

ARTICLE 6: SUPPLEMENTARY DISTRICT STANDARDS
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Section 6.1 Watershed Districts
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The following watershed districts shall cover the WS-II Balance of Watershed Area for the Little River Watershed within Rolesville's zoning jurisdiction:

R-40W - Residential Watershed District
O&P-W- Office and Professional Watershed District
C-W - Commercial Watershed District
I-W - Industrial Watershed District

In order to maintain a predominantly undeveloped land use intensity pattern, single family residential uses if allowed in the zoning district shall be allowed at a maximum of one (1) dwelling unit per 40,000 square feet. All other residential and non-residential development if allowed in the zoning district shall be allowed a maximum of twelve (12) percent built-upon area. Exceptions to the density and built-upon area requirements for residential and non-residential uses may be made for those uses permitted as a Special Intensity Allocation (SIA) as defined in Section 6.1.1 below, and in specified high density development areas, as defined in Section 9.9.

The Rolesville Planning Board is to function as the Watershed Review Board in assuring compliance with this ordinance. General duties of the Planning Board are as noted in the UDO, and more specifically in Title II, Chapter 24.

Variances to this ordinance are to be considered and decided upon by the Rolesville Board of Adjustment. Duties and responsibilities of the Board of Adjustment are defined in Section 2.3.

There shall be no development or filling in the 100-year floodplain, with the exception of utilities and infrastructure, as determined by the Town. Roads in the 100-year floodplain are to be elevated to the 100-year flood elevation.

6.1.1 Special Intensity Areas

In Watershed Districts, new and expansions to existing residential and non-residential permitted uses may occupy up to ten (10) percent of the balance of the watershed areas in Rolesville's jurisdiction as delineated on July 1, 1993, with a seventy (70) percent built upon area when approved by the Board of Commissioners as a Special Intensity Allocation (SIA). The Rolesville Board of Commissioners is authorized to approve SIAs consistent with the provisions of this section. Projects must minimize built-upon surface area, direct stormwater away from surface waters and incorporate Best Management Practices to minimize water quality impacts. Non-discharging landfills and residual application sites if allowed in the zoning district are allowed in the WS-II Balance of Watershed.

6.1.2 Permitted and Special Uses in Watershed Districts

Only the following uses are allowed in the R-40W district:

- (a) Agriculture
- (b) Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 11.6101 - .0209) and all successor documents.
- (c) Single-family dwellings
- (d) Churches and other places of worship
- (e) Club facilities, civic and fraternal
- (f) Family care homes as defined in G. S. 168-21; for handicapped person as defined in G. S. 168, Article 3.
- (g) Home occupations, in accordance with Section 9.4 of this ordinance.
- (h) Kindergartens, nursery schools, and day care establishments.
- (i) Lodging or boarding of non-transients provided not more than fifty (50) percent of the gross floor area in one dwelling is devoted to such occupancies.
- (j) Medical clinics.
- (k) Public recreation facilities, including community centers, parks, ballpark playgrounds, assembly halls, swimming pools, athletic courts, and other such facilities.
- (l) Public utility substations, fire stations, water and sewerage pumping stations, and water storage tanks.
- (m) Recreation facilities which are part of a subdivision and controlled by homeowners association.
- (n) Rest homes and nursing homes
- (o) Schools, public and private
- (p) Signs, in accordance with Article 11 of this ordinance.
- (q) Uses and buildings customarily accessory to the above permitted uses in accordance with Section 5.5 of this ordinance.
- (r) Special Intensity Allocations (SIAs), containing those residential or nonresidential uses allowed as permitted or special uses in the R-40W district, are special uses in this district.

Only the following uses are allowed as permitted or special uses in O&P-W Districts:

- (a) Those uses listed as permitted or special uses in O&P Districts in Section 5.1 of this ordinance.

Only the following uses are allowed as permitted or special uses in C-W Districts:

- (a) Those uses listed as permitted or special uses in C and MU Districts in Section 5.1 of this ordinance.
- (b) Special Intensity Allocations (SIAs) are special uses in this district. SIAs in the C-W district may contain those uses listed as permitted or special uses in the C and C-O districts.

Only the following uses are allowed as permitted or special uses in I-W Districts:

- (a) Those uses listed as permitted or special uses in the I District in Section 5.1 of this ordinance.

- (b) Special Intensity Allocations (SIAs) are special uses in this district. SIAs in the I-W district may contain those uses which are permitted or special uses in the I district.

6.1.3 Prohibited Uses

All uses not listed above in 6.1.2 of this ordinance are prohibited in all watershed districts. Discharging landfills are prohibited.

6.1.4 Subdivision Application and Review Process

- (a) As a minimum, all proposed subdivision shall be processed and reviewed as specified in Section 14. For subdivision with a watershed district, the Watershed Administrator will review the proposed subdivision to assure compliance with provisions of this ordinance prior to forwarding the preliminary plat to the Watershed Review Board..
- (b) If the Board of Commissioners approves the subdivision application following review by the Watershed Review Board (aka, Planning Board), such approval shall be indicated on all copies of the preliminary and final plat by the following certificate and signed by the Watershed Administrator:

Certificate of Approval for Recording

I certify that the plat shown hereon complies with the Watershed Protection Ordinance and is approved by the Rolesville Board of Commissioners for recording by the Wake County Register of Deeds.

Date

Watershed Administrator

- (c) If the Board of Commissioners disapproves or approves conditionally the subdivision application, the reasons for such action shall be stated in writing for the applicant and entered in the minutes. The owner/developer may make changes and submit a revised plan that shall constitute a separate request for the purposes of review.
- (d) The plat shall be recorded within 30 days of final approval. The owner/developer shall provide the Watershed Administrator with evidence the plat has been recorded with the Register of Deeds within five (5) working days.

6.1.5 Density and Built-Upon Limits:

- (a) Single Family Residential Non-Special Intensity Allocation (SIA): Development shall not exceed one (1) dwelling unit per 40,000 square feet on a project by project basis. No residential lot shall be less than 40,000 square feet unless located in a cluster development.

- (b) Single Family Residential Special Intensity Allocation (SIA): Ten (10) percent of the balance of the watershed may be developed for residential uses to seventy (70) percent built-upon area on a project by project basis. For the purpose of calculating built-upon area, total project area shall include total acreage in the tract upon which the project is to be developed.
- (c) Non-single family residential and non-residential development shall not exceed twelve (12) percent built-upon area on a project by project basis except that up to ten (10) percent of the balance of the watershed may be developed for nonresidential uses to seventy (70) percent built-upon area on a project by project basis. For the purpose of calculating built-upon area, total project area shall include total acreage in the tract upon which the project is to be developed.

6.1.6 Dimensional Requirements

The stricter of the requirements in this subsection or in Section 7.1 shall apply.

R-40W District:

Minimum lot area in square feet:	40,000	In SIA: 15,000
Minimum lot width in feet:	110	In SIA: 85
Minimum lot depth in feet:	150	In SIA: 110

Minimum required yards in feet:	In SIA:
-front: 50	-front: 30
-side: 20*	-side: 12*
-rear: 30	-rear: 25

Maximum height in feet: 35	In SIA: 35
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Maximum lot coverage in percent
-36 for single-family residential

*Side yard setbacks fronting a public street will be extended an additional 10 feet.

O&P-W Districts:

Minimum lot area in square feet:	40,000
Minimum lot width in feet:	100
Minimum lot depth in feet:	150

Minimum required yards on feet:
- front: 30
- side: 15*
- rear: 20

*Side yard setbacks fronting a public street will be extended an additional 10 feet.

C-W and I-W Districts:

Minimum lot area in square feet: 40,000

Minimum lot width in feet: 100

Minimum lot depth in feet: 150

Minimum required yards in feet:

-front: 30

-side: 15

-rear: 20

6.1.7 Conservation Subdivisions

Conservation subdivisions, sometimes referred to as cluster developments, are permitted in accordance with the provisions of Section 6.3.

6.1.8 Buffer Areas Required

Riparian protection buffers are required in accordance with the requirements in Section 7.3 and the provisions in this section. Any activities allowed in the buffer as a result of the provisions in Section 7.3 should minimize built-upon surface area, direct runoff away from the surface water and maximize the utilization of stormwater Best Management Practices.

6.1.9 Rules Governing the Interpretation of Watershed Area Boundaries

- (a) Where uncertainty exists as to the boundaries of the watershed area as shown on the zoning or watershed map, the following rules shall apply:
- (b) Where area boundaries are indicated as approximately following either street, alley, railroad or highway lines, or center-lines thereof, such lines shall be construed to be such boundaries.
- (c) Where area boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be such boundaries. However, a surveyed plat prepared by a registered land surveyor may be submitted to the town as evidence that one or more properties along these boundaries do not lie within the watershed area.
- (d) Where the watershed area boundaries lie at a scaled distance more than twenty-five (25) feet from any parallel lot line, the location of watershed area boundaries shall be determined by use of the scale appearing on the watershed map.
- (e) Where the watershed area boundaries lie at a scaled distance of twenty-five (25) feet or less from any parallel lot line, the location of the watershed area boundaries shall be construed to be the lot line.

- (f) Where other uncertainty exists, the zoning administrator shall interpret the map as to the location of such boundaries. This decision may be appealed to the board of adjustment.

6.1.10 Existing Development

Exception to Applicability. Existing development, as defined in subsection 6.1.14 of this ordinance, is not subject to the watershed requirements of this ordinance. Expansions to structures classified as existing development must meet the requirements of this ordinance, however, the built upon area of the existing development is not required to be included in the density and/or built upon calculations.

If a non-conforming lot of record is not contiguous to any other lot owned by the same party, then that lot of record shall not be subject to the development restrictions of the water supply watershed provisions of this ordinance if it is developed for single-family residential purposes.

Any existing development as defined in this ordinance may be continued and maintained subject to the provisions provided herein. Expansion to structures classified as existing development must meet the requirements of Section 6.1, however, built-upon area of existing development is not required to be included in the density calculations. However, no lot may exceed thirty-six (36) percent lot coverage in watershed districts when new development is added to existing development or seventy (70) percent in Special Intensity Allocations (SIAs).

Reconstruction of Buildings or Built-upon Areas. Any existing building or built-upon area not in conformance with the restrictions of this subsection that has been damaged or removed may, if otherwise in conformance with this ordinance, be reconstructed, if the total amount of space devoted to built-upon area is not increased.

6.1.11 Public Health Regulations

- (a) Public Health in General.

No activity, situation, structure or land use shall be allowed within the watershed which poses a threat to water quality and the public health, safety, and welfare. Such conditions may arise from inadequate on-site sewage systems which utilize ground absorption; inadequate sedimentation and erosion control measures; the improper storage or disposal of junk, trash or other refuse within a buffer area; the absence or improper implementation of a spill containment plan for toxic and hazardous materials; the improper management of stormwater runoff; or any other situation found to pose a threat to water quality.

- (b) Abatement

- (1) The Zoning Administrator shall monitor land use activities within the watershed areas that may pose a threat to water quality.

- 2) The Zoning Administrator shall report all findings to the Town Manager. The Zoning Administrator may consult with any public agency or official and request recommendation.
- 3) When the Watershed Administrator finds a threat to water quality and public health, safety and welfare, he shall institute any appropriate action or proceeding to restrain, correct, or abate the condition and/or violation.

6.1.12 Record and Notification

- (a) The zoning administrator shall keep records of all amendments to this subsection and shall provide copies of all such amendments upon adoption to the Division of Water Quality.
- (b) The zoning administrator shall keep records of the jurisdiction's utilization of Special Intensity Allocations (SIAs). Records shall include the total acres of non-critical watershed area, total acres eligible to be developed under this option, (212 acres), [NOTE: per letter received from N.C. Division of Water Quality] total acres approved for this development option, and individual records for each project with the following information: location, acres, site plan, use, stormwater management plan as applicable and inventory of hazardous substances as applicable.
- (c) The zoning administrator shall keep a record of variances to this subsection. This record shall be submitted to the Local Government Assistance Unit of the NC Division of Water Quality on an annual basis, on or before January 1st of each year, and shall provide a description of each project receiving a variance and the reason for granting the variance.

6.1.13 Amendments

Amendments to the Watershed Ordinance must be processed in accordance with Section 3.9, including the holding of public hearings. Under no circumstances shall the Rolesville Board of Commissioners adopt such amendments, supplements or watershed protection rules as adopted by the N. C. Environmental Management Commission. All amendments to the watershed provisions of this ordinance must be filed with the N.C. Division of Water Quality, N.C. Division of Environmental Health, and N.C. Division of Community Assistance.

6.1.14 Variances

The Board of Adjustment shall have the power to authorize, in specific cases, minor variances from the terms of the watershed provisions of this ordinance and hold hearings on major variances to the terms of the watershed provisions of this ordinance. In addition to the normal variance requirements, the following provisions shall apply:

- (a) A site plan, drawn to a scale of at least one (1) inch to forty (40) feet, shall be submitted, indicating the property lines of the parcel upon which the use is proposed;

any existing or proposed structures; parking areas and other built-upon areas; surface water drainage. The site plan shall be neatly drawn and indicate north point, name and address of person who prepared the plan, date of the original drawing, and an accurate record of any later revisions.

- (b) A complete and detailed description of the proposed variance, together with any other pertinent information which the applicant feels would be helpful to the board of adjustment in considering the application.
- (c) The zoning administrator shall at least ten (10) days before the hearing mail by first class mail notification in writing to each local government having jurisdiction in the watershed and any entity using the water supply for consumption. Such notice shall include a description of the variance being requested and the date of the hearing. Local governments receiving notice of the variance request may submit comments to the zoning administrator prior to the hearing. Such comments shall become part of the record of the proceedings of the hearing.
- (d) If the application calls for the granting of a major variance, and if the board of adjustment decides in favor of granting the variance, the board of adjustment shall propose a preliminary record of the hearing within thirty (30) days which shall include:
 - (1) The variance application;
 - (2) The hearing notice;
 - (3) The evidence presented;
 - (4) Motions, offers of proof, objections to evidence, and rulings on them;
 - (5) Proposed findings and exceptions;
 - (6) The proposed decision, including all conditions proposed to be added to the permit.

The preliminary record shall be sent to Environmental Management Commission for its review as follows:

- 1) If the Commission concludes from the the preliminary record that the variance qualifies as a major variance and that (1) the property owner can secure no reasonable return from, nor make any practical use of the property unless the proposed variance is granted, and (2) the variance, if granted, will not result in a serious threat to the water supply, then the Commission shall approve the variance as proposed or approve the proposed variance with conditions and stipulations. The Commission shall prepare a Commission decision and send it to the Board of Adjustment. If the Commission approves the variance as proposed, the Board shall prepare a final decision granting the proposed variance. If the Commission approves the variance with conditions and stipulations, the Board shall prepare a final decision including such conditions and stipulations, granting the proposed variance.

- 2) If the Commission concludes from the preliminary record that the variance qualifies as a major variance and that (1) the property owner can secure a reasonable return from or make a practical use of the property without the variance or (2) the variance, if granted, will result in a serious threat to the water supply, then the Commission shall deny approval of the variance as proposed. The Commission shall prepare a Commission decision and send it to the Board of Adjustment. The Board shall prepare a final decision denying the variance as proposed.
- (e) Appeals from the Board of Adjustment must be filed with the Superior Court within thirty (30) days from the date of decision. The decision of the Superior Court will be in the manner of certiorari.

Section 6.2 R&PUD Residential and Planned Unit Development District

R&PUD – Residential and Planned Unit Development District – The R&PUD is established as a district in which to provide locations for development projects on land under unified control, planned as a whole, and developed in a single development operation or in a programmed series of units or stages of development, with appropriate design and site planning controls.

The R&PUD is intended to be primarily a pedestrian oriented residential community that also contains a limited mix of retail, office and professional, civic and government uses. Residential offerings are to be varied and include both detached and attached dwelling units.

A homeowners association shall be established to maintain appearance and other standards, and to oversee the use of open space and community recreational facilities.

The requirements set forth in this section (6.2) are established by the Town Board of Commissioners as standards that presumptively will result in the provision of a village environment contemplated by this section and by the Comprehensive Land Use Plan. The Board recognizes, however, that due to the nature of a tract of land, or the nature of the facilities proposed for installation, or other factors, the underlying objectives of this section (6.2) may be achieved even though the standards are not adhered to with mathematical precision. Therefore, deviations from these standards may be permitted whenever it is determined that the underlying standards can be met without strict adherence to them, and because peculiarities in the developer's tract of land or the facilities proposed would make it unreasonable to require strict adherence to these standards.

Whenever some deviation from the standards set forth in this article pursuant to the paragraph immediately above is authorized, the official record of the action taken on the development application shall contain a statement of the reasons for allowing the deviation.

Following approval of the final site or subdivision plan, variances to individual lot dimensions and setbacks of up to 10% may be approved by the Town Administrator.

Permitted Uses:

The R&PUD is encouraged to contain all or most of the following general residential and non-residential elements, which may be developed as distinct sections within the R&PUD. Permitted uses for each district section is discussed under each section's heading.

- R1: Single family, detached residential
- R2: Duplex, and single family detached with an attached or detached garden suite (a.k.a. "granny flat")
- R3: Townhouses and apartments
- RM: Mixed use residential and non-residential
- G: Government and other related municipal services

Special Requirements:

Development of the R&PUD district must adhere to the appropriate land use requirements discussed elsewhere in the Code of Ordinances. There are, however, special development requirements for the R&PUD district applicable to the entire R&PUD, which are listed below, and development requirements that are applicable to each type section identified above and which are discussed in each section's specifications.

- (a) Sidewalks:
Sidewalks are required on both sides of all public streets, except for cul-de-sacs of 250 feet in length or shorter, and alleys. Residential sidewalks shall be a minimum of five (5) feet wide. The widths of all non-residential sidewalks shall be a minimum of five (5) feet, but may be wider, as determined in the approved site or subdivision plan.
- (b) Planting strips:
Planting strips between six (6) to seven (7) feet in width shall be established between sidewalks and curbing in all residential areas. The width of the planting strips may be reduced to no less than a minimum of four (4) feet as allowed by the available right-of-way.
- (c) Curb and Gutter:
Required for drainage for all public streets.
- (d) Cul-de-sacs:
Cul-de-sacs shall not exceed 250 feet in length from the nearest intersection with a street providing through access (not a cul-de-sac), unless necessitated by topography or property accessibility. Cul-de-sac lengths longer than 250 feet will be reviewed for approval on a case-by-case basis. Cul-de-sacs are permitted where topography makes a street connection impracticable.
- (e) Bike paths:
Bike paths a minimum of four feet wide shall be installed along both sides of minor and major thoroughfares (minor and major arterials). Alternatively, an eight-foot wide bike path may be installed paralleling the minor or major thoroughfare. In this instance, the bike path can replace the sidewalk normally required on the same side of the roadway.

- (f) Alleys:
Alleys are to serve the rear of residential lots. Alleys shall have a 20-foot right-of-way. Paved width shall be 10 feet, and may have open drainage if appropriate and as certified by a Professional Engineer.

Density Requirements:

Maximum overall density for the aggregate residential portions of the planned unit development shall be four (4) units per gross acre of the entire tract and no individual subdivision, section, development, or development phase shall exceed six (6) units per gross acre, except for townhouse units, which shall not exceed eight (8) units per acre, and apartments units, which shall not exceed twelve (12) units per gross acre.

6.2.1 R1: Single Family, Detached Residential

6.2.1.1 Permitted Uses:

- (a) Single family, detached residential
- (b) Government and other related municipal services
- (c) Community recreational facilities, civic, cultural, and fraternal uses

6.2.1.2 Lot Specifications:

- (a) Minor and Major Thoroughfare Frontage: 100 feet. All Other Streets: 50 feet
- (b) Setbacks for residential lots:
 - (1) Front: Minimum of 10 feet from ROW for lots providing on-street parking and/or rear parking serviced by alleys. All other lots require a minimum of 25 feet front setback.
 - (2) Side: Minimum of zero (0) feet, with a minimum aggregate of 20% of frontage per lot, and with a minimum of 10 feet aggregate between dwelling units. Corner lots will have a minimum of 10 feet side setbacks for sides fronting public streets.
 - (3) Rear: Minimum of 25 feet for lots not serviced by alleys. Building setback from alleys and lanes, including accessory buildings, is 15 feet from centerline of the alley.
- (c) Accessory buildings: All accessory buildings, including detached garages, are to be to the rear of, and a minimum of ten (10) feet from the principal residence, and ten (10) feet from any public right-of-way.
- (d) Encroachments: Encroachments into the rear setback by the principal residence and attached structures, including decks and porches, may not exceed twelve (12) feet or one-half the distance of the rear setback, whichever is greater, and be no nearer than three feet from the rear lot line.
- (e) Parking: There shall be a minimum of two parking spaces for each residence, which can include any combination of on-street and off-street parking. For lots with frontage equal to or smaller than 60 feet, parking shall be to the side or to the rear, accessed by alleys where topography allows.

6.2.1.3 Design Standards:

- (1) Where sidewalks front the dwelling unit, front walkways shall connect to sidewalks.
- (2) For dwelling units not served by rear alleys, garages are to be to the side or rear of the dwellings. Garages to the side shall not protrude beyond the front building line of the residences.
- (3) Two car garages visible from the street are to be designed with two single doors.
- (4) All dwelling units on a block are to have the same front setbacks.
- (5) Pools and satellite dishes and other similar structures shall be constructed in the rear yard only and shall be set back a minimum of three (3) feet from the side and rear property lines.
- (6) Accessory buildings of more than 144 square feet shall be clad in materials similar in appearance to the principal structure.

6.2.2 R2: Duplex Residential

6.2.2.1 Permitted Uses:

- (a) All uses permitted in R1
- (b) Duplex residential (Two dwelling units placed on top of another or attached side by side and sharing one or more common walls.)
- (c) R1 residences with detached cottages as “garden suites” or “granny flats.”

6.2.2.2 Lot Specifications:

Same as for R1, except:

- (a) Minimum lot width: 35 feet
- (b) Parking: One parking space for every two bedrooms or a fraction thereof, exclusive of on-street parking.

6.2.2.3 Design Standards:

Same as for R1

6.2.3 R3 - Townhouses and Apartments

6.2.3.1 Permitted Uses:

- (a) All uses permitted in R2
- (b) Townhouses, including triplexes
- (c) Apartments

6.2.3.2 Lot Specifications:

Same as for R2, except:

- (a) Minimum lot width: 20 feet
Minimum front setback: 15 feet from right-of-way
Minimum rear setback: 15 feet from rear property line
- (b) Townhouses are limited to eight (8) units per structure
- (c) Parking for townhouses shall be a minimum of one space per bedroom or a fraction thereof and may be a combination of on-street parking, garage parking where the garage constitutes the first floor of a townhouse, and rear parking serviced by an alley. There shall be one guest parking space for every four (4) dwelling units.
- (d) Parking space requirements for apartments shall be the same as for townhouses, except that the aggregate of parking spaces must total a minimum of two spaces per dwelling unit. Parking areas for apartment units in general must be to the side of, or behind, the apartment structures and serviced by alleys. Parking areas for apartment units that abut public streets must be buffered with landscaping, landscaped berms, fences or other opaque screening, as approved in the final subdivision plan.
- (e) Separation between apartment structures shall be a minimum of 30 feet.

6.2.4 RM – Mixed Use

6.2.4.1 Permitted Uses:

- (a) In general, office, retail or service uses that are designed and/or operated to service the daily needs of the residents of the surrounding neighborhoods and provide workplace opportunities for the community are permitted in buildings up to 6,000 square feet of first floor space. Separate buildings may share a common wall.
- (b) All uses permitted in R3
- (c) Churches (excluded from the maximum square foot limitation)
- (d) Day care centers
- (e) Dry cleaning establishments
- (f) Indoor entertainment uses
- (g) Financial institutions
- (h) Institutional uses
- (i) Office and professional uses
- (j) Eating establishments, without drive through facilities
- (k) Retail establishments
- (l) Civic, cultural, fraternal uses
- (m) Combination of office and retail uses

6.2.4.2 Lot Specifications for Non-Residential Development:

- (a) Frontage build-out of 70% minimum. May be accomplished with a minimum build-out of 50% with the remaining frontage line occupied by a wall or hedge.
- (b) Minimum lot width: 16 feet

- (c) Permitted frontage types:
 - Dooryard
 - Forecourt
 - Stoop
 - Shopfront
- (d) Minimum front setback: Zero (0) feet
- (e) Maximum front setback: Fifteen (15) feet
- (f) Minimum side setback: Zero (0) feet
- (g) Minimum rear setback: 48 feet (Exception: buildings which abut alleys zero feet)
- (h) Encroachments: None except as otherwise specified in this section.
- (i) Parking: All parking is to be on-street and/or to the side or rear of the building(s). Minimum requirements:
- (j) Retail: One space plus one space per 500 square feet of gross floor area or fraction thereof, including any outdoor sales area.
- (k) Office and Professional: One space plus one space per 300 square feet of gross floor area or fraction thereof.

6.2.4.3 Design Standards:

- (a) Landscaping: Non-residential development shall be buffered from any adjacent residential areas as provided for in Article 14.
- (b) Rearyard buildings shall provide entrances from the street frontage. Sideyard and Courtyard buildings may provide alternate entrances upon approval of the Board of Commissioners.
- (c) No frontage wall shall remain unpierced by a window or doorway for more than 16 feet.
- (d) Buildings on corner lots shall be considered to have two (2) front yards and shall utilize the front setbacks for each façade.
- (e) Canopies and awnings are permitted to encroach into the front setback up to five (5) feet. Arcades are permitted to encroach into the ROW with permission from the Town and/or State DOT.
- (f) Accessory buildings, pools, satellite dishes and other similar structures shall be constructed in the rear yard only and shall be set back a minimum of three (3) feet from the side and rear property lines.
- (g) Trash containers and mechanical equipment shall be located in the rear yard and shall be screened from view with a wood fence, brick wall, landscaping or any combination thereof, and shall be set back five (5) feet from the side and rear property lines.

6.2.5 G – Government Facilities

6.2.5.1 Permitted Uses:

All government facilities, to include administration, public safety, libraries, community facilities, post offices, and other municipal, state and federal service facilities.

6.2.5.2 Lot Specifications:

Each lot will be tailored to its intended use. As a minimum, the following standards shall apply:

- (a) Minimum frontage: 50 feet
- (b) Minimum front setback: 25 feet
- (c) Side setback: 10 feet on each side, with a minimum aggregate of 20 feet per lot.
- (d) Rear setback: 25 feet
- (e) Encroachments: Front encroachments may be up to five (5) feet.
- (f) Parking: All parking is to be on-street and/or to the side or rear of the building(s)

6.2.5.3 Design Standards:

- (a) Landscaping: Buildings shall be buffered from any adjacent residential areas as provided for in Article 14..
- (b) Accessory buildings shall be in the rear yard only and shall be setback a minimum of three (3) feet from the side and rear property lines.
- (c) Trash containers and mechanical equipment shall be located and screened as that required in non-residential mixed use.

6.2.6 Supplementary Regulations

Except as noted in Section 6.2, requirements of the UDO shall apply to the R&PUD District as appropriate.

6.2.7 Procedures for Approval of a Planned Unit Development

- (a) In order for a planned unit development to be established, the property must be located in a R&PUD District. Therefore, if the property is not already in a R&PUD District, the first step would be to apply for rezoning to the R&PUD District through the normal rezoning procedures.
- (b) Once the property is zoned appropriately, the applicant should submit a sketch plan as required in the Subdivision Regulations of the Town of Rolesville.
- (c) Once the sketch plan has been approved, the applicant should simultaneously request approval for a preliminary subdivision plat for the planned unit development and a special use permit.

In addition to the information required by the subdivision regulations, the applicant should submit to the Zoning Administrator the following:

- (1) A special use permit application
- (2) A master land use plan showing the entire planned unit development by type of use, including sub-types of residential

- development, development density, phasing, traffic circulation patterns, and projected traffic volume.
- (3) For planned unit developments containing over twenty-five (25) dwelling units, a market study, and sufficient information for the Town to conduct a fiscal impact analysis of the proposed development.
 - (4) Plans shall show all of the information required by the Subdivision Regulations, regardless of whether or not all or part of the planned unit development is a subdivision .
 - (5) Detailed site plans for all uses other than detached single-family dwellings on individual lots which are not zero lot line dwellings. If the applicant wishes to defer submitting detailed site plans for later development phases, the applicant may ask that the special use permit include approval only for the type of use and development density for a particular site and be granted on the condition that no development of the site take place until the Planning Board has reviewed and the Rolesville Board of Commissioners has approved a detailed site plan for the site as (an) amendment to the special use permit.
 - (6) Detailed site plans shall show:
 - (a) The location of the proposed structures and uses on the tract.
 - (b) The exact location and size of any existing structures and uses.
 - (c) The existing and intended use of each structure or part of structure.
 - (d) Building setback lines.
 - (e) The number of dwelling units in each structure.
 - (f) The height and number of stories of each structure.
 - (g) The location and design of any off-street parking and/or loading.
 - (h) The location and description of landscaping, buffering and signs.
 - (i) The location and dimensions of driveways. Driveway approval procedures as required by the NC Department of Transportation shall be initiated.
 - (j) Detailed layouts for all utilities, rights-of-way, roads, and other improvements.
 - (k) Railroads, bridges, culverts, storm drains, wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams, or streambeds, and any other similar features affecting the site.
 - (l) A copy of any proposed deed restrictions, homeowners association agreements, or similar covenants.
 - (m) A topographic map showing vertical contours every two (2) feet.
 - (n) North arrow and declination.

- (o) The names, addresses, and telephone numbers of owners, mortgagees, registered surveyors, land planners, architects, landscape architects, and professional engineers responsible for the development.
 - (p) Any other information required by the Planning Board and Rolesville Board of Commissioners for adequate review of the planned unit development.
- (7) Once the Zoning Administrator has received the appropriate information, all information shall be forwarded to the Planning Board. The Planning Board shall review the preliminary subdivision plat according to the normal procedures and time frame stated in the Subdivision Regulations of the Town of Rolesville, and at the same time review and make a recommendation concerning the special use permit application. The Planning Board shall give due notice to the applicant of any meeting at which the application will be considered.
- (8) When the Rolesville Board of Commissioners has received a recommendation from the Planning Board or the required time period has elapsed, the Board of Commissioners shall cause a public hearing to be held on the special use permit application and shall give due notice of the hearing to the parties involved. The hearing shall be conducted in accordance with the general law and court decisions of this State. More specifically, any interested party must be given the opportunity to present evidence or testimony, to cross-examine witnesses, to inspect documents, and to offer evidence or testimony in explanation or rebuttal. Findings shall be based on substantial evidence or testimony which is competent, relevant, and material. Findings as to the existence or non-existence or crucial facts shall be based on sworn evidence or testimony unless the party or parties before the Board stipulate the facts or waive this requirement. The Clerk of the Board shall keep minutes of the proceedings, showing the vote of each member upon every questions, or if absent or failing to vote, indicating that fact.
- (9) If the Board of Commissioners finds that the Planned Unit Development is in accordance with the requirements of this ordinance, it shall approve the special use. If the Board of Commissioners finds that the planned unit development is not in accordance with the requirements of this ordinance, it shall deny the special use.
- (10) If the Board of Commissioners approves the special use, it may, as part of the terms of such approval, impose any additional reasonable conditions and safeguards as may be necessary to insure that the criteria for the granting of such a permit will be complied with and to reduce or minimize any potentially injurious effect of the use on adjoining properties, the character

of the area, or the health, safety, morals, or general welfare of the community. Where appropriate, such conditions may include requirements that street right-of-way and utility easements be dedicated to the public and that provision be made of recreation space and facilities. All planned unit development shall comply with the requirements concerning underground wiring in Section 15.4.7.4, whether or not the planned unit development is a subdivision.

- (11) If the Board of Commissioners approves the special use, it shall review the preliminary subdivision plat as stated in the subdivision regulations. The decision on the special use permit shall be filed in the Office of the Zoning Administrator and a written copy thereof shall be delivered to the applicant by personal service or registered mail or certified mail, return receipt requested. Any appeal to the superior court shall be taken within thirty (30) days after the decision of the Board is filed in the Office of the Zoning Administrator, or after a written copy thereof is delivered to the applicant by personal service or registered mail, return receipt requested, whichever is later.
- (12) Changes to the special use permit for a planned unit development shall go through the same procedures as the original application.
- (13) Final subdivision plats shall prepared and submitted as required by the Subdivision Regulations.

Section 6.3 Conservation Subdivision Option

6.3.1 Purposes

- (a) To provide a residential zoning district that permits flexibility of design in order to promote environmentally sensitive and efficient uses of the land.
- (b) To preserve in perpetuity unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands and wildlife habitat.
- (c) To preserve important historic and archaeological sites.
- (d) To 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) To reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development.

- (f) To promote interconnected greenways and corridors throughout the community.
- (g) To promote contiguous greenspace with adjacent jurisdictions.
- (h) To encourage interaction in the community by clustering houses and orienting them closer to the street, providing public gathering places and encouraging use of parks and community facilities as focal points in the neighborhood.
- (i) To encourage street designs that reduce traffic speeds and reliance on main arteries.
- (j) To promote construction of convenient landscaped walking trails and bike paths both within the subdivision and connected to neighboring communities, businesses, and facilities to reduce reliance on automobiles.
- (k) To conserve scenic views and reduce perceived density by maximizing the number of houses with direct access to and views of open space.
- (l) To protect prime agricultural land and preserve farming as an economic activity.

6.3.2 General Regulations

6.3.2.1 Applicability of Regulations. This Conservation Subdivision option is available as a special use in all of the following residential zoning districts:

- (a) R-40W – Residential Watershed District
- (b) R-IS – Residential I Single-Family District
- (c) R-I – Residential I District
- (d) R-ID – Residential I Duplex District
- (e) R-II – Residential II District
- (f) R-IID – Residential II Duplex District

Applicants shall comply with all other provisions of the Unified Development Ordinance and all other applicable laws, except those that are incompatible with the provisions contained herein. To the extent the provisions of this section conflict with other sections in the UDO, the requirements of this section shall apply.

6.3.2.2 Ownership of Development Site. The tract of land to be subdivided may be held in single and separate ownership or in multiple ownership. If held in multiple-ownership, however, the site shall be developed according to a single plan with common authority and common responsibility.

6.3.2.3 Housing Density Determination. The maximum number of lots in the Conservation Subdivision shall be determined by either of the following two methods, at the discretion of the applicant:

- (a) Calculation: The maximum number of lots is determined by dividing the area of the tract of land by the minimum lot size specified in the underlying zoning.

In making this calculation, the following shall not be included in the total area of the parcel:

- (1) slopes more than twenty-five percent (25%) of at least five thousand (5,000) square feet contiguous area;
 - (2) the 100-year floodplain;
 - (3) bodies of open water more than five thousand (5,000) square feet contiguous area; and
 - (4) wetlands that meet the definition of the Army Corps of Engineers pursuant to the Clean Water Act.
- (b) Yield Plan: The maximum number of lots is based on a conventional subdivision design plan, prepared by the applicant, in which the tract of land is subdivided in a manner intended to yield the highest number of lots possible. The plan does not have to meet formal requirements for a site design plan, but the design must be capable of being constructed given site features and all applicable regulations.

6.3.2.4 Minimum Lot Sizes.

The minimum lot size may be reduced by no than twenty-five percent (25%) of the lot size currently required in the applicable underlying zoning district.

- (a) All lots must still meet all applicable Wake County Health Department requirements.
- (b) Building setbacks shall be proportionally reduced from underlying zoning district standards in accordance with individual lot area.
- (c) The building envelope with setbacks for each house is to be clearly identified on the final plat of each phase prepared for development.

6.3.3 Application Requirements

6.3.3.1 Site Analysis Required as part of Sketch Plan. As part of the sketch plan submitted, applicants shall prepare a site analysis. The purpose of this site analysis is to ensure that the important site features have been adequately identified prior to the creation of the site design, and that the proposed Protected Open Space will meet the requirements of this article. The preliminary site plan shall include the following features:

- (a) Existing property boundaries;
- (b) Proposed lot layouts for the conservation subdivision;
- (c) All streams, rivers, lakes, wetlands and other hydrologic features, including all FEMA-designated floodplains and floodways;
- (d) Areas subject to the Town of Rolesville riparian buffer requirements;

- (e) Topographic contours of no less than five-foot (5-foot) intervals;
- (f) All Primary and Secondary Conservation Areas labeled by type, as described in Section 6.3.4;
- (g) General vegetation characteristics, especially lowland and upland hardwood stands;
- (h) General soil types;
- (i) The planned location of Protected Open Space;
- (j) Existing roads and structures;
- (k) Potential connections with existing greenspace and trails.
- (l) All necessary land area calculations measured in acres and/or square feet to insure the compliance with all sections of this ordinance.

6.3.3.2 Protected Open Space Management Plan Required. A Protected Open Space management plan, as described in Section 6.3.4, shall be prepared and submitted prior to the issuance of final subdivision plat approval.

6.3.3.3 Instrument of Permanent Protection Required. An instrument of permanent protection, such as a conservation easement or permanent restrictive covenant and as described in Section 6.3.4, shall be placed on the Protected Open Space concurrent with the issuance of final subdivision plat approval.

6.3.3.4 Other Requirements. The Applicant shall adhere to all other applicable requirements in the unified development ordinance.

6.3.4 Protected Open Space

6.3.4.1 Standards to Determine Protected Open Space.

- (a) The minimum Protected Open Space shall comprise at least 40% of the gross tract area.
- (b) The following are considered Primary Conservation Areas and are required to be included within the Protected Open Space, unless the Applicant demonstrates that this provision would constitute an unusual hardship and be counter to the purposes of this article:
 - (1) The 100-year floodplain
 - (2) Riparian zones as specified in Section 6.1 of the unified development ordinance.
 - (3) Slopes of greater than twenty-five percent (25%) with at least five thousand (5,000) square feet contiguous area
 - (4) Wetlands that meet the definition used by the Army Corps of Engineers pursuant to the Clean Water Act
 - (5) Sites identified in the *Wake County Natural Heritage Inventory* and any updates

- (6) Other populations of endangered or threatened species, or habitat for such species
 - (7) Archaeological sites, cemeteries and burial grounds
- (c) The following are considered Secondary Conservation Areas and should be included within the Protected Open Space to the maximum extent feasible.
 - (1) Important historic sites, where previously designated or eligible for the National Register of Historic Places
 - (2) Historic sites and structures identified in the most current inventory conducted by the Wake County Historic Preservation Commission
 - (3) Existing healthy, native forests of at least one acre contiguous area
 - (4) Individual existing healthy trees greater than twelve (12) inches caliper, as measured four feet above the average adjacent grade
 - (5) Other significant natural features and scenic viewsheds such as ridge lines, peaks and rock outcroppings, particularly those that can be seen from public roads
 - (6) Prime agricultural lands of at least five acres contiguous area
 - (7). Existing trails that connect the tract to neighboring areas
- (d) Above-ground utility rights-of-way and areas of impervious surface less than five hundred thirteen (513) square feet (three parking spaces) may be included within the Protected Open Space but cannot be counted towards the 40% minimum area requirement (exception: historic structures and existing trails may be counted).
- (e) At least 25% of the Protected Open Space shall consist of land that is suitable for building.
- (f) At least 75% of the Protected Open Space shall be in a contiguous tract. The Protected Open Space shall adjoin any neighboring areas of Protected Open Space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of Protected Open Space.
- (g) For projects less than fifty (50) acres, only two (2) separate areas will be used to calculate the required Protected Open Space. For projects greater than fifty (50) acres, only three (3) areas will be used to calculate the required Protected Open Space.
- (h) The Protected Open Space shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe, convenient access to the Protected Open Space.

6.3.4.2 Permitted Uses of Protected Open Space.

- (a) Uses of Protected Open Space may include the following:

- (1) Conservation of natural, archeological or historical resources;
- (2) Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;
- (3) Walking or bicycle trails, provided they are constructed of porous paving materials;
- (4) Passive recreation areas, such as open fields;
- (4) Active recreation areas, provided that they are limited to no more than 10% of the total Protected Open Space and are not located within Primary Conservation Areas. Active recreation areas may include impervious surfaces. Active recreation areas in excess of this limit must be located outside of the Protected Open Space.
- (5) Agriculture, horticulture, silviculture or pasture uses, provided that all applicable best management practices are used to minimize environmental impacts, and such activities are not conducted within Primary Conservation Areas;
- (6). Landscaped stormwater management facilities, community wastewater disposal systems and individual wastewater disposal systems located on soils particularly suited to such uses. Such facilities shall be located outside of Primary Conservation Areas;
- (7). Easements for drainage, access, and underground utility lines;
- (8) Above-ground utility structures and areas of impervious surface less than five hundred thirteen (513) square feet (three parking spaces), provided they are not located in Primary Conservation Areas;
- (9) Other conservation-oriented uses compatible with the purposes of this ordinance.

6.3.4.3 Prohibited uses of Protected Open Space

- (a) Golf courses;
- (b) Roads, parking lots and impervious surfaces, except as specifically authorized in the previous sections;
- (c) Agricultural and forestry activities not conducted according to accepted Best Management Practices;
- (d) Impoundments;
- (e) Other activities as determined by the Applicant and recorded on the legal instrument providing for permanent protection.

6.3.4.4 Ownership and Management of Protected Open Space

- (a) Ownership of Protected Open Space. A homeowners association representing residents of the conservation subdivision shall own the Protected Open Space. Membership in the association shall be mandatory and automatic for all homeowners of the subdivision and their successors. The Homeowners' Association shall have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the Protected Open Space and any facilities located thereon shall be borne by the Homeowner's Association.

- (b). Prior to final plat approval the Board of Commissioners shall have the final right to decide if the active recreation area will become part of the Town of Rolesville's Parks and Recreation system.
- (c) Management Plan. Applicant shall submit a Plan for Management of Protected Open Space and Common Facilities ("Plan") that:
 - (1) allocates responsibility and guidelines for the maintenance and operation of the Protected Open Space and any facilities located thereon, including provisions for ongoing maintenance and for long-term capital improvements;
 - (2) estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the Protected Open Space and outlines the means by which such funding will be obtained or provided;
 - (3) provides that any changes to the Plan be approved by the Board of Commissioners; and
 - (4) provides for enforcement of the Plan.
- (d) In the event the party responsible for maintenance of the Protected Open Space fails to maintain all or any portion in reasonable order and condition, the Town of Rolesville may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the Homeowner's Association, or to the individual property owners that make up the Homeowner's Association, and may include administrative costs and penalties. Such costs shall become a lien on all subdivision properties.

6.3.4.5 Legal Instrument for Permanent Protection

- (a) The Protected Open Space shall be protected in perpetuity by a binding legal instrument that is recorded simultaneously with the final subdivision plat. The instrument shall be one of the following:
 - (1) A permanent conservation easement in favor of either:
 - (a) a land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions; or
 - (b) a governmental entity with an interest in pursuing goals compatible with the purposes of this ordinance. If the entity accepting the easement is not the Town of Rolesville, then a third right of enforcement favoring the Town of Rolesville shall be included in the easement.

- (2) A Permanent restrictive covenant for conservation purposes in favor of another governmental entity, if approved by the Town of Rolesville.
- (3) An equivalent legal tool that provides permanent protection, if approved by the Town of Rolesville.
- (b) The instrument for permanent protection shall include clear restrictions on the use of the Protected Open Space. These restrictions shall include all restrictions contained in this article, as well as any further restrictions the Applicant chooses to place on the use of the Protected Open Space.

Section 6.4 Traditional Neighborhood Development District [Reserved]

Amendments

10/04/04 to entire document; 04/02/07 to §6.2.3.2 through TA07-05