

Purpose & Applicability

1.1 TITLE

This ordinance shall be known and may be cited as the Unified Development Ordinance for the Town of Wake Forest, North Carolina. This ordinance may also be known and may be referred to as the "UDO."

1.2 AUTHORITY

The development regulations contained in this ordinance have been adopted pursuant to the authority conferred by the North Carolina General Statutes. Specifically, principal authorization comes in the North Carolina General Statutes in Chapter 160A (Planning and Regulation of Development). The Unified Development Ordinance of Wake Forest, North Carolina also uses powers granted in other sections of the North Carolina General Statutes relating to particular types of development or particular development issues.

1.3 JURISDICTION

All provisions of this ordinance shall apply within the corporate limits of the Town of Wake Forest, North Carolina and within the town's extraterritorial jurisdiction, as identified on the Zoning Map of the Town of Wake Forest, except that property in the extraterritorial jurisdiction which is used for bona fide farm purposes is exempt from the requirements of this ordinance, pursuant to NCGS 160A-360(k). The Zoning Map is on file with the Town Clerk and with the Administrator of this ordinance. The map and its boundaries shall be incorporated and made a part of this ordinance.

1.4 PURPOSE AND INTENT

The regulations contained in this ordinance have been adopted in accordance with the Community Plan for the Town of Wake Forest, North Carolina, as adopted, in order to:

- Maintain the small town character and attractive appearance of the community while continuing to encourage growth.
- Promote a vibrant, revitalized downtown with a unique mix of land uses and historical character.
- Provide well planned infrastructure to serve the community in a more comprehensive, environmentally responsible, and timely manner.
- Encourage growth that pays for itself through efficient development patterns that support the sustainable fiscal management of municipal services.
- Create a balanced and efficient multi-modal transportation system
- Facilitate walking and biking in the community by providing a well-integrated network of streets, sidewalks, bikeways, walking trails, and greenway trails.
- Preserve valuable open space and the environmental quality of the community
- Expand the community's parks and recreation system
- Promote excellent educational opportunity and lifelong learning through neighborhood schools that serve as civic anchors to the diverse communities that surround them.
- Ensure that commercial development is balanced and compatible with surrounding neighborhoods, and provides enduring value to the community.
- Promote quality, walkable, mixed-use neighborhoods with a wide variety of housing types, including affordable housing.

- Support the continued development of the community as a destination for arts and culture, beginning with value placed upon the unique historic character of the town.
- Support the development of the community's business sector and strengthen the local tax base.
- Protect public safety.
- Encourage civic pride and community involvement and provide a means of meaningful cooperation between the community and town government.

1.5 CONSISTENCY WITH ALL ADOPTED PLANS AND POLICIES

In accordance with NCGS 160A-382-383 all development plans, subdivision master plans and rezonings shall be in conformance with all adopted plans and policies (including comprehensive plans, transportation plans, small area plans, open space and greenway plans, or any other plan adopted by the Wake Forest Board of Commissioners).

1.5.1 IMPLEMENTATION OF PLAN

This ordinance is intended to implement the vision statements, policies, and actions of the Community Plan for the Town of Wake Forest as adopted on September 15, 2009.

1.5.2 AMENDMENTS TO UDO AND COMMUNITY PLAN

- A. The Unified Development Ordinance of Wake Forest, North Carolina also uses powers granted in other sections of the North Carolina General Statutes relating to particular types of development or particular development issues. Any amendments to or actions pursuant to this ordinance shall be consistent with the Community Plan.
- B. The Community Plan for the Town of Wake Forest may be amended and this Unified Development Ordinance and the incorporated Zoning Map shall reflect those changes through appropriate amendments in accordance with Section 15.14.

1.5.3 ADOPTED SMALL AREA PLANS

All development plans shall be consistent with any adopted small area plans. Small area plans may contain any of the following elements:

- Multi-Modal Circulation Network (pedestrian, bicycle, automobile, and public transit networks)
- Green Infrastructure Network (floodplains, wetlands, lakes, streams, parks, squares, and other public open spaces)
- Location of sites reserved for Civic & Institutional buildings and uses
- General Massing and Development Intensity Pattern
- Specific Design Guidelines (in addition to those contained in this ordinance)

1.5.4 VARIATIONS TO ADOPTED PLANS

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 developer or the Administrator, provided the integrity of the proposed network and connections, location, or area shown in the plan are maintained.

1.5.5 CONFLICTS WITH ADOPTED PLANS

In the event of a conflict or inconsistency between this ordinance and any adopted plans the requirements of this ordinance shall take precedence.

1.6 REQUIRED CONFORMANCE WITH THIS ORDINANCE

1.6.1 REQUIRED CONFORMANCE

No land or structure shall be used or occupied, and no structure or parts shall be constructed, erected, altered, or moved, unless in conformity with all of the regulations herein specified for the zoning district in which it is located subject to the provisions of Section 13.1.1. Every building erected, moved, or structurally altered shall be located on a lot conforming to the requirements of the district.

From and after the adoption of the UDO, no real property lying within the jurisdiction of the UDO shall be subdivided except in conformance with all applicable provisions of the UDO. In addition, after the effective date of the UDO, no plat for subdivision of land within the jurisdiction of the UDO shall be certified for recording by the Administrator, nor shall the Clerk of Superior Court order the recording of a plat until it has been submitted and approved in accordance with the provisions of the UDO.

1.6.2 CONFORMANCE TO SUBDIVISION STANDARDS AND REQUIRED IMPROVEMENTS UPON DEVELOPMENT

All existing lots of record, platted prior to the adoption of this ordinance and upon which no buildings have been erected, shall be grandfathered upon the date of adoption of this ordinance and shall not be subject to the new lot standards herein. However, buildings upon such lots shall be subject to standards in this ordinance including all related site improvements.

1.7 TRANSITIONAL PROVISIONS

The following transitional provisions shall apply to various activities, actions and other matters pending or occurring as of the effective date of this ordinance.

1.7.1 VIOLATIONS CONTINUE

Any violation of any previous ordinance of the Town of Wake Forest shall continue to be a violation under this ordinance and shall be subject to the penalties set forth at the time of the violation, unless the use, development, construction or other activity is clearly consistent with the express terms of this ordinance.

1.7.2 COMPLETION OF CURRENT DEVELOPMENT PLANS UNDER PREVIOUS ORDINANCES

A. Permit Issued: Any building or development for which a permit or plan approval was issued prior to the effective date of this ordinance or any amendment thereto, may be completed in conformance with the issued permit or plan approval and other applicable permits and conditions.

B. Application Filed

1. Any type of land development application which has been officially filed with the appropriate town official prior to the effective date of this ordinance or any amendment thereto, may continue to be processed under the land use rules and regulations in effect prior to said date.

2. The application approval process for such applications must be completed within one year of the filing date. Completion of the application approval process is considered to be the issuance of the appropriate town permit, certificate, or other designation sought under the land use rules and regulations in effect prior to the effective date of this ordinance.
3. If the application approval process is not completed within the specified time, then the application process may be completed only in strict compliance with the requirements of this ordinance.
4. The specified time may be extended at the discretion of the Administrator due to delays in approvals from agencies external to the Town of Wake Forest.

1.8 CONFLICT RESOLUTION AND INTERPRETATION

1.8.1 CONFLICT RESOLUTION AND INTERNAL CONSISTENCY

- A. This ordinance is not intended to abrogate any other law, ordinance or regulation. However, whenever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive or that imposing the higher standards shall govern.
- B. Except as hereinafter provided, these regulations shall not be deemed to interfere with, abrogate, annul, or otherwise affect in any manner whatsoever any easement, covenants, or other agreements between parties.
- C. In any event, wherever the requirements of this ordinance 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, and policies, or with development-imposed deed restrictions or covenants, the most restrictive, or that imposing the highest standards, shall govern.
- D. In the event of a conflict or inconsistency between the text of this ordinance and any caption, figure, illustration or map contained herein, the text shall control.
- E. This ordinance is not intended to abrogate any easement, covenant, or other private agreement. However, where the regulations of this ordinance are more restrictive or impose higher standards or requirements than such easement, covenant or other private agreement, then the requirements of this ordinance shall govern. Unless deed restrictions, covenants or other contracts directly involve the Town of Wake Forest as a party in interest, the town shall have no administrative responsibility for enforcing such deed restrictions or covenants.
- F. Should the courts declare any section or provisions of this ordinance invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

1.8.2 INTERPRETATION

In interpreting and applying these regulations, the requirements contained herein are declared to be the minimum requirements necessary to carry out the purpose of these regulations and are adopted for the promotion of the public health, safety, and general welfare.

1.9 EFFECTIVE DATE

All other provisions of this ordinance shall become effective July 16, 2013.

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