room
Medical Clinic	1/250 sq ft
Medical Clinic, Above Ground Floor Only	
Meeting/Event Facility, Private, 15,000 sq ft or More	
Meeting/Event Facility, Private, Less than 15,000 sq ft	
Micro-Brewery/Winery/Distillery	1/150 sq ft
Multitenant Commercial Center	
Personal Services	1/250 sq ft
Post Office	
Professional Services	
Professional Services, Above Ground Floor Only	
Restaurant	1/100 sq ft
Restricted Commercial	1/250 sq ft

Table 9-5: Maximum Parking Standards	
Use	**Maximum Allowed Off-Street Parking**
Shooting Range, Indoor	3/lane
Shooting Range, Outdoor	
Short-Term Rental	1.5/bedroom
Studio, Private - Art, Dance, Martial Arts, Music	1/250 sq ft
Studio, Private - Art, Dance, Martial Arts, Music, Above Ground Floor Only	
Industrial & Automotive	
Brewery/Winery/Distillery	1/100 sq ft of public area; 1/1,000 sq ft of production area
Car Wash	1/vacuum
Commercial Kitchen	8/tenant or leasable space
Concrete/Cement Manufacturing	1/1,000 sq ft
Data Center	
Industry, Heavy	
Industry, Light	
Landfill	
Life Sciences/Biomanufacturing Facility	
Liquid Natural Gas Processing	
Materials Recovery & Waste Transfer Facility	
Parking Lot	No maximum
Parking Structure	
Recycling Collection Station	1/1,000 sq ft
Storage Self-Service	
Storage Self-Service, Above Ground Floor Only	
Storage Warehouse, Indoor	
Vehicle Fueling Station	1/250 sq ft
Vehicle Rental/Leasing/Sales	
Vehicle Services - Major Repair/Body Work	
Vehicle Services - Minor Maintenance/Repair	
Wholesaling and Distribution	1/1,000 sq ft
Utilities & Infrastructure	
Transit Station	No maximum
Utilities Class 1	
Utilities Class 2	
Utilities Class 3	
Wireless Telecommunications Equipment	
Wireless Telecommunications Tower	
Agriculture & Animal Related	
Garden	No maximum
Indoor Agriculture	1/1,000 sq ft
Nursery & Garden Center	
Riding Stable	
Veterinary and Animal Care Services, Indoor and Outdoor	1/250 sq ft
Veterinary and Animal Care Services, Indoor Only	
Accessory	
Accessory Dwelling Unit	No maximum
Accessory Commercial Unit	1/unit
Accessory Retail/Restaurant	1/150 sq ft
Accessory Structure	No maximum
Agritourism	1/300 sq ft
ATM	No maximum
Backyard Small Animal Keeping	
Cemetery	
Child/Adult Day Care Home	1/200 sq ft
Cluster Mailbox Unit	No maximum
Community/Recreation Center	1/200 sq ft
Donation Drop Box	2/box

Table 9-5: Maximum Parking Standards	
Use	**Maximum Allowed Off-Street Parking**
Drive-Through Facility	No maximum
Drone Delivery Operations Facility	
Electric Vehicle Charging Facilities	
Fleet Vehicle Storage/Maintenance	
Food Truck, Accessory	
Garden, Accessory	
Home-Based Business	
Outdoor Display / Sale of Merchandise, Accessory	1/250 sq ft
Outdoor Gathering Area, Accessory	No maximum
Outdoor Storage Yard	
Produce Stand	10/stand
Public Art	No maximum
Public Recreation/Community Center	
Solar Energy Collection System, Canopy	
Solar Energy Collection System, Ground Mounted	
Solar Energy Collection System, Roof Mounted	

B. **Development Having Multiple Uses**
Mixed-use developments or lots containing more than one use shall determine the total number of allowed parking spaces by adding together the maximum number of spaces for each of the proposed uses as if they were separate.

C. **Adjustments to Maximum Parking Space Standards**
The maximum parking allowed per use as established in Table 9-5 may be adjusted by the Administrator in accordance with Table 9-6; however, any parking spaces above the number allowed by Table 9-5 shall be located outside front and side yards, notwithstanding the location standards in Section 9.7.2.

Table 9-6: Adjustments to Maximum Parking Requirements

Type	Criteria	Adjustment
Permeable Surfacing	All parking spaces are surfaced with a permeable paving material and associated maintenance plan approved by the Administrator.	Administrator may approve a 15 percent maximum increase in allowed parking.
Parking Area Interior Landscape	Parking area interior landscape area and plantings exceed the standards in Section 7.7.3.	Administrator may approve a percent increase in maximum allowed parking up to the percentage landscape area and planting provided above the Section 7.7.3 requirements, not to exceed a 25 percent increase in maximum allowed parking.
Parking Study	A parking study identifies a need for more parking spaces than allowed. The study must include estimates of parking demand based on recommendations of the Institute of Traffic Engineers (ITE), or other acceptable estimates approved by the Administrator, and should include other reliable data collected from uses or combinations of uses that are the same as, or comparable with, the proposed use. Comparability will be determined by density, scale, bulk, area, type of activity, and location. The study must document the source of data used to develop the recommendations.	Administrator may approve the increase in allowed parking identified as necessary in the parking study.
Parking Structure	All parking spaces are located in a parking structure meeting the standards in Section 9.7.5.B.3.	Administrator may approve an unlimited increase in allowed parking.

9.7.4. Parking Area Design Standards

A. **Parking Area General Design Standards**

1. Parking areas shall be properly graded, marked, and located on improved lots or within parking structures.
2. Parking areas shall be located and designed to avoid undue interference with the use of public rights-of-way, driveways, or pedestrian ways. Parking spaces shall not be located in areas that would require backing into access driveways or streets except for Dwelling, Single-Family or Dwelling, Duplex uses.
3. Except in the GR, NCR, MV-O, and LH-O districts, where a parking area serving a principal use is not on the same lot as, or within 660 feet of, the use it serves, a continuous pedestrian walkway meeting the standards in Section 9.12.5 shall be provided between the parking area and the entrance of the principal use.
4. Within parking areas, parking stalls shall be located a minimum of ten feet from public rights-of-way and buildings to accommodate the required parking area perimeter landscape zone (Section 7.7.2), and to allow sufficient separation for sidewalks with a minimum width of eight feet and other site features. Designated loading bays along the backs of buildings are exempt from this requirement.
5. To ensure efficient circulation within parking areas, if a parking area serving a Multifamily, Commercial, Mixed-Use, or Public and Institutional development includes 40 or more parking spaces, a minimum of 70 percent of the spaces shall be directly accessed by drive aisles that are connected on both ends to aisles, internal drives, or streets so as to provide through passage.

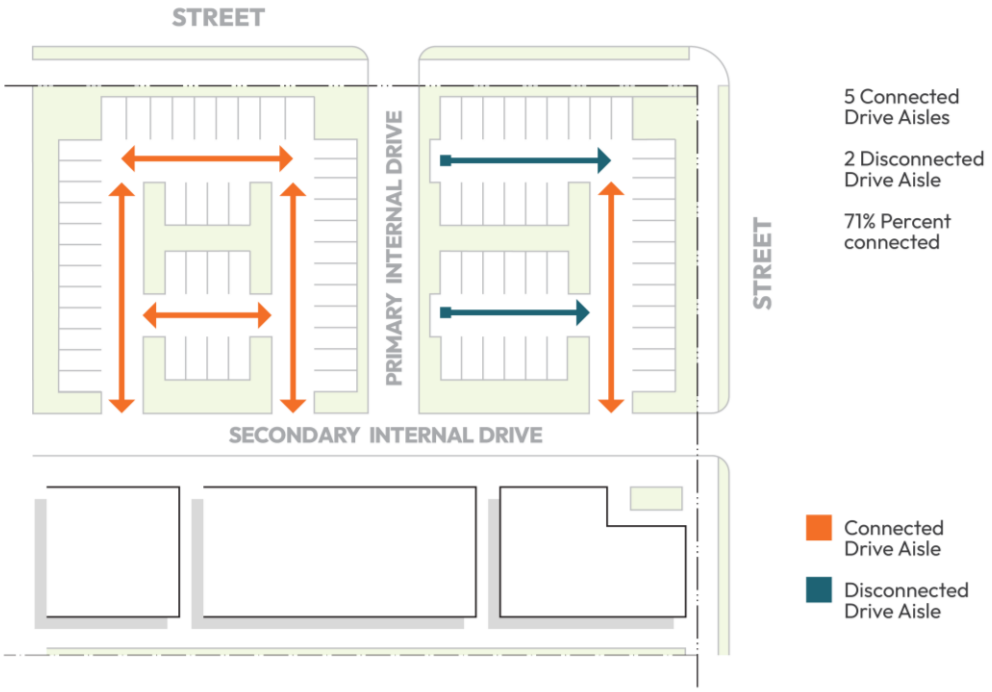

Figure 9-17: Aisle Connectivity

6. Parking is prohibited in landscape, open space, and tree canopy retention areas.
7. Tractor trailers, cargo trucks, busses and other large commercial vehicles or heavy equipment parking and storage shall comply with parking access, location and design requirements except for stall size and aisle size which shall be as appropriate for the vehicles to be stored and shall be designated on a site plan.
8. Pavement directional arrows shall be provided on one-way driveways, one-way drive aisles, drive aisles

with angled parking, and locations warranted by the Administrator for safety and traffic operations.

9. Parking spaces shall be delineated with pavement surface markings so that they are easily identified.

10. Stop bars, directional arrows, crosswalks, and any regulatory pavement markings required by MUTCD standards shall be marked with white thermoplastic.

11. If a development utilizes shopping carts, an adequate number of corrals shall be provided within parking areas and shall be delineated with a fence the design of which is consistent with or complementary to the design of the principal building or curb,

B. **Dimensional Requirements**

1. **Standard Parking Space and Drive Aisle Dimensions**
Standard parking spaces, including interlocking standard parking spaces, shall comply with the minimum dimensional and layout requirements in the WFD3.

2. **Compact Parking Space and Drive Aisle Dimensional Requirements**

a. Compact parking stalls and aisles shall comply with the minimum dimensional and layout requirements in the WFD3.

b. In parking areas containing more than ten spaces, up to five percent of the spaces exceeding the first ten spaces may be designed for compact vehicles.

c. Compact parking spaces shall be shown on plans and labeled for such purposes through pavement markings and/or signage.

C. **Surfacing Materials**

1. **Paving Generally Required**

a. Except as otherwise provided in this Section 2 below, surfacing materials for parking areas shall be limited to the following:

i. Asphalt,

ii. Concrete,

iii. Pervious pavement, or

iv. Porous paving blocks.

b. Notwithstanding any other provision of this UDO, all accessible spaces and corresponding access paths shall consist of concrete or asphalt.

2. **Non-Paved Surfacing**

a. Gravel may be used as a parking area surfacing material to maintain the historic character for locally designated historic landmarks or properties individually listed in the National Register of Historic Places or the state study list. Such parking areas shall comply with the Design Standards for the Local Historic District and Local Landmarks and with Section c below.

b. Gravel or reinforced turf may be used may be used in the following situations, if the parking area complies with Section c below:

i. Overflow parking areas for occasional use only (use that occurs no more than one day per week), or

ii. Parking areas that are temporary in nature (not exceeding six months).

c. Unpaved parking areas shall comply with the following requirements:

i. The parking area shall be maintained free of litter, dust, mud, and furrows,

ii. Landscape aisles or other separations shall be provided as needed to ensure that the parking spaces will be readily identifiable to the users, as determined by the Administrator, and

iii. Edging shall be provided along the perimeter of the unpaved parking area and the edges of drive aisles, consisting of brick, pressure treated timbers, or cast in place concrete, and anchored into place. Alternate edging configurations may be allowed on historic properties in accordance with the Design Standards for the Local Historic District and Local Landmarks.

D. **Vehicular Connectivity**

1. Adjoining parking lots serving (or potentially serving) nonresidential or Multifamily uses shall be interconnected as follows:
   a. At least one vehicular connection shall be provided at all lot lines that are coincident for at least 60 feet with another lot zoned for nonresidential or Multifamily use,
   b. The vehicular connection shall be at least 20 feet wide,
   c. The vehicular connection shall align with a vehicular connection that has been previously constructed on an adjacent property or shall be stubbed for future vehicular connection if the adjacent site is undeveloped,
   d. The vehicular connection shall have a slope of no greater than eight percent. Administrator approval is required for slopes greater than eight percent,
   e. The vehicular connection shall not be placed where a building on an adjacent property is within 50 feet of the lot line which would hamper traffic movements within the parking lot,
   f. The vehicular connection shall be placed in an area which will not require the removal of significant natural features such as wetlands or trees with a caliper of 12 inches or more.
2. Where a vehicular connection is required, an easement for ingress and egress to adjacent lots shall be recorded by the property owner with the Register of Deeds in the form of an easement plat.
3. Vehicular connections shall be channelized in accordance with the WFD3.
4. **Vehicular Connectivity Payment in Lieu**
   a. PIL, in accordance with Chapter 14 of this UDO, may be paid in lieu of providing required improvements at the discretion of the Administrator in cases where the applicant has provided sufficient documentation to demonstrate that the required improvements cannot physically be constructed with the associated development.
   b. Should PIL be approved, a temporary construction easement, in accordance with the WFD3, shall be established.

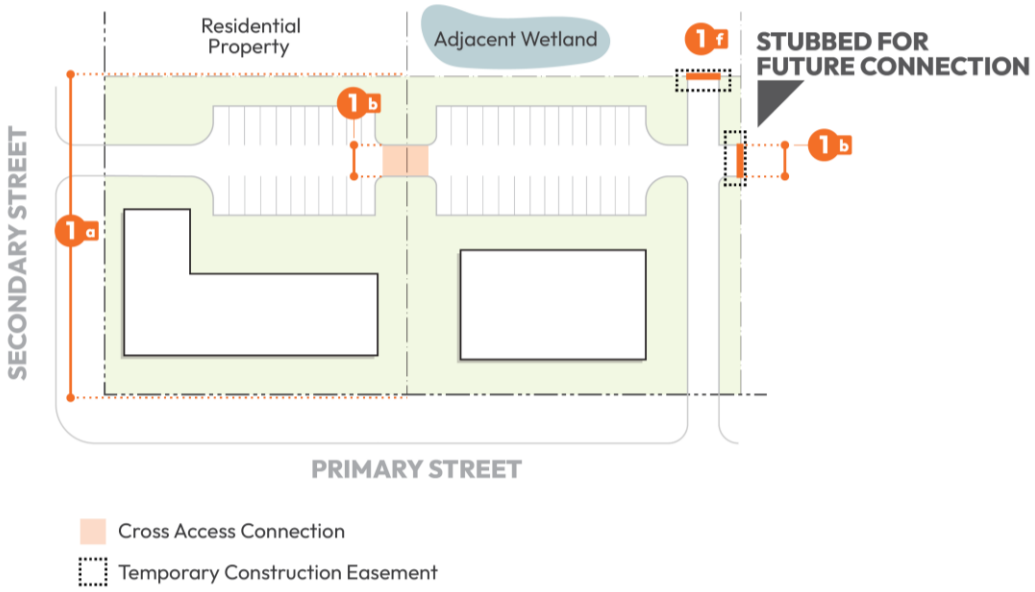

Figure 9-18: Vehicular Connectivity

E. **Structured Parking**

1. **Screening**
   Vehicles shall be screened from view from the street and adjacent properties with walls or decorative screens (architectural or vegetative). Sloped ramps cannot be discernible along the perimeter of a parking structure.

2. **Materials**
   a. **First Level**
      Category 1 materials identified in Section 5.3.3 shall be used on a minimum of 70 percent of the first level of the structure's exterior façade.
   b. **Upper Levels**
      Category 1 materials identified in Section 5.3.3 shall be used on a minimum of 50 percent of the upper levels of the structure's exterior façade.
3. **Blank Walls**
   When adjacent to a street, residentially developed parcel, or a GR, NCR, MUR, and TSR zoned parcel, blank wall voids or lacking features of visual interest may not exceed 40 feet in length or height. Visual interest features include façade articulation, change in material pattern, vegetation walls, murals, canopies, and glazing.
4. **Entries**
   Pedestrian entries shall be clearly visible from a public street.
5. **Stairwells**
   Stairwells shall be open or enclosed with glass and be visible to the street for security reasons.
6. **Incentive**
   Development providing parking through the use of structured parking is exempt from the building step back requirements of Section 2.7.3

9.7.5. Reserved Parking Spaces

A. **Short-Term Parking**
   Parking spaces reserved for curb-side pickup patrons, rideshare pick up and drop off, or other short-term parking needs, shall be designated by appropriate signage and shall be located either to the side of the principal building, in the rear of the parking lot, away from main building entrances, near employee exits, or in another location approved by the Administrator so as not to inhibit pedestrian travel between the principal building entrance and parking areas.

B. **Electric Vehicle Charging Spaces**
   Level 2 or greater (or successor equivalent) electric vehicle charging facilities shall be provided in accordance with Sections 1 through 3 below, and the supplemental use standards in Section 3.5.2.K

1. **Multifamily**
   Any parking area with 40 or more parking spaces serving a Multifamily development shall provide electric vehicle charging spaces for at least five percent of provided parking spaces. However, the maximum number of required EV charging spaces shall not exceed 6 per single development. Any additional required EV parking spaces beyond this limit shall be designed with the infrastructure needed as EV-Capable to allow for the future installation of charging stations if needed. Projects meeting any of the affordability requirement type definitions in Section 2.9.3 are exempt from providing electric vehicle charging facilities but shall provide the required number of EV-Capable spaces.
2. **Commercial or Mixed Use**
   Any parking area with 40 or more parking spaces serving a Commercial or Mixed Use development shall provide electric vehicle charging spaces for at least five percent of provided parking spaces. However, the maximum number of required EV charging spaces shall not exceed 4 per single development. Any additional required EV parking spaces beyond this limit shall be designed with the infrastructure needed as EV-Capable to allow for the future installation of charging stations if needed
3. **Parking Structure as a Principal Use**
   Parking structures with 40 or more parking spaces shall provide electric vehicle charging spaces for at least five percent of provided parking spaces and the EV-Capable infrastructure needed for a minimum of ten percent of provided parking spaces to allow for future installation of electric vehicle charging spaces.

9.8 Loading

9.8.1. Applicability

A. Except as otherwise provided in Section B below, the loading standards in this Section 9.8 shall apply to new development, and to redevelopment and changes of use in accordance with Section 1.8.

B. Section 9.8.2 shall not apply in the DT-HWS Subdistrict; however, new loading spaces shall comply with the location and access standards in Sections 9.8.3 and 9.8.4.

9.8.2. Required Loading Bays

Each building containing a nonresidential use that involves the receipt or distribution of vehicles, materials, or merchandise shall be served by one or more loading bays meeting the standards in this Section 9.8 for standing, turning, loading, and unloading services.

9.8.3. Location

A. All required loading bays shall be located on the same lot as the use served.

B. Loading bays shall be designed and operated to avoid interference with required vehicle and bicycle parking, pedestrian walkways, and public use of rights-of-way. Space allocated to a loading bay shall not be used to satisfy the requirements for vehicle or bicycle parking.

C. No loading bay for vehicles over two tons capacity shall be located closer than 50 feet to any property in the GR, NCR, or MUR Districts unless completely enclosed by building walls or a uniformly painted solid fence or wall, or any combination thereof, not less than six feet high.

D. Loading bays shall be located at least 25 feet from the nearest point of intersection of any two streets.

E. Loading bays shall not be located in front or street side yards.

F. Loading bays shall not be located in a fire lane.

G. Loading bays shall not encroach into any portion of a parking space or drive aisle.

H. An occupied loading space shall not prevent access to parking spaces.

9.8.4. Access

A. Each required loading bay shall be designed to provide access to a roadway or easement by the largest vehicle likely to serve the lot in a manner which will least interfere with traffic movements.

B. Every loading bay shall be provided with sufficient maneuvering space to accommodate the largest vehicle likely to serve the lot.

C. Each loading bay shall be designed to allow vehicles to access and exit the loading space without having to make any backing movement onto a public right-of-way.

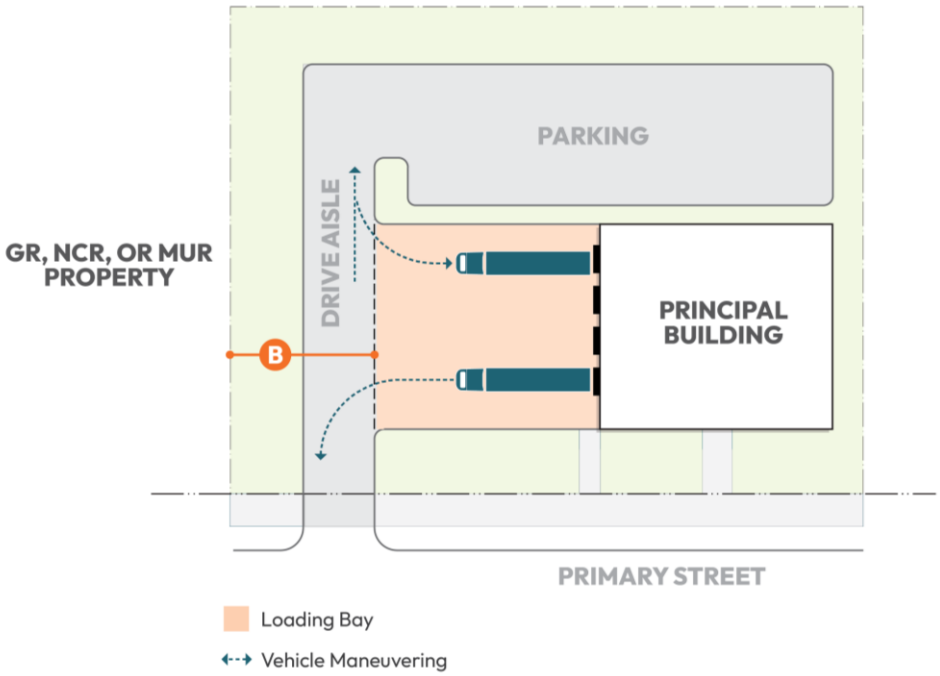

Figure 9-19: Loading Location and Access

9.9 Driveways

9.9.1. Applicability

The driveway standards in this Section 9.9 shall apply to new development, and to redevelopment and changes of use in accordance with Section 1.8, where a lowered, cutaway, or other mountable curb is required for purposes of vehicular ingress or egress.

9.9.2. Number of Allowed Driveways

A. **Specified Residential Uses**
The number of driveways allowed on a lot containing a single-family detached, duplex, or triplex/quadplex dwelling or a manufactured or family care home shall be as specified in Table 9-7.

Table 9-7: Number of Allowed Driveways on Specified Residential Lots

Frontage Width	Maximum Permitted Driveways
Less than 75 feet	1
More than 75 feet	2

B. **All Other Development**
For development other than that specified in Section above, the number of driveways allowed on any roadway frontage of the development site shall be as identified in Table 9-8 unless otherwise approved by the Administrator due to actual necessity as demonstrated in a parking study meeting the standards in Section 9.7.3.C.

Table 9-8: Number of Allowed Driveways on All Other Development Sites

Roadway Frontage Width	Maximum Permitted Driveways [1]
Less than 500 feet	1
501-1,200 feet	2
More than 1,200 feet	3
Notes	
[1] The maximum number of driveways shall be increased as necessary to meet Fire Code requirements.	

9.9.3. Location of Driveway Access Points

A. Access shall be provided from an alley if an alley exists.

B. Access shall be provided from an alley on any lot less than 50 feet in width.

C. Access shall be provided from the lower-classified fronting roadway, as identified in the CTP, where a through lot or corner lot fronts on roadways of different classifications. The Administrator may modify this requirement, per Section 16.6.1, if:

1. The frontage along the lower-classified roadway is less than 50 feet in width,
2. The shape of the parcel and/or placement of existing buildings would require the driveway to be 50 or more feet longer than if the access was taken from the higher-classified street,
3. The lower-classified roadway primarily serves residential uses and the use of the subject lot is nonresidential, or
4. If necessary to protect public safety.

D. All non-shared access driveways shall be constructed to be at least five feet from any property line at the right-of-way, except that a curb return may become tangent to a curb line at a point where said property line extended intersects said curb line.

E. Nonresidential driveways shall be constructed at least five feet from any property line. Residential driveways shall be constructed at least two feet from any property line.

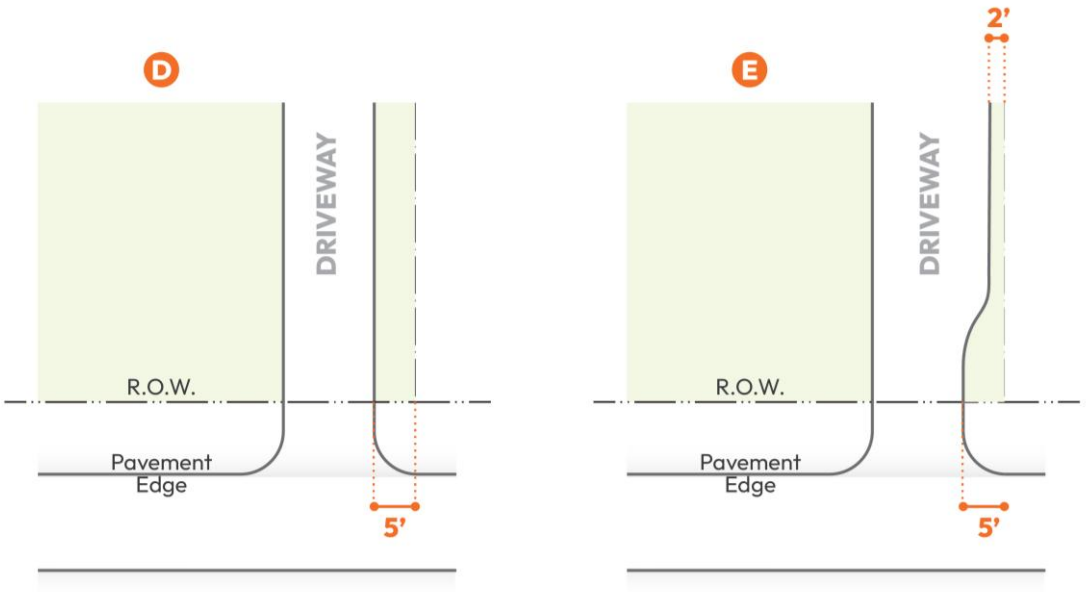

Figure 9-20: Driveway Minimum Setbacks

F. The Town reserves the right to permit access where it deems appropriate for the operational needs of the site and existing infrastructure, such as protecting the function, safety, and efficiency of travel on the roadway and any associated bicycle and pedestrian facilities. There is no guarantee of access to the applicant's preferred driveway location or access point.

G. Access may be restricted to less than full access movement and if so, the infrastructure shall be improved in accordance with the WFD3.

H. The minimum distance between driveways/curb cuts, as measured from back of curb to back of curb (or back of pavement to back of pavement if no curb is present) of the driveways/curb cuts, on the same side of the street shall comply with Table 9-9. The required separation shall be based on the roadway classification of the higher-classified roadway within the intersection.

Table 9-9: Driveway Separation

Roadway Type	Signalized Intersection	Unsignalized Intersection	Other On-Site Driveways	Other Off-Site Driveway
Alley	100 ft	25 ft	25 ft	n/a
Tier 1 Thoroughfare, Residential (excluding Multifamily)	200 ft	50 ft	25 ft	10 ft
Tier 1 Thoroughfare, Multifamily and Nonresidential	200 ft	75 ft	75 ft	75 ft
Tier 2 Thoroughfare	200 ft	100 ft	100 ft	100 ft
Tier 3 Thoroughfare	250 ft	150 ft	100 ft	n/a
Tier 4 or Boulevard Thoroughfare	400 ft	200 ft	200 ft	200 ft

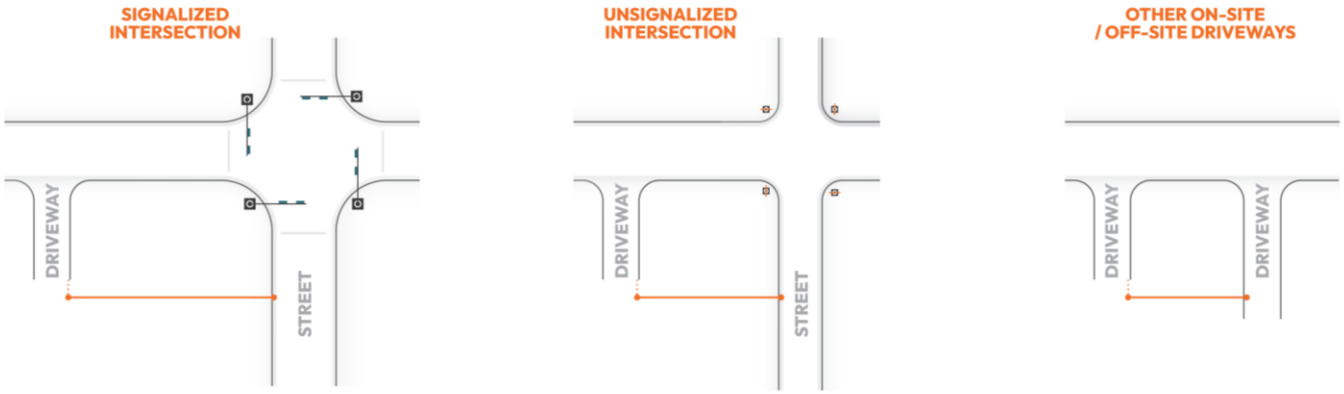

Figure 9-21: Driveway Separation

9.9.4. Driveway Channelization

Driveways shall be channelized in accordance with the WFD3.

9.9.5. Driveway Width

A. The minimum and maximum width of a driveway, as measured at the right-of-way shall comply with Table 9-10.

B. At other points in the driveway the width may vary. However, in no instance shall the width of a driveway facing a front lot line exceed 40 percent of the width of the lot on a property with a residential use.

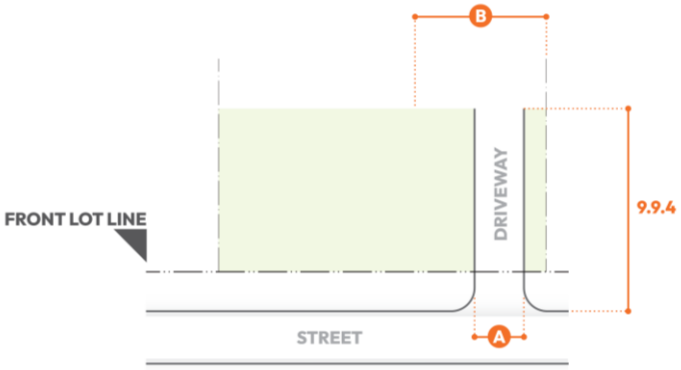

Figure 9-22: Driveway Channelization and Width

9.9.6. Driveway Length

A residential driveway shall have a minimum length of 18 feet, excluding Multifamily residential.

Table 9-10: Minimum and Maximum Allowed Driveway Width

Related Use	Minimum Width	Maximum Width [2][3]
Residential, Excluding Multifamily	10 feet	20 feet
Public Service [1]	Exempt	
Industrial, One-Way	12 feet	32 feet
Industrial, Two-Way	20 feet	40 feet
All Other Uses, One-Way	12 feet	30 feet
All Other Uses, Two-Way	16 feet	36 feet

Notes

[1] Public service uses shall include fire protection, law enforcement, and other related uses as determined by the Administrator per Section 16.6.9.

[2] Maximum width shall exclude any planted medians required per Section 9.6.

[3] Wider driveways may be approved by the Administrator where required by the turning radii of vehicles accessing the site or to accommodate existing topography as certified by a licensed design or engineering professional; or a traffic reported prepared by a licensed design or engineering professional indicates the need for a wider driveway.

9.9.7. Joint Use Driveway

Wherever feasible, the Administrator shall require the establishment of a joint use driveway serving two abutting Multifamily, Mixed-Use, or nonresidential properties.

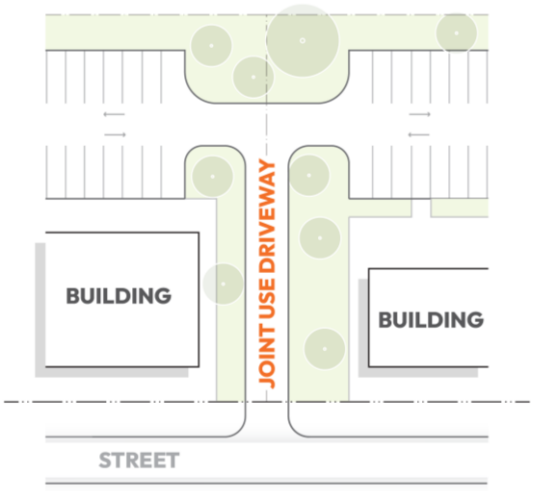

Figure 9-23: Joint Use Driveway

9.9.8. Utility Driveways

To provide access to utility easements for utility equipment, a curb depression or alternative curb design per the WFD3 is allowed at locations where standard curb abuts utility entrances.

9.9.9. Compliance with Local and State Requirements

Any person or corporation desiring to construct a driveway or other connection within the right-of-way of the Town or state shall, before beginning any construction, secure the appropriate permits from the authorizing agency, allowing such construction. Driveway connections to residences are normally excluded from this requirement but may be included at the option of the authorizing agency.

9.9.10. Sight Distance Triangle

All driveways shall meet the sight distance triangle standards in the WFD3.

9.10 Vehicle Stacking

9.10.1. Applicability

The vehicle stacking standards in this Section 9.10 shall apply to new development, and to redevelopment and changes of use in accordance with Section 1.8.

9.10.2. Location

Stacking spaces shall be designed so as not to interfere with the ingress and egress to the off-street parking, traffic circulation on or off site, and traffic visibility.

9.10.3. Minimum Dimensions

Stacking lanes shall have a minimum width of ten feet and a minimum length of 20 feet per stacking space.

9.10.4. Minimum Stacking Spaces

Stacking spaces shall be provided in accordance with Table 9-11.

Table 9-11: Stacking Requirements

Use	Minimum Required Stacking Spaces	Measure From
ATM	3 per machine	teller machine
Drive-Through: Bank Teller	3 per lane	teller or window
Drive-Through: Restaurant	1 Order/Pick-up Lane: 8	ordering station/order box
	Multiple Order/Pick-up Lanes: 6 per ordering station/order box	
Car Wash	4 per stall	stall entrance
Vehicle Services – Minor Maintenance/ Repair	3 per oil or NC state inspection service bay	service bay entrance
Drive-Through: Pharmacy	4 per lane	machine or window
Other Use	As determined by the Administrator	

9.10.5. Study Required

A stacking/queuing study shall be required to ensure adequate capacity and flow, unless the Administrator determines that the minimum stacking spaces required by Table 9.11.3 are adequate based on existing and proposed development surrounding the site and the proposed use and site design. If a stacking/queuing study recommends additional stacking spaces beyond the minimum number required by Section 9.10.4, the number of recommended spaces, at a minimum, shall be provided.

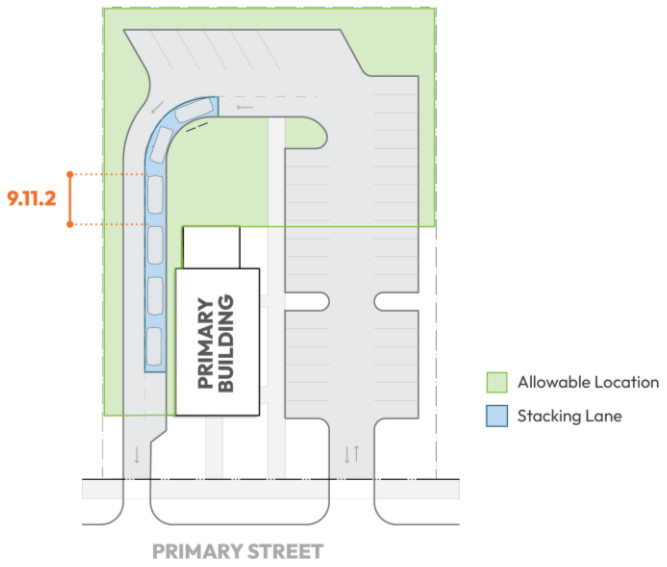

Figure 9-24: Vehicle Stacking Location and Dimensions

9.11 Bicycle Parking

9.11.1. Applicability

The bicycle parking standards in this Section 9.11 shall apply to new development, and to redevelopment and changes of use in accordance with Section 1.8.

9.11.2. Minimum Bicycle Parking Requirements

A. **Minimum Short-Term Bicycle Parking Requirements**
The minimum short-term bicycle parking requirements established in Table 9-12 shall apply to nonresidential developments only.

Table 9-12: Minimum Short-Term Bicycle Parking Requirements

District	Minimum Required Number of Bicycle Parking Spaces [1]
GR; NCR; MUR	2 per 50 vehicle parking spaces or 2 total, whichever is greater
TSR; DT; AC; NB; TOD-O	2 per 40 vehicle parking spaces or 4 total, whichever is greater
CB; IND; CI	2 per 60 vehicle parking spaces or 2 total, whichever is greater

Notes

[1] Based on the number of vehicle parking spaces in the proposed development.

B. **Minimum Long-Term Bicycle Parking Requirements**
The minimum long-term bicycle parking requirements established in Table 9-13 shall apply to Multifamily and Mixed-Use developments only.

Table 9-13: Minimum Long-Term Bicycle Parking Requirements

District	Minimum Required Number of Bicycle Parking Spaces [1]
MUR; TSR; DT; AC; NB; TOD-O	2 per 30 vehicle parking spaces or 10 total, whichever is greater

Notes

[1] Based on the number of vehicle parking spaces in the proposed development.

9.11.3. Bicycle Facilities Standards

A. General Bicycle Parking Facilities Standards

1. **Surfacing**
   Bicycle parking, with the exception of indoor long-term parking facilities, shall be provided on a hard-surface, all-weather pavement of asphalt or concrete.
2. **Placement**
   a. Bicycle parking shall be located so as not to interfere with pedestrian access.
   b. Proposed bike parking facilities must comply with the spacing standards set forth in the WFD3.
   c. Bicycle parking shall be located three feet away from walls, fences, and the edge of landscaping at the time of maturity, as measured from the edge of the rack closet to the wall, fence, or landscaping.
3. **Rack Types**
   a. Bicycle racks shall meet all requirements of the Americans with Disabilities Act.
   b. Grid bicycle racks are prohibited.
   c. Bicycle lockers or similar types of facilities are permitted and count towards required bicycle parking standards.

B. Short-Term Bicycle Parking Facilities Standards

1. Short-term bicycle parking facilities shall be located such that they are highly visible, with adequate lighting, from the street and/or building entrance(s) from where bicyclists approach.
2. The location of short-term bicycle parking facilities shall not conflict with pedestrian and/or vehicle access and mobility.
3. If provided outdoors, short-term bicycle parking facilities shall be sited within 50 feet of the main entrance of a building, to the maximum extent practicable.
4. If provided indoors, short-term bicycle parking facilities shall be located within an easily accessible common area designated for secure bicycle storage.
5. Short-term bicycle parking facilities adjacent to a pedestrian walkway shall be sited to ensure that a minimum five-foot walkway clearance is maintained.

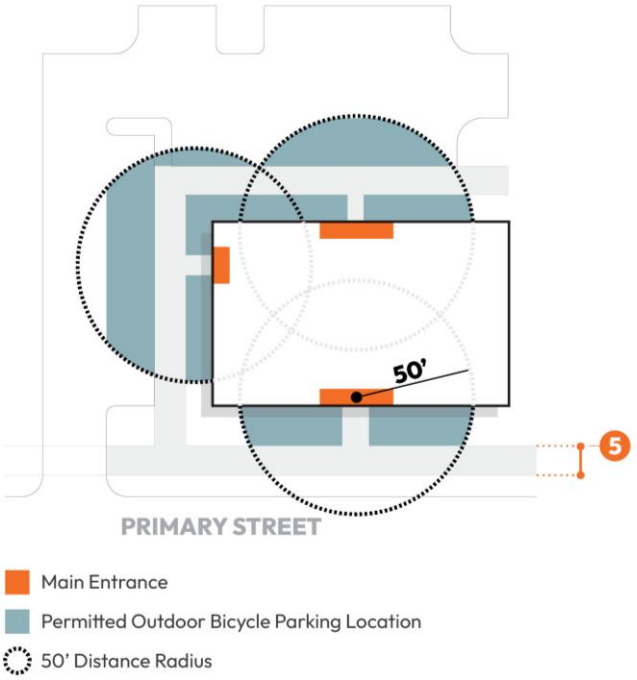

Figure 9-25: Short-Term Bicycle Parking Location

C. Long-Term Bicycle Parking Facilities Standards

1. Long-term bicycle parking shall be covered and weather resistant.
2. Long-term bicycle parking shall be located within 50 feet of the building entrance it is intended to serve, to the maximum extent practicable. Alternatively, long-term bicycle parking may be integrated into the building served in an area accessible to the building's occupants (such as bike locker rooms).
3. Storage within a multifamily dwelling unit shall not be considered a long-term bicycle parking space.

D. Parking Structures

1. Parking structures shall provide bicycle parking within the structure.
2. Bicycle parking shall be located on the level closest to the street and/or a primary building entrance.

9.12 Sidewalks, Multi-Use Paths, Greenways, and Pedestrian Walkways

9.12.1. Purpose

The purpose of this Section 9.12 is to ensure the safety of pedestrians, bicyclists, and motorists throughout each development site and to connect off-street parking, the on-site destination, and public sidewalks.

9.12.2. Applicability

Sidewalks, multi-use paths, greenways, and other pedestrian walkways shall be provided on- and off-site in accordance with this Section 9.12 for new development, and for redevelopment and changes of use in accordance with Section 1.8.

9.12.3. Sidewalks and Multi-Use Paths

A. Where sidewalks or multi-use paths do not exist in the public right-of-way but are identified as required by the CTP, they shall be provided along each frontage.

1. New sidewalks and multi-use paths shall connect to existing and adjacent sidewalks and multi-use paths and to likely future locations of sidewalks and multi-use paths in the right-of-way along adjacent properties.
2. New sidewalks and multi-use paths shall be designed and installed in accordance with the CTP and WFD3.

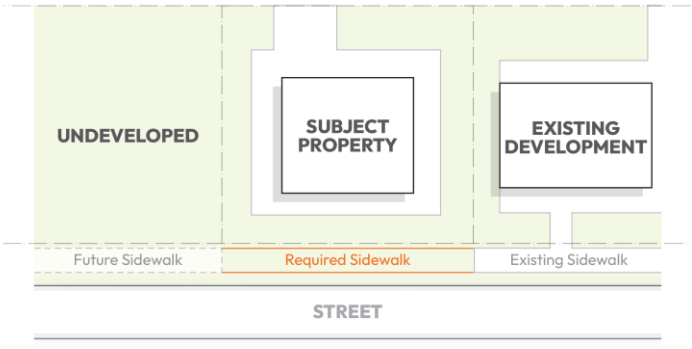

Figure 9-26: Required Sidewalk Along Site Frontage

B. Where sidewalks or multi-use paths do not exist in the public right-of-way but are identified as required by the CTP, they shall be provided along nearby frontages as detailed below.

1. If there is an existing sidewalk or multi-use path on the same side of the street as the development within 400 feet of a development site in either direction and sufficient right-of-way is available, based on the applicable cross section in the CTP, the sidewalk or multi-use path shall be extended from the site to meet the existing sidewalk or multi-use path, subject to rough proportionality.

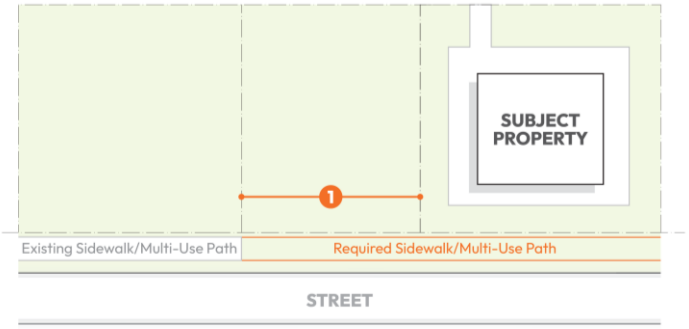

Figure 9-27: Required Sidewalk Along Nearby Frontage

2. As part of any development proposal or change in use resulting in an additional 1,000 vehicle trips or more per day, an applicant shall be required to identify direct, safe (1.25 x the straight line distance) pedestrian routes within one-half of a mile of their site to all transit stations and Public & Institutional and Commercial uses as identified in Table 3-1. If no existing route exists, or if there is a gap, a connection must be provided if sufficient right-of-way is available, based on the applicable cross section in the CTP, subject to rough proportionality.

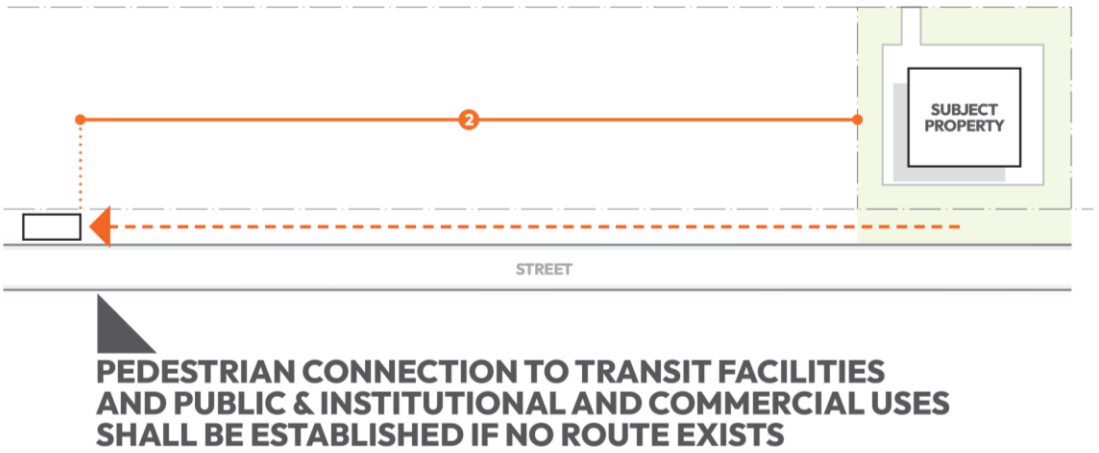

Figure 9-28: Required Pedestrian Route

9.12.4. Greenways

Where an existing or planned greenway, as identified in the CTP, is adjacent to or traverses a development, the developer shall:

A. Construct the greenway in accordance with the CTP and WFD3,

B. Install regulatory and identification greenway signage, trash and pet waste receptacles, benches, and water fountains in accordance with the WFD3,

C. If vegetation is cleared within 50 feet of the greenway, plant canopy trees spaced no more than 50 feet on center along the greenway path, outside of the greenway easement, to provide shade for greenway users, and

D. Provide pedestrian and bicycle accessways to the greenway every quarter mile. The exact spacing and location of the accessways shall be as determined by the Administrator. Where a cul-de-sac street is permitted within a development, pedestrian/bicycle accessways to greenways, parks and open space areas must be provided where such streets back up to these areas.

9.12.5. Pedestrian Walkways

A. On-site, pedestrian walkways shall meet all standards for sidewalks as established in the WFD3.

B. On-site, pedestrian walkways shall have a minimum width of six feet, or eight feet if adjacent to a parking area.

C. On-site, pedestrian walkways shall connect all buildings on the site to one another.

D. On-site, pedestrian walkways shall provide connections to parking areas.

E. On-site, pedestrian walkways shall connect the primary internal drive to the building.

F. On-site, pedestrian walkways shall connect two dead end streets that are within 300 feet of each other and to dead end streets within 300 feet of an existing street with sidewalk.

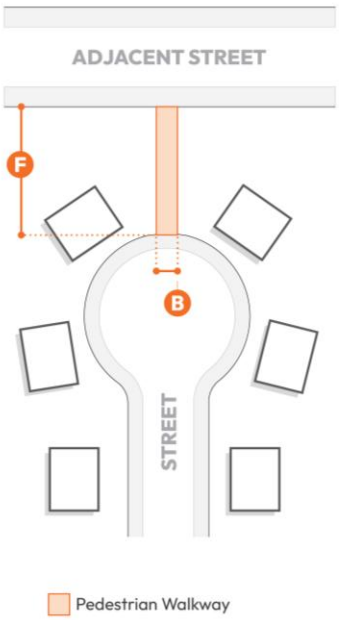

Figure 9-29: Required Pedestrian Walkway to Adjacent Sidewalk

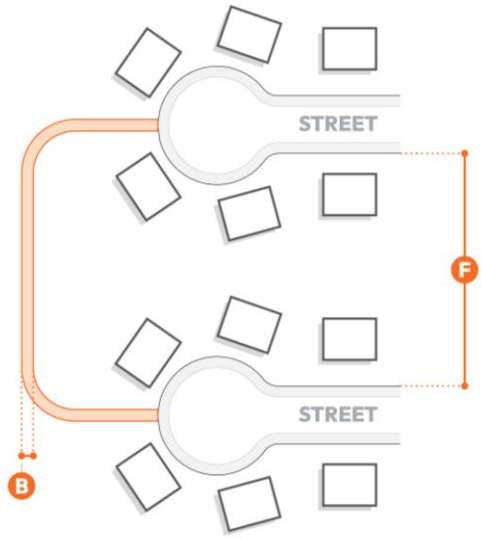

Figure 9-30: Required Pedestrian Walkway Between Two Dead-End Streets

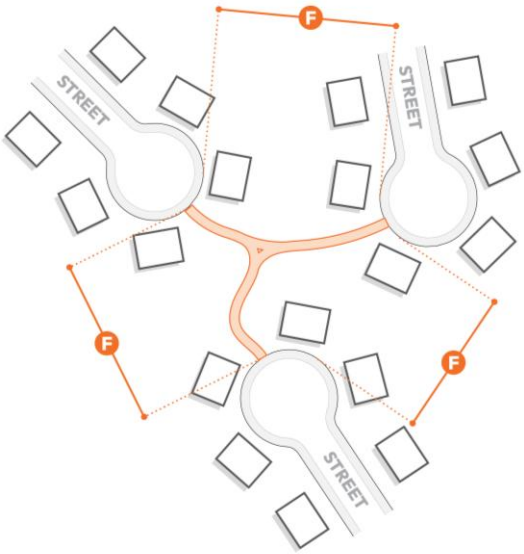

Figure 9-31: Required Pedestrian Walkways Between Three Dead-End Streets

G. On-site, pedestrian walkways shall connect each building on a development site to greenways, parks, open space, and community space located within the developments or adjacent to the development site. Access points to the greenway, park, open space, and/or community space shall be provided every quarter mile.

H. On-site, pedestrian walkways shall connect building entrances to transit stops on the same property.

I. On-site, pedestrian walkways shall connect each building entrance to adjacent public sidewalks along direct routes of travel.

J. Where driveways, parking, and loading entrance and exits cross pedestrian walkways, the pedestrian walkway shall be designed with minimal disruptions to safe, continuous pedestrian connectivity.

K. In parking lots with an interior parking lot median, pedestrian walkways shall be co-located with the median, unless otherwise approved by the Administrator. The co-location of the pedestrian walkway with the median shall not cause a pedestrian to walk over or through required landscape materials.

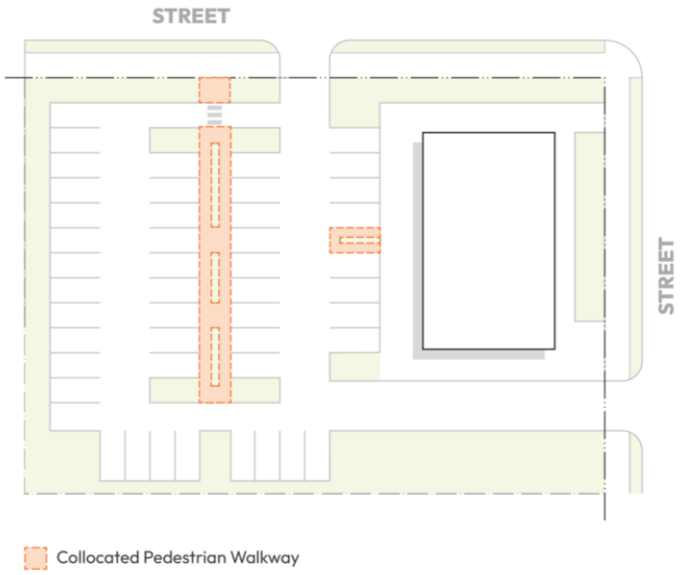

Figure 9-32: Pedestrian Walkway Co-located in Parking Lot Median

L. Pedestrian walkways shall be lit with one of the pedestrian scale lighting options, in accordance with Chapter 10.

M. **Midblock Crosswalks**

1. A pedestrian crosswalk not less than ten feet in width shall be required across any street segment or internal drive 800 feet or more in length or where deemed essential by the Administrator.
2. A pedestrian crosswalk not less than ten feet in width may be approved on any street segment or internal drive less than 800 feet in length.
3. All midblock pedestrian crosswalks shall meet the standards of the WFD3 and/or NCDOT.

9.12.6. Sidewalk, Multi-Use Path, Greenway, and Pedestrian Walkway Stubs

A. **Connection to Existing Stubs**

1. Development shall include connections to existing sidewalk, multi-use path, greenway, and pedestrian walkway stubs in adjacent developments. If the Town collected PIL from the adjacent development for an unbuilt sidewalk, multi-use path, greenway, or pedestrian walkway stub, the Town shall issue the amount collected to be used by the owner or applicant to construct the unbuilt portion on the adjacent development in order to complete the connection onto the parcel under development.
2. If an existing sidewalk, multi-use path, greenway, or pedestrian walkway stub is located in a nearby, non-adjacent development in a configuration that would allow for a future connection to the proposed development, the proposed development shall include a sidewalk, multi-use path, greenway, or pedestrian walkway stub, as applicable, to allow for future connection to the existing sidewalk, multi-use path, greenway, or pedestrian walkway when development on the intervening property occurs.

B. **New Stubs**

1. Development shall include sidewalk, multi-use path, greenway, and pedestrian walkway stubs to adjacent parcels in accordance with this Section . Such stubs shall be designed and located to provide for safe and efficient pedestrian circulation in accordance with this UDO, the WFD3, and the CTP, and shall not stub to any of the following on adjacent lands:
   a. Railroad or controlled access highway,
   b. Significant physical barriers, such as wetlands or steep slopes, that would preclude extension of the pedestrianway on the adjacent property.
2. The Administrator may waive the requirements for new stubs in this Section B for a new stub after all viable locations for the stub have been exhausted.
3. Sidewalk, multi-use path, greenway, and pedestrian walkway stubs shall be designed and constructed as close to the property line as practicable. Where such stubs are not constructed to the property line, the owner or applicant shall:
   a. Provide a PIL of the unbuilt sidewalk, multi-use path, greenway, or pedestrian walkway on their property in accordance with Section 14.3, and
   b. Establish a temporary construction easement in accordance with the WFD3 to allow for the future construction of the portion of pedestrianway not constructed.

9.12.7. Design Criteria

All pedestrian walkways and sidewalks shall comply with the CTP and the WFD3.

9.12.8. Required Easements

A. Where a greenway is constructed in accordance with Section 9.12.4, it shall be centered in a public greenway easement that is 30 feet wide. If a PIL of the greenway construction is approved, a public greenway easement that is 50 feet wide shall be required.

B. Where a required pedestrian walkway, sidewalk, or accessway to a greenway, park, or open space area is provided outside the public right-of-way, an access easement that is at least 20 feet wide and centered on the walkway, sidewalk, or accessway shall be required.

9.13 Public Transit Improvements

9.13.1. Applicability

This Section 9.13 shall apply to new development, redevelopment, and changes of use adjacent to an existing or planned transit stop or route, if the development, redevelopment, or change of use includes:

A. One hundred or more dwelling units, or

B. Floor area of 100,000 square feet or more for nonresidential uses.

9.13.2. Requirements

A. An easement for a transit stop and its amenities shall be dedicated if there is not sufficient space within the right-of-way or an existing easement.

B. All the following transit stop amenities shall be provided in accordance with the WFD3 and/or the requirements of the applicable transit service provider where they are not already installed:

1. A landing pad,
2. An amenity pad,
3. A public transit stop shelter,
4. Trash cans,
5. Benches,
6. Bicycle racks, and
7. Signs.

9.13.3. Payment in Lieu

The Administrator may allow an applicant to provide payment in lieu of all or a portion of the requirements in Section 9.13.2 above, in cases where the applicant demonstrates that the required improvements cannot physically be constructed with the associated development. The amount, form, and timing of the payment in lieu shall comply with Section 14.3.

10 LIGHTING STANDARDS

10.1 Purpose

The standards in this Chapter are designed to regulate the physical effects of lighting and minimize the negative impact that lighting may have on surrounding properties. It is the intent of this Chapter to:

A. Minimize light pollution, such as glare and light trespass,

B. Conserve energy and resources,

C. Maintain night-time safety and utility,

D. Improve the night-time visual environment.

10.2 Applicability

A. Except as otherwise provided in Section B below, the lighting standards in this Chapter shall apply to new development, and to redevelopment and changes of use in accordance with Section 1.8.

B. The following are exempt from the requirements of this Chapter:

1. Streetlights and other fixtures temporarily used for public roadway illumination may be installed at a maximum height of 37 feet and may be positioned at that height up to the edge of any bordering property.

2. All temporary emergency lighting needed by the Police or Fire Departments or other emergency services, as well as all vehicular luminaires, shall be exempt from the requirements of this ordinance.

3. All hazard warning luminaires required by Federal regulatory agencies are exempt from the requirements of this Chapter, except that all luminaires used must be red and must be shown to be as close as possible to the federally required minimum lumen output for the specific task.

CONTENT

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10.1 Purpose
10.2 Applicability
10.3 Design Standards
10.4 Specific Lighting Type Standards
10.5 Prohibited Lighting

4. Individual residential lighting that is not part of a site plan or subdivision plan for street or other common or public area outdoor lighting.
5. Lighting associated with holiday, festival or other temporary uses permitted in Chapter 3.
6. Lighting of fountains or public art that has been permitted or otherwise approved by the Town.
7. Other Municipal or State lighting installed for the benefit of public health, safety, and welfare.
8. Lighting of US and North Carolina State Flags provided the flagpole does not exceed the maximum permitted building height for that district or otherwise comply with this UDO.

10.3 Design Standards

10.3.1. General Design Standards

A. No outdoor pole lighting fixture shall be located within any required landscape buffer yard or street yard, except for those lighting encroachments permitted by Section 2.6

B. The design of outdoor lighting fixtures shall be as detailed in Table 10-1.

Table 10-1: Outdoor Lighting Fixture Design

District	Design [1]	Scale
LH-O	As detailed in the Wake Forest Historic Property Handbook with Design Standards	
DT	Tear Drop	Roadway; Pedestrian
AC, TOD-O	Pendant, Lantern, Acorn, Sphere, Other decorative design as approved by the Administrator [2]	Roadway; Pedestrian
All Other Districts	Shoe box or Cobra head	Roadway

Notes

[1] Non-cutoff decorative post-mounted fixtures equipped with a solid top and mounted 18 feet or less above ground and other non-cutoff dusk to dawn utility type fixtures mounted 25 feet or less may be used. The maximum initial lumens generated by each fixture shall not exceed 9500 initial lamp lumens.

[2] Fixture design shall be consistent with the fixture design utilized elsewhere within a TOD subdistrict or within the contiguous boundaries of an activity center.

10.3.2. LED Fixtures

All outdoor lighting utilizing a light-emitting diode (LED) fixture shall meet the following standards:

A. **Color Rendering**
Outdoor LED fixtures shall be rated at a minimum Color Rendering Index (CRI) value of seventy (70) or higher.

B. **Color Temperature**
Outdoor LED fixtures shall have a correlated color temperature of 3,000 degrees Kelvin, to the maximum extent practicable. Decorative and pedestrian scale lighting may be less than 3,000 degrees Kelvin. Outdoor recreational lighting is exempt from color temperature requirements.

10.3.3. BUG Rating or DarkSky Approval

Backlight Uplight Glare (BUG) ratings are a published luminaire classification system to comprehensively address light pollution from all directions. Streetlights and lighting fixtures in parking areas shall not exceed the BUG rating established per District in Table 10-2, or shall be DarkSky International approved fixtures.

Table 10-2: BUG Rating per District

District	Backlight (B) Rating	Uplight (U) Rating	Glare (G) Rating
OS; GR; NCR	B2	U1	G1
MUR; NB	B2	U2	G2
TSR; DT; AC; CI; TOD-O	B3	U2	G2
CB; IND	B4	U3	G3

10.3.4. Lighting Standards in Footcandles (Fc)

Lighting levels shall adhere to the standards in Table 10-3. All numerical values in Table 10-3 represent measurements in footcandles.

Table 10-3: Lighting Standards in Footcandles

Lighting Area	Measurement	District of Adjacent Property			
		OS; GR; NCR	MUR; NB	TSR; DT; AC; CI; TOD-O	CB; IND
At Property Line [1] [2]	maximum point of illuminance at the property line	0.1 Fc	0.3 Fc	0.8 Fc	1 Fc
Display/Canopy Areas	maximum point of illuminance at grade	8 Fc	12 Fc	15 Fc	15 Fc
Parking Areas [3]	minimum point of horizontal illuminance	0.1 Fc	0.1 Fc	0.1 Fc	0.1 Fc
	maximum average point of horizontal illuminance	4 Fc	4 Fc	6 Fc	6 Fc
All Other On-Site Lighting	maximum point of illuminance at grade	4 Fc	4 Fc	6 Fc	6 Fc
Pedestrian Walkways	minimum point of illuminance at grade	n/a	0.2 Fc	0.2 Fc	0.2 Fc
Building Entrances	minimum point of illuminance at grade	n/a	2 Fc	2 Fc	3 Fc

Notes

[1] In the case of buildings closer than ten feet to the property line using only wall packs, light trespass may be greater than one foot-candle as long as the wall packs are fully shielded to direct the light downward, have a light output of 1,600 lumens or lower, and the light source (lamp) is not visible from off-site.

[2] Meaning the line on the side of the property that is abutting an adjacent property.

[3] To ensure uniformity of illumination, in all districts, the maximum ratio of average horizontal illuminance to minimum horizontal illuminance shall be 4:1. Minimum lighting in parking areas shall not apply to driveways serving residential uses.

10.3.5. Luminaire Design

A. **Fixture Classification**

1. All outdoor lighting fixtures shall be a light-emitting diode (LED) luminaire or another equally or more energy efficient fixture approved by the Administrator, per Section 16.6.1.
2. All outdoor lighting fixtures shall either have a fixture cutoff classification of "Full Cutoff" or be fully shielded, unless otherwise expressly permitted in this UDO.
3. Fixtures that are not full cut off may be used only if they are directional fixtures (such as flood lights), are aimed and/or fully shielded to prevent light spillage, and comply with the Lighting Standards in Footcandles (Fc) in Section 10.3.4.
4. Where the topography of the site would result in glare on adjacent property or right-of-way that is not addressed by the BUG rating standards in this Chapter, fixtures shall be directed and/or shielded so they do not create glare the adjacent property or right-of-way.

B. **Pole and Fixture Finish**
Light poles and fixtures shall be of a matte or low-gloss finish. However, an Administrative Modification allowing an alternative finish may issued by the Administrator in accordance with Section 16.6.1 on determining the proposed finish is consistent with the purposes of this Chapter; is compatible with, or complimentary to, surrounding development; and will not result in unsafe conditions. The cost of upgrades in fixture or pole style or color from the electric provider's standard shall be the developer's responsibility.

C. **Mounting Height**

1. The maximum mounting height of all outdoor lighting with a 90 or less degree cut-off fixture shall be 30 feet.
2. The maximum mounting height of all outdoor lighting without a full 90 degree or less cut-off fixture shall be 16 feet.
3. The concrete pier utilized to mount a pole light shall be fully buried.

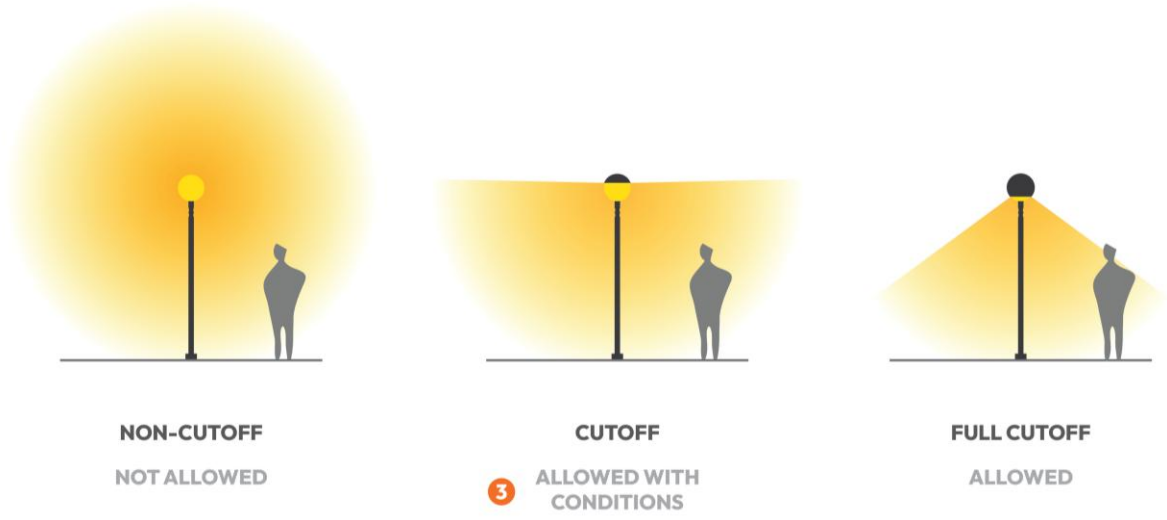

Figure 10-1: Lighting Fixture Cutoffs

10.4 Specific Lighting Type Standards

10.4.1. Security Lighting

A. Unshielded flood lights and spotlights, installed for security and activated by motion sensor, are permitted. These unshielded lights must be mounted and aimed in a manner that minimizes up-lighting and light trespass.

B. All floodlights shall be installed such that the fixture shall be aimed down at least 45 degrees from vertical. All flood or spot lamps emitting 1,000 or more lumens shall be aimed at least 60 degrees down from vertical or shielded such that the main beam from the light source is not visible from adjacent properties or the public street right-of-way.

C. Flood lights and display lights shall be positioned such that any such fixture located within 50 feet of a public street right-of-way is mounted and aimed perpendicular to the right-of-way, with a side-to-side horizontal aiming tolerance not to exceed 15 degrees from perpendicular to the right-of-way.

10.4.2. Landscape Lighting

Landscape and decorative lighting with a light output of 800 lumens or less is permitted, provided that the light is installed and aimed to prevent lighting build up and light trespass and shielded to prevent view from the public right-of-way.

10.4.3. Building Façade Lighting

A. Floodlights, spotlights, or any other similar lighting shall not be used to illuminate buildings or other site features unless approved as an integral architectural element on the development plan.

B. On-site lighting may be used to accent architectural elements but not used to illuminate entire building(s).

C. Where accent lighting is used, the maximum illumination on any vertical surface or angular roof surface shall not exceed 5.0 average maintained footcandles.

D. Building façade and accent lighting will not be approved unless the light fixtures are selected, located, aimed, and shielded so that light is directed only onto the intended target and spillover light is minimized.

E. Lighting may be installed under canopies that light the sidewalk, or downlights onto the architectural features of a building.

F. Wall packs on buildings may be used at entrances/exits to a building to light unsafe areas and shall:

1. Be low profile and project from the wall a maximum of six inches,
2. Be consistent or complementary in color with the color of the building materials,
3. Be fully shielded to direct the light downward,
4. Have a light output of 1,600 lumens or lower, and
5. Shield the light source so it is not visible from off-site.

10.4.4. Outdoor Display Areas

The mounting height of outdoor display area fixtures shall not exceed 30 feet above finished grade.

10.4.5. Lighting for Vehicular Canopies

Lighting under vehicular canopies shall be either recessed or flush with the bottom surface of the vehicular canopy.

10.4.6. Outdoor Recreational Lighting

Ball fields, basketball courts, tennis courts, outdoor performance areas and similar recreational uses are exempt from otherwise applicable exterior lighting standards and shall instead adhere to the requirements below.

A. Outdoor recreational lighting shall not exceed a maximum permitted post height of 80 feet. The Administrator may set a shorter maximum pole height if the specific recreational use does not require the taller pole.

B. Lights shall be shielded and positioned so as not to shine onto adjacent roadways or properties.

10.4.7. Street Lighting

Street lighting shall be placed on all streets and at the intersection of all streets to allow for the safe use of public rights-of-way by motorists, cyclists, and pedestrians.

A. **Streetlight Spacing**
Streetlights on roads under the jurisdiction of the Town shall be located:

1. At least every 200 linear feet,
2. At intersections,
3. At the end of a cul-de-sac or dead-end road, and
4. At street curves.

B. **Fixture Minimum Initial Lumen Levels**

1. The roadway illumination requirements shall be enforced per the fixture minimum initial lumens in Table 10-4. Roadway illumination of Freeway and Interstate thoroughfares shall be as required by NCDOT or Wake County, as applicable.

Table 10-4: Roadway Illumination Requirements

Standard	Roadway Classification		
	Tier 3, Tier 4, or Boulevard Thoroughfare	Tier 2 Thoroughfare	Tier 1 Thoroughfare
Fixture Minimum Initial Lumens	18,500	12,500	4,800

2. Lighting is not required to be installed in alleys, but if installed shall:
   a. Have a maximum height of 16 feet, and
   b. Be a full cut-off fixture.

10.4.8. Pedestrian Scale Lighting

A. Pedestrian-scaled street lighting shall be placed on all Tier 1 thoroughfares, as defined in the CTP, in the TOD-O and AC Districts to allow for the safe use of public rights-of-way by motorists, cyclists, and pedestrians, in accordance with the following standards:
   1. The maximum fixture height is 16 feet;
   2. Fixtures shall be located at least every 200 linear feet,
   3. Each fixture shall have a minimum average maintained illuminance of .3-foot candles, and
   4. The horizontal illuminance maximum to minimum uniformity ratio of the lighting shall not exceed 6:1.

B. In the TOD-O and AC districts, pedestrian-scaled lighting (no taller than 16 feet) shall be required in public gathering spaces and along on-site pedestrian walkways (see Section 9.12.5) and shall be placed in a manner to limit the casting of shadows on sidewalks. Pedestrian-scaled lighting may include:
   1. Lamp post lighting,
   2. Bollard lighting,
   3. Fence post cap lighting,
   4. Festoon lighting,
   5. Pathway lighting, or
   6. Other as approved by the Administrator.

10.4.9. Parking Structure Lighting

A. Parking structures shall meet the lighting requirements established in Table 10-5. All areas of a parking structure shall have a horizontal illuminance maximum to minimum uniformity ratio of 10:1 or less.

Table 10-5: Parking Structure Lighting

Parking Structure Area	Minimum Horizontal Illuminance [1]	Minimum Vertical Illuminance
Parking/General Areas		
Day and Night [2]	1 Fc	0.5 Fc
Ramps		
Day [3]	2 Fc	1 Fc
Night	1 Fc	0.5 Fc
Entrance Areas [2]		
Day [3]	50 Fc	25 Fc
Night	1 Fc	0.5 Fc
Stairways		
Day and Night	2 Fc	1.0 Fc
Notes		
[1] Daylight may be considered in the design calculation		
[2] These values are intended to address personal security issues for typical conditions.		
[3] A high illuminance level for the first 65 feet inside the structure is required to help with the transition from bright daylight to a lower internal level.		

B. Top levels of parking structures that are open to the sky shall utilize full cutoff fixtures mounted no higher than 22 feet above the parking deck top floor and shall not exceed:

1. Horizontal illuminance of 0.5 Fc,
2. Horizontal illuminance maximum to minimum uniformity ratio of 15:1, and
3. Vertical illuminance of 0.25 Fc.

10.5 Prohibited Lighting

10.5.1. Types of Prohibited Lighting

The following lighting types are prohibited:

A. The use of laser source light or any similar high intensity light for outdoor advertising or entertainment,

B. The operation of searchlights for advertising purposes,

C. Site lighting that may be confused with warning, emergency, or traffic signals,

D. Lights that flash, move, revolve, rotate, scintillate, blink, flicker, vary in intensity or color, or use intermittent electrical pulsation, and

E. Colored LED rope lighting that outlines windows, doors, or other architectural features.

11 UTILITIES, EASEMENTS, SERVICES, & FACILITY FEES

11.1 Purpose

This chapter establishes requirements for utilities, easements, services, and impact fees to ensure that development in Wake Forest is well-integrated with infrastructure and appropriately supports community resources.

11.2 Applicability

The requirements in this Chapter shall apply to all new development, and to redevelopment and changes of use in accordance with Section 1.8.

11.3 Utilities

11.3.1. Connection To Municipal Water Supply and Sanitary Sewer Systems

All development within the corporate limits of the Town shall connect with water and sewer utilities except for a single lot serving one dwelling unit upon demonstrating the connection is not feasible due to topography or the cost of the extension exceeds the cost of installation.

A. Development with public sewer and potable water are conditioned on the availability of sufficient sewer or water capacity in the City of Raleigh sewer and/or water systems to serve the proposed development.

B. For any development applications located within the ETJ, the property owner of the development site shall submit a petition for voluntary annexation of the area including the development site. Annexation approval is required prior to Construction Plan approval. For any development applications located outside of the ETJ but within the Annexation and Water and Sewer Utility Service Agreement Areas, the property owner shall submit a petition for voluntary annexation of an area

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11.1 Purpose
11.2 Applicability
11.3 Utilities
11.4 Easements
11.5 Waste Management
11.6 Community Service Facility Fees

that includes the development site with the initial development application.

11.3.2. Oversized Improvements and Reimbursements

Where deemed necessary, in the interest of the health, safety, and general welfare of the residents of Wake Forest, the developer shall make certain water and sewer improvements at sizes in excess of those which would normally be required to serve only the development site and/or subdivision. Where such oversized improvements are required, the developer shall be reimbursed for costs incurred over and above those required to serve the development site and/or subdivision, according to the adopted water and sewer extension policy of the City of Raleigh Public Utilities Department.

11.3.3. Utility Easements

A. The width and location of easements shall comply with Section 11.4.

B. Development within utility easements shall comply with the applicable standards and restrictions of the utility service provider.

11.3.4. Underground Wiring

A. Unless exempted by Section B below:

1. All new power lines and communication lines shall be installed underground, and
2. Existing above ground power lines and communication lines located on property under development shall be buried underground.

B. The following are exempt from the requirements in Section A above:

1. Transmission lines with a voltage of 115 kV or greater, and
2. Development meeting both of the following criteria:
   a. The power lines existed above ground at the time of the first approval of a plat or development plan by the Town, whether or not the power lines are subsequently relocated during construction of the subdivision or development plan, and
   b. The power lines are located outside the boundaries of the parcel of land that contains the subdivision, or the property covered by the development plan.

11.4 Easements

Easements shall be conveyed to the Town or other entity, as appropriate, for utilities, stormwater drainage, public access, retaining walls, and other purposes necessitated by proposed development, in accordance with this UDO and the WFD3.

11.4.1. Location

A. The location of easements shall be appropriate for the purpose and function of the easement.

B. Where easements must be located on lots, they shall be centered along or adjacent to lot lines, to the maximum extent practicable, in accordance with Section 4.3.3.B.

C. SCM easements shall not be located on lots in a subdivision, in accordance with Section 4.3.3.C.

11.4.2. Width

A. Except as otherwise provided in Section B below, easement widths shall comply with Table 11-1.

Table 11-1: Minimum Easement Width

Easement Type	Minimum Width (feet)
Water or sewer utility	Per City of Raleigh requirements
Other utility	Per applicable utility requirements
Underground storm drainage	20
Watercourse or drainage channel	20
SCM access and maintenance	20
Alley	20
Greenway	30 if constructed by developer 50 if not constructed by developer
Retaining wall	As determined by Administrator

B. The Administrator may reduce minimum easement widths in Table 11-1 in situations where the Administrator determines the minimum width in Table 11-1 would result in an excessive and unreasonably large easement due to specific site conditions or easement purposes.

11.4.3. References to Specific Easement Requirements

Additional easement requirements in this UDO include, but are not limited to, the following:

A. Section 4.3.3 (lots);

B. Section 4.4.4 (conservation areas in conservation design subdivisions);

C. Section 6.3.6 (open space conservation);

D. Section 7.3.3.B (tree canopy retention);

E. Section 8.3.2 (limitations on fences and walls);

F. Section 8.4.9 (retaining walls);

G. Section 9.5.4.C (roadway stubs);

H. Section 9.7.4.D (parking lot cross access);

I. Section 9.12.6 (sidewalk stubs);

J. Section 9.13.2 (public transit);

K. Section 11.3.3 (utilities);

L. Section 12.6.2.B (special flood hazard area where allowed on new lots);

M. Section 12.7.13.I (SCM maintenance);

N. Section 12.8.3.F (Water Supply Watershed cluster development);

O. Section 12.8.4.H (impervious surface averaging);

P. Section 13.4.1.B (sign serving common development);

Q. Section 14.6.10.E (common area on final plat);

11.5 Waste Management

All developments shall incorporate effective waste management practices, including provisions for recycling. Sufficient access, space, and appropriate waste containers in accordance with the Code of Ordinances shall be provided. The use of compactors and shared disposal facilities, such as shared dumpsters, shall be encouraged.`

11.6 Community Service Facility Fees

11.6.1. Purpose and Intent

The intent of this Section 11.6 is to place an equitable share of the cost of providing new and expanded community service facilities on all new inhabitants and new development that generates the demand for new and expanded community service facilities by collecting fees to finance the capital costs for community service facility improvements within the Town as authorized by the North Carolina General Assembly in An Act to Allow the Town of Wake Forest to Impose Facility Fees, Ch. 502, 1989 N.C. Session Laws.

11.6.2. Determinations

The Board of Commissioners makes the following determinations:

A. Both residential and nonresidential development necessitated by the growth contemplated in the Wake Forest Comprehensive Plan will require capacity-adding improvements to the Town's community service systems to accommodate that growth while maintaining the existing levels of service for these facilities.

B. New development in the Town should contribute its proportional and reasonable share of the cost of these improvements to accommodate capital infrastructure demands generated by such new development as contemplated in Town capital improvement plans.

C. Implementation of reasonable facility fees to ensure future impact-generating land development activity contributes its proportional and reasonable share of the capital cost of required new community service infrastructure capacity is an integral and vital element of the regulatory plan of growth management incorporated in the Comprehensive Plan.

D. The amount of facility fees imposed is limited based on the reasonable and uniform considerations of capital costs for community service facilities to be incurred by the Town as the result of new impact-generating land development activity.

E. The community service facility fee mandated by this Section 11.6 is limited to the proportionate and reasonable capital cost of new community service facility capacity necessary to serve new impact-

generating land development activity activities and has neither the purpose nor the effect of funding any general increase in the level of service of existing facilities.

F. The community service facility fees adopted by this Section 11.6 bear a direct relationship to the proportionate capital costs of community service facilities needed to meet the proportionate demand created by new impact-generating land development activity.

G. The amount of the community service facility fees is based on qualified needs and specific classifications and rates that are uniformly applied to all members of each class. The classifications are based on the amount, the cost, and the extent of the additional burden being placed upon the public facilities by types and sizes of development.

H. This Section 11.6 shall not be construed to permit the collection of community service facility fees from new impact-generating land development activity activities above the proportionate amount reasonably anticipated to offset the proportional demand new growth will have on community service facilities in the Town of Wake Forest.

I. The facility fees imposed by this Section 11.6 were adopted by the Board of Commissioners pursuant to the following facility fee reports, including the assumptions, conclusions, calculations, and findings in the reports describing anticipated capital costs for new community service facilities necessary to serve new development, the characteristics and demographics relevant to anticipated new development, and plans for new facilities to serve that development as contemplated in the Wake Forest Comprehensive Plan:

1. "Town of Wake Forest Multi-Modal Impact Fee Study," dated December 17, 2024;
2. "Wake Forest Parks and Recreation Facility Impact Fee Update Study," dated June 17, 2024; and
3. "Fire System Development Fee Study Update," dated August 25, 2023.

11.6.3. Authority

The Board of Commissioners adopts this Section 11.6 under the authority conferred by the North Carolina General Assembly in An Act to Allow the Town of Wake Forest to Impose Facility Fees, Ch. 502, Section 5, 1989 N.C. Session Laws. In addition, the Board of Commissioners adopts the Facility Fees Manual to guide implementation of this Section 11.6 consistent with the Session Law.

11.6.4. Applicability

A. Except as provided in Section B below, this Section 11.6 applies to any person undertaking impact-generating land development activity within the Town's corporate boundaries as approved by the Town after 1989.

B. This Section 11.6 does not apply to:

1. The renovation, additions to, or repair of existing structures and accessory uses and their structures, unless such renovations, additions, or repairs and accessory uses will cause an increase in service or demand units as provided in Section 11.6.6; and
2. Fences, billboards, poles, pipelines, transmission lines, advertising signs, or similar structures, and improvements that do not cause an increase in service or demand units as provided in Section 11.6.6.

11.6.5. District, Funds, and Fee Schedules Established

A. **Unified Community Service Facilities District**

1. In accordance with the facility fee reports, the Board of Commissioners adopted a single district for multimodal transportation, parks and recreation, and fire protection facilities, in order to ensure feepayers receive reasonable and proportionate benefits for fees paid for community service facility fees, by category, assessed by this Section 11.6.
2. The facility district for each facility category includes the incorporated areas of the Town of Wake Forest and its planning area jurisdiction.

B. **Funds**

1. In order to accomplish the purpose of this Section 11.6, the Town has established the following facility fee funds:
   a. Recreation Capital Reserve Fund (Parks & Recreation facility fee)
   b. General Capital Reserve Fund (Fire Protection facility fee)

c. Transportation Capital Reserve Fund (Multimodal Transportation facility fee)

2. Monies collected for each respective facility fee shall be placed in the designated facility fee fund in accordance with the Facility Fees Manual.

3. Expenditures of facility fee fund monies shall comply with Section 11.6.8 below, and the Facility Fees Manual.

C. **Fee Schedules**

1. In accordance with the facility fee reports, the Board of Commissioners adopted the Parks and Recreation Facility Fee Schedule, the Fire Protection Facility Fee Schedule, and the Multimodal Transportation Facility Fee Schedule, which are included in the Facility Fees Manual.

2. At least once every five years, the Board of Commissioners shall direct the preparation of an updated facility fee report and shall adopt, by ordinance, updated facility fee schedules by facility category, based on the report, that meet the requirements of this Section 11.6 and state law. The updated fee schedules will be included in the Facility Fees Manual.

11.6.6. Payment of Fees Required

Any person or governmental body that engages in impact-generating land development activity that creates at least one new impact unit shall pay the following community service facility fees in accordance with Section 11.6.7 upon the issuance of the approved building permit for the impact-generating land development activity:

A. Parks and recreation facility fee;

B. Fire protection facility fee; and

C. Multimodal transportation facility fee.

11.6.7. Fee Amount

A. **Calculation of Fees**
The Administrator will calculate each community service facility fee due for a proposed impact-generating land development activity, by facility category, based on the fees in effect on the date the building permit is issued and in accordance with the Facility Fees Manual. The fee due may be modified in accordance with Sections B and C below.

B. **Alternative Facility Fee**
If a feepayer believes the impact on any of the Town's community service systems caused by the feepayer's proposed impact-generating land development activity is less than the fee established in this Section for that category, the feepayer may request, and the Administrator may approve, an Alternative Facility Fee in accordance with Section 16.6.2.

C. **Community Service Facility Credits**

1. A person who initiates any impact-generating land development activity may apply for a credit against the respective community service facility fees required by this Section 11.6 for any contribution, payment, construction, or dedication of land and community service facilities accepted and received by the Town, by credit agreement as provided in the Facility Fees Manual.

2. Credits against the respective community service facility fees are available for off-site improvements only. Determination of the credits allowable for each contribution, payment construction, or dedication of land and community service facilities shall be as specified in the Facility Fees Manual.

3. Credits must be redeemed in lieu of the payment for facilities fees within ten years of the approval of the credit, by the category of facility for which they were approved.

4. The credit for any community service facility fee may not exceed the full obligation of the community service facility fee for the proposed land development activity unless provided for otherwise in a credit agreement.

11.6.8. Use of Funds

A. Facility fee fund monies shall be spent only for the capital costs of acquiring, constructing, or improving the particular category of community service facilities for which they were collected, consistent with applicable capital improvement plans and facility fee reports. Such fund monies shall not be used to pay any expenditure classified as a maintenance, operation, or repair expense or designed to cure an existing deficiency in the community service systems.

B. Facility fee fund monies shall be spent within the applicable service facilities district within which they were collected and within ten years of their collection on a first-in/first-out basis.

11.6.9. Refunds

The feepayer may request, and the Administrator may approve, a Facility Fee Refund in accordance with Section 16.6.7, if either of the following occurs:

A. The building permit for which community service facility fees were paid is revoked, expires, withdrawn, or is canceled before completion of the proposed impact-generating land development activity; or

B. The community service facility fee revenues collected have not been spent within ten years of the end of the fiscal year in which the fees were paid, on a first-in/first-out basis.

11.6.10. Appeals

This Section 11.6.10 provides the procedure for hearing appeals concerning the amount of a community service facility fee, concerning the propriety or illegality of any zone division, service facilities district, classification, rate, or other administrative decision under this Section 11.6.

A. **Payment of Fee and Initial Appeal**
Any person appealing an action by the Town pursuant to this Section 11.6 shall:

1. Pay the amount of a community service facility fee assessed under this Section 11.6, if applicable;
2. Clearly mark the payment as paid under protest, if applicable; and
3. Give notice of appeal within 30 days after:
    a. The payment of the fee; or
    b. The date of the administrative decision under this Section 11.6.

B. **Service**
The aggrieved party shall deliver notice by personal service or registered or certified mail, return receipt requested, directed to the Town Manager.

C. **Hearing and Decision**

1. An evidentiary hearing before the Board of Commissioners shall be held to review the appeal within 35 days following receipt of notice of appeal. Notice of the hearing shall be provided as required for Appeal of Administrative Decisions in Section 16.5.6.
2. Following the public hearing and in accordance with Section 16.5.4.B, the Board of Commissioners shall affirm the decision in whole or in part, reverse the decision in whole or in part, or otherwise modify the decision consistent with this Section 11.6.

D. **Appeal of Board of Commissioners Decision**

1. The Board of Commissioners decision on the appeal shall then be subject to review by the Superior Court by proceedings in the nature of certiorari.
2. Any petition for review by the Superior Court shall be filed with the Clerk of the Superior Court having jurisdiction within 30 days following the date the decision of the Board of Commissioners is delivered in writing to the appealing party by personal service, registered mail, or certified mail, return receipt requested.

12 NATURAL RESOURCE PROTECTION STANDARDS

12.1 Purpose

This Chapter establishes regulations for the protection of natural resources in the Town's jurisdiction. The specific purposes of each set of regulations are set forth in each of the major sections in this Chapter.

12.2 Applicability

The erosion control, flood damage prevention, stormwater management and watershed protection provisions in this Chapter apply as established in each of the major sections in this Chapter. Table 12-1 summarizes the geographic areas where the regulations apply.

Table 12-1: Natural Resource Protection Standards Applicability

Regulation Type	Geographic Applicability	Relevant Sections
Erosion and Sedimentation Control Regulations	All Districts	12.4
Flood Damage Prevention Regulations	Special Flood Hazard Areas and Future Conditions Flood Hazard Areas (established in Section 12.6.1.E)	12.6
Stormwater Management Regulations	All Districts (subject to the provisions of 12.7.1.A)	12.7, 12.9
Watershed Protection Regulations	Watershed Protection Overlay Districts (established in Section 12.8.1.)	12.7, 12.8

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12.3 Development Site Environmental Assessment
12.4 Erosion and Sedimentation Control Regulations
12.5 Grading
12.6 Flood Damage Prevention
12.7 Stormwater Management
12.8 Watershed Protection
12.9 Watercourse (Riparian) Buffer Areas

12.3 Development Site Environmental Assessment

12.3.1. Assessment Features

All environmental assets on a development site shall be assessed and protected in accordance with the requirements of this Section 12.3. Environmental assets shall include but are not limited to:

A. Special Flood Hazard Areas and Future Conditions Flood Hazard Areas,

B. Riparian buffers along all perennial and intermittent streams,

C. Wetlands protected by the Army Corps of Engineers or the North Carolina Department of Environmental Quality,

D. Tree canopy retention areas (see Section 7.3.3.B),

E. Lakes, ponds, and other water bodies, excluding created stormwater management facilities,

F. Rock outcroppings,

G. Endangered species habitat,

H. Cemetery,

I. Areas at least 5,000 contiguous square feet in size with any natural slopes greater than 25 percent,

J. Sites at least five contiguous acres in size identified by the Town, County, State, or federal government as farmland or agricultural land that is prime, unique, or of statewide or local importance.

12.3.2. Development Limitation per Environmental Feature Type

If the environmental assessment identifies any environmental features on the development site, development shall be limited as detailed in Table 12-2.

Table 12-2: Development Limitation per Environmental Asset

Environmental Asset	Development Limitation
Tree canopy retention areas (Section 7.3.3.B)	No development allowed.
Natural lakes, ponds, and other water bodies, excluding created stormwater management facilities, farm ponds, etc.	No development allowed, except for dam safety hazard concerns.
Rock outcroppings	No development allowed.
Endangered species habitat	No development allowed.
Cemetery	Development allowed if protection standards in Section 6.7 and/or grave removal process of NCGS §65-106 are met.
Areas at least 5,000 contiguous square feet in size with any natural slopes greater than 25 percent.	No more than 80 percent of the total combined area shall be disturbed unless a variance is granted (see Section 16.7.5).
Sites at least five contiguous acres in size identified by the Town, County, State, or federal government as farmland or agricultural land that is prime, unique, or of statewide or local importance.	No more than 30 percent of the total combined area shall be disturbed unless a variance is granted (see Section 16.7.5).
Other	As determined by the Administrator per Section 16.6.

12.4 Erosion and Sedimentation Control Regulations

12.4.1. Findings and Purpose

A. **Findings**

1. The erosion of soil from un-stabilized development sites has adverse impacts on the condition of public and private property, impairs the Town stormwater system, and causes pollution and accelerated siltation of lakes, streams, and other watercourses.
2. Pursuant to the North Carolina Sedimentation Pollution Control Act of 1973, as amended, the Town has been directed to implement an erosion and sedimentation control program as outlined in this chapter.

B. **Purpose**

The erosion and sedimentation control regulations in this Section 12.4 are adopted to regulate certain land-disturbing activities in order to limit accelerated erosion and sedimentation. These regulations are intended to reduce water pollution caused by sediment, to protect lakes and watercourses from excessive erosion and sediment accumulation, and to prevent damage to public and private property resulting from erosion and sedimentation.

12.4.2. Scope and Exclusions

No person shall undertake any land-disturbing activity subject to this UDO without first obtaining approval of an erosion and sedimentation control plan from the Town in accordance with this Section 12.4 and Section 16.6.10.

A. **Applicability**

1. A Land Disturbance Permit shall be required for all land-disturbing of 1/2 acre (21,780 square feet) or more in surface area, including individual residences.
2. A Land Disturbance Permit shall be required for two or more single-family lots being graded or built upon by the same builder or developer at the same time within the same subdivision, whether they are contiguous or non-contiguous.
3. The Town may require a Land Disturbance Permit for land-disturbing activities that are less than 1/2 acre (21,780 square feet) in surface area where sediment control measures are needed to protect against off-site damages. Regardless of the size of the land-disturbing activity, the persons undertaking the activity shall take all reasonable measures to protect all public and private property from damage caused by the activity.
4. A Land Disturbance Permit is required for land-disturbing activities in larger common plans of development or sale as a condition of NC Construction General Permit NCG01 regulations.
5. The NCG01 permit establishes requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals litter, and sanitary waste at the construction site that may cause adverse impacts to water quality.

B. **Compliance Required Regardless of Land Disturbance Permit Requirement**

To prevent offsite sedimentation, erosion control devices must be installed on all construction sites, regardless of the size of disturbed area. Land-disturbing activity for which a Land Disturbance Permit is not required must still comply with the erosion and sedimentation control regulations in this Chapter, unless specifically excluded in Section C, below.

C. **Exclusions**

This Section 12.4 shall not apply to the following types of land-disturbing activity:

1. An activity which is essential to protect human life during an emergency.
2. Land-disturbing activities undertaken on established bona-fide farms for the production of plants and animals, including but not limited to: forage and sod crops, grain and feed crops, tobacco, cotton, and peanuts; dairy animals and dairy products; poultry and poultry products; livestock, including the breeding and grazing of any or all such animals; bees and apiary products; and fur producing animals; and mulch, ornamental plants, and other horticultural products. For purposes of this Section 12.4.2.C "mulch" means substances composed primarily of plant remains or mixtures of such substances.
3. Land-disturbing activities undertaken on forestland for the production and harvesting of timber and timber products and which are conducted in accordance with Forest Practice Guidelines Related

to Water Quality (best management practices) as adopted by the North Carolina Department of Agriculture and Consumer Services. If activities are undertaken in a manner that is not in accordance with the Forest Practice Guidelines referenced above, the provisions of this UDO shall apply to such activity and any related land-disturbing activity on the tract.

4. Land-Disturbing activities for which a permit is required under the Mining Act of 1971, Article 7 of Chapter 74 of the General Statutes.
5. Land-Disturbing activities over which the State has exclusive regulatory jurisdiction as provided in NCGS §113A-56(a). Such activities include:
    a. Land-Disturbing activities conducted by the State.
    b. Land-Disturbing activities conducted by the United States.
    c. Land-Disturbing activities conducted by persons having the power of eminent domain.
    d. Land-Disturbing activities conducted by local governments, except that the Town has declared that all the departments and agencies of the Town and its contractors and subcontractors must comply with the regulations in this Chapter according to Section E, below.
    e. Land-Disturbing activities funded in whole or in part by the County, State or United States.
6. Activities undertaken to restore the wetland functions of converted wetlands to provide compensatory mitigation to offset impacts permitted under Section 404 of the Clean Water Act or pursuant to Natural Resources Conservation Service standards to restore the wetland functions of a converted wetland as defined in Title 7 Code of Federal Regulations §12.2.

D. **Affidavit for Exclusions**
Except for exclusions in the event of an emergency, as outlined in Section C above, the owner of the property will be required to file an application for an exclusion and an affidavit stating the use of the property. The Application for Exemption must be filed with the Administrator. The Administrator must review and grant or deny the Application within 30 working days, after receipt of the complete Land Disturbance Permit application (including fees) and provide its decision in writing to the applicant. The erosion and sedimentation control plan must be implemented according to schedule. Failure to meet the conditions of the exemption constitutes a violation of the erosion and sedimentation control regulations in this Chapter and will be retroactive to the granted date of the original exemption. If a complete Land Disturbance Permit application package (including fees) is not received at initial submittal, the application will be automatically denied.

E. **Expressly Applied**
The erosion and sedimentation control regulations of this Chapter shall expressly apply to all of the following land-disturbing activities:

1. Temporary access and haul roads, other than public roads, constructed or used in connection with any land-disturbing activity are considered a part of such activity.
2. When the person conducting the land-disturbing activity is also the person conducting the borrow or waste disposal activity, areas from which borrow is obtained and which are not regulated by the provisions of the Mining Act of 1971, and waste areas for surplus materials other than landfills regulated by the North Carolina Department of Environmental Quality (NCDEQ), or the Town, will be considered as part of the land-disturbing activity where the borrow material is being used or from which the waste material originated. When the person conducting the land-disturbing activity is not the person obtaining borrow and/or disposing of the waste, these areas are considered a separate land-disturbing activity.
3. Land-Disturbing activities connected with utility construction over which the State does not have exclusive regulatory jurisdiction as provided in NCGS §113A-56(a).

12.4.3. Land Disturbance (Erosion and Sedimentation Control) Permit Required

No person shall undertake any land-disturbing activity for which a permit is required, as specified by the erosion and sedimentation control provisions of this chapter, until plans for controlling erosion associated with the activity have been reviewed and approved in accordance with the procedures set forth in Section 16.6.10.

12.4.4. Erosion and Sedimentation Control Plans

A. **Erosion and Sedimentation Control Plan Required**
Any person engaged in land-disturbing activity, who fails to file a plan in accordance with the erosion and sedimentation control regulations in this Chapter, or who conducts a land-disturbing activity except in accordance with provisions of an approved plan will be deemed in violation of the erosion and sedimentation control regulations in this Section 12.4.

B. **Erosion and Sedimentation Control Plan Content**
Applications for a Land Disturbance Permit must contain at least all of the information required for Land Disturbance Permits in Section 16.6.10. Developers shall include NCG01 plan sheets in with their submission.

C. **Control Objectives**
An erosion and sedimentation control plan may be denied if the plan fails to adequately address the following control objectives:

1. **Identify Critical Areas**
On-site areas which are subject to severe erosion, and off-site areas which are especially vulnerable to damage from erosion and/or sedimentation, are to be identified and receive special attention.

2. **Limit Time of Exposure**
All land-disturbing activity is to be planned and phased to limit exposure to the stabilization timeframes established in most recently published NCDEQ guidelines. The construction sequence shall explain the phasing in detail.

3. **Limit Exposed Areas**
All land-disturbing activity is to be planned and conducted to minimize the size of the area to be exposed at any one time.

4. **Mass Land Disturbing**

   a. In order to help maintain remaining Town topography, trees, buffers, and to limit exposed areas that are open at once, mass land-disturbing will not be allowed except in conformance with an approved plan.

   b. For development over 20 acres in land disturbance area, phased grading must be shown on the plans to limit the potential for soil erosion and off-site sedimentation.

   c. Single-Family Residential Developments shall not grade more than 20 acres per phase at one time.

   d. Each phase of the development must be stabilized with adequate ground cover sufficient to restrain erosion and all infrastructure installed prior to grading an additional phase of development.

   e. Exceptions to this requirement may be granted by the Town if compliance is not practicable due to physical site constraints, such as topography, presence of stream buffers or other natural features, or lot dimensions, or due to presence of existing development or infrastructure.

5. **Control Surface Water**
Surface water runoff originating upgrade of exposed areas should be controlled to reduce erosion and sediment loss during the period of exposure via sediment control basins in accordance with NC Sediment and Erosion Control Planning and Design Manual.

6. **Control Sedimentation**
All land-disturbing activity is to be planned and conducted to prevent off-site sedimentation damage.

7. **Manage Stormwater Runoff**
Plans are to include measures to control the velocity at the point of discharge to minimize accelerated erosion and increased sedimentation of the site and stream. Such measures shall comply with this Section 12.4, the NC Stormwater Design Manual, and the National Pollutant Discharge Elimination System.

8. **Materials Handling**
Any structural controls installed to manage construction materials and wastes stored on-site shall be in the Erosion and Sediment Control plan. Requirements for handling materials on construction sites can be found in the NCG01 Permit in in Section F of the NCG01 Permit.

D. **Grounds for Disapproval**
An erosion control plan may be denied upon finding that an applicant, or any parent or subsidiary corporation (if the applicant is a corporation):

1. Proposed content which is insufficient or ineligible for permit coverage. A denial based upon a plan's content will specifically state in writing the reasons for denial,

2. Has not submitted a complete application, including the Land Disturbance checklist,

3. Is conducting or has conducted land-disturbing activity without an approved plan or has received a notice of violation on a plan previously approved and has not complied with the notice within the time specified in the notice,
4. Has failed to pay a civil penalty assessed pursuant to the North Carolina Sedimentation Pollution Control Act or a local ordinance adopted pursuant to the Act which is due and for which no appeal is pending,
5. Has been convicted of a misdemeanor pursuant to a NCGS §113A-64(b) or any criminal provision of a local ordinance adopted pursuant to the North Carolina Sedimentation Pollution Control Act (An applicant's criminal record may be considered for only the two years prior to the application date), or
6. Has failed to comply with State rules or local ordinances and regulations adopted pursuant to the North Carolina Sedimentation Pollution Control Act on properties located within Town jurisdiction,
7. Owns neighboring property that is in violation of the erosion and sedimentation control regulations of this UDO, no permit shall be issued until that violation is corrected.

E. **Financial Responsibility**

1. Plans may be denied unless accompanied by an authorized statement of financial responsibility and documentation of property ownership (part of the Town's land-disturbing permit application).
   a. This statement shall be signed by the Person financially responsible for the land-disturbing activity or his/her attorney in fact. The statement shall include the mailing and street addresses of the principal place of business of:
   b. The Person financially responsible,
   c. The owner of the land, and
   d. Any registered agents.
   e. If the Person financially responsible is not a resident of North Carolina, a North Carolina agent must be designated in the statement for the purpose of receiving notice of compliance or non-compliance.
   f. Except as provided below, if the applicant is not the owner of the land to be disturbed, the draft erosion and sedimentation control plan must include the owner's written consent for the applicant to submit a draft erosion and sedimentation control plan and to conduct the anticipated land-disturbing activity.
2. If the applicant is not the owner of the land to be disturbed and the anticipated land-disturbing activity involves the construction of utility lines for the provision of water, sewer, gas, telecommunications, or electrical service, the draft erosion and sedimentation control plan may be submitted without the written consent of the owner of the land, so long as the owner of the land has been provided prior notice of the project.

F. **Sale of Property**

If the property associated with the approved plan is sold in whole or in part before all conditions of the approved plan are met, the permit holder must provide notice to the new owner/s of conditions of the Land Disturbance Permit and provide the Town with revised financially responsible owner forms. The new owner(s) shall be required to attend a preconstruction conference.

G. **Effect of Approval**

1. Until all construction is complete, all permanent erosion and sedimentation control measures are installed, and the site has been stabilized, a copy of the approved plan must be available and accessible on-site in a weather proof container. All NPDES, EPA, turbidity and other state laws must be followed. Self-inspections of erosion control sites are required per NCGS §113A-54.1(e) law 15ANCAC 04B.0131.
2. The Town must forward to the NCDEQ a copy of each plan for a land-disturbing activity that involves the utilization of ditches for the purpose of de-watering or lowering the water table of the tract.

H. **Revised Plans**

If the Town, whether upon review of a plan or upon inspection of the job site, determines that a significant risk of accelerated erosion or off-site sedimentation exists, or the plan is inadequate to meet the requirements of this article, the Town may require a revised plan. Pending the approval of the revised plan, work must stop or continue only under conditions outlined by the Administrator.

I. **Plan Appeals**
The appeal of a denial or approval with modifications of a plan shall be governed by the provisions listed in the Sediment Pollution Control Act (SPCA) and as described in Section 16.7.1 of this UDO.

12.4.5. Standards

No land-disturbing activity subject to the control of this UDO shall be undertaken except in accordance with the following mandatory standards. Persons conducting land-disturbing activities must take all reasonable measures to protect public and private property from damage caused by such activities. Whenever conflicts exist between federal, state, or local laws, ordinance, or rules, the more restrictive provision shall apply. The Town reserves the right to require preparation and approval of an erosion control plan in any instance wherein extensive control measures are required.

A. **Initiation of Activity.**

1. The Town requires a preconstruction conference prior to the initiation of any land-disturbing activities. If a preconstruction conference is not required, this condition will be noted on the approved plan.
2. No Person may initiate a land-disturbing activity before notifying the Town of the date that land-disturbing activity will begin. The start date should be shared with the Town prior to or during the preconstruction conference.
3. A plan approval issued under this article and a copy of the approved plan shall be prominently displayed on the job site until all construction is complete, all temporary measures have been removed, all permanent sedimentation and erosion control measures are installed, and the site has been stabilized.
4. If an approved plan is found to be ineffective at controlling erosion and sediment loss or an amendment is required, the Town will require a revised plan. Pending approval of the revised plan, work may be required to cease, or continue under conditions outlined by the Town and/or the original permit approval. Upon approval of the revised plan, work may advance and the revised plan shall be maintained onsite.

B. **Erosion Control Measure Must Conform to State Design Manual**
All soil erosion and sedimentation control plans and measures must conform to the minimum applicable standards specified in the most recent North Carolina's Erosion and Sedimentation Control Planning and Design Manual and applicable Town standard details.

C. **Fill Material**
Materials being used as fill shall be consistent with those described in 15A NCAC 13B.0562 unless the site is permitted by the Department of Environmental Quality's Division of Waste Management to operate as a landfill. Not all materials described in Section .0562 may be suitable to meet geotechnical considerations of the fill activity and should be evaluated accordingly.

D. **Sediment to be Held on Site**
The person conducting the land-disturbing activity shall install erosion and sedimentation control devices and practices that are sufficient to retain the sediment generated by the land-disturbing activity within the boundaries of the tract during construction upon and development of said tract. All land-disturbance is required to have silt fence on the low side of the lot and a construction entrance with approved woven fabric that meets ASTM D 4632 standards.

E. **Stormwater Outlet Protection**

1. Land-disturbing activity shall be conducted in a manner so that the post construction velocity of the 25-year storm runoff in the receiving watercourse to the discharge point does not exceed the greater of:
   a. The maximum permissible velocity as listed in WFD3, or
   b. The velocity of the 25-year storm runoff in the receiving watercourse prior to development.
2. If neither of these conditions can be met, the receiving watercourse to and including the discharge point shall be designed and constructed to withstand the expected velocity anywhere the velocity exceeds the pre-development velocity by greater than or equal to ten percent.
3. This outlet protection conditions will not apply where it can be demonstrated to the Town that stormwater discharge velocities will not create an erosion problem in the receiving watercourse.

F. **Sediment Basins**
Sediment basins shall have settling efficiency as outlined in the North Carolina Erosion and Sediment Control Planning and Design Manual.

G. **Stabilization Required**
Stabilization shall be provided whenever land-disturbing activities have ceased, or have temporarily ceased, on any portion of the site. Stabilization timeframes should match most recently published NCDEQ guidelines.

H. **Ground Cover**
Whenever land-disturbing activity that will disturb more than one-half acre (21,780 square feet) is undertaken on a tract, the Person conducting the land-disturbing activity shall install erosion and sedimentation control devices and practices that are sufficient to retain the sediment generated by the land-disturbing activity within the boundaries of the tract during construction upon and development of said tract, and shall plant or otherwise provide a permanent ground cover sufficient to restrain erosion after completion of construction or development. Permanent ground cover sufficient to restrain erosion must be accomplished within 90 calendar days following completion of construction or development.

I. **Slope and Fill Angles**
The angle for graded slopes and fills may not be greater than the angle that can be retained by vegetative cover or other adequate erosion control devices or structures (typically two horizontal feet per every vertical foot, or a ratio of 2:1), as detailed in Section 12.5. In any event, slopes left exposed shall be provided with ground cover, devices, or structures sufficient to restrain erosion. For all areas of moderate or steep slopes, temporary ground cover shall be provided if the slope has not been disturbed for a period of 14 days.

J. **Protection from Storm Required**

1. **Design Storm**
Erosion and sedimentation control measures, structures, and devices shall be planned, designed, and constructed to provide protection from the calculated maximum peak rate of runoff from the 25-year storm. Runoff rates shall be calculated using the procedures in the latest edition of the United States Department of Agriculture (USDA), Natural Resources Conservation Service's "National Engineering Field Handbook", or other Town approved methods.

2. **Falls Lake Watershed**
In the Falls Lake Watershed, the following requirements shall apply.

   a. **Maximum Peak Rate of Runoff Protection**
   Erosion and sedimentation control measures, structures, and devices shall be planned designed and constructed to provide protection from the runoff of the 25-year storm which produces the maximum peak rate of runoff as calculated according to the procedures in the United States Department of Agriculture Soil Conservation Service's "National Engineering Field Manual for Conservation Practices" or according to procedures adopted by any other agency of the state or the United States or Town approved approach.

   b. **Sediment Settling Efficiency**
   Sediment basins shall be planned, designed, and constructed so that the basin will have a settling efficiency of at least 70 percent for the 40-micron size soil particle transported into the basin by the runoff of the two-year storm that produces the maximum peak rate of runoff as calculated according to procedures in the latest edition of the United States Department of Agriculture Natural Resources Conservation Service's "National Engineering Field Handbook" or according to procedures adopted by any other agency of the State or the United States.

   c. **Channel Grades**
   Newly constructed open channels shall be planned, designed, and constructed with side slopes no steeper than two feet horizontal to one foot vertical if a vegetative cover is used for stabilization unless soil conditions permit steeper side slopes or where the side slopes are stabilized by using mechanical devices, structural devices, or other ditch liners enough to restrain accelerated erosion. The angle for side slopes shall be enough to restrain accelerated erosion.

d. **Ground Cover**
For an area of land-disturbing activity where grading activities have been completed, temporary or permanent ground cover sufficient to restrain erosion shall be provided as soon as practicable, but in no case later than seven calendar days after completion of grading. For an area of land-disturbing activity where grading activities have not been completed, temporary ground cover shall be provided as detailed in Table 12-3.

Table 12-3: Ground Cover Requirements per Slope Type

Slope Type	Standard	Administrative Approval Required
No slope	Temporary ground cover shall be provided for the area if it has not been disturbed for a period of 14 calendar days.	No
Moderate slope - For purposes of this Item, "moderate slope" means an inclined area, the inclination of which is less than or equal to three (3) feet horizontal to one (1) foot vertical.	Temporary ground cover shall be provided for the area if it has not been disturbed for a period of 10 calendar days.	No
Steep slope - For purposes of this Item, "steep slope" means an inclined area, the inclination of which is greater than three (3) units of horizontal distance to one (1) unit of vertical distance.	Temporary ground cover shall be provided for the area if it has not been disturbed for a period of seven calendar days.	Yes

3. **High Quality Water (HQW) Zones**
In HQW zones the following design standards shall apply as described below. HQW in the Town includes the Smith Creek Critical Area District and Little River Protected Area District (see Official Zoning Map).

a. **Limit on Uncovered Areas**
Uncovered areas in HQW zones shall be limited at any time to a maximum of 20 acres within the boundaries of the tract. Only the portion of the land-disturbing activity within the HQW zone shall be governed by this Section 12.4.5.J.3.a. Larger areas may be uncovered within the boundaries of the tract with the written approval of the Administrator, upon providing engineering justification with a construction sequence that considers phasing, limiting exposure, weekly submitted self-inspection reports, and a more conservative design than the 25-year storm.

b. **Maximum Peak Rate of Runoff Protection**
The maximum peak rate of runoff shall be the same as the rate that applies to the Falls Lake Watershed in accordance with Section 12.4.5.J.2 above.

c. **Sediment Settling Efficiency**
Sediment Basins within HQW zones shall be designed and constructed such that the basin shall be planned, designed, and constructed to:

i. Use a surface withdrawal mechanism, except when the basin drainage area is less than one acre,

ii. Have a minimum of 1800 cubic feet of storage area per acre of disturbed area,

iii. Have a minimum surface area of 325 square feet per cfs of the 25-year peak flow,

iv. Incorporate three baffles, unless the basin is less than 20 feet in length, in which case two baffles is sufficient,

v. Upon written request, alternative design and control measures in lieu of Sections i through iv above may be reviewed and approved if they will provide an equal or more effect level of erosion and sediment control on the site.

d. **Grade**
The grade standards shall be the same that apply in the Falls Lake Watershed in accordance with Section 12.4.5.J.2 above.

12.4.6. Construction Buffer Zones

A. **Standard Buffer**
All land-disturbing activity shall adhere to the watercourse buffer requirements in Section 12.9.8. In addition, no land-disturbing activity during periods of construction or improvement to land shall be permitted in proximity to a lake or natural watercourse unless a watercourse buffer zone is provided along the margin of the watercourse of sufficient width to confine visible siltation within the 25 percent of the buffer zone nearest the land-disturbing activity.

1. **Projects On, Over or Under Water**

   a. The construction buffer requirement shall not apply to a land-disturbing activity in connection with the construction of facilities to be located on, over, or under a lake or natural watercourse. Additional requirements of the NCDEQ and/or USACE may apply.

   b. Projects shall minimize the extent and duration of disruption of the stream channel. Where relocation of a stream forms an essential part of the proposed activity, the relocation shall minimize changes in the stream flow characteristics.

2. **Construction Buffer Measurement**
Unless otherwise provided, the width of a buffer zone is measured horizontally from the edge of the water to the nearest edge of the disturbed area, with the 25 percent of the strip nearer the land-disturbing activity containing natural or artificial means of confining visible siltation.

12.4.7. Responsibility for Maintenance

A. **Owner Shall Be Responsible for Maintenance**
During the development of a site, the financially responsible owner must install and maintain all temporary and permanent erosion and sedimentation control measures as required by the approved plan, any provision of this article, or state regulations. After site development, the landowner, association, or person in possession or control of the land must maintain all necessary permanent erosion and sediment control measures, except those measures installed within a road or street right-of-way or easement accepted for maintenance by a governmental agency.

B. **Maintenance Violations**
It is a violation of the erosion and sedimentation control regulations in this Section 12.4 for any persons, companies, or corporations to leave mud, dirt, dust or other material upon open public streets, sidewalks, greenways, other travel ways or off site.

C. **Additional Measures**
Whenever the Town, determines that accelerated erosion and sedimentation continues despite the installation of protective practices, they shall direct the Person conducting the land-disturbing activity to take additional protective action necessary to achieve compliance with the conditions specified in the SPCA or its rules.

D. **Inspections**

1. The landowner, the financially responsible party, or the landowner's or the financially responsible party's agent shall perform an inspection of the area any time a permit is required according to Section 12.4.2.

   a. The inspection shall be conducted in accordance with Part III of the NCG01 permit regardless of whether the disturbance exceeds 1 acre.

   b. Inspections shall be performed after each phase of the plan has been completed and after establishment of temporary ground cover in accordance with NCGS §113A-57(2). In addition, weekly and rain-event self-inspections are required by federal regulations, that are implemented through the NPDES Construction General Permit No. NCG01.

   c. The Person who performs the inspection shall maintain and make available a record of the inspection at the site of the land-disturbing activity. The record shall set out any significant deviation from the approved erosion control plan, identify any measures that may be required to correct the deviation, and document the completion of those measures. The record shall be maintained until permanent ground cover has been established as required by the approved erosion and sedimentation control plan.

   d. The inspections required by this Section 12.4.7.D shall be in addition to inspections required by NCGS §113A-61.1.

2. Agents, officials, or other qualified persons authorized by the Town, will periodically inspect

land-disturbing activities to ensure compliance with the SPCA, this UDO, or rules or orders adopted or issued pursuant to this UDO and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation resulting from the land-disturbing activity. Notice of the right to inspect shall be included in the certificate of approval of each plan.

3. No person shall willfully resist, delay, or obstruct an authorized representative, employee, or agent of the Town, while that person is inspecting or attempting to inspect a land-disturbing activity under this Section 12.4.7.D. The Town shall have the power to conduct inspections or investigations as it may reasonably deem necessary to carry out its duties as administrator of this UDO. Agents, officials, or other qualified persons authorized by the Town shall have the power to conduct such inspections or investigations on presenting appropriate credentials for this purpose, and shall be authorized to enter at reasonable times, any property, public or private, for the purpose of investigating and inspecting the sites of any land-disturbing activity. The Town shall also have the power to require written statements, or filing of reports under oath, with respect to pertinent questions relating to land-disturbing activity.
4. If the Town determines that a person engaged in land-disturbing activity has failed to comply with the SPCA, this UDO, or rules, or orders adopted or issued pursuant to this UDO, a notice of violation shall be served upon that person. The notice may be served by any means authorized under GS 1A-1, Rule 4. The notice shall specify a date by which the person must comply and inform the person of the actions that need to be taken to comply. Any person who fails to comply within the time specified is subject to additional civil and criminal penalties for a continuing violation. If the person engaged in the land-disturbing activity has not received a previous notice of violation under this Section 4, the Town shall offer assistance in developing corrective measures.
5. Erosion self-inspections must be conducted by each permit holder per NCGS §15A NCAC 04B .0131.
6. Stormwater self-inspections must be conducted by each permit holder per NCG01.

12.4.8. Operation in Lakes or Natural Watercourses

Land-disturbing activity in connection with construction in, on, over, or under a lake or natural watercourse shall comply with the watercourse buffer requirements in Section 12.9.8, the requirements of NCDEQ and the US Army Corps of Engineers.

12.5 Grading

12.5.1. General Grading Standards

A. **Allowable Slopes**

1. Except as otherwise specified in this UDO, the maximum allowable slope of disturbed areas shall be 2:1 with suitable vegetation for slope stabilization as detailed in the WFD3. Turf grasses (i.e., grasses that need to be mowed) shall not be utilized.
2. The maximum allowable slope at the toe of retaining walls shall be 3:1.
3. If grading is proposed in perimeter landscape buffers or other areas along property lines, slopes no greater than 3:1 are allowed in order to ensure proper transition of grades between properties and to facilitate landscaping and maintenance.

B. **Verification**
Existing and proposed topography grades shall be verified by a licensed surveyor.

12.5.2. Fine Grading

A. **Changes to Grade**
After rough grading of a residential subdivision is completed, the grade of each residential may be raised or lowered

1. Up to four feet at any point, and
2. Up to 12 feet to accommodate foundation walls incorporated into the principal structure for walk-out basements.

B. **Positive Drainage**

1. Positive drainage away from buildings shall be required.

2. The minimum allowed slope for an impervious area is one percent except where building code is more stringent.
3. The minimum allowed slope for a pervious area is two percent.
4. Efforts shall be made to mitigate drainage impacts of downstream properties.

12.6 Flood Damage Prevention

12.6.1. General Provisions

A. **Findings**

1. The flood prone areas within the jurisdiction of the Town are subject to periodic inundation which can result in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
2. These flood losses can be caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood prone areas of uses vulnerable to floods or other hazards to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

B. **Purpose**

1. It is the purpose of this Section 12.6 to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within the flood prone areas by provisions designed to:
    a. Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities,
    b. Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction,
    c. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters,
    d. Control filling, grading, dredging, and all other development that may increase erosion or flood damage, and
    e. Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.
2. Specific objectives of the flood damage prevention provisions are as follows:
    a. To protect human life and health,
    b. To minimize expenditure of public money for costly flood control projects,
    c. To minimize the need for rescue and relief efforts associated with flooding and generally
    d. To minimize prolonged business losses and interruptions,
    e. To minimize damage to public facilities and utilities,
    f. To minimize damage to private and public property due to flooding,
    g. To maintain the natural and beneficial functions of floodplains,
    h. To help maintain a stable tax base by providing for the sound use and development of flood prone areas,
    i. To ensure that potential buyers are aware that property is in a Special Flood Hazard Area, and
    j. To ensure the availability of flood insurance to the community through the National Flood Insurance Program.

C. **Authority**

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Article 6 of Chapter 153A; Article 8 of Chapter 160A; and Article 7, 9, and 11 of Chapter 160D of the North Carolina General Statutes, delegated to the Town the authority to adopt regulations designed to promote the public health, safety, and general welfare.

D. **Applicability**

This Section 12.6 shall apply to all Special Flood Hazard Areas within the jurisdiction, including the ETJ, of the Town.

E. **Establishment of Flood Hazard Areas**

1. The Special Flood Hazard Areas and Future Conditions Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Insurance Study (FIS) and its accompanying Flood Insurance Rate Maps (FIRM) for Wake County and Franklin County dated July 19, 2022 and April 16, 2013 and their accompanying Digital Flood Insurance Rate Map Panels (1738, 1739, 1748, 1749, 1759,1830, 1831, 1832, 1840, 1841, 1842, 1850, 1851, 1852, 1860, and 1861), and any revisions thereto, including any digital data developed as part of the FIS, which are adopted by reference and declared to be part of this UDO. The "Special Flood Hazard Areas" also include those defined through standard engineering analysis for private developments or by governmental agencies, but which have not yet been incorporated into the FIRM. Preliminary FIRM data may be used for design purposes, Conditional Letters of Map Revisions (CLOMR), and No-Rise analysis with concurrence of the Floodplain Administrator for the Floodplain Development Permit. Letters of Map Change (LOMC) must be based on the most recently adopted effective model approved by FEMA.
2. In addition, upon annexation to the Town or inclusion in the ETJ, the Special Flood Hazard Areas identified by the Federal Emergency Management Agency (FEMA) and/or produced under the Cooperating Technical State agreement between the State of North Carolina and FEMA as stated above, for the unincorporated areas of Wake County and Franklin County, with accompanying maps and other supporting data are adopted by reference and declared to be part of this UDO.
3. A professional evaluation shall be provided of the potential changes in the Special Flood Hazard Area elevation caused by the obstruction, encroachment, alteration, or relocation of areas identified to have flood hazard soils by Wake County with a total drainage area of more than five acres.

F. **Development Restrictions**
Development in the Special Flood Hazard Areas shall be limited to the following:

1. Development that is new residential construction or a substantial residential improvement on a parcel of land that has no buildable area outside the Special Flood Hazard Area (SFHA) and was recorded prior to May 2, 2006, and that complies with all applicable standards in Section 12.6.2.
2. Development for roads, greenways, pedestrian crossings, park-related equipment, or public utilities and facilities such as wastewater, gas, electrical, and water systems that are located and constructed to minimize flood damage. Structures for pedestrian crossings (e.g., footbridges, etc.), playground equipment, and other similar items may be permitted if the applicant provides certification by a Professional Engineer, architect, or landscape architect that these encroachments will not result in an increase in flood levels during the base flood.

G. **Floodplain Development Permit**
A Floodplain Development Permit shall be required to develop in a Flood Hazard Area in conformance with the provisions of this Section 12.6 and Section 16.6.8 prior to the commencement of any development activities within Special Flood Hazard Areas and Future Conditions Flood Hazard Areas.

H. **Warning and Disclaimer of Liability**
The degree of flood protection required by this UDO is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Floods larger than those considered by this UDO can and will occur. Actual flood heights may be increased by man-made or natural causes. This UDO does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This UDO shall not create liability on the part of the Town or by any officer or employee thereof for any flood damages that result from reliance on this UDO or any administrative decision lawfully made hereunder.

I. **Definitions**
Definitions specific to the application and administration of the provisions for flood damage reduction in this Section 12.6 are indicated as such in Chapter 18 with the parenthetical note "(Floodplain Development)". All other terms in this Section 12.6 shall be defined according to their standard definition in Chapter 18, or if not listed, shall have their everyday meaning as determined by their dictionary definition.

12.6.2. Provisions for Flood Hazard Reduction

A. **General Standards**
In all Special Flood Hazard Areas the following provisions are required:

1. Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this UDO, shall meet the requirements of "new construction" as contained in this UDO.
2. All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.
3. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage in accordance with the FEMA Technical Bulletin 2, Flood Damage-Resistant Materials Requirements.
4. All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.
5. All new electrical, heating, ventilation, air-conditioning, plumbing, duct systems, and other building utility systems, equipment, and service facilities must be located at or above the Regulatory Flood Protection Elevation (RFPE) and/or specially designed to prevent water from entering or accumulating within the components and installed to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding to the design flood elevation. These utility systems, equipment, and service facilities include, but are not limited to, HVAC equipment, water softener units, bath/kitchen plumbing fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, appliances (washers, dryers, refrigerators, freezers, etc.), hot water heaters, and electric outlets/switches. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.
7. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
8. Nonconforming buildings or uses may not be enlarged, replaced, or rebuilt unless such enlargement or reconstruction is accomplished in conformance with the provisions of this Section 12.6. Nothing in this UDO shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this UDO and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the Regulatory Flood Protection Elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this UDO.
9. For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the planning, design and construction shall be coordinated with the Floodplain Administrator. The administrator will provide guidance for confirming whether the proposed work constitutes substantial improvement or repair of substantial damage.
10. New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted in a Special Flood Hazard Area. No variances shall be granted for these facilities.
11. All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.
12. All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
13. All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
14. All subdivision proposals and other development proposals shall have received all necessary permits

from those governmental agencies for which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

B. **Specific Standards and Restrictions**
In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided and in Future Conditions Flood Hazard Areas where Future Conditions Flood Elevations data has been provided, the following additional provisions are required:

1. **Residential Construction**

a. New construction of or substantial improvements to any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation.

b. No proposed lot for development that is wholly or partly subject to flooding shall be approved unless there is established on the final plat a line representing an actual contour as determined by field survey of the Special Flood Hazard Area elevation as determined by the Federal Emergency Management Agency (FEMA) Special Hazard Area Maps. Such a line shall be known and identified on the site plan or subdivision plan and final plat as the "Development Restriction Flood line."

c. Subdivisions approved prior to May 2, 2006, may plat lots for development located within the Special Flood Hazard Area if the subdivision complies with the requirements in place prior to May 2, 2006. Subdivisions approved after May 2, 2006, may plat lots for development located within the Special Flood Hazard Area only if all of the following criteria are met:

i. The Special Flood Hazard Area affects a maximum area of 10% or less of the total acreage of the subdivision,

ii. There is no reason for the formation of a homeowner's association other than to retain ownership and maintenance responsibility for the Special Flood Hazard Area (e.g., covenant, other common areas), and

iii. The Special Flood Hazard Area is placed in a permanent conservation easement at plat recordation.

2. **Non-Residential Construction**

a. New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation.

b. Structures located in A, AE, and X (Future) Zones may be floodproofed to the Regulatory Flood Protection Elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the Regulatory Flood Protection Elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.

c. A Professional Engineer, Professional Land Surveyor or Registered Architect shall certify that the standards in this Section 12.6.2.B.2 are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Section 16.6.8 along with the operational and maintenance plans.

3. **Elevated Buildings**
In new construction or substantial improvements of elevated buildings, fully-enclosed areas below the lowest floor shall conform to the following standards:

a. Such enclosed areas shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises.

b. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas.

c. Such enclosed areas shall be constructed entirely of flood resistant materials below the Regulatory Flood Protection Elevation.

d. In Zones A, AE and X (Future), such enclosed areas shall include flood openings to

automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:

i. Provide a minimum of two flood openings on different sides of each enclosed area subject to flooding,

ii. The total combined area of all flood openings must be at least one square inch for each square foot of enclosed area subject to flooding,

iii. If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit,

iv. The bottom of all required flood openings shall be no higher than one foot above the adjacent grade,

v. Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions, and

vi. Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

4. **Additions**
All additions must meet the applicable standards for new construction.

5. **Recreational Vehicles**
Recreational vehicles shall either:

a. Be on-site for fewer than 180 consecutive days and be fully licensed and ready for highway use with up-to-date state inspection and tags (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions), or

b. Meet all the requirements for new construction if the Recreational vehicles do not meet the limitations of Temporary Placement.

6. **Accessory Structures**
When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

a. Accessory structures shall not be used for human habitation.

b. Accessory structures shall be constructed and placed on the building site to offer the minimum resistance to the flow of floodwaters.

c. Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below regulatory flood protection elevation in conformance with Section 12.6.2.B.3.d.

d. Certification requirements: An accessory structure with a footprint less than 150 square feet that satisfies the criteria outlined above does not require an elevation or floodproofing certificate. Elevation or floodproofing certifications are required for all other accessory structures in accordance with Section 16.6.8.

7. **Temporary Non-Residential Structures**
Prior to the issuance of a Floodplain Development Permit for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:

a. A specified time period for which the temporary use will be permitted. Time specified may not exceed three months, renewable up to one year,

b. The name, address, and phone number of the individual responsible for the removal of the temporary structure,

c. The time frame prior to the event at which a structure will be removed (i.e. minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification),

d. A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure, and

e. Designation, accompanied by documentation, of a location outside the Special Flood Hazard Area to which the structure will be moved.

C. **Standards for Floodplains Without Established Base Flood Elevations**
Within the Special Flood Hazard Areas designated as Approximate Zone A where no Base Flood Elevation (BFE) data has been provided by FEMA, the following provisions shall apply:

1. No encroachments, including fill, new construction, substantial improvements, or new development shall be permitted within a distance of 20 feet, each side, from the top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
2. The BFE used in determining the Regulatory Flood Protection Elevation shall be determined based on one of the following criteria set in priority order:
   a. If Base Flood Elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this UDO and shall be elevated or in accordance with elevations established by the Floodplain Administrator.
   b. All subdivision, manufactured home park and other development proposals shall provide Base Flood Elevation (BFE) data if development is greater than five acres or has more than 50 lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference to be utilized in implementing this UDO.

D. **Standards for Riverine Floodplains with Base Flood Elevations but without Established Floodways or Non-Encroachment Areas**
Along rivers and streams where BFE data is provided by FEMA or is available from another source but neither floodway nor non-encroachment areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

1. The standards in Sections 12.6.2.A and 12.6.2.B; and
2. Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point.

E. **Floodway and Non-Encroachment Areas**
Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following additional provisions shall apply to all development within such areas:

1. No encroachments, including fill, new construction, substantial improvements, and other developments shall be permitted unless it has been demonstrated that:
   a. the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of Floodplain Development Permit, or
   b. if an increase in base flood will occur due to the proposed encroachments, an evaluation of alternatives, which would not result in the base flood increase, should be provided for review by the Floodplain Administrator demonstrating why these alternatives are not feasible. Upon approval by the Floodplain Administrator, a Conditional Letter of Map Revision (CLOMR) must be approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained upon completion of the proposed encroachment.
2. No manufactured or mobile homes shall be permitted, except an existing manufactured home subdivision or mobile home park. A replacement

manufactured, or mobile home may be placed on a lot in an existing manufactured home subdivision or mobile home park provided the anchoring and the elevation standards of this UDO are met.

3. If Section 1 above, is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this UDO.
4. No manufactured homes shall be permitted within floodways or non-encroachment areas, except replacements of existing manufactured homes which meet the following provisions:
    a. Manufactured and mobile homes shall be anchored to prevent flotation, collapse, or lateral movement in accordance with the Regulations for Mobile Homes and Modular Housing adopted by the Commissioners of Insurance pursuant to NCGS 143-143.15. Additionally, when the chassis elevation is 36 inches or less above the grade within a flood prone area, the chassis shall be supported by reinforced piers or other foundation elements of at least equivalent strength. If the elevation of the chassis exceeds 36 inches in height an engineering certification is required. All enclosures or skirting below the lowest floor shall meet the requirements of Section 12.6.2.B.3.
    b. The no encroachment standard of Section 1 above.
    c. An evacuation plan shall be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home subdivisions or mobile home parks located within flood prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local emergency management coordinator.
    d. An existing manufactured home subdivision or mobile home park on which a manufactured or mobile home has incurred "substantial damage" as a result of a flood, must be elevated on a permanent foundation such that the lowest floor of the manufactured or mobile home is elevated no lower than two feet above the base flood elevation.

12.6.3. Review and Decision Making

The Administrator shall be responsible for review and decision-making related to the floodplain management program as follows:

A. Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas and Future Conditions Flood Hazard Areas in accordance with Section 16.6.8 to assure that the requirements of this UDO have been satisfied.

B. Advise permittee that additional Federal or State permits (Wetlands, Endangered Species, Erosion and Sedimentation Control, Riparian Buffers, Mining, etc.) may be required, and require that copies of such permits be provided and maintained on file with the Floodplain Development Permit.

C. Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).

D. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

E. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

F. Obtain actual elevation (in relation to mean sea level) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with Section 16.6.8.

G. Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with Section 16.6.8.

H. When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with Section 16.6.8 and Section 12.6.2.B.

I. Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas or Future Conditions Flood Hazard Areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable

opportunity to appeal the interpretation as provided in this UDO.

J. When Base Flood Elevation (BFE) data has not been provided, obtain, review, and reasonably utilize any Base Flood Elevation (BFE) data, along with floodway data or non-encroachment area data available from a Federal, State, or other source, in order to administer the provisions of this UDO.

K. When Base Flood Elevation (BFE) data is provided but no floodway nor non-encroachment area data has been provided, obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a Federal, State, or other source in order to administer the provisions of this UDO.

L. When the lowest ground elevation of a parcel or structure located within Zone AE is above the Base Flood Elevation (BFE), advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the Letter of Map Amendment (LOMA) issued by FEMA in the Floodplain Development Permit file.

M. Permanently maintain all records that pertain to the administration of this UDO and make these records available for public inspection.

N. Make on-site inspections of work in progress. As the work pursuant to a Floodplain Development Permit progresses, the floodplain administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the floodplain administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.

O. Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this UDO, the floodplain administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.

P. Revoke Floodplain Development Permits as required. The floodplain administrator may revoke and require the return of the Floodplain Development Permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any Floodplain Development Permit mistakenly issued in violation of an applicable State or local law may also be revoked.

Q. Make periodic inspections throughout all special flood hazard areas within the jurisdiction of the community. The floodplain administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

R. Follow through with corrective procedures of Chapter 17.

S. Review and provide input for variance requests.

T. Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and other official flood maps and studies adopted in accordance with this Section 12.6, including any revisions thereto including Letters of Map Change, issued by FEMA, and to notify the State and FEMA of mapping needs.

U. Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-F) and Letters of Map Revision (LOMR).

12.7 Stormwater Management

12.7.1. Findings and Purpose

A. **Findings**

1. It has been determined that development and redevelopment (as defined in NCGS §143-214.7) can alter the hydrologic response of local watersheds and increases stormwater runoff rates and volumes, flooding, soil erosion, stream channel erosion, nonpoint and point source pollution, and sediment transport and deposition, as well as reducing groundwater recharge.
2. These changes in stormwater runoff contribute to increased quantities of water-borne pollutants and alterations in hydrology which are harmful to public health and safety as well as to the natural environment.
3. These effects can be managed and minimized by applying proper design and well-planned controls to manage stormwater runoff from development sites.

B. **Purpose**

The purpose of this Section 12.7 is to protect, maintain and enhance the public health, safety, environment, and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-development stormwater runoff and nonpoint and point source pollution associated with new development and redevelopment (nitrogen and phosphorous are of particular interest). This UDO seeks to meet its general purpose through the following specific objectives and means:

1. Establishing decision-making processes for development that protects the integrity of watersheds and preserves the health of water resources
2. Requiring that new development and redevelopment maintain the pre-development hydrologic response in their post-development state as practicable for the applicable design storm in order to reduce flooding, stream bank erosion, nonpoint and point source pollution and increases in stream temperature, and to maintain the integrity of stream channels and aquatic habitats,
3. Requiring that new development not exceed export targets for nitrogen and phosphorus in stormwater runoff for the watershed through site layout, engineering stormwater controls, or permanent nutrient offset credit,
4. Establishing minimum post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality,
5. Establishing design and review criteria for the construction, function, and use of structural Stormwater Control Measures (SCMs) that may be used to meet the minimum post- development stormwater management standards,
6. Encouraging the use of better management and site design practices, such as the use of vegetated conveyances for stormwater and the preservation of greenspace and other conservation areas to the maximum extent practicable,
7. Establishing provisions for the long-term responsibility for and maintenance of structural and nonstructural SCMs to ensure that they continue to function as designed, are maintained appropriately, and pose no threat to public safety,
8. Establishing administrative procedures for the submission, review, approval, and denial of stormwater management plans, for the inspection of approved projects, and to assure appropriate long-term maintenance,
9. Controlling illicit discharges into the municipal separate stormwater system and waters of the State,
10. Providing education and outreach to the public regarding methods to prevent and minimize pollutant contributions to the municipal separate stormwater system and waters of the State.
11. Further, the Federal Water Pollution Control Act of 1972 ("Clean Water Act") and federal Phase II Stormwater Rules promulgated under it, as well as rules of the North Carolina Environmental Management Commission promulgated in response to federal Phase II requirements, compel certain urbanized areas, including the Town, to adopt stormwater controls such as those included in this chapter.
12. Further, the Commission has identified the Neuse River Estuary, as nutrient sensitive waters; has identified all or a portion of the estuary as impaired waters due to exceedances of the chlorophyll a

standard; and has promulgated rules (the Neuse Nutrient Strategy Rules) to reduce the average annual loads of nitrogen and phosphorus delivered to the estuary from all point and nonpoint sources of these nutrients located within its watershed, including stormwater from new development in this jurisdiction.

12.7.2. Applicability

A. **Generally**

1. Beginning with and subsequent to its effective date (July 16, 2013), this stormwater ordinance shall be applicable to all development and expansion of development throughout the corporate limits and extraterritorial jurisdiction including, but not limited to, site plan applications, subdivision applications, and grading applications, unless exempt pursuant to this UDO. No development or expansion of development for which a permit is required pursuant to this UDO shall occur except in compliance with the provisions, conditions, and limitations of the permit. All projects shall meet the stormwater system design requirements set forth in 15A NCAC 02H .1003 and 15A NCAC 02B .0711.
2. Table 12-4 details the development and redevelopment types that are exempt from the standards in this Section 12.7. The exemptions of this Section 12.7.2 shall not exempt compliance with building coverage standards in Section 2.4.
3. The exemptions in this Section 12.7.2 do not apply to illicit discharges and connections. The provisions regarding illicit discharges and connections in Section 12.7.15 shall apply in all districts and for all types of development.

Table 12-4: Development/Redevelopment Type Stormwater Exemptions

Development/Redevelopment Type	New Area Proposed to be Disturbed	Can Expand Built-Upon Area
Single-Family and Duplex residential and related recreational development and expansion of development [1]	< 1 acre	Yes, if cumulative built-upon area ≤ 50%
Commercial, Industrial, Institutional, Multifamily Residential or local government development [1]	< 0.5 acre	Yes, if cumulative built-upon area ≤ 24 %
Development of an individual Single-Family or Duplex Residential lot [1]	Any	Yes, if cumulative built-upon area ≤ 5%
Existing development or redevelopment with no net increase in built-upon area and/or 12.8.4 coverage	Any, if proposed improvements include greater or equal stormwater control as previous development	No
Development or redevelopment of State or Federally owned properties	Any	Yes
Activities subject to requirements of the Neuse Agriculture Rule, 15A NCAC 02B .0712	Any	Yes
Development or expansion of development with a vested right per the standards of NCGS §160D-108	Any	Yes

Notes

[1] Development that disturbs less than the above thresholds are not exempt if such activities are part of a larger common plan of development or sale, as defined in 15A NCAC 02H .1002, and the larger common plan exceeds the relevant threshold, even though multiple, separate, or distinct activities take place at different times on different schedules.

B. **Concurrency with Clean Water Act**
Activities that are exempt from the permit requirements of Section 404 of the federal Clean Water Act, as specified in 40 CFR 232 (primarily, ongoing farming and forestry activities), are exempt from the stormwater management provisions of this Section 12.7.

C. **Concurrency with State Neuse River Basin Standards**

1. All development and redevelopment shall comply with the standards of the Neuse River Basin: Nutrient Sensitive Waters Management Strategy: Protection and Maintenance of Riparian Areas with Existing Forest Vegetation, readopted as an effective 1 April 2020 (15A NCAC 2B .0710), or as amended.
2. Note specifically the protection and maintenance of riparian areas (15A NCAC 2B .0233) and the stormwater guidance (15A NCAC 2B .0711). Proposed development not excluded from these standards shall meet either a nitrogen loading rate target of 3.6 pounds/acre/year or "runoff volume match" as detailed therein.

12.7.3. Stormwater Approval Required

Stormwater approval is required for all development and redevelopment unless exempt pursuant to Section 12.7.2. Stormwater approvals pursuant to this Section 12.7 shall be granted as part of the Construction Plan process in Section 16.6.6 or Zoning Compliance Permit Process in Section 16.6.15.

12.7.4. Deed Restriction or Covenants Required

The approval of a land disturbance permit shall require an enforceable restriction on property usage that runs with the land, such as a recorded deed restriction or protective covenants, to ensure that future development and redevelopment maintains the site consistent with the approved plan.

12.7.5. Calculation Requirements

All stormwater calculations (runoff, pipe, ditch and inlet sizing, outlet protection, and detention routing (if required)) shall be submitted to the Administrator in accordance with the Town's application submittal checklist for the application involved. Calculations shall consider inlet and outlet control, hydraulic grade line and backwater as applicable. All detention facilities shall be designed to attenuate developed condition peak discharges to the existing conditions for the given storm as described in the Manual of Specifications, Standards and Design.

12.7.6. Review Procedures

A stormwater review is required for all development and expansion of development unless exempt pursuant to this UDO. The review will be performed during the application process (see Chapter 16) and will only commence upon receipt of a properly submitted permit application. The Stormwater Administrator may impose conditions of approval as needed to ensure compliance with this UDO. The conditions shall be included as part of the approval Applications and shall include the following components:

A. **Existing Conditions / Proposed Site Plans**
Existing conditions and proposed site layout plans, which illustrate at a minimum:

1. Existing and proposed topography,
2. Perennial and intermittent streams,
3. Mapping of predominant soils from soil surveys (if available),
4. Stream and other buffers and features used in designing buffers and meeting any applicable buffer requirements,
5. Boundaries of existing predominant vegetation,
6. Proposed limits of clearing and grading, and
7. Location of existing and proposed roads, buildings, parking areas and other impervious surfaces with the square footage and percentage of impervious area listed.

B. **Natural Resources Inventory**
A written or graphic inventory of natural resources at the site and surrounding area as it exists prior to the commencement of the project. This description should include a discussion of soil conditions, forest cover, geologic features, topography, wetlands, and native vegetative areas on the site, as well as the location and boundaries of other natural feature protection and conservation areas such as lakes, ponds, floodplains, stream buffers and other setbacks (e.g., drinking water well setbacks, septic setbacks, etc.). Particular attention should be paid to environmentally sensitive features that provide particular opportunities or constraints for development and stormwater management.

C. **Stormwater Management System Concept Plan**
A written or graphic concept plan of the proposed post-development stormwater management system including:

1. Preliminary selection and location of proposed engineered stormwater controls,
2. Low-impact design elements,
3. Location of existing and proposed conveyance systems such as grass channels, swales, and storm drains,
4. Flow paths,
5. Preliminary pre- and post-development flows for the site,
6. Location of floodplain/floodway limits,
7. Relationship of site to upstream and downstream properties and drainages, and
8. Preliminary location of any proposed stream channel modifications, such as bridge or culvert crossings.

12.7.7. Nitrogen Loading

A. **Loading Rate Targets**
The project shall meet either a nitrogen stormwater loading rate target of 3.6 pounds per acre per year (lb/ac/yr) or meet "runoff volume match" as defined in 15A NCAC 02H.1002.

B. **Calculation Area**
The project area used for nutrient calculation and stormwater requirements includes the site area less any existing built-upon area. The project density used for determining stormwater requirements is the amount of built-upon area subject to this UDO at project completion divided by the project area.

C. **Accounting for SCMs**
The developer shall determine the nitrogen load and loading rate generated from the project area without engineered stormwater controls and determine the needed nitrogen load reduction to meet nutrient targets by using the approved accounting tool.

D. **Standards are Supplemental**
The nitrogen loading standards in this UDO are supplemental to, not replacements for, stormwater standards otherwise required by federal, state or local law, including without limitation any riparian buffer or water supply watershed requirements applicable to the location of the development. This includes, without limitation, the riparian buffer protection requirements of 15A NCAC 02B .0714 and .0295.

E. **Methods to Meet Loading Requirements**
Projects may reduce export of nitrogen through any combination of engineered stormwater controls treating runoff on the site, in an approved offsite regional engineered stormwater control, or through the acquisition of permanent nutrient offset credits. The developer shall calculate the nitrogen reduction provided by these controls using the Stormwater Nitrogen and Phosphorus (SNAP) accounting tool, as updated.

F. **Nutrient Offset Credits**
Sufficient permanent nutrient offset credits to meet project nutrient reduction needs not provided by engineered stormwater controls serving the project shall be acquired prior to approval of the development plan. The Stormwater Administrator shall issue an approval letter for the development that documents the needed nitrogen credits and where the development is located relative to the Name of Watershed Rules' geographic requirements. All permanent nutrient offset credits permitted by this UDO shall meet the requirements of 15A NCAC 02B .0703.

1. Permanent nutrient offset credits shall be acquired pursuant to NCGS §143-214.26 and 15A NCAC 02B .0703 prior to the start of construction of the project.
2. A developer subject to this UDO may acquire permanent nutrient offset credits through one of the following methods:
   a. Through a private nutrient bank,
   b. Through offsite offset provided by the developer and approved by name of local government,
   c. Through payment into the Riparian Buffer Restoration Fund established in NCGS §143-214.21.
3. Excess permanent nutrient offset credits acquired beyond what is required for the development may not be applied to any other development.

12.7.8. General Impervious Surface Standards for All Development

A. **Impervious Threshold and Design Criteria**
Regarding stormwater treatment and other onsite post-construction elements, projects not subject to more stringent standards under one of the following State stormwater rules or a local ordinance shall meet 15A NCAC 02H .1003, which includes specifications for low and high-impervious surface coverage designs, vegetated setbacks, and stormwater outlets for all projects. Such projects shall use a high-impervious treatment threshold of 24 percent or greater built-upon area and a storm depth of one inch for SCM design.

B. **Calculation of Impervious Surface/Built-Upon Area.**

1. Impervious surface/built-upon area calculations shall be made based on the total acreage of built-upon area within a proposed development, divided by the total acreage of the lot area. Total project area shall include total acreage in the tract on which the project is to be developed (refer to 15A NCAC 02H .1003). Impervious surface area shall be as defined within Chapter 18. Pervious materials may be excluded from the calculation of impervious area in accordance with NCGS §143-214.7.D.

2. An expansion project with existing development, may calculate project imperviousness based on the net increase. The calculated imperviousness shall be the total acreage of built-upon area proposed beyond the existing development, divided by the total acreage of the lot, minus the area of existing development. "Existing development" is any development or built-upon area which existed prior to the effective date of this UDO (July 16, 2013). Note that for development in water supply watersheds (see Section 12.8) a different date is utilized.

3. Projects under a common plan of development shall be considered as a single project for purposes of imperviousness calculation except that on a case-by-case basis, the Town may allow projects to be considered to have both high and low impervious surface coverage design areas based on one drainage area boundaries, deviations in land use, or construction phasing. Examples are provided below:

4. **Development/Redevelopment of Existing BUA Calculation**

Table 12-5: BUA Calculations

	Type of Development/Redevelopment		
	New Construction	**Addition of a New and Separate BUA on an Existing BUA Developed Property**	**Redevelopment Including the Modification of Existing BUA or "No Net Increase" in BUA**
Built-Upon Area (%)	= (Proposed BUA Acreage / Total Project Site Area Acreage) x 100	= [BUA Increased by Redevelopment / (Total Parcel Acreage – Total Existing or Adjusted BUA Acreage)] x 100	= [(Total BUA of Redevelopment – Portion within Existing BUA) / (Total Parcel Acreage – Total Existing or Adjusted BUA Acreage)] x 100
Example 1	An undeveloped 50-acre site will be developed to include 12 acres of built-upon area. Calculation of built-upon area for the site would be: % Built-upon Area = (12 acres) / (50 acres) x 100 = 24%.	A 20-acre site has 2 acres of existing BUA constructed prior to the effective UDO date (existing development). Redevelopment in an undeveloped portion of the site is proposed to increase the BUA by 4 acres to a total of 6 acres. The % BUA is calculated dividing the proposed redeveloped BUA acreage by the total project acreage less the existing BUA as follows: % BUA = [4 acres/(20 acres - 2 acres)] x 100 = 22.2% BUA. Since the proposed 22.2% BUA does not exceed 24% BUA, the project is considered Low Impervious Design.	A proposed 2.1-acre site has 1 acre of existing BUA that existed prior to the effective UDO date. Redevelopment is proposed for 0.5 acres of the existing 1 acres of BUA with an additional proposed 0.5 acres of BUA. The % BUA is calculated using the proposed additional BUA over the total area minus the unmodified BUA area as follows: % BUA = [(1.0 acre - 0.5 acres)/(2.1 acres – 1.0 acre)] x 100 = 45.5% BUA. Since the proposed 45.5% BUA exceeds 24% BUA, the project is considered High- Impervious Design.
Example 2			A proposed 2.1-acre site has 2 acres of existing BUA that existed prior to the effective UDO date. Redevelopment is proposed for 1.1 acres of the existing 2 acres of BUA with no net increase in impervious area. The % BUA is calculated using the proposed new BUA over the total area minus the unmodified BUA area as follows: % BUA = [(1.1 acre - 1.1 acres)/(2.1 acres – 2 acres)] x 100 = 0% BUA. Since the proposed 0% BUA is does not exceed 24% BUA, the project is considered Low Impervious Design.

5. **Drainage Area Considerations for New Development BAU Calculations**
   Per 15A NCAC .0624 (4d), projects may receive split consideration according to natural drainage area boundaries. This split evaluation is not acceptable for all projects and must be approved in advance by the Town. Drainage area determinations should be made based upon the site area(s) within the project boundaries that drain to a common point. A proposed project site could contain multiple drainage areas that need to be evaluated individually. To determine the drainage area(s) of a particular project, locate the point at which a stream or drainage feature leaves the property. Any on-site area that drains to that point is considered a distinct drainage area for BUA calculations. Off-Site drainage should not be included in this calculation. BUA calculations can allow district drainage areas to be combined into one drainage areas for evaluation if the district drainage areas converge together off-site near the project boundary. The determination of "near" the project boundary shall be calculated as 500 feet down stream and to a point where the proposed development is ten percent of the total watershed.

Table 12-6: Separate Drainage Area Calculation Approach Example

	Drainage Areas	
	Area A	**Area B**
Total Project Site		
Acres	50	
Drainage Area		
Acres	30	20
Built-upon area	4.1	8
Results		
High-Impervious Development Limit	0.24	0.24
% Built-Upon Area A&B	= (4.1 acres + 8 acres)/(50 acres) x 100=24.2%	
Result	24.2% > 24%, entire project site is considered High Impervious	

12.7.9. Standards for Low Impervious Surface Projects

Low impervious surface projects shall include those developments that have no more than 24 percent built-upon area for all residential and non-residential development. Total project area shall include total acreage in the tract on which the project is to be developed. In addition to complying with the project density development requirements of each water supply watershed in 12.8.1.E, low impervious surface projects shall comply with each of the following standards:

A. **Runoff Transport**
   Stormwater runoff shall be transported by vegetated conveyances to the maximum extent practicable.

   1. **Vegetated Conveyances**
      Stormwater runoff from the project shall be released to vegetated areas as dispersed flow or transported by vegetative conveyances to the maximum extent practicable. Vegetative conveyances shall be maintained in perpetuity to ensure that they function as designed. Vegetative conveyances shall meet the minimum design criteria (MDC) of 15A NCAC 02B.0624 5 (a).

   2. **Curb Outlet Systems**
      Curb and gutter systems with outlets to convey stormwater to grassed swales or vegetated areas may be used in lieu of vegetated conveyances if designed and constructed to meet the MDC of 15A NCAC 02B.0624 5(b).

   3. Treatment swales may be used in lieu of vegetated conveyances and curb outlet systems if designed in accordance with 15A NCAC 02H.1061.

B. **Watercourse Buffers (Minimum Each Side)**
   See Section 12.9.7

C. **Required Easements**
   Watercourse and drainage channels and underground storm drainage shall be within an easement that is at least 20 feet wide. Larger easement widths may be required where necessary, as determined by the Administrator, based on the proposed system design and components.

12.7.10. Standards for High-Impervious Surface Projects

High-impervious surface projects shall include those developments that have more than 24 percent built-upon area for all residential and non-residential development. Total project area shall include total acreage in the tract on which the project is to be developed. In addition to complying with the project density requirements of each water supply watershed in 12.8.1.E., high-impervious surface projects shall comply with each of the following standards:

A. **Runoff Control**
One or more primary SCM (or a combination of primary and secondary) shall be installed to achieve "Runoff Treatment" and "Runoff Attenuation" as defined in Chapter 18. The measures shall control and treat the volume of runoff generated from all built-upon area by one inch of rainfall and attenuate the peak flow leaving the project site for the 10-year, 24-hour storm and for the 25-year, 24-hour storm so that the volume of runoff is the same or less than the pre-development condition. SCMs shall meet the MDC of 15A NCAC 02H.1050 through .1062 and shall be designed in accordance with the Stormwater Design Manual published by the NCDEQ and with the WFD3.

B. **Impervious Surface Maximum**

1. New development shall not exceed 70 percent impervious surface on a project-by project basis in all districts other than the DT district, where new development is allowed 100 percent impervious surface.
2. For the purpose of calculating the impervious surface area, total project area shall include total acreage in the tract on which the project is to be developed. The Administrator or approving authority may reduce the impervious cover requirement at the time of plan approval based on plans adopted for specific areas of the Town or where it is impractical to meet current requirements.

C. **Watercourse Buffers (Minimum Each Side)**
See Section 12.9.8.

D. **Required Easements**
Watercourse and drainage channels and underground storm drainage shall be within an easement in accordance with Section 11.4.

12.7.11. Additional Standards for Falls Lake Watershed

A. **Applicability**
The requirements of this Section 12.7.11 shall apply within the Falls Lake Watershed as described below, and in accordance with 15A NCAC 2B .0277 3 (a-b). The watershed limits are displayed on the Zoning Map.

1. Development or redevelopment of single-family detached or duplex dwelling residential properties or recreational facilities that disturbs more than one-half of an acre;
2. Development or redevelopment of commercial, industrial, institutional, or multifamily residential land uses that disturb more than 12,000 square feet.

B. **Conflicts and Relation to Neuse Standards and Water Supply Watershed Protection Regulations**

1. The additional standards included herein, applicable to the Falls Lake Watershed are in addition to, and do not replace or negate any of the other standards in this Section 12.7. These standards only apply in the Falls Lake Watershed Management Area and do not affect the design or permitting requirements in the remainder of the Town's jurisdiction. In the case of a conflict, the more conservative/restrictive standard shall apply.
2. Similarly, these standards are in addition to the regulations in Section 12.8. Refer to Section 12.8 for additional information applicable to the Falls Lake Water Supply Watershed.

C. **Nitrogen and Phosphorous Loading**

1. Nitrogen and phosphorus loads contributed by the proposed new development shall not exceed the following unit-area mass loading rates:
   a. 2.2 pounds per acre per year for nitrogen, and
   b. 0.33 pounds per acre per year for phosphorus.
2. Proposed development that would replace or expand structures or improvements that existed as of December 2006, the end of the baseline period, and that would not result in a net increase in built-upon area shall not be required to meet the nutrient loading targets or high-density requirements except to the extent that the developer shall provide stormwater control at least equal to the previous development.

3. Redevelopment subject to this UDO that would replace or expand existing structures or improvements and would result in a net increase in built-upon area shall have the option of either meeting the loading standards identified in 12.7.6.C.1, above, or meeting a loading rate that achieves the following nutrient loads from the net increase in built-upon area (15A NCAC 02B .0275):
   a. 40 percent reduction for nitrogen, and
   b. 77 percent reduction for phosphorus.
4. The developer shall determine the need for engineered stormwater controls to meet these loading rate targets by using the accounting tool for nutrient loading approved by the Environmental Management Commission for the relevant geography and development type under review. The accounting tool is available through the NC DWQ website at: https://deq.nc.gov/about/divisions/water-resources/planning/nonpoint-source-management/nutrient-offset-information#stormwater-nutrient-accounting-tools.

D. **Runoff Control**
Stormwater systems shall be designed to achieve "Runoff Treatment" (as defined in Chapter 18) To ensure that the integrity and nutrient processing functions of receiving waters and associated riparian buffers are not compromised by erosive flows, stormwater flows from the development shall not contribute to degradation of waters of the State. At a minimum, the development shall not result in a net increase in peak flow leaving the site from pre-development conditions for the one-year, 24-hour storm event. Additional clarification for runoff treatment is provided in 15A NCAC 02B .0277.

E. **Erosion and Sediment Control**
In accordance with Section 12.4, additional requirements apply for erosion and sediment control during construction.

F. **Open Channels**
In accordance with Section 12.4.5.J.2.c, additional requirements apply for open channel design.

G. **Partial Offset of Nutrient Control Requirements**
Development subject to this Section 12.7.11 shall attain nitrogen and phosphorus loading rate reductions on-site, as determined by the Administrator, that meet the criteria established in Table 12-7 prior to using an offsite offset measure. Offsite measures shall be pre-approved by the Administrator and achieve the full remainder of the required nutrient reduction in accordance with 15A NCAC 2B .0277 (4). Before using an offsite offset option, a development shall implement onsite structural stormwater controls that achieve one of the following levels of reductions:

Table 12-7: Partial Offset of Nutrient Control Requirements

Development/Redevelopment Type	Size Disturbed	Level of Nitrogen and Phosphorus Loading Reduction from the Untreated Conditions
Any Single-Family Detached, and Duplex residential development	0.51 - 1 acre	≥ 30%
All new development, including Single-Family, Multifamily, Commercial, and Industrial development	> 1 acre	≥ 50%
Other development, including Multifamily Residential, Commercial, and Industrial development	12,000 sf - 0.99 acre	≥ 30%
Proposed development that would replace or expand structures or improvements that are existing as of December 2006 and that increase impervious surface within a local government's designated downtown area	Any	≥ 30%

H. **Offset Measures**
Offsite offsetting measures shall achieve at least equivalent reductions in nitrogen and phosphorus loading to the remaining reduction needed onsite to comply with the loading rate targets. A developer may use any measure that complies with the requirements of 15A NCAC 02B .0282 and .0703.

I. **Offset Payments**
An applicant subject to this Section 12.7.11 may achieve the additional reductions in nitrogen and phosphorus loading required by this Section 12.7.11 by purchasing permanent nutrient offset credits contingent upon acceptance of payments by that program. All offset measures permitted by this UDO shall meet the requirements of 15A NCAC 02B.0275,

.0277,.0282 and .0703 as well as Sections G and H above.

12.7.12. Standards For Stormwater Control Measures

A. **Evaluation According to NC Stormwater Design Manual**

1. All stormwater control measures and stormwater treatment practices (also referred to as Stormwater Control Measures, or SCMs) required under this UDO shall be evaluated by the Administrator according to the policies, criteria, and information, including technical specifications and standards and the specific design criteria for each stormwater practice, in the Stormwater Design Manual published by the NCDEQ (hereafter referred to as "SCM Manual"). The Administrator shall determine whether they will be adequate to meet the requirements of this Section 12.7.12 as amended. Additionally, all SCMs must comply with the MDC requirements listed in 15A NCAC 02H .1050.
2. The SCM Manual includes a list of acceptable stormwater treatment practices and the specific design criteria for each stormwater practice. Stormwater treatment practices that are designed, constructed, and maintained in accordance with the criteria and specifications in the SCM Manual and WFD3 will be presumed to meet the minimum water quality and quantity performance standards of this UDO.

B. **Relationship of SCM Manual to Other Laws and Regulations**
If the specifications or guidelines of the SCM Manual are more restrictive or apply a higher standard than other laws or regulations, that fact shall not prevent application of the specifications or guidelines in the SCM Manual.

C. **Changes to Standards and Specifications**
If the standards, specifications, guidelines, policies, criteria, or other information in the SCM Manual are amended prior to the submittal of a complete application for approval pursuant to this UDO, the new information shall control and shall be utilized in reviewing the application and in implementing this UDO with regard to the application.

D. **Alternative Stormwater Control Measures**
Whenever an applicant proposes to utilize a practice or practices not designed and constructed in accordance with the criteria and specifications in the SCM Manual, the applicant shall have the burden of demonstrating that the practice(s) will satisfy the minimum water quality and quantity performance standards of this UDO. The Administrator may require the applicant to provide such documentation, calculations, and examples as necessary for the Administrator to determine whether such an affirmative showing is made.

E. **Dedications**
The Town, upon Board of Commissioners approval, may accept dedication of any existing or future stormwater management facility for maintenance, provided such facility meets all the requirements of this Section 12.7, including the easement requirement in Section 12.7.13.I.

F. **Performance Guarantees**
Performance guarantees for the installation of required stormwater control structures shall be provided in accordance with Section 14.4.

12.7.13. Operation, Maintenance, and Inspection

A. **Function of SCMs As Intended**
The owner of each structural SCM installed pursuant to this UDO shall maintain and operate it to preserve and continue its function in controlling stormwater quality and quantity at the degree or amount of function for which the structural SCM was designed.

B. **Nuisance Conditions Prohibited**
The owner of each stormwater SCM shall maintain it so as not to create or result in a nuisance condition.

C. **Annual Maintenance Inspection and Report**
The person responsible for maintenance of any structural SCM installed pursuant to this UDO shall submit to the Administrator an inspection report from a qualified inspector. All inspection reports shall be on forms supplied by the Administrator. An original inspection report shall be provided to the Administrator beginning one year from the date of as-built certification and each year thereafter by December 31st. Inspection reports shall contain at a minimum the information requested on the Town's SCM Annual Inspection Report and in the WFD3.

D. **Records of Maintenance Activities**
The owner of each structural SCM shall keep records of inspections, maintenance, and repairs for at least five years and shall submit the same, upon reasonable request, to the Administrator.

E. **Operation and Maintenance Agreement**

1. Prior to the conveyance or transfer of any lot or building site to be served by a structural SCM pursuant to this UDO, and prior to issuance of any permit for development or redevelopment requiring structural SCM pursuant to this UDO, the applicant or owner of the site must execute an operation and maintenance agreement that shall be binding on all subsequent owners of the site, portions of the site, and lots or parcels served by the structural SCM. Until the transference of 80% of all property, sites, or lots served by the structural SCM, the original owner or applicant shall have primary responsibility for carrying out the provisions of the maintenance agreement.
2. The operation and maintenance agreement shall require the owner or owners to maintain, repair and, if necessary, reconstruct the structural SCM, and shall state the terms, conditions, and schedule of maintenance for the structural SCM. In addition, it shall grant to Town a right of entry in the event that the Administrator has reason to believe it has become necessary to inspect, monitor, maintain, repair, or reconstruct the structural SCM; however, in no case shall the right of entry, of itself, confer an obligation on Town to assume responsibility for the structural SCM.
3. The operation and maintenance agreement must be approved by the Administrator prior to Construction Plan approval, and it shall be referenced on the Final Plat and shall be recorded with the Register of Deeds upon Final Plat approval.

F. **Special Requirement for Homeowners' and Other Associations**
For all structural SCMs required pursuant to this UDO and that are to be or are owned and maintained by a homeowners' association, property owners' association, or similar entity, the required operation and maintenance agreement shall include all the following provisions:

1. Acknowledgment that the association shall continuously operate and maintain the stormwater control and management facilities according to the specifications laid out in the Operation and Maintenance Agreement,
2. Granting to the Town a right of entry to inspect, monitor, maintain, repair, and reconstruct structural SCMs,
3. A statement that this agreement shall not obligate the Town to maintain or repair any structural SCMs, and the Town shall not be liable to any person for the condition or operation of structural SCMs,
4. A statement that this agreement shall not in any way diminish, limit, or restrict the right of the Town to enforce any of its UDO as authorized by law.

G. **Inspection Program**

1. Inspections and inspection programs by Town may be conducted or established on any reasonable basis, including but not limited to routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to, reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in SCMs; and evaluating the condition of SCMs.
2. If the owner or occupant of any property refuses to permit such inspection, the Administrator shall proceed to obtain an administrative search warrant pursuant to NCGS §15-27.2 or its successor. No person shall obstruct, hamper, or interfere with the Administrator while carrying out his or her official duties.

H. **Deed Recordation**
The applicable operations and maintenance agreement pertaining to every structural SCM shall be recorded with the Register of Deeds upon final plat approval. If no subdivision plat is recorded for the site, then the operations and maintenance agreement shall be recorded with the Register of Deeds so as to appear in the chain of the title of all subsequent purchasers under generally accepted searching principles.

I. **Maintenance Easement**

1. Every structural SCM and its associated maintenance accesses on privately-owned land installed pursuant to this UDO shall be made accessible for adequate maintenance and repair by

a permanent maintenance easement that is at least 20 feet wide and that is accessible from the public right-of-way. The Administrator may allow a narrower easement where the Administrator determines that good access and maneuverability can be achieved with a narrower width.

2. The easement required by Section 1 above, shall be recorded and its terms shall specify who may make use of the easement and for what purposes. The engineered stormwater control will be shown and labeled within the easement.

J. **Signage**
Where appropriate, in the determination of the Administrator to assure compliance with this UDO, structural SCMs shall be posted with a conspicuous sign stating who is responsible for required maintenance and annual inspection. The sign shall be maintained by the owner so as to remain visible and legible.

12.7.14. Installation of Stormwater Infrastructure

A. **New Subdivisions**
Storm drainage systems in any new subdivision shall be the sole responsibility of the developer and shall be provided and installed by the developer in accordance with requirements of this UDO, the Town's Manual of Specifications, Standards, and Designs, and other applicable standards (including but not limited to: NCDOT Construction Specifications and the North Carolina Stormwater Design Manual.)

B. **Roadside Ditch Pipe**
Once driveway or roadside ditch pipe is bought and installed by a property owner abutting a street, the material remains the property of the property owner. If the pipe is determined by the Town to need replacing for any reason, the Town will remove the pipe from the ditch and leave it on-site for the property owner to dispose of. The abutting property owner will not be charged for any pipe size increase nor will owner be given any credits.

12.7.15. Illicit Discharges and Connections

A. **Applicability**
Notwithstanding the provisions of Section 12.7.2, the following provisions for illicit discharges and connections to the Town stormwater system shall apply to all areas within the jurisdiction of this UDO.

B. **Illicit Discharges**
No person shall cause or allow the discharge, emission, disposal, pouring, or pumping directly or indirectly to any stormwater conveyance, the waters of the State, or upon the land in manner and amount that the substance is likely to reach a stormwater conveyance or the waters of the State, any liquid, solid, gas, or other substance, other than stormwater except as provided for in Section 1, below.

1. **Permitted Discharges**
Non-stormwater discharges associated with the following activities are allowed, provided that they do not significantly impact water quality:

   a. Water line flushing,
   b. Landscape irrigation,
   c. Diverted stream flows,
   d. Rising ground waters,
   e. Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20),
   f. Uncontaminated pumped ground water,
   g. Discharges from potable water sources,
   h. Foundation drains,
   i. Air-conditioning condensation,
   j. Irrigation water,
   k. Springs,
   l. Water from crawl space pumps,
   m. Footing drains,
   n. Lawn watering,
   o. Individual residential car washing,
   p. Flows from riparian habitats and wetlands,
   q. Dechlorinated swimming pool discharges,
   r. Street wash water, and
   s. Other non-stormwater discharges for which a valid NPDES discharge permit has been approved and issued by the State of North Carolina.

2. **Prohibited Substances**
Prohibited substances include but are not limited to: oil, anti-freeze, chemicals, animal waste, yard debris, paints, garbage, and litter.

3. **Spills**
   Spills or leaks of polluting substances released, discharged to, or having the potential to released or discharged to the stormwater conveyance system, shall be contained, controlled, collected, and properly disposed. All affected areas shall be restored to their preexisting condition. Persons in control of the polluting substances immediately prior to their release or discharge, and persons owning the property on which the substances were released or discharged, shall immediately notify the (title of the individual in charge of managing accidental hazardous material releases in the local jurisdiction, such as a municipal Fire Chief) of the release or discharge, as well as making any required notifications under state and federal law.
   Notification shall not relieve any person of any expenses related to the restoration, loss, damage, or any other liability which may be incurred as a result of said spill or leak, nor shall such notification relieve any person from other liability which may be imposed by State or other law.

C. **Prohibited Connections**
   Connections to a stormwater conveyance or stormwater conveyance system that allow the discharge of non-stormwater, other than the permitted discharges described in Section B above, are unlawful. Prohibited connections include, but are not limited to: floor drains, waste water from washing machines or sanitary sewers, wash water from commercial vehicle washing or steam cleaning, and waste water from septic systems.

D. **Amortization of Prohibited Connections**

1. Where such connections exist in violation of Section C above, and said connections were made prior to the adoption of this provision or any other UDO prohibiting such connections, the property owner or the person using said connection shall remove the connection within one year following the effective date of this UDO.
2. However, the one-year grace period shall not apply to connections which may result in the discharge of hazardous materials or other discharges which pose an immediate threat to health and safety or are likely to result in immediate injury and harm to real or personal property, natural resources, wildlife, or habitat. The Administrator shall designate the time within which such connections shall be removed. In setting the time limit for compliance, the Administrator shall take into consideration:
   a. The quantity and complexity of the work,
   b. The consequences of delay,
   c. The potential harm to the environment, to the public health, and to public and private property, and
   d. The cost of remedying the damage.

E. **Illicit Discharge Enforcement/Penalties**
   Whenever the Town finds that any user of the municipal separate storm sewer system is violating the improper disposal provisions, the Administrator, or their designee, shall serve upon such a person a notice of violation and direct the responsible part to:

1. Comply immediately,
2. Comply in accordance with a schedule set forth in the notice, or
3. Take appropriate remedial or preventative action in the event of a continuing or threating violation. No penalty shall be assessed without following the outlined notice of violation procedures for stormwater in Section 17.5.3 of the UDO. Civil penalties also apply as listed in 17.7.

F. **Appeals Process**

1. Any person who has been served a notice of violation or assessed a civil penalty under this Section 12.7.15 may request an appeal hearing from the Administrator, or designee, provided such appeal is taken within 30 days of the challenged action as outlined in Chapter 16 of the UDO.
2. Appeals of the decisions of the Administrator shall be heard by the Board of Adjustment in accordance with Section 16.7.1.

12.8 Watershed Protection

12.8.1. Findings and Purpose

A. **Findings**
The Legislature of the State of North Carolina has, in NCGS §143-21, Watershed Protection Rules, directed local governmental units to adopt regulations that meet or exceed the minimum requirements of NCGS §143-214.5 and water supply watershed protection rules adopted by the State Environmental Management Commission in order to protect the water supplies throughout the state.

B. **Purpose**
These Watershed Protection regulations are established to preserve and improve water quality and provide safe drinking water now and in the future.

12.8.2. Watershed Development Approval Required

A Site Plan shall be required, as outlined in Section 16.6.12, indicating conformance with the watershed protection provisions of this chapter prior to the commencement of development activities within the Watershed Protection Overlay District.

12.8.3. Water Supply Watershed Protection Overlay (Falls Lake, Richland Creek and Smith Creek)

A. **Applicability**
The following regulations shall apply to all parcels or portions of parcel that fall within designated watershed areas as noted on the official zoning map. Where the standards of these regulations differ from the base district (e.g., density, maximum impervious surface) these regulations shall take precedence. The Water Supply Watershed Protection Overlay District shall apply to all Special Flood Hazard Areas within the Town and its extraterritorial jurisdiction (ETJ) as noted in Section 12.7.2.

B. **Authority**
These regulations are adopted pursuant to NCGS §143-214.5, as amended, and the Water Supply Watershed Protection Rules established by the North Carolina Environmental Management Commission.

1. The purpose of the Watershed Protection Overlay Districts is to ensure the protection, availability, and quantity of public water supplies for recreational and aesthetic purposes, to minimize sedimentation of streams, and to protection the environment, health, and general welfare of present and future residents of the Town and the Triangle Region under the authority set forth in Section 1.1 and in NCGS §160A-174.
2. In addition, the Legislature of the State of North Carolina has, in Chapter 143, Article 21 of the North Carolina General Statutes, entitled Water and Air Resources, directed local governmental units to adopt regulations designed to promote the public health, safety, and general welfare pursuant to the more specific requirements set forth in 15A NCAC 2B .0100, 15A NCAC 2B .0200, and in the Falls Lake Reservoir Water Supply Nutrient Strategy Rules 15A NCAC 2B .0276, .0277, .0281 and .0282 and Neuse River Basin-Nutrient Sensitive Waters Management Strategy Rules 15A NCAC 02B.0710.
3. Additional authority is pursuant to the Federal Water Pollution Control Action of 1972 (Clean Water Act), federal Phase II Stormwater rules promulgated under it, and NCGS §143-215.1 and S.L.2006-246, the Town is required to obtain a Phase II National Pollutant Discharge Elimination System (NPDES) permit for stormwater management for its municipal separate storm sewer system and to adopt, among other things, requirements and procedures to control the adverse effects of increased post-development stormwater runoff and nonpoint and point source pollution associated with new development and redevelopment.

C. **Exceptions**
All land in the Watershed Protection Overlay District shall be developed in accordance with the requirements of this Section 12.8.3 except for the following:

1. Development existing prior to the date indicated for each water supply watershed in the table below is exempt from these requirements, but expansions to structures, other than Single-Family development, shall be treated as new development and meet the requirements of this Section 12.8.3. In these instances, the built-upon area of the existing development is not required to be included in the

density or impervious surface area calculations for the expansion (15A NCAC 2B .0104 (d2)).

2. Redevelopment or reconstruction of existing development is allowed if the rebuilding activity does not have a net increase in built-upon area or provides equal or greater storm water control than the previous development as allowed by this Section 12.8.3, except that there are no restrictions on Single-Family Residential redevelopment. Note that this exception does not apply if:
   a. Redevelopment converts existing development to allowable use, then it shall not thereafter revert to any prohibited use,
   b. An existing use ceases for a period of at least 12 months, then it shall not be re-established except in accordance with the guidance established herein.
3. Repair or reconstruction of any nonconforming existing built-upon area shall be initiated within 12 months and completed within two years of damage. However, there shall be no increase of built-upon area compared to the condition immediately prior to damage.
4. A deeded Single-Family lot owned by an individual prior to the date indicated for each water supply watershed in Table 12-8, provided it is developed for Single-Family use.
5. A nonconforming lot of record, not contiguous to any other lot owned by the same party, provided it is developed for Single-Family use.
6. Any lot or parcel created as part of a family subdivision on or after the date indicated for each water supply watershed in Table 12-8, provided it is developed for one Single-Family Detached residence and if it is exempt from the subdivision regulations.

Table 12-8: Exempt Water Supply Watershed Development Existing Prior to Date

Water Supply Watershed	Date
Falls Lake Water Supply Watershed	1-Jul-1993
Richland Creek Water Supply Watershed	1-Apr-2005
Smith Creek Water Supply Watershed	1-Jul-1993
Little River Watershed	25-Nov-2008

D. **Surface Water Classification**
The regulations in Table 12-9 apply according to the Surface Fresh Water Classifications pursuant to 15A NCAC 02B.0101 of the water supply watershed established by NCDEQ.

Table 12-9: Surface Water Classification

NCDEQ Surface Fresh Water Classification	Regulations		
	Waters Located within Wake Forest & ETJ	Use	General Location
Water Supply IV (WS-IV)	Horse Creek in Falls Lake Watershed, Neuse River, Richland Creek in Upper Neuse River Basin	Sources of water supply for drinking, culinary, or food processing purposes where a WS-I, II or III classification is not feasible	In moderately to highly developed watersheds or Protected Areas
Water Supply II (WS-II) [1]	Wake Forest Reservoir, Little River, Smith Creek Watershed from source to Wake Forest Reservoir dam	Sources of water supply for drinking, culinary, or food processing purposes where a WS-I classification is not feasible	In predominantly undeveloped watersheds

Notes

[1] All WS-II waters are designated as High-Quality Waters (HQW) by supplemental classification

E. **Specific Standards by Water Supply Watershed Area**

The standards in Table 12-10 shall apply to all mapped watershed areas and shall take precedence over the underlying zoning district standards. In each watershed area standards for Low Density Development Options and High-Density Development Options pursuant to the March 1, 2019 revisions to the Water Supply Watershed Protection Rules 15A NCAC 02B.0624 as outlined in the tables below: Note: The term "impervious area" refers to mainly artificial surfaces which are covered by impenetrable materials like asphalt, brick, stone etc. for "built-upon area" means impervious surface and partially impervious surfaces to the extent that the partially impervious surfaces do not allow water to infiltrate into the subsoil. Built-upon area is referenced in Appendix A-4 of the NCDEQ Stormwater Manual.

Table 12-10: Specific Standards by Water Supply Watershed Area

Location in Watershed	Maximum Project Density, Minimum Lot Size, Maximum BUA		
	Low Impervious Development Option		High-Impervious Development Option
	Single-Family Residential	Non-Residential and All Other Residential	All Types
Falls Lake Water Supply Watershed/Horse Creek & Upper Neuse/Richland Creek (Class WS-IV)			
Critical Area (CA)	2 dwelling unit per acres or 20,000 sq. ft. lot excluding right-of-way (ROW) or 24% built-upon area	24% built-upon area	24% to 50% built-upon area [2]
Protected Area (PA) [1]	2 dwelling unit per acre or 20,000 sq. ft. lot excluding right-of-way (ROW) or 24% built-upon area	24% built-upon area	24% to 70% built-upon area [2]
Smith Creek Water Supply Watershed including Wake Forest Reservoir & Little River (Class WS-II)			
Critical Area (CA) from Source to the Wake Forest Reservoir Dam	1 dwelling unit per 2 acres or 80,000 sq. ft. lot, excluding roadway ROW or 6% built-upon area	6% built-upon area	6% to 24% built-upon area [2]
Balance of Watershed (BW)	1 dwelling unit per 1 acre or 40,000 sq. ft. lot, excluding roadway ROW or 12% built-upon area	12% built-upon area	12% to 30% built-upon area [2]

Notes

[1] Protected Area (PA) was previously referred to was Watershed Management Area (WMA).
[2] Stormwater Control Measures shall be designed, constructed, and maintained so they meet the requirements of 15A NCAC 02B .0624.

F. **Cluster Development**
Cluster development is allowed in all Water Supply Watershed Areas, except WS-I, in accordance with 15A NCAC 02B .0624 (and as summarized below).

1. Minimum lot sizes are not applicable to single-family cluster development projects; however, the total number of lots shall not exceed the number of lots allowed for single-family detached developments. Density or built-upon area for the project shall not exceed that allowed for the critical area, balance of watershed or protected area, whichever applies.
2. All built-upon area shall be designed and located to minimize stormwater runoff impact to the receiving waters and minimize concentrated stormwater flow, maximize the use of sheet flow through vegetated areas, and maximize the flow length through vegetated areas.
3. Areas of concentrated density development shall be located in upland area and away, to the maximum extent practicable, from surface waters and drainageways.
4. The remainder of the tract shall remain in a vegetated or natural state. The title to the open space area shall be conveyed to an incorporated homeowners association for management; to a local government for preservation as a park or open space; or to a conservation organization for preservation in a permanent easement. Where a property association is not incorporated, a maintenance agreement shall be filed with the property deeds.
5. Cluster developments that meet the applicable low density requirements shall transport stormwater runoff by vegetated conveyances to the maximum extent practicable.

G. **Prohibited Uses**
The following uses are prohibited in the Water Supply Watershed Protection Overlay District:

1. Processing of mineral products,
2. Lumber mills and saw mills (Allowable silviculture activities shall be subject to the provisions of the Forest Practice Guidelines related to Water Quality),
3. Processing of animal and vegetable products (Allowable agriculture activities shall be subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation, and Trade Act of 1990, and regulations of the Soil and Water Conservation Commission),
4. The storage of toxic and hazardous materials unless a spill containment plan is implemented,
5. Landfills and discharging landfills,
6. Sites for land application of sludge/residuals or petroleum contaminated soils,
7. Discharges of sewage, domestic wastewater, industrial wastes, non-process industrial wastes, or other wastes except as permitted by the Division of Environmental Health, N.C. Department of Environment, Health and Natural Resources or successor authority,
8. Any use determined by the Town to be detrimental to the quality of water in water supply watersheds by posing a threat of run-off, leaching or other types of pollution.

H. **Hazardous Materials**

1. Existing and new industrial development shall maintain an inventory of all hazardous materials used and stored on the premises; and, prepare a spill/failure containment plan and implement safeguards against contamination; and, encourage waste minimization and the appropriate recycling of materials.
2. New industrial development shall incorporate adequately designed, constructed, and maintained spill containment structures if hazardous materials are used, stored, or manufactured on the premises.

I. **Watercourse Buffers (Minimum Each Side)**
See Section 12.9.8

12.8.4. Impervious Surface Averaging

A. **Purpose**
Impervious surface averaging allows development plans for two noncontiguous parcels to be submitted together and treated as a single project in order to meet the requirements of this Section 12.8. This option is intended to enhance water supply watershed protection and provide greater development flexibility for properties in Water Supply Watershed Protection Overlay Districts by allowing the transfer of impervious area "credits" across parcels.

B. **Limitations**
In order to qualify for an impervious surface averaging allowance:

1. All other requirements of this UDO must be met,
2. Must be in compliance with NCS 143-214.5,
3. The property from which the impervious area credits are taken must not have been used in the calculation of impervious area allowance for an existing or approved development project,
4. No parcel for which a watershed variance has been granted, or would be required, may be included as a part of a parcel pair, and
5. The development proposal for the parcel pair shall conform to the intent and requirements of this Section 12.8, shall be consistent with the orderly and planned distribution of development throughout the community, and shall assure protection of the public interest.

C. **Location**

1. Parcels from which development "credits" are taken must be located in a Watershed Protection Overlay District.
2. Parcels to which development "credits" are applied must be located within the same water supply watershed as the paired parcel.

D. **Combined Impervious Surface Area Limit**
The total amount of development (impervious surface area) allowed for the paired parcels taken together cannot exceed the amount of development that would be allowed if the parcels were developed separately.

E. **Overall Density Limit**
Overall density of the paired parcel, averaged-impervious surface development, calculated either by dwelling units per acre or built-upon area shall not exceed the density that would be allowed if the parcels were developed separately.

F. **Runoff Volume**
Peak flow must be controlled on the developing lot or project using the acreage or area of the developing lot or project only, so as to minimize drainage impact on downstream properties.

G. **Stormwater Flow**
Plans shall be designed to:

1. Minimize stormwater runoff impact to the receiving waters by minimizing concentrated stormwater flow,
2. Maximize the use of sheet flow through vegetated areas and vegetated conveyances,
3. Minimize impervious surface areas,
4. Locate development away from surface waters and drainage ways to the maximum extent practicable, and
5. Where concentrated flow is unavoidable, convey stormwater from developed areas by vegetated swales to the maximum extent practicable.

H. **Procedure for Approval**

1. An impervious surface averaging allowance shall be conveyed as part of a land disturbance permit and site plan review, in accordance with Chapter 16. Only owners of both of the paired parcels may submit an application for a development using an impervious surface averaging allowance.
2. Included with the development permit application shall be a site plan, registered plats/sealed boundary survey for both properties, a description of both properties, appropriate calculations and documentation of the proposed impervious surface averaging agreement, and documentation indicating the intent to convey the undeveloped parcel(s) or portion(s) thereof to the Town.
3. If an impervious surface averaging allowance is granted as part of a Development Permit, no change in the development proposal authorized for either parcel shall be made unless the impervious surface averaging allowance is amended and reapproved by the Administrator.
4. Before a Building Permit is issued, the undeveloped parcel(s) or portion(s) thereof shall be deeded (fee simple and at no cost) to the Town, and the Town shall place a permanent conservation easement on the same, as provided under NCGS §121-35, granted to the Town, a land conservation organization, or other entity capable of providing for the ongoing maintenance of the undeveloped property. No such agreement shall be accepted without approval of the Town Attorney as to the legal sufficiency of the documents involved.
5. Once ownership of such land is conveyed, a plat showing the properties and conservation easements involved in the development and outlining the

impervious surface averaging requirements associated with the parcel pair must be reviewed, approved, and recorded prior to the issuance of the building permit.

I. **Agreements Shall Continue Indefinitely**
Applicants shall agree to bind themselves and their successors in title, individually and collectively, to maintain the pattern of development proposed for so long as the requirements of this Section 12.8 are applicable. Parties to enforcement of such agreement shall include the Town.

12.9 Watercourse (Riparian) Buffer Areas

12.9.1. Purpose

It is the intent of this Section 12.9 to seek to maximize retention of the natural beauty of vegetation along creeks, streams, rivers, and lakes, and other bodies of water while simultaneously providing for the retention of surface water run-off from areas adjacent to these natural and/or built features, resulting in a net reduction of pollutants that enter these water features. Natural resource buffers are intended to provide an area where stormwater flows in a diffuse manner so that the stormwater runoff does not become channeled an infiltration of the stormwater and filtering of pollutants can occur. The location and allowable activity within watercourse buffer areas shall comply with 15A NCAC 02B .0714 and the guidance and restrictions provided within this Section 12.9.

12.9.2. Applicability

No new clearing, grading, or development shall occur, nor shall any new building permits be issued in violation of this Section 12.9. No exemptions shall be permitted from this Section 12.9 except for any use, development, or activity that has been specifically exempted by any applicable state law from local regulations of the type of establishment by this UDO. Any activities impacting Zone 1 and/or 2 of riparian buffers in the Falls Lake Watershed or in the Neuse River Basin, including activities conducted under the authority of the State, the United States, multiple jurisdictions, or locate units of government, silviculture and/or agricultural activities shall be administered by the NC Department of Environmental Quality (NCDEQ) in accordance with 15A NCAC 02B.0622 dated March 1, 2019.

12.9.3. Establishment of Buffers

A. **Applicability**

1. All protected drainageways and surface waters shall have riparian buffers directly adjacent to such surface waters of the width specified in Sections 12.9.4 or 12.9.5 below, as applicable. When multiple watercourse buffer standards apply, the more stringent standard shall dictate.
2. Riparian buffers shall be delineated and recorded on final subdivision plats or at the time of development of the property.
3. Riparian buffers shall be maintained for all perennial and intermittent streams, lakes and ponds in accordance with Section 12.9.2.

B. **Location of Buffers**

1. For the purposes of this Section 12.9, intermittent streams, perennial streams, upper watershed drainageways that drain more than five acres, water supply impoundments, lakes, ponds, and wetlands shall be deemed to be present if the feature is indicated on the most recent versions of the following:
   a. United States Geological Survey 1:24,000 scale (7.5-minute quadrangle) topographic maps,
   b. A soil survey map prepared by the Natural Resources Conservation Service of the United States Department of Agriculture,
   c. The North Carolina Division of Water Resources (NCDWR) identification methodology for determination of perennial and intermittent streams, or
   d. Other site-specific evidence.
2. Wetlands may also be identified, as either a bordering or isolated wetland, using the 1987 Corp of Engineers Federal Unified Method, most recent version of the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Eastern Mountains and Piedmont, and/or supplemental Corps-approved methodology.
3. In order to determine the amount of land drained by an upper watershed drainageway, USGS or Wake County topographic maps may be used or the USGS StreamStats web application may be used.

4. Where obvious conflicts between actual field conditions and USGS and county soil survey maps exist, appeals may be made to the Administrator or, for appeals related to Neuse River Basin buffer requirements, the North Carolina Department of Environmental Quality.
5. All surface waters shall be determined by a qualified person that has successfully completed the NCDEQ's Surface Water Identification Training Certification course, its successor, or other equivalent training curriculum approved by the NCDEQ using the most recent version of Identification Method for the Origins of Intermittent and Perennial Streams and verified by qualified Town Staff and/or the NCDEQ.

C. **Buffer Measurement**

1. The width of each required riparian buffer shall be measured perpendicular to the banks of the protected drainageway, beginning at the most landward limit of the top of bank or the rooted herbaceous vegetation. When no watercourse banks exist, the centerline of the watercourse shall be used. For ponds, lakes and reservoirs subject to this Rule, Zone 1 shall begin at the normal water level and extend landward, measured horizontally on a line perpendicular to the surface water.
2. All building and structure setbacks shall be a minimum of ten feet, agricultural activities shall be a setback minimum of ten feet and all vehicular roads and parking lots shall be set back a minimum of five feet from the edge of a riparian buffer.

D. **Exceptions**

Surface waters that appear on the maps used to determine surface water classifications shall not be subject to the requirements of Section 12.9.2 if a site evaluation reveals any of the following cases:

1. Man-made or isolated ponds and lakes that are not part of a natural drainage way or hydraulically connected or have significant nexus to waters of the United States (WOTUS) as determined by the US Army Corps of Engineers (USACE) that is classified in accordance with 15A NCAC 2B .0100, including ponds and lakes created for animal watering, irrigation, or other agricultural uses. A pond or lake is included as a part of a natural drainage way when its source is an intermittent or perennial stream or when it has a direct discharge point to an intermittent or perennial stream as determined by a qualified person in accordance with Section B.5 above. Details can be found in the WFD3 and the Town's Public Policy Manual,
2. Ephemeral streams or streams that only flow briefly during and following a period of rainfall in the immediate area,
3. The absence on the ground of a corresponding intermittent or perennial stream, lake, reservoir, or pond,
4. Ditches or man-made water conveyances, other than modified natural streams.

E. **Diffuse Flow Requirements**

All stormwater runoff from new man-made stormwater control facilities, including new ditches or canals, which flow into a watercourse natural resource buffer or into riparian surface water buffer shall be diffused flow so as not to concentrate stormwater or form gullies. Diffuse flow of surface runoff shall be maintained in watercourse buffers by dispersing concentrated flow and reestablishing vegetation. The requirement for diffuse flow is provided for in 15A NCAC 02B .0714.(9). Options for achieving diffuse flow are presented in the NCDEQ-DWR Memo dated March 7, 2014 "Options for Meeting Diffuse Flow Provisions of Stormwater and Riparian Buffer Programs", including Diffuse Flow Options 1 to 4.

1. Concentrated runoff from new ditches or manmade conveyances shall be converted to diffuse flow before the runoff enters the riparian buffer.
2. Periodic corrective action to restore diffuse flow shall be take in necessary, to impede the formation of erosion gullies.
3. As set out in this UDO, Zones of the Riparian Buffer and 12.9.7 respectively, no new stormwater conveyances are allowed through the buffers except for those which may be authorized under 12.9.7 of this UDO.

12.9.4. Neuse River Basin Buffers

When located in the Neuse River Basin, the state regulations for water management as outlined in 15 A NCAC 2B.0233 and detailed in Table 12-11 shall apply for all development.

Table 12-11: Neuse River Basin Buffers

Surface Water Features	Zone 1 Buffer Minimum	Zone 2 Buffer Minimum	Additional Standards
All intermittent streams, perennial streams, water supply impoundments, lakes, and ponds	30 feet	20 feet	All buildings and structures shall be set back a minimum 10 ft from the edge of any required buffer. See Section 12.9.7

12.9.5. Water Supply Watershed Buffers

When located in the Falls Lake, Richland Creek, or Smith Creek Water Supply Watersheds (both the Critical Area & Protected Area), the watercourse buffer standards in Table 12-12 shall apply for all development projects. Table 12-12 lists the required vegetated setbacks as buffers where they exceed the Neuse buffer requirements in 15A NCAC 02B .0714.

Table 12-12: Water Supply Watershed Buffers

Surface Water Features	Zone 1 Buffer Minimum	Zone 2 Buffer Minimum	Zone 3 Buffer Minimum	Additional Standards
Intermittent Stream	30 feet	20 feet	Not Required	All buildings and structures shall be set back a minimum 10 ft from the edge of any required buffer. See Sections 12.8 and 12.9.8
Perennial Waterbodies and Streams (w/ low density development option)	30 feet	20 feet	Not Required	
Perennial Waterbodies and Streams (w/ high-density development option)	30 feet	20 feet	50 feet	
Watershed Drainageway (drains more than 5 acres but less than 25 acres)	30 feet	Not Required	Not Required	
Water Supply Impoundments (Drains 25 acres or more)	30 feet	20 feet	50 feet	
WS-II Waterbodies and Streams (Smith Creek), WS-IV Waterbodies and Streams (Falls Lake & Richland Creek)	30 feet	20 feet	50 feet	

12.9.6. General Buffers

The watercourse buffer standards in Table 12-13 shall apply for all development projects. Table 12-13 applies to upper watershed drainageways and other features above which are not covered by 15A NCAC 02B .0714 or .0624.

Table 12-13: General Watercourse Buffers

Surface Water Features	Zone 1 Buffer Minimum	Zone 2 Buffer Minimum	Additional Standards
Intermittent and Perennial Streams (not subject to Neuse River Buffer or Falls Lake Riparian Buffer Rules)	30 feet	20 feet	See Section 12.9.8
Wetlands (included as part of buffer if within 50 feet of surface waters)	10 feet	Not Required	

12.9.7. Delineation of Buffer Zones

A. **Zone 1**
Zone 1 begins at the landward limit of the top of bank for surface water features and extends landward a distance of 30 feet on all sides of the water body. For all other water bodies, Zone 1 begins at the top of bank or mean high water line. Zone 1 is an undisturbed area of vegetation.

B. **Zone 2**
Zone 2 begins at the outer edge of Zone 1 and extends landward a distance of 20 feet on all sides of the water body. Zone 2 consists of a stable vegetated area that may be graded and revegetated provided that the health of vegetation in Zone 1 is not compromised.

C. **Water Supply Watershed Buffer Zones**
The width of Zone 1 shall be measured horizontally from the normal pool elevation of impounded structures, from the top of bank of each side of streams or river, and from the mean high waterline of tidal water, perpendicular to the shoreline. Zone 2 begins at the outer edge of Zone 1 and Zone 3 the outer edge of Zone 2. The Zone 3 buffers may be cleared or graded but shall be replanted and maintained in grass or other vegetation.

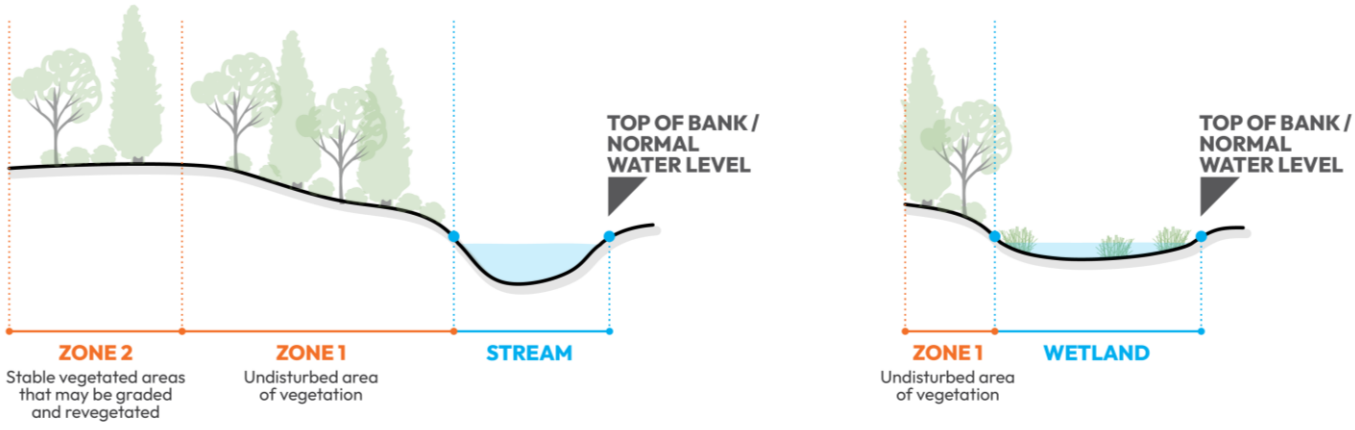

Figure 12-1: Riparian Buffers

12.9.8. Watercourse Buffer Standards

A. **Permitted Uses in Watercourse Buffers**

1. All required buffers shall remain natural and undisturbed except as allowed by Neuse River Basin: Nutrient Sensitive Waters Management Strategy: Protection and Maintenance of Existing Riparian Buffers Rules, as amended, or as may be necessary to accommodate any of the uses (Allowable and Allowable with Mitigation) permitted in 15A NCAC 02B .0714 and Water Supply Watershed Protection Program: Nonpoint Source and Stormwater Pollution Control 15A NCAC 02B.0624. Some watercourses may require both water supply watershed and Neuse Riparian buffers.
2. In event of conflict with other applicable regulations, the more restrictive regulation governs. These activities shall minimize built-upon surface area, direct run-off away from the surface waters and maximize the utilization of SCMs.
3. New drainage conveyances shall be designed with a primary SCM to treat the drainage area to the conveyance and comply with an approved stormwater management plan.
4. Existing conveyances may be allowable, provided the addition of new flow does not result in the need to alter the conveyance. Additional information on allowable uses and the authorization process is included in 15A NCAC 02B .0714 (9).

B. **Additional Neuse River Buffer Standards**

1. The Neuse River regulations in this Section 12.9 and 15A NCAC 02B .0714 shall not apply to riparian buffer areas with existing and ongoing uses established as of July 27, 1997. A use shall be considered converted, and no longer excluded from this rule if:
   a. Impervious surface is added to the riparian buffer in locations where it did not exist previously,
   b. An agricultural operation within the riparian buffer is converted to a non-agricultural use,
   c. A lawn within the riparian buffer ceases to be maintained.
2. Existing forest vegetation of any width present after this date must be protected and maintained in accordance with the Neuse River regulations in this Section 12.9 and 15 A NCAC 2B.0233.

C. **Buffers to be Shown on Plans**
All required watercourse buffers shall be shown on all approved site plans and subdivision plans. Where designated by the Administrator, the placement of signs may be required to relay the buffer protection requirements to the public.

D. **Exclusion of Watercourse Buffer Areas from Lots**
Single-Family lots created through a site and/or subdivision plan shall not be platted into a watercourse buffer area except through the approval of the Administrator when all of the following conditions are met:

1. The subdivision is limited in size and has no homeowners association,
2. There is no other reason for the formation of a homeowners association (e.g., covenant, other common areas, engineered stormwater control structures),
3. The buffer is placed in a permanent conservation or other legal instrument dedicated to the Town or other approved conservation or governmental entity (required documents must be provided prior to recordation of the plat for the impacted area).

13 SIGN STANDARDS

13.1 Purpose

The purpose of this Chapter is to provide a balanced and fair legal framework for design, construction, and placement of signs that preserves the right of free speech and expression and that:

A. Promotes the safety of persons and property by ensuring that signs do not create a hazard by:
   1. Collapsing, catching fire, or otherwise decaying,
   2. Confusing or distracting motorists, or
   3. Impairing drivers' ability to see pedestrians, bicyclists, obstacles, or other vehicles, or to read traffic signs.

B. Promotes the efficient communication of messages, and ensures that persons exposed to signs:
   1. Are not overwhelmed by the number of messages presented, and
   2. Are able to exercise freedom of choice to observe or ignore said messages according to the observer's purpose.

C. Protects the public welfare and enhances the appearance and economic value of the landscape by protecting scenic views and avoiding sign clutter that can compromise the character, quality, and prosperity of neighborhoods and commercial corridors,

D. Ensures that signs are compatible with their surroundings, and prevents the display of signs that are a nuisance to occupants of adjacent and contiguous property due to brightness, reflectivity, bulk, or height,

E. Promotes the use of signs that are, of appropriate scale, and integrated with the built environment, in order to meet the objectives related to the quality and character of development set forth in the Comprehensive Plan,

F. Enhances property values and business opportunities,

G. Assists in wayfinding, and

H. Provides fair and consistent permitting and enforcement.

CONTENT

13.1 Purpose
13.2 Applicability
13.3 Permitted and Allowed Sign Types by District
13.4 General Sign Standards
13.5 Permanent Building Sign Standards
13.6 Permanent Ground Sign Standards
13.7 Temporary Attached Sign Standards
13.8 Temporary Freestanding Sign Standards
13.9 Prohibited Signs and Content
13.10 Temporary Sign Plan
13.11 Abandonment

13.2 Applicability

The standards in this Chapter shall apply to all signs that are not exempted below.

13.2.1. Exempt Signs

The following sign types shall be exempt from other regulations in this Chapter provided all standards in this Section 13.2.1 and Section 13.9 are met.

A. **Incidental Signs**

1. Incidental signs shall be permanent signs only made of durable and weather resistant materials. Plywood, cardboard, and plastic are prohibited materials.
2. Incidental signs shall not be visible from and/or oriented towards a public right-of-way or adjacent residential property.
3. Incidental signs shall have a maximum area of four-square feet.
4. Freestanding incidental signs shall have a maximum height of eight feet.
5. Incidental signs attached to a building or structure shall not extend beyond the building or structure.
6. Incidental signs shall not be illuminated.
7. Incidental signs shall meet the location and encroachment standards in Section 13.4.1.B.

B. **Political Signs**
Political signs meeting the standards of NCGS §136.32.

C. **Bona-Fide Farm Signs**
Bona-fide farm signs meeting the standards of NCGS §136.32.

D. **Fence wraps**
Fence wraps displaying signage when affixed to perimeter construction fencing until the certificate of occupancy is issued for the final portion of any construction or other final government approval is issued if a certificate of occupancy is not required at that site per NCGS §160D.

E. **Regulatory and Warning Signs**

1. Signs required by local, state, and federal governmental agencies with the express purpose of helping right-of-way and greenway users navigate safely.
2. Signs required for or specifically authorized for a public purpose by any law, statute, or ordinance.
3. Signs erected to warn of danger or hazardous conditions such as signs erected by public utility companies or construction companies.
4. Signs that display information pertinent to the safety or legal responsibilities of the general public regarding a particular piece of property if located on the premises to which the information pertains.
5. The allowed number and size of regulatory and warning signs shall be as reasonably necessary to convey the intended message.
6. All regulatory and warning signs shall meet applicable MUTCD and WFD3 provisions.

F. **Address Identification**
Signs bearing property numbers in a manner compliant with Fire Code and US Postal Service standards.

G. **Holiday Decorations**
Temporary decorations or displays are customarily and commonly associated with any cultural or religious holiday or celebration. Holiday decorations shall be securely mounted to a building, structure, or the ground and shall not exceed the height of the principal building(s) on the development site. Holiday decorations shall not be displayed more than 60 days before or 15 days after the holiday.

H. **Maintenance**
Cleaning, electrical repair, resurfacing, and other maintenance of a sign shall not require a permit (see Section 14.6.9).

I. **Sign Copy**
Replacing or changing sign copy, manually or electronically, if no changes are made to a sign base and structure that meets all the requirements of this Chapter, shall not require a Zoning Compliance Permit. Should a sign be attached directly to a wall or structure other than a sign base, a permit shall be required for all changes.

13.3 Permitted and Allowed Sign Types by District

13.3.1. Key for Table 13-1

The following key is to be used in the interpretation of Table 13-1.

A. **Sign Types Requiring a Permit**
Sign types marked as "■" in the table shall be permitted subject to all applicable regulations of this Unified Development Ordinance (UDO) and only after the issuance of a Zoning Compliance Permit in accordance with Section 16.6.15.

B. **Sign Types Not Requiring a Permit**
Sign types marked as "○" in the tables shall be allowed subject to all applicable regulations of this UDO and do not require a Zoning Compliance Permit.

C. **Prohibited Sign Types**
A blank space in the table indicates that a sign type is prohibited in the respective district.

D. **Sign Types Not Listed**
If a proposed sign does not fall within any of the definitions in Chapter 18 of the sign types in Table 13-1, the proposed sign is not allowed.

Table 13-1: Permitted and Allowed Sign Types by District

Sign Type	Reference	GR	NCR	MUR	TSR	DT	AC	NB	CB	IND	CI	OS
Permanent Building Signs												
Awning Sign [1]	Section 13.5.1	■	■	■	■	■	■	■	■	■	■	■
Blade Sign [1]	Section 13.5.2			■	■	■	■	■	■			
Bracket-Mounted Sign [1]	Section 13.5.3	■	■	■	■	■	■	■	■		■	
Canopy Sign [1]	Section 13.5.4	■	■	■	■	■	■	■	■	■	■	■
Plaque Sign [2]	Section 13.5.5	■	■	■	■	■	■	■	■	■	■	■
Wall Sign [1]	Section 13.5.6	■	■	■	■	■	■	■	■	■	■	■
Window Sign, Permanent [1]	Section 13.5.7	○	○	○	○	○	○	○	○	○	○	○
Permanent Ground Signs												
Drive-Through Sign	Section 13.6.1							■	■			
Internal Circulation Safety Sign	Section 13.6.2	■	■	■	■	■	■	■	■	■	■	■
Interpretive Marker Sign [2]	Section 13.6.3	■	■	■	■	■	■	■	■	■	■	■
Monument Sign [1] [3]	Section 13.6.4	■	■	■	■		■	■	■	■	■	■
Post Sign, Permanent [1]	Section 13.6.5	■	■	■	■			■				
Residential Entry Sign	Section 13.6.6	■	■	■	■		■					
Temporary Attached Signs												
Applied Vinyl Sidewalk Sign [1]	Section 13.7.1	■	■	■	■	■	■	■	■	■	■	■
Athletic Field Fence Sign	Section 13.7.2								○		○	○

Table 13-1: Permitted and Allowed Sign Types by District												
Sign Type	**Reference**	**GR**	**NCR**	**MUR**	**TSR**	**DT**	**AC**	**NB**	**CB**	**IND**	**CI**	**OS**
Light Pole Banner Sign	Section 13.7.3	■	■	■	■	■	■	■	■	■	■	■
Scoreboard Sign	Section 13.7.4								○		○	○
Sock Sign [1]	Section 13.7.5	○	○	○	○	○	○	○	○	○	○	○
Wall Mounted Banner Sign [4]	Section 13.7.6					■	■	■	■	■	■	■
Window Sign, Temporary	Section 13.7.7					○	○	○	○	○	○	○
Temporary Freestanding Signs												
Ground Mounted Banner Sign [4]	Section 13.8.1	■	■	■		■	■		■	■	■	■
Post Sign, Temporary	Section 13.8.2	○	○	○	○							
Post and Panel Sign [4]	Section 13.8.3						■		■	■	■	■
Sidewalk Sign [5]	Section 13.8.4	○	○	○	○	○	○	○	○	○	○	○
Yard Sign [6]	Section 13.8.5	■	■	■	■	■	■	■	■	■	■	■

Notes
[1] Sign type shall be permitted for Multifamily and Nonresidential developments only.
[2] Sign type shall be allowed only when installed in conjunction with a government sponsored program for historic preservation or public art.
[3] Sign type is prohibited in the LH-O and MV-O districts.
[4] A Zoning Compliance Permit shall not be required if the property on which the sign shall be placed is actively marketed for sale or lease. All requirements of Section 13.4 shall be met.
[5] Sign type shall be allowed for multifamily, nonresidential, and temporary real estate sales uses only.
[6] Sign type shall not require a permit if placed on a parcel developed with a single-family detached, duplex, triplex/quadplex, townhome, or cottage court dwelling.
[7] In the LH-O District, approval of a COA is required for new permanent signs and modifications of existing permanent signs in accordance with Section 2.5.2

13.4 General Sign Standards

13.4.1. All Signs

A. **Sign Measurement**

1. **Sign Face Area**

a. **General**
The area of a sign is determined by the total area of the smallest quadrilateral enclosing the copy. A maximum of two quadrilaterals may be utilized in sign area calculation.

b. **Double-Faced Sign**
The calculation for a double-faced sign shall be the area of one face only where the sign faces are parallel or the interior angle formed by the faces is 60 degrees or less.

c. **Multi-Faced Sign**
The areas of all faces of a multi-faced sign shall be added together to compute the area of the sign. Sign area of multi-faced signs is calculated based on the principle that all sign elements that can be seen at one time or from one vantage point should be considered in measuring that side of the sign.

2. **Height**

a. Sign height shall be measured by the vertical distance between the highest point on the sign structure to the average elevation of the ground upon which the sign supports or façade of the building upon which the sign is affixed are placed, including the height of the sign base, when a sign base is a structural part of the sign, except when:

i. The sign supports rest upon a berm or other area elevated above the surrounding ground, or

ii. The sign supports rest upon a ditch or other area lower than the surrounding ground.

b. In the cases detailed in Sections a.i and a.ii above, the elevation of the centerline of the adjacent roadway or other elevation from which the sign will be primarily viewed shall be considered the ground level.

B. **Location and Encroachment**

1. All signs shall be located:

a. Outside of any easements, except for sign easements,

b. Outside the public right-of-way, except where encroachments are specifically permitted by the provisions of this Chapter,

c. Outside required sight triangles, and

d. So as to not obstruct building or site ingress, egress, or public safety features, such as fire hydrants and standpipes.

2. All signs shall be located outside of required landscape or buffer areas in accordance with Chapter 7, with the exception of residential entry signs and monument signs which may be located in a required street buffer.

3. A sign easement is required when a sign serving a common development site is located on a property not owned by the homeowner's/property owner's association. The easement shall allow use and access for maintenance of the sign.

4. If an encroachment into the public right-of-way is proposed, an encroachment agreement must be granted by the Town or NCDOT prior to permit approval; or placing a sign if a permit is not required.

C. **Illumination**

1. **Location and Design of Light Source**

a. Whenever an external artificial light source is used for a sign, such source shall be located, shielded, and directed so as not to be directly visible from any public right-of-way or residential property.

b. No receptacle or device housing a permitted light source for a sign shall protrude more than 24 inches from the face of the sign or building to which it is attached except if such light source is ground mounted, locked in place, and cannot be redirected.

2. **Installation and Level of Illumination**

a. In no event shall the illumination of any sign, resulting from any internal or external artificial light source, exceed the standards in Chapter 10.

b. All artificial illumination shall be designed, located, shielded, and directed as to prevent the casting of glare or direct light upon public right-of-way or residential property.

c. All artificial illumination shall be certified by the manufacturer as compliant with the standards in this Section 2.

3. **Prohibited Lighting**

a. No flashing or intermittent illumination shall be permitted on any sign or structure.

b. No internal illumination shall occur within a National Register Historic District.

c. No raceways shall be installed on any sign or structure.

D. **Installation and Structural**

1. All attached and building signs and their support frames shall be mounted and attached to building in a secure manner, shall not include wire or turnbuckle guy, and shall be maintained in good repair for safety and appearance. The installation of backer panels with returns is permitted on permanent sign types.

2. All permanent signs shall be able to resist normal loads from positive and negative wind pressure, snow, and other conditions as required by the Building Code.

3. The Administrator reserves the right to require sign load calculations and attachment design from a licensed structural engineer, and to require the same engineer to certify the sign installation in writing.

4. All signs attached to buildings shall be installed so as to not cover any architectural features, including but not be limited to, a pediment, cornice, belt course, pier, windows, pilaster, roof, decorative stone or inlay, kick plate/bulkhead, raised or colored brick pattern, and corbel of the building to which it is affixed.

E. **Maintenance**
Signs shall be maintained in accordance with Section 14.6.9.

13.4.2. Electronic Display

Monument and drive-through signs in the CB and CI Districts (as permitted) and drive-through signs in the NB District (as permitted) may incorporate an electronic display component in accordance with the following:

A. **Allowed Sign Area**

1. A maximum of one-third of a monument sign may be an electronic sign.

2. The entirety of a drive-through sign may be an electronic display.

3. The area of the sign devoted to an electronic display shall be part of, not in addition to, the maximum sign area allowed.

B. **Display Standards**

1. The sign will display a static message or image only and not have movement, or the appearance of movement, during the static display period.

2. The transition to change from one message or image to another shall be instant and not dissolve, fade, scroll, travel, or have similar transitions.

3. The message shall not change more frequently than once every minute.

4. Electronic displays must be equipped with a mechanism that will stop the messaging or freeze the image in one position when a malfunction in electronic programming occurs.

C. **Illumination**

1. Electronic displays shall be equipped with a sensor or other device that automatically determines the ambient illumination and is programmed to automatically dim according to light conditions.

2. Illumination of electronic displays shall meet the standards in Chapter 10.

13.5 Permanent Building Sign Standards

13.5.1. Awning Signs

Awning signs shall meet the standards in Table 13-2.

Table 13-2: Awning Sign Standards

Standards	GR	NCR	MUR	TSR	DT	AC	NB	CB	IND	CI	OS
Maximum Area [1]	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%
Maximum Number of Signs	One per awning structure										
Maximum Number of Sign Faces	1	1	1	1	1	1	1	1	1	1	1
Illumination	Prohibited										
Location	Awning signs shall be allowed on awnings that extend over ground floor main entrances only.										
Other Provisions	Any common entrance or single tenant building or tenant space façade of a multi-tenant building may display either an awning sign, blade sign, bracket-mounted sign, or wall sign.										

Notes

[1] Percent of the total area of the valance or face of the awning to which the sign is to be affixed.

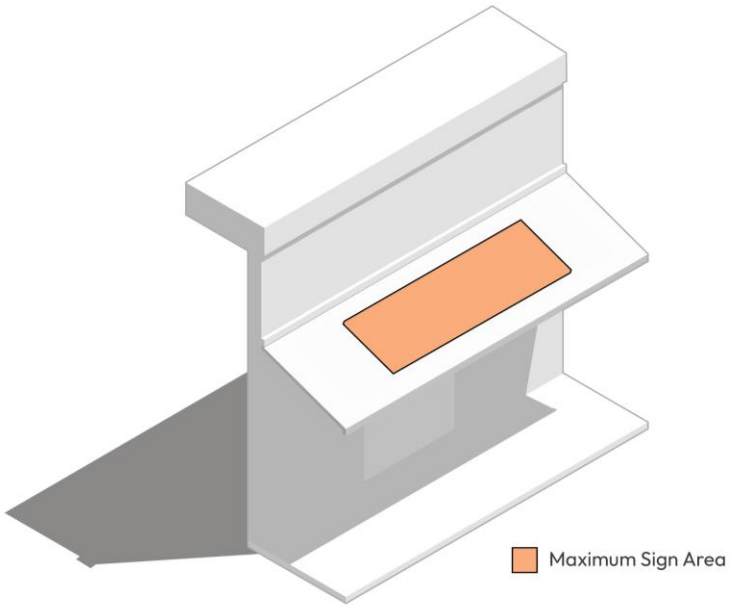

Figure 13-1: Awning Sign Area

13.5.2. Blade Signs

Blade signs shall meet the standards in Table 13-3.

Table 13-3: Blade Sign Standards

Standards	GR	NCR	MUR	TSR	DT	AC	NB	CB	IND	CI	OS
Single Tenant and Common Entrance Building Blade Signs											
Maximum Area – Building Mounted Blade Sign [1]				25 sq ft	25 sq ft	25 sq ft	25 sq ft	25 sq ft			
Maximum Area – Canopy Mounted Blade Sign				4 sq ft	4 sq ft	4 sq ft	4 sq ft	4 sq ft			
Maximum Area – Building Mounted Blade Sign [1]				4 sq ft	4 sq ft	4 sq ft	4 sq ft	4 sq ft			
All Blade Signs											
Maximum Projection	Four feet from the building or canopy to which it is attached.										
Minimum Vertical Clearance	10 feet above the established grade immediately below.										
Maximum Number of Signs	One blade sign per single tenant building or common entrance building and one per tenant in a multi-tenant building.										
Maximum Number of Sign Faces				2	2	2	2	2			
Illumination	Internal										
Location	May be mounted on a building, awning, or canopy located on the ground floor of a building only.										
	Shall not extend above the roofline of the building to which it is attached.										
Other Provisions	The property owner shall be required to obtain a right-of-way encroachment agreement from the Town or NCDOT prior to the construction of a blade sign over a public right-of-way.										
	A building may have either an awning sign, blade sign, bracket-mounted sign, or wall sign but is prohibited from having two or more of the aforementioned sign types on the same façade.										
Notes											
[1] 10 additional square feet of sign area is permitted per each building story above two stories.											

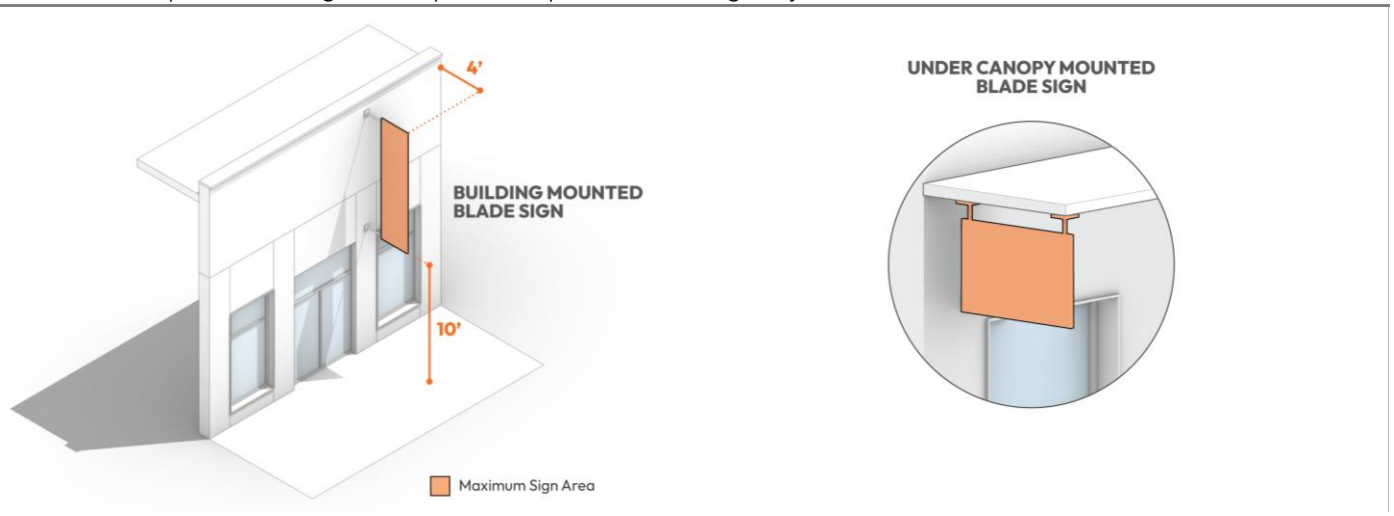

Figure 13-2: Blade Signs

13.5.3. Bracket-Mounted Signs

Bracket-mounted signs shall meet the standards in Table 13-4.

Table 13-4: Bracket-Mounted Sign Standards

Standards	GR	NCR	MUR	TSR	DT	AC	NB	CB	IND	CI	OS
Maximum Area	6 sq ft	6 sq ft	6 sq ft	6 sq ft	6 sq ft	6 sq ft	6 sq ft	6 sq ft	6 sq ft	6 sq ft	6 sq ft
Maximum Projection	Four feet from the building or canopy to which it is attached.										
Minimum Vertical Clearance	10 feet above the established grade immediately below.										
Maximum Number of Signs	One per single tenant building, common entrance building, or tenant of a multi-tenant building.										
Maximum Number of Sign Faces	2	2	2	2	2	2	2	2	2	2	2
Illumination	Internal										
Location	May be mounted on a building, awning, or canopy located on the ground floor of a building only.										
	Shall not extend above the ground floor of the building to which it is attached.										
Other Provisions	The property owner shall be required to obtain a right-of-way encroachment agreement from the Town prior to the construction of a bracket-mounted sign over a public right-of-way.										
	A building may have either an awning sign, blade sign, bracket-mounted sign, or wall sign but is prohibited from having two or more of the aforementioned sign types on the same façade.										

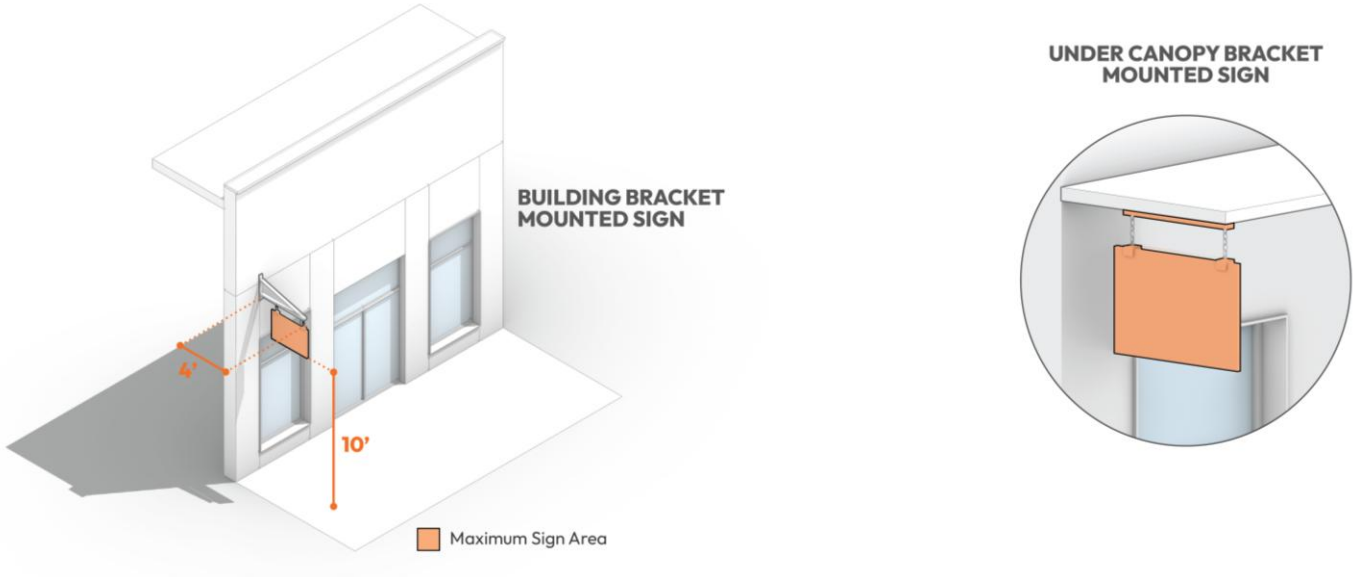

Figure 13-3: Bracket-Mounted Signs

13.5.4. Canopy Signs

Canopy signs shall meet the standards in Table 13-5.

Table 13-5: Canopy Sign Standards

Standards	GR	NCR	MUR	TSR	DT	AC	NB	CB	IND	CI	OS
Maximum Area [1]	1 sq ft	1 sq ft	1 sq ft	1.5 sq ft	1.5 sq ft	1.5 sq ft	1.5 sq ft	1.5 sq ft	1.5 sq ft	1.5 sq ft	1 sq ft
Maximum Height [2]	1 ft	1 ft	1 ft	1.5 ft	1.5 ft	2 ft	1.5 ft	2 ft	2 ft	2 ft	1 ft
Maximum Number of Signs	One per tenant										
Maximum Number of Sign Faces	1	1	1	1	1	1	1	1	1	1	1
Sign Copy	Channel letters individually affixed to the canopy structure.										
Illumination	Internal, external, or lit with allowed building façade lighting per Section 10.4.3.										
Location	For building canopies, signs shall be allowed on ground floor canopies only.										
	For building canopies, signs shall be mounted on top of or on the front of the canopy structure.										
	If on freestanding canopies shall be mounted on the front of the canopy structure and shall not extend above or below the canopy structure.										
Other Provisions	A building may have either an awning sign, blade sign, bracket-mounted sign, or wall sign but is prohibited from having two or more of the aforementioned sign types on any façade.										

Notes

[1] Per linear foot of the length of the portion of the canopy upon which that sign shall be applied.

[2] Of sign copy

Figure 13-4: Building Canopy Sign - Front Mounted

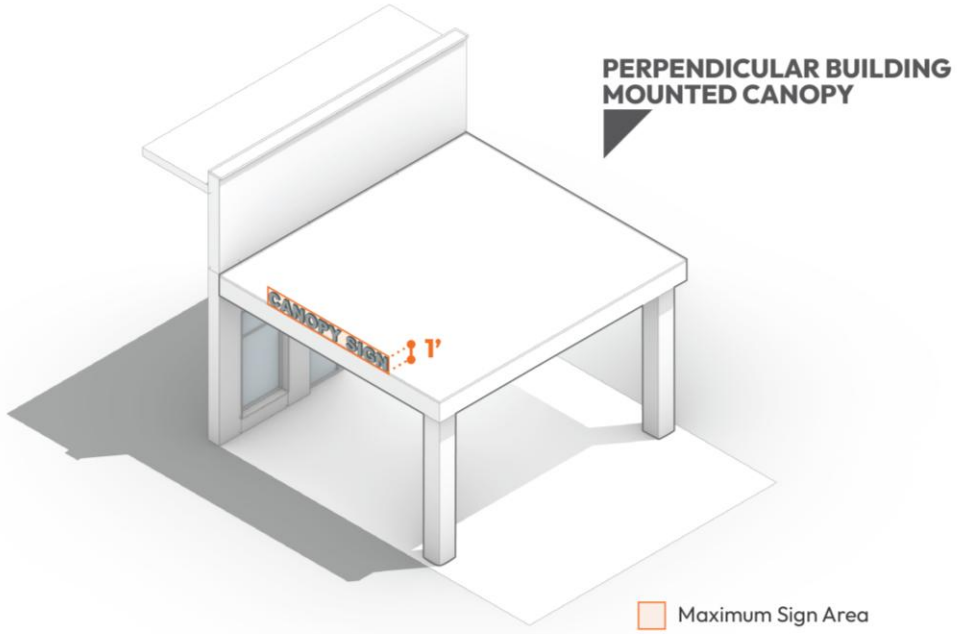

Figure 13-5: Building Canopy Sign - Top Mounted

Figure 13-6: Freestanding Canopy Sign

13.5.5. Plaque Signs

Plaque signs shall meet the standards in Table 13-6.

Table 13-6: Plaque Sign Standards

Standards	GR	NCR	MUR	TSR	DT	AC	NB	CB	IND	CI	OS
Maximum Area	2 sq ft	2 sq ft	2 sq ft	2 sq ft	2 sq ft	2 sq ft	2 sq ft	2 sq ft	2 sq ft	2 sq ft	2 sq ft
Maximum Number of Signs	One per historic building or structure entrance.										
Maximum Number of Sign Faces	1	1	1	1	1	1	1	1	1	1	1
Illumination	Prohibited										
Location	Signs shall be located on the ground floor of ground a building or structure.										
Other Provisions	Shall only be allowed as a part of a government sponsored historic preservation or public art program.										

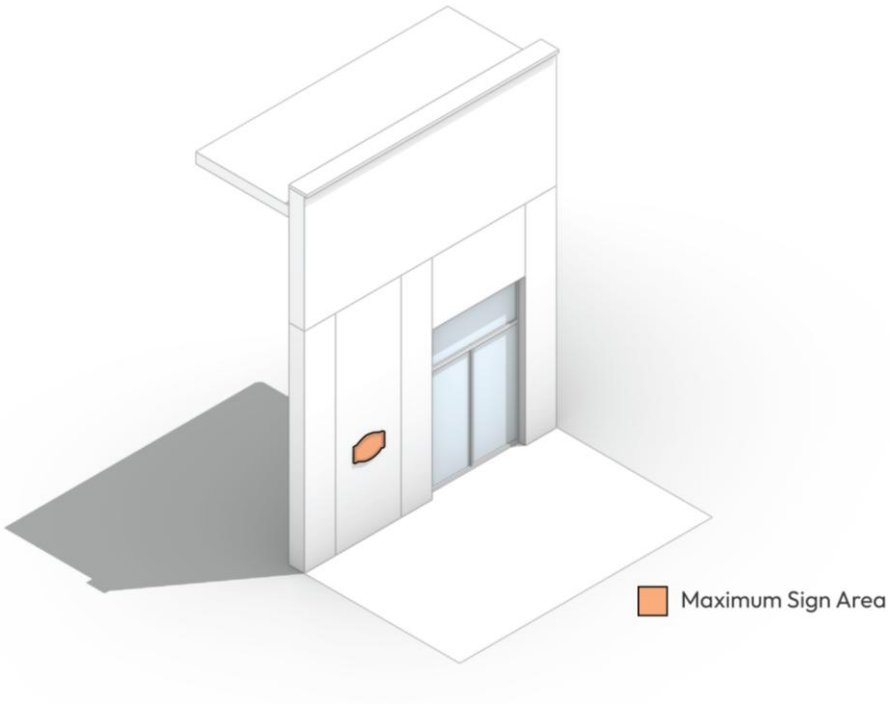

Figure 13-7: Plaque Sign

13.5.6. Wall Signs

Wall signs shall meet the standards in Table 13-7.

Table 13-7: Wall Sign Standards

Standards	GR	NCR	MUR	TSR	DT	AC	NB	CB	IND	CI	OS
Single Tenant or Common Entrance Buildings											
Maximum Number of Signs [1]	2	2	2	2	2	3	3	3	2	2	2
Multi-Tenant Buildings											
Maximum Number of Signs [2][3]	1	1	1	1	1	1	1	1	1	1	1
All Wall Signs											
Maximum Area [4]	1 sq ft	1 sq ft	1 sq ft	1 sq ft	1 sq ft	1.5 sq ft	1 sq ft	1.5 sq ft	1.5 sq ft	1.5 sq ft	1 sq ft
Maximum Projection	Shall not extend more than 12 inches from the face of the wall to which sign is attached.										
	Shall not extend beyond the end of the wall to which sign is attached.										
Maximum Number of Sign Faces	1	1	1	1	1	1	1	1	1	1	1
Sign Copy	100 percent may be individually affixed letters, applied vinyl, or printed, etched, or otherwise incorporated directly on the sign's backing plate, or may be painted directly on the building façade.										
	20 percent or less may be a box/cabinet sign if the remaining 80 percent of the sign is comprised of individually affixed letters.										
Illumination	Internal or external, except that in the LH-O and MV-O districts only external illumination is permitted.										
Location	For a building without a parapet wall, shall not extend above the roof deck.										
	For a building with a parapet wall, may extend two feet above the roof deck of a building, provided no portion of the sign extends above the parapet.										
	For a building with a pitched roof, shall not extend above the lower eave line of a building.										
	Shall not be affixed to HVAC screening, elevator overrun, or other structures protruding from the roof of the principal building.										
Notes											
[1] For multi-tenant buildings with shared, common entrances the allowed number of signs shall be that of single tenant buildings. Ground floor tenant spaces with dedicated entrances are allowed the number of signs of multi-tenant buildings.											
[2] Per tenant space											
[3] End units in a multi-tenant building may have up to two wall signs, provided one is on the primary façade and the other is on a secondary façade.											
[4] Per linear foot of building or tenant space wall on which sign will be affixed.											

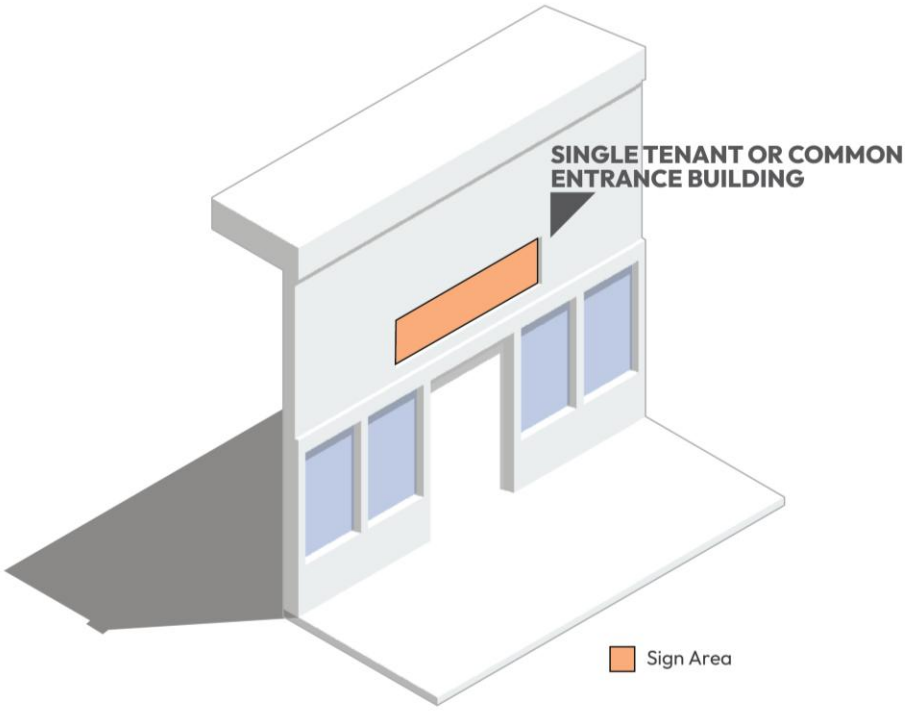

Figure 13-8: Wall Sign - Single Tenant or Common Entrance Building

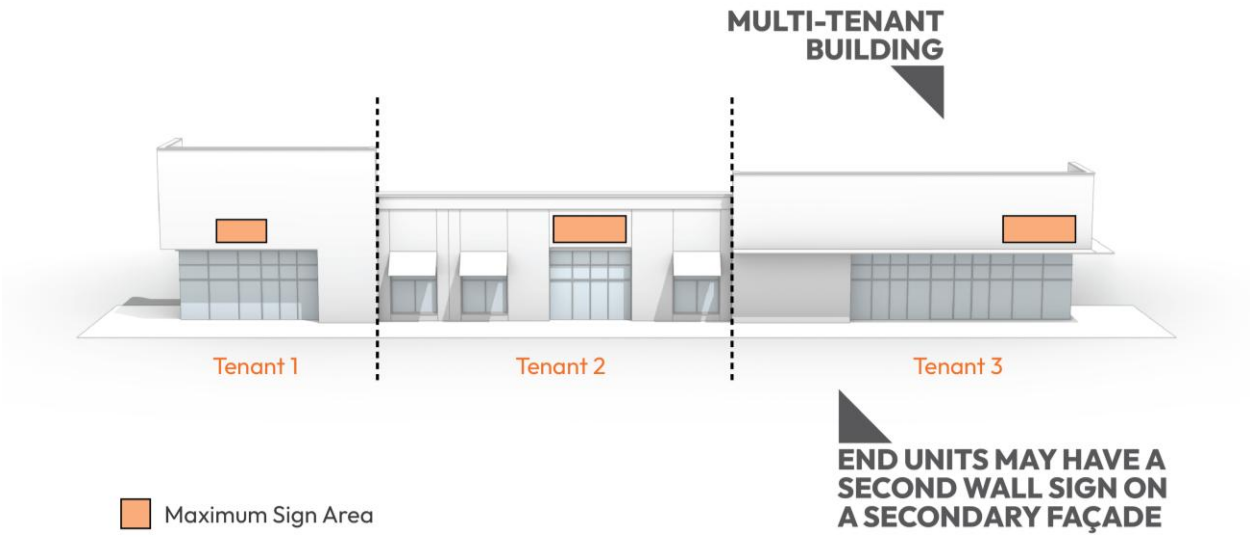

Figure 13-9: Wall Sign - Multi-Tenant Building

13.5.7. Permanent Window Signs

Permanent window signs shall meet the standards in Table 13-8.

Table 13-8: Permanent Window Sign Standards

Standards	GR	NCR	MUR	TSR	DT	AC	NB	CB	IND	CI	OS
Maximum Area [1]	15%	15%	15%	15%	20%	25%	20%	25%	25%	25%	25%
Sign Copy	Applied vinyl only										
Illumination	Prohibited										
Location	Shall be located on ground floor windows or doors only.										

Notes

[1] Of the square footage of the individual window on which the sign shall be located.

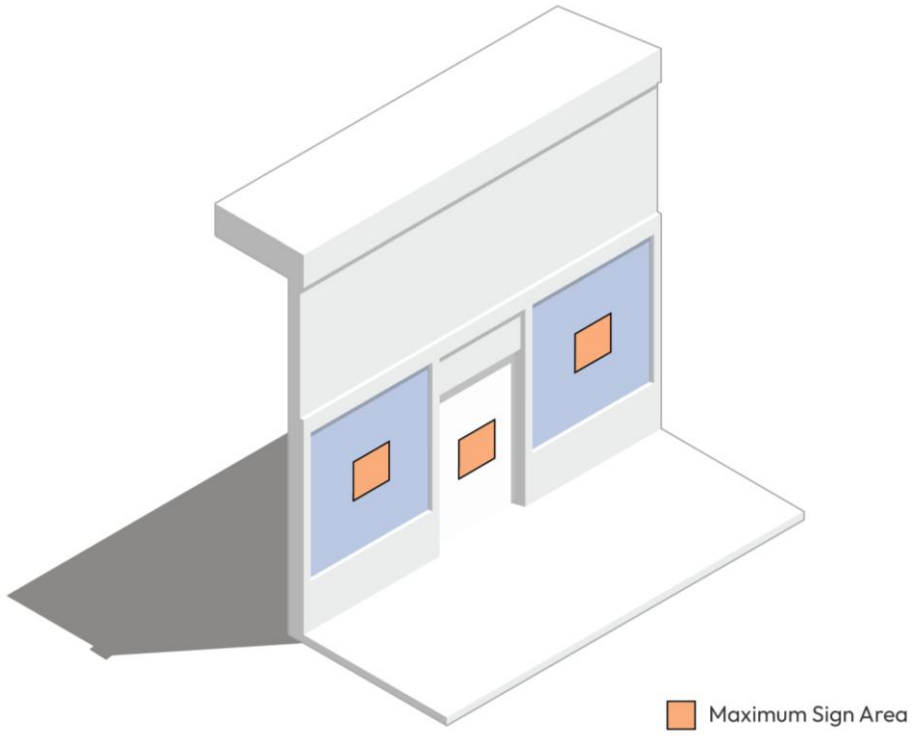

Figure 13-10: Window Sign - Permanent

13.6 Permanent Ground Sign Standards

13.6.1. Drive-Through Signs

Drive-through signs shall meet the standards in Table 13-9.

Table 13-9: Drive-Through Sign Standards

Standards	GR	NCR	MUR	TSR	DT	AC	NB	CB	IND	CI	OS
Maximum Area per Sign							40 sq ft	40 sq ft			
Maximum Height							6 ft	6 ft			
Maximum Number of Signs per Drive Thru Lane							2	2			
Maximum Number of Sign Faces							1	1			
Sign Copy	May be comprised 100 percent of an electronic display, meeting all requirements of Section 13.4.2 with the exception of Section 13.4.2.B.3.										
Illumination	Shall meet the illumination standards in Section 13.4.1.C										
	Internal										
	Shall be illuminated during business hours only.										
Location	Within five feet of the drive-through lane(s) and shall meet all other location standards in Section 13.4.1.B.										
	If facing a roadway or residential use shall be fully screened from view utilizing a fence, wall, vegetation, or a combination thereof.										

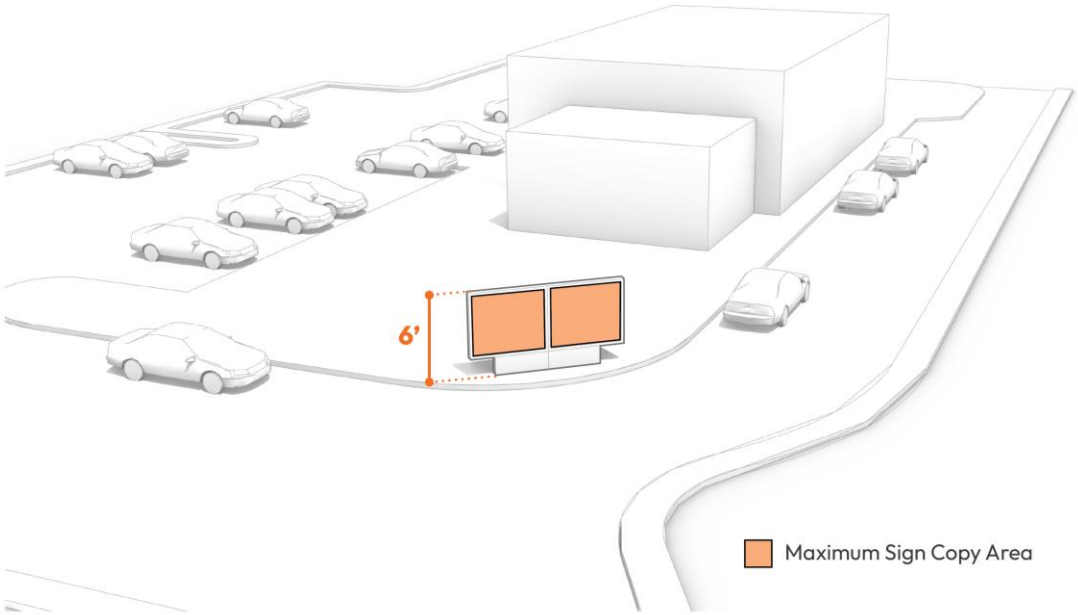

Figure 13-11: Drive-Through Sign

13.6.2. Internal Circulation Safety Sign

Internal circulation safety signs shall meet the standards in Table 13-10.

Table 13-10: Internal Circulation Safety Sign Standards

Standards	GR	NCR	MUR	TSR	DT	AC	NB	CB	IND	CI	OS
Maximum Area	4 sq ft	4 sq ft	4 sq ft	4 sq ft	4 sq ft	4 sq ft	4 sq ft	4 sq ft	4 sq ft	4 sq ft	4 sq ft
Maximum Height	3 ft	3 ft	3 ft	3 ft	3 ft	3 ft	3 ft	3 ft	3 ft	3 ft	3 ft
Maximum Number of Signs	Two per site entrance/exit and two per drive aisle, internal drive, or drive-through lane intersection.										
Maximum Number of Sign Faces	2	2	2	2	2	2	2	2	2	2	2
Illumination	Prohibited										
Location	Shall meet all location and encroachment standards in accordance with Section 13.4.1.B										

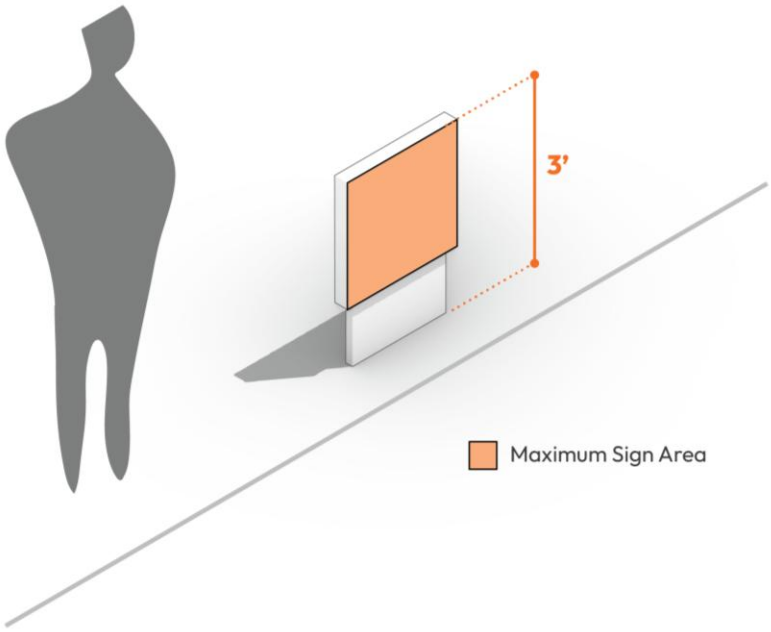

Figure 13-12: Internal Circulation Safety Sign

13.6.3. Interpretive Marker Signs

Interpretive marker signs shall meet the standards in Table 13-11.

Table 13-11: Interpretive Marker Sign Standards

Standards	GR	NCR	MUR	TSR	DT	AC	NB	CB	IND	CI	OS
Maximum Area	9 sq ft	9 sq ft	9 sq ft	9 sq ft	9 sq ft	9 sq ft	9 sq ft	9 sq ft	9 sq ft	9 sq ft	9 sq ft
Maximum Height	8 ft	8 ft	8 ft	8 ft	8 ft	8 ft	8 ft	8 ft	8 ft	8 ft	8 ft
Maximum Number of Signs	Three per lot										
Maximum Number of Sign Faces	2	2	2	2	2	2	2	2	2	2	2
Illumination	Prohibited										
Location	Shall meet all location and encroachment standards in accordance with Section 13.4.1.B										
	May be located in a right-of-way subject to an encroachment agreement approval										
Other Provisions	Only allowed as a part of a government sponsored historic preservation program, in a public park, or in a conservation/open space easement.										

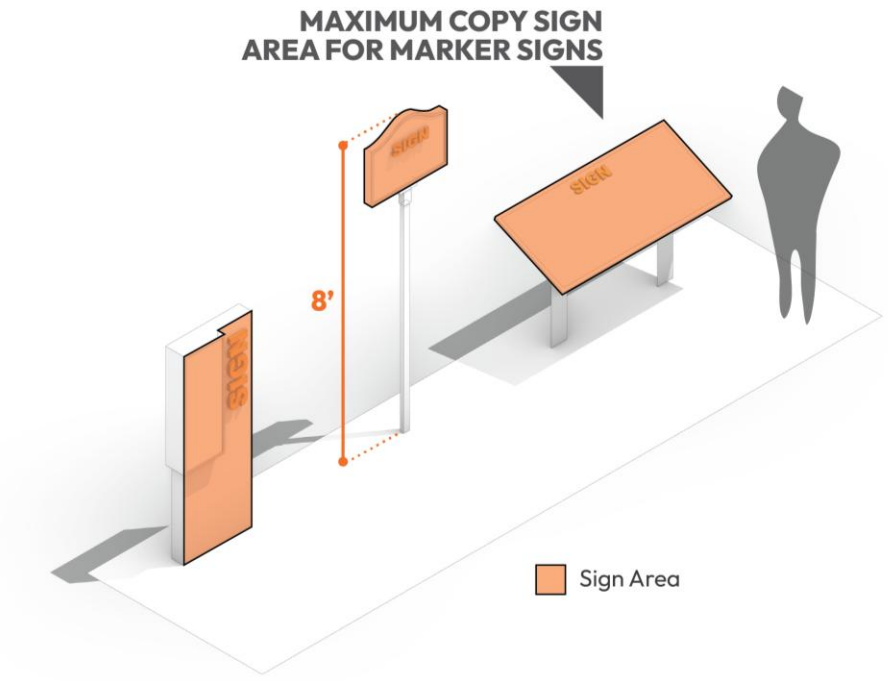

Figure 13-13: Interpretive Marker Sign

13.6.4. Monument Signs

Monument signs shall meet the standards in Table 13-12.

Table 13-12: Monument Sign Standards

Standards	GR	NCR	MUR	TSR	DT	AC	NB	CB	IND	CI	OS
Single-Tenant and Common Entrance Buildings Monument Signs											
Maximum Area [1]	25 sq ft	25 sq ft	25 sq ft	25 sq ft		50 sq ft	40 sq ft	50 sq ft	50 sq ft	50 sq ft	50 sq ft
Maximum Height [2]	6 ft	6 ft	6 ft	6 ft		8 ft	6 ft	8 ft	8 ft	9 ft	9 ft
Sign Base Minimum Height	2 ft	2 ft	2 ft	2 ft		3 ft	2 ft	3 ft	3 ft	2 ft	2 ft
Multi-Tenant Buildings											
Maximum Area [1]	25 sq ft	25 sq ft	25 sq ft	25 sq ft		75 sq ft	40 sq ft	75 sq ft	75 sq ft	75 sq ft	50 sq ft
Maximum Height	6 ft	6 ft	6 ft	6 ft		12 ft	6 ft	12 ft	12 ft	12 ft	9 ft
Sign Base Minimum Height	2 ft	2 ft	2 ft	2 ft		4 ft	2 ft	4 ft	4 ft	2 ft	2 ft
All Monument Signs											
Maximum Number of Signs per Development Site Frontage Adjacent to Street ROW	1	1	1	1		1	1	1	1	1	1
Maximum Number of Sign Faces	2	2	2	2		2	2	2	2	2	2
Sign Copy	Shall be individually affixed letters, applied vinyl, or be printed, etched, or otherwise incorporated directly on the sign's backing plate.										
Sign Base Design	Sign base, including all structural components, shall extend from the sign face on at least one side, a minimum of 10 percent and a maximum of 40 percent of the width of the sign face.										
	Sign face may extend a maximum of 40 percent off of the sign base.										
	Sign base shall be constructed from a Category 1 exterior building cladding material (Section 5.3.3.). If a Category 1 building material is utilized on the primary building the sign base shall be constructed of the same material.										
Illumination	Internal or external										
Landscape	A landscape area at the sign base shall be required to be planted and maintained by the property owner.										
	The minimum size of the landscape area shall be equal to half of the square footage of the sign area of the associated sign.										
	Landscape areas shall be planted with shrubs, native grasses, annuals, and/or perennials at a rate of one planting per three square feet of required landscape area.										
Location	Shall meet all location and encroachment standards in accordance with Section 13.4.1.B										
Other	A development site shall be permitted either a post sign or a monument sign per development site frontage adjacent to a street right-of-way.										
Notes											
[1] If adjacent to a thoroughfare of a Tier 3 or higher classification in the CTP, maximum sign area may be increased by 10 square feet.											
[2] If adjacent to a thoroughfare of a Tier 3 or higher classification in the CTP, maximum sign height may be increased by two feet.											

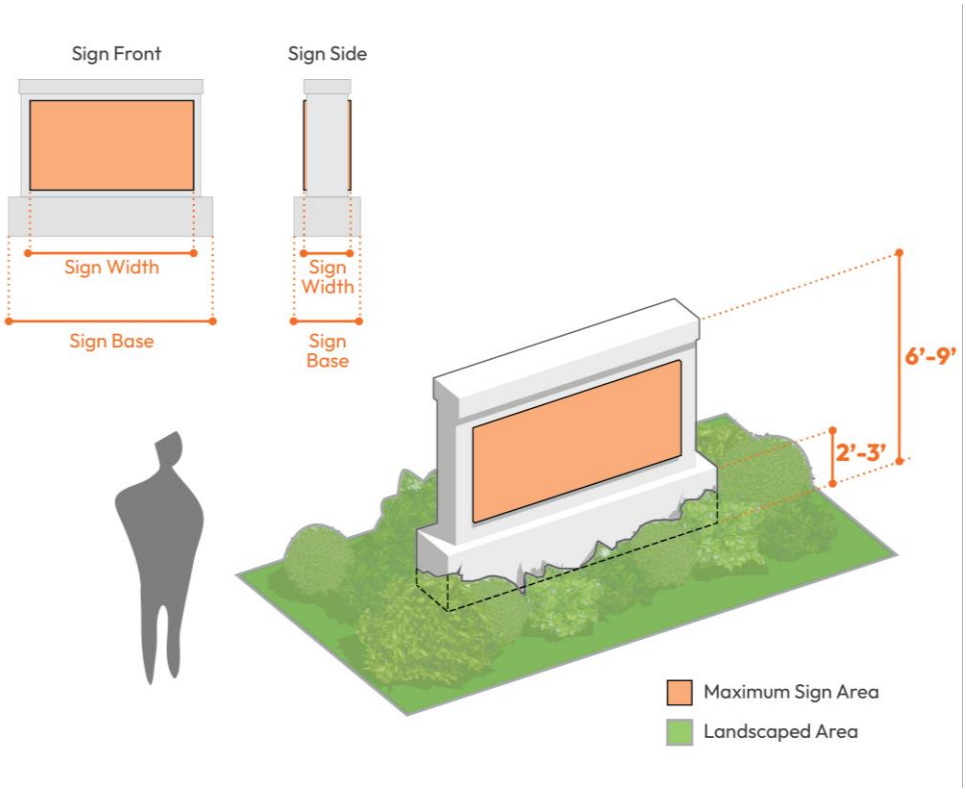

Figure 13-14: Monument Sign - Single Tenant or Common Entrance Building

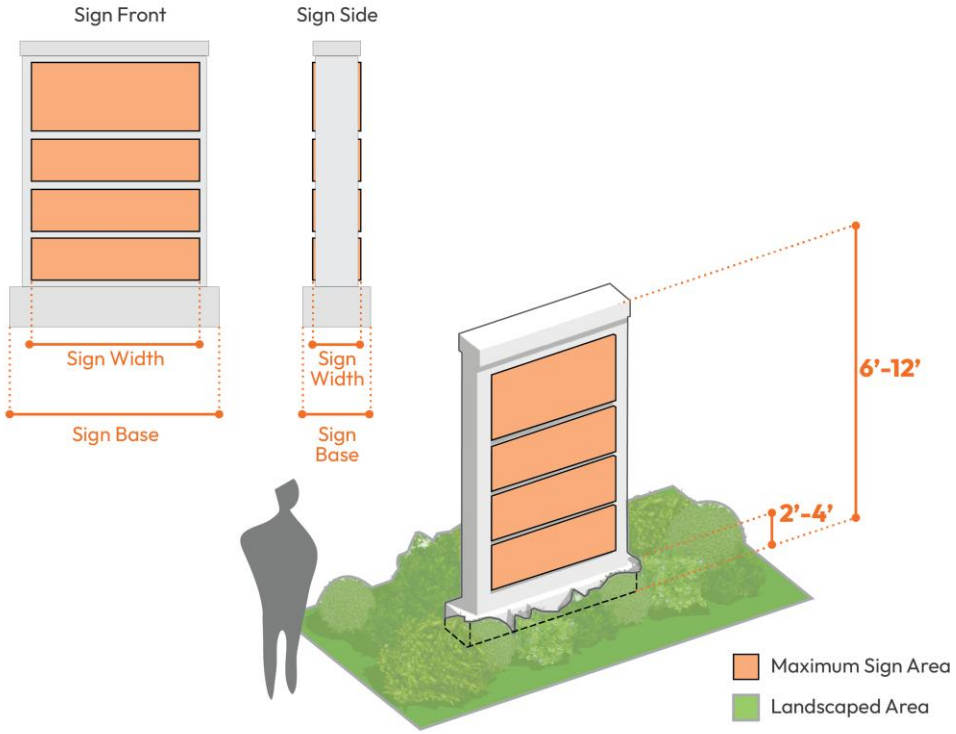

Figure 13-15: Monument Sign - Multi-Tenant Building

13.6.5. Post Signs

Post signs shall meet the standards in Table 13-13.

Table 13-13: Permanent Post Sign Standards

Standards	GR	NCR	MUR	TSR	DT	AC	NB	CB	IND	CI	OS
Maximum Area	6 sq ft	6 sq ft	6 sq ft	6 sq ft			6 sq ft				
Maximum Height	6 ft	6 ft	6 ft	6 ft			6 ft				
Maximum Number of Signs per Development Site Frontage Adjacent to Street ROW	1	1	1	1			1				
Maximum Number of Sign Faces	2	2	2	2			2				
Sign Copy	Shall be channel letters or be printed, etched, or otherwise directly incorporated on the sign backing.										
Sign Base Design	Shall be aluminum, aluminum composite, acrylic, PVC board, exterior-grade plywood, or other weather resistant, purpose built material approved by the Administrator.										
Illumination	External if the landscape lighting standards in Section 10.4.2. are met.										
Location	Shall meet all location and encroachment standards in accordance with Section 13.4.1.B.										
Other	A development site shall be permitted either a post sign or a monument sign.										

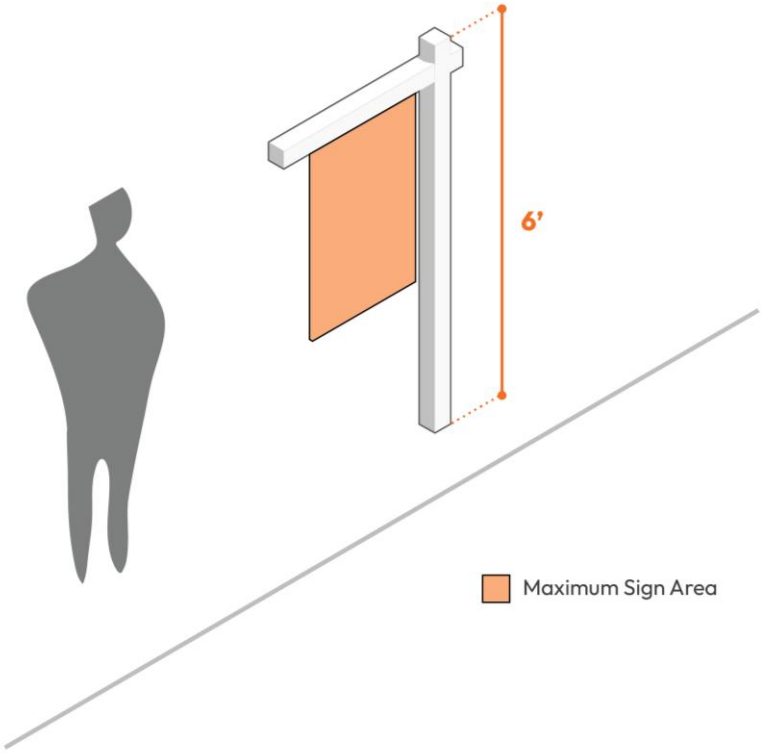

Figure 13-16: Post Sign

13.6.6. Residential Entryway Signs

Residential Entryway signs shall meet the standards in Table 13-14.

Table 13-14: Residential Entryway Sign Standards

Standards	GR	NCR	MUR	TSR	DT	AC	NB	CB	IND	CI	OS
Maximum Area [1]	25 sq ft	25 sq ft	25 sq ft	25 sq ft		25 sq ft					
Total Maximum Height [2]	6 ft	6 ft	6 ft	6 ft		6 ft					
Sign Base Minimum Height	2 ft	2 ft	2 ft	2 ft		2 ft					
Maximum Number of Signs per Development Site Frontage Adjacent to Street ROW	1	1	1	1		1					
Maximum Number of Sign Faces	2	2	2	2		2					
Sign Copy	Shall be individually affixed letters, applied vinyl, or be printed, etched, or otherwise incorporated directly on the sign's backing plate.										
	Box/cabinet signs are prohibited.										
Sign Base Design	Sign base, including all structural components, shall extend from the sign face on at least one side, a minimum of 10 percent and a maximum of 40 percent of the width of the sign face.										
	Sign face may extend a maximum of 40 percent off of the sign base.										
	Sign base shall be constructed from a Category 1 exterior building cladding material (Section 5.3.3).										
Illumination	External or backlit										
Landscape	A landscape area at sign base shall be required to be planted and maintained by the property owner in perpetuity.										
	The minimum size of the landscape area shall be equal to half of the square footage of the sign area of the associated sign.										
	Landscape areas shall be planted with shrubs, native grasses, annuals, and/or perennials at a rate of one planting per three square feet of required landscape area.										
Location	Shall be located at residential subdivision entryways and shall meet all location and encroachment standards in accordance with Section 13.4.1.B										

Notes

[1] If adjacent to a thoroughfare of a Tier 3 or higher classification in the CTP, maximum sign area may be increased by 10 square feet.

[2] If adjacent to a thoroughfare of a Tier 3 or higher classification in the CTP, maximum sign height may be increased by two feet.

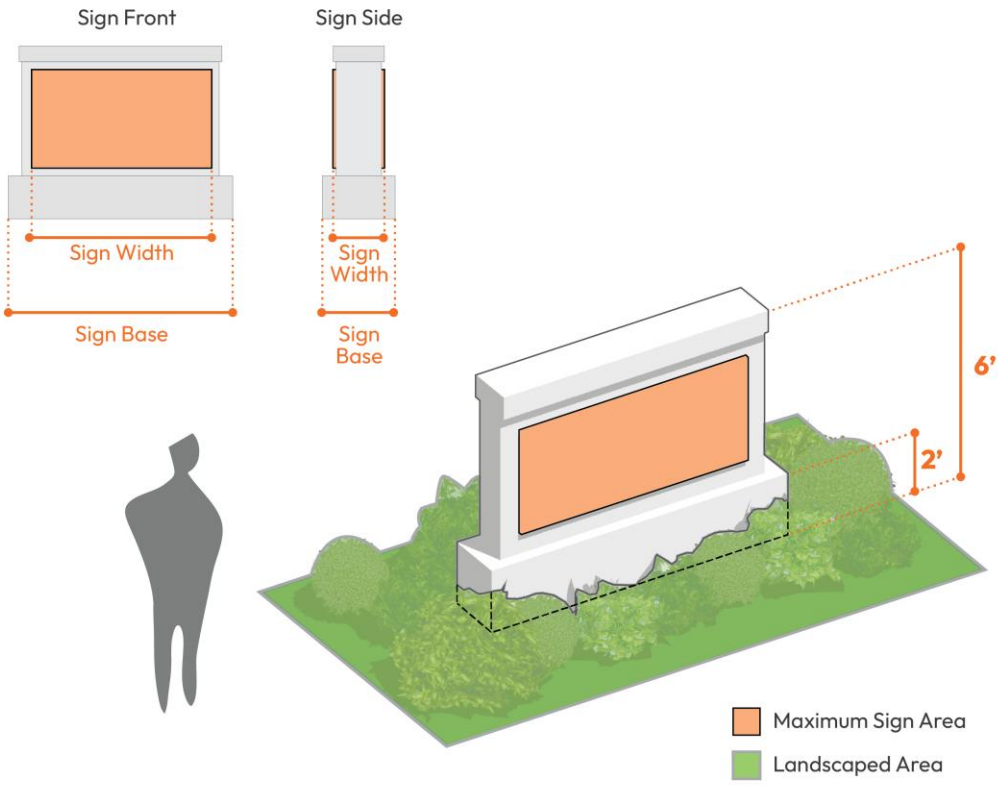

Figure 13-17: Residential Entryway Sign

13.7 Temporary Attached Sign Standards

13.7.1. Applied Vinyl Sidewalk Signs

Applied vinyl sidewalk signs shall meet the standards in Table 13-15.

Table 13-15: Applied Vinyl Sidewalk Sign Standards

Standards	GR	NCR	MUR	TSR	DT	AC	NB	CB	IND	CI	OS
Maximum Area	4 sq ft	4 sq ft	4 sq ft	4 sq ft	4 sq ft	12 sq ft	4 sq ft	4 sq ft	4 sq ft	12 sq ft	12 sq ft
Maximum Number of Signs per Building Entryway	1	1	1	1	1	2	1	1	1	2	2
Maximum Number of Signs per 100 lineal feet of Sidewalk or Pedestrian Walkway [1]	1	1	1	1	1	1	1	1	1	1	1
Minimum Separation of Signs Development Site Frontage	20 ft	20 ft	20 ft	20 ft	20 ft	50 ft	20 ft	20 ft	50 ft	50 ft	50 ft
Maximum Number of Sign Faces	1	1	1	1	1	1	1	1	1	1	1
Sign Materials	Removable vinyl material										
Illumination	Prohibited										
Location	Sidewalk, pedestrian walkway, or other outdoor hard surface that is owned by the person or entity on the Zoning Compliance permit (see Section 16.6.15).										
Duration of Display – Single Tenant or Common Entrance Buildings	A minimum of 10 and a maximum of 90 days.										
	A single tenant or common entrance building shall be permitted to display up to three per year. A minimum of 10 days shall separate each display period.										
Duration of Display – Multi-tenant Buildings	A minimum of 10 and a maximum of 90 days.										
	A maximum of three may be displayed per multi-tenant building concurrently.										
	The property owner shall be responsible for determining which tenants may display applied vinyl sidewalk signs concurrently.										

Notes

[1] Sign may be installed on public sidewalk by governing jurisdiction only.

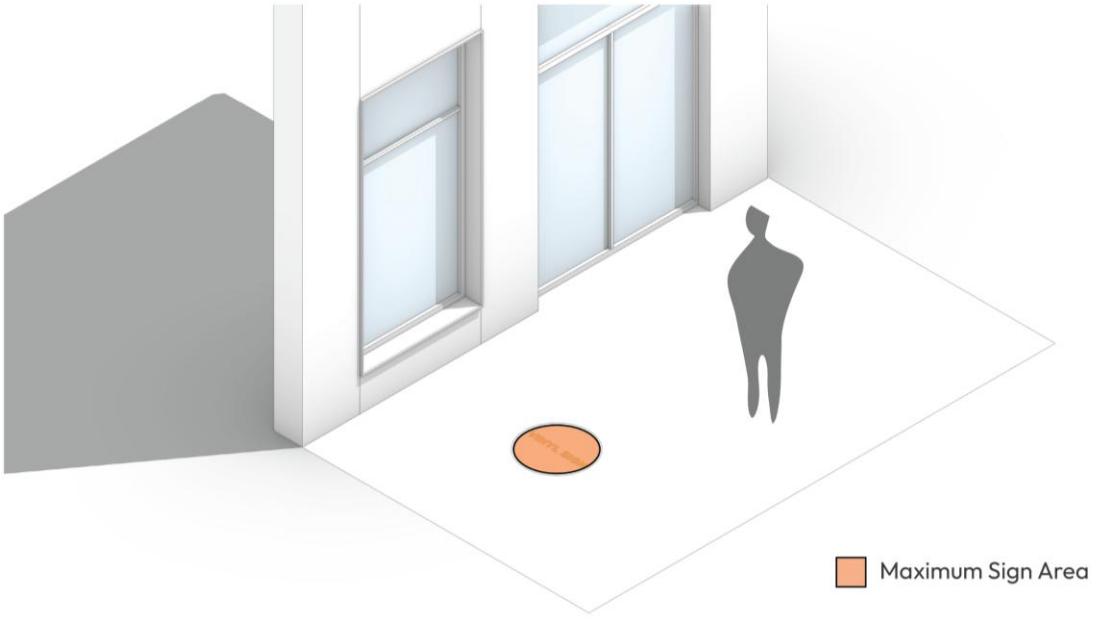

Figure 13-18: Applied Vinyl Sidewalk Sign

13.7.2. Athletic Field Fence Sign

Athletic field fence signs shall meet the standards in Table 13-16.

Table 13-16: Athletic Field Fence Sign Standards

Standards	GR	NCR	MUR	TSR	DT	AC	NB	CB	IND	CI	OS
Maximum Area	No Maximum Area										
Maximum Number	No Maximum Number										
Maximum Projection	Shall be affixed flat against the fence to which they are mounted.										
Maximum Number of Sign Faces	1	1	1	1	1	1	1	1	1	1	1
Sign Materials	18-oz vinyl or a similarly heavy-duty material purpose made for outdoor display.										
	If larger than 32 square feet shall utilize wind resistant measures.										
Illumination	Prohibited										
Location	No portion may extend above or beyond the fence to which it is mounted.										
	Shall be oriented in a manner where sign copy is not visible from the right-of-way or adjacent property.										
Duration of Display	Shall not be limited so long as all maintenance requirements are met (see Sections 14.6.3 and 14.6.9).										

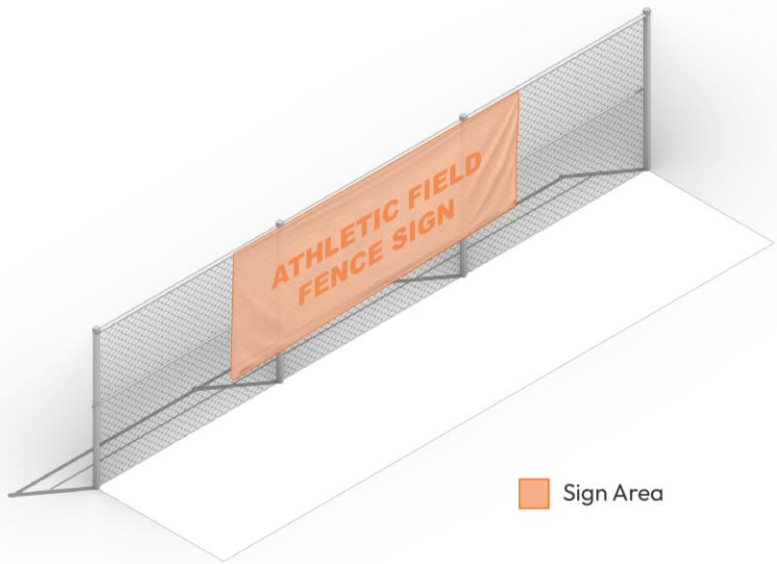

Figure 13-19: Athletic Field Fence Sign

13.7.3. Light Pole Banner Signs

Light pole banner signs shall meet the standards in Table 13-17.

Table 13-17: Light Pole Banner Sign Standards

Standards	GR	NCR	MUR	TSR	DT	AC	NB	CB	IND	CI	OS
Maximum Length	4.5 ft	4.5 ft	4.5 ft	4.5 ft	4.5 ft	6 ft	4.5 ft	6 ft	6 ft	6 ft	6 ft
Maximum Width	2.5 ft	2.5 ft	2.5 ft	2.5 ft	2.5 ft	2.5 ft	2.5 ft	2.5 ft	2.5 ft	2.5 ft	2.5 ft
Minimum Clearance	11 feet										
Maximum Number of Signs per Light Pole	1	1	1	1	1	1	1	1	1	1	1
Maximum Number of Sign Faces	2	2	2	2	2	2	2	2	2	2	2
Sign Materials	PVC flex material, laminated for outdoor use.										
Illumination	Prohibited										
Location	Shall be attached to functioning light poles only.										
	Shall not be attached to wooden poles.										
Duration of Display	Shall not be limited so long as all maintenance requirements are met (see Section 14.6.9).										
Other Provisions	Shall have wind flaps or utilize wind deflecting mounting brackets.										
	Brackets shall be painted to match the color of the light pole.										
	The property owner shall be required to obtain a right-of-way encroachment agreement from the Town prior to the display of a light pole banner in a Town maintained public right-of-way and provide a release or hold harmless to the owner of the light pole.										

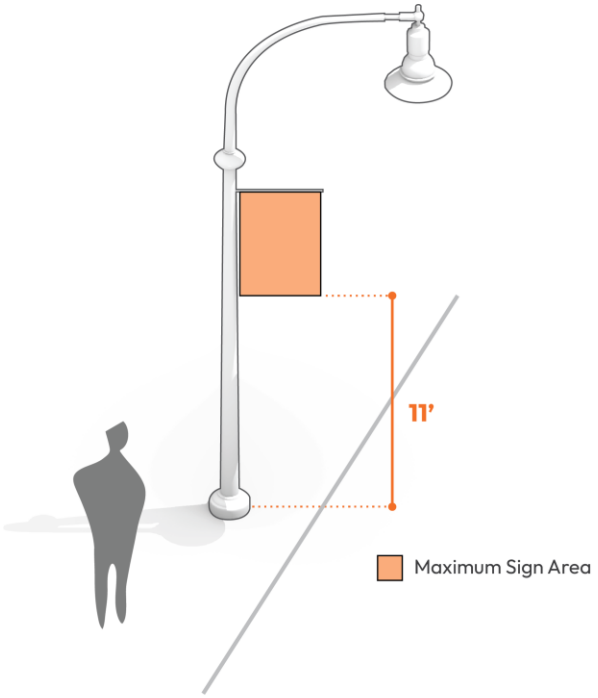

Figure 13-20: Light Pole Banner Sign

13.7.4. Scoreboard Sign, Temporary

Scoreboard signs, temporary shall meet the standards in Table 13-18.

Table 13-18: Scoreboard Sign, Temporary Standards

Standards	GR	NCR	MUR	TSR	DT	AC	NB	CB	IND	CI	OS
Maximum Area								32 sq ft		32 sq ft	32 sq ft
Minimum Vertical Clearance								8 ft		8 ft	8 ft
Maximum Projection	Affixed flat against the scoreboard to which they are mounted or on a scoreboard support.										
Maximum Number of Signs per Scoreboard	No Maximum Number										
Maximum Number of Sign Faces								1		1	1
Sign Materials	18-oz vinyl or a similarly heavy-duty material purpose made for outdoor display.										
Illumination	Prohibited										
Location	No portion may extend above or beyond the scoreboard to which it is mounted.										
	Shall be located in a manner that orients the sign copy internal to the development site.										
Duration of Display	Shall not be limited so long as all maintenance requirements are met (see Section 14.6.9).										

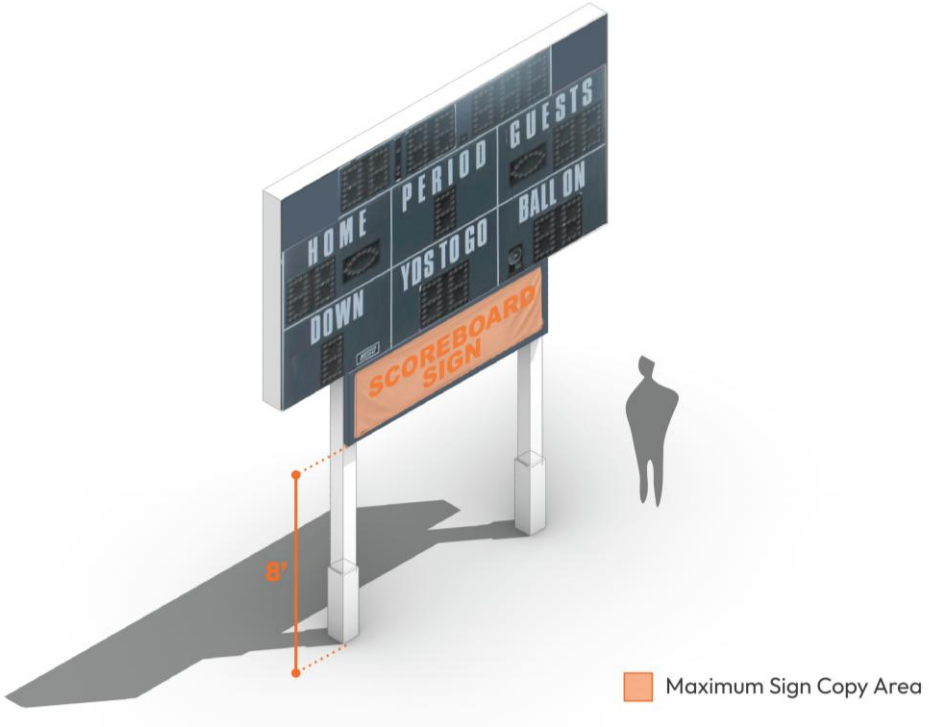

Figure 13-21: Temporary Scoreboard Sign

13.7.5. Sock Signs

Sock signs shall meet the standards in Table 13-19.

Table 13-19: Sock Sign Standards

Standards	GR	NCR	MUR	TSR	DT	AC	NB	CB	IND	CI	OS
Maximum Dimensions	Same as issued Zoning Compliance Permit for the permanent sign.										
Maximum Projection	Same as issued Zoning Compliance Permit for the permanent sign.										
Maximum Number of Signs	Same as issued Zoning Compliance Permit for the permanent sign.										
Maximum Number of Sign Faces	Same as issued Zoning Compliance Permit for the permanent sign.										
Sign Materials	18-oz vinyl or a similarly heavy-duty material purpose made for outdoor display										
Illumination	Same as issued Zoning Compliance Permit for the permanent sign.										
Location	Placed over any existing permanent sign										
Duration of Display	Maximum of 90 consecutive days, starting from the issuance of the Zoning Compliance Permit for the permanent sign.										

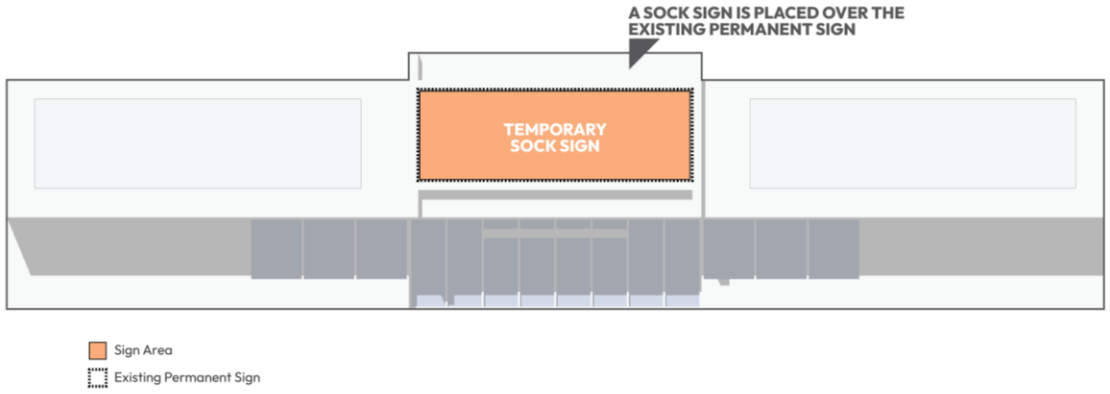

Figure 13-22: Sock Sign - Wall

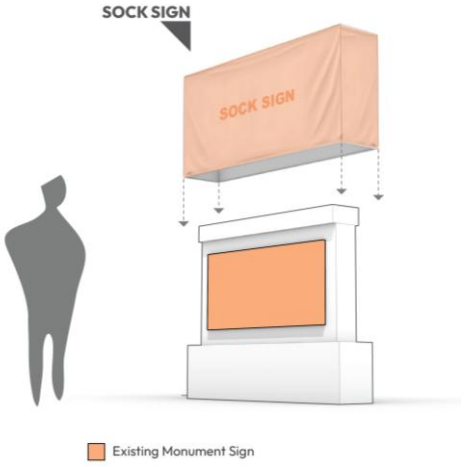

Figure 13-23: Sock Sign - Monument

13.7.6. Wall Mounted Banner Signs

Wall mounted banner signs shall meet the standards in Table 13-20.

Table 13-20: Wall Mounted Banner Sign Standards

Standards	GR	NCR	MUR	TSR	DT	AC	NB	CB	IND	CI	OS
Single Tenant or Common Entrance Building											
Maximum Number of Signs per Wall	1	1	1	1	1	1	1	1	1	1	1
Duration of Display	Minimum of 10 and a maximum of 30 days. A single tenant or common entrance building shall be permitted to display up to one per year.										
Multi-Tenant Building											
Maximum Number of Signs per Wall	1	1	1	1	1	1	1	1	1	1	1
Duration of Display	Minimum of 10 and a maximum of 30 days. One per multi-tenant building concurrently. The property owner shall be responsible for determining which tenants may display concurrently.										
All Wall-Mounted Signs											
Maximum Area	32 sq ft	32 sq ft	32 sq ft	32 sq ft	32 sq ft	32 sq ft	32 sq ft	32 sq ft	32 sq ft	32 sq ft	32 sq ft
Maximum Length	8 ft	8 ft	8 ft	8 ft	8 ft	8 ft	8 ft	8 ft	8 ft	8 ft	8 ft
Maximum Projection	Affixed flat against the building to which they are mounted.										
Maximum Number of Sign Faces	1	1	1	1	1	1	1	1	1	1	1
Sign Materials	18-oz vinyl or a similarly heavy-duty material purpose made for outdoor display.										
Illumination	Prohibited										
Location	For a building without a parapet wall, no portion may extend above the roofline. For a building with a parapet wall, no portion may extend two feet above the roof line of a building, provided no portion of the sign extends above the parapet. For a building with a pitched roof, no portion may extend above the lower eave line of a building. Shall not be affixed to HVAC screening, elevator overrun, or other structures protruding from the roof of the principal building.										

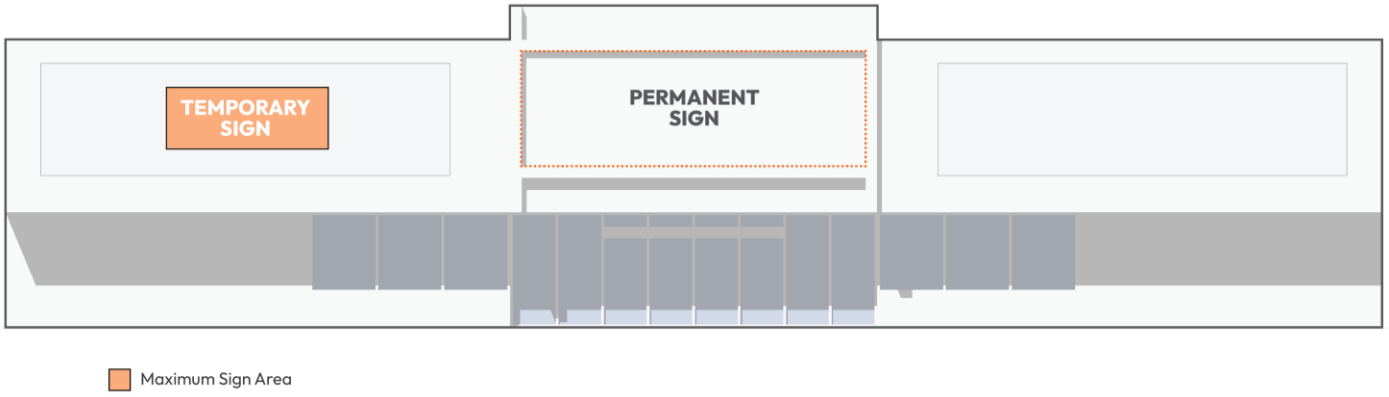

Figure 13-24: Wall-Mounted Banner Sign

13.7.7. Window Signs, Temporary

Window signs, temporary shall meet the standards in Table 13-21.

Table 13-21: Window Sign, Temporary Standards

Standards	GR	NCR	MUR	TSR	DT	AC	NB	CB	IND	CI	OS
Maximum Area [1]					15%	20%	15%	20%	20%	20%	20%
Location	On ground floor windows or doors only.										
Illumination	Prohibited				One illuminated temporary window sign may be allowed per property.				Prohibited		
Duration of Display	Shall not be limited so long as all maintenance requirements are met (see Section 14.6.9).										

Notes

[1] Of the square footage of the individual window on which the sign shall be located.

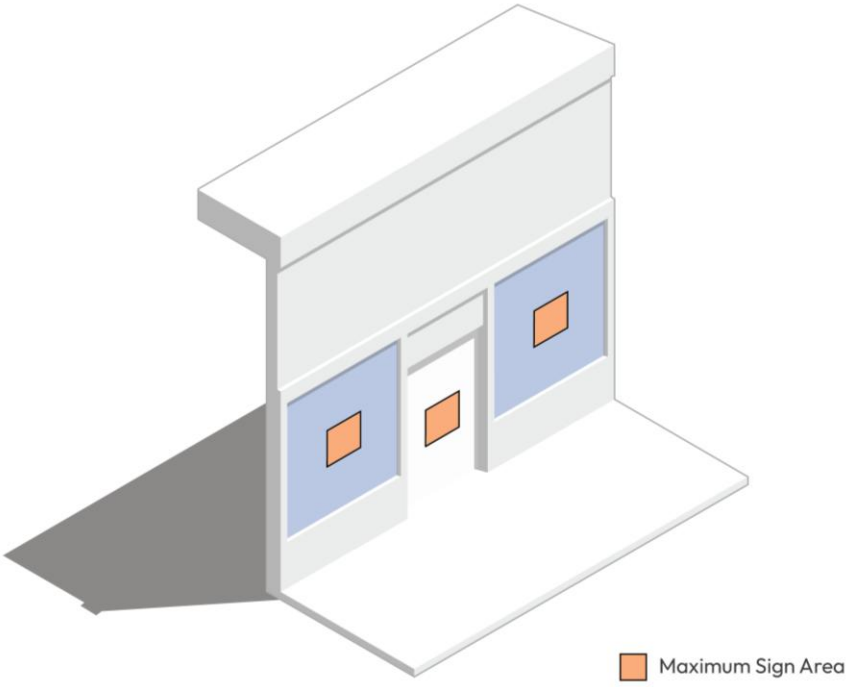

Figure 13-25: Temporary Window Sign

13.8 Temporary Freestanding Sign Standards

13.8.1. Ground Mounted Banner Signs

Ground mounted banner signs shall meet the standards in Table 13-22.

Table 13-22: Ground Mounted Banner Sign Standards

Standards	GR	NCR	MUR	TSR	DT [1]	AC	NB	CB	IND	CI	OS
Maximum Area					15 sq ft	32 sq ft		32 sq ft	32 sq ft	32 sq ft	15 sq ft
Maximum Height					5 ft	8 ft		8 ft	8 ft	8 ft	5 ft
Maximum Number of Signs per Development Site Frontage Adjacent to Street ROW					1	1		1	1	1	1
Maximum Number of Sign Faces					2	2		2	2	2	2
Location	Shall meet all location and encroachment standards in accordance with Section 13.4.1.B										
Sign Materials	Banners: cloth, canvas, vinyl, or other similarly durable material purpose made for outdoor display.										
	Base and Frame: vinyl, steel, or other similarly durable material purpose made for outdoor display with a minimum width of three inches.										
Illumination	Prohibited										
Duration of Display	Minimum of 10 and a maximum of 30 days.										
	A single tenant or common entrance building shall be permitted to display up to three per year. A minimum of 10 days shall separate each display period.										
	A maximum of one per multi-tenant building concurrently.										
	The property owner shall be responsible for determining which tenants may display ground mounted banner signs concurrently.										
Other Provisions	Shall be securely anchored into the ground or secured in a portable base designed for such function.										
	Shall be maintained in good condition and shall not sag, lie on the ground, be torn, or otherwise kept in a disorderly state.										
	Shall not be displayed concurrently with a post and panel sign.										

Notes

[1] Sign type allowed in the Downtown – Central Subdistrict and on properties with buildings set back 20 feet or more from the street only.

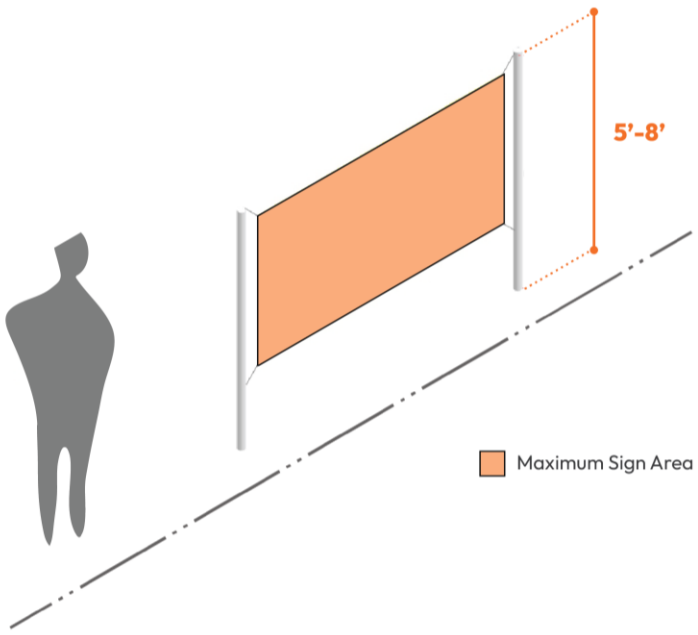

Figure 13-26: Ground-Mounted Banner Sign

13.8.2. Post Signs, Temporary

Post signs, temporary shall meet the standards in Table 13-23.

Table 13-23: Post Sign, Temporary Standards

Standards	GR	NCR	MUR	TSR	DT	AC	NB	CB	IND	CI	OS
Maximum Area	6 sq ft	6 sq ft	6 sq ft	6 sq ft							
Maximum Height	6 ft	6 ft	6 ft	6 ft							
Maximum Number of Signs per Development Site Frontage Adjacent to Street ROW	1	1	1	1							
Maximum Number of Sign Faces	2	2	2	2							
Sign Materials	Sign face shall be made of durable vinyl, plastic, or comparable material.										
	Frames shall be made of metal, PVC, wood, or a similarly durable material purpose made for outdoor display.										
Illumination	Prohibited										
Location	Shall meet all location and encroachment standards in accordance with Section 13.4.1.B.										
Duration of Display	Minimum of 10 and a maximum of 30 days.										
	If the property on which the sign shall be placed is actively marketed for sale or lease the duration of display shall be until the property is no longer actively marketed for sale or lease so long as all maintenance requirements are met (see Section 14.6.9).										
Other Provisions	Shall be securely anchored into the ground with a metal, PVC, or wood stake.										

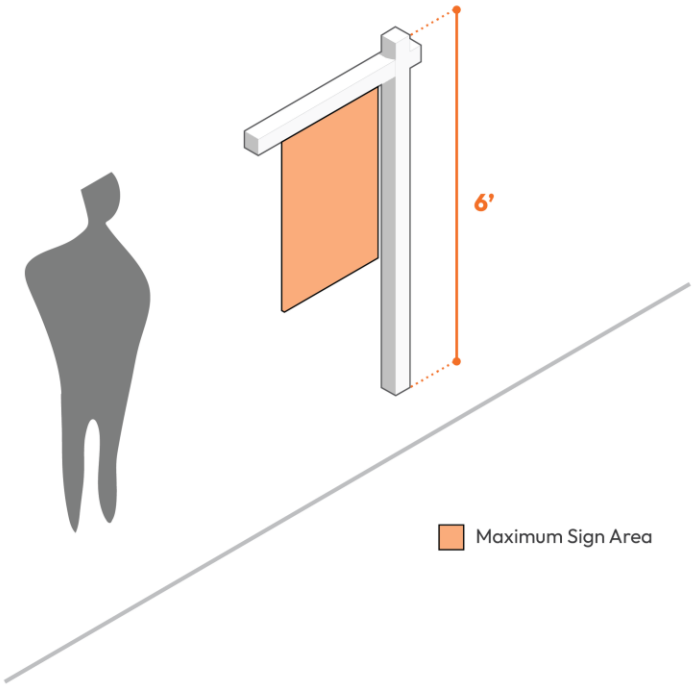

Figure 13-27: Temporary Post Sign

13.8.3. Post and Panel Signs

Post and panel signs shall meet the standards in Table 13-24.

Table 13-24: Post and Panel Sign Standards

Standards	GR	NCR	MUR	TSR	DT	AC	NB	CB	IND	CI	OS
Maximum Area	32 sq ft	32 sq ft	32 sq ft	32 sq ft	32 sq ft	32 sq ft	32 sq ft	32 sq ft	32 sq ft	32 sq ft	15 sq ft
Maximum Height	8 ft	8 ft	8 ft	8 ft	8 ft	8 ft	8 ft	8 ft	8 ft	8 ft	5 ft
Maximum Number of Signs per Development Site Frontage Adjacent to Street ROW	1	1	1	1	1	1	1	1	1	1	1
Maximum Number of Sign Faces	2	2	2	2	2	2	2	2	2	2	2
Location	Shall meet all location and encroachment standards in accordance with Section 13.4.1.B.										
Sign Materials	10 mm gauge engineered corrugated plastic, aluminum composite, finished wood, wood composite, or comparable material.										
Illumination	Prohibited										
Duration of Display	From issuance of construction plan approval to issuance of a certificate of occupancy for the final phase of any construction.										
Other Provisions	Shall be securely anchored into the ground with a minimum of two metal or finished wood posts.										
	Shall be maintained in good condition and shall not sag, lie on the ground, be torn, or otherwise kept in a disorderly state.										
	Shall not be displayed concurrently with a ground mounted banner sign.										

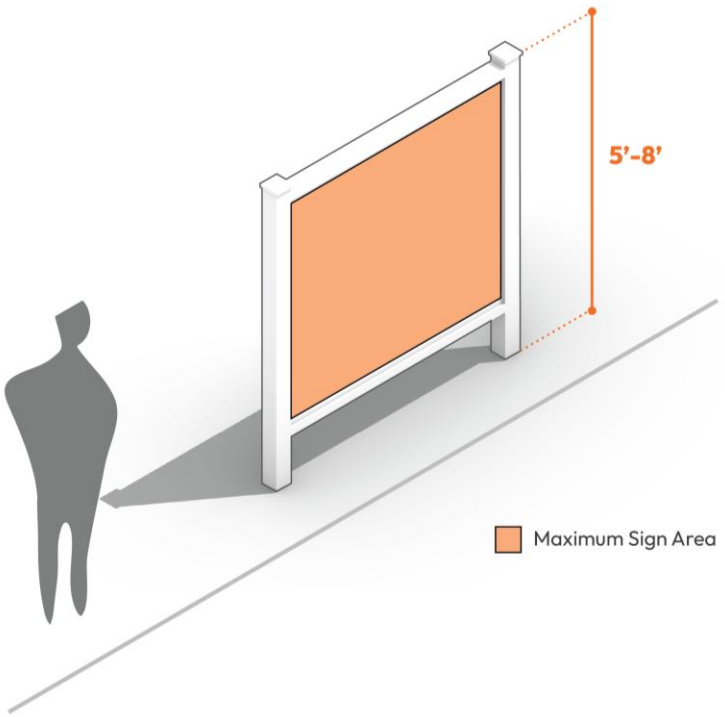

Figure 13-28: Post and Panel Sign

13.8.4. Sidewalk Signs

Sidewalk signs shall meet the standards in Table 13-25.

Table 13-25: Sidewalk Sign Standards

Standards	GR	NCR	MUR	TSR	DT	AC	NB	CB	IND	CI	OS
Maximum Area	6 sq ft	6 sq ft	6 sq ft	6 sq ft	6 sq ft	6 sq ft	6 sq ft	6 sq ft	6 sq ft	6 sq ft	6 sq ft
Maximum Height	4 ft	4 ft	4 ft	4 ft	4 ft	4 ft	4 ft	4 ft	4 ft	4 ft	4 ft
Maximum Number of Signs per Single Tenant or Common Entrance Building Frontage Adjacent to Street ROW; and per Multi-tenant Building [1]	1	1	1	1	1	1	1	1	1	1	1
Maximum Number of Sign Faces	2	2	2	2	2	2	2	2	2	2	2
Sign Materials	Vinyl, plastic, chalkboard, marker board, or comparable material. Frames shall be made of metal, plastic, or a similarly durable material purpose made for outdoor display.										
Minimum Separation	Shall be separated from all other sidewalk signs by at least 15 feet.										
Location	Shall be placed in a manner to preserve a continuous sidewalk width of a minimum of five feet. No part shall block points of ingress or egress. Shall be placed no more than six feet from the building entrance of the building or tenant space of a building to which the sign is associated. Shall not be placed in or adjacent to an ADA ramp.										
Illumination	Prohibited										
Duration of Display	Shall be displayed only during the operating hours of the use to which the sign is associated.										
Other Provisions	The property owner shall be required to obtain a right-of-way encroachment agreement from the Town prior to the display of a sidewalk sign in a public right-of-way. Shall be secured in a portable base made of metal, plastic, or a similarly durable material purpose made for outdoor display. Shall be maintained in good condition and shall not sag, lie on the ground, be torn, or otherwise kept in a disorderly state.										

Notes

[1] Per tenant space

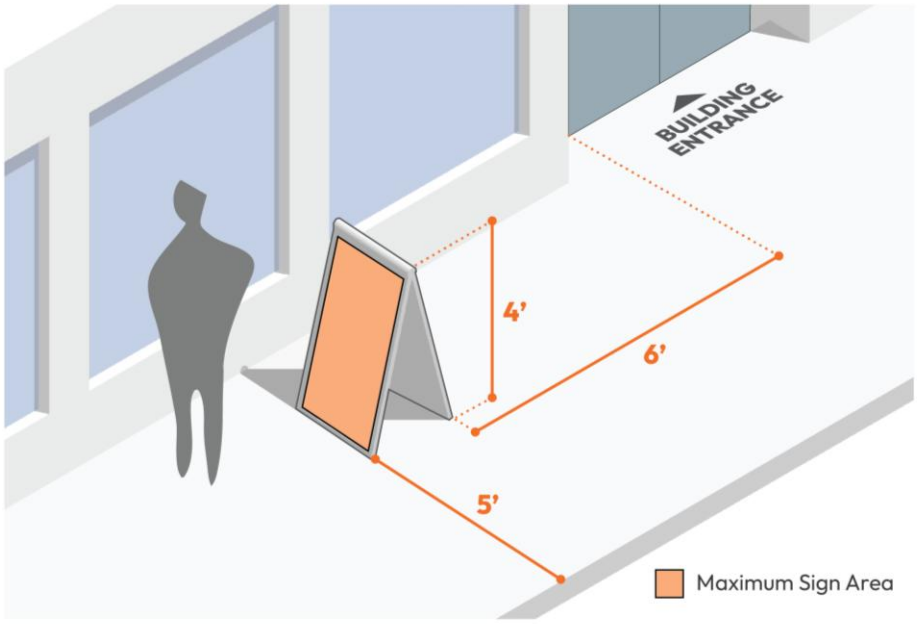

Figure 13-29: Sidewalk Sign

13.8.5. Yard Signs

Yard signs shall meet the standards in Table 13-26.

Table 13-26: Yard Sign Standards

Standards	GR	NCR	MUR	TSR	DT	AC	NB	CB	IND	CI	OS
Maximum Area	6 sq ft	6 sq ft	6 sq ft	6 sq ft	6 sq ft	6 sq ft	6 sq ft	6 sq ft	6 sq ft	6 sq ft	6 sq ft
Maximum Height	4 ft	4 ft	4 ft	4 ft	4 ft	4 ft	4 ft	4 ft	4 ft	4 ft	4 ft
Maximum Number of Signs per Development Site Frontage	2 [1]	2 [1]	2 [1]	2 [1]	2 [1]	2 [1]	2 [1]	2 [1]	2 [1]	2 [1]	2 [1]
Maximum Number of Sign Faces	2	2	2	2	2	2	2	2	2	2	2
Sign Materials	Corrugated plastic, plastic, or comparable material are permitted; cardboard and plywood are prohibited.										
Illumination	Prohibited										
Location	Shall meet all location and encroachment standards in accordance with Section 13.4.1.B										
	Front and corner side yards only.										
Duration of Display	90 days per calendar year.										
Other Provisions	Shall be securely anchored into the ground with a metal, plastic, or wood stake.										
	Shall be maintained in good condition and shall not sag, lie on the ground, be torn, or otherwise kept in a disorderly state.										

Notes

[1] 30 days before the start of early voting or a primary or election day and 10 days after a primary or election day a maximum of eight yard signs may be displayed. No Zoning Compliance Permit shall be required for the display of yard signs during this period.

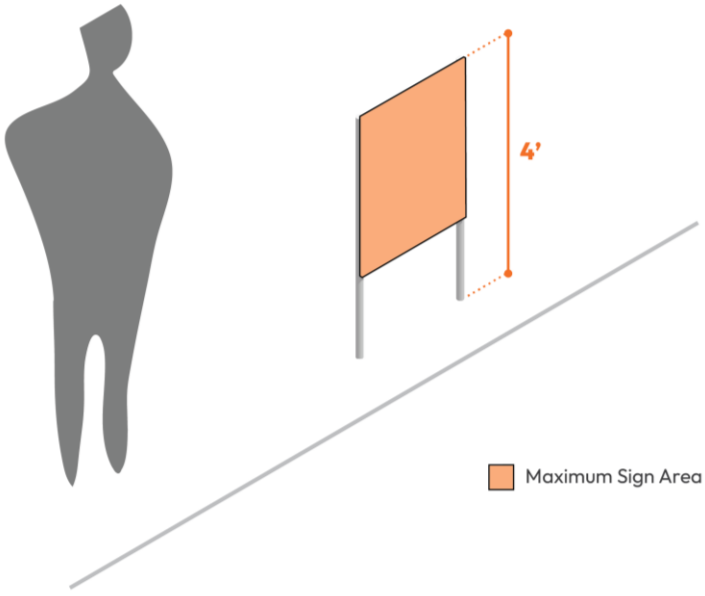

Figure 13-30: Yard Sign

13.9 Prohibited Signs and Content

13.9.1. Prohibited Sign Types

The following signs are prohibited:

A. Off-premises signs,

B. Feather signs,

C. Pole/pylon signs,

D. Flashing signs,

E. Roof signs,

F. Marquee signs,

G. Colored rope lighting,

H. Signs painted or otherwise attached to utility poles, trees, fences, retaining walls, standpipes, gutters, drains, fire escapes, parking meter, bridges and overpasses, rocks, other signs, benches, or refuse containers unless otherwise allowed by this Chapter,

I. Signs erected so as to impair access to a roof,

J. Signs located, erected or maintained upon, over or project into any public or private right-of-way, sight distance triangle, or utility easement unless otherwise allowing by this Chapter,

K. Pennants, streamers, balloons, and portable signs not specifically permitted or allowed by this Chapter,

L. Signs, not specifically permitted or allowed by this Chapter, which move or have moving parts, which movement is caused manually, by the wind, or mechanically,

M. Signs that produce noise unless otherwise allowing by this Chapter,

N. Signs in conflict with traffic signals, vehicular or pedestrian travel, access to fire hydrants and fire lanes and exits, and other signs which can reasonably be determined to impede or impair the public health, safety and welfare,

O. Signs on vehicles, boats, or trailers parked so as to be visible from a public right-of-way, with the exception of food trucks that have a valid permit,

P. Electronic message boards on vehicles, boats, trailers, or other wheeled devices,

Q. All other signs not expressly permitted in this ordinance shall be considered prohibited.

13.9.2. Prohibited Content

A. The following content is prohibited without reference to the viewpoint of the individual speaker:

1. Text or graphics of an indecent or immoral nature and harmful to minors,
2. Text or graphics that promote unlawful activity,
3. Text or graphics that are obscene, fighting words, defamation, incitement to imminent lawless action, or true threats, or
4. Text or graphics that present a clear and present danger due to their potential confusion with traffic control signs or signs that provide public safety information (for example, signs that use the words "Stop," "Yield," "Caution," or "Danger," or comparable words, phrases, symbols, or characters in such a manner as to imply a safety hazard that does not exist).

B. The narrow classifications of content that are prohibited by this Section 13.9.2 are either not protected by the United States or are offered limited protection that is outweighed by the substantial governmental interests in protecting the public safety and welfare. It is the intent that each paragraph of this Section 13.9.2 be individually severable if a court of competent jurisdiction were to nullify one or more of them.

13.10 Temporary Sign Plan

13.10.1. Guidelines for Temporary Signs in Public and Institutional Uses.

Public & Institutional uses (in accordance with Table 3-1) may submit a temporary sign plan to the Administrator for review and approval. The temporary sign plan shall:

A. Be approved annually,

B. Account for all temporary signs utilized on the subject property. Temporary sign permits shall not be issued for temporary signs not identified in the temporary sign plan,

C. Allow for deviations in the minimum and/or maximum number of days allowed per display period,

D. Allow for deviations in the minimum required separation between display periods,

E. Allow for the substitution of ground mounted banner signs in place of allowed wall mounted banner sign; and

F. Not allow standards not otherwise mentioned in this Section 13.10 to be modified or exceeded, and

G. Temporary signs displayed for a period of 48 hours or less per week shall be exempt from the requirements of this Section 13.10 and may be included in the temporary sign plan.

13.11 Abandonment

Sign copy shall be removed, and in the case of a wall sign the building façade shall be repaired, when the use which the sign is associated with is no longer conducted on the premises. The sign copy shall be removed within 30 days of when the use ceases to operate.

14 PERFORMANCE & MAINTENANCE

14.1 Purpose

The purpose of this Chapter is to:

A. Ensure successful completion of required improvements in a reasonable time period,

B. Require mitigation of proportional development impacts,

C. Ensure that public infrastructure meets all standards of this Unified Development Ordinance (UDO) and the WFD3, and

D. Require perpetual maintenance to be undertaken for continuing quality and performance of all development improvements.

14.2 Applicability

All development and use of land within the Town shall comply with the performance and maintenance requirements in this Chapter.

14.3 Payment in Lieu of Required Improvement

14.3.1. Applicability

The Administrator may approve the payment to the Town in lieu of the provision of select improvement requirements, including:

A. Street Trees (Section 7.8),

B. Transportation Impact Analysis (Section 9.3),

C. Comprehensive Transportation Plan Improvements (Section 9.4),

D. Roadway Stubs (Section 9.5.4.C),

E. Vehicular Connectivity (Section 9.7.4.D),

F. Sidewalks, Multi-Use Paths, Greenways, and Pedestrian Walkways (Section 9.12), and

CONTENT

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14.1 Purpose
14.2 Applicability
14.3 Payment in Lieu of Required Improvement
14.4 Performance Guarantees
14.5 Improvements Completion and Acceptance by Town
14.6 Maintenance

G. Public Transit Improvements (Section 9.13).

14.3.2. Approval

The Administrator may approve a payment in lieu when:

A. Improvements are required and necessary off-site right-of-way and/or easements cannot be obtained, or

B. Other physical property limitations are present that have not been created by the applicant or property owner of the development site.

14.3.3. Amount

A. The payment amount required by the Administrator in lieu of improvements shall be equal to 150 percent of the estimated full cost of completing the installation of the required improvements, including the costs of design, materials, labor, project management, permitting, mitigation, and other factors necessary to complete the installation.

B. Estimated costs for the in-lieu payment shall be itemized by improvement type and entered into NCDOT construction cost estimate forms, certified by a licensed Professional Engineer and approved by the Administrator. For improvements not listed in the NCDOT database, estimates shall be certified by a licensed Professional Engineer.

C. If the payment in lieu has not been paid within one-year from the time the estimated costs were approved by the Administrator, an updated cost estimate may be required.

14.3.4. Payment Form

The in-lieu payment shall be provided in cash or certified check from a North Carolina lender to the Town prior to Construction Plan approval.

14.4 Performance Guarantees

14.4.1. General Provisions

Any development application that includes public or private utility work, public right-of-way improvements, or required erosion control measures shall meet the performance guarantee requirements of this Section 14.4.

14.4.2. Type

The developer shall provide the required performance guarantee in one of the following forms:

A. Surety bond issued by any company authorized to do business in this State,

B. Letter of credit issued by any financial institution licensed to do business in this State, or

C. Other form of guarantee that provides equivalent security to a surety bond or letter of credit.

14.4.3. Duration

The duration of the performance guarantee shall initially be one year, unless the developer determines that the scope of work for the required improvements necessitates a longer duration.

14.4.4. Extension

A developer shall demonstrate reasonable, good-faith progress toward completion of the required improvements that are secured by the performance guarantee or any extension. If the improvements are not completed to the specifications of the Town, and the current performance guarantee is likely to expire prior to completion of the required improvements, the performance guarantee shall be extended, or a new performance guarantee issued, for an additional period necessary to complete the required improvements. If a new performance guarantee is issued, the amount shall be determined by the procedure provided in Section 14.4.6 and shall include the total cost of all incomplete improvements.

14.4.5. Reduction and Release

The performance guarantee shall be returned, released, or reduced as appropriate, in a timely manner upon the acknowledgement by the Town that the improvements for which the performance guarantee is being required are

complete. The Town shall return letters of credit or escrowed funds upon completion of the required improvements to its specifications or upon acceptance of the required improvements if the required improvements are subject to Town acceptance, whichever occurs later If a warranty period is required, the improvement guarantee shall not be released until the warranty surety for the phase or project has been secured and delivered to the Town.

14.4.6. Amount

The amount of the performance guarantee shall be reviewed and approved by the Administrator and shall be 125 percent of the reasonably estimated cost of completion at the time the performance guarantee is issued, including the costs for all labor, materials, and project management necessary for completion of the required improvements. Where applicable, the costs shall be based on unit pricing. The amount of any extension of any performance guarantee shall be determined according to the procedures for determining the initial guarantee and shall be 125 percent of the reasonably estimated cost of completion of the remaining incomplete improvements still outstanding at the time the extension is obtained.

14.4.7. Timing

The performance guarantee shall be posted no later than the time of plat recordation.

14.4.8. Coverage

In case of default by the developer, the performance guarantee shall only be used for completion of the required improvements and not for repairs or maintenance after completion.

14.4.9. Legal Responsibilities

No person shall have or may claim any rights with respect to any performance guarantee provided pursuant to this Section 14.4 or in the proceeds of any such performance guarantee other than the following:

A. The local government to whom the performance guarantee is provided.

B. The developer at whose request or for whose benefit the performance guarantee is given.

C. The person or entity issuing or providing the performance guarantee at the request of or for the benefit of the developer.

14.4.10. Multiple Guarantees

The developer shall have the option to post one type of a performance guarantee as provided for in Section 14.4.2, in lieu of multiple bonds, letters of credit, or other equivalent security, for all development matters related to the same project requiring performance guarantees.

14.4.11. Erosion and Stormwater Control

Performance guarantees associated with erosion, sedimentation, and stormwater control shall instead meet the following requirements.

A. **Applicability**
Temporary erosion, sedimentation, and stormwater control performance guarantees shall be required as follows:

1. **Stormwater Control**
Performance guarantees shall be provided for stormwater control measures and associated drainage infrastructure.

2. **Temporary Erosion and Sedimentation Control**
Performance guarantees shall be provided to the Town for all projects of one-half acre or more in surface area.

B. **Amount of Performance Guarantee**
The amount of a performance guarantee for temporary erosion, sedimentation and stormwater controls shall be reviewed and approved by the Administrator and shall be no less than 125 percent of the cost for removal, maintenance or repair of all erosion control measures; installation of stormwater control measures; and conversion of temporary stormwater control measures to permanent stormwater control measures. Such guarantee shall be provided in the manner outlined in Section 14.4.2.

C. **Timing**
The performance guarantee shall be posted prior to Construction Plan approval.

D. **Reduction and Release of Performance Guarantees**
Temporary erosion, sedimentation, and stormwater control guarantees may be reduced as land is stabilized and will be released upon issuance of a Certificate of Completion and final Land Disturbance Permit closeout.

14.4.12. Forfeiture

A. **Forfeiture Provisions**
All performance guarantees shall contain forfeiture provisions for failure, after proper notice, to complete work within the time specified, or to initiate or maintain any actions which may be required of the applicant or owner in accordance with this ordinance, approvals issued pursuant to this ordinance, or an operation and maintenance agreement established pursuant to this ordinance.

B. **Improper Release of Performance Guarantees**
If the Town releases a performance guarantee through error, the error shall not release the developer from responsibility for the completion of all improvements in accordance with this UDO and the WFD3.

C. **Default by Developer**

1. Upon default, meaning failure on the part of the developer or surety to make timely completion of the required improvements, the Town may require the developer, the surety, or the financial institution holding the escrow account to pay all or any portion of the bond or escrow account fund to the Town.
2. Before requesting payment, the Town shall request the developer or owner to comply with the permit or maintenance agreement.
3. Upon payment, the Town, at its discretion, may expend such portion of the funds as it deems necessary to complete all or any portion of the required improvements.

14.5 Improvements Completion and Acceptance by Town

14.5.1. Timeline for Completion of Improvements

A. **Timeline**

1. **Public Utilities and Access**
   a. Public utilities and initial surface of primary site access, including fire lanes and public street right of way, shall be installed and inspected by the Administrator or other agencies if applicable for compliance prior to plat recordation.
   b. All right-of-way improvements required in Chapter 9 shall be completed prior to occupancy of buildings, unless phased improvements have been approved as part of a TIA.
   c. **Phasing**
      i. The numbering of phases shall be sequential and coincide with the order in which the different development phases are proposed to be constructed.
      ii. Each phase shall be designed to include all improvements and other aspects of development necessary to meet all requirements of this UDO and other applicable regulations, either as a standalone development or in conjunction with completed and accepted phases of the same development.
2. **Other Improvements**
   All other improvements included on the approved construction plan, or phase of an approved construction plan, must be completed by the developer no later than the following:
   a. For residential subdivisions, 85 percent of the dwelling units are approved for occupancy.
   b. Two years have passed since the subdivision or final plat, or phase thereof, has been recorded.
   c. For non-residential projects, one-year has passed since the approval of the performance guarantee in accordance with Section 14.4.

B. **Extension of Time Limit**
This time limit may be extended at the discretion of the Administrator upon submittal by the applicant of sufficient justification for the extension. Sufficient justification may include, but is not limited to, delays in other regulatory permits, financing institution delays, or other similar occurrences beyond the control of the applicant.

14.5.2. Warranty Against Defects

A. Upon completion of construction of new streets, greenways, stormwater controls or other required utilities, the developer shall request a warranty inspection. Once all the improvements are deemed acceptable by the Administrator and pass the warranty inspection, the developer shall submit the following to the Administrator:

1. A set of acceptable as-built drawings,

2. A written warranty against defects which shall guarantee the material and workmanship of required improvements for a period of not less than one-year from the date of such acceptance,
3. A financial guarantee payable to the Town equal to at least 25 percent of the cost of the installation of such improvements as determined by the Administrator. Such financial guarantee shall be in a form as provided for in Section 14.4.2.

B. Upon approval of these materials and acceptance of the improvements by the Town, a one-year warranty period shall commence. During the one-year warranty period, the developer shall repair any latent defects that occur. For the purposes of this Section 14.5.2, the term "defects" refers to any condition in publicly dedicated facilities, utilities or streets that requires the Town to make repairs to such improvements over and above the normal amount of maintenance that they would require. If such defects appear, the warranty may be enforced regardless of whether the facilities, utilities or streets were constructed in accordance with the requirements of this ordinance. Approximately 60 days prior to the warranty expiration, the developer shall request a final inspection. Upon successful completion of all warranty items, the developer shall be released from maintenance responsibilities for the warranted construction.

C. Warranty repairs shall be corrected in accordance with the deficiencies identified by the Administrator.

D. If a developer fails to complete warranty items, future projects of the developer may not be reviewed by the Town. In addition, the Town shall take appropriate legal action against the developer.

14.5.3. Acceptance by Town

Any development-related improvements shall not be officially accepted until the inspections, corrections, and warranty required in Section 14.5.2 above, are completed.

14.6 Maintenance

14.6.1. General Maintenance Requirements

When the standards and procedures of this UDO, or a development approval issued pursuant with this UDO, or conditions attached to any such approval require that any building or site feature be constructed or installed, the owner of the affected property shall be responsible for maintaining the building(s) or site feature(s) in good repair, and for replacing them if they are damaged or destroyed or, in the case of living materials, if they die or are effectively destroyed after installation. In addition, property owners shall be responsible for each of the additional maintenance and replacement standards set forth in this Section 14.6.

14.6.2. Inspection and Investigation

The Administrator is authorized to conduct any lawful inspection and investigation necessary to ensure compliance with this UDO.

A. Inspections may be conducted from public areas or common areas, including premises open to the general public, public right-of-way, as well as adjacent private areas where permission has been granted by the property owner. These inspections shall be carried out during normal business hours unless the Administrator determines there is a special circumstance or an emergency necessitating inspection at another time.

B. Inspections of private areas not visible from a public area may only occur upon presentation of proper credentials and with the consent of the premises owner or with an administrative inspection warrant.

C. No person shall willfully resist, delay, or obstruct an authorized representative, employee, or agent of the Town while that person is inspecting or attempting to inspect land or structures nor shall any person obstruct, hamper, or interfere with any such representative while in the process of carrying out their official duties.

D. A registered professional archaeologist must be on-site during any ground disturbance within 25 feet of the limits of the cemetery in the event of inadvertent discovery of human remains during the disturbance. Town staff must be notified at least ten business days prior to the disturbance.

14.6.3. Fence Installation and Maintenance

The finished side of a fence shall face the exterior of the property. Fences and walls shall be maintained in good repair, clean of visible mold and mildew, and in a safe condition. Maintenance of fences and walls includes the replacement of missing, decayed, or broken elements and the repair of deteriorated or damaged fence materials, including sagging sections and posts that lean more than ten degrees from vertical.

14.6.4. Landscape and Buffers

A. Dead plant materials shall be replaced within 60 days upon notification from the Town, taking into consideration the season of the year, and shall be of the same quantity and quality as initially approved. If the particular project is constructed in more than one phase, the 60-day timeframe shall apply to each individual phase. If the plant material cannot be replaced within 60 days due to the planting season, a performance guarantee shall be provided until such time the planting occurs.

B. Landscape areas shall be regularly maintained to ensure all turf, mulch, and other types of groundcover are healthy and/or of sufficient thickness to perform their water infiltration and retention and aesthetic functions.

14.6.5. Waste Receptacle Screening

A. Enclosure openings shall be kept closed at all times except when the receptacle is being accessed.

B. Property owners shall be responsible for ensuring that grease traps, trash, and recycling receptacles are placed in the enclosure at all times except when they are being accessed.

C. The property owner or tenant shall ensure service truck access to the enclosure is maintained year-round.

D. Waste shall be stored in closed containers and regularly emptied. The enclosure shall be maintained in a clean condition to avoid vermin and foul odors from impacting surrounding areas.

14.6.6. Parking Areas, Loading Areas, and Access Drives

The property owner shall be responsible for the maintenance of parking areas, loading areas, and access drives including but not limited to:

A. Removing debris and litter,

B. Treating asphalt with sealant,

C. Filling cracks and potholes,

D. Replacing pavement directional arrows and parking space delineation markings, and

E. Repairing/replacing stop bars, shopping cart corrals, and other parking area improvements.

14.6.7. Lighting

All outdoor lighting provided on a property, whether required by this UDO or not, shall be continually maintained in working order.

14.6.8. Cemeteries

A. A 25-foot setback is required from the outer boundary of the cemetery. No grading, earth disturbance, or new structures are permitted within this setback. However, existing dead or dying vegetation and neglected structures that are currently located within this setback may need to be removed for public safety and in order to protect the cemetery from damage.

B. Prior to the issuance of a Zoning Compliance Permit, for the removal of existing structures and vegetation only, the applicant shall submit the necessary documentation, including plans showing proposed disturbance location, area of disturbance, location of cemetery in relation to the proposed disturbance, and photographs of the structure and/or vegetation to be removed. The applicant shall include a plan for removal of the vegetation and/or structures, including the method of removal and all protective measures (including matting to prevent rutting), remediation of the disturbance and long-term maintenance for approval by the Administrator or the Board of Commissioners. It is recommended that heavy machinery is not utilized during this removal process. Such remediation should include additional buffering methods, landscaping, etc. while minimalizing additional disturbance to the cemetery and the required setback.

14.6.9. Signs

A. Every sign and all parts thereof, including base, copy, framework, supports, anchors, and wiring systems shall:

1. Be constructed and maintained in compliance with the applicable codes of the Town.

2. Be kept in proper repair and without exposed wiring.
3. When not galvanized or constructed of approved corrosion resistive, noncombustible materials, be painted, when necessary, to prevent corrosion, rust, peeling paint, and excessive fading.

B. Failure of owners to keep signs maintained in good mechanical and visual repair shall be deemed a violation of this UDO.

C. It shall be the duty and responsibility of the owner of every sign to maintain the immediate surrounding areas occupied by the sign in a clean condition, free of rubbish. Any landscaping surrounding the sign shall be kept trimmed and in good repair. If the landscaping installed at the time of sign approval dies, said landscaping shall be replaced immediately or as soon as the planting season, specified in the WFD3, begins.

D. Every existing sign shall be subject to inspection whenever the Administrator deems it necessary. In the event an inspection demonstrates that said repairs, and/or maintenance is necessary, the sign owner shall be notified and required to complete said repairs and/or maintenance within 30 days of notification. The Administrator is authorized to grant one 30-day extension, if, upon written request, it is deemed necessary due to extenuating circumstances.

E. If the Administrator shall find that any sign is unsafe or unsecure, or is a threat to the public safety, or was, after the adoption of this UDO constructed, erected, or maintained in violation of the provisions of this UDO, they shall give written notice to the sign owner. Such notice shall specify the manner in which the sign is unsafe or in violation of this UDO.

F. Sign copy shall be removed and in the case of a wall sign, the building façade shall be repaired, by the sign and/or property owner when the use which the sign is associated with is no longer conducted on the premises. The sign copy shall be removed within 30 days of when the use ceases to operate. If the owner fails to remove the sign copy, the Administrator shall give the owner 30 days written notice to remove it. Failure to comply with the notice shall be deemed a violation of this UDO.

14.6.10. Ownership and Maintenance of Common Areas

All developments containing land, amenities or other facilities under private common ownership shall provide for the ownership and maintenance of such areas. Developments that are subject to fee-simple ownership shall convey all such common areas to a non-profit corporate property owners' association with a membership of 100 percent of the lots/units in the development. The developer shall file with the Register of Deeds a "declaration of covenants" and must meet the following criteria:

A. The homeowners'/property owners' association must be established before the units are sold,

B. The homeowners'/property owners' association is established as the responsible entity for the liability insurance, pertinent local taxes, and maintenance of all recreation and other facilities,

C. Sums levied by the homeowners'/property owners' association that remain unpaid shall become a lien on the delinquent property,

D. For condominium development, documents must meet the requirements of NCGS 47A Unit Ownership, and

E. All easements over common areas for access, ingress, egress, and parking shall be shown and recorded on a final plat with the Register of Deeds.

F. See Section 6.3.6 for ownership and maintenance requirements specific to open and community space.

15 NONCONFORMITIES

15.1 Purpose

The purpose of this Chapter is to:

A. Bring as many nonconforming lots, buildings, structures, and uses into conformance or closer to conformance as feasible or reasonably practical to further Town goals and promote safety and consistency with new development standards,

B. Recognize the existing investments made and interests of property owners in continuing to use nonconforming lots, buildings, structures, and uses, and

C. Preclude the expansion, reconstruction or reestablishment of nonconforming lots, buildings, structures, and uses unless doing so can serve as an incentive to achievement of even greater public benefit, such as redevelopment and historic preservation.

15.2 Applicability

15.2.1. General Applicability

A. The standards in this Chapter apply to nonconforming lots, buildings, structures and uses created by initial adoption of, or amendments to, this Unified Development Ordinance (UDO) or due to existing conditions of areas brought into the Town's jurisdiction, unless otherwise expressly provided in this UDO.

B. The standards in this Chapter do not apply to nonconforming lots, buildings, structures, development improvements, uses, and/or signs that were not legally established pursuant to the laws and regulations that were in effect at that time; those situations are deemed illegal and not protected under the allowances of this Chapter.

C. The standards in this Chapter do not prohibit the exercise of statutory or common law vested rights while the development approval or permit estblashing the vested right is valid.

CONTENT

15.1 Purpose
15.2 Applicability
15.3 Nonconforming Lots
15.4 Nonconforming Buildings and Structures
15.5 Nonconforming Uses

15.2.2. Maintenance and Minor Repair

Nothing in this Chapter shall be construed to prevent or prohibit the routine maintenance and minor repair of nonconforming lots, nonconforming buildings or structures, or buildings or structures containing nonconforming uses. This includes strengthening or restoring to a safe condition any building, structure, or part thereof declared to be unsafe by any public official charged with protecting the public safety, health and welfare pursuant to orders of such official or modifications necessary for ADA compliance.

15.2.3. Change in Ownership or Tenancy

A change of ownership or tenancy shall not, in and of itself, affect the nonconformity status of a lot, building, structure, or use.

15.2.4. Nonconformity Due to Right of Way Acquisition

Where nonconformity of a lot, building, structure, or use would result from a portion of the lot being acquired for public right-of-way, the lot, building, structure, or use shall be deemed conforming with respect to that portion of the lot being acquired.

15.2.5. Site Features in Existing Development

In existing development that was lawfully established before the effective date of this UDO, site features, such as landscaping, lighting, and signs, are subject to the standards in this UDO in accordance with Section 1.8.

15.3 Nonconforming Lots

15.3.1. Applicability

A. The standards in this Section 15.3 apply to nonconforming lots. A nonconforming lot is a lot of record that does not meet the lot standards in Chapter 4 and the lot area and lot width requirements for the zoning district in which it is located.

B. The standards in this Section 15.3 shall not apply to a nonconforming lot located in a subdivision that has a valid subdivision or final plat approval but has not yet been recorded.

15.3.2. Regulations

A. A nonconforming lot may be used for any permitted use or structure provided that all applicable dimensional and use requirements for the district in which the lot is located are met.

B. Development on a nonconforming lot is prohibited if the nonconforming lot can be combined with an adjoining lot owned by the same person or party to create a single conforming lot or to reduce the extent of the nonconformity.

C. A conforming building or structure on a nonconforming lot may undergo a change of use so long as any redevelopment activity or required improvements associated with the new use do not create new nonconformities.

15.3.3. Discontinuance

If a nonconforming lot is consolidated with an adjoining lot to create a single conforming lot or to reduce the extent of the nonconformity, it may not later be subdivided in a nonconforming manner.

15.4 Nonconforming Buildings and Structures

15.4.1. Applicability

The standards in this Section 15.4 shall apply to nonconforming buildings and structures. A nonconforming building or structure is an existing building or structure that was lawfully established but that does not comply with the applicable dimensional or locational standards in this UDO.

15.4.2. Regulations

A. **Buildings and Structures Generally**
This Section 15.4.2.A applies to all nonconforming buildings and structures.

1. A nonconforming building or structure shall not be moved or relocated, over any distance, unless it is made conforming to this UDO or unless it is a locally designated historic landmark or listed in the State Study List or the National Register of Historic Places.

2. A nonconforming building or structure shall not be enlarged, expanded, or otherwise altered in a way that increases the nonconformity.
3. If proposed development involves a building or structure that is nonconforming with respect to the Chapter 5 Building Design Standards, applicability of the Chapter 5 standards to the nonconforming building or structure shall be as specified in Section 5.2.
4. A nonconforming building or structure may undergo a change of use to any other use allowed in the applicable zoning district or districts, if the proposed use complies with all applicable standards of this UDO, other than those giving rise to the nonconformity with respect to the building or structure.

B. **Accessory Buildings and Structures**
This Section 15.4.2.B applies only to nonconforming accessory buildings and structures.

1. No nonconforming accessory building or structure shall continue after the principal use, building, or structure on the lot is terminated by abandonment, damage, or destruction unless such accessory use or structure is made to conform to the standards for the zoning district in which it is located or it is a locally designated landmark, listed in the State Study List, or listed in the National Register of Historic Places.
2. No nonconforming accessory building or structure shall become or replace any terminated principal nonconforming building or structure.

15.4.3. Damage or Destruction

A. A building, structure, or part thereof shall be considered destroyed if the cost of repair is more than 50 percent of its assessed value.

B. Should a nonconforming building or structure or nonconforming portion of a building or structure be destroyed by any means, it shall not be reconstructed except in conformity with the provisions of this UDO.

C. The above requirement does not apply to primary and accessory buildings or structures located in the LH-O District or properties listed in the National Register of Historic Places. Structures meeting these classifications may be reconstructed as long as such reconstruction does not increase the nonconformity of the original structure.

15.5 Nonconforming Uses

15.5.1. Applicability

The standards in this Section 15.5 shall apply to nonconforming uses. A nonconforming use is the use of land, buildings, or structures that was lawfully established but that does not comply with the use regulations of this UDO, including supplemental use standards. Nonconforming uses include principal, accessory, and temporary uses. Existing uses that would normally require special approval to be established, such as a Special Use Permit or Conditional Zoning approval, that were lawfully established without special approval shall also constitute a nonconforming use.

15.5.2. Regulations

A. **Continuation**

1. No nonconforming use shall be extended, expanded, enlarged, or moved to occupy a different or greater area of a development site, building, or structure than was occupied by such use at the time it became nonconforming, provided that a nonconforming use may be extended throughout any parts of a building that were specifically designed and arranged for such use at the time it became nonconforming.
2. No building or structure devoted to a nonconforming use shall be enlarged, extended, or moved unless such building or structure is thereafter devoted to a conforming use.
3. Accessory uses to nonconforming uses shall be considered extensions, expansions, or enlargements of nonconforming uses.
4. If a nonconforming use ceases for more than 90 consecutive days or a total of 180 days in any 12-month period, subsequent use of the development site, building, or structure previously devoted to such use shall not be used for any nonconforming uses and shall thereafter be devoted to conforming uses only, including accessory uses.

B. **Change of Use**

1. **Principal Uses**

   a. As a part of change of use, the principal use of the tenant space or building shall comply with the allowances established in Table 3-1.

   b. Should the change of use occur on a multi-use site, nonconforming uses of currently occupied tenant spaces and buildings may continue.

2. **Accessory Uses**
   As a part of change of use, nonconforming accessory uses shall be discontinued.

15.5.3. Damage or Destruction

A. If a building or structure (whether conforming or nonconforming) containing a nonconforming use is damaged to an extent less than 50 percent of its assessed value, the structure may be reconstructed and used as before if a Building Permit for the reconstruction is secured within 12 months after such damage. Any delays in reconstruction due to factors beyond the control of the structure's owner or occupant shall not be considered in determining this time period.

B. If a building or structure (whether conforming or nonconforming) containing a nonconforming use is damaged to an extent exceeding 50 percent of its assessed value, the structure shall not be reconstructed or used except in conformity with the provisions of this UDO.

16 ADMINISTRATION

16.1 Purpose

The purposes of this Chapter are:

A. To establish the organization, powers, and duties of review and decision-making bodies under this UDO, and

B. To establish the procedures and decision criteria for development approvals and permits under this UDO, so that development review is consistent, orderly, efficient, fair, and consistent with state and federal law.

16.2 Applicability

No use of land shall be established nor shall any development activity be commenced until the required approvals and permits have been obtained in accordance with this Chapter.

16.3 Review and Decision-Making Bodies

16.3.1. Administrator

A. **Powers and Duties**
The Administrator shall have the following powers and duties under this UDO:

1. Maintain, and make available to the public, this UDO, including the Zoning Map,
2. Maintain a record of all interpretations made in accordance with Section 16.6.9,
3. Carry out the review authority and responsibilities specified in this Chapter, as outlined in Table 16-1 to ensure compliance with this UDO, in consultation with the TRC and other Town staff and outside agencies, in the Administrator's discretion,
4. Maintain a record of permits and approvals on file, in accordance with the Town's record retention policy, which has been approved by the State, and

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to make copies available to individuals requesting access,

5. Serve as professional staff to the Board of Commissioners, the Planning Board, the Board of Adjustment, and the Historic Preservation Commission, and provide reports and recommendations on matters before each of those bodies, either 1) as required by this UDO or other laws or regulations, or 2) at the request of the body,
6. Enforce this UDO in accordance with Chapter 17,
7. Administer the Town's sedimentation and erosion control program in accordance with this Chapter and Chapter 12, and
8. Administer the Town's floodplain management program in accordance with this Chapter and Chapter 12.

B. **Delegation**
The Administrator may delegate any powers and duties in Section A above, to any professional-level subordinate (see definition of "Administrator" in Section 18.6).

16.3.2. Board of Commissioners

A. **Powers and Duties**
The Board of Commissioners shall have the following powers and duties under this UDO:

1. Conduct any and all business in accordance with their Charter and NCGS,
2. Adopt the Comprehensive Plan and other plans, and amend them as necessary, and
3. Carry out the review authority and responsibilities specified in this Chapter, as outlined in Table 16-1.

16.3.3. Planning Board

A. **Powers and Duties**
The Planning Board shall have the following powers and duties under this UDO:

1. Review and recommend to the Board of Commissioners the adoption and amendment of a Comprehensive Plan and updates as necessary,
2. Advise the Board of Commissioners concerning the implementation of the Comprehensive Plan, including, but not limited to, review and comment on all zoning text and map amendments as required by NCGS §160D,
3. Develop and recommend policies, ordinances, development regulations, administrative procedures, and other means for carrying out the Comprehensive Plan in a coordinated and efficient manner, including directing staff to initiate amendments to this UDO,
4. Carry out the review authority and responsibilities outlined in Table 16-1, and
5. Any additional powers and duties specified in NCGS or by the Board of Commissioners in accordance with NCGS.

B. **Membership and Quorum**

1. The Planning Board shall consist of seven members. A quorum of four members shall be necessary to transact business.
2. Except as otherwise provided in Section 3 below, the Board of Commissioners shall appoint members from a list of qualified applicants who have submitted an advisory board application. A minimum of five members shall reside in the Town's corporate limits.
3. At least one member of the Planning Board shall reside in the ETJ. Appointment of the member or members residing in the ETJ shall be by the Wake County Board of Commissioners in accordance with NCGS §160D-307, after receiving a request from the Wake Forest Board of Commissioners. If the Wake County Board of Commissioners fails to make the appointment within 90 days after receiving the request, the Wake Forest Board of Commissioners may make the appointment. ETJ resident members shall have equal rights, privileges, and duties with the other members of the Planning Board.
4. Vacancies shall be filled by either the Wake Forest Board of Commissioners or the Wake County Board of Commissioners in accordance with Sections 2 and 3 above, as the vacancies occur.
5. Members shall serve three-year terms. No member shall serve more than two full consecutive terms. Once a member has served two full consecutive terms, the member must be off the Planning Board for a minimum of one year before being eligible to serve again. This term limit requirement may be waived by the Board of Commissioners. The Board

of Commissioners may also remove members of the Planning Board who are in violation of the attendance policy.

6. Officers shall be elected in accordance with the adopted rules of procedure.
7. All members shall, before entering their duties, qualify by taking an oath of office as required by NCGS §160D.

C. **Conduct of Business**
The Planning Board shall conduct its business in accordance with the Planning Board Handbook.

16.3.4. Board of Adjustment

A. **Powers and Duties**
The Board of Adjustment shall have the following powers and duties under this UDO:

1. Carry out the review authority and responsibilities outlined in Table 16-1, including:
   a. To hear and decide appeals of any order, requirement, decision, or determination made by an administrative official charged with the application and enforcement of this UDO in accordance with Section 16.7.1, and
   b. To authorize variances from the standards in this UDO in accordance with Section 16.7.5.
2. Any additional powers and duties specified in other laws and regulations or by the Board of Commissioners in accordance with NCGS.

B. **Membership and Quorum**

1. The Board of Adjustment shall consist of five regular members plus one alternate member. A quorum of three members shall be necessary to transact business.
2. Except as otherwise provided in Section 3 below, the Board of Commissioners shall appoint members from a list of qualified applicants who have submitted an advisory board application. A minimum of three members shall reside in the Town's corporate limits.
3. At least one member of the Board of Adjustment shall reside in the ETJ. Appointment of the member or members residing in the ETJ shall be by the Wake County Board of Commissioners in accordance with NCGS §160D-307, after receiving a request from the Wake Forest Board of Commissioners. If the Wake County Board of Commissioners fails to make the appointment within 90 days after receiving the request, the Wake Forest Board of Commissioners may make the appointment. ETJ resident members shall have equal rights, privileges, and duties with the other members of the Board of Adjustment.
4. Vacancies shall be filled by either the Wake Forest Board of Commissioners or the Wake County Board of Commissioners in accordance with Sections 2 and 3 above, as the vacancies occur.
5. Members shall serve three-year terms. No member shall serve more than two full consecutive terms. Once a member has served two full consecutive terms, the member must be off the Board of Adjustment for a minimum of one year before being eligible to serve again. This term limit requirement may be waived by the Board of Commissioners. The Board of Commissioners may also remove members of appointed boards/commissions who are in violation of the attendance policy.
6. Officers shall be elected in accordance with the adopted rules of procedure.
7. All members shall, before entering their duties, qualify by taking an oath of office as required by NCGS §160D.

C. **Conduct of Business**
The Board of Adjustment shall conduct business in accordance with the Board of Adjustment Handbook.

16.3.5. Historic Preservation Commission

A. **Powers and Duties**
The Historic Preservation Commission (HPC) shall have the following powers and duties to be carried out in accordance with this UDO and NCGS §160D-942:

1. Undertake an inventory of properties of historical, prehistorical, architectural, and/or cultural significance.
2. Recommend to the Board of Commissioners areas to be designated by ordinance as "Historic Districts" and individual structures, buildings, sites, areas, or objects to be designated by ordinance as "Landmarks."
3. Acquire by any lawful means the fee or any lesser included interest, including options to purchase, to properties within established districts or to any such

properties designated as landmarks to hold, manage, preserve, restore, and improve such properties, and to exchange or dispose of the property by public or private sale, lease or otherwise, subject to covenants or other legally binding restrictions that will secure appropriate rights of public access and promote the preservation of the property.

4. Restore, preserve, and operate historic properties.
5. Recommend to the Board of Commissioners that designation of any area as a historic district or part thereof, or designation of any building, structure, site, area, or object as a landmark, be revoked or removed for cause.
6. Conduct an educational program regarding historic properties and districts within its jurisdiction.
7. When authorized by the Board of Commissioners, may contract with the State, or the United States of America, or any agency of either, or with any other organization provided the terms are not inconsistent with State or federal law.
8. Enter, solely in performance of its official duties and only at reasonable times, upon private lands for examination or survey thereof. However, no member, employee, or agent of the commission may enter any private building or structure without the express consent of the owner or occupant thereof.
9. Prepare and recommend the official adoption of a preservation element as part of the Town's Comprehensive Plan.
10. Review and act upon proposals for alterations, demolitions, or new construction within historic districts, or for the alteration or demolition of designated landmarks, as described in Sections 0 and 16.7.3.
11. Negotiate at any time with the owner of a building, structure, site, area, or object for its acquisition or its preservation, when such action is reasonably necessary or appropriate.
12. Take steps during the period of postponement of demolition or alteration of any historic landmark or property to ascertain what the local governing body can or may do to preserve such property including consultation with private civic groups, interested private citizens, and other public boards or agencies, and including investigation of potential acquisition by the Board of Commissioners when the preservation of a given historic property is clearly in the interest of the general welfare of the community and such property is of certain historic and architectural significance.
13. Propose to the Board of Commissioners changes to this or any other ordinance and propose new ordinances or laws relating to historic landmarks and districts or relating to a total program for the protection and/or development of the historic resources of the Town and its environs.
14. Carry out the review authority and responsibilities outlined in Table 16-1.
15. Any additional powers and duties as may be set forth for in other laws and regulations or at the direction of the Board of Commissioners.

B. **Membership and Quorum**

1. The HPC shall consist of seven members. A quorum shall constitute a majority of the members, not including vacant seats.
2. Except as otherwise provided in Section 3 below, the Board of Commissioners shall appoint all members of the HPC. A majority of the members shall have a demonstrated special interest, experience, or education in history, architecture, archaeology or related fields. At least one member shall reside in a Locally Designated Historic Landmark or Local Historic District.
3. Members of the HPC shall reside in the Town's jurisdiction, and at least one member of the HPC shall reside in the ETJ. Appointment of the member or members residing in the ETJ shall be by the Wake County Board of Commissioners in accordance with NCGS §160D-307, after receiving a request from the Wake Forest Board of Commissioners. If the Wake County Board of Commissioners fails to make the appointment within 90 days after receiving the request, the Wake Forest Board of Commissioners may make the appointment. ETJ resident members shall have equal rights, privileges, and duties with the other members of the HPC.
4. Vacancies shall be filled by either the Wake Forest Board of Commissioners or the Wake County Board of Commissioners in accordance with Sections 2 and 3 above, as the vacancies occur.

5. All members shall serve three-year terms, except as otherwise provided in Sections 7 and 8 below. No member shall serve more than two full consecutive terms. Once a member has served two full consecutive terms, the member must be off the commission for a minimum of one year before being eligible to serve again. This term limit requirement may be waived by the Board of Commissioners. The Board of Commissioners may also remove members of appointed boards/commissions who are in violation of the attendance policy.
6. Officers shall be elected in accordance with the adopted rules of procedure.
7. The Board of Commissioners may appoint up to two youth as ex-officio (non-voting) members as it deems appropriate. Such members are not required to live within the jurisdiction of the Town but are required to attend a high school located within the Town Limits. Each youth ex-officio member shall serve a term of up to four years or until graduating from high school, whichever comes first.
8. The HPC may appoint up to two ex-officio (non-voting) members, in addition to any youth ex-officio members appointed, to provide special expertise as it deems appropriate. Such members are not required to live within the jurisdiction of the Town. The HPC will determine the length of term at the time of appointment, not to exceed two years.
9. All members shall, before entering their duties, qualify by taking an oath of office as required by NCGS §160D.

C. **Conduct of Business**
The HPC shall conduct business in accordance with the Historic Preservation Commission Handbook.

16.4 Review Procedures Overview

Table 16-1 provides an overview of the review procedures for the various types of applications in this UDO.

Table 16-1: Review Procedures Overview

Key: R = Recommending Body D = Decision-Making Body * = Evidentiary Hearing ** = Public Hearing *** = Public Comment Session	UDO Section Reference	Pre-Application Meeting Required	Review and Decision-Making Bodies					Period of Validity	Extension Allowed
			Administrator	Board of Commissioners	Planning Board	Board of Adjustment	Historic Preservation Commission		
Administrative Procedures									
Administrative Modifications	16.6.1	No	D					1 year [1]	No
Alternative Facility Fee	16.6.2	Yes	D					180 days	No
Architectural Design Review	16.6.3	No	D					1 year	1 year
Certificate of Appropriateness - Minor Work	16.6.4	No	D					1 year	1 year
Certificate of Completion	16.6.5	No	D					Indefinite	N/A
Construction Plan	16.6.6	No	D					2 years	1 year
Facility Fee Refund	16.6.7	No	D					Indefinite	N/A
Floodplain Development Permit	16.6.8	No	D					1 year	1 year
Interpretation	16.6.9	No	D					Indefinite	N/A
Land Disturbance Permit	16.6.10	No	D					2 years	1 year [2]
Reforestation Permit	16.6.11	No	D					[3]	N/A
Site Plan	16.6.12	Yes	D					2 years	1 year
Subdivision	16.6.13	Yes	D					2 years [4]	1 year
Temporary Use Permit	16.6.14	No	D					Per Permit	No
Zoning Compliance Permit	16.6.15	No	D					1 year	2 months [5]
Quasi-Judicial Procedures									
Administrative Appeal	16.7.1		R			D*		Indefinite	N/A
Certificate of Appropriateness - Demolition of Historic Structure	16.7.2	Yes	R				D*	Indefinite	N/A
Certificate of Appropriateness - Major Work	16.7.3	Yes	R				D*	1 year	1 year
Special Use Permit	16.7.4	Yes	R	D*				2 years [6]	1 year
Variance	16.7.5	No	R			D*		2 years	1 year
Legislative Procedures									
Annexation	16.8.1	No	R	D**				Indefinite	N/A
Comprehensive Plan Amendment	16.8.2	No	R	D**	R***			Indefinite	N/A
Designation of Historic District or Historic Landmark	16.8.3	No	R	D**				Indefinite	N/A
Development Agreement	16.8.4	No	R	D**				Per Agreement	N/A
Extraterritorial Jurisdiction Expansion	16.8.5	No	As required by NCGS Chapter 160D						
Map Amendment – Base, Conditional, or PUD District	16.8.6	Yes	R	D**	R***			Indefinite	N/A
Text Amendment	16.8.7	No	R	D**	R***			Indefinite	N/A

Table 16-1: Review Procedures Overview									
Key: R = Recommending Body D = Decision-Making Body * = Evidentiary Hearing ** = Public Hearing *** = Public Comment Session	UDO Section Reference	Pre-Application Meeting Required	Review and Decision-Making Bodies					Period of Validity	Extension Allowed
			Administrator	Board of Commissioners	Planning Board	Board of Adjustment	Historic Preservation Commission		
Vested Rights Certificate	16.8.8	No	R	D*				Vesting Period [7]	No

[1] Or as long as the associated development approval or permit remains valid, whichever is longer.
[2] Multiple extensions are allowed.
[3] The approval shall remain valid per Section 16.6.11.B.4.b.
[4] The period of validity may be extended for phased subdivisions per Section 16.6.13.B.4.
[5] Up to two extensions are allowed.
[6] Once the special use is established, the Special Use Permit shall remain valid per Section 16.7.4.B.5.c.
[7] See Section 1.7.2.C.2.

16.5 General Procedures

16.5.1. Pre-Application Meeting

A. The purpose of a pre-application meeting is to provide an opportunity for the applicant and Town staff to review applicable submittal requirements, procedures, and schedules and to discuss applicable standards and other development requirements before an application is submitted.

B. A pre-application meeting is required for application types as specified in this Chapter and outlined in Table 16-1. If a pre-application meeting is not required for an application, it may be requested at the option of the prospective applicant.

C. If a pre-application meeting is required or requested, the prospective applicant shall provide the information and materials detailed in the pre-application checklist. After receiving the required materials from the applicant, the Administrator shall schedule the pre-application meeting.

D. The pre-application meeting is intended to facilitate the review process. Discussion and review are not binding.

16.5.2. Application Submittal

A. **Authority to File**

1. Applications for development approvals and permits may be made by any of the following, with respect to the land where the development is proposed:
   a. The landowner,
   b. An authorized agent of the landowner,
   c. A lessee or person holding an option or contract to purchase or lease the land, or
   d. An easement holder, if the proposed development is authorized by the terms of the easement.
2. The Administrator may require an applicant to present evidence of authority to submit the application.

B. **Application Requirements**

1. The Administrator will prepare and make available application submittal checklists for use by applicants. These checklists are located on the Town website and are made a part of this UDO by reference.
2. Each application shall include all information, plans, and supporting materials identified in the Town's submittal checklist for the specific application type. The presumption shall be that all of the information required in the application forms is necessary to satisfy the requirements of this Section 16.5.2.B. However, it is recognized that each application is unique, and therefore more or less information may be required according to the needs of the particular case.

C. **Application Submittal Deadline**
Applications sufficient for processing shall be submitted to the Administrator in accordance with the published workflow schedule.

D. **Fees**
The Board of Commissioners is authorized to establish fees for processing and administering applications. Review fees, as published on the adopted fee schedule, shall be paid at the time of application submittal.

16.5.3. Completeness Review

A. **Complete Application Required**
Each application must be determined to be complete by the Administrator before the application is reviewed for a recommendation or decision in accordance with this Chapter, as outlined in Table 16-1. An application shall be determined to be complete when it contains all information and materials specified in the applicable submittal checklist and when all required application fees have been paid.

B. **Application Incomplete**
If the Administrator determines an application is incomplete, the Administrator shall notify the applicant in writing of the submittal deficiencies. Incomplete applications must be revised and resubmitted within 30 days of the notification to the applicant. If the application is not resubmitted within that 30-day period, the application process shall be deemed terminated by the applicant and the submittal shall be considered withdrawn. Any future review for a development approval or permit shall require submittal of a new application, including all required application fees.

C. **Application Complete**
On determining an application is complete, the Administrator shall provide written notice to the applicant that the application has been accepted for review.

16.5.4. Recommendations and Decisions

A. **Administrative Decisions**

1. All decisions on applications in Section 16.6 shall be based solely on the review criteria specified for the particular application type.
2. The Administrator may consult with the TRC and other Town staff and outside agencies to determine compliance with the applicable review criteria.
3. Decisions shall be issued to the to the applicant and to the property owner (if the property owner is not the applicant), in print or electronic form in accordance with NCGS Chapter 160D. If the decision is to deny the application, the reasons for the decision, including the specific provisions with which the application does not comply, shall be stated in writing with the decision.

B. **Quasi-Judicial Decisions**

1. All decisions on applications in Section 16.7 shall be made based solely on competent, material, and substantial evidence and the review criteria established for the specific application type, after conducting an evidentiary hearing, in accordance with NCGS §160D-406 and, in the case of an appeal of a decision of the Historic Preservation Commission, Article 14 of NCGS Chapter160D.
2. The decision shall be reduced to writing and shall reflect the decision-making body's determination of contested facts and their application to the applicable standards. The written decision shall be approved by the decision-making body and signed by the chair or other duly authorized member. The Administrator shall deliver the written decision by personal delivery, email, or first-class mail to the applicant, the landowner (if the landowner is not the applicant), and any person who has submitted a written request for a copy prior to the date the decision becomes effective. The Administrator shall certify to the Town Clerk that the decision was delivered in accordance with this Section 2, and the Administrator's certificate shall be deemed conclusive in the absence of fraud.

C. **Legislative Decisions**
All decisions on applications in Section 16.8 shall be made based on the review criteria established for the specific application type, after receiving all required recommendations and conducting all required public hearings.

D. **Conflicts of Interest**
All board members, commission members, and Town staff making recommendations or decisions in accordance with this Chapter, as outlined in Table 16-1, shall comply with the rules regarding conflicts of interest in NCGS §160D-109.

16.5.5. Post-Decision Actions and Limitations

A. **Resubmittal**

1. Applications may be revised and resubmitted for further review in accordance with Sections 16.5.2 and 16.5.3, and shall be reviewed and decided on in accordance with Section16.5.4, in the following cases:
   a. In the case of an application decided on by the Administrator, the Administrator's decision is to deny the application, or
   b. In the case of an application decided on by a review body other than the Administrator, the Administrator determines the application requires revision prior to proceeding further in the review process.
2. If a revised application is not resubmitted within six months of the Administrator's written decision, the application will be considered withdrawn, and the applicant must begin the application process anew, including submitting a new application and fees.

B. **Appeal**

1. **Administrative Decisions**
   Appeals from the Administrator's final, written, and binding decision on an application shall be made to the Board of Adjustment in accordance with Section 16.7.1.
2. **Quasi-Judicial Decisions**
   a. **Generally**
      Except as otherwise provided in Section a or b below, appeals from the quasi-judicial decision on an application shall be made in the nature of certiorari to the superior court having jurisdiction in accordance with Article 14 of NCGS §160D.
   b. **Historic Preservation Commission**
      Appeals from the quasi-judicial decision on an application by the Historic Preservation Commission shall be made in the nature of certiorari to the Board of Adjustment in accordance with Section 16.7.1.
   c. **Sedimentation and Erosion Control**
      Appeals from the quasi-judicial decision on an application relating to sedimentation and erosion control shall be made to the North Carolina Sedimentation Control Commission.
3. **Legislative Decisions**
   Appeals of legislative decisions shall be as established in NCGS.

C. **Validity and Expiration**

1. **Administrative Approvals**
   a. Unless otherwise specified in Section 16.6, a development approval or permit issued using administrative procedures shall expire and become invalid one year after its date of approval, or at the end of the vesting period if the authorized development activity is subject to a vested right, if any of the following occurs:
      i. In cases where no additional approvals and permits are required for development activity to commence, if development activity does not commence,
      ii. In cases where additional approvals or permits are required for development activity to commence, if the subsequent approvals or permits are not obtained.
   b. The Administrator may grant one, one-year extension of the period in Section a above, if the applicant provides sufficient justification for the extension, in writing, prior to the end of the period. Sufficient justification may include delays in outside agency permits, financing institution delays, or other similar occurrences beyond the control of the applicant.
   c. Unless otherwise specified in Section 16.6, and subject to any applicable vesting period, where a development approval or permit is issued using administrative procedures and remains valid beyond the initial period of validity established in Sections a and b above, the period of validity of the approval or permit shall be as follows:
      i. If the development that is the subject of the approval or permit is completed, the approval or permit shall expire,
      ii. If subsequent approvals or permits are issued for development activity within the scope of the initial approval or permit, the initial approval or permit shall remain valid until such subsequent approvals and permits expire or the development activity is completed,

iii. If, after commencing but prior to completion, the development activity authorized by the approval or permit is discontinued for a period of 24 consecutive months, the approval or permit shall expire.

D. **Inspection**

1. Town staff and agents of the Town are authorized to inspect each development site, at all reasonable hours and upon presentation of proper credentials, to ensure compliance with this UDO, including the approvals and permits issued pursuant to this UDO. By submitting an application under this Chapter, applicants are providing their consent to such inspections with respect to the proposed development, and notice of the right to inspect shall be included in each permit or approval issued.
2. No person shall willfully resist, delay, or obstruct Town staff or an agent of the Town who is attempting to inspect a development site in accordance with Section 1 above.

E. **Modification**

Unless otherwise specified in this Chapter, any change to approved plans, permits, or other approvals must be approved as a new plan, permit, or other approval. An unapproved modification may result in invalidation of the plan, permit, or other approval, and any corresponding building permits, in accordance with Chapter 17.

16.5.6. Public Notification

A. **Public Notification Requirements by Permit/Process Type**
Public notification shall be required per permit/process type in accordance with Table 16-2.

Table 16-2: Public Notification Requirements by Permit/Process Type

Key: ■ = Notice Required	Reference	Public Notification Level 1 [1]	2	3	4	5
Administrative Procedures						
All Administrative Procedures	16.6	No Notice Required				
Quasi-Judicial Procedures						
Special Use Permits	16.7.4	■	■	■	■	■
Variances	16.7.5	■	■	■	■	
Certificate of Appropriateness - Major Works	16.7.3	■		■	■	
Certificate of Appropriateness - Demolition of Historic Structures	16.7.2	■		■	■	
Appeal of Administrative Decisions	16.7.1	■	■	■	■	
Legislative Procedures						
Text Amendment						
Planning Board Public Comment Session	16.8.7.B.4	■				
Board of Commissioners Public Hearing	16.8.7.B.5	■	■			
Map Amendment – Base, Conditional, or PUD District						
Planning Board Public Comment Session	16.8.6.B.4	■		■	■	■
Board of Commissioners Public Hearing [1]	16.8.6.B.5	■	■	■	■	
Comprehensive Plan Amendment						
Planning Board Public Comment Session	16.8.2.B.4	■				
Board of Commissioners Public Hearing	16.8.2.B.5	■	■			
Other						
Designation of Historic District or Historic Landmark	16.8.3	■	■	■	■	
Annexation	16.8.1	■	■			
Development Agreement	16.8.4	■		■		
Extraterritorial Jurisdiction Expansion	16.8.5	As required by NCGS Chapter 160D				
Notes						
[1] Level 1 notice is required only for an official meeting held at a time or place other than as shown on the schedule of regular meetings, in accordance with NCGS §143-318.						

B. **Types of Public Notification**
The following procedures have been established for development applications and petitions that require notification of the public prior to consideration and/or approval

1. **Level 1 – Distribution List**

   a. A notice of the pending application or meeting, as applicable, shall be posted in a prominent location in Town Hall and on the Town's web site, and a notice of such meeting shall be mailed, e-mailed, or delivered to each person and media provider that has filed a written request for notice with the Town Clerk.

   b. This notice shall be posted and mailed, e-mailed, or delivered at least 48 hours before the time of the meeting.

c. Non-media members of this list shall be charged an annual fee (as set in the fee schedule) to receive all notices by mail. Members of this distribution list must renew their participation in this distribution on an annual basis.

2. **Level 2 – General Notice in Newspaper**

   a. A notice shall be published in a newspaper of general circulation in the Town once a week for two successive weeks, unless the notice is for an annexation public hearing which requires a single notice.

   b. The first publication shall appear no less than ten days or more than 25 days prior to the date fixed for the legislative or evidentiary public hearing.

   c. The notice shall include the time, place and date of the hearing or meeting, as applicable, and include a description of the property and the nature of the proposal.

3. **Level 3 – Notification to Affected Property Owners**

   a. **Mailed Notice**

      i. Notification of the hearing/meeting shall be sent by first class mail to the owners of all property affected by a pending action (e.g., new overlay district) and, if the process is quasi-judicial, to the person or entity whose appeal, application, or request is the subject of the hearing, if other than an owner of the affected property.

      ii. Such notification shall be postmarked at least ten but not more than 25 days prior to the date of the meeting at which the matter is to be heard.

   b. **Published Notice – Full Community Notification**

      i. As an alternative to the mailed notice requirements in Section a above, the Town may elect to serve notice through a full community notification for pending actions that affect at least 50 properties with at least 50 different property owners.

      ii. The Town shall publish notice of the hearing/meeting in a newspaper of general circulation in the Town.

      iii. Two advertisements shall be published in separate calendar weeks.

      iv. Each advertisement shall not be less than one-half of a newspaper page in size.

      v. The advertisement shall only be effective for property owners who reside in the area of general circulation of the newspaper which publishes the notice.

      vi. Property owners who reside outside of the newspaper circulation area, according to the address listed on the most recent property tax listing for the affected property, shall be notified by first class mail.

   c. **Posted Notice**
   A sign or signs shall be placed in prominent location(s) on the subject property(ies) or on an adjacent public street or highway right-of-way with a notice of the pending action and a phone number to contact for additional information. The sign(s) shall not be required to be placed on each parcel where an application site includes multiple contiguous parcels, provided that enough signs are posted to give reasonable notice to interested persons passing by the site.

   d. **Property Owner Notification for Map Amendment**

      i. Except for a Town-initiated Map Amendment, when a Map Amendment application is filed by an applicant other than the owner of the parcel of land to which the amendment would apply, the applicant shall certify to the Board of Commissioners that the owner of the parcel of land as shown on the county tax listing has received actual notice of the proposed Map Amendment and a copy of the notice of public hearing.

      ii. The applicant shall certify that proper notice has been provided in fact, and such certificate shall be deemed conclusive in the absence of fraud.

      iii. If notice cannot with due diligence be achieved by personal delivery, registered, or certified mail, or by a designated delivery service authorized pursuant to 26 USC §7502(f)(2), notice may be given by publication consistent with NCGS §1A-1, Rule 4(j1).

iv. In accordance with NCGS §160D-601, down-zonings are prohibited unless written consent from all owners of land that is proposed to be down-zoned is provided.

4. **Level 4 - Notification To Adjacent Property Owners**

   a. The owners of property within 500 feet on all sides of the subject property shall be notified of the hearing/meeting by first class mail.

   b. Such notification shall be postmarked at least ten but not more 25 days prior to the date of the meeting at which the matter is to be heard.

5. **Level 5 - Neighborhood Meeting**

   a. The applicant shall conduct a neighborhood meeting where required by Table 16-2 prior to any legislative or evidentiary public hearing or review by an approving board or commission.

   b. This meeting will allow the applicant to explain the proposed project and to be informed of the concerns of the neighborhood and surrounding property owners.

   c. The neighborhood meeting shall be held after the first round of staff review has been completed and prior to application resubmitted for the second round of staff review.

   d. The applicant shall send a meeting notice to property owners within 500 feet of the proposed development.

   e. The notice shall be sent by first class mail and be postmarked at least ten but not more than 25 days prior to the date of the neighborhood meeting. A copy of the notice shall also be sent to the Planning Department.

   f. The letter shall contain a summary of the proposed development, including the property location and proposed uses and intensity, as applicable, as well as the applicant's contact information and the date, time, and location of the meeting.

   g. The location of the neighborhood meeting should be within a reasonable distance of the proposed project.

   h. The meeting shall be held at a reasonable day and time, giving the nearby property owners an opportunity to attend. Weekends, holidays, and daytime work hours are generally not considered reasonable.

   i. A summary of the meeting in the form of meeting notes or minutes, the notice letter and mailing list, and a list of attendees shall be submitted to each review and decision-making body making a recommendation or decision on the application in accordance with Table 16-1.

C. **Concurrent Procedures**
Should public notification be required for concurrent proceedings, joint notification may be provided.

16.6 Administrative Procedures

Administrative procedures include those processes where the final decision on an application is made by the Administrator, based on an established set of objective criteria.

16.6.1. Administrative Modification

A. **Applicability**

1. Administrative Modifications of the following standards may be approved by the Administrator in accordance with this Section 16.6.1:
   a. Chapter 2 – Zoning Districts and Dimensional standards:
      i. Lot area minimum up to ten percent of standard,
      ii. Lot width minimum up to ten percent of standard,
      iii. Building setbacks up to ten percent of standard,
      iv. Frontage build out up to ten percent of standard, and
      v. Building coverage up to five percent of standard.
   b. Section 8.3.3 – Maximum fence/wall height up to ten feet.
   c. Chapter 9 standards:
      i. Increase the maximum block length (Section 9.5.5.A) by up to ten percent, and
      ii. Alternative parking area location (Section 9.7.2).
2. Review of Administrative Modification applications under this Section 16.6.1 will typically occur concurrently with review of the corresponding development approval or permit, such as a Site Plan or a Zoning Compliance Permit.

B. **Procedures**

1. **Pre-Application Meeting**
   A pre-application meeting is not required. The applicant may request a pre-application meeting in accordance with Section 16.5.1.
2. **Application Submittal and Acceptance**
   Applications shall be submitted and reviewed for completeness in accordance with Sections 16.5.2 and 16.5.3. Applications may be submitted concurrently with an application for an associated development approval or permit, such a Site Plan or Construction Plan.
3. **Administrator Review and Decision**
   If the application is accepted for review, the Administrator shall review the application and make a decision in accordance with Section 16.5.4. The decision shall be one of the following:
   a. Approve the application, or
   b. Deny the application.
4. **Post-Decision Actions and Limitations**
   After the Administrator's decision on the application, any resubmittals or appeals shall be made in accordance with Section 16.5.5. If the application is approved, the Administrative Modification shall remain valid for a period of one year from the date of approval, or as long as the associated development approval or permit remains valid, whichever is longer. Once granted, an Administrative Modification may be modified only in accordance with Section 16.5.5.

C. **Review Criteria**
The Administrator shall approve the application only if the Administrator determines the following:

1. The Administrative Modification is consistent with the purpose and intent of the applicable regulation,
2. The Administrative Modification is the smallest modification necessary to accommodate the proposed improvement or resolve the subject issue, taking into consideration the extent of all modifications for the development as a whole, and
3. The Administrative Modification is necessary for at least one of the following:
   a. To compensate for unusual aspects of the development site that are not shared by landowners generally, such as lot shape or configuration, existing utilities or other easements, watercourses, riparian buffers, natural rock formations, and topography.
   b. To protect sensitive natural resources or save healthy existing trees,

c. To eliminate a minor, inadvertent failure to fully comply with a standard, or

d. With respect to fence height, to ensure site security and safety, based on a site security plan submitted with the application.

16.6.2. Alternative Facility Fee

A. **Applicability**

A feepayer may submit, and the Administrator may approve, a request for an alternative facility fee based on an individual assessment of impact (see Section 11.6) in accordance with this Section 16.6.2.

B. **Procedures**

1. **Pre-Application Meeting**
   A pre-application meeting is required in accordance with Section 16.5.1, with the following modifications:
   a. During the meeting, the applicant and the Administrator will review the proposed study approach and the candidate sites that will be used in the individual assessment of impacts, based on the requirements in the Facility Fees Manual.
   b. Upon approval of the study approach and the sites to be studied, the agreed upon details shall be outlined in a Memorandum of Understanding (MOU).
2. **Application Submittal and Acceptance**
   Application submittal and acceptance for review shall follow the process and requirements in Sections 16.5.2 and 16.5.3, with the following modifications:
   a. The application shall include all materials and information specified in the Facility Fees Manual, including an individual assessment of impacts that is consistent with the MOU.
   b. The feepayer shall pay all costs to develop the assessment, as well as any community service facility fees due when the assessment is under consideration.
3. **Administrator Review and Decision**
   If the application is accepted for review, the Administrator shall review the application and make a decision in accordance with Section 16.5.4. The decision shall be one of the following:
   a. Approve the application, or
   b. Deny the application.

4. **Post-Decision Actions and Limitations**

   a. Any appeal of the Administrator's decision on the application shall be in accordance with Section 11.6.10.

   b. If the application is approved, the applicant may satisfy the fee payment requirement in Section 11.6.6 by paying the approved alternative fee. Approval of an alternative fee shall expire and become void if the alternative fee is not paid within one year of the date of approval.

C. **Review Criteria**

The Administrator shall approve the application only if the Administrator determines the individual assessment is consistent with:

1. Generally accepted engineering and planning practices;
2. The applicable facility fee reports;
3. The Facility Fees Manual; and
4. All other applicable requirements of this UDO.

16.6.3. Architectural Design Review

A. **Applicability**

1. Except as otherwise provided in Section 2 below, approval of architectural design in accordance with this Section 16.6.3 is required for new structures, and for exterior modifications of existing structures, prior to approval of a corresponding building permit and Construction Plan, as applicable.
2. To the extent required by NCGS §160D-702, structures subject to regulation under the North Carolina Residential Code are exempt from this Section 16.6.3.

B. **Procedures**

1. **Pre-Application Meeting**
   A pre-application meeting is not required. The applicant may request a pre-application meeting in accordance with Section 16.5.1.
2. **Application Submittal and Acceptance**
   Application submittal and acceptance for review shall follow the process and requirements in Sections 16.5.2 and 16.5.3.
3. **Administrator Review and Decision**
   If the application is accepted for review, the Administrator shall review the application and make a decision in accordance with Section 16.5.4. The decision shall be one of the following:

   a. Approve the application, or

   b. Deny the application.

4. **Post-Decision Actions and Limitations**
   After the Administrator's decision on the application, any resubmittals or appeals shall be made in accordance with Section 16.5.5. If the application is approved, the approval shall remain valid and may be modified only in accordance with Section 16.5.5.

C. **Review Criteria**

The Administrator shall approve the application only if the Administrator determines the building or structure:

1. Complies with all applicable standards of this UDO, and
2. Is consistent with all applicable development approvals and permits issued by the Town.

16.6.4. Certificate of Appropriateness (COA) – Minor Work

A. **Applicability**

1. A Certificate of Appropriateness must be issued in accordance with this Section 16.6.4 for proposed minor work, as defined in Section 2 below, prior to any required building permit being issued or, if no building permit is required, prior to commencement of the minor work.
2. Minor work includes exterior changes to a property in the LH-O district that do not involve substantial alterations, additions, or removals that could impair the integrity of the property and/or historic district as a whole, in accordance with the Wake Forest Historic Property Handbook and Design Standards.

B. **Procedures**

1. **Pre-Application Meeting**
   A pre-application meeting is not required. The applicant may request a pre-application meeting in accordance with Section 16.5.1.
2. **Application Submittal and Acceptance**
   Application submittal and acceptance for review shall follow the process and requirements in Sections 16.5.2 and 16.5.3.
3. **Administrator Review and Decision**
   If the application is accepted for review, the Administrator shall review the application and make a decision in accordance with Section 16.5.4. The decision shall be one of the following:
   a. Approve the application and issue the Certificate of Appropriateness, or
   b. Inform the applicant in writing that staff cannot approve the application as submitted and that the HPC will review and make a decision on the application after conducting an evidentiary hearing. If the Administrator makes this decision, the Administrator shall prepare a report and provide notice of the HPC hearing and the HPC shall review and make a decision on the application using the procedures in Section 16.7.3.
4. **Post-Decision Actions and Limitations**
   After the Administrator's decision on the application, or the HPC's decision on the application, as applicable, resubmittals are not allowed. Any appeals shall be made in accordance with Section 16.5.5. If the application is approved, the approval shall remain valid and may be modified only in accordance with Section 16.5.5.

C. **Review Criteria**
The Administrator shall approve the application and issue the Certificate of Appropriateness only if the Administrator determines the proposed minor work:

1. Is consistent with the Wake Forest Historic Property Handbook and Design Standards,
2. Meets the Secretary of the Interior's Standards for the Rehabilitation of Historic Buildings, and
3. Complies with all applicable standards of this UDO.

16.6.5. Certificate of Completion

A. **Applicability**
A Certificate of Completion must be issued in accordance with this Section 16.6.5 prior to the occupancy or use of any new construction or the re-occupancy or re-use of any renovation/rehabilitation.

B. **Procedures**

1. **Pre-Application Meeting**
   A pre-application meeting is not required. The applicant may request a pre-application meeting in accordance with Section 16.5.1.
2. **Application Submittal and Acceptance**
   Application submittal and acceptance for review shall follow the process and requirements in Sections 16.5.2 and 16.5.3.
3. **Administrator Review and Decision**
   If the application is accepted for review, the Administrator shall review the application, inspect the development site, and make a decision in accordance with Section 16.5.4. The decision shall be one of the following:
   a. Approve the application and issue the Certificate of Completion, or
   b. Deny the application.
4. **Post-Decision Actions and Limitations**
   After the Administrator's decision on the application, any resubmittals or appeals shall be made in accordance with Section 16.5.5. If the application is approved and the Certificate of Completion issued, the new construction or

renovation/rehabilitation may be occupied and/or used.

C. **Review Criteria**
The Administrator shall approve the application and issue the Certificate of Completion only if the Administrator determines the development site:

1. Complies with the approved Construction Plan, and
2. Complies with all applicable standards of this UDO and the WFD3.

16.6.6. Construction Plan

A. **Applicability**

1. Construction Plan approval in accordance with this Section 16.6.6 is required prior to commencement of any development activity requiring Site Plan approval (see Section 16.6.12) or Subdivision Plan approval (see Section 16.6.13).
2. Where approval of a Site Plan is required, Site Plan review and approval may precede or occur concurrently with Construction Plan review and approval, at the option of the applicant.
3. Where approval of a Subdivision Plan is required, that approval must precede review and approval of all corresponding Construction Plan applications.

B. **Procedures**

1. **Pre-Application Meeting**
A pre-application meeting is not required. The applicant may request a pre-application meeting in accordance with Section 16.5.1.
2. **Application Submittal and Acceptance**
Application submittal and acceptance for review shall follow the process and requirements in Sections 16.5.2 and 16.5.3.
3. **Administrator Review and Decision**
If the application is accepted for review, the Administrator shall review the application and make a decision in accordance with Section 16.5.4. The decision shall be one of the following:
    a. Approve the application,
    b. Approve the application subject to conditions to ensure the review criteria are met, or
    c. Deny the application.
4. **Post-Decision Actions and Limitations**
After the Administrator's decision on the application, any resubmittals or appeals shall be made in accordance with Section 16.5.5. If the application is approved, the approval shall remain valid and may be modified only in accordance with Section 16.5.5, except the initial period of validity shall be two years from the date of approval instead of one year.

C. **Review Criteria**
The Administrator shall approve the application only if the Administrator determines the Construction Plan

1. Complies with all applicable standards of this UDO and the WFD3, and
2. Is consistent with the applicable Site Plan or Subdivision Plan.

16.6.7. Facility Fee Refund

A. **Applicability**
A feepayer may request a refund of a facility fee payment (see Section 11.6) in accordance with this Section within one year of either:

1. The expiration of the building permit on an uncompleted project; or
2. The end of the fiscal year immediately following the tenth anniversary of the date on which the community service facility fee was paid.

B. **Procedure**

1. **Pre-Application Meeting**
A pre-application meeting is not required. The applicant may request a pre-application meeting in accordance with Section 16.5.1.
2. **Application Submittal and Acceptance**
Application submittal and acceptance for review shall follow the process and requirements in Sections 16.5.2 and 16.5.3.
3. **Administrator Review and Decision**
If the application is accepted for review, the Administrator shall review the application and make a decision in accordance with Section 16.5.4 within 20 business days after the application is accepted for review. The decision shall be one of the following:
    a. Approve the application; or
    b. Deny the application.

4. **Post-Decision Actions and Limitations**

   a. Any appeal of the Administrator's decision on the application shall be in accordance with Section 11.6.10.

   b. If the application is approved, the Town will refund the subject facility fee payment plus interest, based on the interest that accrued on the fees in the respective facility fee fund.

C. **Review Criteria**
The Administrator shall approve the application if the Administrator determines either:

1. The building permit for which facility fees were paid was revoked, expired, was withdrawn, or was canceled before completion of the proposed impact-generating land development activity; or

2. The community service facility fee revenues collected were not spent within ten years of the end of the fiscal year in which the fees were paid, on a first-in/first-out basis.

16.6.8. Floodplain Development Permit

A. **Applicability**

1. No approval shall be granted for construction in an area designated as a Special Flood Hazard Area by the flood insurance rate maps, as provided by the Federal Emergency Management Agency, without the issuance of a Floodplain Development Permit in accordance with this Section 16.6.8 and Section 12.6.

2. Because Special Flood Hazard Areas are determined by FEMA and State requirements, if activities are permitted in Special Flood Hazard Areas at the State or Federal level, then they are exempt from the requirements of this Section.

B. **Procedures**

1. **Pre-Application Meeting**
A pre-application meeting is not required. The applicant may request a pre-application meeting in accordance with Section 16.5.1.

2. **Application Submittal and Acceptance**
Application submittal and acceptance for review shall follow the process and requirements in Sections 16.5.2 and 16.5.3.

3. **Administrator Review and Decision**

   a. If the application is accepted for review, the Administrator shall review the application and make a decision in accordance with Section 16.5.5. The decision shall be one of the following:

      i. Approve the application and issue the Floodplain Development Permit, or

      ii. Deny the application.

   b. An approved Floodplain Development Permit shall include:

      i. A description of the development to be permitted under the Floodplain Development Permit,

      ii. The Special Flood Hazard Area or Future Conditions Flood Hazard Area determination for the proposed development per available data specified in Section 12.6.1.D,

      iii. The regulatory flood protection elevation required for the reference level and all attendant utilities,

      iv. The regulatory flood protection elevation required for the protection of all public utilities,

      v. All certification submittal requirements with timelines,

      vi. A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse, as applicable,

      vii. The flood openings requirements, if in Zones A, AE, or X (Future).

4. **Post-Decision Actions and Limitations**
After the Administrator's decision on the application, any resubmittals or appeals shall be made in accordance with Section 16.5.5. If the application is approved, the approval shall remain valid and may be modified only in accordance with Section 16.5.5, except extensions of the period of validity are not allowed.

C. **Review Criteria**
The Administrator shall approve the application and issue the Floodplain Development Permit only if the

Administrator determines that all applicable standards of this UDO are met.

16.6.9. Interpretation

A. **Applicability**
An applicant may request, and the Administrator shall render, official interpretations of this UDO in accordance with the procedures and criteria in this Section 16.6.9.

B. **Procedures**

1. **Pre-Application Meeting**
A pre-application meeting is not required. The applicant may request a pre-application meeting in accordance with Section 16.5.1.

2. **Application Submittal and Acceptance**
Application submittal and acceptance for review shall follow the process and requirements in Sections 16.5.2 and 16.5.3.

3. **Administrator Review and Decision**
If the application is accepted for review, the Administrator shall:

   a. Review the application and prepare a Memorandum of Interpretation based on the review criteria in Section C below,

   b. Send the Memorandum of Interpretation to the applicant, and

   c. Enter the Memorandum of Interpretation in the record of all interpretations maintained by the Administrator in accordance with Section 16.3.1.

4. **Post Decision Actions and Limitations**
An interpretation rendered in accordance with this Section 16.6.9 shall be binding on subsequent decisions by the Administrator applying the same provision of this UDO or Zoning Map boundary, as applicable, to the extent the interpretation is not modified or reversed on appeal, and to the extent the provision is not subsequently amended by the Board of Commissioners. An interpretation shall not impact previously granted approvals where a vested right is established in accordance with Section 1.7.2.

C. **Review Criteria**
The Administrator shall use the applicable criteria in this Section C to prepare the Memorandum of Interpretation.

1. **UDO Text**
Interpretations of the text of this UDO shall draw on any one or more of the following, as applicable:

   a. The clear and plain meaning of the words based on the definitions and the rules of construction and interpretation in Chapter 18 and the common and accepted usage of the words,

   b. The intended purposes of the provision as indicated by all applicable purpose statements in this UDO, the surrounding provisions with which it is grouped, the purposes and meaning of any related provisions, and available legislative history pertaining to its adoption, and

   c. Where there is vague or ambiguous language, any appropriate cannon, maxim, principle, or other technical rule of interpretation or construction used by courts of law having jurisdiction within the state to resolve vagueness or ambiguity in language.

2. **Unspecified Uses**
The Administrator shall consider the following to determine whether a use not specifically listed in use table in Chapter 3 is a part of a use type as described in Section 3.3 or is nearly similar in terms of type, density/intensity of development, environmental effects, the anticipated amount traffic, noise, light, vibration, odor, and other impacts on neighbors and the community.

   a. Actual or projected characteristics of each activity likely to occur on the site,

   b. The type, size, orientation, and nature of buildings and structures devoted to each activity,

   c. The number and density of employees and customers per unit area of site in relation to business hours and employment shifts,

   d. Vehicles used and their parking requirements, including the ratio of the number of spaces required per unit area or activity,

   e. Transportation demands, including the volume and frequency of trips generated to and from the site, the split of traffic volume among various means of transportation, and other characteristics of trips and traffic,

   f. Relative amounts of sales from each activity,

g. The nature and location of storage and outdoor display of merchandise, whether enclosed, open, inside or outside the principal building, and the predominant types of items stored,

h. Customer type for each activity,

i. How each use is advertised, including signage,

j. The amount and nature of any nuisances generated on the premises, including but not limited to noise, smoke, odor, glare, vibration, radiation, and fumes,

k. Any special requirements for public utilities to serve the site, including but not limited to water supply, wastewater output, pre-treatment of wastes and emissions required or recommended, and any significant power structures and communications towers or facilities, and

l. The anticipated impact of the use on adjacent lands, which should not be greater than that of other use types allowed in the zoning district.

3. **Zoning Map Boundaries**
The Administrator shall interpret the zoning district boundaries shown on the Zoning Map based on the following rules:

a. Boundaries shown as approximately following a utility line or a street, road, alley, railroad, or other public access way shall be interpreted as following the centerline of the right-of-way or easement for the utility line or access way,

b. Boundaries shown as approximately following a property line shall be interpreted as following the property line as it existed when the boundary was established. If a subsequent minor adjustment (such as from settlement of a boundary dispute or overlap) results in the property line moving ten feet or less, the zoning boundary shall be interpreted as moving with the property line,

c. Boundaries shown as approximately following a watercourse shall be interpreted as following the centerline of the watercourse as it actually exists, and as moving with that centerline to the extent the watercourse moves as a result of natural processes (flooding, erosion, sedimentation, etc.),

d. Boundaries shown as approximately following the shoreline of a body of water shall be interpreted as following the shoreline and as moving with shoreline to the extent the shoreline moves as a result of natural processes (flooding, erosion, sedimentation, etc.),

e. Boundaries shown as entering a body of water shall be interpreted as continuing in the direction at which they enter the body of water and extending until they intersect another zoning district boundary or similarly extended boundary, or the limits of the Town's jurisdiction,

f. Boundaries shown as approximately following established municipal corporate limits or other political boundaries shall be interpreted as following the corporate limits or boundary,

g. Boundaries shown parallel to or as extensions of features indicated in this Section shall be interpreted as such,

h. If the specific location of a depicted boundary cannot be determined from notations on the Zoning Map or application of the above standards, it shall be determined by using the map's scale to determine the boundary's distance from other features shown on the map.

16.6.10. Land Disturbance Permit

A. **Applicability**

1. Issuance of a Land Disturbance Permit in accordance with this Section 16.6.10 is required prior to undertaking any land-disturbing activity identified as requiring a Land Disturbance Permit in Section 12.4.2. Land disturbing activities are defined in Section 18.17. The following are examples of land disturbing activities:

   a. Construction, demolition, replacement of, or addition to, buildings or structures,

   b. Removing vegetation, and

   c. Excavation, filling, or grading.

2. A Land Disturbance Permit will be issued using one of the following processes:

   a. For land-disturbing activities of 1/2 acre or more and for land-disturbing activities in larger common plans of development or sale, as specified in Section 12.4.2.A.1 and Section

12.4.2.A.4, a separate Land Disturbance Permit application is not required. Instead, the Administrator will review the erosion and sedimentation control plan submitted with the Construction Plan application (see Section 16.6.6). The Land Disturbance Permit will be issued after the Administrator has approved the erosion and sedimentation control plan and the corresponding Construction Plan.

b. For all other land-disturbing activities requiring a Land Disturbance Permit, a separate application for the Land Disturbance Permit must be approved in accordance with this Section 16.6.10.

B. **Procedures**

1. **Pre-Application Meeting**
A pre-application meeting is not required. The applicant may request a pre-application meeting in accordance with Section 16.5.1.

2. **Application Submittal and Acceptance**

a. Application submittal and acceptance for review shall follow the process and requirements in Sections 16.5.2 and 16.5.3, except a separate application is not required for land-disturbing activities of 1/2 acre or more or for land-disturbing activities in larger common plans of development or sale, as specified in Section 12.4.2.A.1 and Section 12.4.2.A.4. Instead, review of erosion and sedimentation control plans for those land-disturbing activities will occur as a part of Construction Plan application review.

b. The Town shall have the power to require written statements or filing reports under oath on questions relating to the land-disturbing activity.

c. Any plan submitted for a land-disturbing activity for which the North Carolina Environmental Policy Act requires an environmental document shall be deemed incomplete until a complete environmental document is available for review.

3. **Administrator Review and Decision**

a. If the application is accepted for review, or if the erosion and sedimentation control plan is submitted as part of a Construction Plan application that is accepted for review, the Administrator shall review the application and make a decision in accordance with Section 16.5.4 and Section b below. The decision shall be one of the following:

i. Approve the application, or approve the erosion and sedimentation control plan where it is reviewed as part of a Construction Plan application, and issue the Land Disturbance Permit, or

ii. Deny the application, or deny the erosion and sedimentation control plan where it is reviewed as part of a Construction Plan application.

b. Review of an initial application for a Land Disturbance Permit, or of an erosion and sedimentation control plan where it is reviewed as part of a Construction Plan application, shall be completed by the Administrator and notice of the approval or denial of the application, or erosion and sedimentation control plan, as applicable, shall be provided to the applicant within 30 days of the application being accepted for review. If the Administrator does not complete review of an application, or an erosion and sedimentation control plan, as applicable, and provide notice to the applicant within that time period, the application, or the erosion and sedimentation control plan, as applicable, shall be deemed approved.

4. **Post-Decision Actions and Limitations**

a. After the Administrator's decision on a separate application for a Land Disturbance Permit or an erosion and sedimentation control plan reviewed as part of a Construction Plan application, any resubmittals or appeals shall be made in accordance with Section 16.5.5, with the following modification if the application, or the erosion and sedimentation control plan, as applicable, is denied:

i. Resubmitted applications, or erosion and sedimentation control plans, as applicable, shall be reviewed and decided on by the Administrator and notice given the applicant within 15 days of the resubmitted Land Disturbance Permit or application being accepted for review. If the Administrator does not decide on the application and provide notice to the applicant within that time

period, the application shall be deemed approved.

b. If the application is approved, the approval shall remain valid and may be modified only in accordance with Section 16.5.5, with the following modifications:

i. The initial period of validity shall be two years from the date of approval instead of one year, and all work under the permit must be completed during the period of validity, and

ii. The Administrator may grant any number of one-year extensions of the validity period until the project is complete, subject to applicable administrative fees for Land Disturbance Permit extensions.

C. **Review Criteria**
The Administrator shall issue a Land Disturbance Permit only if the Administrator determines the proposed land disturbing activity complies with this UDO and all applicable state and federal requirements.

16.6.11. Reforestation Permit

A. **Applicability**
A Reforestation Permit issued in accordance with this Section 16.6.11 shall be required for undeveloped property returning to a vegetated condition to be exempt from Code of Ordinances Chapter 14, Article II, under that article's reforestation permit exemption.

B. **Procedures**

1. **Pre-Application Meeting**
A pre-application meeting is not required. The applicant may request a pre-application meeting in accordance with Section 16.5.1.

2. **Application Submittal and Acceptance**
Application submittal and acceptance for review shall follow the process and requirements in Sections 16.5.2 and 16.5.3.

3. **Administrator Review and Decision**
If the application is accepted for review, the Administrator shall review the application and make a decision in accordance with Section 16.5.4. The decision shall be one of the following:

a. Approve the applications and issue the Reforestation Permit, or

b. Deny the application.

4. **Post-Decision Actions and Limitations**

a. After the Administrator's decision on the application, any resubmittals or appeals shall be made in accordance with Section 16.5.5.

b. If the application is approved, the approval shall remain valid until either a heavily wooded lot is achieved or the site is brought into compliance with Code of Ordinances Chapter 14, Article II. During the period of validity, no other development approvals or permits under this UDO may be reviewed. Any modification of the approval shall comply with Section 16.5.5.

C. **Review Criteria**
The Administrator shall approve the application and issue the Reforestation Permit only if the Administrator determines that the reforestation plan included in the application:

1. Achieves a density of at least 80 canopy trees per acre,

2. Utilizes canopy trees with a minimum caliper of one and one-half inches as measured at six inches above grade, and

3. Includes a maintenance schedule for replacing damaged or diseased trees that is sufficient to achieve a heavily wooded lot.

16.6.12. Site Plan

A. **Applicability**

1. Site Plan approval in accordance with this Section 16.6.12 is required for all new development, redevelopment, and changes of use, except the following:
   a. Construction or modification of a single-family detached, duplex, or triplex/quadplex dwelling or a manufactured or family care home, or a structure that is accessory to one of those uses, that is on an existing lot of record, and that is exempt from the stormwater management requirements in Section 12.7;
   b. Development that requires approval of a Subdivision Plan (see Section 16.6.13);
   c. Temporary uses (see Section 16.6.14); and
   d. Development that requires approval of a Zoning Compliance Permit (see Section 16.6.15).
2. Site Plan review and approval may precede or occur concurrently with Construction Plan review and approval (see Section 16.6.6), at the option of the applicant.

B. **Procedures**

1. **Pre-Application Meeting**
   A pre-application meeting is required in accordance with Section 16.5.1.
2. **Application Submittal and Acceptance**
   Application submittal and acceptance for review shall follow the process and requirements in Sections 16.5.2 and 16.5.3.
3. **Administrator Review and Decision**
   If the application is accepted for review, the Administrator shall review the application and make a decision in accordance with Section 16.5.4. The decision shall be one of the following:
   a. Approve the application,
   b. Approve the application subject to conditions to ensure the review criteria are met, or
   c. Deny the application.
4. **Post-Decision Actions and Limitations**
   a. After the Administrator's decision on the application, any resubmittals or appeals shall be made in accordance with Section 16.5.5.
   b. If the application is approved, the approval shall remain valid in accordance with Section 16.5.5, except the initial period of validity shall be two years from the date of approval instead of one year.
   c. Any of the following changes from an approved Site Plan shall be considered an amendment of the Site Plan and shall require approval of Site Plan revisions using the procedures in this Section 16.6.12. Other changes not listed below shall be considered minor deviations requiring only approval of a Construction Plan.
      i. Land area added,
      ii. Change in land use,
      iii. Addition of a new vehicular access point to an existing street not previously designated for access,
      iv. Increase in the number of dwelling units of five percent or greater,
      v. Increase in floor area of ten percent or greater, or
      vi. Increase in building height of ten percent or greater.

C. **Review Criteria**
The Administrator shall approve the application only if the Administrator determines that the Site Plan complies with all applicable standards of this UDO and the WFD3 and with all applicable development approvals and permits issued by the Town.

16.6.13. Subdivision

A. **Applicability**

1. Review and approval of a Subdivision Plan and subsequent review and approval of one or more corresponding Final Plats in accordance with this Section 16.6.13 is required for all subdivisions, as defined in Section 18.24.
2. No lot in a subdivision shall be sold prior to the Final Plat that includes the lot being approved by the Town and recorded in accordance with this Section 16.6.13.
3. Review and approval of a Subdivision Plan in accordance with this Section 16.6.13 is required prior to the approval of a Construction Plan (see Section 16.6.6) for all subdivision development that does not fall entirely under another development approval or permit in this Chapter.
4. Divisions of land that are exempt from the subdivision definition in Section 18.24 shall use the Final Plat procedures in Section C below, except approval of the application shall be based on the following review criteria:
   a. The Administrator shall approve the application on determining the plat complies with all applicable requirements in NCGS and with the application submittal checklist.

B. **Subdivision Plan Procedures**

1. **Pre-Application Meeting**
   A pre-application meeting is required in accordance with Section 16.5.1.
2. **Application Submittal and Acceptance**
   Application submittal and acceptance for review shall follow the process and requirements in Sections 16.5.2 and 16.5.3.
3. **Administrator Review and Decision**
   If the application is accepted for review, the Administrator shall review the application and make a decision in accordance with Section 16.5.4. The decision shall be one of the following:
   a. Approve the application,
   b. Approve the application subject to conditions to ensure the review criteria are met, or
   c. Deny the application.
4. **Post-Decision Actions and Limitations**
   a. After the Administrator's decision on the application, any resubmittals or appeals shall be made in accordance with Section 16.5.5.
   b. If the application is approved, the approval shall remain valid and may be modified only in accordance with Section 16.5.5, with the following modifications:
      i. The initial period of validity shall be two years from the date of approval instead of one year, and
      ii. If a Subdivision Plan is phased according to a phasing schedule submitted by the applicant and approved by the Administrator, the validity period of the Subdivision Plan approval shall be extended for a period of two years from the date of each Construction Plan approval for each phase.
   c. After Site Plan and corresponding Construction Plan approval, and before a Final Plat may be approved, the applicant must complete or provide performance guarantees for all improvements on the approved plans (see review criteria in Section E below). After all construction is completed, the applicant shall certify that the completed project is in substantial accordance with the approved plans and designs and shall submit actual "as built" plans for all public infrastructure.

C. **Subdivision Plan Review Criteria**
The Administrator shall approve the application only if the Administrator determines that the Subdivision Plan complies with all applicable standards of this UDO and all applicable development approvals and permits issued by the Town.

D. **Final Plat Procedures**

1. **Pre-Application Meeting**
   A pre-application meeting is not required. The applicant may request a pre-application meeting in accordance with Section 16.5.1.
2. **Application Submittal and Acceptance**
   Application submittal and acceptance for review shall follow the process and requirements in Sections 16.5.2 and 16.5.3.

3. **Administrator Review and Decision**
   If the application is accepted for review, the Administrator shall review the application and make a decision in accordance with Section 16.5.4. The decision shall be one of the following:
   a. Approve the application, or
   b. Deny the application.
4. **Post-Decision Actions and Limitations**
   a. After the Administrator's decision on the application, any resubmittals or appeals shall be made in accordance with Section 16.5.5.
   b. If the application is approved, the plat must be recorded within 30 days following approval or the approval shall expire and become invalid.
   c. Approval of the application does not constitute acceptance of improvements in rights-of-way, such as utility lines, street paving, drainage facilities, and sidewalks, for maintenance or other purposes. Such improvements, when located within the corporate limits of the Town, may be accepted only by action of the Board of Commissioners following inspection and approval by the Administrator.
   d. Land designated on the plat as public open space or public park must have been approved by the Board of Commissioners by ordinance or resolution.
   e. Any modification of the approved plat shall comply with Section 16.5.5.

E. **Final Plat Review Criteria**
The Administrator shall approve the application only if the Administrator determines following:
1. The plat complies with all applicable requirements in NCGS and with the application submittal checklist,
2. The plat is consistent with the applicable Subdivision Plan and Construction Plan, including the phasing schedule, if applicable, and
3. All improvements have been completed in substantial accordance with the approved plans and designs, or a performance guarantee for the improvements has been provided in accordance with Section 14.4.

16.6.14. Temporary Use Permit

A. **Applicability**
Approval of a Temporary Use Permit in accordance with this Section 16.6.14 is required prior to the commencement of a temporary use requiring permit as specified in Table 3-7.

B. **Procedures**
1. **Pre-Application Meeting**
   A pre-application meeting is not required. The applicant may request a pre-application meeting in accordance with Section 16.5.1.
2. **Application Submittal and Acceptance**
   Application submittal and acceptance for review shall follow the process and requirements in Sections 16.5.2 and 16.5.3.
3. **Administrator Review and Decision**
   If the application is accepted for review, the Administrator shall review the application and make a decision in accordance with Section 16.5.4. The decision shall be one of the following:
   a. Approve the application and issue the Temporary Use Permit,
   b. Approve the application and issue the Temporary Use Permit subject to conditions to ensure the review criteria are met, or
   c. Deny the application.
4. **Post-Decision Actions and Limitations**
   a. After the Administrator's decision on the application, any resubmittals or appeals shall be made in accordance with Section 16.5.5.
   b. If the application is approved, the Temporary Use Permit shall remain valid for the time period specified on the permit. Any modification of the of the Temporary Use Permit shall comply with Section 16.5.5.

C. **Review Criteria**
The Administrator shall approve the application only if the Administrator determines the following:
1. The proposed temporary use is allowed in the zoning district where it is proposed as specified in Table 3-7,
2. The duration of the proposed temporary use is consistent with Table 3-8,

3. The proposed temporary use complies with all applicable supplemental standards in Section 3.6.3, and
4. The proposed temporary use complies with all other applicable standards of this UDO and with all applicable development approvals and permits issued by the Town.

16.6.15. Zoning Compliance Permit

A. **Applicability**
Approval of a Zoning Compliance Permit in accordance with this Section 16.6.15 is required prior to the establishment, installation, or construction of any of the following:

1. A fence or driveway serving a single-family detached or duplex dwelling,
2. Any other structure accessory to a single-family detached or duplex dwelling,
3. An accessory commercial unit, or
4. A sign requiring a Zoning Compliance Permit as specified in Table 13-1.

B. **Procedures**

1. **Pre-Application Meeting**
A pre-application meeting is not required. The applicant may request a pre-application meeting in accordance with Section 16.5.1.
2. **Application Submittal and Acceptance**
Application submittal and acceptance for review shall follow the process and requirements in Sections 16.5.2 and 16.5.3.
3. **Administrator Review and Decision**
If the application is accepted for review, the Administrator shall review the application and make a decision in accordance with Section 16.5.4. The decision shall be one of the following:
    a. Approve the application and issue the Zoning Compliance Permit,
    b. Approve the application and issue the Zoning Compliance Permit subject to conditions to ensure the review criteria are met, or
    c. Deny the application.
4. **Post-Decision Actions and Limitations**
    a. After the Administrator's decision on the application, any resubmittals or appeals shall be made in accordance with Section 16.5.5.
    b. If the application is approved, the approval shall remain valid and may be modified only in accordance with Section 16.5.5, except up to two, six-month extensions of the initial period of validity are allowed instead of a single, one-year extension.

C. **Review Criteria**
The Administrator shall approve the application only if the Administrator determines that the proposed fence, driveway, accessory structure or use, or sign complies with all applicable standards of this UDO and with all applicable development approvals and permits issued by the Town.

16.7 Quasi-Judicial Procedures

Quasi-Judicial procedures include those processes where the decision-making body acts similar to a court, conducting an evidentiary hearing, examining evidence, and applying legal standards to make an impartial decision.

16.7.1. Administrative Appeal

A. **Applicability**
A party having standing in accordance with NCGS §160D-1402(c) or NCGS §160D-1403.1(b) with respect to either of the following may appeal such in accordance with this Section 16.7.1:

1. An order, requirement, decision, or determination, other than decisions on sedimentation and erosion control or decisions on Community Service Facilities Fees, made by an administrative official charged with the application and enforcement of this UDO, or
2. A final decision of the Historic Preservation Commission on an application in accordance with Section 16.6.4, Section 16.7.2, or Section 16.7.3.

B. **Procedures**

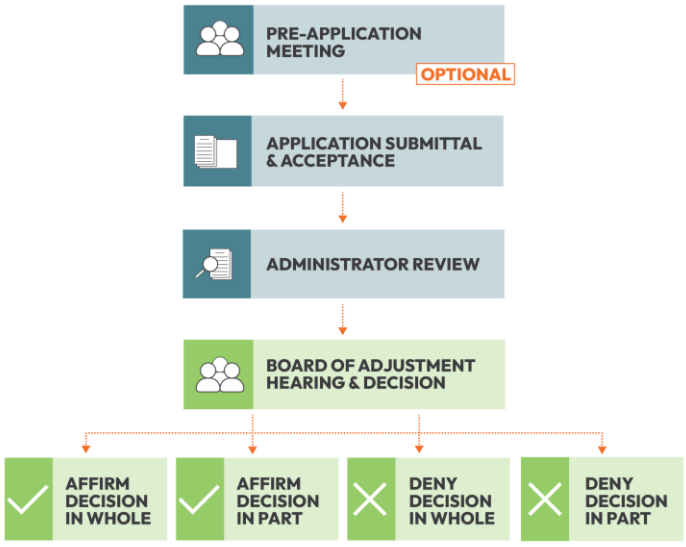

Figure 16-1: Administrative Appeal Flowchart

1. **Pre-Application Meeting**
A pre-application meeting is not required. The applicant may request a pre-application meeting in accordance with Section 16.5.1.

2. **Application Submittal and Acceptance**
Application submittal, i.e., filing an appeal, and acceptance for review shall follow the process and requirements in Sections 16.5.2 and 16.5.3, with the following modifications:

   a. Applications may be submitted only by aggrieved parties in accordance with Section A above.

   b. Except as otherwise provided in Section c below, a complete appeal application must be submitted within 30 days of written notice of the order, requirement, decision, or determination being appealed in accordance with NCGS §160D-405.

   c. A complete application for an appeal from an administrative decision relating to sedimentation and erosion control shall be made within 15 days of written notice of the decision.

3. **Administrator Review and Notice**
If the application is accepted for review, the Administrator shall:

   a. Stay proceedings in furtherance of the contested action as required by NCGS §160D-405,

   b. Determine whether the appeal can be heard in accordance with the requirements of this UDO and NCGS,

   c. If it is determined the appeal can be heard, schedule an evidentiary hearing to be conducted by the Board of Adjustment; transmit all documents and exhibits constituting the record to the Board, the appellant, and the owner of the property involved, if other than the appellant, in accordance with NCGS §160D-405; and ensure notification is provided in accordance with Section 16.5.6.

4. **Board of Adjustment Hearing and Decision**

   a. Following review by the Administrator and the provision of notice in accordance with Section 3 above, the Board of Adjustment shall review the record, conduct an evidentiary hearing, and make a decision on the application in

accordance with Section 16.5.4. The decision shall be one of the following:

i. Affirm the decision in whole or in part, or

ii. Reverse the decision in whole or in part.

b. The Board of Adjustment shall determine contested facts within the scope of its review and shall have all the powers of the official or body who made the order, requirement, decision, or determination, as applicable. In making its decision, the Board may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made, including issuing or directing the issuance of a development approval or permit.

5. **Post-Decision Actions and Limitations**
Appeals from a decision of the Board of Adjustment shall comply with Section 16.5.5.

C. **Review Criteria**

1. The Board of Adjustment's decision shall be based on the record on appeal, evidence received at the evidentiary hearing, and the requirements and standards of this UDO.

2. In the case of an appeal of a decision of the Historic Preservation Commission, the scope of review shall be limited to that specified for appeals in the nature of certiorari in NCGS §160D-1402.

16.7.2. Certificate of Appropriateness – Demolition of Historic Structure

A. **Applicability**
Pursuant to authority granted to the Town in NCGS §160D and Session Law 2007-66, House Bill 827 ratified June 7, 2007, by the North Carolina General Assembly, a Certificate of Appropriateness (COA) issued in accordance with this Section 16.7.2 is required prior to the demolition, removal, or destruction of a structure that is:

1. Located within a locally designated historic district or on properties proposed for designation as a local historic district in accordance with Section 16.8.3,

2. Designated as a local, state, or national landmark or on property proposed for designation as a local historic landmark in accordance with Section 16.8.3,

3. Individually listed in the National Register of Historic Places,

4. Individually identified as a contributing structure in a historic district listed in the National Register of Historic Places,

5. Certified or preliminarily determined by the Secretary of the Interior as contributing to the significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district,

6. Individually listed in the State inventory of historic places or the county Register of Historic Places, or

7. Individually listed in a local inventory of historic places in communities with historic preservation programs that have been certified by an approved State program (including certified local governments) as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

B. **Procedures**

Figure 16-2: COA – Demolition of Historic Structure Flowchart

1. **Pre-Application Meeting**
   A pre-application meeting is required in accordance with Section 16.5.1.
2. **Application Submittal and Acceptance**
   Application submittal and acceptance for review shall follow the process and requirements in Sections 16.5.2 and 16.5.3.
3. **Administrator Review**
   If the application is accepted for review, the Administrator shall prepare a report on the application, schedule the matter for an evidentiary hearing before the HPC, and ensure notification is provided in accordance with Section 16.5.6.
4. **Historic Preservation Commission Hearing and Decision**
   Following review by the Administrator and the provision of notice in accordance with Section 3 above, the HPC shall conduct an evidentiary hearing and make a decision on the application in accordance with Section 16.5.4. The HPC shall render a decision on the application within 180 days after the date the application was accepted for review. The HPC's decision on the application shall be one of the following:
   a. Approve the application and issue the Certificate of Appropriateness, with the effective date deferred up to 365 days in accordance with Section C.2 below,
   b. Approve the application and issue the Certificate of Appropriateness with conditions, with the effective date deferred up to 365 days in accordance with Section C.2 below, or
   c. Deny the application, in accordance with Section C.1 below.
5. **Post-Decision Actions and Limitations**
   a. Appeals from a decision of the HPC shall comply with Section 16.5.5.
   b. If the application is approved, in no case shall demolition of the structure commence until 31 days after the approval date to allow for appeals of the decision. After that 31-day period, the applicant may remove materials for purposes of salvaging, regardless of the COA effective date, unless a condition of approval requires otherwise.
   c. If the application is approved and the COA is issued with a deferred effective date, demolition of the structure shall not commence until the COA becomes effective. This does not include removal of materials for purposes of salvaging in accordance with Section b above. The HPC shall negotiate with the landowner during the deferral period in an effort to find a means of preserving the building, structure, or site.
   d. If the application is approved with a condition requiring salvaging building materials, the applicant or landowner, as applicable, shall comply with all salvaging requirements. Such requirements may include, but are not limited to, the following:
      i. Providing to the Administrator a schedule of work for salvaging materials, a list of materials to be salvaged, and names of known recipients of salvaged materials, and
      ii. Ensuring damage does not occur to the materials to be salvaged at the time they are collected.
   e. A Certificate of Appropriateness issued in accordance with this Section 16.7.2 shall expire

one year after the COA's effective date if demolition activity has not commenced. The Administrator may grant one, one-year extension of this period of validity upon submittal by the applicant of sufficient justification for the extension. Sufficient justification may include delays in outside agency permits, financing institution delays, or other similar occurrences beyond the control of the applicant.

C. **Review Criteria**

1. The HPC shall deny the application if the HPC makes both of the following findings, otherwise, the HPC shall approve the application in accordance with Section 2 below:
   a. The State Historic Preservation Officer has determined the structure or site has statewide significance in accordance with NCGS 160D-949(c), and
   b. The applicant has not demonstrated the landowner will suffer extreme hardship or be permanently deprived of all beneficial use or return because of the denial.
2. If the HPC approves the application, the effective date shall be deferred to 365 days after the date of approval; however, the HPC shall reduce the 365-day deferral period if the HPC makes any of the following findings. Each affirmative finding shall result in the specified reduction in the deferral period, and multiple reductions are allowed, up to 365 days, except reductions may not result in an effective date that is earlier than action by the Board of Commissioners on property recommended for designation in accordance with Section b below.
   a. The structure does not have structural integrity and is in danger of collapse, as certified by an engineer's report evaluating the foundation, roof, walls, and floor, or has been condemned by the Building Inspector as a public safety hazard. An affirmative finding shall result in a 365-day reduction.
   b. The property is within a district, or is a landmark, that the HPC has recommended to be designated as a historic district or landmark in accordance with Section 16.8.3, and the Board of Commissioners has not yet acted on the recommendation. An affirmative finding shall result in a 185-day reduction, or a deferral until the Board of Commissioners makes a decision on the recommendation, whichever results in the earlier effective date.
   c. The structure is not a contributing building to a National Register Historic District, individually listed in the National Register of Historic Places, located in a Local Historic District, or a Local Historic Landmark. An affirmative finding shall result in a 90-day reduction.
   d. The structure is on the Town's inventory of historic places or is classified as a non-contributing structure to a National Register Historic District and has not gained significance in the past 50 years. An affirmative finding shall result in a 90-day reduction.
   e. The structure no longer has architectural form or integrity due to changes made to the structure over time that have not gained historic significance. An affirmative finding shall result in a 60-day reduction.
   f. The structure is not associated with a historic use, event, person, or builder/craftsman that made a significant contribution to the past. An affirmative finding shall result in a 60-day reduction.
   g. The applicant has provided documentation of agreements, correspondence, or other coordination attempting to salvage materials from the structure. An affirmative finding shall result in a reduction in days equal to the number of days since the owner began coordinating for materials to be salvaged, up to a 90-day reduction.

16.7.3. Certificate of Appropriateness – Major Work

A. **Applicability**
Major works are exterior changes to properties in the LH-O district that involve substantial alterations, additions, or removals that could impair the integrity and special character of the property and/or historic district as a whole, in accordance with the Wake Forest Historic Property Handbook and Design Standards.

B. **Procedures**

Figure 16-3: COA - Major Works Flowchart

1. **Pre-Application Meeting**
A pre-application meeting is required in accordance with Section 16.5.1.

2. **Application Submittal and Acceptance**
Application submittal and acceptance for review shall follow the process and requirements in Sections 16.5.2 and 16.5.3.

3. **Administrator Review**
If the application is accepted for review, the Administrator shall prepare a report on the application, schedule the matter for an evidentiary hearing before the HPC, and ensure notification is provided in accordance with Section 16.5.6.

4. **Historic Preservation Commission Hearing and Decision**
Following review by the Administrator and the provision of notice in accordance with Section 16.7.2.B.3 above, the HPC shall conduct an evidentiary hearing and make a decision on the application in accordance with Section 16.5.4. The HPC shall render a decision on the application within 180 days after the date the application was accepted for review. The decision shall be one of the following:

   a. Approve the application and issue the Certificate of Appropriateness,

   b. Approve the application and issue the Certificate of Appropriateness with conditions, or

   c. Deny the application.

5. **Post-Decision Actions and Limitations**

   a. Appeals from a decision of the HPC shall comply with Section 16.5.5.

   b. A Certificate of Appropriateness issued in accordance with this Section 16.7.2 shall expire and become invalid one year from its date of issuance if the work authorized by the COA has not begun. The Administrator may grant one, one-year extension of this period if the applicant submits in writing, prior to the expiration date, sufficient justification for the extension. Sufficient justification may include delays in outside agency permits, financing institution delays, or other similar occurrences beyond the control of the applicant.

C. **Review Criteria**
The HPC shall approve the application only if it determines the major work is congruous with the special character of the historic district or property, based on the following findings:

1. The major work is consistent with the Wake Forest Historic Property Handbook and Design Standards,

2. The major work meets the Secretary of the Interior's Standards for the Rehabilitation of Historic Buildings, and

3. All applicable standards of this UDO are met.

16.7.4. Special Use Permit

A. Applicability

1. Special uses within each zoning district are uses that may be appropriate in that zoning district but, because of the increased potential for incompatibility with adjacent properties and uses, require individual review by the Board of Commissioners to ensure the appropriateness of the use at a particular location.
2. Approval of a Special Use Permit in accordance with this Section 16.7.4 is required prior to the establishment of a special use as specified in Section 3.4.

B. Procedures

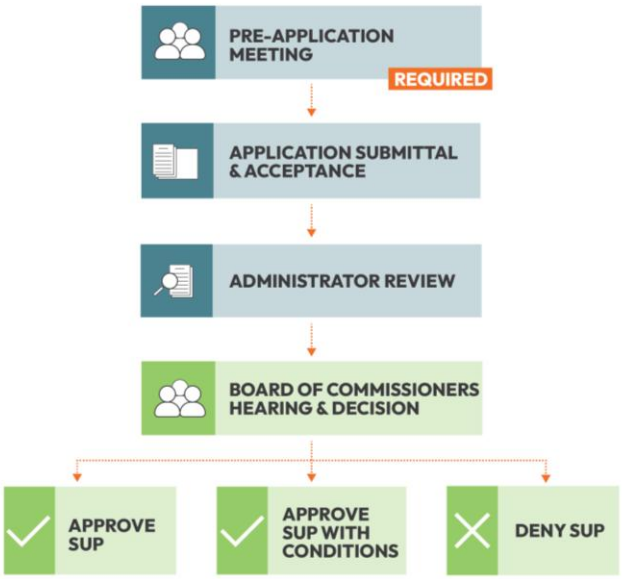

Figure 16-4: Special Use Permit Flowchart

1. **Pre-Application Meeting**
   A pre-application meeting is required in accordance with Section 16.5.1.
2. **Application Submittal and Acceptance**
   Application submittal and acceptance for review shall follow the process and requirements in Sections 16.5.2 and 16.5.3.
3. **Administrator Review**
   If the application is accepted for review:
   a. The Administrator shall prepare a report on the application, schedule the matter for an evidentiary hearing before the Board of Commissioners, and ensure notification is provided in accordance with Section 16.5.6, and
   b. The applicant shall conduct a neighborhood meeting in accordance with Section 16.5.6.
4. **Board of Commissioners Hearing and Decision**
   Following review by the Administrator and the provision of notice in accordance with Section 16.7.2.B.3 above, the Board of Commissioners shall conduct an evidentiary hearing and make a decision on the application in accordance with Section 16.5.4. The decision shall be one of the following:
   a. Approve the application and issue the Special Use Permit,
   b. Approve the application and issue the Special Use Permit with conditions related to the applicable standards in this UDO, in accordance with NCGS §160D-705, or
   c. Deny the application.
5. **Post-Decision Actions and Limitations**
   a. Appeals from a decision of the Board of Commissioners shall comply with Section 16.5.5.
   b. A Special Use Permit issued in accordance with this Section 16.7.4 shall expire and become invalid two years after the date of issuance if development activity pursuant to the Special Use Permit does not commence. The Board of Commissioners may grant one, one-year extension of this period if the applicant submits in writing, prior to the expiration date, sufficient justification for the extension, such as delays in outside agency permits, financing institution delays, or other similar occurrences beyond the control of the applicant.
   c. Once the approved special use is established, the Special Use Permit shall run with the land and shall not expire, except the Special Use Permit shall expire and become invalid in the following situations:
      i. If a condition of approval limits the permit's validity to a defined period of time and that period expires,
      ii. If the permit is revoked in accordance with Section 17.6,

iii. If the approved special use is discontinued for a period of 365 continuous days, or

iv. If a development approval or permit is subsequently approved in accordance with this UDO for development that deviates from the Special Use Permit, and development activity pursuant to that approval or permit commences.

d. Any of the changes listed below shall be considered amendments of a Special Use Permit and shall require prior approval by the Board of Commissioners in accordance with the procedures in this Section 16.7.4. Other deviations from a Special Use Permit in subsequent applications for development approvals or permits shall be considered minor deviations that may be reviewed in accordance with the applicable standards and procedures in this UDO.

i. Modification of conditions specified in the Special Use Permit.

ii. A change in land use or development type beyond that permitted by the approved Special Use Permit.

iii. Introduction of a new vehicular access point to an existing street not previously designated for access.

iv. An increase in the total number of residential dwelling units originally authorized by the approved Special Use Permit.

v. An increase in the total floor area of non-residential uses of more than ten percent beyond the total floor area last approved by Board of Commissioners.

vi. Any change which alters the basic development concept of the Special Use Permit.

C. **Review Criteria**

The Board of Commissioners shall approve the application and issue the Special Use Permit only on finding all of the following:

1. All standards of this UDO are met (no variances or administrative modifications are permitted),
2. 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,
3. The proposed use will not cause undue traffic congestion or create a traffic hazard,
4. Adequate utilities (water, sewer, drainage, electric, etc.) are available for the proposed use,
5. The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas,
6. The establishment of the proposed use shall not impede the orderly development and improvement of surrounding property,
7. The establishment, maintenance or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare,
8. The proposed use will not substantially injure the value of adjoining or abutting property,
9. The proposed use is consistent with the officially adopted plans and policies of the Town, and
10. Where the site of the proposed special use includes a Special Flood Hazard Area or Future Conditions Flood Hazard Area, the proposed use is advisable considering:
    a. The danger that material may be swept onto other lands to the injury of others,
    b. The danger to life and property due to flooding or erosion damage,
    c. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions,
    d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner,
    e. The importance of the services provided by the proposed facility to the community,
    f. The necessity to the facility of a waterfront location, where applicable,
    g. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use,

h. The compatibility for the proposed use with existing development anticipated in the foreseeable future,

i. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area,

j. The safety of access to the property in times of flood for ordinary and emergency vehicles,

k. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site,

l. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

16.7.5. Variance

A. **Applicability**

The procedures in this Section 16.7.5 shall apply to applicant requests that the Board of Adjustment vary the standards of this UDO where the applicant claims unnecessary hardship will result from carrying out the strict requirements of this UDO, in accordance with NCGS §160D. A Variance may not include any of the following:

1. Modification of the use permissions, including use standards, in Chapter 3,
2. Modification of the zoning district classification or boundary of the property in question,
3. Modification of a standard established in the adoption of a Conditional District or PUD District, or a subsequent amendment thereof,
4. Modification of a condition of approval of a Certificate of Appropriateness, Special Use Permit, or Variance, or
5. Any modification that would conflict with applicable state or federal law.

B. **Procedures**

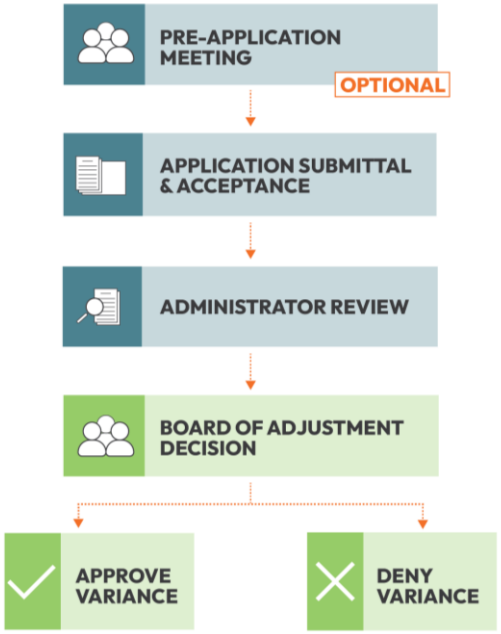

Figure 16-5: Variance Flowchart

1. **Pre-Application Meeting**

A pre-application meeting is not required. The applicant may request a pre-application meeting in accordance with Section 16.5.1.

2. **Application Submittal and Acceptance**

Application submittal and acceptance for review shall follow the process and requirements in Sections 16.5.2 and 16.5.3.

3. **Administrator Review**

If the application is accepted for review, the Administrator shall prepare a report on the application, schedule the matter for an evidentiary hearing before the Board of Adjustment, and ensure notification is provided in accordance with Section 16.5.6.

4. **Board of Adjustment Hearing and Decision**

Following review by the Administrator and the provision of notice in accordance with Section 16.7.2.B.3 above, the Board of Adjustment shall conduct an evidentiary hearing and make a decision on the application in accordance with Section 16.5.4. The decision shall be one of the following:

a. Approve the Variance by a concurring vote of four-fifths of Board members,

b. Approve the Variance by a concurring vote of four-fifths of Board members, with appropriate conditions that are reasonably related to the Variance, or

c. Deny the Variance.

5. **Post-Decision Actions and Limitations**

a. Appeals from a decision of the Board of Adjustment shall comply with Section 16.5.5.

b. If the Variance is approved, the applicant shall record it with the Register of Deeds.

c. A Variance approved in accordance with this Section 16.7.5 shall expire and become invalid two years after the date of approval if development activity pursuant to the Variance does not commence, The Board of Adjustment may grant one, one-year extension of this period if the applicant submits in writing, prior to the expiration date, sufficient justification for the extension, such as delays in outside agency permits, financing institution delays, or other similar occurrences beyond the control of the applicant.

d. For uncompleted projects which were timely commenced in accordance with Section b above, a Variance expires if the development activity is subsequently discontinued for a period of 24 consecutive months.

e. Any applicant to whom a Variance from the floodplain development regulations is granted shall be given written notice. This notice shall specify the difference between the base flood elevation and the elevation to which the structure is to be built and contain a written statement that such construction below the Base Flood Elevation increases risks to life and property, and that the issuance of a Variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance up to $25 per $100 of insurance coverage. Such notification shall be maintained with a record of all Variance actions. Variance records shall be provided to the Federal Emergency Management Agency upon request.

C. **Review Criteria**

1. **General Review Criteria**
The Board of Adjustment shall approve the Variance, or approve the Variance with conditions, only if the Board determines the applicant has shown all of the following:

a. Unnecessary hardship would result from the strict application of this UDO. It shall not be necessary to demonstrate that, in the absence of the Variance, no reasonable use can be made of the property,

b. 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. A Variance may be granted when necessary and appropriate to make reasonable accommodation under the Federal Fair Housing Act for a person with a disability.

c. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a Variance is not a self-created hardship.

d. The requested Variance is consistent with the spirit, purpose, and intent of this UDO, such that public safety is secured and substantial justice is achieved.

2. **Additional Considerations for Floodplain, Watershed, and Stormwater Regulation Variance Requests**
In addition to the general review criteria in Section 1 above, a Variance from the standards in this UDO for flood damage prevention shall be subject to the following criteria:

a. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result or if the Variance would make the structure in violation of other federal, state, or local laws.

b. Variances shall only be issued upon:

i. A determination that the Variance is the minimum necessary to afford relief, considering the flood hazard,

ii. A showing of good and sufficient cause,

iii. A determination that failure to grant the Variance would result in exceptional hardship; and,

iv. A determination that the granting of a Variance will not result in a substantial increase in flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.

c. In making a decision on a Variance application, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all standards for flood damage prevention in this UDO, and:

i. The danger that material may be swept onto other lands to the injury of others,

ii. The danger to life and property due to flooding or erosion damage,

iii. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner,

iv. The importance of the services provided by the proposed facility to the community,

v. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use,

vi. The compatibility of the proposed use with existing and anticipated development,

vii. The relationship of the proposed use to the land development plan and flood damage prevention program for that area,

viii. The safety of access to the property in times of flood for ordinary and emergency vehicles,

ix. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site, and

x. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

16.8 Legislative Procedures

Legislative procedures are decision-making processes where the Board of Commissioners uses its discretion to make decisions based on a variety of relevant information, such as established Town policy, recommendations from Town staff, recommendations from boards and commissions, and public comment.

16.8.1. Annexation

A. **Applicability**
Requests by landowners for Annexation of land into the Town's corporate boundary shall be submitted, reviewed, and decided on in accordance with this Section 16.8.1. Annexation in accordance with this Section 16.8.1 is required:

1. Prior to Construction Plan approval for developments in the Town's ETJ requesting Town services and water and sewer services,
2. Before or concurrent with Map Amendment applications for lands outside the Town's corporate boundaries and ETJ and within the Town's urban service areas or annexation agreement areas, and
3. In all cases, prior to the provision of Town services and water and sewer services to lands outside the Town's corporate boundaries, although Annexation does not guarantee the availability of such services.

B. **Procedures**

Figure 16-6: Annexation Flowchart

1. **Pre-Application Meeting**
A pre-application meeting is not required. The applicant may request a pre-application meeting in accordance with Section 16.5.1.
2. **Application Submittal and Acceptance**
Application submittal and acceptance for review shall follow the process and requirements in Sections 16.5.2 and 16.5.3, except petitions for annexation must be submitted by the owners of land proposed to be annexed.
3. **Administrator Review**
If the application is accepted for review, the Administrator shall prepare a report on the application, schedule the matter before the Board of Commissioners for certification of sufficiency and scheduling of a public hearing, and ensure notification is provided in accordance with Section 16.5.6.
4. **Board of Commissioners Public Hearing and Decision**
Following review by the Administrator and the provision of notice in accordance with Section 16.7.2.B.3 above, the Board of Commissioners shall do the following:

a. If the application meets all statutory requirements, certify as much and fix a date for a public hearing on the application, and

b. Conduct the public hearing and make a decision on the application in accordance with Section 16.5.4. The decision shall be one of the following:

   i. Approve the application and adopt an ordinance annexing the lands into the Town's corporate boundaries, or

   ii. Deny the application.

5. **Post-Decision Actions and Limitations**
   If the application is approved, the subject lands shall be considered annexed effective the date listed in the adopted ordinance. Once annexed, the lands and their owners and occupants are subject to the same debts, laws, ordinances, and regulations and are entitled to the same privileges and benefits as other areas in the corporate boundary of the Town. The adopted ordinance along with the legal description and property map shall be recorded with the Register of Deeds and filed with the Secretary of State.

C. **Review Criteria**
Whether or not to approve an Annexation application is within the legislative discretion of the Board of Commissioners, in accordance with NCGS. In making its decision on the application, the Board may consider any relevant information, in accordance with Article 4A of NCGS Chapter 160A.

16.8.2. Comprehensive Plan Amendment

A. **Applicability**

1. Amendments of the adopted Comprehensive Plan shall be requested, reviewed, a decided on in accordance with this Section 16.8.2.

2. Any of these parties may request amendments of the adopted Comprehensive Plan in accordance with this Section 16.8.2:

   a. The Board of Commissioners,

   b. The Planning Board,

   c. The Administrator, or

   d. Any resident or property owner within the land use jurisdiction of the Town.

B. **Procedures**

Figure 16-7: Comprehensive Plan Amendment Flowchart

1. **Pre-Application Meeting**
   A pre-application meeting is not required. The applicant may request a pre-application meeting in accordance with Section 16.5.1.

2. **Application Submittal and Acceptance**
   Application submittal and acceptance for review shall follow the process and requirements in Sections 16.5.2 and 16.5.3, as modified by Section A above.
3. **Administrator Review**
   If the application is accepted for review, the Administrator shall prepare a report and recommendation, schedule a public comment session on the application before the Planning Board, and ensure notification is provided in accordance with Section 16.5.6.
4. **Planning Board Public Comment Session and Recommendation**
   Following review by the Administrator and the provision of notice in accordance with Section 3 above, the Planning Board shall conduct a public comment session on the application and do one of the following:
   a. Recommend approval,
   b. Recommend approval with revisions,
   c. Defer a recommendation for further deliberation, in which case a decision shall be rendered in 90 days of the first consideration, or
   d. Recommend denial.
5. **Board of Commissioners Public Hearing and Decision**
   Following review by the Planning Board in accordance with Section 4 above, the Board of Commissioners shall conduct a public hearing on the application and do one of the following:
   a. Approve the Comprehensive Plan Amendment,
   b. Approve the Comprehensive Plan Amendment with revisions,
   c. Refer the Comprehensive Plan Amendment back to the Planning Board for further deliberation, or
   d. Deny the Comprehensive Plan Amendment.
6. **Post-Decision Actions and Limitations**
   a. If the Board of Commissioners denies the Comprehensive Plan Amendment, there shall be a six-month waiting period before an application shall be considered for a Comprehensive Plan Amendment that is substantially similar to the denied amendment.
   b. The waiting period in Section a above, may be waived by the Board of Commissioners by a vote of three-fourths voting members if the Board determines that there have been substantial changes in conditions or circumstances since the denial which may relate to the request.

C. **Review Criteria**
   The decision of the Board of Commissioners on a Comprehensive Plan Amendment application is within the Board's legislative discretion, and the Board may consider any relevant information, in accordance with NCGS, such as:
   1. The vision and goals established in the Comprehensive Plan,
   2. The growth strategy established in the Comprehensive Plan, and
   3. Changes in conditions in the community, trends, state law, or other Town plans or policies.

16.8.3. Designation of Historic District or Historic Landmark

A. The legislative procedure for the designation of historic districts is governed by NCGS §160D-944

B. The legislative procedure for the designation of historic landmarks is governed by NCGS §160D-945 and §160D-946.

16.8.4. Development Agreement

A. **Applicability**
The Board of Commissioners may enter into a Development Agreement with a developer as authorized in Article 10 of NCGS Chapter 160D in accordance with this Section 16.8.4.

B. **Procedures**

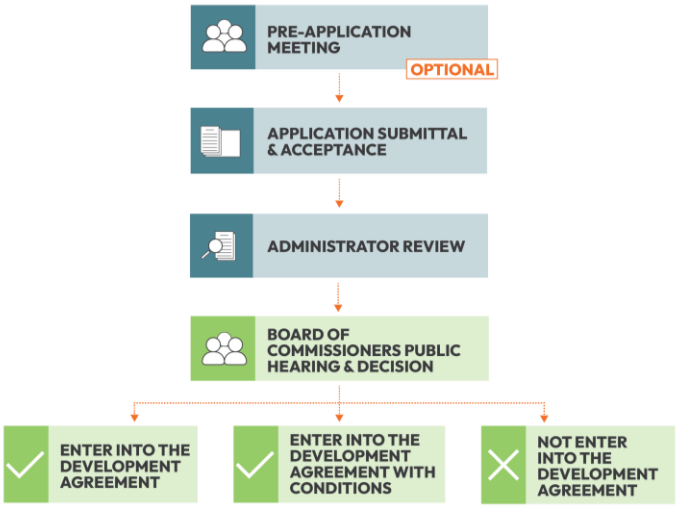

Figure 16-8: Development Agreement Flowchart

1. **Pre-Application Meeting**
A pre-application meeting is not required. The applicant may request a pre-application meeting in accordance with Section 16.5.1.

2. **Application Submittal and Acceptance**
Application submittal and acceptance for review shall follow the process and requirements in Sections 16.5.2 and 16.5.3, except the application may be submitted only by a developer, as defined in NCGS Chapter 160D, of land that is the subject of the proposed agreement.

3. **Administrator Review**
If the application is accepted for review, the Administrator shall prepare a report and recommendation, schedule a public hearing on the application before the Board of Commissioners, and ensure notification is provided in accordance with Section 16.5.6.

4. **Board of Commissioners Decision**
Following review by the Administrator and the provision of notice in accordance with Section 3 above, the Board of Commissioners shall conduct a public hearing on the application and do one of the following:

   a. Enter into the Development Agreement,

   b. Enter into the Development Agreement with conditions or modifications agreed to by both the Board and the developer, or

   c. Not enter into the Development Agreement.

5. **Post Approval Actions and Limitations**

   a. Within 14 days of the Town and the developer executing the Development Agreement, the developer shall record the executed agreement with the Register of Deeds. Development approvals and permits pursuant to the Development Agreement shall not be issued prior to the agreement being recorded.

   b. Development pursuant to the Development Agreement shall be subject to the terms and conditions of the agreement and to the laws in force at the time of execution of the agreement unless otherwise provided by specific provisions in the agreement or NCGS.

   c. Following execution of the Development Agreement, the Administrator shall conduct at least one review every 12 months to ensure the developer has demonstrated good faith compliance with the terms of the agreement. In accordance with NCGS, the agreement shall be enforceable by any party to the agreement and may be amended or terminated by mutual consent of the parties.

C. **Review Criteria**
Whether or not to enter into a Development Agreement is within the legislative discretion of the Board of Commissioners, and the Board may consider any relevant information in making its decision on the application. A development agreement shall meet and be subject to all requirements and provisions in Article 10 of NCGS Chapter 160D.

16.8.5. Extraterritorial Jurisdiction Expansion

NCGS Chapter 160D allows the Town to extend the boundaries of its Extraterritorial Jurisdiction (ETJ). Boundary extensions of the Town's ETJ shall comply with the requirements of NCGS Chapter 160D.

16.8.6. Map Amendment – Base, Conditional, or PUD District

A. **Applicability**

1. The procedures in this Section 16.8.6 apply to requests to change the zoning district classification of a parcel on the Zoning Map to a base district, a Conditional District, or a Planned Unit Development (PUD) District (see Section 2.3).
2. A Map Amendment to a Conditional District or a PUD District shall be limited to land under unified control. "Unified control" means that all land to be included within the proposed Conditional District or PUD District shall be owned or otherwise under the legal control of the applicant. A Conditional District or PUD District may be planned and developed as a single development or as an approved programmed series of development phases by multiple developers
3. A down-zoning of property, as defined in NCGS §160D, shall not be initiated, enacted, or enforced without the written consent of all owners of land proposed to be down-zoned.

B. **Procedures**

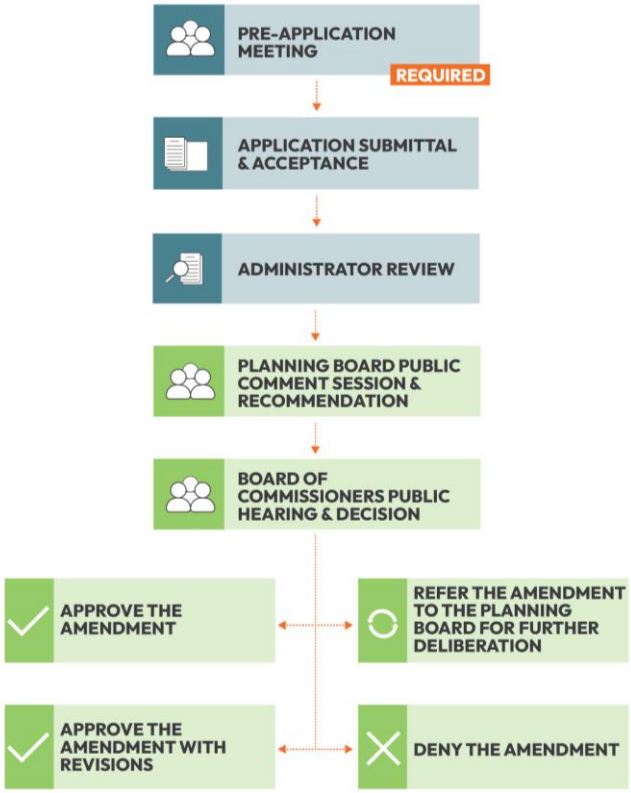

Figure 16-9: Map Amendment Flowchart

1. **Pre-Application Meeting**
   A pre-application meeting is required in accordance with Section 16.5.1.
2. **Application Submittal and Acceptance**
   Application submittal and acceptance for review shall follow the process and requirements in Sections 16.5.2 and 16.5.3, with the following modifications:
   a. An application for a Map Amendment to a base district may be submitted by any of the following:
      i. The Board of Commissioners,
      ii. The Planning Board,
      iii. The Administrator,
      iv. A resident of the Town or its ETJ,
      v. An owner of land that is in the Town or its ETJ, or their authorized agent, or

vi. A lessee or person holding an option or contract to purchase or lease land that is in the Town or its ETJ.

b. An application for a Map Amendment to a Conditional District or a Type I PUD District (see Section 2.4.13.C) must include a concept plan, as defined in Section 18.8. An application for a Type II PUD District must include a Site Plan for the PUD (see Section 16.6.12). In addition, an application for a Map Amendment to a PUD District must include a proposed PUD Governing Document.

3. **Administrator Review**
If the application is accepted for review:

a. The Administrator shall prepare a report and recommendation, schedule a public comment session on the application before the Planning Board, and ensure notifications is provided in accordance with Section 16.5.6.

b. The applicant shall conduct a neighborhood meeting in accordance with Section 16.5.6.

4. **Planning Board Public Comment Session and Recommendation**
Following review by the Administrator and the provision of notice in accordance with Section 3 above, the Planning Board shall conduct a public comment session on the application and do one of the following:

a. Recommend approval,

b. Recommend approval with revisions,

c. Defer a recommendation for further deliberation, in which case a decision shall be rendered in 45 days of the first consideration, or

d. Recommend denial.

5. **Board of Commissioners Public Hearing and Decision**

a. Following review by the Planning Board in accordance with Section 4 above, the Board of Commissioners shall conduct a public hearing on the application and do one of the following:

i. Approve the Map Amendment,

ii. Approve the Map Amendment with revisions,

iii. Refer the Map Amendment back to the Planning Board for further deliberation, or

iv. Deny the Map Amendment.

b. When approving or denying a Map Amendment, the Board of Commissioners shall approve a statement analyzing the reasonableness of the proposed Map Amendment and describing whether the Board's action is consistent or inconsistent with the Comprehensive Plan, in accordance with NCGS §160D-605.

6. **Post-Decision Actions and Limitations**

a. If the Map Amendment is approved, the Administrator shall revise the Zoning Map consistent with the amendment in accordance with Section 16.3.1.

b. Except as otherwise provided in Section c below, if the approved Map Amendment is to a Conditional District or PUD District, the development and use of all land in the Conditional District or PUD District, including any phasing of the development, shall comply with the approved concept plan or Site Plan and the Conditional District conditions or the PUD Governing Document, as applicable. Development within the Conditional District or PUD District shall be subject to all requirements for development approvals and permits in this Chapter.

c. Minor deviations from an approved Site Plan are allowed in accordance with Section 16.6.12.B.4. Minor deviations from an approved concept plan or PUD Governing Document in subsequent applications for development approvals and permits may be approved in accordance with the applicable procedures in this Chapter. A minor deviation is any change that does not meet the definition of amendment in Section d below.

d. Amendments of a Conditional District or PUD District may be approved only using the procedures in this Section 16.8.6. Any of the following shall be considered an amendment of a Conditional District or PUD District:

i. Land area being added or removed from the district,

ii. Modification of special performance criteria, design standards, or other requirements specific to the district,

iii. A change in land use or development type beyond that approved for the district,

iv. Introduction of a new vehicular access point to a street,

v. An increase in the total number of residential dwelling units in the district above the total number approved for the district,

vi. An increase of total non-residential floor area of more than ten percent above that approved for the district,

vii. Any change that alters the basic development concept put forward in the approved concept plan and Conditional District conditions or PUD Governing Document.

C. **Review Criteria**
Whether or not to approve a Map Amendment is within the legislative discretion of the Board of Commissioners, and the Board may consider any relevant information in making its decision on the application, in accordance with NCGS. The Board must approve a statement on reasonableness and plan consistency in accordance with Section B.5.b above. Relevant information considered by the Board may include the following:

1. The consistency of the proposed amendment with the Community Plan and other applicable Town plans,
2. The suitability of the lands for the uses and development allowed by the requested amendment,
3. The likelihood that the proposed map amendment would result in development patterns that are compatible with adjacent existing and planned future development,
4. The likelihood that development allowed by the requested amendment would result in undue impacts, such as traffic, environmental, or aesthetic impacts, on adjacent properties, and
5. Whether the proposed amendment would be detrimental to the health, safety, and welfare of the neighborhood or Town as a whole.

16.8.7. Text Amendment

A. **Applicability**
The procedures in this Section 16.8.7 shall be used to amend any portion of this UDO outside of a Map Amendment (see Section 16.8.6 above).

B. **Procedures**

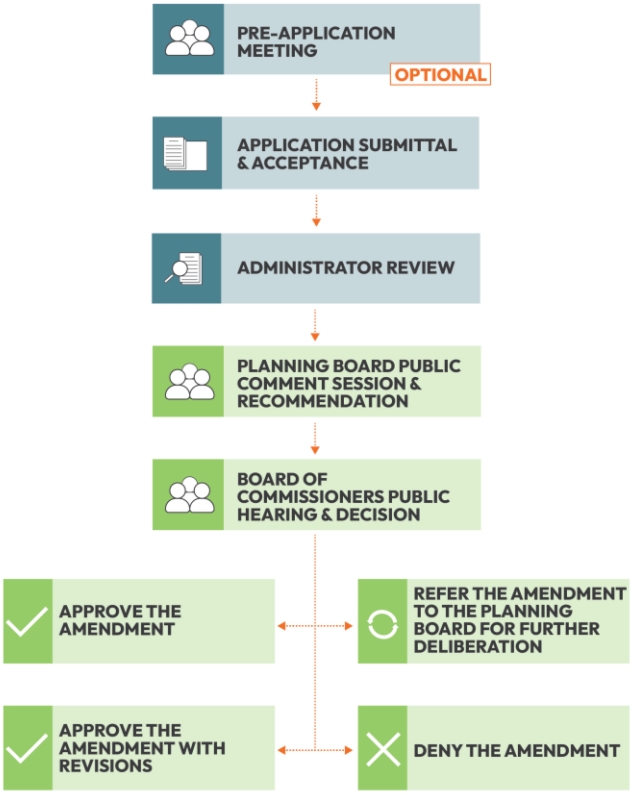

Figure 16-10: Text Amendment Flowchart

1. **Pre-Application Meeting**
A pre-application meeting is not required. The applicant may request a pre-application meeting in accordance with Section 16.5.1.

2. **Application Submittal and Acceptance**
Application submittal and acceptance for review shall follow the process and requirements in Sections 16.5.2 and 16.5.3, except the application may be submitted only by the Board of Commissioners, the Planning Board, or the Administrator.

3. **Administrator Review**
If the application is accepted for review, the Administrator shall prepare a report and

recommendation, schedule a public comment session on the application before the Planning Board, and ensure notification is provided in accordance with Section 16.5.6.

4. **Planning Board Public Comment Session and Recommendation**
   Following review by the Administrator and the provision of notice in accordance with Section 3 above, the Planning Board shall conduct a public comment session on the application and do one of the following:
   a. Recommend approval,
   b. Recommend approval with revisions,
   c. Defer a recommendation for further deliberation, in which case a decision shall be rendered in 45 days of the first consideration, or
   d. Recommend denial.
5. **Board of Commissioners Public Hearing and Decision**
   a. Following review by the Planning Board in accordance with Section 4 above, the Board of Commissioners shall conduct a public hearing on the application and do one of the following:
      i. Approve the Text Amendment,
      ii. Approve the Text Amendment with revisions,
      iii. Refer the Text Amendment back to the Planning Board for further deliberation, or
      iv. Deny the Text Amendment.
   b. When approving or denying a Text Amendment, the Board of Commissioners shall approve a brief statement describing whether the Board's action is consistent or inconsistent with the Comprehensive Plan, in accordance with NCGS §160D-605.
6. **Post-Decision Actions and Limitations**
   If the Text Amendment is approved, the Administrator shall revise the text of this UDO consistent with the amendment in accordance with Section 16.3.1.

C. **Review Criteria**
   Whether or not to approve a Text Amendment is within the legislative discretion of the Board of Commissioners, and the Board may consider any relevant information in making its decision on the application, in accordance with NCGS. The Board must approve a statement on plan consistency in accordance with Section B.5.b above.

16.8.8. Vested Rights Certificate

A. **Applicability**
   An applicant may request, and the Board of Commissioners may issue, a Vested Rights Certificate in accordance with this Section 16.8.8, for a development plan of a type specified in the definition "site-specific vesting plan" in Section 18.24, or an amendment of such a plan, during the period of validity of the approved plan or amendment, as applicable. Approval of a Vested Rights Certificate in accordance with this Section 16.8.8 shall establish a vested right in the site-specific development plan in accordance with Section 1.7.2.C.2 and NCGS §160D-108.1.

B. **Procedures**

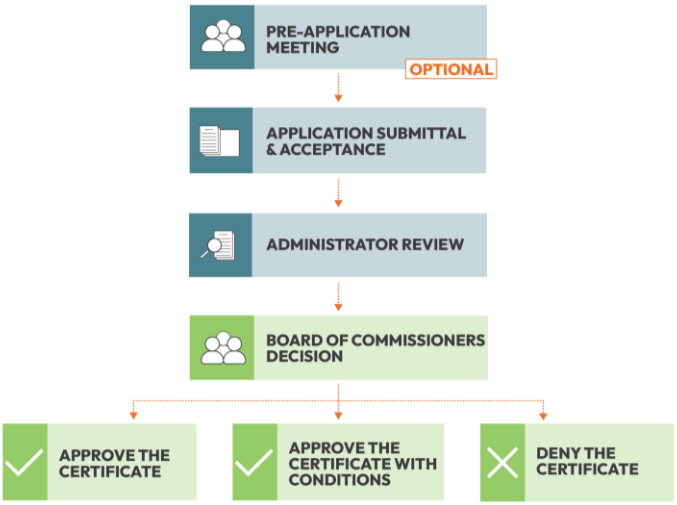

Figure 16-11: Vested Rights Certificate Flowchart

1. **Pre-Application Meeting**
   A pre-application meeting is not required. The applicant may request a pre-application meeting in accordance with Section 16.5.1.
2. **Application Submittal and Acceptance**
   Application submittal and acceptance for review shall follow the process and requirements in Sections 16.5.2 and 16.5.3.
3. **Administrator Review**
   If the application is accepted for review, the Administrator shall prepare a report and

recommendation and schedule the matter before the Board of Commissioners.

4. **Board of Commissioners Decision**
   The Board of Commissioners shall review and discuss the application, and
   a. Approve the application and issue the Vested Rights Certificate,
   b. Approve the application and issue the Vested Rights Certificate with conditions, or
   c. Deny the application.
5. **Post-Decision Actions and Limitations**
   If the Vested Rights Certificate is issued, the approval of the associated plan or plan amendment shall be recognized as having established a vested right in accordance with Section 1.7.2.C.2 for the vesting period specified in the Vested Rights Certificate.

C. **Review Criteria**
   The Board of Commissioners will approve the application and issue the Vested Rights Certificate for an appropriate vesting period, in accordance with NCGS, on determining:
   1. The Vested Rights Certificate is for an approved development plan meeting the definition of "site-specific vesting plan" in Section 18.24,
   2. Any required Variances are obtained,
   3. The request is in accordance with NCGS §160D-108, NCGS §160D-108.1, and Section 1.7.2.C.2, and
   4. Where a vesting period of more than five years is established, such period is warranted by the size and phasing of the development, the level of investment, the need for the development, economic cycles, market conditions, or other relevant considerations.

17 ENFORCEMENT

17.1 Purpose

This Chapter establishes procedures through which the Town seeks to ensure compliance with the provisions of this Unified Development Ordinance (UDO) and obtain corrections for UDO violations. It also sets forth the remedies and penalties that apply to violations of this UDO.

17.2 Applicability

A. Compliance with all the procedures, standards, and other provisions of this UDO is required by all persons owning, developing, managing, using, or occupying land or structures in the Town and the Extraterritorial jurisdiction (ETJ).

B. Any violation of an ordinance of the Town which was initiated prior to the effective date of this UDO shall:

   1. Continue to be a violation under this ordinance and shall be subject to the penalties set forth at the time of the violation,

   2. Unless the use, development, construction, or other activity is clearly consistent with the express terms of this ordinance.

CONTENT

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17.1 Purpose
17.2 Applicability
17.3 Violations
17.4 Responsible Entities
17.5 Enforcement Procedures
17.6 Remedies
17.7 Penalties

17.3 Violations

Any of the following shall be a violation of this UDO and shall be subject to the remedies and penalties provided by this UDO and State law.

17.3.1. Development without Authorization

Engaging in the development, use, construction, land disturbance, or any other activity subject to the jurisdiction of this UDO without all required plan approvals, permits, certificates, or other forms of authorization required by this UDO shall constitute a violation of this UDO.

17.3.2. Development Inconsistent with Authorization

Engaging in development, use, construction, land disturbance or other activity subject to the jurisdiction of this UDO inconsistent with any approved plan, plat, permit, certificate, other form of authorization granted for such activity, including conditions of such approvals, shall constitute a violation of this UDO.

17.3.3. Violation by Act or Omission

Undertaking any activity contrary to the provisions of this UDO, including but not limited to any act or omission, or failure to comply with any other provisions, procedures, or standards as required by this UDO shall constitute a violation of this UDO.

17.3.4. Illegal Subdivisions/Sales of Land

Subdividing land contrary to the provisions of this UDO or transferring or selling of land by reference to, exhibition of, or any other use or a plat showing a subdivision of the land before the plat has been properly approved under the terms of this UDO and recorded in the office of the Wake County or Franklin County Register of Deeds, as appropriate, shall constitute a violation of this UDO.

17.3.5. Demolition by Neglect of Historic Properties

Demolition by Neglect of any designated historic landmark or property located within a locally designated historic district shall constitute a violation of this UDO. Owners of historic properties and structures shall have the responsibility to preserve those properties and structures against decay, deterioration, and structural defects and to correct conditions that would compromise those properties' and structures' long-term integrity. Determination and enforcement provisions for Demolition by Neglect are in Section 17.5.9.

17.3.6. Cemetery Violations

A. It is considered a violation of this ordinance UDO and NCGS §14-148 to willfully place any refuse in a cemetery, disturb any element of a wall or fence that encloses a cemetery, or disturb any plant, flower or other article planted or placed within a cemetery to designate where human remains are interred or to preserve the memory and name of any person without consent of the surviving spouse or next of kin.

B. It is considered a violation of this ordinance UDO and NCGS §14-149 to knowingly and willfully disturb any casket or repository of human remains by any means, remove any grave or portion thereof, disturb a tombstone, headstone, grave marker, etc. placed or erected within any cemetery to designate where human remains are interred or to preserve the memory and name of any person without authorization of the law or the consent of the surviving spouse or next of kin.

C. Any person convicted of violating the provision of this Chapter shall be subject to fine as specified in this Chapter. Any person convicted of violating NCGS §14-148 and 14-149 may be subject to a fine and/or misdemeanor or felony charges.

17.4 Responsible Entities

17.4.1. Entity Responsible for Violation

Any of the following parties who participates in, assists, directs, creates or maintains a situation that constitutes a violation of this UDO shall be held responsible and shall be subject to the remedies and penalties set forth in this Chapter.

A. Property owner(s),

B. Developer or permit/approval holder,

C. Tenant or occupant of any land, building, structure, sign, use of land, or part thereof,

D. Financially responsible party,

E. Contractor or designated agent,

F. Architect, engineer, or builder, or

G. Any person conducting the violating activity.

17.4.2. Failure by Town does not Relieve Violator

Failure of the Administrator to observe or recognize conditions which violate this UDO or to deny the issuance of development permits shall not relieve the violator from responsibility for the condition or damages that may result and shall not result in the Town, its officers, or agents being responsible for conditions or damages.

17.4.3. Entity Responsible for Enforcement

A. The Administrator shall be responsible for enforcing the provisions of this UDO. Other employees of the Town may assist in enforcement by reporting apparent violations of this UDO to enforcement officials. Primary responsibility for enforcing the provisions of this UDO shall be divided among Town officials as follows:

   1. The Planning Director, or their designee, shall be responsible for all enforcement of all parts of this UDO not under the purview of the Engineering Director or Building Official as delineated below,
   2. The Engineering Director, or their designee, shall be responsible for enforcement of the watercourse buffers, erosion control, floodplains, stormwater management, illicit discharges, and engineering provisions in the text of this UDO and compliance with conditions of approval,
   3. The Building Official, or their designee, is responsible for all enforcement of the Building Code.

17.5 Enforcement Procedures

17.5.1. Complaints Regarding Violations

A. When the Administrator identifies or is made aware of a potential UDO violation, the enforcement procedures shall take place in accordance with this Section 17.5. Any person may submit a complaint alleging a violation of this UDO.

B. Upon receiving a complaint that fully states the basis for the allegation, including the apparent cause of the alleged violation, the Administrator shall properly record such complaint, investigate the alleged violation, and take appropriate action as provided by this UDO.

C. Nothing shall limit the Administrator from investigating possible violations of this UDO without receipt of a complaint.

17.5.2. Inspection and Investigation

A. The Administrator is authorized to conduct any lawful inspection and investigation necessary to ensure compliance with this UDO.

B. Inspections may be conducted from public areas or common areas, including premises open to the general public, public right-of-way, as well as adjacent private areas where permission has been granted by the property owner. These inspections shall be carried out during normal business hours unless the Administrator determines there is a special circumstance or an emergency necessitating inspection at another time.

C. Inspections of private areas not visible from a public area may only occur upon presentation of proper credentials and with the consent of the premises owner or with an administrative inspection warrant.

D. No person shall willfully resist, delay, or obstruct an authorized representative, employee, or agent of the Town while that person is inspecting or attempting to inspect land or structures nor shall any person obstruct, hamper, or interfere with any such representative while in the process of carrying out their official duties.

E. A registered professional archaeologist must be on-site during any ground disturbance within 25 feet of the limits of the cemetery in the event of inadvertent discovery of human remains during the disturbance. Town staff must be notified at least ten business days prior to the disturbance.

17.5.3. Notice of Violation and Correction Order

Upon finding that a violation of this UDO exists, the Town shall provide a written Notice of Violation and Correction Order.

A. **Contents of Written Notice of Violation**
The Notice of Violation and Correction Order shall:

1. Describe the location and nature of the violation,
2. State the actions necessary to abate the violation,
3. Order that the violation be corrected within a specified reasonable time period not to exceed 30 days after receipt of the Notice of Violation and Correction Order and with the limit for correction of the violation beginning five days after the notice if posted on the property,
4. State that remedies and/or penalties may be assessed if the violation is not addressed within the time period for correction, and
5. State a Notice of Violation and Correction Order may be appealed to the Board of Adjustment except as provided by NCGS §160D-1403.1 or otherwise provided by law. The owner, other party, or person with standing has 30 days from receipt of the written notice of the determination within which to file an appeal.

B. **Delivery of Written Notice of Violation**

1. The Notice of Violation and Correction Order shall be served to the responsible entity(ies) and the landowner of the property (if different) on which the violation exists and the person causing or maintaining the violation.
2. The Notice of Violation and Correction Order shall be delivered in any manner permitted by NCGS, including:
   a. Personal delivery,
   b. Electronic delivery,
   c. First-class mail, or
   d. Posted on the property.
3. The person providing the Notice of Violation and Correction Order shall certify to the local government that the notice was provided, and the certificate shall be deemed conclusive in the absence of fraud.
4. In the absence of evidence to the contrary, notice given pursuant to NCGS §160D-403(b) by first-class mail is deemed received on the third business day following deposit of the notice for mailing with the United States Postal Service.

17.5.4. Initial Notice Shall Constitute Final Notice

The initial written notice of a violation shall constitute final notice regarding a violation, though additional written notice may be provided, in the sole discretion of the Administrator.

17.5.5. Extension of Time Limit to Correct Violation

On receiving a written request for an extension of the time limit for correction specified in the Notice of Violation and Correction Order, the Administrator may grant a single extension of time limit for up to 90 days for good cause shown. The notice of extension shall state the date prior to which correction must be made or the violator will be subject to the penalties described in the Notice of Violation and Correction Order.

17.5.6. Emergency Enforcement Without Notice

If it is determined that delay in correcting the violation would pose a danger to the public health, safety, or welfare, the Administrator may seek immediate enforcement without prior written notice by invoking any of the remedies and penalties authorized in Sections 17.6 and 17.7.

17.5.7. Repeat Violations

If the same violation is repeated by the same offender over any two-year period, the Town may commence the application of remedies or penalties at the stage in the process where the previous violation was resolved.

17.5.8. Authority to Require Statements

The Town shall have the authority to require written statements, or the filing of reports under oath, with respect to pertinent questions related to land-disturbing activities constituting a potential violation of this UDO.

17.5.9. Demolition by Neglect of Historic Structures Enforcement Procedure

A. **Determination by Neglect**
If the Administrator determines that a "Demolition by Neglect" violation has occurred notice will be given to the Historic Preservation Commission (HPC).

B. **Determination of Neglect**
The HPC shall call an administrative public hearing. Written notice of such administrative public hearing shall be mailed by first-class mail to the owner, not less than ten days prior to the date of the hearing. If the HPC determines at the administrative public hearing that a state of "Demolition by Neglect" exists then it will issue a finding of such condition and either issue a Certificate of Appropriateness (COA) for minor repairs, if appropriate, and/or order that an application for a COA be submitted for repairs requiring a separate evidentiary hearing before the Historic Preservation Commission. Any required time limit for repairs will automatically be adjusted, as needed, to allow the normal COA process.

C. **Notice of Violation and Corrective Order**
When the HPC finds that a state of "Demolition by Neglect" exists, a Notice of Violation and Corrective Order shall be issued in accordance with standard Town procedures in Section 17.5.3. If an order to apply for a COA has been issued by the Historic Preservation Commission, the Notice of Violation and Corrective Order will include a statement to that fact and the time allowed for compliance will be appropriately adjusted.

D. **Safeguards from Undue Economic Hardship**

1. When a written claim of undue economic hardship is made owing to the effects of this Chapter, the Administrator shall notify the Hardship Review Committee (Hardship Review Committee) which shall be made up of the Finance Officer, the Planning Director and the Inspections Director or their designees. The Administrator shall schedule an administrative hearing on the claim within 15 business days of receipt of the written request.
2. The petitioner submitting the written claim shall present the information required by the Hardship Review Committee to determine if an undue economic hardship owing to the effects of a "Demolition by Neglect" finding has occurred. If any of the required information is not reasonably available, the petitioner shall describe the reasons why such information cannot be obtained. The minimum necessary evidence shall include, but is not limited to:
    a. Nature of ownership (individual, business, or non-profit) or legal possession, custody, and control,
    b. Financial resources of the owner and/or parties in interest,
    c. Estimated cost of repairs,
    d. Assessed value of the land and improvements (existing),
    e. Real estate taxes for the previous two years,
    f. Amount paid for the property, date of purchase, and party from whom purchased, including a description of the relationship between the owner and the person from whom the property was purchased, or other means of acquisition of title, such as by gift or by inheritance,
    g. Annual debt service, if any, for the previous two years,
    h. Any listing of the property for sale or for rent, the price asked, and offers received, if any.
3. In addition, for all income-producing properties, the petitioner must also provide the following:
    a. Annual gross income from the property for the previous two years,
    b. Itemized operating and maintenance expenses for the previous two years, including proof that adequate and competent management procedures were followed,
    c. Annual cash flow, if any, for the previous two years.
4. Within 30 business days after the administrative hearing, the Hardship Review Committee shall cause to be made a finding of undue or no undue economic hardship and shall provide a copy of the decision to the Administrator and the Historic Preservation Commission. In the event of a finding of no undue economic hardship, the Administrator shall cause to be issued an order for such property to be repaired within the time specified.
5. In the event of a finding of undue economic hardship, the finding may be accompanied by a

recommended plan to relieve the economic hardship. This plan may include, but is not limited to, the following: property tax relief as may be allowed under North Carolina law, loans, or grants from the Town, the county, or other public, private, or nonprofit sources, acquisition by purchase, building code modifications, or changes in applicable zoning regulations proving sufficient to mitigate the undue economic hardship. The Hardship Review Committee shall report such finding and the recommended plan to the Administrator who will then cause to be issued an order for such property to be repaired within the time specified, and according to the provisions of the recommended plan.

17.6 Remedies

17.6.1. Application of Remedies

On determining that the violator has failed to correct the violation by the time limit set forth in the final Notice of Violation and Correction Order (or any granted extension thereof), has failed to request an administrative hearing, or has failed to appeal the Notice of Violation and Correction Order in accordance with Section 16.7.1, Appeals of Administrative Decisions, the Administrator shall take appropriate action, as provided in this Section 17.6 or in Section 17.7 to correct the violation and to ensure compliance with this UDO.

17.6.2. Issuance of Stop Work Order

A. The Administrator may issue a Stop Work Order whenever any development subject to this UDO, including a building or structure that is being constructed, demolished, renovated, altered, or repaired, is in violation of any applicable provision of this UDO.

B. The Stop Work Order shall be in writing, directed to the person doing the work, and shall state the specific work to be stopped, the specific reasons for cessation, and the action(s) necessary to lawfully resume work.

17.6.3. Revocation of Permit or Approval

A. The Administrator may revoke any permit or approval granted under this UDO, by written notice to the permit or approval holder, when:

1. False statements or misrepresentations were made in securing the permit or approval,
2. Work is being or has been done in substantial departure from the approved application or plan,
3. There has been a failure to comply with the requirements of this UDO, or
4. A permit or approval has been mistakenly granted in violation of this UDO.

B. The development permit cannot be revoked if a public hearing was required to approve the development permit without following the same development review and approval process required for issuance of the development approval.

17.6.4. Denial or Withholding of Related Permits

The Administrator may deny or withhold a Certificate of Compliance or Certificate of Occupancy in accordance with the Building Code or deny or withhold any permit, approval, or other authorization under this UDO to use or develop any land, structure, or improvements—until an alleged violation related to such land, use, or development is corrected and any associated civil penalty is paid.

17.6.5. Removal of Illegal Signs

A. The Town may remove any sign placed within the right-of-way of a Town or state-maintained street in violation of the standards in this UDO.

B. Pursuant to NCGS, the Administrator shall have the authority to summarily remove, abate, or remedy a sign or sign structure which the building inspector has determined to be dangerous or prejudicial to the public health or safety.

C. The expense of the action shall be paid by the sign owner or if the sign owner cannot be ascertained, by the property owner.

17.6.6. Land Disturbance Restoration

The Administrator may require any person who undertakes a land-disturbing activity and who fails to retain sediment generated by the activity, as required by Section 12.4, to restore the waters and land affected by the failure so as to minimize the detrimental effects of the resulting pollution by sedimentation.

17.6.7. Injunction

The Administrator may apply to the appropriate court for a mandatory or prohibitory injunction ordering the offender to correct the unlawful condition or cease the unlawful use of the land in question.

17.6.8. Order of Abatement

A. The Administrator may apply for, and the court may enter into an Order of Abatement as part of the judgment in the case. An Order of Abatement may direct any of the following actions:
   1. Buildings or other structures on the property be closed, demolished, removed,
   2. Fixtures, furniture, or other moveable property be moved or removed entirely,
   3. Improvements, alterations, modifications, or repairs be made,
   4. Trees be replaced, or
   5. Any other action be taken that is necessary to bring the property into compliance with this UDO.

B. If an Order of Abatement is executed, a lien may be placed on the property for the cost of executing the order in accordance with Chapter 160D of the General Statutes.

17.6.9. Equitable Remedy

The Town may apply to the appropriate court for any appropriate equitable remedy to enforce the provisions of this UDO. The fact that other remedies are provided under general law or this UDO shall not be used by a violator as a defense to the Town's application for equitable relief.

17.7 Penalties

17.7.1. Application of Penalties

On determining that the violator has failed to correct the violation by the time limit set forth in the final Notice of Violation and Correction Order (or any granted extension thereof), has failed to request an administrative hearing, or has failed to appeal the Notice of Violation and Correction Order in accordance with Section 16.7.1, the Administrator shall take appropriate action, as provided in this Section or in Section 17.6 to correct the violation and to ensure compliance with this UDO.

17.7.2. Citations and Civil Penalties

A. **Erosion and Sedimentation Control Violations**
   1. **Applicability**
      Any person, firm, or corporation who violates any provisions in Section 12.4 shall be subject to civil penalties.
   2. **Maximum Penalty**
      The maximum civil penalty per violation is $5,000. Each day of a continuing violation shall constitute a separate violation. The maximum cumulative total civil penalty assessed is $25,000.
   3. **Determination of Penalty Amount**
      The Administrator shall determine the amount of the civil penalty based upon the following factors:
      a. The degree and extent of harm caused by the violation,
      b. The cost of rectifying the damage,
      c. The amount of money the violator saved by noncompliance,
      d. Whether the violation was committed willfully, and
      e. The prior record of the violator in complying or failing to comply with this UDO.
   4. **Notice of Assessment**
      a. The Administrator shall issue a notice of assessment to direct the violator to either pay the assessment or contest the assessment within 30 days by filing a petition for hearing with the Town.
      b. If a violator does not pay a civil penalty assessed by a local government within 30 days after it is due, the local government may institute a civil action to recover the amount of the assessment.
      c. The civil action may be brought in the superior court of any county where the violation occurred or the violator's residence or principal place of business is located.
      d. A civil action must be filed within three years of the date the assessment was due.
      e. An assessment that is not contested is due when the violator is served with a notice of assessment.

f. An assessment that is contested is due at the conclusion of the administrative and judicial review of the assessment.

5. **Civil Penalty and Forfeiture Fund**

a. The clear proceeds of civil penalties collected by the Town under this Section 17.7.2, diminished only by the actual costs of collection, shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with NCGS 115C-457.2.

b. In determining the actual cost of collection, the Town shall use the collection cost percentage established and approved by the North Carolina Office of State Budget and Management on an annual basis, based upon the computation of actual collection costs by the Town for the prior fiscal year. In no event shall the cost percentage exceed 20 percent of penalties collected.

6. **Remission of Penalties**

a. A request for remission of a civil penalty imposed under NCGS §113A-64 may be filed with the North Carolina Sedimentation Commission (the Commission) within 30 days of receipt of the notice of assessment. A remission request must be accompanied by a waiver of the right to a contested case hearing pursuant to NCGS §150B and a stipulation of the facts on which the assessment was based.

b. The following factors shall be considered in determining whether a civil penalty remission request will be approved:

i. Whether one or more of the civil penalty assessment factors in NCGS §113A-64(a)(3) were wrongly applied to the detriment of the petitioner,

ii. Whether the petitioner promptly abated continuing environmental damage resulting from the violation,

iii. Whether the violation was inadvertent or a result of an accident,

iv. Whether the petitioner had been assessed civil penalties for any previous violations,

v. Whether payment of the civil penalty will prevent payment for necessary remedial actions or would otherwise create a significant financial hardship,

vi. The assessed property tax valuation of the petitioner's property upon which the violation occurred, excluding the value of any structures located on the property.

c. The petitioner has the burden of providing information concerning the financial impact of a civil penalty on the petitioner and the burden of showing the petitioner's financial hardship.

d. The Commission may remit the entire amount of the penalty only when the petitioner has not been assessed civil penalties for previous violations and payment of the civil penalty will prevent payment for necessary remedial actions.

e. The Commission may not impose a penalty under this Section 17.7.2.A.6 that is in excess of the civil penalty imposed by the Town.

7. **Failure to Pay**
If a violator does not pay a civil penalty assessed by the Administrator within 30 days after it is due, the Town shall request the Attorney General to institute a civil action to recover the amount of the assessment.

B. **Flood Damage Prevention Violations**
Violation of the flood damage prevention regulations in Section 12.6, including violation of conditions and safeguards established in connection with grants of Variance or Special Use Permits, shall constitute a Class 1 misdemeanor pursuant to NCGS §143-215.58. Any person who violates the flood damage prevention regulations in Section 12.6 or fails to comply with any of their requirements shall, upon conviction thereof, be fined not more than $100.00 or imprisoned for not more than 30 days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town from taking such other lawful action as is necessary to prevent or remedy any violation.

C. **Landscaping Violations**
Any person, firm, or corporation who violates the provisions of Chapter 7 shall be subject to the following:

1. A base fine of $2.00 for every square foot of the Critical Root Zone occupied by the damaged or removed vegetation within any areas required to be protected,

2. A base fine of $100.00 per tree for any tree excessively pruned shall be applied in addition to

the replacement of plant material using the "inch for inch" standard as determined by the Administrator.

D. **Stormwater Management Violations**
Any person, firm, or corporation who violates the Stormwater Management requirements of this UDO, including failing to provide a passing SCM Inspection Report or illicitly discharging, shall be subject to penalties. The maximum civil penalty for a violation is $1,000 per violation. Each day of a continuing violation shall constitute a separate violation. The maximum cumulative total civil penalty assessed is $25,000.

E. **Watercourse (Riparian) Buffer Area Violations**
Any person, firm, or corporation who violates any provisions in Section 12.9 shall be subject to civil penalties. The maximum civil penalty for a violation is $10,000 per day. For a continuing violation, the civil penalty may be a maximum of $25,000 per day. Each day of a continuing violation shall constitute a separate violation.

F. **Other Violations**
Any person, firm, or corporation who violates the provisions of this UDO other than those listed Sections A through E above, shall be subject to civil penalties in the amount of $50 per violation for the first day and $100 per violation for any day thereafter in violation. Each day's continuing violation shall be a separate and distinct offense.

17.7.3. Citation

A. **Contents of Written Citation**
To impose a civil penalty, the Administrator shall first provide the violator a written citation. The written citation shall:

1. Describe the violation,
2. Describe the action required to correct the violation,
3. Specify the amount of the civil penalty being issued,
4. Direct the violator to remit payment for the civil penalty within 30 days to the Town or contest the citation by submitting a written request for an administrative hearing in accordance with Section C below, and
5. Advise the violator of the right to appeal the citation to the Board of Adjustment in accordance with Section 16.7.1.

B. **Delivery of Written Citation**
The written citations shall be served either by personal delivery or certified mail with return receipt requested.

C. **Administrative Hearing**

1. If the violator requests an administrative hearing within the deadline set forth in the citation, the Administrator shall schedule a hearing not less than seven days or no more than 30 days after receiving the request and shall provide the violator written notice of the time and place of the hearing.
2. At the conclusion of the hearing, the Administrator shall make a final determination of (1) whether the citation is warranted, and (2) whether the penalty amount is appropriate or should be reduced or waived. If finding that the citation is warranted and the penalty amount is confirmed or reduced, the Administrator shall order the violator to pay the civil penalty to the Town.
3. The Administrator shall also advise the violator of the right to appeal the citation to the Board of Adjustment in accordance with Section 16.7.1.

D. **First-Time Offender Civil Penalty Reduction**
If a Civil Penalty is issued to a first-time offender, the offender may make a written request to the Administrator for a reduction in the citation amount. Such request must be made within ten days of curing the violation. If a reduction in the citation amount is granted, the offender shall pay the reduced civil

penalty within five business days of such reduction approval. If the reduced civil penalty is not paid within this timeframe, the original civil penalty amount shall be enforced.

E. **Civil Action**
If the violator fails to either pay the civil penalty, or as reduced from administrative hearing, or has failed to appeal the citation deadline listed in the citation in accordance with Section 16.7.1, the Town may institute a civil action in the nature of a debt in a court of competent jurisdiction to recover the civil penalty.

17.7.4. Tree Protection Penalties

A. **With A Tree Survey**
In instances where a tree identified for preservation in a development approval or permit is damaged or removed, the tree shall be replaced in accordance with Table 17-1. Replacement trees shall not be credited towards required landscape.

Table 17-1: Tree Removal Replacement Penalty

Tree Types	Replacement Rate
Specimen Trees	10 trees of the same species
Established Trees	7 trees of a noninvasive species
Young Trees	3 trees of a noninvasive species
Invasive / Noncontributing Trees	n/a

B. **Without A Tree Survey**
In instances where a Tree Survey has not been approved by the Administrator and a tree is damaged or removed, the tree shall be replaced with the number of trees needed to meet the tree canopy coverage requirements (see Section 7.3.3) for:

1. **1-5 Trees Removed**
75 percent or more retained tree canopy coverage,
2. **6-15 Trees Removed**
Less than 75 percent and more than 25 percent retained tree canopy coverage,
3. **16+ Trees Removed**
25 percent or less retained tree canopy coverage.

C. **Development Stay**
No development, except for tree replanting or vegetation re-establishment, shall occur on a property if 50 percent or more of existing trees or existing tree canopy coverage subject to protection is removed in violation of this UDO for a period of:

1. Three years if the forestry activity is exempt per NCGS §160D-921, and
2. Five years if the forestry activity is non-exempt per NCGS §160D-921.

17.7.5. Unauthorized Demolition of Historic Property

Violations. In addition to citations and civil penalties in Section 17.7.2, any person, firm, or corporation who demolishes a structure subject to this UDO or in violation of the Certificate of Appropriateness shall be prohibited from submitting redevelopment plans for the property for 48 months from the date of the Notice of Violation and Corrective Order issuance. The length of the delay may be shortened at the discretion of the Administrator, following an administrative hearing, depending on the specific circumstances of the site, structure, and violation.

17.7.6. Criminal Penalties

Violations of this UDO may be enforced as a Class 3 misdemeanor, where permissible under North Carolina law, and shall be subject to a fine of $500.00. No further work or activity shall take place in violation of a Stop Work Order pending a ruling on the appeal. Violation of a Stop Work Order, and other pertinent provisions of NCGS §160D where allowed and specified, shall constitute a Class 1 Misdemeanor.

18 DEFINITIONS & INTERPRETATION

18.1 Purpose

For the purpose of interpreting this UDO, certain words, concepts, and ideas are defined in this Chapter. Except as defined in this Chapter or elsewhere in this UDO, words used in this UDO shall have their everyday meaning as determined by their dictionary definition.

18.2 Applicability

The definitions established herein shall apply to the interpretation of all standards of this UDO unless otherwise specified.

18.3 Rules of Construction and Interpretation

In interpreting the language of this UDO, the following general rules of construction shall apply, unless explicitly stated otherwise in a particular use of a term or phrase. The requirements of this UDO shall be interpreted and applied as the minimum requirements necessary to carry out the purpose of the UDO and to promote public health, safety, and general welfare.

18.3.1. Mandatory and Permissive Terms

A. **Mandatory**
The words "shall," "must," and "will" are mandatory in nature.

B. **Permissive**
The word "may" is permissive in nature.

18.3.2. Conjunctions

A. **And**
The word “and” means all of the listed items.

B. **Or**
The word “or” means any of the listed items. When used in a list of allowed alternatives, as opposed to

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required alternatives, the word "or" is not intended as exclusive, that is, to say one item and one item only is allowed, unless expressly stated otherwise.

C. **And / Or**
The term "and/or" means either or both of the subject components.

18.3.3. Tenses and Plurals

A. **Tense**
Words used in the present tense include the future tense.

B. **Plurals**
Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise.

18.3.4. Computation of Time

The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the Town, the deadline or required date of action shall be the next day that is not a Saturday, Sunday, or holiday observed by the Town. References to days are calendar days unless otherwise stated.

18.3.5. Lists and Examples

A. **Including or Such As**
The terms "including" and "such as" are considered non-exclusive unless stated otherwise; in other words, a list of items in an associated group following either term is not intended to exclude unlisted items in the group, unless expressly stated otherwise.

18.3.6. Numerical Standards

A. **Fractions**
When any requirement of this UDO results in a fraction of a unit, a fraction of one-half or more is considered a whole unit and a fraction of less than one-half is disregarded. When the determination of the number of dwelling units permitted on a lot results in a fraction of a dwelling unit, any fractional component is disregarded and rounded down to the nearest whole number.

18.3.7. Text and Illustrations

A. In the event of a conflict or inconsistency between the text of this UDO and any heading, caption, figure, illustration, or map, the text shall control.

B. Diagrams and other illustrations are provided for informational purposes only and should not be relied upon as a complete and accurate description of all applicable regulations or requirements.

18.3.8. Terms

A. **Person**
The word "person" includes a firm, association, partnership, trust, company, corporation, or any other entity usually defined in legal usage as a person.

B. **Used or Occupied**
The words "used" and "occupied" include the words "intended, designed, or arranged to be used or occupied."

C. **Lot**
The word "lot" includes the words "plot" and/or "parcel."

D. **On the Premises Of**
The phrase "on the premises of," means "on the same lot."

E. **Wireless Telecommunications**
The inclusion of the words "Wireless Telecommunications" in a term name indicates defined terms that apply only to the application and administration of the Wireless Telecommunications Facility and Wireless Telecommunications Tower provisions of this UDO.

18.3.9. Terms not Defined

If a term used in this UDO is not defined, the Administrator is authorized to interpret the term in accordance with Section 16.6.9.

18.3.10. Reference to Other Regulations / Publications

A. Whenever reference is made to a resolution, UDO chapter or section, code, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such regulation, manual, resolution, UDO, code, statute, regulation, or document, unless otherwise specifically stated.

B. Where this UDO refers to or cites a section of the NCGS and that section is later amended or superseded, then this UDO shall be deemed to refer to the amended section or the section that most nearly corresponds to the superseded section.

18.3.11. Acronyms and Abbreviations

A. **ADA**
Americans with Disabilities Act,

B. **ACU**
Accessory Commercial Unit,

C. **ADU**
Accessory Dwelling Unit,

D. **BUA**
Built-Upon Area;

E. **CMU**
Concrete Masonry Unit,

F. **COA**
Certificate of Appropriateness,

G. **CTP**
Comprehensive Transportation Plan,

H. **DBH**
Diameter at Breast Height,

I. **ETJ**
Extraterritorial Jurisdiction

J. **FT**
Foot or Feet,

K. **HUD**
Housing and Urban Development,

L. **HPC**
Historic Preservation Commission,

M. **IN**
Inches,

N. **LBCS**
Land-based Classification Standards,

O. **LOS**
Level of Service,

P. **MOU**
Memorandum of Understanding,

Q. **N/A**
Not applicable,

R. **NAICS**
North American Industrial Classification System,

S. **NCDOT**
North Carolina Department of Transportation,

T. **NCGS**
North Carolina General Statutes,

U. **PE**
Professional Engineer,

V. **PIL**
Payment in Lieu,

W. **PUD**
Planned Unit Development,

X. **SQ FT**
Square Foot or Feet,

Y. **TIA**
Transportation Impact Analysis,

Z. **TRC**
Technical Review Committee

AA. **WFD3**
Wake Forest Development Design & Details

BB. **UDO**
Unified Development Ordinance,

18.4 Rules of Measurement

Unless a particular use of a term or phrase in this UDO explicitly states otherwise, the following general rules of measurement shall govern the application of the numerical standards in this UDO.

18.4.1. Separation

If a standard of this UDO requires a use or development to be separated from another use or development by a minimum distance, that distance is measured as the linear distance (also referred to as 'as the crow flies') between the nearest property line of the subject use or development and the property line of the use or development from which the subject use must be separated.

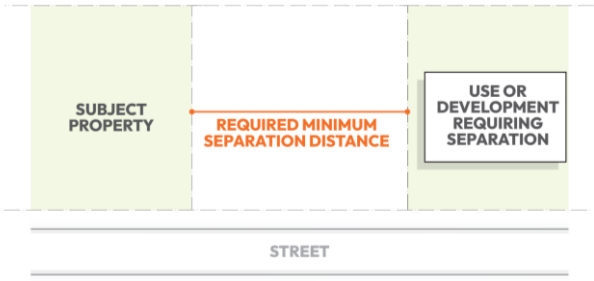

Figure 18-1: Rules of Measurement - Separation

18.4.2. Building Height

The vertical distance measured from the average elevation of the proposed finished grade at the façade adjacent to the front lot line to the highest point of the roof deck of a flat roof, to the highest point of a mansard roof, or to the mean height level between the eaves and ridge of a gable, hip, or gambrel roof. For multibuilding development sites, the height of the buildings not located towards a front lot line may be measured from the average elevation of the proposed finished grade at the main entrance of the building. Parapets, spires, cupolas, antennae attached to a building, projections from buildings, mechanical equipment, and accessory structures associated with an activated roof deck, are not to be included in the calculation of building height.

Figure 18-2: Rules of Measurement - Building Height Flat Roof

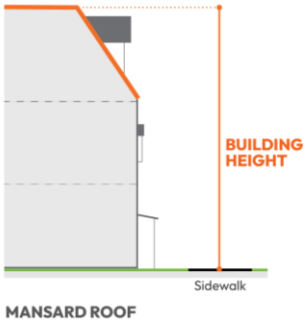

Figure 18-3: Rules of Measurement - Building Height Mansard Roof

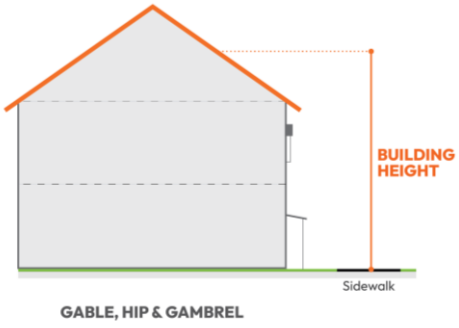

Figure 18-4: Rules of Measurement - Building Height Gable, Hip, & Gambrel Roof

18.4.3. Story

A story is a habitable level within a building. Where minimum height in stories is required in this UDO, the minimum story height shall be 16 feet. Unoccupied attics less than seven feet in height and raised basements less than six feet in height (as measured from the average grade of the fronting sidewalk) are not considered stories for the purposes of determining building height. A mezzanine shall be considered a story if it is contiguous with at least 60 percent of the building's front façade, is designed to be occupiable, and maintains an average depth of at least 16 feet. A penthouse shall be considered a story if it exceeds one-third of the area of the roof. The under-roof area with dormers does not count as a story.

18.4.4. Opacity

Opacity, the degree to which light or view is blocked, is measured perpendicular to the fence or screening structure for each fence/screening structure section between supports.

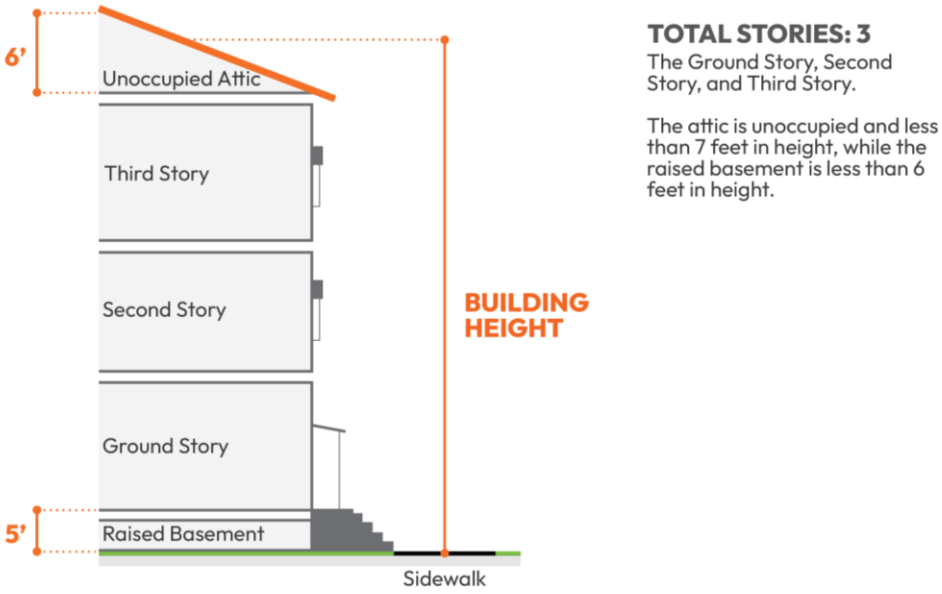

Figure 18-5: Rules of Measurement - Story

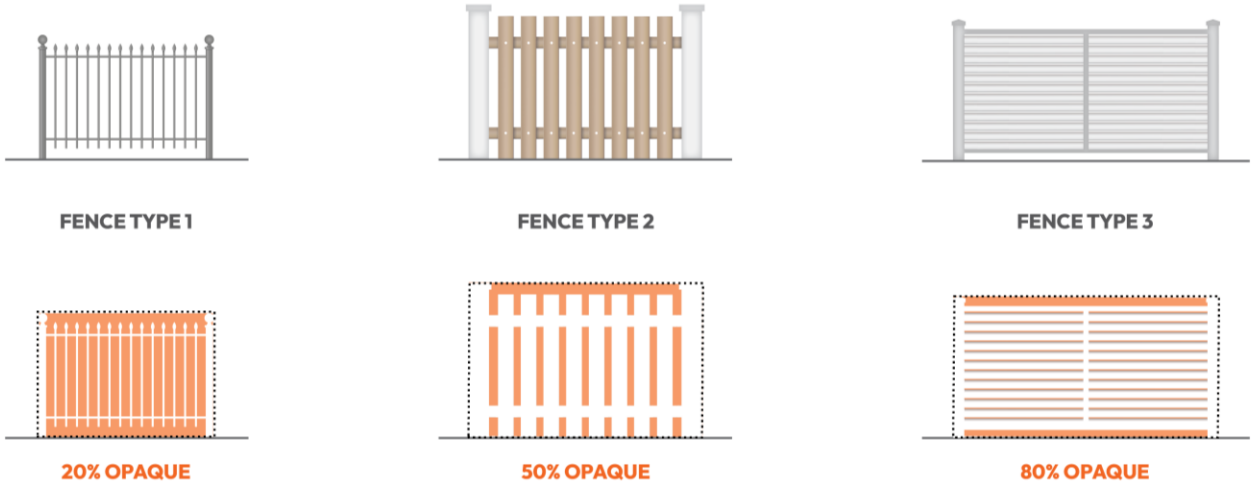

Figure 18-6: Rules of Measurement - Fence/Screening Opacity

18.4.5. Fence Height

The height of a fence or wall shall be measured vertically from the adjacent finished grade on the interior side of the wall to the tallest point of the fence or wall, not including an allowance of one foot for supporting posts or columns, such as required masonry columns (see Section 7.4.8.D). If a fence or wall is placed on a berm, planter box, or similar landscape feature, the fence or wall height shall be measured vertically from the base of the landscape feature.

18.4.6. Maximum Setback

At least 50 percent of the building frontage must meet the maximum setback.

18.4.7. Frontage Buildout Standards

For the purposes of calculating frontage build out, the figure representing the linear footage of buildings occupying the lot frontage shall only include those portions of the building(s) that meet the maximum setback requires for the zoning district. The figure representing the linear footage of the lot frontage shall be determined by the width of the property at the primary front. The Administrator may allow linear footage of the following items to be subtracted from the lot frontage:

A. Existing easements that cannot be abandoned and do not allow the construction of structures or buildings,

B. Floodplain as shown on FIRM or preliminary FIRM maps,

C. Wetlands,

D. Streams and riparian buffers,

E. Portions of property deemed unbuildable due to the shape of the property, where the lot depth is 60 feet or less, and

F. Tree canopy retention area.

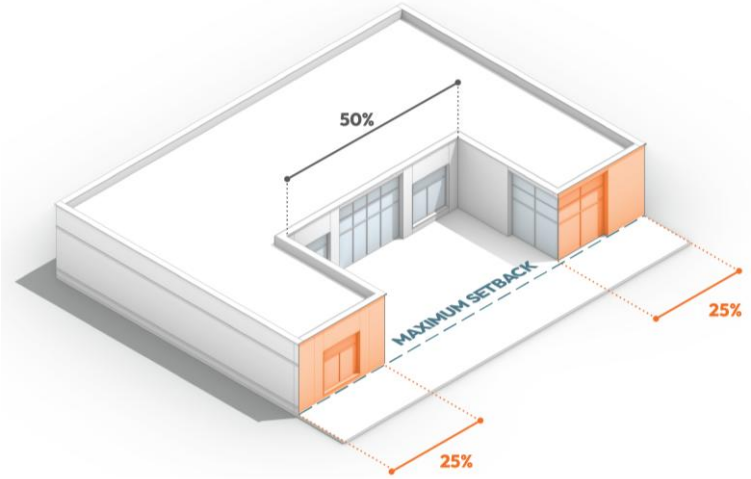

Figure 18-7: Rules of Measurement - Maximum Setback

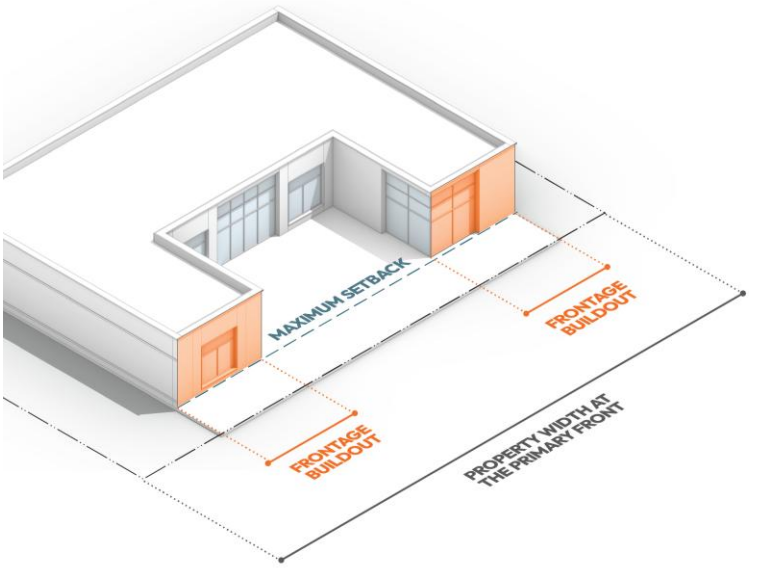

Figure 18-8: Rules of Measurement - Frontage Buildout

18.5

25-Year Storm Runoff
The storm water runoff resulting from precipitation of an intensity expected to be equaled or exceeded on the average, once in 25-years, and of a duration which will produce the maximum peak rate of runoff for the watershed of interest under average antecedent wetness conditions.

18.6 A

Above Ground Floor
A self-contained portion of a building that is above a ground floor commercial business used or designed to be used by a household, containing independent and separate sleeping, cooking and sanitary facilities intended as a permanent residence and having an independent entrance either directly from the outside of the building or through a common area inside the building.

Abut/Abutting
Having a common border with or being separated from such a common border by a right-of-way, alley, or easement.

Accent
An ornamental feature, often nonstructural, attached to the exterior of a building or structure that uses color, decorative material, or other characteristics to distinguish it from the adjacent surface to add visual interest and highlight parts of the building or structure.

Accelerated Erosion
An increase over the rate of natural erosion as a result of land-disturbing activities.

Accessory Commercial Unit
An occupation or profession, other than a home-based business, that is conducted within a single-family detached or duplex dwelling or building accessory to the dwelling by a resident of the dwelling, and that is incidental to the primary use of the dwelling as a residence.

Accessory Dwelling Unit
A dwelling unit that is located on a lot with a single-family detached dwelling, that has a smaller floor area than the principal dwelling, and that is in all other ways incidental and subordinate to the principal dwelling. An Accessory Dwelling Unit may be detached, such as a separate cottage, or attached, such as above an attached garage or in a basement, to the principal dwelling.

Accessory Retail/Restaurant
A commercial Retail or Restaurant use accessory to another nonresidential or multifamily use and located within the same building as such use. Retail or Restaurant use is an amenity and ancillary to the principal use. Examples include cafeterias, snack bars, and gift shop uses in a hotel, hospital, or office.

Accessory Structure
A structure that is clearly incidental to and customarily found in connection with a principal structure, is located on the same parcel and serves a principal structure, and is subordinate in area, extent and purpose to the principal structure served. Accessory Structures include but are not limited to canopies, composting bins, flag poles, detached garages, detached carports, sheds, swimming pools, cisterns, fences, walls, decks, patios, pergolas, and gazebos.

Accessory Use
A use subordinate to the principal use in terms of area, extent, and purpose that contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use served and is located on the same lot as the principal use served.

Active Construction
An activity that contributes directly to the building of facilities including land-disturbing activities for roads, parking lots, footings, etc.

Adaptive Reuse
The establishment of a use in an existing structure where the use is of a different category than the use for which the building was constructed or historically used.

Addition (Floodplain Development)
An extension or increase in the floor area or height of an existing building or structure.

Adequate Erosion Control Measure, Structure, or Device
A measure, structure or device that controls the soil material within the land areas under responsible control of the person conducting the land-disturbing activity.

Adjacent
Property that touches or is directly across a roadway, private street, or access easement, or right-of-way (other than Boulevard, Freeway, and Interstate thoroughfares as defined in the CTP) from the subject property.

Adjoining
See Adjacent.

Administrative Decision
A decision made in the implementation, administration, or enforcement of this UDO that involves the determination of facts and the application of objective standards set forth in this UDO.

Administrative Hearing
A proceeding to gather facts needed to make an administrative decision.

Administrative Modification
A request by an applicant to deviate from a specified numerical standard of this UDO by a specified percentage, subject to consistency with applicable review criteria.

Administrator
For the purposes of this UDO, the Planning Director, Public Works Director, Engineering Director, Town Manager, and their designated professional-level subordinate staffs are collectively referred to as the Administrator, unless provisions of this UDO specify otherwise. The Engineering Director administers the erosion and sedimentation control, stormwater management, watercourse buffers, floodplain, and engineering provisions of this UDO. The Planning Director administers all parts of this UDO not under the purview of the Engineering Director.

Adult Establishment
As defined by NCGS §14-202.10.

Affordable Housing
Housing that has a sale price or rental amount that is within the means of a household that may occupy middle-, moderate-, or low-income housing. In the case of dwelling units for sale, housing that is affordable means housing in which mortgage, amortization, taxes, insurance, and condominium or association fees, if any, constitute no more than 30 percent of such gross annual household income for a household of the size which may occupy the unit in question. In the case of dwelling units for rent, housing that is affordable means housing for which the rent and utilities constitute no more than 30 percent of such gross annual income for a household of the size that may occupy the unit in question.

Agritourism
Any activity carried out on a working farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, ranching, historic, cultural, harvest-your-own activities, or natural activities and attractions.

Alley
A specialized accessway that primarily functions to provide secondary vehicular access and/or service and delivery vehicle access between a street and the rear or sides of lots or buildings. Alleys also may provide primary vehicular access for dwellings designed to have no driveway access from the fronting street.

Animal Production
A business that raises or fattens animals for the sale of animals or animal products including but not limited to ranches, farms, hatcheries, and feedlots primarily engaged in keeping, grazing, breeding, or feeding animals, including the farm raising and production of aquatic animals in controlled or selected outdoor aquatic environments and apiculture.

Annexation
An expansion of the Town's corporate boundary in accordance with NCGS.

Appeal
A request for a review of a determination, decision, or the application of any provision of this UDO.

Applicant
The party applying for permits or other approval required by this UDO.

Application
The completed form or forms and all accompanying documents, exhibits, and fees required of an applicant by the applicable department, board, or commission of the Town for development review, approval, or permitting purposes.

Architectural Design Review
Regulations and procedures requiring the exterior design of structures to be suitable, harmonious, and in keeping with the general appearance, historic character, and/or

style of surrounding areas. A process used to exercise control over the design of buildings and their settings.

Architectural Elevation
A scaled, flat representation of one side of a building or structure. It provides a comprehensive view of the exterior façade, highlighting key architectural features, such as doors, windows, materials, and proportions.

Architectural Concrete Masonry Unit
A building block made of concrete that is enhanced, such as with decorative or polished surface texture or integral color variations, to create a finished appearance. Units are joined together with mortar to form walls and other structures. This definition does not include cinder blocks.

Architectural Metal Siding
Decorative metal, such as brass, copper, or steel. This definition includes smooth finish metal, metal shingles, standing seam metal, perforated metal, and factory engineered panels that are manufactured on a continuous lamination basis with metal facings encapsulating a foamed polyurethane core. This definition does not include corrugated metal panels.

Area, Gross
The total horizontal area within a lot(s) or parcel(s) of land before streets, easements, or other areas to be dedicated or reserved for public or private use are deducted from such lot(s) or parcel(s).

Area, Net
The total area of a site, expressed in either acres or square feet, for residential or nonresidential development, excluding public rights-of-way and other publicly dedicated fee simple land such as parks and open space.

Articulation
The stepping and recessing of external walls of a building in plan and in section.

Artisan Production
A fully indoor small-scale business that produces goods or specialty foods, primarily for direct sales to consumers, such as artisan leather, glass, wood, paper, ceramic, textile and yarn products, specialty foods and baked goods. This land use includes the design, processing, fabrication, assembly, treatment and packaging of products; as well as the incidental storage, sales and distribution of such products. This land use does not include uses producing noise, odor, vibration, or similar impacts perceivable by the natural senses outside of the structure or portion of the structure where the use is located.

As-Built
Final design specifications for all public infrastructure.

Assessed Value
The value of a property, as determined (assessed) by a tax assessor or appraiser, for tax calculation purposes.

ATM
A computerized, self-service machine used by banking customers of financial institutions, including deposits, withdrawals, and fund transfers, without face-to-face contact with financial institution personnel. These machines may be located at or within banks, or in other locations. When an ATM is provided for use by customers in motor vehicles, the ATM is considered a drive-through facility accessory use. At other locations, an ATM may be considered a separate accessory use to the principal use(s) of the location.

Awning
A frame structure with a covering extending over building windows or doors and generally designed and constructed to provide protection against weather.

18.7 B

Backer Panel
A background behind the graphics of a sign that is made from a solid opaque material on which the graphics may be attached and intended to hide a wireway or minimize the number of potential penetrations into the surface that the sign is being mounted onto.

Backyard Small Animal Keeping
The long-term keeping of backyards bees, fowl, rabbits, and other similar small creatures as accessory to existing residential structures.

Bar
A business including Bars, Taverns, Pubs, and similar establishments that serves beer, wine, or liquor for consumption on-premises as the predominant use, and where any food service is subordinate to the sale of alcoholic beverages.

Base Flood (Floodplain Development)
A flood having a one percent chance of being equaled or exceeded in any given year based on current conditions hydrology.

Base Flood Elevation (BFE) (Floodplain Development)
A determination of the water surface elevations of the base flood based on current conditions hydrology or future conditions hydrology as published in the Flood Insurance Study. When the BFE has not been provided in a "Special Flood Hazard Area", it may be obtained from engineering studies available from a Federal or State other source using FEMA approved engineering methodologies. This elevation, when combined with two additional vertical feet, establishes the regulatory flood protection elevation in flood hazard areas.

Basement (Floodplain Development)
An area of a building having its floor subgrade (below ground level) on all sides.

Bed and Breakfast
A private home containing not more than eight guest rooms that offers rooming and meal accommodations to guests for a fee.

Bedroom
A room designated for sleeping, also known as a sleeping room.

Berm
An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.

Bicycle Rack
A facility for short-term or long-term bicycle parking.

Bicycle Rack, Grid
A type of bicycle rack in which the grid consists of vertical bars that connect larger upper and lower metal tubing that accept bicycles on one or both sides of the rack. Grid style racks can be left freestanding or anchored to the ground with permanent or temporary anchors. This rack does not allow both the wheel and frame of the bicycle to be locked, allowing for potential theft of the bicycle.

Block
An area of land generally bounded by streets or rights-of-way and occupied by or intended for buildings.

Board of Adjustment
The Board of the Adjustment of the Town of Wake Forest, North Carolina.

Board of Commissioners
The Board of Commissioners of the Town of Wake Forest, North Carolina.

Bona Fide Farm Purposes
Includes the production and activities relating or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry; horse rearing, feeding, training, caring, boarding and management; and all other forms of agriculture as defined in NCGS §106-581.1 and all other purposes described in NCGS §160D-903.

Borrow
Fill material that is required for on-site construction and is obtained from other locations.

Brewery
An establishment primarily engaged in the brewing of ale, beer, malt liquors, and/or nonalcoholic beer that are permitted to do so in accordance with the Alcoholic Beverage Control Commission. Breweries have a capacity of 15,000 barrels or more per year. The definition includes a public tasting room, and retail sales of ale, beer, or related products brewed or manufactured on site.

Brick
Building blocks made of kiln-fired material, usually clay or ground shale, that are joined together with mortar to form walls and other structures. This definition includes thin brick and brick veneer. Stamped concrete and form-lined materials are not considered brick when used on principal structures but may be considered brick when used on accessory structures if shaped and colored to appear identical to conventional brick and mortar.

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.

Buffer, Perimeter
A buffer primarily on the perimeter of the property.

Buffer, Street
A buffer along the border of where land use meets a right-of-way, intended primarily to screen land uses and the street from each other.

Buffer Zone
The strip of land adjacent to a lake, river, creek, stream.

Building
A structure built for support, shelter or enclosure for any occupancy or storage.

Building Code
The currently effective North Carolina State Building Code.

Building Coverage
A percentage figure referring to that portion of a lot covered with principal and accessory buildings as measured by dividing the total area of building and structure footprints by the area of the lot.

Building Elevation
The perimeter surface of a building set approximately parallel to a lot line.

Building Floor Area
The gross floor area of an individual structure built for support, shelter, or enclosure for any occupancy or storage.

Building Frontage
The horizontal linear dimension located along a front or street side property line.

Building Height
The vertical dimension from the lowest point of the building, structure, or wall exposed above the ground surface to the highest point of the roof, parapet wall, or uppermost part. Chimneys, vents, or utility service structures are not included in the measurement of vertical dimensions.

Built-Upon-Area (BUA)
See Impervious Surface definition.

Bulk
The size and mutual relationships of a building or structure and its location taking into consideration the size and height of the building; the location of exterior walls at all levels in relation to lot lines, streets, or other buildings; the gross floor area of the building in relation to the lot area; and the open space allocated to the building.

18.8 C

Canopy, Attached
A permanent structure of rigid construction with a covering that is partially supported by the building and one or more posts or is fully supported by the building.

Canopy, Freestanding
A permanent, non-enclosed structure of rigid construction with a covering that is self-supporting on open on three sides or more.

Canopy Tree
A large-growing, shade-producing tree with an expected mature height of 40 feet or greater and an expected mature crown spread of 30 feet or greater.

Capital Costs
For purposes of Section 11.6, off-site improvement costs spent for capacity-adding improvements to community service facilities, as provided by state law, and consistent with the community service facility fee reports.

Capital Improvement Plan
The Town of Wake Forest's adopted capital improvement plan and updates to the plan.

Car Wash
The use of a site for automated or manual washing and cleaning of passenger vehicles. A car wash may include vacuum stations, self-service cleaning stations, and automated services.

Cementitious Fiber Board
A composite building material made from a mixture of cement, cellulose or wood fibers, sand, and water.

Cemetery
An area used for the internment of human or pet remains, including structures such as gravestones, markers, foot stones, columbariums, mausoleums, crypts, fences, and walls.

Certificate of Appropriateness (COA)
A permit required to ensure that all exterior work involving locally designated historic districts and locally designated landmarks is consistent with the Wake Forest Historic

Property Handbook and Design Standards and meets the Secretary of the Interior's Standards for Rehabilitation. Exterior features include architectural style, general design, size, scale of the building, type and style of windows, doors, light fixtures, signs, and other appurtenant landscape and site features that contribute to the special character of the property or district. Types of COAs include: Minor Work, Major Work, and Major Work: Demolition, New Construction, and New Addition. Minor Work COAs are reviewed administratively, and all Major Work COAs are either approved or denied by the Historic Preservation Commission.

Certificate of Completion for Soil Erosion and Sedimentation Control

A certificate issued by the Town Engineering Department indicating that the permittee has achieved acceptable stabilization in accordance with the approved plan and has completed all work necessary on the site related to soil erosion. All land-disturbance shown on the approved plan is stabilized with permanent ground cover, permanent armor, or impervious surface. All proposed roads, utilities, permanent erosion control devices, and other infrastructure are installed as per approved plans. All temporary sediment control devices required by the approved plan are removed.

Certificate of Compliance for Preliminary Soil Erosion and Sedimentation Control

A certificate issued by the Town Engineering Department indicating that the erosion control devices shown on the approved plan have been constructed correctly and are operating correctly.

Certified Arborist

An individual who has successfully completed the International Society of Arboriculture (ISA) exam process.

Change of Use

Any alteration in the use of a lot or structure which changes the primary use of such lot or property from one use type listed in Table 3-1 to another use type, or, for the purposes of the transitional provisions in Section 1.8, from one use category listed in Table 3-1 to another use category.

Channel Letter

A three-dimensional graphic sign element with an individual structure. If internally illuminated, each graphic structure is separately illuminated.

Chemical Dependency Treatment Facility

A facility providing 24-hour-a-day treatment for chemical dependency and/or substance use disorders. This treatment may include detoxification, administration of a therapeutic regimen for the treatment of individuals with chemical dependence or substance use disorders, and related services.

Chemical Storage Facility (Floodplain Development)

A building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

Child/Adult Day Care Center

An individual, agency, or organization providing supervision or care on a regular basis for children or adults who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adults; and who are not residents in the center; designed and approved to accommodate more than eight children or adults at a time based on State regulations; not an accessory to residential use.

Child/Adult Day Care Home

Supervision or care provided on a regular basis as an Accessory Use within a principal residential dwelling unit, by a resident of the dwelling, for, as regulated by NCGS 110-86(2) and 110-91(7)(b):

> A maximum of eight children, with no more than five children who are from birth to five years of age, plus three school-age children,
> A maximum of three children from birth to 24 months of age, plus three children from two to five years of age and three school-age children up to 13 years of age, for a total of nine children,
> A maximum of ten children if all children are older than 24 months of age.

The children or adults cared for do not live in the home or reside there overnight.

Civic Meeting Facility

A not-for-profit membership organization such as alumni associations, booster clubs, scouting organizations, ethnic associations, social clubs, fraternal lodges, and veterans' membership organizations primarily engaged in promoting the civic and social interests of their members. This use often includes meeting and storage facilities for the organization’s activities.

Cluster Mailbox Unit
A freestanding, pedestal-mounted mailbox that consists of multiple mailbox compartments and parcel lockers that can lock individually.

Code of Ordinances
The Code of Ordinances of the Town of Wake Forest, North Carolina.

College/University
An institution for post-secondary education, public or private, offering courses in general or religious education and not operated for profit. It operates in buildings owned or leased by the institution for administrative and faculty offices, classrooms, laboratories, chapels, auditoriums, lecture halls, libraries, student and faculty centers, performing arts facilities, athletic facilities, health centers, dormitories, fraternities, sororities, and other on-campus housing, as well as associated maintenance facilities. It does not include vocational schools, online/remote programs, or colleges/universities operated for profit.

Column
A vertical structural member.

Commercial Kitchen
A facility containing a kitchen or kitchens in which food is prepared for off-site consumption, including catering services. This type of facility is also called a Ghost Kitchen.

Common Development
A multi-phased and/or multi-building development under common ownership or governed by a property or homeowners association.

Common Entrance Building
A building leased or owned by multiple entities that share building entrances and allow for access to tenant spaces from the interior.

Community Land Trust
A non-profit, community organization that acquires, owns, and manages land permanently for the purpose of providing affordable housing units. The land is typically owned by the organization and leased to owners of the dwellings, with owners meeting income eligibility requirements to insure units are sold only to income-qualifying households.

Community Service Facilties
The following public facilities or improvements provided or established by the Town or in conjunction with other agencies or units of government:

- Multimodal transportation facilities;
- Parks and recreation facilities; and
- Fire protection facilities.

Community Service Facility Fees
The charge imposed on impact-generating land development activity in proportion to the impact placed on the Town's respective community service facilities and service district, pursuant to this Chapter and state law.

Community Support Facility
A permanent, stand-alone support facility providing personal assistance to individuals in need. Primary services include temporary shelter and food services provisions. Incidental services include instruction, medical services, and other support services. This definition does not include emergency/hazard shelters or clothing/food collection centers as accessory uses.

Community/Recreation Center (Accessory Use)
A structure or other facility used for recreational programs within parks.

Community Space
An accessible, publicly or semi-publicly owned or designated area within a community or development that is designed and intended to foster social interaction, recreation, and community engagement. It may include but is not limited to parks, plazas, green spaces, community gardens, playgrounds, and other similar facilities.

Comprehensive Plan
The plans adopted and as amended by the Board of Commissioners that set forth goals, policies, and guidelines intended to direct the present and future physical, social, and economic development that occurs within the Town's limits and the ETJ for the public and private development of land and water, including but not limited to the Community Plan, Comprehensive Transportation Plan, small area plans, and Parks, Recreation and Cultural Resources Master Plan.

Comprehensive Plan Amendment
A change or revision to the Comprehensive Plan.

Complementary
Building materials, colors, design elements, or other architectural characteristics that are not the same as but instead enhances or emphasizes the qualities of another building material, color, design element, or other architectural characteristic on the building or utilized within a common development.

Completion of Construction or Development
No further land-disturbing activity is required on a phase of a project except that which is necessary for establishing a permanent ground cover.

Concept Plan
A plan that depicts the general configuration and relationship of the principal elements of the proposed development such as uses, intensity, access and circulation, and open space.

Concrete
A mixture of cement, water, and aggregates that can be pre-cast or poured on site.

Concrete, Finished
See Finished Concrete

Concrete, Unfinished
See Unfinished Concrete.

Concrete/Cement Manufacturing
An operation that produces concrete, cement or other concrete products including facilities for the administration and management of the business, the indoor stockpiling of bulk materials used in the production process or a finished product manufactured on the premise, and the indoor storage of the materials and equipment required to manufacture concrete. It may also include the manufacturing and indoor storage of concrete products and supplies and maintenance of required equipment. It does not include the retail sale of finished concrete.

Conditional District
The resulting zoning district of a conditional zoning process, containing site-specific conditions.

Conditional Zoning
A legislative zoning map amendment with site-specific conditions incorporated into the zoning map amendment.

Conservation Design
A form of development that includes enhanced conservation area standards, modified dimensional standards, and a special review process. See Section 4.4.

Conservation Easement
An easement granting a right or interest in real property that is appropriate to retaining land or water areas predominantly in their natural, scenic, open, or wooded condition.

Construction Plan
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.

Consistent
Building materials, colors, design elements, or other architectural characteristics that are substantially the same as another building material, color, design element, or other architectural characteristic on the building or utilized within a common development.

Contiguous
In contact, adjoining, or touching another object or item, as distinguished from being adjacent.

Contractor Service
A space used by a building, heating, plumbing, electrical, or other development contractor, as well as locksmiths and pest management providers, both as an office and for the storage of a limited quantity of materials, supplies, and equipment inside the building. Services are often provided to customers at other locations. This does not include fleet storage and outdoor storage, which are separately defined as accessory uses.

Contractor Trailer
A modular or portable office or storage structure for use by a contractor during construction activity.

Cornice
A horizontal member, structural or nonstructural, of a building, projecting outward from the exterior walls at the meeting of the roof and wall.

Correctional Institution
A government facility generally designed for the confinement, correction, and rehabilitation of offenders sentenced by a court. It does not include temporary holding facilities at a police station.

Cottage Court
A cohesive, residential development consisting of four to 12 small-scale, detached dwelling units located on a single lot or individual lots providing enhanced pedestrian facilities and a shared driveway and parking area, with dwellings arranged in close proximity around common space visible from the street. Dwelling units may be in duplexes if the development project makes use of certain housing affordability incentives.

Courtyard
An improved, open area partly or wholly enclosed by buildings or walls.

Co-Working
A neutral, non-exclusive, limited shared space defined in a membership-based service arrangement or agreement or subscription wherein a firm has no tenancy interest, leasehold estate, or other real property interest with respect to the accommodation on an as-needed basis. The agreement gives the firm a right to share the use of the space and may include an exclusive mailing address and office services. An executive suite/exclusive desk/dedicated desk/secured suite/private office under a co-working space agreement falls under this definition.

Crematorium
A facility containing properly installed, certified apparatus intended for use in the act of cremation.

Critical Root Zone
The circular area of ground surrounding a tree extending from the center of tree to the greatest of six feet, one- and one-half feet per inch DBH of the tree, or the dripline (furthest extent of tree canopy).

Cross Access
A drive providing vehicular access between two or more contiguous sites so the driver does not have to enter the public street system.

Cultural/Community Facility
A building used for the programming, production, presentation, or exhibition of any of the arts and cultural disciplines. This use often includes auditorium, gallery, office, and meeting facilities as well as museums and libraries.

- A public facility is owned and operated by not-for-profit, governmental, or other non-taxing bodies.
- A private facility is owned and operated for-profit by a private person or business.

18.9 D

Data Center
A facility where digital information is processed, transferred, and/or stored and where the majority of space is occupied by computers, servers, telecommunications, and related equipment. Supporting equipment may include back-up batteries and power generators, cooling units, fire suppression systems, and enhanced security features.

Dead-end Street
A roadway that has only one outlet for vehicular traffic, terminates in a vehicular turn-around, and is not intended to be extended or continued in the future.

Dedication
The offer of real property by its owner(s) for a public purpose and its acceptance by a government entity having jurisdiction over the public function for which it will be used. Dedications may be made for streets, recreation areas, parks, greenways, utility easements, etc.

Demolition by Neglect
A condition in which a property owner neglects to maintain or repair a historic property, resulting in its progressive deterioration and loss of structural integrity, thereby creating an imminent risk of structural failure or requiring eventual demolition.

Density
The number of dwelling units per acre determined by dividing the total number of dwelling units located on a development site by the gross area. Accessory Dwelling Units are not included in density calculations.

Determination
A written, final and binding order or requirement regarding an administrative decision.

Developer
A person, including a governmental agency or redevelopment authority, who undertakes any development and who is the landowner of the property to be developed or who has been authorized by the landowner to undertake development on that property.

Development
Any of the following:

- The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure,
- The excavation, grading, filling, clearing, or alteration of land, including any land-disturbing activity,
- The subdivision of land as defined in NCGS §160D-802, or
- The initiation or substantial change in the use of land or the intensity of use of land.

The term "development" may also refer to a specific development project to establish one or more uses on a development site or to the development site where such a project was completed and the use or uses established.

Development (Floodplain Development)
A man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

Development Activity
Any action meeting the definition of "Development".

Development Agreement
A written agreement between the Town and a developer or applicant that sets down the rights and responsibilities of each party as pertaining to a single development.

Development Approval
A written, administrative, or quasi-judicial approval that is required prior to commencing development or undertaking a specific activity, project, or development proposal. Development approvals include, but are not limited to, administrative permits, site plan approvals, construction plan approvals, special use permits, and certificates of appropriateness. The term also includes all other regulatory approvals required by regulations adopted pursuant to this UDO, including plat approvals and permits issued.

Development, Infill
See "Infill Development".

Development Regulation
A regulation contained or incorporated by reference within this UDO or any other regulation adopted pursuant to NCGS.

Development Site
A legally established lot or parcel of land, or a group of lots/parcels developed together, which is occupied or capable of being occupied by a building or group of buildings including accessory structure(s) and accessory use(s), together with such yards or open spaces, and setback areas as are required by this UDO. This term may also refer to any site where development activity is proposed or occurring.

Diameter at Breast Height (DBH)
A standard measure of a tree trunk size, measured four and one-half feet (breast height) above ground level or the total diameter of all stems of a multi-truck tree measured at four and one-half feet above grade. If a tree splits into multiple trunks below four and one-half feet, then the trunk is measured at its most narrow point beneath the split.

Discharge Point
That point at which stormwater runoff leaves a tract of land in a concentrated flow pattern.

Display Period
The specific time during which a temporary sign may be exhibited.

Disposal (Floodplain Development)
As defined in NCGS §130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

Distillery
An establishment primarily engaged in the manufacturing of fortified spirits that is permitted to do so in accordance with the Alcoholic Beverage Control Commission. Distilleries have a capacity of more than 25,000 gallons per year. The definition includes a public tasting room and

retail sales of spirits or related products manufactured on site.

Ditch or Canal
A man-made channel other than a modified natural stream constructed for drainage purposes that is typically dug through inner-stream divide areas. A ditch or canal may have flows that are perennial, intermittent, or ephemeral.

Donation Drop Box
A receptacle, located on a lot with a principal, nonresidential use, used for the purpose of collecting items, such as clothing, donated by the public.

Dormer
A window vertical in a roof or the roofed structure containing such a window. A dormer is considered an alteration to a building, as it stays within the roof line and does not increase the floor area dimensions.

Dormitory
A building used as group living quarters for a student body or religious order for a college, university, boarding school, convent, monastery or other similar public, semi-public use.

Drainageway
A natural or artificial stream or depression that conveys surface water.

Drip Line
A vertical line extending from the outer edge of a tree canopy to the ground.

Drive Aisle
A vehicle passageway or maneuvering space by which vehicles enter and depart parking stalls.

Driveway
A private driving surface providing access for vehicles to a parking space, garage, dwelling, or other structure.

Drive-Through/Drive-In Facility
An accessory facility where goods or services may be obtained by motorists without leaving their vehicles. These facilities include drive-through bank teller windows, dry cleaners, fast-food restaurants, drive-through coffee, photo stores, pharmacies, Automated Teller Machines (ATMs), etc. It does not include: Vehicle Fueling Stations or other Vehicle Services, which are separately defined.

Drone Delivery Operations Facility
A facility where licensed unmanned aircraft systems are operated for delivery purposes.

Dwelling
A building or part of a building containing at least one dwelling unit.

Dwelling, Cottage Court
A dwelling within a Cottage Court.

Dwelling, Duplex
A single detached dwelling on a lot that contains exactly two dwelling units, with each unit having a separate entrance from the outside or through a common vestibule.

Dwelling, Multifamily
A dwelling, or group of dwellings, including a portion thereof, that does not meet another use definition in this UDO and that contains five or more dwelling units, with the exception of Multifamily located above a ground floor non-residential use, which may contain two or fewer units if the units are located on a single lot and if each unit has a separate entrance from the outside or through a common vestibule. The dwelling units in a multifamily dwelling may be located side by side in a horizontal configuration or stacked one above the other in a vertical configuration, sharing common vertical walls or horizontal floors and ceilings. Multifamily dwellings also include carriage-style buildings with Multifamily dwelling units over garages. Multifamily dwellings do not include buildings where dwelling units are available for lease or rent for less than one month or any other dwelling types defined by this UDO.

Dwelling, Single-Family Detached
A single detached dwelling on a lot, other than a Manufactured Home, that contains a single dwelling unit (excluding any Dwelling-Accessory). This also includes factory-built, modular housing units that comply with the NC State Building Code.

Dwelling, Townhome
A residential building containing two or more dwelling units, each on a separate lot.

Dwelling, Triplex/Quadplex
A single detached dwelling on a lot that contains exactly three or four dwelling units.

Dwelling, Two-Over-Two
A residential building in which dwelling units are arranged in vertical stacks of two units, with each vertical stack separated from other stacks by a fire-rated vertical common party wall running from the foundation to the roof of the building.

Dwelling Unit
A building or portion of a building containing permanent living accommodations for one household, including exclusive facilities for sleeping, cooking, eating, and sanitation.

18.10 E

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 cannot erect any permanent structures except when authorized by the Town or easement holder.

Eave
The projecting lower edges of a roof overhanging the wall of a building.

EIFS
See "Exterior Insulation and Finish System".

Electronic Display
A fixed or changing display or message as part of an electronic message board composed of a series of lights that may be changed through electronic means.

Electric Vehicle (EV) Capable Space
A vehicle parking space served by infrastructure that can accommodate future EV chargers. It is connected by a continuous electrical conduit or raceway to an electrical panel or panel room with sufficient space to accommodate future charging and wiring.

Electric Vehicle Charging Facility or Space
A parking space designed and constructed with Electric Vehicle Supply Equipment (EVSE) that supplies electric energy for the recharging of electric vehicles with at least a Level 2 charger.

Elevated Building (Floodplain Development)
A non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

Electronic Message Board
A sign designed to accommodate frequent message changes composed of characters, letters, or illustrations and that can be changed or rearranged electronically, without altering the face or surface of such sign.

Elevation
Height or distance above sea level.

Emergency Declaration Related
A modular or portable structure for use by governmental and not-for-profit organizations during local, state, or federal emergencies.

Enclosed
Surrounded on all sides at any time by solid walls, screens, fences, windows or similar structures.

Encroachment (Floodplain Development)
The advance or infringement of uses, fill, excavation, buildings, permanent structures, or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Entertainment Facility
A place in which members of the public can view and/or experience an amusement for a fee or charge including but not limited to movie theaters and performing arts venues. This use does not include Adult Establishment.

- Public facilities are owned and operated by not-for-profit, governmental, or other non-taxing bodies.
- Private facilities are owned and operated for-profit by a private person or business.

Entry
For purposes of building design standards, any opening in a building façade designed to allow individuals to pass from the exterior of the building to the interior of the building.

Entry, Primary
See Primary Entry.

Ephemeral Stream
A feature that carries only stormwater in direct response to precipitation with water flowing only during and shortly after large precipitation events. An ephemeral stream may or may not have a well-defined channel, the aquatic bed is always above the perched or seasonal high-water table, and stormwater runoff is the primary source of water. An ephemeral stream typically lacks the biological, hydrological, and physical characteristics commonly associated with continuous or intermittent conveyance of water. (15A NCAC 02B.0610(14)).

Erosion
The wearing away of land surface by the action of the wind, water, gravity, or any combination thereof.

ETJ
See "Extraterritorial Jurisdiction".

Evergreen
A plant which has foliage that remains green and functional throughout the year.

Evidentiary Hearing
A hearing to gather competent, material, and substantial evidence for required findings for a quasi-judicial decision required by this UDO.

Existing Development
Those projects that are built or those projects that have established a vested right under North Carolina law as of the effective date of the state stormwater program or applicable local government UDO to which the project is subject.

Existing Lot of Record
See "Lot of Record".

Existing Manufactured Home Park or Manufactured Home Subdivision (Floodplain Development)
A Manufactured Home Park or Subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the original effective date of the floodplain management regulations adopted by the Town (May 16, 2006).

Expansion
A structural modification which increases the existing structure's envelope or footprint.

Exterior Insulation and Finish System (EIFS)
A multi-layered cladding system of foam insulation panels with an integral exterior finish that are typically adhered to wood or gypsum sheathing.

Extraterritorial Jurisdiction (ETJ)
The part of the planning jurisdiction of the Town located outside the Town's corporate boundaries, established and amended from time to time in accordance with NCGS §160D-202.

18.11 F

Façade
That portion of any exterior elevation on the building extending from grade to top of the parapet, wall, or eaves and the entire width of the building elevation.

Façade, Primary
See "Primary Façade".

Façade, Secondary
See "Secondary Façade".

Façade, Tertiary
See "Tertiary Façade".

Facility Fees
See "Community Service Facility Fees".

Facility Fees Manual
The administrative manual adopted by the Board of Commissioners to guide implementation of the Community Service Facility Fees in Section 11.6 of this UDO.

Family Care Home
A home with support and supervisory personnel that provides room and board, personal care, and habilitation services in a family environment for not more than six resident persons with disabilities, as defined in NCGS §160D-907, and is certified by the State of North Carolina.

Farmers Market
A common facility or area where the primary purpose is for growers and producers to gather to sell a variety of fresh

fruits and vegetables and other locally produced farm and food products directly to consumers.

Feepayer
A property owner commencing impact-generating land development activity who is obligated to pay a community service facility fee by the terms of Section 11.6, or the owner's authorized agent.

Fence, Deer
A fence intended to prevent deer from entering an area that is constructed of dark, heavy-weight open mesh plastic material ranging from one- and one-half inches by one- and one-half inches and two inches by two- and one-half inches that allows a clear view through the fence. Posts may be constructed of wood, metal, or fiberglass.

Fencing, Construction
A fence placed along the perimeter of a construction site.

Fence or Wall
A freestanding, human-made, vertical barrier erected for protection, confinement, separation, or screening.

Financial Services
An establishment that engages in financial transactions that create, liquidate, or change ownership of financial assets. Banks, credit unions, and savings institutions may perform central banking functions, accept deposits, and lend funds from these deposits. In addition to banks and credit unions, financial services institutions may include: credit agencies, trust companies, holding companies, savings and loan institutions, check cashing services, accounting services, bookkeeping services, payroll services, securities/commodity contract brokers and dealers, security and commodity exchanges, vehicle finance (equity) leasing agencies, and investment companies.

Finished Grade
The grade after construction, exclusive of any filling, berming, mounting, or excavating.

Finished Concrete
For purposes of building design standards, wall panels, architectural pre-cast concrete, and smooth faced concrete block. This definition does not include common cinder block or concrete block.

Finished Wood
For purposes of building design standards, natural wood that is finished with a stain, seal, paint, or similar treatment to enhance durability.

Fire Code
The currently effective North Carolina Fire Code.

Fire Protection Facilities
Off-site land, buildings, stations, and substations included in the Town's fire capital improvement plan, including all capital costs, as provided by state law. Fire protection facilities do not include site-related improvements.

Fire Protection Facility Fee
The charge imposed on impact-generating land development activity in proportion to the impact placed on the Town's fire protection facilities, pursuant to Section 11.6 and state law.

Flag
A piece of cloth or similar material, typically oblong or square, attachable by one edge to a pole or rope.

Flagpole
A freestanding structure or a structure attached to a building or to the roof of a building on a parcel of record and used for the sole purpose of displaying flags.

Fleet Vehicle Storage/Maintenance
An indoor or outdoor area for the storage of motor vehicles owned or leased by a business, government agency, or other organization rather than by an individual(s) and an accompanying indoor area for vehicle service work. Maintenance may include fueling of fleet vehicles but does not include sale of vehicle fuels.

Flood/Flooding (Floodplain Development)
A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; and/or the unusual and rapid accumulation of runoff of surface waters from any source.

Flood Hazard Soils
Those types of soils in the relatively flat areas associated with natural watercourses which are subject to periodic flooding. The types of soils and their corresponding abbreviations are as follows:

Flood Hazard Soil Identification	Abbreviation
Altavista fine sandy loam, 0 to 4% slopes	Afa

Flood Hazard Soil Identification	Abbreviation
Augusta fine sandy loam, 0 to 4% slopes	Au
Buncombe, 0 to 2% slopes	Bu
Chewacla, 0 to 2% slopes	Cm
Colfax fine sand loam, 0 to 6% slopes	Cn
Congaree fine sandy loam, 0 to 2% slopes	Co
Congaree silt loam, 0 to 2% slopes	Cp
Lynchburg sandy loam, 0 to 4% slopes	Ly
Manatachie soils, 0 to 4% slopes	Me
Plummer sands, 0 to 4% slopes	Ps
Rains fine sandy loam, 0 to 2% slopes	Ra
Roanoke fine sandy loam, 0 to 2% slopes	Ro
Swamp	Sw
Wahee fine sandy loam, 0 to 2% slopes	Wh
Wehadkee silt loam, 0 to 2% slopes	Wn
Wehandkee and Bibb soils, 0 to 2% slopes	Wo
Worsham sandy loam, 0 to 4% slopes	Wy

Flood Insurance (Floodplain Development)
The insurance coverage provided under the National Flood Insurance Program.

Flood Insurance Rate Map (FIRM) (Floodplain Development)
An official map of a community, issued by the Federal Emergency Management Agency, on which the Special Flood Hazard Areas, the Future Conditions Flood Hazard Areas, and the risk premium zones applicable to the community are delineated.

Flood Insurance Study (FIS) (Floodplain Development)
An examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

Floodplain/Flood-Prone Area (Floodplain Development)
A land area susceptible to being inundated by water from any source. The maximum area, adjoining a river, stream, watercourse, or lake, which is likely to be flooded, by the base flood or the future conditions flood. The floodplain, flood-prone and/or flood-hazard areas includes "floodway" areas, "floodway fringe" areas and future conditions flood hazard areas. These areas are illustrated on flood hazard boundary maps, flood hazard soils plus additional distances, recorded flood storage areas required by this UDO and drainage basin study maps.

Floodplain Management (Floodplain Development)
The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

Floodproofing (Floodplain Development)
A combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents. Any combination of structural and nonstructural features, additions, changes or adjustments to properties and structures in accordance with or comparable to guidelines set forth in "Floodproofing Regulations" June 1972 edition, published by the Office of the Chief Engineers U.S. Army, Washington, D.C. for an essentially dry floodproof class (W2).

Floodway (Floodplain Development)
The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floor Area
See "Building Floor Area."

Food Truck
A readily movable wheeled structure, motorized vehicle, towed vehicle, trailer, or cart that is equipped and operated for the purpose of vending food and/or drink.

Food Truck, Accessory
A food truck that is accessory to the principal use of a lot, such as a brewery, longer than a temporary basis. A food truck shall be considered accessory if located on a site more than one time per week.

Food Truck Court
A permanent site improved and used primarily for operation of multiple food trucks simultaneously.

Food Truck, Temporary
A food truck that is temporarily located within parking lots or other approved areas in the community.

Forecourt
A courtyard before the entrance to a building or a group of buildings.

Freeway
A divided street or road which serves through traffic with full control of access and with grade separations at intersections.

Frontage Built Out/Build-to Zone
The percent of the lot frontage that needs to be occupied with building(s), as established in zoning district dimensional standards.

Front Façade
The front vertical face of a building that is substantially in one plane, has associated with it a primary entrance, and is composed from the following architectural components: exterior walls; columns or other vertical structural elements; windows; doors; roof edges; permanently roofed recesses; and arcades, balconies, or porches with permanent roofs supported by vertical structural supports.

Front Lot Line
The boundary of a lot that typically faces the street. For unconventional designs, like end unit townhomes, the front lot line is the boundary where the primary entrance is oriented, even if it does not directly face the street.

Full Cutoff Lighting Fixture
A lighting fixture that has no direct up-light and does not emit any light above the horizontal plane.

Funeral Home
An establishment for preparing the dead for burial or internment and conducting funerals (i.e. providing facilities for wakes, arranging transportation for the dead, indoor stonecutting, and selling caskets and related merchandise). Funeral Homes may include accessory Crematoriums.

Future Conditions Flood (Floodplain Development)
A flood having a one percent chance of being equaled or exceeded in any given year based on future conditions hydrology.

Future Conditions Flood Elevation (Floodplain Development)
A determination of the water surface elevations of the one percent annual chance flood based on future conditions hydrology as published in the Flood Insurance Study. This elevation, when combined with the freeboard, establishes the "Regulatory Flood Protection Elevation" in Future Conditions Flood Hazard Areas.

Future Conditions Flood Hazard Area (Floodplain Development)
The land area that would be inundated by the one percent annual chance flood based on future conditions hydrology.

18.12 G

Gable
The triangular portion of a wall formed by two intersecting roof planes or enclosing the end of a pitched roof from cornice or eaves to ridge.

Garage
A building or structure, or part thereof, used or designed to be used for the parking and storage of vehicles.

Garage/Estate Sale
The temporary sale of personal property from a residential dwelling.

Garden
A principal use of a lot for the small-scale production of vegetables and flowering plants for personal or small commercial use. This definition includes community and private gardens. This definition does not include Nursery & Garden Center.

Garden, Accessory
An exterior area for the small-scale production of vegetables and flowering plants for personal or small commercial use. This definition includes community and private gardens. This definition does not include Nursery & Garden Center.

Garden Features
A non-plant item used for landscape area ornamentation and decoration such as a bird bath, birdfeeder, or garden gnome.

General Commercial
A place of business that is not included in any other use definition in this UDO that provides the sale and display of goods or sale of services directly to the consumer, with goods, including prepared foods, available for immediate purchase and removal from the premises by the purchaser.

Glare
Light entering the eye directly from a light source, resulting in visual discomfort and/or reduced visibility.

Glazing
The glass component of a building's façade.

Greenway
A linear natural preserve available for free and unstructured recreation to the general public, including related structures such as but not limited to boardwalks, steps, rails, and signage.

Green Infrastructure
A range of practices and systems that use natural and engineered elements, such as plants, permeable surfaces, and rainwater harvesting to manage stormwater, reduce pollution, and enhance environmental and community resilience.

Ground Cover
Natural vegetative growth or other material that renders the soil surface stable against accelerated erosion.

Ground Floor
The first floor of a building other than a cellar or basement.

18.13 H

Halfway Home
A place where persons are aided in readjusting to society following a period of imprisonment, hospitalization or institutionalized treatment related to a criminal offense.

Heavily Wooded Lot
A premise being densely wooded with trees, shrubs, and overgrowth where equipment cannot maneuver because of the density of the vegetation.

Heavy Commercial Sales
An establishment which may have showrooms or open lots for selling, renting, or leasing heavy equipment such as but not limited to appliances, tile/flooring/countertops, swimming pools, play equipment, buses, trucks, manufactured homes, construction equipment, or boats or marine craft.

High Impervious Surface Project
A project that has more than 24 percent built-upon area (BUA) for all residential and non-residential development in the Falls Creek, Richland Creek, and Neuse River Watersheds, and 6 percent to 30 percent BUA for all residential and non-residential development in the Smith Creek Watershed. See Section 12.8.3 for the Low Impervious Surface limits for areas located in protected watershed such as Falls Creek, Richland Creek, and Smith Creek.

High-Quality Waters (HQW)
Those classified as such in 15A NCAC 2B.0101(e)(5) - General Procedures.

Historic Preservation Commission
The Historic Preservation Commission of the Town of Wake Forest, North Carolina.

Historic Structure (Floodplain Development)
A structure that is:

- Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register,
- Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district,
- Individually listed on a local inventory of historic landmarks in communities with a “Certified Local Government (CLG) Program”, or
- Certified as contributing to the historical significance of a historic district designated by a community with a “Certified Local Government (CLG) Program.

Home-Based Business
The use of a dwelling unit by a resident of the unit to manufacture, provide, or sell goods and/or services, that is an accessory use to the residential use and that is characterized by the following:

- Is limited to the sale of lawful goods and services,
- Does not generate on-street parking or a substantial increase in traffic through the residential area,
- Occurs inside or in the yard of the residential dwelling,
- Is not visible from the street, and
- Does not include storage of merchandise, equipment, products, supplies, or materials outside of the premises.

Hospital
A health care facility and related facilities that provide care, treatment, testing for physical, emotional, or mental injury, illness, or disability, and overnight boarding of patients, either on a for-profit or not-for-profit basis; but not including chemical dependency treatment facilities or residential care facilities. A hospital may include ancillary facilities such as clinical laboratories, outpatient facilities, training facilities, central services facilities, and staff offices.

Hotel
An establishment providing short-term lodging for paying guests. Hotels may offer food services, convention hosting services, laundry services, and/or entertainment and recreation activities. This definition does not include bed and breakfast establishments or short-term rentals.

18.14 I

Illicit Connection
An illegal and/or unauthorized connection to the Town separate stormwater system whether or not such connections result in discharges into that system.

Illicit Discharge
An illegal and/or unauthorized direct or indirect non stormwater discharge to the Town separate storm sewer system.

Illumination, Backlit
Illumination of a sign that is affected by an artificial source of light not contained within the sign itself and located between the sign copy and the sign base or building or structure to which the sign is attached.

Illumination, External
Illumination of a sign that is affected by an artificial source of light not contained within the sign itself and located in a manner that directs the illumination at the sign.

Illumination, Internal
Illumination of a sign that is affected by an artificial source of light contained within the sign itself.

Impact Unit
The increment of development on which facility fees are calculated, including but not limited to dwelling units, square footage, acreage, rooms, beds, service bays/positions, or occupants.

Impact-Generating Land Development Activity
Any development that requires a building permit, including permits approving the installation of a manufactured home or factory-built or modular housing, on or after the effective date of this UDO, which activity increases the number of impact units for a community service facility.

Impervious Surface
Impervious surface area, sometimes referred to as built-upon area (BUA), includes any material which reduces and/or prevents absorption of stormwater as specified in NCGS §143-214.7(b2). The effective impervious coverage for all other surfaces are as follows:
Porous surfaces that permit direct infiltration of unconcentrated stormwater into ground areas which are prepared in accordance with plans approved by the Town, so that the first one-half inch of stormwater infiltrates into the bare ground are ten percent through 70 percent impervious, depending on:

- Compaction,
- Condition of subgrade,
- Extent of land disturbance,
- Extent of porous openings,
- Protection from siltation and clogging,
- Slope of the ground area, and
- Volume of stormwater stored.

All other necessary determinations about impervious surfaces will be based on hydrological tests based on existing subgrade soils, slope, rainfall intensity, and rainfall duration.

Indoor Agriculture
The production of crops completely indoors through methods including but not limited to horticulture, hydroponics, and pisciculture.

Industry, Heavy
An establishment engaged in fabrication, assembly, or processing, primarily from raw, extracted, or unfinished materials; or an establishment involving storage or use of hazardous materials or substances, beyond limited quantities typical of household or commercial/office building use for cleaning, maintenance, etc., or that requires a National Pollutant Discharge Elimination System (NPDES) permit for an industrial or stormwater discharge. This definition includes animal and animal product processing; chemical, plastic, and similar substance manufacturing; refining and production of petroleum, charcoal, or coal; refining and casting of metals; and similar activities. Establishments may include complex operations that may be continuous, operating 24 hours per day, seven days per week. Use types in the Industrial & Automotive category that would fall within this definition but are listed separately in Table 3-1, such as Concrete/Cement Manufacturing, are not included in this definition. Establishments engaged in small-scale production or processing that is ancillary to on-site retail sales, such as butcher shops or Artisan Production, are not included in this definition.

Industry, Light
A non-residential use that involves the manufacturing, assembling, finishing, cleaning, or developing any product or commodity, and that does not meet the definition of Industry, Heavy. Facilities are typically designed to look and generate impacts like a typical office building, but rely on special power, water, or waste disposal systems for operation. Noise, odor, dust, and glare of each operation are completely confined within an enclosed building, insofar as practical. This includes medical and testing laboratories, facilities for scientific research, and the design, development, and testing of electrical, electronic, magnetic, optical, computer and telecommunications components in advance of product manufacturing, and the assembly of related products from parts produced off-site, where the manufacturing activity is secondary to the research and development activities. Also included are laundry/dry-cleaning plants as principal uses engaged primarily in high volume laundry and garment services, including: carpet and upholstery cleaners; diaper services; dry-cleaning and garment pressing; and commercial laundries.

Infill Development
Development that meets the following three criteria: 1) the total area of the development site is less than five acres; 2) at least 80 percent of the lots on the same side of the street that are within 600 linear feet of the development site are built out and; 3) either an existing water main runs along the development site frontage or the development site lot or lots were platted more than 20 years prior to the adoption of this UDO and were not subsequently developed.

Infrastructure Project
Proposed modification of any of the underlying systems of public works, such as water, sewer, stormwater, streets, or greenways, that is undertaken by a governmental agency, that does not include construction of a building or structure other than non-occupiable structures associated with the infrastructure project such as outfalls, pump stations, fire hydrants, transit shelters, street furniture, fences, bike racks, traffic signals, light poles, transformers, or similar. This term does not include infrastructure-related development ancillary to a larger development project.

Intermediate Redevelopment
See "Redevelopment, Intermediate".

Intermittent Stream
A well-defined channel that contains water for only a part of the year, typically during winter and spring when the aquatic bed is below the water table. The flow may be heavily supplemented by stormwater runoff. Intermittent streams often lack biological and physical characteristics commonly associated with the perennial conveyances of water. 15A NCAC 02B.0233 (2)(g).

Internal Drive
A private way for vehicular access to parking areas that is not a drive aisle.

Internet Sweepstakes Facility
A business enterprise where persons utilize computers, gaming terminals, or other electronic machines to conduct games of chance, including sweepstakes, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. This does not include any lottery or sports betting approved by the State of North Carolina.

Interpretation
A determination, made in writing, by the Administrator regarding the proper application of provisions in this UDO, vested rights, the boundaries on the Zoning Map, or a prior-approved condition of approval.

Invasive Trees
Tree species that are non-native (or alien) to the ecosystem under consideration; and whose introduction causes or is likely to cause economic or environmental harm or harm to human health.

18.15 J

RESERVED

18.16 K

RESERVED

18.17 L

Lake or Natural Watercourse
A stream, river, brook, swamp, sound, bay, creek, run, branch, canal, waterway, estuary, and any reservoir, lake, or pond, natural or impounded, in which sediment may be moved or carried in suspension, and which could be damaged by accumulation of sediment.

Land-Disturbing Activity
A use of the land by any person in residential, industrial, educational, institutional, or commercial development, highway and road construction and maintenance, that results in a change in the natural cover or topography and that may cause or contribute to sedimentation.

Landfill
Solid Waste Disposal Facility – A facility where solid waste, as defined in NCGS §130A-290(a)(35), is disposed of.

Landscape Plan
A plan illustrating the design and specifications for the preservation of existing vegetation; the placement of any live plant materials such as trees, shrubs, grasses, ground covers, etc.; and the location and design of built features such as berms, fencing, walls, etc.

Larger Common Plan of Development or Sale
An area where multiple separate and distinct construction or land-disturbing activities will occur under one plan. A plan is any announcement or piece of documentation (including but not limited to a sign, public notice or hearing, sales pitch, advertisement, loan application, drawing, permit application, zoning request, or computer design) or physical demarcation (including but not limited to boundary signs, lot stakes, or surveyor markings) indicating that construction activities may occur on a specific plot.

Legislative Decision
The adoption, amendment, or repeal of a regulation. It also includes the decision to approve, amend, or rescind a development agreement.

Letter of Map Amendment (LOMA)
A letter from FEMA that officially removes a property or building from the FEMA special flood hazard area (SFHA) that was inadvertently shown in the SFHA on the FIRM.

Letter of Map Revision (LOMR)
An official revision to the currently effective FEMA FIRM based on as-built conditions and/or more accurate data. It is issued by FEMA and may change FEMA base flood elevations; the location of the FEMA floodway lines and/or the location of the FEMA flood fringe line.

Level of Service (LOS)
Level of Service (LOS) is a measure of congestion derived from traffic volumes and roadway capacity. LOS has ratings of A, B, C, D, E, and F. Ratings of E and F indicate the roadway is congested with existing volume and capacity. Ratings of C and D indicate congestion is present, but there is no adverse effect on traffic flow.

Life Sciences/Biomanufacturing
Buildings used for research, development, and production related to biotechnology, pharmaceuticals, and other biological sciences. This includes laboratory work and the manufacture of life sciences products.

Lighting, Amber
A non-white color lighting similar to the color of high-pressure sodium lighting and with a temperature rating of less than 2,700 Kelvin.

Lighting, Landscape
Lighting used to illuminate trees, shrubs, or other plant material as well as garden features as defined herein.

Lighting, Building Façade
Lighting used to illuminate exterior surfaces of buildings for the enhancement of their nighttime appearance.

Lighting, Outdoor Recreational
Lighting used to illuminate sports fields, ball courts, playgrounds, or similar outdoor recreational facilities.

Lighting, Pedestrian Scale
Lighting used to illuminate pedestrian walkways, sidewalks, community space, and other public gathering space.

Lighting, Wall Pack
Outdoor lighting that is commonly mounted on the outside facing walls of buildings and is generally used to provide illumination to ground areas frequented by vehicles and pedestrians.

Live-Work Unit
An attached residential building type with a small commercial enterprise on the ground floor and a residential unit above or behind with a common tenant in both spaces.

Liquid Natural Gas Processing
A plant designed to separate and recover natural gas liquids and/or other non-methane gases and liquids from a stream of produced natural gas using equipment performing one or more of the following processes: Oil and condensate removal, water removal, separation of natural gas liquids, sulfur and carbon dioxide removal, fractionation of natural gas liquids, or other processes, and also the capture of CO2 separated from natural gas streams for delivery outside the facility.

Loading Area
See "Loading Bay".

Loading Bay
An off-street space on the same lot with a building or group of buildings for temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

Lot
A parcel of land having frontage on a public street or other officially approved means of access.

Lot Area
The computed area contained with the lot lines.

Lot Area, Flag
The total horizontal area within the lot lines of a lot, but not including the private driveway area of a flag lot.

Lot Coverage
A measure of intensity of land use that represents the portion of a site that is impervious (i.e., does not absorb water). This portion includes but is not limited to all areas covered by buildings, parked structures, driveways, roads, sidewalks, and any area of concrete asphalt.

Lot, Flag
A lot with minimal frontage on a public street where access to the public street is by a narrow private driveway.

Lot Frontage
The lot width measured at the street right-of-way line from which the lot obtains access.

Lot Line
A line forming a boundary of a lot.

Lot Line, Front
A lot line separating the lot from the public street right-of-way or private street. On a lot with more than one street frontage, the principal front lot line is generally the lot line abutting the street of higher classification. If both streets have the same classification or in the case of infill development, the front is the lot line that continues the established building pattern.

Lot Line, Interior Side
A lot line not abutting a street and connecting the lot's front and rear lot lines.

Lot Line, Rear
A lot line connecting the lot's interior side lot lines, or an interior side lot line and a street side lot line, along the edge of the lot opposite its front lot line.

Lot Line, Street Side
A lot line, other than a front lot line, separating the lot from an abutting public street right-of-way or private street. There may be multiple street side lot lines if the lot has more than one street frontage. Generally, the street side lot line is the lot line abutting a street of lower classification.

Lot of Record
A lot that was legally recorded by plat or description with the Register of Deeds.

Lot Width
The horizontal distance between side lines measured along a line between side lot lines that is parallel to the front lot line.

Lot Width, Minimum
The smallest allowable horizontal distance between the side lot lines of a lot, measured at the right-of-way. The minimum lot width must be maintained across the depth of the lot from the right-of-way to the front building plane.

Lowest Floor (Floodplain Development)
The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this UDO.

Low Impervious Surface Project
A project that has no more than 24 percent built-upon area (BUA) for all residential and non-residential development. See Section 12.8.3 for the Low Impervious Surface limits for areas located in protected watershed such as Falls Creek, Richland Creek, and Smith Creek.

18.18 M

Major Redevelopment
See "Redevelopment, Major".

Manufactured Home (Floodplain Development)
A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. This term does not include a "recreational vehicle".

Manufactured Home Park or Subdivision (Floodplain Development)
A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Manufactured Home
A residential structure that is transportable in one or more sections. In traveling mode, it is eight feet or more in width or 40 feet or more in length. A Manufactured Home is designed and constructed to the Federal Manufactured Construction and Safety Standards and is so labeled. When erected on site, the home is at least 320 square feet, built and remains on a permanent chassis, designed to be used as a dwelling with a permanent foundation built to FHA criteria. The structure must be designed for occupancy as a principal residence by a single-family.
A structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is three hundred twenty or more square feet, and which is built with or without a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein.

Map Amendment
A change or revision of the Zoning Map.

Market Value (Floodplain Development)
The building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

Marquee
A permanent, roofed structure fully supported by the building, and projecting beyond a building wall at an entrance.

Masonry
Stonework, brickwork, or concrete masonry unit bonded with mortar by a mason.

Materials Recovery Facility
An establishment primarily engaged in operating facilities for separating and sorting recyclable materials from nonhazardous waste streams (i.e., garbage). This includes the processing of commingled recyclable materials, such as paper, plastics, used beverage cans, and metals, are sorted into distinct categories.

Maximum Extent Practicable
The highest level of performance that is achievable but is not equivalent to a performance standard identified in this UDO.

Mean Sea Level (Floodplain Development)
The National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988, or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which Base Flood Elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.

Measurements
Determining distances, heights, areas, and other spatial dimensions required to ensure compliance with the standards and requirements set forth in this UDO.

Mechanical Equipment
A machine or device including electrical, heating, ventilation, plumbing, and other service facilities, which can include ductwork.

Medical Clinic
A medical service facility that provides outpatient ambulatory or outpatient health care such as emergency medical clinics; ambulatory surgical centers; dialysis centers; outpatient family planning services; community health centers and clinics; blood and organ banks; and medical services such as physician's and dentist's offices.

Meeting/Event Facility
A commercial venue available for rent by private persons or entities for the hosting of parties, meetings, banquets, and other events, as well as conferences. Such facilities may include kitchens for the preparation or catering of food, and the sale of alcoholic beverages to guests only for on premise consumption during scheduled events.

Micro-Brewery
An establishment primarily engaged in the brewing of ale, beer, malt liquors, and/or nonalcoholic beer that is permitted to do so in accordance with the Alcoholic Beverage Control Commission. Micro-Breweries have a capacity of up to 15,000 barrels per year. The definition includes a public tasting room and retail sales of spirits or related products manufactured on site.

Micro-Distillery
An establishment primarily engaged in the manufacturing of fortified spirits that is permitted to do so in accordance with the Alcoholic Beverage Control Commission. Micro-distilleries have a capacity of up to 25,000 gallons per year. The definition includes a public tasting room and retail sales of spirits or related products manufactured on site.

Micro-Winery
An establishment primarily engaged in the manufacture of unfortified or fortified wine of not more than 25,000 gallons per year that is permitted to do so in accordance with NCGS §18B-1100 and regulations of the Alcoholic Beverage Control Commission. Accessory uses include a public tasting room and retail sales of wine and related products.

Minor Redevelopment
See "Redevelopment, Minor".

Mixed Use, Horizontal
A development configuration where residential and nonresidential uses are organized in separate buildings on the same development site.

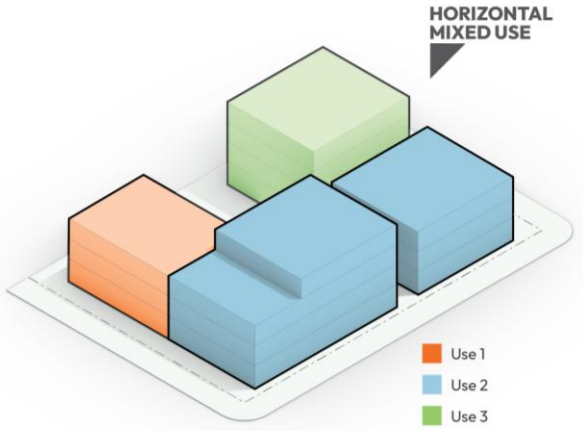

Figure 18-9: Horizontal Mixed Use

Mixed Use, Vertical
A development configuration having public facing nonresidential uses, such as retail or office spaces, on the ground floor, and other uses on upper floors. Upper floor uses may be residential, or, if the building has commercial, restaurant, or other non-office active uses on the ground floor, office uses.

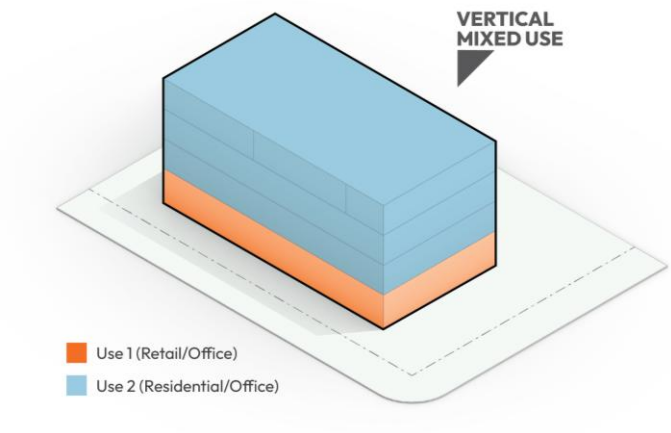

Figure 18-10: Vertical Mixed Use

Mobile Classroom
A classroom building that is designed and constructed to be relocated and transportable over public streets and is temporary in nature.

Mobile Retail/Services
A readily movable wheeled structure, motorized vehicle, towed vehicle, trailer, or cart that is equipped and operated for the purpose of retail sales or the provision of services such as, but not limited to pet grooming, auto detailing, and knife sharpening. The use does not include Food Trucks, which are separately defined.

Modified Natural Stream
An on-site channelization or relocation of a stream channel and subsequent relocation of the intermittent or perennial flow as evidenced by topographic alterations in the immediate watershed. A modified natural stream must have the typical biological, hydrological, and physical characteristics commonly associated with the continuous conveyance of water (perennial stream).

Multimodal Transportation Facilities
Off-site sidewalk or multi-use path and throughfare rights-of-way included in the Town's most recent capital improvement plan, including all capital costs, as provided by state law. Multimodal transportation facilities do not include site-related improvements.

Multimodal Transportation Facility Fee
The charge imposed on impact-generating land development activity in proportion to the impact placed on the Town's multimodal transportation facilities, pursuant to Section 11.6 and state law.

Multi-Tenant Building
A property leased by multiple entities each with its own exterior building entrance.

18.19 N

New
In reference to a site feature, such as a fence or sign, "new" means the feature is erected, installed, constructed, or otherwise established after the effective date of this UDO.

New Construction (Floodplain Development)
A structure for which the "start of construction" commenced on or after the effective date of the original version of the community's Flood Damage Prevention Ordinance (May 16, 2006) and includes any subsequent improvements to such structures.

New Development
Development of a site that has not previously been developed with at least one structure, that has been or will be cleared of structures, or that establishes a new site configuration and use of the site with new structures, which may include adaptive reuse of existing buildings. New development is distinguished from changes to existing development (see "Redevelopment").

No-Impact Home-Based Business
See "Home-Based Business, No-Impact".

Noise Ordinance
The Town's regulation of noise in Article III of Chapter 14 of the Code of Ordinances.

Non-Commercial Place of Assembly
A building or outdoor area operated not-for-profit wherein individuals or groups of people gather for an attraction or service, such as but not limited to, place of worship, public cultural/community facilities, and public entertainment/recreation facilities as defined by this UDO.

Nonconforming
As detailed in Chapter 15.

Nonconforming Buildings and Structures
As detailed in Section 15.4.

Nonconforming Lots
As detailed in Section 15.3.

Nonconforming Uses
As detailed in Section 15.5.

Noncontributing Trees
Tree species that are not recommended by the North Carolina Forest Service.

Non-Encroachment Area (Floodplain Development)
The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot as designated in the Flood Insurance Study report.

Notice of Violation
A written notice prepared by an enforcement official that informs a responsible person of UDO violations and orders them to take certain steps to correct the violations.

Nursery & Garden Center
A place of business where retail and wholesale products for the care of plants and produce are sold to the consumer. These establishments may include a nursery and/or greenhouses, and typically sell a variety of goods, such as plants, nursery products and stock, potting soil, hardware, power equipment and machinery, hoes, rakes, shovels, and other garden and farm variety tools and utensils.

18.20 O

Off-Site Improvements
For purposes of Section 11.6, improvements to community service facilities located outside the boundaries of the parcel proposed for development. Off-site improvements do not include site-related improvements.

One-Year, 24-Hour Storm
The surface runoff resulting from a 24-hour rainfall of an intensity expected to be equaled or exceeded, on average, once in 12 months and with a duration of 24 hours.

Opacity
The degree to which a material blocks light.

Open Space
An area set aside and protected from development which may be left in a generally unimproved state.

Outdoor Display/Sale of Merchandise, Accessory
The accessory sale of goods and products outside of a permanent structure that are clearly related to the function contained in that structure. This includes, but is not limited to, landscape materials, lawn, garden supplies, and produce.

Outdoor Display/Sale of Merchandise, Temporary
The temporary sale of goods and products outside of a permanent structure that are clearly related to the function contained in that structure. This includes, but is not limited to, landscape materials, lawn, garden supplies, and produce.

Outdoor Gathering Area, Accessory
The provision of amenities, such as furniture or shade structures, within an area adjacent to a building as an accessory use to the principal use of the building.

Outdoor Storage Yard
The storage of various materials outside of a structure, as an accessory use. This includes salvage yards used for the storage and/or collection of any type of equipment.

Outdoor Storage, Temporary
The storage of any material for a period greater than 48 hours, including items for sale, lease, processing, and repair (excluding vehicles for sale) outside the principal or accessory buildings on a property.

Owner
The legal or beneficial owner of land, including but not limited to a mortgagee or vendee in possession, receiver, executor, trustee, or long-term or commercial lessee, or any other person or entity holding proprietary rights in the property or having legal power of management and control of the property. "Owner" includes long-term commercial tenants; management entities, such as those charged with or engaged in the management of properties for profit; and every person or entity having joint ownership of the property. A secured lender not in possession of the property does not constitute an owner, unless the secured lender is included within the meaning of "owner" under another description in this definition, such as a management entity.

18.21 P

Pad-Ready
Improvements on a development site up to final improvements for building placement, to include frontage improvements, stubbing of utilities, removal of structures not being retained, and rough grading.

Parapet
That portion of a wall which extends above the roof line.

Parcel
See definition of lot.

Park
An area of open space that is maintained in its natural condition or improved for outdoor recreation purposes.

Parking Area
A stand-alone or accessory, off-street, outdoor place for the temporary storage of vehicles, including interior drive aisles, landscaping, walkways, and the like. This does not include parking structures.

Parking Lot Island
A landscaped area used to provide separation in a parking lot.

Parking Lot
See "Parking Area".

Parking Structure
A stand-alone or accessory parking deck or garage for temporary storage of vehicles.

Parks and Recreation Facilities
Off-site parks, open spaces and recreational facilities included on the capital improvement plan, including all capital infrastructure, as provided by state law. Parks and recreation facilities do not include site-related improvements.

Parks and Recreation Facility Fee
The charge imposed on impact-generating land development activity in proportion to the impact placed on the Town's parks and recreation facilities, pursuant to Section 11.4 and state law.

Payment in Lieu
An alternative method of complying with UDO requirements by paying a fee instead of constructing specified improvements.

Pedestrian Arcade
A public or private right-of-way across a block or within a block to provide access to be used by pedestrians.

Pedestrian Walkways
A pathway, which may include stairs, ramps or passageways, made of a hard, stable surface to facilitate the movement of pedestrians.

Pediment
A wide, low pitched gable surmounting a porch, portico, or major division of a façade.

Perennial Stream
A well-defined channel that contains water year-round during a year of normal rainfall with the aquatic bed below the water table for most of the year. Groundwater is the primary source of water for perennial streams. A perennial stream exhibits the typical biological, hydrological, and physical characteristics commonly associated with the continuous conveyance of water. 15A NCAC 02B.033 (2)(l).

Performance Guarantee
A financial deposit to ensure that all improvements, facilities, or work required will be completed in conformance with the approved plan.

Permit
An approval document allowing land-disturbing activities to be initiated. A project may be developed in phases with separate permits for each phase.

Permit, Building
An approval statement signed by the Building Official authorizing the construction, alteration, reconstruction, or demolition of all or part of any building as complying with the Building Code.

Permit, Floodplain
An approval for a man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations, located within the area of special flood hazard.

Permit, Lands Disturbance
An approval for construction by grading or excavation and temporary or permanent construction for all buildings, parking areas, driveways, roads, sidewalks, and other areas of concrete, asphalt, or other construction materials.

Permit, Reforestation
An approval for replanting or planting of forest plant materials. Also includes planting in areas not originally forested for mitigation purposes.

Permit, Special Use
An approval for development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with general standards requiring that judgment and discretion be exercised as well as compliance with specific standards.

Permit, Temporary Use
An approval for a temporary use.

Permit, Tree Clearing
An approval for the direct or indirect removal of trees and/or ground cover from any public or private undeveloped, partially developed, or developed property.

Permit, Zoning Compliance
A permit or approval under this chapter or the Town's building code that must be obtained before initiating a use or development activity.

Person
An individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, or other legal entity.

Personal Services
An establishment primarily engaged in providing individual services generally related to personal needs or cosmetic services, such as hair and nail salons, barber shops, clothing alterations, shoe repair, tattoo shops, weight loss centers, makeup services, and laundry services.

Pier
A rectangular column projecting from a wall with a capital and base that is attached or affixed to a wall as an ornamental design feature.

Pilaster
A vertical supporting structure, as a section of wall between two openings or one supporting the end of an arch or lintel.

Place of Worship
A facility such as a church, temple, monastery, synagogue, or mosque used for worship by a not-for-profit organization and their customary related uses, such as administrative offices, classrooms, meetings rooms, cooking and eating facilities, and dwelling units housing no more than two faith leaders. Place of worship does not include other principal uses, such as child/adult day care center, Cemetery, School, Entertainment Facility, or Recreation Facility.

Planned Unit Development (PUD)
A zoning district designed to achieve high-quality, creative, and innovative land planning and site design that cannot be achieved through the strict application of standard development and design standards. The PUD District allows for customized development and design standards tailored to the specific features and context of the site.

Planning Board
The Planning Board of the Town of Wake Forest, North Carolina.

Plat
A document, prepared by a registered surveyor or engineer, that delineates property lines and shows monuments and other landmarks for the purpose of identifying property.

Plaza
An improved open area at ground level partially enclosed by a building or buildings provided with amenities, such as seating, ornamental features, and landscaping, for use by pedestrians.

Pop-up Retail/Restaurant
A retail or restaurant use established on a temporary basis in an existing commercial building.

Porch
A covered but unenclosed projection from the main wall of a building that may or may not use columns or other ground supports for structural purposes.

Portable Outdoor Storage Device
A vessel, container, or unit owned, rented, or leased for the temporary storage of commercial, industrial, or residential household goods, that does not contain a foundation or wheels for movement. Examples of this use include POD-type boxes that can be transported on a flatbed or other truck; but do not include prefabricated sheds that are not designed for transport after erection, cargo containers, or commercial trailers used by construction or other uses in the regular performance of their business.

Portico
A large porch with a pediment or roof supported by columns, often leading to the entrance of a building.

Post Office
An establishment conducting operations of the United States Postal Service including permanent, contract, and lease stations, not including mail boxes and cluster box units.

Primary Conservation Area
An area such as a riparian corridor, special flood hazard area, unique geological formation, rock outcropping, rare plant, rare plant community, rare habitat, wetland, and prime agricultural area/farmland.

Primary Entry
Any entry into a building designed to accommodate at least 30 percent of the pedestrian traffic into a building or tenant space in a building, or, if none of the entries meet that threshold, the entry into the building designed to accommodate the greatest volume of pedestrian traffic into the building.

Primary Façade
Any facade that contains a primary entry or that is visible from a public or private street, primary internal drive, or park or community space.

Principal Use
The primary purpose or function of a building, structure, or parcel of land.

Produce Stand
A temporary open-air stand or place for the seasonal selling of agricultural produce by an individual.

Professional Services
An activity conducted in an office setting and generally focusing on business, professional, or technical services that make available the knowledge and skills of employees to others. Examples include advertising, communications/media production, counseling, data analysis, design, insurance, legal, not-for-profit organizations, and real estate services.

Public Art, Mural
A painting or other work of art that is painted, drawn, or affixed to any exterior structure, including but not limited to wall, retaining wall, steps, utility boxes, or similar surfaces. The artwork should be intended solely for artistic and aesthetic purposes and should not be used for advertising purposes.

Public Art, Sculpture
A freestanding, three-dimensional work of art situated in a public open place and open for the public to experience.

Public Safety and/or Nuisance (Floodplain Development)
Something which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

Public Safety Training Structure
A training facility or prop designed to provide hands-on, tactical training for police, fire professionals, and students.

Public Service Maintenance and Storage Facility
A facility used for housing government-operated workshops, maintenance and repair centers, equipment storage, and outdoor storage yards.

Public Service/Safety Facility
A facility for federal, state, and local governmental uses, law enforcement, and fire protection agencies, and their accessory uses including office space, temporary holding cells, equipment and evidence storage facilities, training facilities, and vehicle garages. This definition is not intended to be inclusive of vehicle impoundment lots or Correctional Institution.

PUD
See "Planned Unit Development (PUD)".

18.22 Q

Quasi-Judicial Decision
A decision that involves the findings of facts regarding a specific application under this UDO and the exercise of discretion when applying the standards of this UDO.

Quorum
The minimum number of members of a board or commission that must be present at a meeting to conduct official business or take official action.

18.23 R

Raceway
An enclosed visible conduit or physical pathway for housing electrical wiring, transformers, and other non-visible sign components and used to protect these elements from environmental factors. Usually mounted between the sign graphics and the mounting surface.

Real Estate Sales, Temporary
A temporary structure utilized for model home and subdivision sales office uses.

Recreation Facility
A use or structure for active recreation including a gymnasium, natatorium, fitness center, athletic equipment, indoor running track, climbing facility, court facility and their customary accessory uses.

- A public facility is owned and operated by not-for-profit, governmental, or other non-taxing bodies.
- A private facility is owned and operated for-profit by a private person or business.

Recycling Collection Station
A center primarily dedicated to the collection of recyclable materials through donation, redemption, or purchase of recyclable materials from the public. It focuses on gathering materials intended for recycling, repurposing, or composting.

Recreational Vehicle (RV) (Floodplain Development)
A vehicle, which is:

- Built on a single chassis,
- 400 square feet or less when measured at the largest horizontal projection,
- Designed to be self-propelled or permanently towable by a light duty truck, and
- Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

Redevelopment
Any of the following within an established development: construction of a new building; an expansion, addition, or change in exterior design or materials of an existing building or structure; or a change in the configuration or design of a site feature, such as open space, parking, or landscaping.

Redevelopment, Intermediate
Redevelopment that includes any new building or expansion of existing buildings that results in a taller actual building height or that increases the gross floor area, number of dwelling units, disturbed area, or built upon area by at least 25 percent but less than a 75 percent. In determining the percent increase under this definition, multiple redevelopments within any seven-year period will be considered cumulatively.

Redevelopment, Major
Redevelopment that includes a 75 percent or more increase in gross floor area, building value, dwelling units, disturbed area, or impervious surface area. In determining the percent increase under this definition, multiple redevelopments within any seven-year period will be considered cumulatively.

Redevelopment, Minor
Redevelopment that does not meet the threshold for Major Redevelopment or Intermediate Redevelopment.

Redevelopment (Stormwater)
As used in Section 12.7, a rebuilding activity that results in no net increase in built-upon area and provides equal or greater stormwater control than the previous development.

Reference Level (Floodplain Development)
The top of the lowest floor for structures within Special Flood Hazard Areas and Future Conditions Flood Hazard Areas designated as Zone AE, A, A99 or X (Future).

Register of Deeds
The Register of Deeds for the county where the subject property is located.

Residential Care Facility
A staffed premises (not a single-family detached dwelling) with paid or volunteer staff that provides full-time care to more than six individuals residing on the premises. 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), congregate living services, assisted living services, continuing care retirement centers, skilled nursing services and orphanages. This term includes adult care homes, hospice residential care facilities, intermediate care facilities for individuals with intellectual disabilities, long-term care hospitals, nursing home facilities, and rehabilitation facilities as defined in NCGS §131E-176. This term does not include hospitals and other health service facilities as defined in NCGS §131E-176, chemical dependency treatment facilities, family care homes, and halfway homes. Ancillary uses within the Residential Care Facility may include congregate dining facilities, recreational and social facilities, health care facilities, gift shops, snack shops, banks, barber/beauty shops, and similar services for residents.

Restaurant
A retail business selling ready-to-eat food and/or beverages for on or off-premise consumption. Customers may be served from an ordering counter (i.e. cafeteria or limited service restaurant); at their tables (full-service restaurant); and at exclusively pedestrian-oriented facilities that serve from a walk-up ordering counter (snack and/or nonalcoholic bars). To qualify as a restaurant, an establishment's gross receipts from food and nonalcoholic beverages shall be not less than 30 percent of the total gross receipts from food, nonalcoholic beverages, and alcoholic beverages.

Restricted Commercial
A retail establishment selling any form of tobacco, tobacco products, or tobacco paraphernalia as a principal use.

Retaining Wall
A wall used at a grade change to keep earth from slumping, sliding, or falling.

Retirement Housing
Independent living with services and programs such as meals, recreational, social and housekeeping.

Rezoning
See Map Amendment.

Rib
A decorative or structural device consisting of a series of narrow vertical projections along a building's façade, often used to screen structural supports.

Riding Stable
An establishment where horses are boarded and cared for, and where instruction in riding, jumping, and showing and/or the hiring of horses for riding may be offered.

Right-Of-Way
An area of land not on a lot that is dedicated or taken for public or private use to accommodate a transportation system. It may incorporate the roadway, curbs, gutters, verges, sidewalks or multiuse paths, and lighting, and may include special features (required by the topography or treatment) such as grade separation, bridges, or other transportation infrastructure.

Right-Of-Way, Assumed
Where no right-of way exists, then the assumed right of-way line is parallel to the edge of pavement and setback a minimum of ten feet from the edge of pavement. This definition is for setback calculation purposes only and does not represent any expressed or implied taking of property.

Riverine (Floodplain Development)
Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Roadway
A thoroughfare or alley. The CTP classifies roadways as Tier 1, Tier 2, Tier 3, Tier 4, Boulevard, Freeway, or Interstate thoroughfares.

Roof Form
The roof appearance defined by the type, shape, and pitch of the roof of a building.

Roof Line
A horizontal line intersecting the highest point or points of a roof.

Runoff Attenuation
The capture and release of runoff generated from the 10-yr, 24-hr storm event in a non-erosive manner by one or more primary Stormwater Control Measures (SCMs) or a combination of primary and secondary SCMs that provides equal or better treatment. Additionally, the peak flow for that storm is be the same, or lower, in the post-

development condition as compared to the pre-development condition.

Runoff Treatment
The volume of stormwater runoff generated from all the built-upon area of a project at build-out during a precipitation event of one inch is treated in one or more primary SCMs or a combination of primary and secondary SCMs that provides equal or better treatment.

Runoff Volume Match
The annual runoff volume after development shall not be more than ten percent higher than the annual runoff volume before development.

18.24 S

Salvage Yard (Floodplain Development)
A non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances, and related machinery.

Scale
The size of a structure or element relative to the structures or elements around it.

School, Elementary
A public or private institution for education or learning including athletic or recreational facilities, which does not include lodging. This institution includes any school licensed by the state and that meets the state requirements for elementary education. Elementary school is considered to generally include pre-kindergarten through fifth grades.

School, High
A public or private institution for education or learning including athletic or recreational facilities, which does not include lodging. This institution includes any school licensed by the state and that meets the state requirements for secondary education. High school is considered to generally include grades 9-12.

School, Middle
A public or private institution for education or learning including athletic or recreational facilities, which does not include lodging. This institution includes any school licensed by the state and that meets the state requirements for elementary education. Middle school is considered to generally include grades 6-8.

School, Vocational/Technical
A public or private institution for education or learning including athletic or recreational facilities, which does not include lodging. These schools offer vocational and technical training in a variety of technical subjects and trades. Training may lead to job-specific certification.

Scoreboard
A freestanding sign or a wall sign located at an athletic field to display schedules, scores, statistics, and similar athletic event information.

Seasonal Sales
Temporary outdoor sales, typically recurring on an annual basis, located on a lot with a principal use for which the seasonal sales are not associated.

Secondary Façade
Any façade that is not a Primary Façade and that is adjacent to a parking area containing more than 12 spaces, visible from an adjacent residential use type, or visible from a greenway. For structures located in the IND District, exterior facades adjacent to off-street parking but not otherwise falling within this definition shall not be considered a secondary facade.

Sediment
The solids particulate matter both mineral and organic that has been or is being transported by water, air, gravity, or ice from its site of origin.

Sediment Pollution Control Act (SPCA ACT)
The North Carolina Sediment Pollution Control Act of 1973 and all rules and orders adopted pursuant to it.

Sedimentation
The process by which sediment resulting from accelerated erosion has been or is being transported off the site of the land-disturbing activity or into a lake or natural watercourse.

Semi-Cutoff Lighting Fixture
A lighting fixture that limits the spread of illumination to a mid-range area with a downward and forward throw illuminating specific areas of interest.

Setback
The shortest horizontal distance from a lot line of a lot to the nearest point of a structure on the lot.

Setback, Front
The shortest horizontal distance from the front lot line of a lot to the nearest point of a structure on the lot. Where no right-of-way exists or if the right-of-way is only inclusive of the street pavement then the front setback shall be measured from an assumed right-of-way line.

Setback, Interior Side
The shortest horizontal distance from the interior side lot line of a lot to the nearest point of a structure on the lot.

Setback, Maximum
A line parallel to the lot line at or in front of which a building may be erected. Maximum setbacks area figured from the right-of-way line.

Setback, Minimum
A line parallel to the lot line in front of which no building shall be erected. Minimum setbacks shall be figured from the right-of-way line, lot line, or in the case of alley-accessed lots the alley easement.

Setback, Rear
The shortest horizontal distance from the rear lot line of a lot, or in the case of alley-accessed lots to the alley easement boundary, to the nearest point of a structure on the lot.

Setback, Street Side
The shortest horizontal distance from the street side lot line of a lot to the nearest point of a structure on the lot.

Shooting Range, Indoor
An enclosed indoor facility that is designed for the discharging of firearms for recreational or training purposes.

Shooting Range, Outdoor
A permanently located and improved area that is designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any other similar sport shooting in an outdoor environment. Outdoor shooting range excludes any area for the exclusive use of archery or air guns or an enclosed indoor shooting range facility.

Short-Term Rental
The rental of any dwelling, in whole or in part to any person(s) for transient use for less than a continuous period of 30 days. This does not include a Bed and Breakfast use or ongoing month-to-month tenancy granted to the same renter for the same dwelling.

Sight Distance Triangle
An area of land at the intersection of streets, or a street and a driveway, specified in the WFD3, within which nothing may be erected, planted, placed, or allowed to grow in a manner which will obstruct the vision of motorists entering or leaving the intersection.

Sign
An object, device, display or structure or part thereof which is used to advertise, identify, display, direct or attract the attention to an object, person, institution, organization, business, project, service, event or location by any means including words, letters, figures, designs, symbols, fixtures, colors, motion illumination or projected images. The term sign includes, but is not limited to, every projecting sign, wall sign, roof sign, billboard, posterboard, freestanding sign, ground sign, window sign, vehicle sign, awning, canopy, marquee, changeable copy sign, illuminated sign, flashing sign, animated sign, temporary sign, portable sign or any other attention getting device or other display whether affixed to a building or separate from any building.

Sign, Applied Vinyl Sidewalk
A temporary sign applied directly to a sidewalk or other similar outdoor hard surface designed to accommodate pedestrians.

Sign, Athletic Field Fence
A sign located within and affixed to the fence of an athletic field or court used for sports programs.

Sign, Attached
A sign mounted or otherwise secured to a building or structure not designed or constructed solely for sign support.

Sign, Awning
A sign that is applied to an awning that is otherwise permitted by the Town.

Sign, Banner
A temporary sign made of fabric or other similar nonrigid material with no enclosing framework or electrical

components that is supported or anchored on two or more edges or at all four corners.

Sign Base
The post(s) or supporting structure between the ground and the background or frame (if present) of a ground sign.

Sign, Blade
A sign that projects perpendicular from a building's supporting wall and does not swing or otherwise move via natural, manual, or automated methods.

Sign, Box/Cabinet
A sign that is self-enclosed in a typically square or rectangular structure with or without internal lighting. A box/cabinet sign can be single or double sided.

Sign, Bracket-Mounted
A sign affixed, attached, or secured to a wall or another structure through the use of a bracket or another type of supportive hardware and may swing or otherwise move via natural methods.

Sign, Canopy
A sign that is mounted to a canopy that is otherwise permitted by the Town.

Sign Copy
A combination of letters, numerals, words, symbols, pictures, emblems or other characters that constitute a message in either permanent or removable form.

Sign, Double-Faced
A sign constructed to display its message on the outer surfaces of two identical and opposite parallel planes.

Sign, Drive-Through
A sign appurtenant to a drive-through facility as defined herein.

Sign Face
The portion of a sign that contains or displays sign copy.

Sign, Flashing
An illuminated sign that contains an intermittent or sequential flashing light source.

Sign, Freestanding
A sign on a frame, pole or other support structure not attached to any building.

Sign, Feather
A generally narrow vertical temporary sign with or without copy where the sign is mounted onto a pole or individual mounting device with the intent of utilizing natural or man-made air movement.

Sign, Ground
A sign which is attached to or is a part of a self-supporting structure, other than a building or portion of a building.

Sign, Ground-Mounted Banner
A sign consisting of non-rigid, flexible, fabric like materials enclosed in a rigid frame attached and secured to the ground.

Sign, Incidental
A sign not visible from the public right-of-way that is located and displayed in a manner to aid on-site users, generally with instructions, directives, or restrictions. Examples include but are not limited to freestanding signs in parking areas; signage affixed to structures dispensing products such as fuel pumps, EV chargers, and ATMs; and structures receiving items such as shopping cart corrals and donation drop off bins.

Sign, Internal Circulation Safety
A sign which conveys information to drivers, cyclists, and pedestrians that is pertinent to protect public safety, including but not limited to signs that identify one-way drive-aisles and access points, areas of low clearance, and the location of drive-through lanes.

Sign, Interpretive Marker
A sign that provides information regarding an event or site.

Sign, Light Pole Banner
A sign made of cloth, fabric, or other lightweight material with only material for backing and designed for hanging from light poles or light posts.

Sign, Marquee
A sign attached to and made part of a marquee.

Sign, Monument
A freestanding sign supported primarily by an internal structural framework or integrated into landscaping or other solid structural features other than support poles. This definition does not include residential entryway signs.

Sign, Multi-Faced
A sign constructed to display its message on the outer surface of more than two planes.

Sign, Off-Premises
A sign which directs attention to or advertises a use, business, commodity, service or activity not conducted, sold, or offered upon the premises where the sign is located. This term also includes those signs commonly known as advertising signs, billboards and poster panels.

Sign, On-Premises
A sign which directs attention to or advertises a use, business, commodity, service or activity conducted, sold, or offered upon the premises where the sign is located.

Sign, Permanent
A sign constructed of durable, weather resistant material and intended to be displayed for a long period of time.

Sign, Plaque
A sign constructed as an ornamental tablet typically made of porcelain, metal, or wood commemorating or memorializing a person, event, structure, or site.

Sign, Portable
A sign that is not permanently affixed to a building, a structure or the ground, but not including customary identification lettering on vehicles and advertising posters on buses and taxicabs.

Sign, Post
A freestanding sign affixed to the ground with one or no more than two wood stakes or poles with an arm from which the sign hangs.

Sign, Pole
See Pylon Sign definition.

Sign, Political
Any sign that advocates for political action.

Sign, Post/Panel
A sign, the face of which is affixed to a minimum of two posts installed on the ground without footings.

Sign, Projecting
A sign that is wholly or partially dependent upon a building for support, that projects more than twelve inches from such building, and whose face is perpendicular to the façade of the building upon which it is attached.

Sign, Pylon Sign
A sign that is mounted on a freestanding pole or another support that is narrower than the sign face.

Sign, Regulatory
A sign that informs users of regulations or laws and indicate the applicability of legal requirements.

Sign, Residential Entry
A freestanding sign that is located at a vehicular entrance to a residential subdivision that is supported primarily by an internal structural framework or integrated into landscaping or other solid structural features other than support poles.

Sign, Roof
A sign that is mounted or painted on the roof of a building, or that is wholly dependent upon a building for support and that projects above the highest point of a building with a flat roof, the eave line of a building with gambrel, gable or hip roof or the deck line of a building with a mansard roof.

Sign, Scoreboard
A sign attached to a scoreboard structure in an outdoor athletic field.

Sign, Sidewalk
A sign constructed in such a manner as to form an "A", "T", or a tent-like shape and not secured or attached to the ground.

Sign, Sock
A sign constructed of flexible material designed to fit over and cover a permanent sign, face, or mount which are typically installed while a new permanent sign is being designed or fabricated.

Sign, Temporary
A sign constructed of cloth, canvas, fabric, paper, plywood or other light material and intended to be displayed for a short period of time.

Sign, Wall-Mounted Banner
A sign consisting of non-rigid, flexible, fabric like materials enclosed in a rigid frame attached and secured to the exterior wall of a building.

Sign, Wall
A sign attached to the wall of a building or structure in such a manner that the wall becomes the supporting

structure for, or forms the background surface of, the sign and whose face is parallel to the façade of the building upon which it is attached.

Sign, Window
A sign that is applied or attached to the exterior or interior of a window or located within the interior of a structure so that its copy can be read from the exterior of the structure. Window film, decals, and clings which are more than fifty percent opaque and/or contain sign copy shall be considered a window sign. Permanent window signs are those that are affixed to the window or its frame in a manner intended to be long-lasting or fixed, such as etched glass or permanently adhered vinyl. Temporary window signs include items like open/closed signs, hours of operation signs, or electronic "open" signs, which are intended to be easily removed or changed.

Sign, Yard
A freestanding, moveable sign on a wire or plastic frame, wood stake or similar support.

Siltation
Sediment resulting from accelerated erosion which can be settled or removed by properly designed, constructed, and maintained control measures; and which has been transported from its point of origin within the site of a land-disturbing activity; and which has been deposited, or is in suspension in water.

Single Room Occupancy
A residential structure with individual, secure rooms containing no food preparation facilities, which are rented on a long-term basis. Food preparation facilities are shared between all tenants and sanitary facilities and living areas may be shared between all tenants.

Single-Tenant Building
A building leased or used by a singular entity.

Site Plan
A detailed two-dimensional drawing that illustrates all of the required site features and all related development calculations in sufficient detail to show compliance with the UDO.

Site-Related Improvements
For purposes of Section 11.6, improvements on or near the development site that are necessary to provide on-site circulation, access, or otherwise to directly mitigate the development's external trips or fire or park impacts to the off-site community facility system

Site-Specific Vesting Plan
Any of the following development plans constitutes a site-specific vesting plan under NCGS §160D-108.1where the applicant requests, and the Board of Commissioners approves, a Vested Rights Certificate in accordance with Section 16.8.8: Site Plan, Site Construction Plan, Subdivision Plan, Subdivision Construction Plan, Special Use Permit, or a concept plan for a Conditional District or a Planned Unit Development if the concept plan meets the elements in this definition. A site-specific vesting plan must show with reasonable certainty the type and intensity of use for a specific parcel or parcels of property and identify site boundaries, significant topography, natural features, the approximate location and dimensions (including height) of proposed buildings, and the approximate location of proposed infrastructure, including utilities and street and pedestrian facilities.

Small Cell Wireless Facility
A type of wireless telecommunications infrastructure that is smaller and more densely sited than wireless telecommunications towers and is primarily located in the right-of-way. A small cell wireless facility is comprised of an antenna less than three cubic feet, an equipment box, and wiring, or 'fiber.' Antennae and equipment may be shrouded or enclosed. Small cell wireless facilities must be less than 50 feet tall.

Solar Energy Collection System, Canopy
A solar energy collection system consisting of elevated solar panels installed above parking lots, carports, and other paved areas.

Solar Energy Collection System, Ground Mounted
A solar energy collection system and associated mounting hardware that is affixed to or placed upon the ground including but not limited to fixed, passive, or active tracking racking systems and located on a site with a primary use.

Solar Energy Collection System, Roof Mounted
A solar energy collection system that is structurally mounted to the roof of a building or other permitted structure, including limited accessory equipment associated with system which may be ground mounted.

Solar Farm
A series of solar energy collection systems and associated mounting hardware that are affixed to or placed upon the ground including but not limited to fixed, passive, or active tracking racking systems and located on a site with no other principal use. Definition includes appurtenant office, utility, storage, and other required structures.

Special Event
A temporary event such as a block party, festival, musical event, competition, or other community-oriented event.

Special Flood Hazard Area (SFHA)(Floodplain Development)
The land in the floodplain subject to a one percent or greater chance of being flooded in any given year based on current conditions hydrology.

Stabilization
The process of restoring a site with ground cover or armor to resist soil erosion from the forces of air, wind, or water.

Start of Construction (Floodplain Development)
Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

State
The State of North Carolina.

Stone
Concreted earthy or mineral matter or rock. For purposes of building design standards, this definition includes stacked stone, stone masonry units, cultured stone, and natural stone, such as sandstone, limestone, marble, and granite.

Stop Work Order
A written order to stop work, issued by the Administrator, upon determining that work is being conducted in violation of this UDO.

Storage Container, Accessory
A container used primarily for the storage of goods, materials, or personal items that is secondary to the main use of the property. This includes structures such as shipping containers or cargo boxes.

Storage, Self-Service
A building containing separate enclosed storage spaces of varying sizes leased or rented on an individual basis.

Storage Warehouse, Indoor
facility for the storage of furniture, household goods, or other commercial goods of any nature. This use includes cold storage. It does not include warehouse, storage, or self-service storage facilities offered for rent or lease to the general public; warehouse facilities primarily used for wholesaling and distribution; or terminal facilities for handling freight.

Stormwater Manual
The Stormwater Design Manual approved for use in Phase II jurisdictions by the N.C. Department of Environmental Quality and certified by the Town as at least as stringent as the Stormwater Design Manual approved for use in Phase II jurisdictions as far as the proper implementation of the requirements of the federal Phase II stormwater program. All references herein to the Stormwater Design Manual are to the latest published edition or revision.

Stormwater Runoff
The surface flow of water resulting from precipitation in any form and occurring immediately after rainfall or melting.

Story
That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it,

then the space between the floor and the ceiling above the floor of such story.

Stream
An intermittent or perennial surface water subject to US Army Corps of Engineers (Corps) and/or NC Division of Water Resources (DWR) 404/401 jurisdiction. To confirm jurisdictional status, a formal Corps and/or DWQ response is required (e.g. Jurisdictional Determination).

Stream Restoration
The re-establishment of the natural channel form, function, and processes of a self-sustaining system that existed prior to watershed perturbation.

Street
A dedicated and accepted public right-of-way, or privately maintained access, for vehicular traffic which conforms to the CTP and WFD3.

Structure
Something principally above ground that is erected, installed, or constructed on or affixed to the ground or attached to something located on the ground including, a gas or liquid storage tank, or other man-made facilities or infrastructure.

Structure (Floodplain Development)
A walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground, meaning at least 51 percent of the actual cash value of the structure is above ground.

Structural SCM
A physical device designed to trap, settle out, or filter pollutants from stormwater runoff; to alter or reduce stormwater runoff velocity, amount, timing, or other characteristics; to approximate the pre-development hydrology on a developed site; or to achieve any combination of these goals. Structural SCM includes physical practices such as constructed wetlands, vegetative practices, filter strips, grassed swales, and other methods installed or created on real property. "Structural SCM" is synonymous with "structural practice", "stormwater control facility," "stormwater control practice," "stormwater treatment practice," "stormwater management practice," "stormwater control measures," "structural stormwater treatment systems," and similar terms used in this UDO.

Stub Street
A roadway that has only one outlet for vehicular traffic, terminates in a vehicular turn-around, and is intended to be extended or continued in the future.

Stucco
A mixture of Portland cement, sand, hydrated lime, and water that is applied over a wall surface to serve as an exterior finish. Stucco is typically applied in multiple coats over a water-resistive barrier and metal lath. This definition does not include parged concrete.

Studio, Art
A small facility for individual and group instruction and training in the arts, including dance and music; production rehearsal; photography, and the processing of photographs produced only by users of the studio facilities; martial arts training studios; gymnastics, yoga, and similar instruction; and aerobics and gymnastics studios with no other fitness facilities or equipment.

Subdivision
A division 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. This definition does not include divisions of land exempted from the definition of subdivision by NCGS §160D-802.

Subdivision Plan
A tentative plan showing the proposed development of a tract of land for which platting and development is to be carried out in two or more stages.

Subsidiary
An affiliate that is, directly or indirectly, through one or more intermediaries, controlled by another person.

Substantial Damage (Floodplain Development)
Damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. See Substantial Improvement definition. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

Substantial Improvement (Floodplain Development)
A combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

Any correction of existing violations of State or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions, or
Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

Swimming Pool
An artificial basin of water constructed or erected for wading or swimming.

18.25 T

Technical Review Committee (TRC)
Staff members of Town departments and outside agencies that are organized into a body for the purpose of technical review of proposed development. The TRC is convened and chaired by the Administrator to assist the Administrator in making decisions and recommendations on proposed development.

Temporary Use
A use or structure on improved or unimproved real estate which is of impermanent nature, and is generally used for a limited number of days per calendar year.

Temporary Use Permit
A permit allowing temporary use of a property for a specified period, such as for events or seasonal activities, that deviates from standard zoning regulations.

Temporary Real Estate Sales
A short-term office use for the on-site sale of real property.

Tertiary Façade
Any façade that is not a Primary Façade or a Secondary Façade.

Text Amendment
An amendment to the text of the UDO.

Through Lot
A lot with two or more opposite lot lines that front a public or private roadway, excluding alleys.

Tile
A flat or curved piece of fired clay, stone, or concrete used especially for roofs, floors, or walls and often for ornamental work.

Tilt-Up Concrete
Concrete that has been cast on the site of installation and raised into place.

Tobacco Paraphernalia
Cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette rolling machines, and any other item designed for the consumption, use, or preparation of tobacco products.

Tobacco Product
A product containing, made, or derived from tobacco or nicotine intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, or snuff. It also includes any electronic device that delivers nicotine or other substances to the person inhaling from the device, including, but not limited to an electronic cigarette, cigar, pipe, or hookah. A tobacco product does not include any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where such product is marketed and sold solely for such an approved purpose.

Toe of Slope
The angle at which the grade below the wall slopes away from the wall face.

Top of Bank
The points in a cross-section where the stream channel makes a transition to flood plain. Top of bank can be identified by a change in the slope of the land, a transition from terrestrial to riparian vegetation, and/or changes in the composition of substrate materials.

Tower
A structure designed primarily to support an antenna for receiving and/or transmitting a wireless signal.

Town
The Town of Wake Forest, North Carolina.

Town Code
See "Code of Ordinances".

Tract
Contiguous land and bodies of water being disturbed or to be disturbed as a unit, regardless of ownership.

Transit Station
A facility, structure, stop, shelter, bus zone, property, and right-of-way of all kinds that is owned, leased, held, or used by a transit authority for the purpose of providing public transportation services.

Transom Window
A horizontal window opening over a door or window.

Transportation Impact Analysis
An analysis of the effect of traffic generated by a development on the capacity, operations, and safety of the public street and highway system.

TRC
See "Technical Review Committee (TRC)".

18.26 U

Uncovered
The removal of ground cover from, on, or above the soil surface.

Understory Tree
A small-growing tree with an expected mature height of 20 to 40 feet.

Unfinished Concrete
For purposes of building design standards, concrete that does not meet the definition of Finished Concrete. This definition includes cinderblock.

Upper Watershed Drainageway
A natural or artificial stream or depression that drains more than five acres of surface water located within a Water Supply Watershed Overlay District.

Utilities - Class 1
Transmission and collection lines (above and below ground) including electrical, natural, gas, wastewater collection/transmission, and water distribution lines; pumping stations, lift stations, and telephone switching facilities up to 200 square feet.

Utilities – Class 2
Elevated water storage tanks; water and wastewater package treatment plants, telephone switching facilities (over 200 sq. ft), substations, or other similar facilities in connection with telephone, electric, steam, and water facilities.

Utilities - Class 3
Generation, production, or treatment facilities such as power plants and water and sewage plants (greater than 0.3 mgd).

Utility Easement
An easement serving any class of utility defined in this UDO.

18.27 V

Variance
A grant of relief from the requirements of the UDO. A variance may grant relief from water-related standards (stormwater, stream, water supply watershed, or special flood hazard area) or relief from other zoning or subdivision standards in the UDO.

Vehicle Fueling Station
An establishment that sells gasoline or other automotive fuels, dispensed directly to the users of motor vehicles. Use may include tire pressure and air stations, and other customarily incidental uses that do not fall under the definition of major or minor vehicle services.

Vehicle Rental/Leasing/Sales
An establishment which may have showrooms or open lots for selling, renting, or leasing automobiles, light trucks, motorcycles, and ATVs.

Vehicle Services - Major Repair/Body Work
The repair, servicing, alteration, restoration, towing, painting, cleaning, or finishing of automobiles, trucks, recreational vehicles, boats, large appliances, commercial and industrial equipment, and other vehicles as a primary use, including the incidental wholesale and retail sale of

vehicle parts as an accessory use. This includes major repair and body work which encompasses towing, collision repair, other body work and painting services, and tire recapping.

Vehicle Services - Minor Maintenance/Repair
The repair, servicing, alteration, restoration, towing painting, cleaning, or finishing of automobiles, trucks, recreational vehicles, boats, and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. Minor facilities providing limited repair and maintenance services. Examples include car stereo and alarm system installers; detailing services; muffler and radiator shops; quick-lube services; tire and battery sales and installation (not including recapping).

Velocity
The average velocity of flow through the cross-section of the main channel at the peak flow of the storm of interest. The cross-section of the main channel is defined by the geometry of the channel plus the area of flow below the flood height defined by vertical lines at the main channel banks. Overload flows are not to be included for the purpose of computing velocity of flow.

Verge
The area between the property boundary or sidewalk and the nearest edge of the road, used for landscaping or utility placement.

Vested Right
The right to undertake and complete the development and use of property under the terms and conditions of an approval secured as specified by NC General Statutes or under common law. See Section 1.7.2.

Vested Right, Common Law
The right to undertake and complete the development and use of property on substantial expenditures in good faith reliance on a valid governmental approval.

Vested Right, Statutory
The right to complete a project based on how it was originally approved, even if development regulations have changed.

Veterinary and Animal Care Services
An establishment that includes services by licensed practitioners of veterinary medicine, dentistry or surgery for animals or that provides boarding, daycare, training, grooming, or similar services for pets.

Violation (Floodplain Development)
The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance is presumed to be in violation until such time as that documentation is provided.

Visible
Conspicuous and readily perceptible to a person of average height standing at ground level at the reference point, taking into consideration topography, distance, and screening provided by buildings and other permanent structures, vegetation within tree save areas and buffers, and other screening required by this UDO.

18.28 W

Wake Forest Development Design & Details (WFD3)
A manual detailing construction, engineering, and other technical requirements for development.

Waste
Surplus soil or earth material resulting from on-site construction and disposed of at other locations.

Waste Receptacles
A container used to store waste that will be collected for off-site disposal, including but not limited to carts, bins, cans, dumpsters, or barrels.

Waste Transfer Facility
An establishment primarily engaged in operating facilities where nonhazardous waste streams, including recyclable materials and garbage, are collected, temporarily stored, and prepared for further transportation or processing.

Watercourse (Floodplain Development)
A lake, river, creek, stream, or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Water Surface Elevation (WSE) (Floodplain Development)
The height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Wetland
An area inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. This definition of wetlands is used by the U.S. Army Corps of Engineers (Corps) and the U.S. Environmental Protection Agency (EPA) since the 1970s for regulatory purposes in Section 404 of the Clean Water Act.

Wholesaling and Distribution
An establishment engaged in selling merchandise to retailers; to contractors, industrial, commercial, institutional, farm or professional business users; to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. This does not include selling to the public. Examples of these establishments include agents, merchandise or commodity brokers, and commission merchants; assemblers, buyers and associations engaged in the cooperative marketing of farm products; merchant wholesalers; stores primarily selling electrical plumbing, heating, and air conditioning supplies and equipment.

Winery
An establishment primarily engaged in the manufacturing of fortified or unfortified wine that is permitted to do so in accordance with the Alcoholic Beverage Control Commission. Wineries shall have a capacity of more than 25,000 gallons per year. The definition includes a public tasting room and retail sales of spirits or related products manufactured on site.

Wireless Telecommunications - Amend, Amendment and Amended
A change, addition, correction, deletion, replacement, or substitution, other than typographical changes of no effect in an application or other document or filing.

Wireless Telecommunications Antenna
A system of electrical conductors that transmit or receive electromagnetic waves or radio frequency or other wireless signals.

Wireless Telecommunications Application
Necessary and required documentation that an applicant submits in order for a Special Use Permit or Building Permit for Wireless Telecommunications Facilities to be reviewed.

Wireless Telecommunications Co-location
The placement, installation, maintenance, modification, operation, or replacement of Wireless Telecommunications Facilities on, under, within, or on the ground adjacent to existing structures.

Wireless Telecommunications - Commercial Impracticability or Commercially Impractical
The inability to perform an act on terms that are reasonable in commerce; the cause or occurrence of which could not have been reasonably anticipated or foreseen and that jeopardizes the financial efficacy of the project. The inability to achieve a satisfactory financial return on investment or profit, standing alone, shall not deem a situation to be "commercial impractical" and shall not render an act or the terms of an agreement "commercially impractical."

Wireless Telecommunications Facility
A set of wireless transmitting and/or receiving equipment, including any associated electronics and electronics shelter or cabinet and generator, but not including any structure on, under, within, or adjacent to which the equipment is collocated. This does not include antenna dishes or other antenna features on individual homes or businesses that are intended to receive radio or television broadcasts, or internet communication for said use.

Wireless Telecommunications Facility, Small
A Wireless Telecommunication Facility that meets the definition of "small wireless facility" in NCGS §160D-931.

Wireless Telecommunications Height
When referring to a Tower or wireless support structure for a Wireless Telecommunications Facility, "height" includes the distance measured from the pre-existing grade level to the highest point on the tower or structure, even if said highest point is an antenna or lightening protection device extending above the support structure. For all other structures and uses, see Measurement of Height.

Wireless Telecommunications Maintenance
Plumbing, electrical or mechanical work that may require a building permit but that does not constitute a Modification

to the Wireless Telecommunications Facility provisions of this UDO.

Wireless Telecommunications - Modification or Modify
The addition, removal or change of any of the physical and visually discernible components or aspects of a wireless Facility or Complex with identical components, including but not limited to antennas, cabling, equipment shelters, landscaping, fencing, utility feeds, or the color or materials of any visually discernible components, vehicular access, parking and/or an upgrade or change-out of equipment for different, better, or more modern equipment.

Wireless Telecommunications - Necessary, Necessity, or Need
What is technologically required for the equipment to function as designed by the manufacturer and that anything less will result in prohibiting the provision of service as intended and described in the narrative of the Application. Necessary, Necessity, or Need does not mean what may be desired, preferred or the most cost-efficient approach and is not related to an Applicant's specific chosen design standards. Any situation involving a choice between or among alternatives or options is not Necessary or a Need or a Necessity.

Wireless Telecommunications
The transmission and/or reception of audio, video, data, and other information by wire, radio frequency, light, and other electronic or electromagnetic systems.

Wireless Telecommunications - Search Ring
The area within which a Wireless Telecommunications Facility must be located in order to meet service objectives of the wireless service provider using a Wireless Telecommunications Facility.

Wireless Telecommunication - Stealth Or Stealth Technology
A design or treatment that minimizes adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such Wireless Telecommunications Facilities, which shall mean building the least visually and physically intrusive facility and Complex that is not technologically or commercially impracticable under the facts and circumstances. Stealth technology includes such techniques as DAS or its functional equivalent or camouflage where the Tower is disguised to make it less visually obtrusive and not recognizable to the average person as a Wireless Facility or Complex.

Wireless Telecommunications - Substantial Modification
A change or modification that:

- Increases the existing vertical height of the support structure by the greater of (a) more than ten percent or (b) the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet; or
- Except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable, adds an appurtenance to the body of a support structure that protrudes horizontally from the edge of the support structure the greater of (a) more than 20 feet or (b) more than the width of the support structure at the level of the appurtenance; or
- Increases the square footage of the existing equipment compound by more than 2,500 square feet.

Wireless Telecommunications Tower
A structure, including a freestanding mast, pole, monopole, guyed tower, lattice tower, freestanding tower, or other structure, designed and constructed for the primary purpose of supporting any Federal Communications Commission licensed or authorized wireless telecommunications facility antennas and their associated facilities. This does not include Small Wireless Telecommunications Facilities.

18.29 X

RESERVED

18.30 Y

Yard
The area within a lot that lies between the principal structure(s) on the lot and the nearest lot line.

18.31 Z

Zoning Compliance Permit
A permit required to ensure that site features (such as fences and driveways), residential accessory structures, and signs meet the standards set forth in the ordinance, in

cases where compliance is not reviewed through another development approval or permit process.

Zoning District
A district delineated on the official zoning district map under the terms and provisions of this code or which may hereinafter be created subsequent to the enactment of this code for which regulations governing the area, height, use of buildings, or use of land, and other regulations relating to development or maintenance of existing uses or structures, are uniform.

Zoning District, Base
A standard zoning district classification which is combined with an overlay district for purposes of development regulation specificity. The base (underlying) district regulations shall apply unless expressly superseded by overlay district provisions.

Zoning District, Overlay
An area where certain additional requirements are superimposed upon a base zoning district or underlying district and where the requirements of the base or underlying district may or may not be altered.

Zoning Map
Town of Wake Forest, North Carolina Zoning Map, as amended.