

General Provisions for all Districts

4.1 APPLICABILITY

The provisions in this chapter shall apply generally to all development regardless of the underlying zoning district provisions. The notable exception shall be any Planned Unit Development District, which is intended to create its own lot, use and dimensional design standards, so long as they are of equal or greater quality to the standards set forth in this section herein.

4.2 INTERPRETATION OF NUMERICAL STANDARDS

When any requirement of this ordinance results in a fraction of a unit, a fraction of one-half or more shall be considered a whole unit and a fraction of less than one-half shall be 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 shall be disregarded and rounded down to the nearest whole number.

4.3 BASIC LOT AND USE STANDARDS

4.3.1 ALL LOTS AND BUILDINGS SHALL FRONT ON A PUBLIC STREET

A. Lot Requirements

1. All lots shall front upon a public street right-of-way (publicly dedicated or privately maintained). In no case shall a lot have less than 20 feet of frontage on a public street right-of-way. Flag pole lots may be permitted provided that:
 - a. There is a minimum of 20 feet public street right-of-way frontage when a driveway gives access to one lot.

B. Building Requirements

1. No building shall be erected on a lot which does not front on an improved public street right-of-way, unless such lots are approved as part of a Conditional District, Planned Unit Development District, Subdivision Master Plan or Site Master Plan in accordance with the provisions of this Ordinance.
2. The Board of Adjustment may grant a variance to this requirement in accordance with Section 15.13 of this ordinance provided that:
 - a. There is a legally established private right-of-way of no less than 50 feet and no longer than 500 feet measured from the nearest public street right-of-way giving access to no more than 3 buildings.
 - b. There is a legally established access easement of no less than 20 feet giving access to no more than 2 buildings. An access easement shall only be permitted for lots that were land-locked prior to January 13, 1977.

4.3.2 NUMBER OF PRINCIPAL BUILDINGS PER LOT

In any zoning district, more than one building containing a permitted principal use may be erected on a single lot, provided that at least one building is fully compliant with the principal building setback requirements in Section 2.2.3 and the private frontage requirements in Section 5.3. All other requirements of this ordinance not related to building placement shall be adhered to for all principal structures.

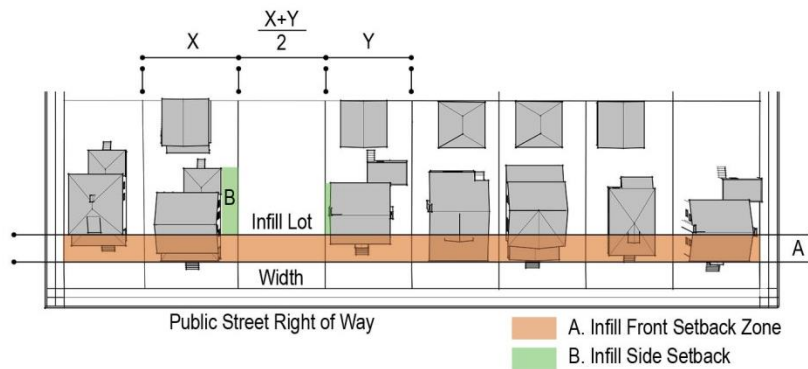
4.3.3 DIMENSIONAL STANDARDS

A. Yard Requirements

1. **General:** A building, structure or lot shall not be developed, used or occupied unless it meets the minimum yard requirements for the land development or overlay district in which it is located.
2. **Calculating Yards:** The minimum yard is the space defined by measuring perpendicularly from and along the entire boundary of the lot (property line) to the building line as shown in the diagram above.
3. **Orientation:** Side lot lines shall normally be perpendicular or radial to street right-of-way lines.
4. **Assumed Right-of-way:** 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 that is parallel to the edge of pavement and setback a minimum of 10 feet from the edge of the pavement. This calculation is for setback calculation purposes only and does not represent any expressed or implied taking of property.
5. **Infill Lot Standards:** The minimum front or street yard required may be reduced for any lot where the average established front yard on developed lots located within 300 feet on each side of such lot, and fronting on the same street as such lot, is less than the minimum required yard. In such cases, the minimum front or street yard may be less than that required but not less than the average of the existing front yards on the developed lots within 300 feet of each side. In addition for new lots created from existing larger lots, the lot width at the frontage line and the side yard setbacks shall be consistent with the immediately adjacent neighboring parcels on the same side of the street.



4.3.4 ENCROACHMENTS



The features listed below may encroach into a required yard.

- A. **Arcades:** Building arcades, if provided, should be designed to avoid the swing of car doors parked parallel to the arcade. In addition the sidewalk within the arcade should be sufficient to accommodate the intended uses (i.e. outdoor seating) while providing suitable clearances per the Americans with Disabilities Act Accessibility Guidelines (ADAAG).

- B. Awnings and Canopies:** All awnings and canopies, if provided, shall be supported by means of a frame attached directly to the building receiving beneficial use of the awning. In no case shall awnings be supported by a frame attached to a sidewalk or other public right-of-way. Awnings may encroach up to 6 feet into any required front or street yard but shall not encroach into the street tree planting area or across the street edge of the sidewalk.
- C. Bay Windows and Balconies:** Bay windows, balconies and similar features projecting from the principal building may encroach up to 3 feet into any required yard.
- D. Cornices and Gutters:** Cornices, eave overhangs, and similar projections (including gutters) may encroach up to 2 feet into any required yard.
- E. Fences & Garden Walls:** Fences and garden/yard walls may encroach into required yards but, if higher than 3.5 feet, may not be placed within the site visibility triangle of a public street, private street or driveway contained either on the property or on an adjoining property. See Section 6.5.2.G concerning the sight visibility triangle. Fences and garden/yard walls located in the front yard or fronting a public street, park or open space shall be constructed of masonry, stone, architectural block, stucco on masonry, wood or other similar material of solid appearance. Chain link fences are permitted in side and rear yards only.
- F. Handicapped Ramps:** Ramps for handicap accessibility and fire escapes that are required by the North Carolina State Building Code may encroach into any required yard but may not be closer than 3 feet to any property line.
- G. Porches, Decks, and Patios:** Uncovered and unenclosed porches, decks, patios, and other similar features not exceeding an average finished height above grade of 30 inches may encroach into the side and rear setback to within 5 feet of the property line.
- H. Public Rights of Way Encroachments (Air Rights):** With approval of the town or NCDOT (whichever has authority over a street), upper story balconies or bay windows may encroach into the right of way, but shall be a minimum of 3 feet behind the curb.
- I. Steps and Stairs:** Uncovered and unenclosed steps and stairs may encroach up to 6 feet into any required front or street yard but may not be closer than 5 feet to any property line.
- J. Lighting:** Required street lighting and any landscape lighting may encroach into any required yard. Any other required site lighting may encroach up to 5 feet into required landscape buffer yards that are greater than 20 feet in width.

4.4 IRREGULAR LOT SETBACKS

The location of required front, side and rear yards (or setbacks) on irregularly shaped lots shall be determined by the Administrator. The determination will be based on the intent and purpose of this ordinance to achieve an appropriate spacing and location of buildings and buildings on individual lots. Where questions arise as to appropriateness, the subdivider may be requested to provide additional design information.



4.4.1 SETBACKS ALONG THOROUGHFARES

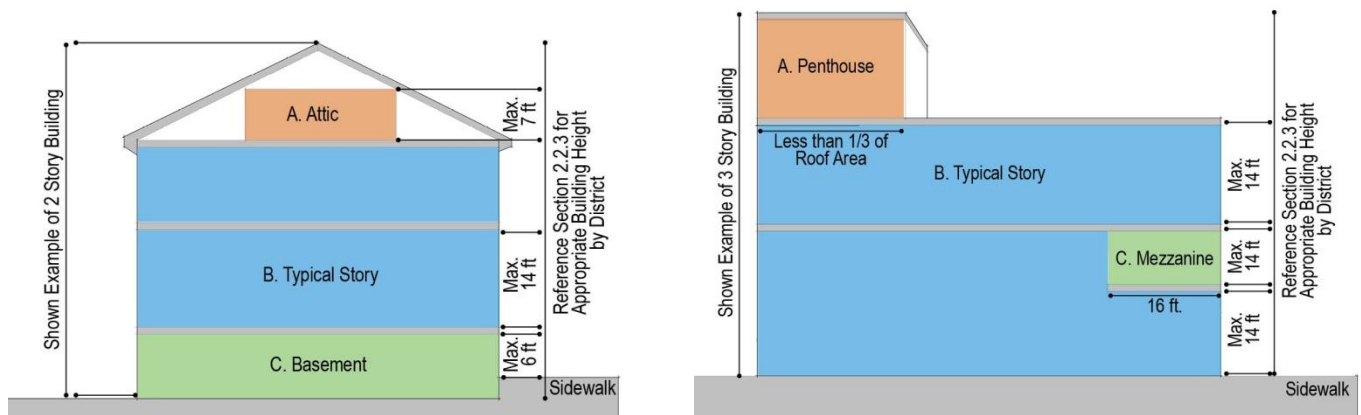
Setbacks along thoroughfares shall be measured from the future right-of-way only if there is a specifically adopted corridor plan that shows, at a minimum, the horizontal alignment of the future roadway, pedestrian and bicycle amenities, streetscape and necessary right-of-way.

4.5 MEASUREMENT OF HEIGHT

Building heights shall be as specified in Section 2.2 and shall be determined according to the provisions below.

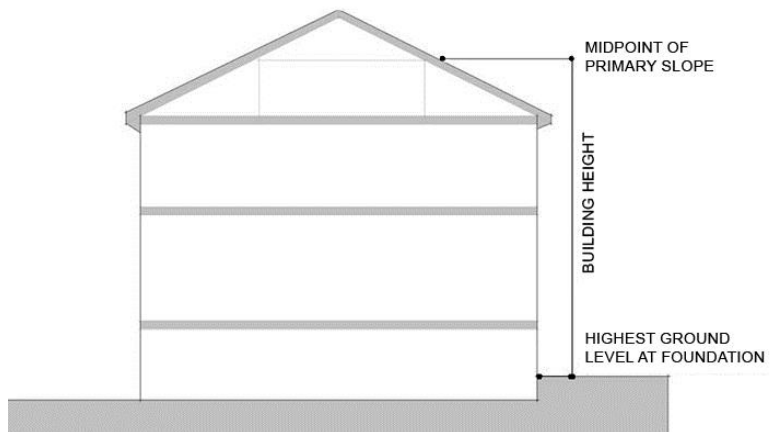
4.5.1 STORY

A story is a habitable level within a building of no more than 14 feet in height from finished floor to finished ceiling. Unoccupied attics less than 7 feet in height and raised basements less than 6 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% of the depth 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.



4.5.2 DIMENSIONAL HEIGHT STANDARDS

Where a specific dimension is used in the calculation of height it shall be measured from the highest ground level at the structure foundation to the midpoint of the primary roof slope.



4.5.3 ITEMS NOT INCLUDED IN HEIGHT CALCULATIONS

The height limitations of this ordinance shall not apply to building features provided they do not exceed the height limitations of the associated zoning district, including the following, but not limited to: church spires, belfries, cupolas, and domes not intended for human occupancy, monuments, water towers, mechanical penthouses (provided they are set back 20 feet from the front elevation), observation towers, transmission towers, chimneys, smokestacks, conveyors, flagpoles, masts and antennas (provided evidence from appropriate authorities is submitted to the effect that such building or buildings will not interfere with any airport zones or flight patterns).

4.6 ACCESSORY USES AND STRUCTURES

The purpose of this section is to establish standards for accessory uses and structures in the Town of Wake Forest's land use jurisdiction. Except as provided elsewhere in this chapter, it shall be unlawful for any person to erect, construct, enlarge, move or replace any accessory use or structure without first obtaining a certificate of zoning compliance from the Administrator.

4.6.1 GENERAL

- A.** Accessory uses and structures may only be used for purposes 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 Accessory Dwelling Units in accordance with Section 3.2.2.
- 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.

4.6.2 LOCATION, SETBACK, AND HEIGHT

Standards	Single-Family/Two-Family Lots - 2 Acres or Less	Single-Family/Two-Family Lots - Over 2 Acres	All Other Uses
1. Permitted Location	Side/rear yard only	Permitted in all yards – may not be closer than 30 ft to right-of-way	Side/rear yard only
2. Side/Rear Yard Setback	Subject to district setbacks (See Section 2.2)		
3. Height	Subject to district height provisions (See Section 2.2)		

4.6.3 MAXIMUM NUMBER AND AREA

Standards	Single-Family/Two-Family Lots – Less than 1 Acre	Single-Family/Two-Family Lots – 1-3 Acres	All Other Uses and Lots Larger than 3 Acres
1. Maximum Accessory Structures Permitted	2	2	No Maximum
2. Maximum Area (Accessory Dwelling Unit Area is Exempt)	600 sf Per Structure 1000 sf in Aggregate	1000 sf Per Structure 1400 sf in Aggregate	No Maximum

4.6.4 OTHER REQUIREMENTS

- A. Buffering:** Accessory structures with a footprint greater than 600 square feet shall be buffered from any adjacent residential developments with a Type C Buffer as outlined in Section 8.5.3.
- B. Lighting:** Exterior lighting for accessory uses and/or structures shall meet the requirements by which principal structures are governed as set forth in Chapter 10.

4.6.5 WIRELESS TELECOMMUNICATION FACILITIES AS ACCESSORY STRUCTURES

- A. The following facilities shall be allowed as accessory structures provided they are “related to” and “customarily incidental” to the principal use and or structure:
1. Television satellite dishes,
 2. Antennas and their support structures (including combinations of the two) 60 feet in height or less.

4.7 TEMPORARY USES

Proposed land uses defined as temporary uses shall obtain a Development Permit that outlines the conditions of operations and shall be consistent with the applications of this section. Upon conformance to all requirements of this section, the Administrator has the authority to issue a development permit for temporary uses such as bazaars, festivals, carnivals, produce stands, seasonal outdoor sales, construction offices, and similar uses. Such permit shall be issued for a fixed period of time, to be stated in the permit and shall be subject to such limitations as the Administrator may impose to protect the character of the district affected. The Administrator may consider any prior violation of this ordinance by applicant for which the applicant has received citation or notice from the Administrator as grounds for denial of an application.

4.7.1 GENERAL STANDARDS / PERMIT REQUIREMENTS

- A. **Development Permit:** All permitted temporary uses listed in this section require a Development Permit for temporary use that shall be reviewed and issued by the Administrator.
- B. **Area:** The property on which a temporary use is proposed must contain sufficient space to support the temporary use.
- C. **Parking:** Parking must be adequate to support the proposed temporary use.
- D. **Restrooms:** Restroom facilities, if needed, must be provided.
- E. **Additional Permits May Be Required:** All inspections and permits required by the building code, fire marshal, or applicable government agency must be received.
- F. **Duration:** A temporary use shall last only as long as that time period stated in the development permit but shall not exceed 180 days within a calendar year on any individual lot. Duration of a development permit for temporary use is intended to include days operated, or attended by persons not employed by or volunteering to work at the event and does not include the setup, takedown, clean-up, or rehearsal days of the event.
- G. **Temporary Use/Event Cleanup:** The applicant is responsible for fully removing from the site any structures allowed as temporary uses and also any garbage or rubbish resulting from the temporary use within 3 days after the expiration of the Development Permit. Each day after the expiration of the permit in which applicant fails to fully remove a structure or garbage or rubbish shall be deemed a violation of this ordinance in accordance with Section 16.3.

4.7.2 TEMPORARY EVENTS / USES EXEMPT FROM PERMIT REQUIREMENTS

Development permits for temporary uses are not required for the following events (this exemption does not exclude any other required permits, such as building permit, ABC license, health department approval, etc.):

- A. Events with total anticipated assembly of less than 1,500 people and only held one day per calendar year on an individual parcel or site.
- B. Private events such as weddings, private parties, funerals, etc.; not open to the general public; and lasting less than 12 hours.

- C. Government-sponsored events and those governed by the Wake Forest Code of Ordinances;
- D. Regularly established permanent places of worship, sports facilities, schools, auditoriums, or other similar permanently established place of assembly for events that do not exceed the maximum capacity of the structure or site where the assembly is held.
- E. Events which occur on property possessing site plan approval for such activities.
- F. Indoor promotional events where the size and location of such events shall be reasonably related to the existing building and in no case shall interfere with the day-to-day business operations of on-site or adjacent businesses.
- G. Natural disaster and emergency offices.

4.7.3 TEMPORARY USES WITH SPECIFIC REQUIREMENTS

- A. **Produce Sales, Seasonal Outdoor Sales & Other Similar Uses:** Such temporary uses shall not exceed 90 consecutive days and no more than 2 events per calendar year. Hours of operation shall be limited to 7:00 AM – 10:00 PM.
- B. **Contractor's Office and Equipment/Storage Sheds**
 - 1. **Construction Plan Approval Required:** Contractor's office and/or equipment/storage sheds may be placed in any District temporarily on the site of construction of a development for which final site/subdivision construction plans have been approved.
 - 2. **Time Limit:** All such equipment shall be removed upon completion of development.
- C. **Real Estate Office in a Construction Trailer or Temporary Modular Unit**
 - 1. **Use of Temporary Structure:** One temporary structure, such as a construction trailer or temporary modular unit may be used as a real estate sales office in any new construction project in any district. Such a temporary structure shall be used for the sale of units within that project only.
 - 2. **Time Limit:** Temporary real estate offices in construction trailers or temporary modular units may remain on the site until the development completion date.
- D. **Real Estate Office in a Model Home:** A model dwelling may be used as a real estate sales office in a new residential development in any District. Such a model home/sales office may be used for the sale of units within that project only.
- E. **Large Events** (Bazaars, Festivals, Carnivals, Fairs, Circuses, Concerts & Similar Outdoor Gatherings with the total anticipated assembly of 1,500 or more people and duration of 2 or more days per calendar year on an individual parcel or site)
 - 1. The following information is required as part of the application process a minimum of 30 days prior to the planned event:
 - a. Anticipated attendance, including previous attendance figures if the event has occurred at least once in the previous 5 years;
 - b. Anticipated number of days needed to prepare location for use;
 - c. Means of activity containment (i.e. fencing, security, etc.);
 - d. Event security, crowd control and traffic safety measures. Provisions for these must be approved by the Town of Wake Forest Police Department;
 - e. Location of temporary signage as regulated by Section 11.10.14 of this ordinance;

- f. Existing land uses of all adjacent properties;
 - g. Location of restroom facilities;
 - h. Method and location of garbage impoundment and means of removal;
 - i. Location and method of site lighting;
 - j. Signed affidavit verifying that all property owners within 100 feet have been notified of date, time and nature of the event with the letter that was sent attached;
 - k. Proof of liability insurance;
 - l. Adequate access for emergency vehicles;
2. If the applicant is not also the owner of the real property upon which the use will take place, then the applicant will include as part of the completed application a copy of the lease or rental agreement pertaining to the temporary use, and also an attachment providing:
- a. The name of each responsible party on the lease or rental agreement, as well as any organization on whose behalf a person is applying (collectively “Applicant”);
 - b. The contact information for all responsible parties on the lease or rental agreement as well as any organization on whose behalf a person is applying (collectively “Applicant”).
3. **Other Permits May Be Required:** Applicant is responsible for obtaining all other applicable permits, such as building permits, ABC licenses, and health department approval. Proof of application for these permits must be submitted with the development permit application.
4. **Location, Duration, and Hours of Operation:**
- a. Events located in residential zoning districts shall be limited to an individual parcel or site for a period of time not to exceed 14 consecutive days and no more than 2 events per calendar year.
 - b. Events located in non-residential zoning districts shall be limited to an individual parcel or site for a period of time not to exceed 7 consecutive days and no more than 7 events per calendar year.