TOWN OF WAKE FOREST, NORTH CAROLINA

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ZONING ORDINANCE

Ordinance # 77-01
(Adopted January 13, 1977)
(Amended through October 20, 2009)

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AN ORDINANCE ESTABLISHING ZONING REGULATIONS FOR THE TOWN OF WAKE FOREST, NORTH CAROLINA, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT AND AMENDMENTS THEREOF AND CREATING A BOARD OF ADJUSTMENT IN ACCORDANCE WITH THE STATUTES OF NORTH CAROLINA GOVERNING MUNICIPAL ZONING

BE IT ORDAINED AND ENACTED by the Board of Commissioners of the Town of Wake Forest, North Carolina, as follows:

ARTICLE I. PURPOSE AND AUTHORITY

Section 1. Purpose

The zoning regulations and districts as herein set forth have been made in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare, to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewage, and other public requirements, and to minimize public and private losses due to flood conditions in specific areas. They have been made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the community. In addition to zoning, regulations have been designed to restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities; require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction; control the alteration of natural flood plains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters; control filling, grading and mineral extraction which may increase erosion or flood damage; or prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

Section 2. Authority

The provisions of this ordinance are adopted under authority granted by the General Assembly of the State of North Carolina (General Statutes Article 19, Chapter 160A).

ARTICLE II. JURISDICTION

The regulations presented in this ordinance shall apply to all property within the corporate limits of the Town of Wake Forest, North Carolina, and within the territory beyond such corporate limits as now or hereafter fixed, for a distance of approximately one (1) mile in all directions, as established by an ordinance and map adopted by the Board of Commissioners in accordance with G.S. 160A-360, which are on file in the Office of the Register of Deeds of Wake County.

ARTICLE III. DEFINITIONS OF TERMS USED IN THIS ORDINANCE

Section 1. Interpretations of Commonly Used Terms and Words

1. Words used in the present tense shall include the future tense.

2. Words used in the singular number shall include the plural, and words used in the plural number shall include the singular, unless the natural construction of the wording indicates otherwise.

3. The word ***"person"*** includes a firm, association, corporation, trust company, as well as an individual.

4. The words ***"used for"*** shall include the meaning ***"designed for"***.

5. The word ***"structure"*** shall include the word ***"building"***.

6. The word ***"lot"*** shall include the words ***"plot"***, ***"parcel"***, or ***"tract"***.

7. The word ***"shall"*** is always mandatory and not merely directory.

Section 2. Definitions of Specific Terms and Words

1. ***Accessory Building or Use.*** A building or use customarily located on a lot in association with a principal building or use and incidental and subordinate to the principal building or use.

2. ***Alteration.*** The word ***"alteration"*** shall include any of the following:

a. Any addition to the height or depth of a building or structure;

b. Any change in the location of any of the exterior walls of a building or structures;

c. Any increase in the interior accommodations of a building or structure.

3. ***Alley.*** A minor right-of-way privately or publicly owned, primarily for service access.

4. ***Area of Shallow Flooding***. A designated AO or VO Zone on a community's Flood Insurance Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

5. ***Area of Special Flood Hazard***. That of and within a community and its extraterritorial jurisdiction in the flood plain which is subject to a one percent (1%) chance of flooding annually, i.e., the 100-year flood.

6. ***Base Flood***. The flood having a one percent chance of being equaled or exceed in any given year.

7. ***Basement.*** That portion of any structure located partly below the average adjoining lot grade.

8. ***Bed and Breakfast.*** A private home offering bed and breakfast accommodations to eight (8) or less persons per night on a rental basis for a period of less than one (1) week.

9. ***Boardinghouse.*** A building other than a hotel or restaurant where meals or lodging are regularly furnished by prearrangement for compensation for four (4) or more persons not members of a family, but not exceeding twelve (12) persons and not open to transient customers.

10. ***Buffer.*** A combination of physical space and vertical element, such as plants, berms, or fences. The purpose of which is to separate and screen incompatible land uses from each other.

11. ***Building.*** Any structure enclosed or isolated by exterior walls or columns constructed or used for residence, business, industry or other public or private purposes, or accessory thereto. The term "building" shall be construed as if followed by the words "or parts thereof".

12. ***Building, Accessory. See Accessory Building or Use.***

13. ***Building Height***. The vertical distance from the mean elevation of the finished grade along the front of a building to the highest point of a flat roof, to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, and gambrel roofs.

14. ***Building, Principal***. A building in which is conducted the principal use of the lot on which it is located.

15. ***Building Setback Line***. A line establishing the minimum allowable distance between the nearest portion of any building, excluding the outer-most three (3) feet of any uncovered porches, steps, eaves, gutters, and similar fixtures, and the street right-of-way line or property lines when measured perpendicularly thereto.

16. ***Building Separation***. The minimum horizontal distance between the outer-most vertical projection of any points on two adjacent buildings including balconies, steps, porches and similar fixtures, and excluding sills, eaves, and gutters.

17. ***Certificate of Occupancy***. A statement, signed by the Zoning Enforcement Officer, setting forth that the building, structure, or use of land complies with the Zoning Ordinance of Wake Forest.

18. ***Child Care***. A program or arrangement where three or more children less than 13 years old, who do not reside where the care is provided, receive care on a regular basis of at least once per week for more than four hours but less than 24 hours per day from persons other than their guardians or full-time custodians, or from persons not related to them by birth, marriage, or adoption. Child care does not include the following:

a. Arrangements operated in the home of any child receiving care if all the children in care are related to each other and no more than two additional children are in care.

b. Recreational programs operated for less than four consecutive months in a year.

c. Specialized activities or instruction such as athletics, dance, art, music lessons, horseback riding, gymnastics, or organized clubs for children, such as Boy Scouts, Girl Scouts, 4-H groups, or boys and girls clubs.

d. Drop-in or short-term care provided while parents participate in activities that are not employment related and where the parents are on the premises or otherwise easily accessible, such as drop-in or short-term care provided in health spas, bowling alleys, shopping malls, resort hotels, or churches.

e. Public schools.

f. Non-public schools that are accredited by the Southern Association of Colleges and Schools and that operate a child care facility, as defined in this ordinance, for less than six and one-half hours per day either on or off the school site.

g. Bible schools conducted during vacation periods.

h. Care provided by licensed facilities for the mentally ill, the developmentally disabled, and substance abusers (Article 2 of Chapter 122C of the General Statutes).

i. Cooperative arrangements among parents to provide care for their own children as a convenience rather than for employment.

j. Any child care program or arrangement consisting of two or more separate components, each of which operates for four hours or less per day with different children attending each component.

k. Any residential child care programs such as foster care, orphanages, etc.

19. ***Child Care Facility*.** Any child care arrangement, including child care centers, family child care homes, and any other child care arrangement not excluded by the definition of "child

care", above, that provides child care, regardless of the time of day, wherever operated, and whether or not operated for profit. These facilities are licensed by the state

a. **Child Care Center**: An arrangement where, at any one time, there are more than two children receiving child care in a non-residential setting.

b. **Family Child Care Home**: A child care arrangement located in a residence where, at any one time, there is up to five preschool and three school age children (in addition to any related children living in the home), receiving child care and the home does not meet the above definition of a "child care center". For the purposes of this ordinance, a family child care home is a legitimate home occupation.

20. ***Combination Use***. A use consisting of a combination of two or more principle uses on a single lot of record, one of which is not an accessory use. Combination uses shall be permitted as described in Article IV, Section 19 of this ordinance.

21. ***Condominium***. A dwelling unit owned as a single-family home within a multiple unit property together with an undivided portion of ownership in areas and facilities held in common with other property owners in attached townhouses, apartments, or other forms of residential structures. The common areas and structures may include underlying land, parking areas, recreation facilities, swimming pools, and in the case of an apartment house, hallways, basements, heating units and elevators.

22. ***Conference/Seminar/Retreat Center***. A facility used for educational, professional, recreational, or religious purposes and may include facilities for overnight accommodation and food services related to and in conjunction with the stated purpose.

23. ***Critical water quality area*:** The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The critical water quality area is defined as extending from the shoreline of the reservoir or intake at the 100-year flood level, a distance of 2940 feet measured horizontally or to the ridge line of the water supply watershed, whichever is the shorter distance. Major landmarks such as highways or property lines may be used to delineate the outer boundary if these landmarks are immediately adjacent to the ridge line or 2940-foot line.

24. ***Curb Cut***. A lowered or cutaway curb for purposes of ingress or egress to property abutting a public street.

25. ***Development Permit***. A statement, signed by the Zoning Enforcement Officer, stating that the plans for a building structure or use of land complies with the requirements of the Zoning Ordinance of Wake Forest, North Carolina, the Wake County Health Department, and the North Carolina Department of Human Resources.

26. ***District Zoning***. A section of the Town of Wake Forest within which the zoning regulations are uniform.

27. ***Drainageway***. Any stream, watercourse, channel, ditch or similar physiographic feature draining water from the land.

28. ***Dwelling Unit***. A building or portion thereof, providing complete and permanent living facilities for one (1) family. The term "dwelling" shall not be deemed to include a motel, hotel, tourist home, structure designed for transient residence.

29. ***Dwelling, Single-Family***. A detached building designed for or occupied exclusively by one (1) family.

30. ***Dwelling, Two-Family***. A building arranged or designed to be occupied by two (2) families living independently of each other.

31. ***Dwelling, Multi-Family***. A building or portion thereof used or designed as a residence for three (3) or more families living independently of each other, including apartment houses, apartment hotels, and group housing projects.

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

33. ***Easement, Conservation***. 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.

34. ***Existing Development.*** For the purpose of water supply watershed protection, those projects that are built or those projects that at a minimum have established a vested right under North Carolina zoning law as of May 18, 1993, based on at least one of the following criteria:

- **a.** Substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project, or
- **b.** Having an outstanding valid building permit as authorized by the General Statutes (G.S. 153A-344.1 and G.S. 160A-385.1), or
- **c.** Having expended substantial resources (time, labor, money) and having an approved site specific or phased development plan as authorized by the General Statutes (G.S. 153A-344.1 and G.S. 160A-385.1).

35. ***Existing Manufactured Home Park or Manufactured Home Subdivision***. A parcel (or contiguous parcels) of land divided into two or more ***manufactured home*** lots for rent or sale for which the construction of facilities for servicing the lot on which the ***manufactured home*** is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of this ordinance.

36. ***Expansion of Existing Manufactured Home Park or Manufactured Home Subdivision***. The preparation of additional sites by the construction of facilities for servicing the lots on which the ***manufactured homes*** are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).

37. ***Fair Market Value***. The value of property or structures, as used in the definition of "substantial improvement" shall mean, as determined by the tax supervisor's office, either (a) before the improvement was started, or (b) if the structure has been damaged and is being restored, before the damage occurred.

38. ***Family***. A number of persons living together as a single housekeeping unit.

39. ***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 (6) resident handicapped persons. For the purposes of this ordinance, a family care is a residential use of property provided that no facilities are located within a one-half mile radius of one another.

40. ***Flood or Flooding***. (a) A general and temporary condition of partial or complete inundation of normally dry land areas from: 1) the over-flow of inland or tidal waters, and 2) the unusual and rapid accumulation of run-off of surface waters from any source; (b) the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm or force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual event which results in flooding as defined in 1. above.

41. ***Flood Control Works***. Any man-made construction, such as a dam, levee, groin, or jetty designed to alter the flood potential of the body of water on or adjacent to which it is built.

42. ***Flood Hazard Boundary Map (FHBM)***. An official map of a community, issued by the Federal Insurance Administration, where the boundaries of the areas of special flood hazards have been designated as Zone A.

43. ***Flood Insurance Rate Map (FIRM)***. An official map of a community on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

44. ***Flood Insurance Study***. The official report provided by the Federal Insurance Administration. The report contains flood profiles, as well as the Flood Hazard Boundary-Flood way Map and the water surface elevation of the base flood.

45. ***Flood Plain***. Any normally dry land area that is susceptible to being inundated by waters of the 1% annual chance flood, i.e., the 100-year flood.

46. ***Flood-proofing***. A combination of structural and/or non-structural additions, changes, or adjustments to properties or structures subject to flooding which will reduce or eliminate flood damages to properties, water and sewer facilities, structures, and contents of buildings.

47. ***Flood Fringe Area***. That area of the flood plain lying outside the flood way but still lying within the area of special flood hazard, i.e., within the 100-year flood plain.

48. ***Flood way***. The channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the velocity waters of the regulatory flood.

49. ***Front Line***. That side of a lot or building abutting on a street.

50. ***Frontage.*** The lot boundary which coincides with a public thoroughfare or space. Also, the facade of a structure facing the street.

51. ***Frontage Line.*** The portion of lot frontage which has a building or wall running parallel to it.

52. ***Greenway***. An interest in real property to the Town which provides for continuous public access and preservation of open space. Members of the general public have free access to and use of the green way. Greenway uses may include: walking, fishing, nature studies, bicycling, canoeing, jogging, and picnicking, but use and access of the green way, including that of the property owner, shall always be subject to the laws, ordinances and regulations of the Town. Within green ways, grading; excavation; dredging; the addition or removal of soil or other materials; the erection of buildings, signs, fences, drainage devices or structures; the removal, destruction or cutting of vegetation, trees or shrubs is prohibited except when authorized by the Town. The Town may erect trails, trail markers, place litter receptacles and other convenience facilities within the green way boundaries.

53. ***Gross Leasable Area.*** The floor area that can be leased by tenants, generally measured from the outside face of exterior walls to the center of walls separating tenants.

54. ***Impervious surface*****:** The portion of land area which, due to modification by man, allows restricted or no infiltration of precipitation into the soil. Impervious areas shall include but not be limited to streets, driveways, parking areas, decks, patios, and rooftops.

55. ***Junk Yard***. The use of more than six hundred (600) square feet of any lot or tract for the outdoor storage and/or sale of waste paper, rags, scrap metal or other junk, including the storage of automobiles or other vehicles or dismantling of such vehicles or machinery or parts thereof.

56. ***Leasable Area.*** Unless otherwise specified this term means “gross leasable area”.

57. ***Live-Work Unit.*** Small commercial enterprises with the ground floor occupied by commercial uses and a residential unit above. Commercial space may be a home-based business or may be leased independently.

58. ***Loading Area***. A completely off-street space or berth on the same lot for the loading or unloading of freight carriers with ingress or egress to a public street or alley.

59. ***Local Street***. A local street is any link not a higher-order urban system and serves primarily to provide direct access to abutting land and access to higher systems. It offers the lowest level of mobility and through traffic is usually deliberately discouraged.

60. ***Lot***. A parcel of land having frontage on a public street or other officially approved means of access occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area, and other open space provisions of this ordinance.

61. ***Lot, Corner***. A lot abutting two or more streets at their intersection provided that the corner of such intersection shall have an angle of 135 degrees or less, measured on the lot size.

62. ***Lot Depth***. The average horizontal distance between the front and rear lot lines.

63. ***Lot of Record***. A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds of Wake County or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this ordinance.

64. ***Lot Width***. The width of a parcel of land measured at the rear of the specified street yard.

65. ***Lowest Floor (including basement)***. Any floor used for living, which includes working, sleeping, eating, cooking or recreation facilities, or any combination thereof.

66. ***Major Thoroughfare***. Major thoroughfares consist of interstate, other freeway and expressway links, and major streets that provide for the expeditious movement of high volumes of traffic within and through urban areas.

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

Class A Manufactured Homes (HUD Home): A manufactured home constructed after July 1, 1998 that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development authorized under the National Manufactured Housing Construction and Safety Standards Act of 1974 that were in effect

at the time of construction, has a HUD label attached, and that satisfies the following additional criteria:

a. A length not exceeding four (4) times its width.

b. A minimum of nine hundred (900) square feet of enclosed living space, or compatible with the neighborhood.

c. The roof pitch has a minimum vertical rise of one (1) foot for each four (4) feet of horizontal run.

d. The roof is finished with a type of shingle that is commonly used in standard residential construction.

e. The roof structure provides an eave projection of no less than six (6) inches, which may include a gutter.

f. The exterior siding is of wood, hardboard, vinyl, or other material that is comparable in composition, appearance, and durability to exterior siding commonly used in standard residential construction;

g. The siding color is compatible with those on the immediate neighborhood and never with a reflectivity exceeding that of white paint; and a continuous permanent masonry foundation of brick, stone, or decorative concrete block, unpierced except for required ventilation and access, shall be installed around the entire perimeter of the home.

It is the intent of these criteria to ensure that a Class A Manufactured Home, when installed, shall have substantially the appearance of an on-site, conventionally built, single-family home.

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

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

68. ***Manufactured Office.*** A structure identical to a manufactured HUD home except that it has been converted, or originally designed and constructed, for commercial or office use.

69. ***Mean Sea Level***. The average height of the sea for all stages of the tide.

70. ***Minor Thoroughfare***. Minor thoroughfares are important streets in the city system and perform the function of collecting traffic from local access streets and carrying it to the major thoroughfare system. Minor thoroughfares may be used to supplement the major thoroughfare system by facilitating a minor through traffic movement and may also serve abutting property.

71. ***Manufactured Home Park***. A lot or part thereof, or any parcel of land of at least ten (10) acres which is used or offered as a location for two (2) or more manufactured homes used for residential purposes.

72. ***Manufactured Home Subdivision***. A subdivision designed and intended primarily for sale of lots for residential occupancy by manufactured homes.

73. ***Modular Home***. The term "modular home" denotes a self-contained assembly which is transported to a building site in sections and erected thereon. The term shall not be construed to include extra- wide or double-wide manufactured homes. Modular homes are constructed in conformance with the North Carolina State Building Code, and for the purposes of this ordinance, are treated identical to on-site, conventionally built homes.

74. ***Modular Office.*** A structure identical to a modular home except that it has been converted, or originally designed and constructed, for commercial or office use. As in the case of modular homes, for the purposes of this ordinance, modular offices are treated identically to on-site, conventionally built offices or commercial buildings.

75. ***Multi-family Development***. A multi-family development shall consist of three (3) or more dwelling units on a single lot.

76. ***New Construction***. Those structures the construction or relocation of which is begun after the date of adoption of this ordinance. New construction, for purposes of this ordinance, shall also mean a parcel of land used for manufactured homes for which the construction of streets, utilities, and site grading or pads is commenced after the date of adoption of this ordinance.

77. ***Non-conforming Use or Structure***. Any use of a building, structure or land which does not conform to the use regulations of this ordinance for the district in which it is located, either at the effective date of this ordinance or as a result of subsequent amendments which may be incorporated into this ordinance.

78. ***Official Maps or Plans***. Any maps or plans officially adopted by the Wake Forest Board of Commissioners.

79. ***Open Space***. Any parcel or area of land or water within or related to a development, not in individually owned lots, but which is designed and intended for the common use of enjoyment of the residents of the development.

80. ***Parking Space***. A graded and surfaced storage space for one (1) automobile, plus the necessary access space. It shall always be located outside the dedicated street right-of-way.

Parking space sizes shall be governed by the following:

Angle Parking Minimum - 8.5 feet x 20.0 feet (measured parallel to the vehicle)

90% Parking Minimum - 9.0 feet x 18.0 feet

81. ***Pedestrian-Oriented Street.*** A street that is intended to serve as a primary pathway for pedestrians in both use and design. Such streets are typified by continuous uses along their primary frontages that maintain a pedestrian entrance. These are differentiated from auto-oriented streets where the posted speeds of the fronting thoroughfares, or the parking and/or loading requirements of the buildings (such as in the alleys) discourage pedestrian activity.

82. ***Person***. Any individual or group of individuals, corporation, partnership, association, or any other organized group of persons, including state and local governments and agencies thereof.

83. ***Planned Unit Development (PUD)***. A land development project planned as an entity by means of a unitary site plan which permits flexibility in building site, mixtures in building types and land uses, usable open space, and the preservation of significant natural features.

84. ***Planning Board***. The Planning Board of the Town of Wake Forest.

85. ***Principal Building or Use***. The principal purpose for which a lot or the main building thereon is designed, arranged, or intended, and for which it is or may be used, occupied, or maintained.

86. ***Protected Area.*** The area adjoining and upstream of the critical water quality area in a WS-IV water supply in which protection measures are required. The Protected Area boundaries are defined as extending five (5) miles upstream and draining to water supply reservoirs (measured from the shoreline or the intake at the 100-year flood level) or the ridge line of the watershed (whichever comes first). Major landmarks such as highways or property lines may be used to delineate the outer boundary of the Protected Area if these landmarks are immediately adjacent to the outer boundary of five (5) miles.

87. ***Public or Community Sewage Disposal System***. A sanitary sewage disposal system with 3000 gallons or more design capacity and/or whose effluent is discharged to surface water. This system shall be approved under rules and regulations promulgated by the North Carolina Department of Natural and Economic Resources, Division of Environmental Management.

88. ***Public or Community Water Supply System***. An approved water supply system serving ten (10) or more residences or businesses or combination of residences and businesses, including municipal and sanitary district water systems as well as water systems designed to serve particular subdivisions at full development and constructed to specifications approved by the Sanitary Engineering Section, Division of Health Services, North Carolina Department of Human Resources.

89. ***Regulatory Flood***. For purposes of this ordinance, a flood event having a 1% chance of occurring in any given year, although the flood may occur in any year, i.e., the 100-year flood.

90. ***Regulatory Flood Elevation***. The crest elevation in relation to mean sea level expected to be reached by the regulatory flood at any given point in an area of special flood hazard.

91. ***Self-service storage facility.*** A building or group of buildings consisting of individual, self-contained units of varying sizes that are leased or owned for the storage of customer's goods or wares.

92. ***Service Station***. A building or lot dedicated to the rendering of services such as the sale of gasoline, oil, grease, and accessories and the minor repair of automobiles, excluding body working, overhauling, and painting.

93. ***Setback Lines. See Building, Setback Line***.

94. ***Shopping Center***. Two or more commercial establishments planned, and constructed, as a single unit with off-street parking and loading facilities provided on the property and related in location, size, and type of shops to the trade area which the unit serves. Shopping centers can be further defined by size and function;

a. Specialty Center: A shopping center whose shops cater to a specific market and are linked together by an architectural, historical or geographic theme or by a commonality of goods and services.

b. Neighborhood Center: A shopping center that generally sells goods necessary to meet daily needs of adjoining neighborhood(s) and citizens within walking distance; occupies up to fifteen (15) acres of land.

c. Community Center: A shopping center that serves several neighborhoods. Provides convenience goods, personal services, sales of soft and hard line merchandise and usually features a variety store or junior department store; and has a site area of ten (10) to thirty (30) acres.

d. **Regional Center**: A shopping center that contains a wide range of retail and service establishments, occupies a minimum of thirty-five (35) acres, and draws its clientele from several area communities.

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

96. ***Sign, Accessory***. An advertising device used to disseminate information concerning a person, place, thing, business, commodity, service, entertainment, or other activity, conducted, sold, or offered exclusively on the premises upon which said sign is located.

97. ***Sign, Independent***. One advertising device used to disseminate information concerning a person, place, or thing, not pertaining to the use of the land upon which it is located.

98. ***Sign Area***. The entire face of a sign and all wall work including illuminating tubing incidental to its decoration. In the case of an open sign made up of individual letters, figures, or designs, the spaces between such letters, figures, or designs shall be included as part of the sign area.

A ***"V"*** type back to back or double-face sign shall be considered as the area of a single face.

99. ***Special Use***. A major development that would not be generally appropriate without restriction throughout the zoning district, but, which if controlled as to number, area, location, or relation to the neighborhood, would promote the health, safety, morals, general welfare, order, comfort, convenience, appearance, or prosperity. Such uses may be permitted in such zoning district by the Town Board as special exceptions if specific provision for such is made in this zoning ordinance.

100. ***Start of Construction***.

a. The first placement or permanent construction of a structure on a site, such as pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation such as clearing, grading, or 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.

b. For a structure without a basement or poured footings; the start of construction includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation for sites other than ***manufactured home*** parks, or the affixing of any prefabricated structure to its permanent site.

c. For ***manufactured home*** parks which are equipped with concrete pads on which ***manufactured homes*** are to be placed, "start of construction" means the date on which the pouring of the pads has begun. For ***manufactured home*** parks which are not equipped with concrete pads, "start of construction" means the date on which installation of utilities and final site grading are complete.

101. ***Story***. That portion of a principal building included between the surface of any floor and the surface of the next floor above, or if there is no floor above, the space between the floor and the ceiling next above. A basement shall not be counted as a story. A mezzanine shall be considered a story if it exceeds one-third of the area of the floor immediately below. 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.

102. ***Story, Half***. A story which is situated in a sloping roof, the floor area of which does not exceed 2/3 of the floor area of the story immediately below it, and which does not contain an independent dwelling unit.

103. ***Stream***. A water course that collects surface runoff from an area of one square mile or greater.

104. ***Street***. A dedicated and accepted public right-of-way for vehicular traffic which affords access to abutting properties for vehicular traffic.

105. ***Structure.*** A walled and roofed building, that is principally above ground and affixed to a permanent site, as well as a manufactured home on foundation. The term includes a building while in the course of construction, alteration or repair but does not include building materials or supplies intended for use in construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises. The words "building" and "structure" shall have the same meaning for the purposes of this ordinance.

106. ***Substantial Improvement***. Any repair, reconstruction, improvement, or alteration of structure, the cost of which equals or exceeds 50% of the fair market value of the structure. Substantial improvement is considered to have occurred when the first alteration in any wall, ceiling, floor or other structural part of the building commences. The term does not include any repair, reconstruction, improvement, or alteration of a structure listed on the National Register of Historic Places. Substantial improvements, for purposes of this ordinance, shall also include for existing manufactured home parks the repair, construction or improvement of streets, utilities, and/or pads, the cost of which equals or exceeds 50% of the fair market value of the streets, utilities, and pads as determined by the Tax Supervisor before the repair, reconstruction or improvement has commenced.

107. ***Telecommunications Towers.*** A structure that is intended for transmitting or receiving radio, television, or telephone communications.

108. ***Temporary Use.*** A land use on an individual parcel or site established for a limited and fixed period of time for a purpose which may not normally be permitted in a zoning

district, or which does not meet all zoning requirements, but which is necessary in special situations.

109. ***Traditional Neighborhood*** - a compact, mixed use neighborhood where residential, commercial, and civic buildings are within close proximity to each other. Its design adopts the urban conventions which were the norm in the United States from colonial times until the 1940s.

110. ***Trailer.*** Any vehicle or structure, not self-propelled, originally designed to transport something or intended for human occupancy for short periods of time, including the following:

a. ***Travel Trailer (House Trailer)*****:** A vehicular, portable structure built on a wheeled chassis, designed to be towed by a self-propelled vehicle for use for travel, recreation, or vacation purposes, having a body width ten (10) feet or less or body length forty (40) feet or less and which may or may not have kitchen and bath facilities.

b. ***Camping Trailer:*** A folding structure mounted on wheels and designed for travel, recreation, or vacation use.

c. ***Motor Home:*** A portable, temporary dwelling to be used for travel, recreation, or vacation that is constructed as an integral part of a self-propelled vehicle.

d. ***Tow Trailer:*** A structure designed to be hauled by another vehicle and to transport vehicles, boats, or freight.

e. ***Pickup Coach:*** A portable structure for use as a temporary dwelling for travel, recreation, or vacation, designed to be mounted on a truck chassis for transportation and to be used for a temporary dwelling while either mounted or dismounted.

111. ***Use***. The purpose or activity for which the land or building or structure is arranged, designed or intended, or for which either land or a building or structure is, or may be occupied or maintained.

112. ***Variance***. A modification of the existing zoning ordinance by the Town of Wake Forest Board of Adjustment when strict enforcement of this ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.

113. ***Water supply watershed***. The entire land area contributing surface drainage to a specific water supply. Major landmarks such as highways or property lines may be used to delineate the outer boundary of the drainage area if these landmarks are immediately adjacent to the ridge line.

114. ***Watercourse buffer***. An area along a watercourse which drains surface water from a watershed to a water supply. These areas shall be maintained in a natural, undisturbed state

and no development, clearing, foresting or grading shall be allowed except as specifically permitted by this ordinance.

115. ***Watershed management area***. The area adjoining and upstream of the critical quality area in a water supply watershed.

116. ***Yard***. An open space on the same lot with a principal building, unoccupied and unobstructed by any structure from the surface of the ground upward except for drives, sidewalks, lamp posts, entrance steps, retaining walls, fences, landscaping, and as otherwise provided herein.

117. ***Yard, Front***. An open space on the same lot with a principal building, between the front line of the building (exclusive of steps) and the front property or street right-of-way line and extending across the full width of the lot.

118. ***Yard, Rear***. An open space between the rear line of the principal building (exclusive of steps) and the rear property line and extending the full width of the lot.

119. ***Yard, Side***. An open space between the building and the adjacent side lot line, which is open and unobstructed from the surface of the ground upward, except as may be permitted elsewhere in the ordinance. The side yard extends from the rear line of the front yard to the front line of the rear yard, or to the appropriate property line if no front or rear yards are required by this ordinance.

ARTICLE IV. GENERAL PROVISIONS

Section 1. Application

The regulations set forth in this ordinance affect all land, every building and every use of land and/or building in the Town of Wake Forest and its extraterritorial jurisdiction as depicted on the Official Zoning Map and shall apply as follows:

A. New Uses or Construction

After the effective date of this ordinance, all new construction shall conform to the use, area and bulk regulations for the district in which it is to be located.

B. Conforming Uses

After the effective date of this ordinance, land or structures, or the uses of land or structures which conform to the regulations for the district in which it is located may be continued, provided that any structural alteration or change in use shall conform with the regulations herein specified for the district in which it is located.

C. Non-Conforming Uses

After the effective date of this ordinance, land, lots or structures, or the uses of land, lots or structures which would be prohibited under the regulations for the district in which it is located shall be considered as non-conforming. It is the intent of this ordinance to permit these non-conformities in their present condition to continue until they are removed, but not to encourage their survival. Non-conforming structures or uses may be continued provided they conform to the provisions of Section 2 below.

Section 2. Continuation of Non-conforming Uses

A. Minimum Lot Requirements

Minimum Single Lot Requirements: Where the owner of a lot at the time of the adoption of this ordinance or his successor in title thereto does not own sufficient land to enable him to conform to the dimensional requirements of this ordinance, such lot may be used as a building site for a single-family residence in a district in which residences are permitted; provided, that the yard dimensions and requirements other than those applying to area or width or both shall not be reduced below the minimum specified in this ordinance and further provided if a septic tank is used that the Wake County Health Department has approved the dimensional requirements reduction. Variance from dimensional requirements other than those related to lot width and area shall only be granted by the Board of Adjustment in consideration of appeals from the decision of the Zoning Enforcement Officer and, when applicable, if the Wake County Health Department submits a letter of approval. Minimum Multi-Lot Requirements: If two or more adjoining and vacant lots on record are in a single

ownership at any time after the adoption of this ordinance, such lots shall be considered as a single lot or several lots which meet the minimum requirements of this ordinance for the district in which such lots are located. No portion of said parcel shall be used or sold which does not meet the area and width requirements established by this ordinance nor shall any division of the parcel be made which leaves any lot remaining with width or area below the requirements of this ordinance.

B. Extension of Use

Any non-conforming structure or non-conforming use of land or structure, shall not hereafter be enlarged or extended in any way which serves to increase the nature of non-conformity, except where the non-conforming use is a residential structure used exclusively for dwelling purposes, said structure is a permitted use and the proposed addition shall conform to all zoning requirements; and the total area of the addition shall be limited to twenty-five (25) percent of the area of the original non-conforming structure; and shall be used solely for residential purposes.

C. Change of Use

Any non-conforming structures or non-conforming uses of land or structures may be changed to any conforming use or with the approval of the Board of Adjustment, to any use or structure more in character with the uses permitted in the district. In permitting such change, the Board of Adjustment may require appropriate conditions and safeguards in accordance with the provisions of this ordinance.

D. Cessation of Use

If active operations are discontinued for a continuous period of twelve (12) months with respect to a non-conforming use, such non-conforming use shall thereafter be used only for a conforming use. Should any non-conforming structure or use of land or structure be moved for any reason for any distance, whatever, it shall hereafter conform to the regulations for the district in which it is relocated. No Class C manufactured home shall be removed for more than forty-eight (48) hours and replaced unless its lot and stand conform to the requirements of this ordinance.

E. Repairs and Alterations

On any building devoted in whole or in part to a non-conforming use or of a non-conforming nature due to placement on the lot or other reason, repairs and modernization are permitted provided that such repairs or modernization shall in no way serve to augment the nature of non-conformity. Nothing in this ordinance shall be construed so as to prevent the strengthening or restoring to a safe condition any building 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. Manufactured home parks existing at the time of the adoption of this ordinance shall not be allowed to expand or increase in any manner unless

such expansion meets fully the requirements set forth in this ordinance. Any non-conforming structure wholly or partly within a flood way or flood way fringe may be flood-proofed according to methods and specifications set forth in the publication of the Office of the Corps of Engineers, U. S. Army, entitled Flood-proofing Regulations, a copy of which shall be kept on file in the Office of the Town Clerk.

F. Damage or Destruction

Should a non-conforming structure or non-conforming portion of a structure be destroyed by any means to an extent of more than 50% of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance.

G. Temporary Non-conforming Uses of Land

Temporary non-conforming uses of land for carnivals and similar uses may be permitted according to the provisions of Article IX, Section 2.

H. Special Uses Not Non-conforming

Any use for which a Special Use is permitted as provided in this ordinance shall not be deemed a non-conforming use, but shall without further action be deemed a permitted use in the district in which it is located, whether the use was in existence at the time of adoption or amendment of this ordinance or is initiated subsequently under the terms of a Special Use granted by the Board of Commissioners.

Section 3. Space Requirements

No part of a yard, court or other space provided around any building or structure for the purpose of complying with the provisions of this ordinance shall be included as a part of a yard or other space required under this ordinance for another building or structure.

Section 4. Reduction of Lot and Yard Areas Prohibited

No yard or lot existing at the time of passage of this ordinance shall be reduced in size or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

Section 5. Maps

A. Official Zoning Map

The boundaries of each zoning district are shown on a map entitled "Town of Wake Forest Official Zoning Map" which is hereby made a portion of this ordinance. The Official Zoning Map shall bear the adoption date of this ordinance and the signatures of the Mayor and Town Clerk.

All zoning amendments affecting the material displayed on the Official Zoning Map shall be certified on this map by the Town Clerk along with the amendment date.

B. Flood Hazard Districts

The boundaries of the Flood Hazard Districts shall be determined by scientific and engineering studies prepared by the Federal Insurance Administration and the Soil Conservation Service of the U. S. Department of Agriculture. In case of a conflict between the two sets of studies, whichever study imposes the more stringent restrictions shall prevail. The results of the studies are plotted on an overlay to the Official Zoning Map. Boundaries for construction or use restrictions set forth within this ordinance shall be determined by scaling differences on the Official Zoning Map. Where interpretation is needed in order to allow a surveyor to locate the exact boundaries of the district as shown on the Official Zoning Map, the Zoning Enforcement Officer shall initially make the necessary interpretation based on flood profile information.

Section 6. Interpretation of District Boundaries

When uncertainty exists with respect to the boundaries or districts as shown on the Official Zoning Map, the following rules shall apply:

A. Delineation

District boundary lines are generally intended to be along or parallel to property lines, lot lines, the center line of street, alleys, railroads, easements, other rights-of-way, and creeks, streams, or other water channels.

B. Official Zoning Map

1. In the absence of specified distances on the map, dimensions or distances shall be determined by the scale of the Official Zoning Map.

2. The boundaries of the floodway and the floodway fringe shall be determined from the Official Zoning Map. Where interpretation is needed as to the exact location of the boundaries of the zones shown on the Official Zoning Map with respect to flood hazard boundaries, as for example where there appears to be a conflict between a mapped boundary and actual field conditions existing prior to the adoption of this section, the Board of Adjustment, upon recommendation by the Town Engineer, shall make the necessary interpretation and direct that map zone boundary corrections be made where it finds that such are required. In such instances, the regulatory flood elevation as determined by the studies prepared by the Federal Insurance Administration of the U. S. Department of Housing and Urban Development and the Soil Conservation Service of the U. S. Department of Agriculture. In case of a conflict between the two sets of studies, whichever study imposes the more stringent restrictions shall prevail. Any person contesting the location of the zone boundary shall be given a reasonable opportunity to present his/her matter to the Board of Adjustment.

C. Board of Adjustment

W`hen the street or property layout existing on the ground is at variance with that shown on the Official Zoning Map, the Board of Adjustment shall interpret the district boundaries of this ordinance.

Section 7. Interpretation of District Regulations

Uses not designated as permitted uses shall be prohibited. Additional uses where in character with the district may be added to the ordinance by amendment.

Section 8. Conflict with other laws

Wherever the regulations made under authority of this ordinance require a greater width or size of yards or courts, or require a lower height of building or less number of stories, or require a greater percentage or lot to be left unoccupied, or impose other higher standards than that required in any other statute or local ordinance or regulation, the provisions of the regulations made under authority of this ordinance shall govern. Wherever the provisions of any other statute or local ordinance or regulation require a greater width or size of yard or courts or require a lower height of building or a less number of studies or require a greater percentage of lots to be left unoccupied, or impose other standards than are required by the regulations made under authority of this ordinance, the provisions of such statute or local ordinance or regulation shall govern.

Section 9. Civil Remedies and Equitable Relief

A. Civil Remedies

1. **Injunction and Order of Abatement.**

If a building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is occupied or used in violation of the General Statutes of North Carolina, this ordinance, or other regulation made under authority conferred thereby, the Town of Wake Forest (or any adjacent, nearby, or neighboring property owners who would be affected by such violations), in addition to other remedies, may apply to the District Court, Civil Division, or any other court of competent jurisdiction, for a mandatory or prohibitory injunction and order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property.

In addition to an injunction, the court may enter an order of abatement as a part of the judgment in the case. An order of abatement may direct that buildings or other on the property to be closed, demolished, or removed; that fixtures, furniture, or other movable property be removed from buildings on the property; that grass and weeds be cut; that improvements or repairs be made; or that any other action be taken that is necessary to bring the property into compliance with this ordinance. If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he may be cited for contempt and the Town may execute the order of abatement. The Town shall have a lien on the property for the cost of executing an order of abatement.

2. Civil Citation

Pursuant to G.S. 160A-175, the regulations and standards of this ordinance may be enforced through the issuance of civil citation penalties by the Zoning Enforcement Officer if it is determined that a person has failed to comply with the provisions of this ordinance. Violations shall be corrected within ten (10) days of the issuance of a warning citation. If the violation is not corrected within the specified time period, a citation subject to a civil penalty shall be issued. The Town may recover this penalty in a civil action in the nature of a debt if the offender does not pay the penalty within seventy-two (72) hours after being cited for a violation. In addition, failure to pay the civil penalty within seventy-two (72) hours may subject the violator to an additional citation and/or criminal charges.

The following civil penalties are established for violations under this section:

Warning Citation	Correct Violation Within 10 Days
First citation	$ 25.00, Correct Violation Within 10 Days
Second citation for same offense	$100.00, Correct Violation Within 10 Days
Third citation for same offense	$250.00, Correct Violation Within 10 Days
Fourth and subsequent citations for the same offense	$500.00 Per Day That Violation Continues To Exist

Subsequent citations for the same violation may be issued by the Zoning Enforcement Officer once the initial warning citation has expired. Each day which the violation continues upon the issuance of the fourth citation may subject the violator to additional citations. The violator may seek an appeal to the actions of the Zoning Enforcement Officer through the Board of Adjustment within thirty (30) days of the initial notice of violation.

If the Zoning Enforcement Officer notifies a party of a violation and that violation is remedied but subsequently reestablished within a period of 180 days thereafter, a warning citation shall not be reissued. Rather, this shall be considered a continuation of the violation and the zoning administrator shall have the ability to immediately issue citations with monetary penalties as if the cessation had never occurred.

B. Equitable Relief

The Town of Wake Forest may apply to the District Court, Civil Division or other court of competent jurisdiction for an appropriate equitable remedy. It shall not be a defense to the Town's application for equitable relief that there is an adequate remedy at law.

Section 10. Criminal Penalties

Any person violating any provisions of any article of this ordinance, or who shall violate or fail to comply with any order made thereunder; or who shall continue to work upon any structure after having received written notice from the Zoning Enforcement Officer to cease work, shall be guilty of a misdemeanor and punishable by a fine not to exceed fifty dollars ($50). Each day such violation shall be permitted to exist shall constitute a separate offense. Notice of violation shall be sufficient if directed to such owner, the agent of the owner, or the contractor and left at his known place of residence or place of business.

Section 11. Enforcement

A. Enforcement Authority

This ordinance shall be enforceable in accordance with provisions available in the General Statutes of North Carolina Chapter 160A Section 175.

B. Combination of Remedies

The Town may choose to enforce this ordinance by any one, all, or combination of the above procedures.

Section 12. Separability Clause

Should any section or provision of this ordinance be declared by the courts to be unconstitutional or 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 unconstitutional or invalid.

Section 13. Site Plan Review Requirements

1. A development plan shall be filed by an owner or developer of property, with the Town Planner and must be reviewed by the Planning Board and approved by the Board of Commissioners in each of the following instances:

   a. Any planned unit development
   b. Any multi-family development
   c. Any business park
   d. Any shopping center
   e. Any industrial park
   f. Any hospital
   g. Any rest home
   h. Any development deemed by the Board of Commissioners to be of sufficient size to require development plan approval.
   i. Any development with a building height exceeding 35 feet.
   j. Any development in Renaissance Area Districts.

2. If a proposed development requires a Special Use Permit, the procedures and supplemental information as outlined in Article VIII. Special Uses, of this ordinance shall be provided in addition to the information required in this section of the ordinance.

3. **Procedure:**

   a. Upon scheduling a pre-submittal meeting with the appropriate staff, development plans shall be submitted to the office of the Planning Department in accordance with current Town policy, schedules and procedures. Upon completing the Town Staff review process, the plans shall be forwarded to the Planning Board for review.
   b. Development plans shall be reviewed by the Planning Board who shall make a recommendation thereon. Final action shall be made by the Board of Commissioners.
   c. The development plan shall be prepared and certified by a registered land surveyor, landscape architect or architect, civil engineer, and shall be titled a "Master Land Use Plan".
   d. Provide the appropriate number of prints of the development plan, at a scale of one (1) inch to fifty (50) feet or larger, together with all information required by this ordinance, shall be submitted.
   e. All plans submitted for staff review shall be in outside measurement of 24"x 36" in size. Reduced copies of the plans for Planning Board and Board of Commissioner review shall be no smaller than 18” x 24” in size.
   f. No building permits shall be issued until the development plan has been approved by the Board of Commissioners and construction drawings have met the approval of the Town Staff.

4. Information Required.

a. Plot and location plan with:

1) Existing developed conditions of property including but not limited to: existing structures with built year, cemeteries, bridges, culverts, utilities (water & sewer, drainage, stormwater, electrical, cable, fiber optics, etc.), driveways & curb cuts, sidewalks, surface parking & loading area, public and private streets with pavement width, any known contaminated soils or hazardous materials.
2) Existing natural features of property including but not limited to: riparian & watershed boundaries and buffers, wetlands, watercourses with name and direction of flow, special flood hazard areas, wood line & vegetation type, specimen trees, soils map, & existing contour lines at a minimum of two (2) foot contour intervals.
3) Boundaries of the proposed tract to be developed drawn to scale with all bearings and distances shown.
4) North arrow.
5) Location and dimensions of proposed building(s) on site showing distance to side lot lines and center lines of adjacent streets.
6) Location and dimensions of proposed driveways, vehicle access areas, and curb cuts on site and adjacent properties.
7) Location and of proposed sidewalks, pedestrian ways, and open spaces.
8) Location and dimensions of proposed surface parking and loading areas.
9) Proposed widths of any streets and sidewalks adjoining the tract giving right-of-way and pavement widths.
10) Site data box providing: front, side and rear yard setbacks, zoning of tract, watershed (if applicable), owner, Wake County pin number, acreage, number of buildings, square footage of buildings, building height in feet and stories, linear footage of public roads, water lines, sewer lines, and storm drainage facilities, land use, parking space requirements/provided and impervious surface area calculations (if applicable).
11) Vicinity map showing location of tract at scale of not less than one (1) inch equals two thousand (2,000) feet.
12) Provisions for the adequate disposition of natural and storm water in accordance with the adopted designed criteria and standards of the Town indicating location, sizes, types and grades of ditches, catch basins, and pipes, connections to existing drainage.
13) Location of existing & proposed easements including but not limited to, electric, water, sewer, storm, drainage, private streets, gas, or other service related easements including location, width & purpose.
14) Proposed utility plan showing the location of all proposed underground utilities such as water, sewer, drainage, stormwater, electrical, cable, fiber optics, etc., both within property and in adjacent streets; surface drainage facilities such as curb and gutter; and type, height, and location of all fencing, walls, and screening to be preserved, erected or planted.

15) USC and GS Datum used for all elevations and showing location and elevation of benchmark used.
16) Location and provisions for buffer and landscape areas as required in Article VI, Section 6 of this Ordinance.
17) Preliminary grading plan. Grading plan shall include but not be limited to elevations at control points such as driveways, ramps, etc., limits of disturbance boundaries of the site, tree save areas, buffers, approximate contour elevations, approximate utility line locations, and proposed retaining walls.
18) Location and method of garbage containment and disposal.
19) Traffic circulation patterns and flow. A Traffic Impact Analysis may be required if threshold requirements are met per the Town of Wake Forest Manual of Specifications, Standards and Design.
20) Statement of conformance to the Appearance Standards as required in Article VI, Section 9 of this Ordinance.
21) All other requirements applicable to the development as specified in the Zoning Ordinance.
22) If any portion of the project area is located in a special flood hazard area the provisions for flood damage prevention shall be provided as required in Article XIII of this Ordinance.

5. Development Plan Review Criteria

Development plans will be analyzed in accordance with all applicable design standards and any or all of the following:

1) That each development plan be assessed on how it affects the health, safety, and morals of the community.
2) The effect all other policies and plans have on the proposed development plan.
3) All requirements of the zoning ordinance shall be met.
4) Safe conditions for motorists and pedestrians shall be provided.
5) Adequate buffers be provided where zoning classifications adjacent to one another are significantly different or where adjoining uses are competing, either by the nature of the use or by the intensity of the use(s).
6) Specific parking details shall be provided.

The Board of Commissioners may refuse to approve a development plan on the grounds that it fails to fully comply with any specific requirement of this Article or that it fails to adequately protect residentially zoned property, or property in residential use, or that it fails to provide safe conditions for pedestrians and motorists.

6. Construction Plans:

a. In addition to all items listed in Section 4.a., the following provisions for improvements shall be shown on the construction plans.

1) Plans shall be submitted at a scale of one (1) inch = fifty (50) feet or larger.

2) Plans for all public water and sewer systems shall be prepared as plan profile drawings and shall show line sizes, the location of fire hydrants, blow offs, man-holes, pumps, force mains and gate valves as well as any other details or requirements per the utility provider.

3) Plans for public or community water supply systems and/or public or community sewage disposal systems, excluding use of municipal systems shall be accompanied by letters of approval from the Division of Human Resources and/or the Division of Environmental Management, North Carolina Department of Natural and Economic Resources. Plans for individual sewage disposal systems shall be accompanied by letters of preliminary approval of the Wake County Health Department.

4) Traffic control signage & street plan. All traffic control signage shall conform to the details illustrated in the Town of Wake Forest Manual of Specifications, Standards and Design. Street plans shall be prepared as plan-profile drawings. They shall be at a scale of one (1) inch = fifty (50) feet. Street plans shall show street grades and typical street sections.

5) Erosion Plan. The plan shall be accompanied by a proposed erosion control plan pursuant to the requirements of the Wake Forest Erosion and Sedimentation Control Ordinance.

6) Landscape plan meeting the provision of Article VI., Section 6 of this Ordinance.

7) Plans shall conform to the applicable overall design and appearance standards of Article VI, Section 9. of this Ordinance.

b. Approval of Construction Plans

Construction plans shall be submitted to the Town staff for review. Upon construction plan approval, the appropriate staff shall sign an original set of construction plans indicating such approval. A preconstruction meeting shall be scheduled prior to commencement of any site development activities. No building permits shall be issued until the appropriate Town staff has approved the construction plans.

c. Inspection and Supervision

1) The construction standards for all off-site improvements required by this Article shall conform to the Town's standards and specifications, building codes and other applicable laws, ordinances and regulations.

2) The appropriate Town staff shall inspect construction in accordance with applicable codes.

d. Compliance with development plans

1) No certificate of occupancy shall be issued for any structure which does not conform to an approved development plan.

2) The owner or designer shall submit "as built" construction drawings as required.

e. Filing Fee

A non-refundable filing fee shall accompany a development plan when it is submitted for review in the amount according to the schedule available in the Planning and Inspections Office.

f. Time of Validity

An approved development plan shall become null and void if no significant work, which shall include the installation of physical improvements such as utilities, and streets, or commencement of the operation where physical improvements are not required, has taken place on the site within twelve (12) months after approval unless a zoning vested right has been established extending the approval duration per Article IV. Section 23. of this Ordinance.

Any development requiring Town services that is adjacent to the Town limits shall be required to petition for annexation within sixty (60) days of site plan approval. If such a petition is not received within this time, the site plan shall become null and void.

Section 14. Location of Uses or Buildings

Accessory buildings may be erected in any required side or rear yard, provided that the building shall not be closer than ten feet to any property line.

Section 15. Street Access

No building shall be erected on a lot which does not abut an open public street.

The Board of Adjustment may grant a variance to this requirement provided that:

1. There is a legally established right-of-way of no less width than fifty (50) feet and no longer than five hundred (500) feet measured from the nearest public right-of-way. When the Board of Adjustment grants a variance the substandard right-of-way shall give access to no more than three (3) dwelling units.

-OR-

2. There is a legally established access easement of no less width than twenty (20) feet. When the Board of Adjustment grants a variance the access easement shall give access to no more than two (2) dwelling units. An access easement shall only be permitted for properties that are land-locked at the time of adoption of this ordinance and if extenuating circumstances exist; burden of proof shall be on the petitioner. In no case shall an access easement be established for multi-family developments.

Section 16. Lots with Multiple Frontage

In the case of a lot having frontage on two (2) or more streets, the minimum depth of a yard adjacent to a street, except for the front yard, shall be twenty (20) feet. This requirement does not apply to lots located within the RA-HC, Historic Core District.

Section 17. Minimum Frontage

Where a minimum frontage is specified in these regulations it shall be measured at the front yard setback line.

Section 18. Erection of More Than One Principal Building on a Lot

There shall be erected only one principal building and its accessory buildings on one lot except in the following:

1. Any multi-family development operating under homeowners association agreement.

2. Any bona-fide farm.

3. Any existing lot presently zoned RD, Rural Holding District with greater than five (5) acres.

4. Any combination use.

Section 19. Warning and Disclaimer of Liability

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that areas outside the Flood Hazard Districts' boundaries or land uses permitted within such districts will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Town of Wake Forest or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

Section 20. Combination Uses

1. When a combination use comprises two or more principle uses that require different types of permits, then the permit authorizing the combination use shall be:

    a. A special use permit if any of the principle uses involved requires a special use permit.
    b. A conditional use permit if any of the principle uses involved requires a conditional use permit.
    c. A development permit in all other cases.

2. When two (2) or more principle uses are combined, the total amount of parking required is the cumulative amount required for each individual principle use.

3. Combination uses shall only be permitted in the Renaissance Area, O&I, NB and HB zoning districts. Non-conforming and conforming uses shall not be combined.

4. A combination use shall require a site plan showing information stated in Article IV, Section 12.4 and 12.6 of this ordinance.

Section 21. Business Uses of Manufactured Homes, Manufactured Offices, or Trailers

No manufactured home, manufactured office, or trailer shall be used in any manner for business or commercial purposes except when used for a sales office on a manufactured home sales lot or except for temporary use approved by the Zoning Enforcement Officer, as may be allowed elsewhere in this ordinance.

Section 22. Temporary Use of Manufactured Homes, Temporary Offices, and Trailers

Manufactured Homes: Temporary use of a manufactured home as a residence shall be permitted in any residential district in cases where the permanent home has been destroyed through no fault of the owner. A Development Permit and Occupancy Permit may be issued by the Zoning Enforcement Officer for the placement and occupancy of the manufactured home during reconstruction. Such permits shall be for a specified period of time not to exceed six (6) months and may be renewed no more than necessary for reconstruction, up to a total of one (1) year.

Manufactured Offices: Manufactured office may also be used for office or business purposes in cases where the permanent structure has been destroyed through no fault of the owner. A Development Permit and Occupancy Permit may be issued by the Zoning Enforcement Officer for the placement and occupancy of the manufactured home during reconstruction. Such permits shall be for a specified period of time not to exceed six (6) months and may be renewed no more than necessary for reconstruction, up to a total of one (1) year.

Temporary Construction and Sales Offices: Manufactured homes, offices, and trailers may be used as a temporary construction and/or sales office after obtaining a Development Permit, as described in Section 2 of Article IX. Enforcement of this ordinance.

Trailers: Trailers, as defined in Article III, may be used for residential purposes only in appropriately permitted camping facilities.

Section 23. Vested Rights

A. Purpose

The purpose of this section is to implement the provisions of G.S. 160A-385.1 pursuant to which a statutory zoning vested right is established upon the approval of a site specific development plan.

B. Definitions - As used in this section, the following terms shall have the meaning indicated:

1. **Approval authority**: The Board of Commissioners is the authorized body to grant approval of a site specific development plan.

2. **Site specific development plan**: A plan of land development submitted to the Town of Wake Forest for purposes of obtaining site plan approval as specified in Article IV. Section 12 of this ordinance.

   Notwithstanding the foregoing, neither a variance, a sketch plan nor any other document that fails to describe with reasonable certainty the type and intensity of use for a specified parcel or parcels of property shall constitute a site specific development plan.

3. **Zoning Vested Right**: A right pursuant to G.S. 160A-385.1 to undertake and complete the development and use of property under the terms and conditions of an approved site specific development plan.

C. Establishment of a Zoning Vested Right

1. A zoning vested right shall be deemed established upon the valid approval, or conditional approval, by the Board of Commissioners, as applicable, of a site specific development plan, following notice and public hearing.

2. The approving authority may approve a site specific development plan upon such terms and conditions as may reasonably be necessary to protect the public health, safety, and welfare.

3. Notwithstanding subsections (a) and (b), approval of a site specific development plan with the condition that a variance be obtained shall not confer a zoning vested right unless and until the necessary variance is obtained.

4. A site specific development plan shall be deemed approved upon the effective date of the approval authority's action or ordinance relating thereto.

5. The establishment of a zoning vested right shall not preclude the application of overlay zoning that imposes additional requirements but does not affect the allowable type or intensity of use, or ordinances or regulations that are general in nature and are applicable to all property subject to land-use regulation that are general in nature and are applicable to all property subject to land-use regulation by the Town, including, but not limited to, building, fire, plumbing, electrical, and mechanical codes. Otherwise applicable new or amended regulations shall become effective with respect to property that is subject to a site specific development plan upon the expiration or termination of the vested right in accordance with this chapter.

6. A zoning vested right is not a personal right, but shall attach to and run with the applicable property. After approval of a site specific development plan, all successors to the original land owner shall be entitled to exercise such right while applicable.

D. Approval Procedures and Approval Authority

1. Except as otherwise provided in this section, an application for site specific development plan approval shall be processed in accordance with the procedures established by ordinance and shall be considered by the designated approval authority for the specific type of zoning or land use permit or approval for which application is made.

2. Notwithstanding the provisions of subsection (a), in order to obtain a zoning vested right, the applicant must request in writing at the time of application that the application be considered and acted upon by the Board of Commissioners, following notice and a public hearing as provided in G.S. 160A-364.

3. In order for a zoning vested right to be established upon approval of a site specific development plan, the applicant must indicate at the time of application, on a form to be provided by the Town, that a zoning vested right is being sought.

4. Each map, plat, site plan or other document evidencing a site specific development plan shall contain the following notation: "Approval of this plan establishes a zoning vested right under G.S. 160A-385.1. Unless terminated at an earlier date, the zoning vested right shall be valid until (date)."

5. Following approval or conditional approval of a site specific development plan, nothing in this chapter shall exempt such a plan from subsequent reviews and approvals to ensure compliance with the terms and conditions of the original approval, provided that such reviews and approvals are not inconsistent with the original approval.

6. Nothing in this chapter shall prohibit the revocation of the original approval or other remedies for failure to comply with applicable terms and conditions of the approval or the zoning ordinance.

E. Duration

1. A zoning right that has been vested as provided in this chapter shall remain vested for a period of two (2) years. This vesting shall not be extended by any amendments or modifications to a site specific development plan.

2. Upon issuance of a building permit, the expiration provisions of G.S. 160A-418 and the revocation provisions of G.S. 160A-422 shall apply, except that a building permit shall not expire or be revoked because of the running of time while a zoning vested right under this section is outstanding.

F. Termination

A zoning right that has been vested as provided in this chapter shall terminate:

1. at the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed;

2. with the written consent of the affected landowner;

3. upon findings by the Board of Commissioners, by ordinance after notice and a public hearing, that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as contemplated in the site specific development plan;

4. upon payment to the affected landowner of compensation for all costs, expenses, and other losses incurred by the landowner, including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and other consultant's fees incurred after approval by the Town, together with interest thereon at the legal rate until paid. Compensation shall not include any diminution in the value of the property which is caused by such action;

5. upon findings by the Board of Commissioners, by ordinance after notice and a hearing, that the landowner or his representative intentionally supplied inaccurate information or made material misrepresentations which made a difference in the approval by the approval authority of the site specific development plan; or

6. upon the enactment or promulgation of a State or federal law or regulation that precludes development as contemplated in the site specific development plan, in which case the approval authority may modify the affected provisions, upon a finding that the change in

State or federal law has a fundamental effect on the plan, by ordinance after notice and a hearing.

G. Voluntary Annexation

A petition for annexation filed with the Town under G.S. 160A-31 or G.S. 160A-58.1 shall contain a signed statement declaring whether or not any zoning vested right with respect to the properties subject to the petition has been established under G.S. 160A-385.1 or G.S. 153A-344.1. A statement that declares that no zoning vested right has been established under G.S. 160A-385.1 or G.S. 153A-344.1 or the failure to sign a statement declaring whether or not a zoning vested right has been established, shall be binding on the landowner and any such zoning vested right shall be terminated.

H. Limitations

Nothing in this chapter is intended or shall be deemed to create any vested right other than those established pursuant to G.S. 160A-385.1.

I. Repealer

In the event that G.S. 160A-385.1 is repealed, this section shall be deemed repealed and the provisions hereof no longer effective.

J. Effective Date

This chapter shall be effective October 1, 1991 and shall only apply to site specific development plans approved on or after October 1, 1991.

ARTICLE V. DISTRICT REGULATIONS

Section 1. Creation of Districts

In order to implement the intent of this Article, there are hereby created several districts with the designations and general purposes listed under each and the specifically permitted uses and special uses included.

Section 2. Conditional Use Districts

It will be noted that each Conditional Use District (bearing the designation CU) corresponds to an identical district. However, any use or development in a Conditional Use district shall require a Conditional Use Permit as provided for in this Article.

It is recognized that certain types of zoning districts would be inappropriate at particular locations in the absence of special conditions. Where the applicant for rezoning desire property to be rezoned to such a district in such situations, the Conditional Use District Classification will be considered only upon request of the applicant for rezoning. If for any reason any condition imposed pursuant to these regulations is found to be illegal, or invalid, or if the applicant should fail to accept any condition, it is the intent of this article that the authorization of such Conditional Use Permit shall be null and void and of no effect and that proceedings be instituted to rezone the property to its previous zoning classification.

A. Conditional Use District Defined

Within a Conditional Use District, (sometimes referred to as CUD), only those uses authorized by Article V as permitted, in the zoning district with which the CUD corresponds shall be allowed and all other requirements of the corresponding district shall be met. In addition, within a CUD no use shall be allowed except pursuant to a Conditional Use Permit authorized by the Board of Commissioners which shall specify the use or uses authorized. Such permit may further specify the location on the property of the proposed use or uses, the number of dwelling units, the location and extent of supporting facilities such as parking lots, driveways, and access streets, the location and extent of buffer areas and other special purpose areas, the timing of development, the location and extent of rights-of-way and other areas to be dedicated for public use, and other such matters as the applicant may propose as conditions upon the request, but not to include architectural review or controls. In granting a Conditional Use Permit, the Board of Commissioners may impose such additional reasonable and appropriate safeguards upon such permit as it may deem necessary in order that the purpose and intent of this Article are served, public welfare secured and substantial justice done.

The authorization of a Conditional Use Permit, in any CUD for any use which is allowed only as a Special Use in the zoning district which corresponds to the CUD, shall preclude

any requirements for obtaining a Special Use for any such use from the Board of Commissioners."

B. Conditional Use Permit

1. Conditions May Be Imposed

The Board of Commissioners may grant or deny the Conditional Use District rezoning and the Conditional Use Permit. If the Board of Commissioners should find, after the public hearing, that the proposed Conditional Use Permit should not be granted, such proposed permit shall be denied. In granting a Conditional Use Permit, the Board of Commissioners may impose such additional reasonable and appropriate special requirements upon such permit as it may deem necessary in order that the purpose and intent of this ordinance are served, public welfare secured, and substantial justice done. If all requirements and conditions are accepted by the applicant, the Board of Commissioners shall authorize the issuance of the Conditional Use Permit; otherwise the permit shall be denied. Any Conditional Use Permit, so authorized, shall be perpetually binding upon the property included in such permit unless subsequently changed or amended by the Board of Commissioners.

2. Final Plans Reviewed

Final plans for any development to be made pursuant to any Conditional Use Permit shall be submitted to the Planning Board and Board of Commissioners for review in the same manner as other development plans now required to be reviewed by the Planning Board and approved by the Board of Commissioners.

In reviewing such final plans, the Planning Board may recommend that the requirement(s) or condition(s) of such Conditional Use Permit be varied where, in the opinion of the Planning Board, such changes will result in equal or better performance and provided that the objective and purpose of the requirement(s) and condition(s) of the Conditional Use Permit are maintained. The Board of Commissioners shall consider all recommendations of the Planning Board prior to giving final approval and may require such conditions as will secure the objectives of the original requirement(s) or condition(s).

If the Board of Commissioners should find, after the hearing, that the proposed Conditional Use Permit should not be granted, such proposed Permit shall be denied. In granting a Conditional Use Permit, the Board of Commissioners may impose such additional reasonable and appropriate special requirements upon such permit as it may deem necessary in order that the purpose and intent of this Article are served, public welfare secured and substantial justice done. If all requirements and conditions are accepted by the applicant the Board of Commissioners shall authorize the issuance of the Conditional Use Permit; otherwise the Permit shall be denied. Any Conditional Use Permit so authorized shall be perpetually binding upon the property included in such Permit unless subsequently changed or amended by the Board of Commissioners as

provided for in this Article. Final plans for any development to be made pursuant to any Conditional Use Permit shall be submitted to the Planning Board and Board of Commissioners for review in the same manner as other development plans now required to be reviewed by the Planning and Zoning Board and approved by the Board of Commissioners. In reviewing such final plans, the Planning and Zoning Board may recommend that the requirement(s) or condition(s) of such Conditional Use Permit be varied where in the opinion of the Planning and Zoning Board such changes will result in equal or better performance and provided that the objective and purpose of the requirement(s) and condition(s) of the Conditional Use Permit are maintained. The Board of Commissioners shall consider all recommendations of the Planning and Zoning Board prior to giving final approval and may require such conditions as will secure the objectives of the requirement(s) or condition(s) varied. Any violation of a term or condition of a Conditional Use Permit shall be treated the same as a violation of this ordinance and shall be subject to the same remedies and penalties as any such violation. Where the Building Inspector, Town Engineer, or Zoning Enforcement Officer determines that any term or condition of any Conditional Use Permit is not being adhered to, he shall notify the property owner of his/her findings either by certified mail or in person and set a reasonable time for any violation to be corrected or abated. In any case where any violation is not corrected or abated within a reasonable time as set by the Building Inspector, Town Engineer, or Zoning Enforcement Officer, said persons or any person aggrieved, may institute injunction, mandamus or other appropriate action in proceedings to correct or abate any violation. In the event that any violation is not promptly corrected or abated after a judicial determination that there has been such a violation, the Conditional Use Permit shall become void and of no effect. The Board of Commissioners may change or amend any Conditional Use Permit, after a public hearing, upon recommendation by the Planning Board and subject to the same considerations as provided for in this Article for the original issuance of a Conditional Use Permit. Provided, however, no proposal to amend or change any Conditional Use Permit shall be considered within twelve (12) months of the date of the original authorization of such Permit or within twelve (12) months of the hearing of any previous proposal to amend or change any such Permit.

3. Conditions May Be Amended

The Board of Commissioners may change or amend any Conditional Use Permit, after a public hearing, upon recommended by the Planning Board and subject to the same considerations as provided for in this ordinance for the original issuance of a Conditional Use Permit. However, no proposal to amend or change any Conditional Use Permit shall be considered within twelve (12) months of the date of the hearing of any previous proposal to amend or change any such permit, unless in the opinion of the Zoning Enforcement Officer or Planning Board, special circumstances exist.

4. Violation of Terms.

Any violation of a term or condition of a Conditional Use Permit shall be treated the same as a violation of this ordinance and shall be subject to the same remedies and penalties as any such violation.

Where the Building Inspector, Town Engineer, or Zoning Enforcement Officer determines that any term or condition of any Conditional Use Permit is not being adhered to, shall notify the property owner of his/her findings either by certified mail or in person and set a reasonable time for any violation to be corrected or abated. In any case where any violation is not corrected or abated within a reasonable time, as set by the Building Inspector, Town Engineer, or Zoning Enforcement Officer, said person(s) or any person aggrieved, may institute injunction, mandamus, other appropriate action in proceedings to correct or abate any violation. In the event that any violation is not promptly corrected or abated, after a judicial determination that there has been such a violation, the Conditional Use Permit shall become void and of no effect.

Section 3. Historic Landmarks Overlay District

A. Purpose

The historical heritage of the Town of Wake Forest is a valuable and important asset. By listing and regulating historic districts and landmarks, and acquiring historic properties, the Town of Wake Forest seeks:

1. To safeguard the heritage of the Town by preserving districts and landmarks therein that embody important elements of its culture, history, architectural history, or pre-history; and

2. To promote the use and conservation of such districts and landmarks for the education, pleasure, and enrichment of the residents of the Town, the County and the State as a whole.

B. Historic Preservation Commission

1. Creation and Appointment

There is hereby established by authority of Chapter 160A-400.7 of the North Carolina General Statutes, a Historic Preservation Commission to be known as the Wake Forest Historic Preservation Commission (hereinafter "Commission"). The Commission shall consist of nine (9) members appointed by the Board of Commissioners. A minimum of seven (7) members shall reside within the corporate limits of the town and the others shall reside, at least, within the extraterritorial jurisdiction (ETJ) of the town. A minimum of four (4) members shall reside within the Historic District of Wake Forest.

In establishing the Commission and making appointments to it, the Board of Commissioners shall seek the advice of local governing bodies, or such State or local

historical agencies, societies, or organizations as it may deem necessary. The Commission may appoint advisory bodies and committees as appropriate.

2. Qualification of Members

All members of the Commission shall have a demonstrated interest, competence or knowledge in historic preservation.

3. Terms

Commission members shall serve overlapping terms of four (4) years, and until their successors have been appointed. Initially, the Board of Commissioners shall appoint five (5) members to a term of two (2) years and appoint four (4) members to a full term of four (4) years. Thereafter, all appointments shall be for a term of four (4) years. A member may be reappointed for a second consecutive term, but after two (2) consecutive terms, a member shall be ineligible for reappointment until one (1) calendar year has elapsed from the date of termination of his or her second term. Any vacancy during the unexpired term of a member of the Commission shall be filled in accordance with Town of Wake Forest policy.

4. Rules of Procedures

The Commission shall adopt rules of procedure necessary to the conduct of its affairs and in keeping with the provisions of this ordinance. The rules of procedure adopted by the Commission shall at least provide for the selection of officers of the Commission, the time and place of its regular meetings and the calling of special meetings, the procedures for the conduct of public hearings, the conduct of voting, the forms to be used in applying for and issuing or denying certificates of appropriateness, and a list of minor works for which Commission staff may issues Certificate of Appropriateness.

5. Powers and Duties

The Commission is authorized and empowered to undertake such actions reasonably necessary to the discharge and conduct of its duties and responsibilities as outlined in this ordinance and the N. C. General Statutes, including but not limited to the following:

a. Undertake an inventory of properties of historical, pre-historical, architectural, archaeological, and/or cultural significance.

b. Recommend to the Board of Commissioners, individual buildings, structures, sites, areas, or objects within its zoning jurisdiction to be designated by ordinance as "historic landmarks", and areas within its zoning jurisdiction to be designated by ordinance as "historic districts".

c. Recommend to the Board of Commissioners that designation of any area as a historic district or part thereof, or of any building, structure, site, area, or object as a historic landmark, be revoked or removed for cause.

d. Review and act upon proposals for alteration or demolition of designated landmarks and for alteration, demolition, or new construction within historic districts, pursuant to this ordinance.

e. Report violations of this ordinance or other ordinances affecting historic landmarks and properties within historic districts to the local official responsible for enforcing the ordinance.

f. Act as, establish, or designate, a group, body, or committee to give advice to owners of historic landmarks or property within a historic district concerning the treatment of the historical and visual characteristics of their property, such as gardens and landscape features, minor decorative elements, and for the informal review of major additions and new construction.

g. Conduct an educational program on historic landmarks and districts within the town.

h. Publish information, or otherwise inform the public about any matters pertinent to its purview, duties, organization, procedures, responsibilities, functions, or requirements.

i. Cooperate with state, federal and other local governments in pursuing the purposes of this ordinance. The Board of Commissioners or the Commission when authorized the appropriate local governing body 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.

j. Communicate with other boards or commissions in Wake County or with agencies of the County or other governmental units to offer or request assistance, aid, guidance, or advice concerning matters under its purview or of mutual interest.

k. Prepare and recommend the official adoption of a historic preservation element as part of the Town's comprehensive plan at the request of the Board of Commissioners.

l. Accept funds to be used for preservation purposes that are granted to the Commission by private individuals, organizations, and local governing bodies.

m. Acquire by any lawful means the fee or any lesser included interest, including options to purchase, to any historic landmarks, land to which historic buildings or structures may be moved, or properties located within historic districts; hold, manage, preserve, restore and improve the interest; and exchange or dispose of the interest by public or private sale, lease, or otherwise, subject to covenants or other legally binding restrictions which will secure appropriate rights of public access and promote the preservation of the property. All lands, buildings, structures, sites, areas, or objects acquired by funds appropriated by the Board of Commissioners shall be acquired in

the name of the Town of Wake Forest unless otherwise provided by the Board of Commissioners.

n. Restore, preserve and operate such historic properties.

o. Enter, at reasonable times, upon private lands and make examinations or surveys as necessary to the performance of its official duties. 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.

p. 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 and appropriate.

q. Take steps during the period of postponement of demolition or alteration of any historic landmark or property within a historic district 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.

r. 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 of Wake Forest and its environs.

s. Organize itself and conduct its business including any meetings or hearings necessary to carry out the purposes of this ordinance.

C. Historic Landmarks

1. Adoption of an Ordinance of Designation

Upon compliance with the procedures set out in Section C.4., the Board of Commissioners may adopt and, from time to time, amend or repeal an ordinance designating one or more historic landmarks. The ordinance shall include information which shall:

a. List the name or names of the owners of the property;

b. Describe each property designated in the ordinance including the approximate area of the property so designated;

c. Describe those elements of the property that are integral to its historical, pre-historical, architectural, archaeological, and/or cultural significance;

d. Provide for each designated historic landmark a suitable sign or plaque indicating that the landmark has been so designated; and

e. Any other information the Board of Commissioners deems necessary within the authority of this ordinance and the general statutes of the State of North Carolina.

2. Criteria for Designation

In order for any building, structure, site, area, or object to be designated in an ordinance as a historic landmark, the Commission must find that the property is of special significance in terms of its history, pre-history, architecture, archaeology, and/or cultural importance, and that is possesses integrity of design, setting, workmanship, materials, feelings and/or association.

3. Inventory

The Commission shall use an inventory of buildings, structures, sites, areas, or objects of historical, pre-historical, architectural, and archaeological significance in the county as a guide to the identification, assessment, and designation of historic landmarks. The Commission shall update the inventory from time to time.

4. Required Procedures for Designation

The Board of Commissioners may not adopt or amend an ordinance designating a historic building, structure, site, area, or object, or acquire any landmark, until the steps prescribed by this ordinance and its subsections have been taken including rules of procedure and guidelines for the altering, restoring, moving, or demolishing properties designated as historic. Designation procedures may be initiated by the Commission or at the request of a property owner.

4.1. Designation Reports

The Commission shall make or cause to make an investigation and report that includes all the information contained in this Section. Applications prepared by owners will be judged by the same criteria as those prepared by the Commission.

a. The name of the property to be considered for designation - both common and historic names, if they can be determined;

b. The name and address of the current property owner;

c. The location of the property proposed to be designated historic including the street address and Wake County tax map and parcel numbers or the parcel identification number;

d. The date of construction and of any later alterations, if any;

e. An assessment of the significance of the site or structure pursuant to Section C.2.;

f. An architectural or archeological description of the area of the site or structure proposed to be designated. If out building or other appurtenant features are proposed to be designated, the report shall contain a description of those features;

g. A historical discussion of the site or structure within its type, period and locality;

h. A photograph that clearly depicts the property proposed to be designated and supplementary photographs showing facades, details and sitting; and

i. A map showing the location of the property including any out buildings and appurtenant features.

4.2. Review by the Department of Cultural Resources

A report accepted by the Commission shall be submitted to the North Carolina Department of Cultural Resources, Division of Archives and History or its successor agency for comments pursuant to G. S. 160A-400.6, as amended from time to time.

The Department of Cultural Resources or its successor agency acting through the State Historic Preservation Officer shall, either upon request of the Department or at the initiative of the Commission, be given an opportunity to review and comment upon the substance and effect of the designation of any landmark pursuant to this ordinance.

4.3. Consideration of the Report

Once the designation report has been prepared, either by the Commission or by the owner and is deemed by the Commission staff to meet the provisions of subsection C.4.1., the Commission shall consider the report.

The Commission may accept it, amend it, reject it, or recommend further study.

Prior to final action on a designation report, the Commission shall indicate the extent to which the landmark meets the criteria for designation in Section C.2.

The Commission should consider any comments received in writing from the Department of Cultural Resources or its successor agency. If the Department does not submit its written comments or recommendations in connection with any proposed designation within thirty (30) days following receipt of the report, the Commission and the Board of Commissioners shall be relieved of any responsibility to consider such comments. After the expiration of the thirty (30) day comment period given the Division of Archives and History, the Commission may recommend to the local governing body that the property be designated as a historic landmark.

4.4. Submission to the Wake Forest Board of Commissioners

The Commission shall forward its recommendation to the Board of Commissioners. The Commission shall submit a copy of the designation report, any written comments received from the Department of Cultural Resources, and if the recommendation is for approval, a proposed ordinance of designation, to the Board of Commissioners.

4.5. Public Hearing

When a proposed ordinance of designation is submitted, the Commission and the Board of Commissioners shall hold a joint public hearing or separate public hearings on the proposed ordinance. Reasonable notice of the time and place thereof shall be given.

4.6. Adoption of a Description Ordinance

Following the required public hearings, the Board of Commissioners shall consider the designation report, the Commission's recommendation, the Department of Cultural Resource's comments, and the comments made at the public hearing, and may adopt the ordinance as proposed, adopt the ordinance with amendments or reject the ordinance.

5. Actions Subsequent to Approval

Upon adoption of the ordinance:

a. Commission staff shall send the owner(s) of the landmark, as identified by current tax records, written notice of such designation within thirty (30) days of adoption of the ordinance by certified mail, return receipt requested.

b. The Commission shall file a copy of the ordinance and any subsequent amendments thereto, in the office of the Register of Deeds of Wake County. The Register of Deeds shall index historic landmark according to the name of the owner in the grantee and grantor indexes. The Commission shall pay a fee for filing and indexing.

c. In case of a landmark lying with in the zoning jurisdiction of the Town of Wake Forest, a second copy of the ordinance shall be kept on file in the office of the Town Clerk and be made available for public inspection at any reasonable time. A copy shall also be given to the Town's Inspections Director.

d. All tax maps maintained by the Town of Wake Forest shall clearly indicate the designation of a building, structure, site, area, or object as a historic landmark for as long as the designation remains in effect.

e. The Commission staff shall notify the tax assessor of Wake County and the Town of Wake Forest of the landmark designation. The assessor shall consider the designation and any recorded restriction on the landmark in appraising it for tax purposes.

6. Denied Applications

If the Board of Commissioners denies a designation report, a copy of the minutes of the meeting at which such a decision to deny the report was made, shall be mailed to the owner of the property proposed for designation.

D. Historic Districts

1. Adoption of an Ordinance of Designation

No historic district may exist without an ordinance designating it as such. Upon compliance with the procedures contained in Section D.4., the Board of Commissioners within its jurisdiction may adopt and from time to time amend or repeal an ordinance designating one or more historic districts.

2. Criteria for Designation

In order for any area to be designated in an ordinance as a historic district, the Commission must find that the area is of special significance in terms of its history, pre-history, architecture, archaeology and/or cultural importance, and that it possesses integrity of design, setting, workmanship, materials, feeling and/or association.

3. Inventory

The Commission shall use an inventory of buildings, structures, sites, areas, or objects of historical, pre-historical, architectural, and archaeological significance in the county as a guide for the identification, assessment, and designation of historic districts. The Commission shall update the inventory from time to time.

4. Required Procedures for Designation

The Board of Commissioners may not adopt or amend an ordinance designating a historic district, nor may the local governing body or the Commission accept any district until the steps prescribed by this Section have been taken.

4.1. Designation Report

The Commission shall prepare or review an investigation and report describing the significance of the buildings, structure, features, sites, or surroundings included in any such district. Such report shall be referred to the Board of Commissioners or the Town Planning Department for its review and comment according to procedures set forth in the Zoning Ordinance of the corresponding jurisdiction.

4.2. Review by the Department of Cultural Resources

All designation reports shall be submitted to the North Carolina Department of Cultural Resources by the Commission. The Department of Cultural Resources or its successor agency, acting through the State Historic Preservation Officers, shall, either upon request of the Department or at the initiative of the Commission, be given an opportunity to review and comment upon the substance and effect of the designation of any district.

If the Department does not submit its written comments or recommendations in connection with any proposed designation within thirty (30) days following receipt of the report, the Commission and the local governing body shall be relieved or any responsibility to consider such comments. After the expiration of the thirty (30) day comment period given the Division of Archives and History, the Commission may recommend to the local governing body that the area be designated as a historic district.

4.3. Review by other Groups

The Board of Commissioners may also, in its discretion, refer the designation report and proposed boundaries to any local preservation organization in addition to the Commission or other interested body for its recommendations prior to taking action to amend the Zoning Ordinance.

4.4. Adoption of a Designation Ordinance

On receipt of these reports and recommendations, the Board of Commissioners may proceed in the same manner as would otherwise be required for the adoption or amendment of any appropriate Zoning Ordinance provisions.

4.5. Revisions to Districts

With respect to any changes in the boundaries of an adopted historic district subsequent to its initial establishment, the requirements and procedures contained in Section D shall apply.

4.6. District Boundaries

The Wake Forest Historic District boundaries are defined on the map designated as the "Zoning Map of the Town of Wake Forest".

4.7. Permitted Uses

The historic district shall overlap and overlay existing zoning districts. All uses, dimensional, and other requirements for each zoning district shall be permitted or observed within the historic district; provided that:

a. No building or part of a building shall extend nearer to or be required to be set back further from the front street line than the average distance of the setbacks of the nearest principal structures on each lot located in each block and fronting on the same side of the streets so that the setback distances in the district are uniform.

b. A Certificate of Appropriateness shall be obtained prior to the construction, reconstruction, alteration, restoration, demolition, or moving of buildings, structures, appurtenant fixtures, or outdoor advertising signs in the historic district as required by Section 5.0 of the Zoning Ordinance, anything to the contrary elsewhere in this ordinance withstanding.

E. Certificate of Appropriateness

1. Required

From and after the designation of a historic landmark or district, no exterior portion of any building or other structure (including masonry walls, fences, light fixtures, steps and pavement, or other appurtenant features), nor above-ground utility structure nor any type of outdoor advertising sign shall be erected, altered, restored, moved, or demolished on such landmark or within such district until after an application for a Certificate of Appropriateness as to exterior features has been submitted to and approved by the Commission. In adopting an ordinance establishing a historic district, the Board of Commissioners shall provide that no building permit or other permit granted for the purposes of constructing, altering, moving, or demolition of structures shall be issued unless the Commission has first used a Certificate of Appropriateness authorizing the construction, alteration, moving, or demolition. Any building permit or such other permit not issued in conformity with this section shall be invalid. In approving a Certificate of Appropriateness, the Commission may attach reasonable conditions necessary to carry out the purposes of this ordinance. A Certificate of Appropriateness shall be required

whether or not a building permit is required. The Town of Wake Forest shall be required to obtain a Certificate of Appropriateness prior to any changes in the character of public facilities, utilities, or public buildings.

For purposes of this ordinance, "exterior features" shall include the architectural style, general design, and general arrangement of the exterior of a building or other structure, including the kind and texture of the building material, the size and scale of the building or other structure, and the type and style of all windows, doors, light fixtures, signs, and other appurtenant fixtures, as well as historic signs, significant landscape, archaeological and natural features of the area, and shall apply solely to the front and sides of any such structures as can be seen from the street upon which such structures fronts or corners. In the case of outdoor advertising signs, "exterior features" shall mean the style, material, size, and location of all such signs.

The Commission shall take no action under this section except to prevent the construction, reconstruction, alteration, restoration, moving, or demolition of buildings, structures, appurtenant fixtures, outdoor advertising signs, or other significant features which would be incongruous with the special character of the landmark or district.

2. Review Guidelines

Prior to the designation of any historic landmark or district, the Commission shall prepare and adopt guidelines, not inconsistent with Part 3B Article 19 of Chapter 160A of the N. C. General Statutes for altering, restoring, moving, or demolition of property designated as historic. It is the intention of these guidelines to ensure, insofar as possible, that changes in designated landmarks or properties located within designated districts shall be in harmony with the reasons for designation.

3. Limitations on Interior Review

Notwithstanding this ordinance, jurisdiction of the Commission over interior spaces shall be limited to specific interior features of architectural, artistic, or historical significant in publicly owned landmarks, and of privately owned historic landmarks for which consent for interior review has been given by the owner. If an owner's consent for interior review has been filed in the office of the Wake County Register of Deeds and indexed according to the name of the owner of the property in the grantee and grantor indexes, such consent shall bind future owners and/or successors in title. The ordinance establishing the historic designation shall specify the interior features to be reviewed and the specific nature of the Commission's jurisdiction over those features.

4. Certain Changes Not Prohibited

Nothing in this ordinance shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature of a historic landmark or property located within a district that does not involve a change in design, material, or outer appearance thereof. Nor shall this ordinance be construed to prevent the construction, reconstruction,

alteration, restoration, moving, or demolition of any such feature when a building inspector or similar official certifies to the Commission that such action is required for the public safety because of an unsafe or dangerous condition. Nothing herein shall be construed to prevent a property owner from making any use of the his property not prohibited by other statutes, ordinances, or regulations. Nothing in this ordinance shall be construed to prevent the maintenance of or, in the event of an emergency, immediate restoration of any existing above-ground utility structure without approval by the Commission.

5. Administrative Approval for Minor Works Allowed

The Commission staff may issue a Certificate of Appropriateness for minor works as listed in the Commission's Review Guidelines. Minor works shall include and are defined as those exterior changes that do not involve substantial alterations, additions, or removals that could impair the integrity of the property and/or district as a whole.

No application for a minor works Certificate of Appropriateness may be denied without formal action by the Commission.

6. Delay in Demolition of Designated Properties

Except as provided below, the Commission may not deny an application for a Certificate of Appropriateness authorizing the demolition of a designated historic landmark or property located within a district. However, the Commission may delay the effective date of such a certificate for a period of up to 365 days from the date of approval. The Commission may reduce the period of delay where it finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use of or return from such property by virtue of the delay. During such period, the Commission may negotiate with the owner and with any other parties in an effort to find a means of preserving the property, as provided in subsection B5(q). As part of its review procedure, the Commission may view the premises and may seek the advice of the Division of Archives and History or such other expert advice as it may deem necessary under the circumstances.

The Commission may deny an application for a Certificate of Appropriateness authorizing the demolition or destruction of a building, site, or structure determined by the State Historic Preservation Office to have statewide significance, as defined in the criteria of the National Register of Historic Places, unless the Commission finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use or return by virtue of the denial.

If the Commission has voted to recommend designation of a property as a landmark or designation of an area as a district, and final designation has not been made by the local governing body, the demolition or destruction or any building, site, or structure located on the property of the proposed landmark or in the proposed district may be delayed by the Commission for a period of up to 180 days or until the Board of Commissioners takes

action on the designation, whichever occurs first. Should the governing body approve the designation prior to the expiration of the 180 day delay period, an application for a Certificate of Appropriateness for demolition must then be filed; however, the maximum delay period of 365 days shall be reduced by the period of delay while the designation was pending.

7. Demolition by Neglect

Demolition by neglect of any designated historic landmark or property located within a district shall constitute a violation of this ordinance. The local governing body may take appropriate actions to prevent demolition by neglect provided such actions include appropriate safeguards to protect the property owner from undue economic hardship.

8. Required Procedures

8.1. Submittal of Application

An application for a Certificate of Appropriateness shall be obtained from and, when completed, filed with the Commission staff. Applications for Certificates of Appropriateness shall be considered by the Commission at its next regularly scheduled meeting, provided they have been filed, complete in form and content, at least thirty-one (31) working days before the meeting; otherwise consideration shall be deferred until the following meeting.

8.2. Contents of Application

The Commission shall, by uniform rule in its Rules of Procedures, require information as is reasonably necessary to determine the nature of the application. An application for a Certificate of Appropriateness shall not be considered complete until the required information is included. An incomplete application shall not be accepted.

8.3. Notification of Affected Property Owners

Before considering an application for a Certificate of Appropriateness, the Commission shall notify by mail the owners of any adjacent property. The mailed notices are for the convenience of the property owners and occupants and any defect or their omission therein shall not impair the validity of issuing a Certificate of Appropriateness, or any following action.

8.4. Hearing

When considering an application, the Commission shall give the applicant and owners or any property likely to be materially affected by the application, an opportunity to be heard.

8.5. Commission Action on Application

When considering the application, the Commission shall apply the review guidelines required by Section E.2. and shall, before final action of the application, make findings of fact indicating the extent to which the application is or is not in compliance with the review criteria.

The Commission's action on the application shall be approval, approval with modifications, deferral, or disapproval.

8.6. Reasons for Commission's Actions to Appear in Minutes

The Commission shall cause to be entered into the minutes of its meeting the reasons for its actions, whether it be approval, approval with modifications, deferral or denial. The minutes shall also contain a summary of any citation to the evidence, testimony, studies, or other authority upon which it based its decision.

8.7. Time Limits

If the Commission fails to take final action upon any application within one hundred eighty (180) days after the complete application is submitted to the Commission staff, the application shall be deemed to be approved as submitted. This time period may be extended upon mutual agreement between the Commission and the applicant.

8.8. Submission of New Applications

If the Commission denies a Certificate of Appropriateness, a new application affecting the same property may be submitted only if substantial change is made in plans for the proposed construction, reconstruction, alteration, restoration, or moving.

8.9. Appeals of the Commission's Decision

An appeal may be made to the Board of Adjustment of the Town of Wake Forest regarding the Commission's action in approving or denying any application for a Certificate of Appropriateness. Written notice of intent to appeal must be sent to the Commission, postmarked within twenty (20) days following the Commission's decision, unless oral notice of appeal is made to the Commission during the meeting at which the decision is rendered. Appeals must be filed with the Board of Adjustment of the Town of Wake Forest within sixty (60) days following the Commission's decision. Appeals shall be in the nature of certiorari. The Board of Adjustment's decision in any such case may be appealed to the Superior Court of Wake County.

8.10. Ordinance to Apply to Publicly Owned Buildings and Structures

Designated historic buildings, structures, sites, areas, or objects owned by State of North Carolina or any of its political subdivisions, agencies, or instrumentalities shall be subject to the regulations imposed by this ordinance, in accordance with N. C. General Statute 160A-400.9(f).

8.11. Remedies

In case any building, structure, site, area, or object designated a historic landmark or any property located within a historic district is about to be demolished as the result of deliberate neglect or otherwise, materially altered, remodeled, or removed, except in compliance with this ordinance, the local governing body, the Commission, or other party aggrieved by such action may institute any appropriate action or proceedings to prevent such unlawful demolitions, material alteration, remodeling, or removal, to strain, correct or abate such violations, or to prevent any illegal act or conduct with respect to such historic property.

F. Conflict with Other Laws

Whenever the provisions of this ordinance are in conflict with any other statute, charter provision, ordinance or regulation of the Town of Wake Forest, the more restrictive ordinance or regulation shall govern.

Section 4. RD, Rural Holding District

This Rural Holding District is established as a district in which the principal uses of the land are restricted due to lack of services available or unsuitable soil types or steep slopes.

A. Permitted Uses

Dwellings (single-family, duplexes).
Modular homes.
Churches.
Public and state licensed schools.
Bona fide farms and their customary appurtenances.
Public utilities.
Utility substations.
Pumping stations.
Accessory apartments.
Class A Manufactured Homes on individual lots.

Home occupations, such as dressmaking, catering, baking, hairdressing, laundering, cooking, designing, accounting, and the practice of law, medicine and dentistry, shall be permitted as accessory uses in residences or accessory buildings thereof provided that such operation shall be engaged in only by residents of the premises, that not more than twenty-five percent

(25%) of the gross floor area of the residence shall be used for such occupation, that no display of products shall be visible from the street and no objectionable effects shall be produced or created.

Public recreation facilities, including community centers, parks, ballparks, playgrounds assembly halls, swimming pools, athletic courts and other such facilities and private recreation facilities - country clubs and regulation of golf courses and par threes.

B. Special Uses

After due notice and public hearing and subject to conditions and safeguards to be fixed by the Board of Commissioners, based on a recommendation of the Planning Board in each case, a special use permit may be granted by the Board of Commissioners for uses listed below, subject to the requirements of Article VIII.

Planned Unit Developments.

Conference/Seminar/Retreat Center

Manufactured home parks and subdivisions.

Class B Manufactured Homes on individual lots

Hospitals, fire stations, cemeteries, funeral homes, libraries, homes for children.

Miniature golf courses and driving ranges.

Uses and buildings accessory to permitted special uses.

Public and private airstrips.

Dog Kennel - Setbacks of 100 feet from all property lines. Minimum lot size of 2 acres. Sound proof pens, i.e., interior doors. Six (6) foot high opaque fencing and a minimum ten (10) foot landscape buffer around the side and back of the compound area.

Telecommunication towers.

Wireless Telecommunications Facilities

C. Dimensional Requirements

- Minimum required lot area for one dwelling unit shall be 40,000 square feet.
- Minimum required lot area for each additional unit shall be 10,000 square feet.
- Minimum required lot width - 100 feet.
- Minimum required front yard - 30 feet.
- Minimum required side yard - 10 feet.
- Minimum required rear yard - 30 feet.
- All principal buildings in a multi-family development shall be setback from each street right-of-way a minimum of 30 feet.

(Approval from the Wake County Health Department is required for the installation of septic tanks. Soil conditions may require larger lot area than the above stated minimum. These should be checked prior to requesting a zoning/development permit. No building permit will be issued without septic tank approval from the Wake County Health Department.)

D. Supplementary District Regulations

The supplementary district regulations stated in Article VI of this ordinance shall apply to the Rural Holding District.

E. Off-Street Parking

Off-street parking shall be provided as required in Article VII of this ordinance.

Section 5. C.U. - Rural Holding District

Identical to Rural Holding District except that a Conditional Use Permit is required as a prerequisite to any use or development, as provided for in this article.

Section 6. R-20, Residential-20 District

The R-20, Residential-20 District is established as a district in which the principal use of land is for low density single-family dwellings and related recreational, religious and educational facilities normally required to provide the basic elements of a balanced, orderly, convenient and attractive residential area. The R-20 district is intended to act as a transitional zoning district between rural development in the county and the urban development of the town. The regulations are further intended to discourage any use which because of its character would substantially interfere with the development of single-family residences in the district and which would be detrimental to the quiet residential nature of the areas included within the district.

A. Permitted Uses

Single-family dwellings and modular homes.
Accessory apartments.
Churches.
Public and private schools.

Home occupations, such as dressmaking, catering, baking, art studios, hairdressing, laundering, cooking, designing, accounting and the practice of law, medicine, and dentistry, shall be permitted as accessory uses in residences or only by residents of the premises, that no more than twenty-five percent (25%) of the gross floor area of the residence shall be used for such occupation, that no display of products shall be visible from the street, and no objectionable effects shall be produced or created.

Public recreation facilities including community centers, parks, ballparks, playgrounds, assembly halls, swimming pools, athletic courts.

Uses and buildings accessory to permitted uses.

B. Special Uses

After due notice and public hearing and subject to conditions and safeguards to be fixed by the Board of Commissioners, based on a recommendation of the Planning Board in each case a special use permit may be granted by the Board of Commissioners for uses listed below, subject, where applicable, to the requirements of Article VIII.

Private recreation clubs-country clubs, golf courses, tennis clubs, swimming clubs, fraternal organizations.

Planned Unit Developments

Funeral Homes.

Hospitals, excluding veterinary hospitals.

Fire stations.

Cemeteries.

Libraries.

Rest homes.

Homes for children.

Bed and Breakfast homes.

Wireless Telecommunications Facilities when no alternative can provide necessary wireless service in the District.

Offices for business and professional uses provided: 1. The uses are restricted to existing structures. 2. The structure was originally constructed for non-residential use. 3. The structure is not an accessory or appurtenant building to a principal use. 4. No structural addition is made to the existing structure.

Medical clinics.

Public utilities.

Utility substations.

Pumping stations.

Uses and building accessory to permitted special uses.

C. Dimensional Requirements

- Minimum required lot area for each dwelling unit (with septic tank and well) - 40,000 square feet.
- Minimum required lot area for each dwelling unit (with either a septic tank or well) - 30,000 square feet.
- Minimum required lot area for each dwelling unit (with public water and public sewer) - 20,000 square feet.
- Minimum required lot width for a dwelling unit - 100 feet.
- Minimum required depth of front yard - 30 feet.
- Minimum required width of any side yard - 10 feet.
- Minimum required depth of rear yard - 25 feet.
- All principal buildings in a multi-family development shall be setback from each street right-of-way a minimum of 30 feet.

D. Supplementary District Regulations

The supplementary district regulations stated in Article VI of this ordinance shall apply to the R-20 Residential-20 District.

E. Off-Street Parking

Off-street parking shall be provided as required in Article VII of this ordinance.

Section 7. C.U. R-20, Residential-20 District

Identical to the R-20, Residential-20 District except that a Conditional Use Permit is required as a prerequisite to any use or development, as provided for in this article.

Section 8. R-15, Residential-15 District

The R-15, Residential-15 District is established as a district in which the principal use of land is for single-family dwellings. The regulations of this district are intended to discourage any use which because of its character, would be a nuisance to the neighboring residences. The regulations are further intended to discourage any use which because of its character would substantially interfere with the development of single-family residences in the district and which would be detrimental to the quiet residential nature of the areas included within this district.

A. Permitted Uses

Single-family dwellings and modular homes.
Accessory apartments.
Churches.
Public and private schools.

Home occupations, such as dressmaking, catering, baking, art studios, hairdressing, laundering, cooking, designing, accounting and the practice of law, medicine, and dentistry, shall be permitted as accessory uses in residences or only by residents of the premises, that no more than twenty-five percent (25%) of the gross floor area of the residence shall be used for such occupation, that no display of products shall be visible from the street, and no objectionable effects shall be produced or created.

Public recreation facilities including community centers, parks, ballparks, playgrounds, assembly halls, swimming pools, athletic courts.

Uses and buildings accessory to permitted uses.

B. Special Uses

After due notice and public hearing and subject to conditions and safeguards to be fixed by the Board of Commissioners, based on a recommendation of the Planning Board in each case a special use permit may be granted by the Board of Commissioners for uses listed below, subject, where applicable, to the requirements of Article VIII.

Private recreation clubs-country clubs, golf courses, tennis clubs, swimming clubs, fraternal organizations.

Planned Unit Developments.

Funeral Homes.

Hospitals, excluding veterinary hospitals.

Fire stations.

Cemeteries.

Libraries.

Rest homes.

Homes for children.

Bed and Breakfast Homes.

Offices for business and professional uses provided: 1. The uses are restricted to existing structures. 2. The structure was originally constructed for non-residential use. 3. The structure is not an accessory or appurtenant building to a principal use. 4. No structural addition is made to the existing structure.

Medical clinics.

Public utilities.

Utility substations.

Pumping stations.

Uses and building accessory to permitted special uses.

Wireless Telecommunications Facilities when no alternative can provide necessary wireless service in the District.

C. Dimensional Requirements

- Minimum required lot area for each dwelling unit (with public water and public sewer) - 15,000 square feet.
- Minimum required lot width for a dwelling unit - 75 feet.
- Minimum required depth of front yard - 30 feet.
- Minimum required width of any side yard - 10 feet.
- Minimum required depth of rear yard - 25 feet.
- All principal buildings in a multi-family development shall be setback from each street right-of-way a minimum of 30 feet.

D. Supplementary District Regulations

The supplementary district regulations stated in Article VI of this ordinance shall apply to the R-15, Residential-15 District.

E. Off-Street Parking

Off-street parking shall be provided as required in Article VII of this ordinance.

Section 9. C.U. R-15, Residential-15 District

Identical to the R-15, Residential-15 District except that a Conditional Use Permit is required as a prerequisite to any use or development, as provided for in this article.

Section 10. R-10, Residential-10 District

The R-10, Residential-10 District is established as a district in which the principle use of land is for single-family and two-family dwelling units on each lot. Public water and sewage systems shall be required in this district.

A. Permitted Uses

Single-family dwellings and modular homes.
Accessory apartments.
Duplexes.
Churches.
Public and private schools.

Home occupations, such as dressmaking, catering, baking, hairdressing, laundering, cooking, designing, accounting, and the practice of law, medicine and dentistry, shall be permitted as accessory uses in residences or accessory buildings thereof provided that such operation shall be engaged in only by residents of the premises, that not more than twenty-five percent (25%) of the gross floor area of the residence shall be used for such occupation, that no display of products shall be visible from the street and no objectionable effects shall be produced or created.

Public recreation facilities, including community centers, parks, ballparks, playgrounds assembly halls, swimming pools, athletic courts.

B. Special Uses

After due notice and public hearing and subject to conditions and safeguards to be fixed by the Board of Commissioners, based on a recommendation of the Planning Board in each case, a special use permit may be granted by the Board of Commissioners for uses listed below, subject to the requirements of Article VIII.

Private recreation clubs-country clubs, golf courses, tennis clubs, swimming clubs, fraternal organizations.

Planned Unit Developments.

Funeral Homes

Hospitals, excluding veterinary hospitals

Fire stations.

Cemeteries.

Libraries.

Rest homes

Homes for children.

Offices for business and professional uses provided: 1. The uses are restricted to existing structures. 2. The structure was originally constructed for non-residential use. 3. The structure is not an accessory or appurtenant building to a principal use. 4. No structural addition is made to the existing structure.

Medical clinics.

Public utilities.

Utility substations.

Pumping stations.

Uses and buildings accessory to permitted special uses.

Wireless Telecommunications Facilities when no alternative can provide necessary wireless service in the District.

C. Dimensional Requirements

- Minimum required lot area for the first dwelling unit - 10,000 square feet.
- Minimum required lot area for the second dwelling unit - 5,000 square feet.
- Minimum required lot width for the first dwelling unit - 60 feet.
- Minimum required lot width for each duplex - 75 feet.
- Minimum required front yard depth -30 feet.
- Minimum required depth or rear yard - 20 feet.
- Minimum required side yard - 10 feet.
- All principal buildings in a multi-family development shall be setback from each street right-of-way a minimum of 30 feet.

D. Supplementary District Regulations

The supplementary district regulations stated in Article VI of this ordinance shall apply to the R-10 Low Density Residential District.

E. Off-Street Parking

Off-street parking shall be provided as required in Article VII of this ordinance.

Section 11. C.U. R-10, Residential-10 District

Identical to R-10, Residential-10 District except that a Conditional Use Permit is required as a prerequisite to any use or development, as provided for in this article.

Section 12. MF, Multi-Family District

The MF, **Multi-Family** District is established as a district in which the principle use of land is for medium density single-family and multi-family residential development. Public water and sewage systems shall be required in this district.

A. Permitted Uses

Single-family dwellings and modular homes.
Accessory apartments.
Duplexes, Triplexes, Quadraplexes.
Churches.
Public and private schools.

Home occupations, such as dressmaking, catering, baking, hairdressing, laundering, cooking, designing, accounting, and the practice of law, medicine and dentistry, shall be permitted as accessory uses in residences or accessory buildings thereof provided that such operation shall be engaged in only by residents of the premises, that not more than twenty-five percent (25%) of the gross floor area of the residence hall be used for such occupation, that no display of products shall be visible from the street and no objectionable effects shall be produced or created.

Public recreation facilities, including community centers, parks, ballparks, playgrounds assembly halls, swimming pools, athletic courts.

Uses and buildings accessory to permitted uses.

B. Special Uses

After due notice and public hearing and subject to conditions and safeguards to be fixed by the Board of Commissioners, based on a recommendation of the Planning Board in each case, a special use permit may be granted by the Board of Commissioners for uses listed below, subject to the requirements of Article VIII.

Private recreation clubs-country clubs, golf courses, tennis clubs, swimming clubs, fraternal organizations.

Planned Unit Developments.

Condominiums.

Funeral Homes

Hospitals, excluding veterinary hospitals

Fire stations.

Cemeteries.

Libraries.

Rest homes.

Homes for children.

Offices for business and professional uses provided: 1. The uses are restricted to existing structures. 2. The structure was originally constructed for non-residential use. 3. The structure is not an accessory or appurtenant building to a principal use. 4. No structural addition is made to the existing structure.

Medical clinics.

Public utilities.

Utility substations.

Pumping stations.

Uses and buildings accessory to permitted special uses.

Multi-family dwelling units including apartments, townhouses, and condominiums.

Wireless Telecommunications Facilities when no alternative can provide necessary wireless service in the District.

C. Dimensional Requirements

- Minimum required lot area for the first dwelling unit - 10,000 square feet.
- Minimum required lot area for the second dwelling unit - 5,000 square feet.
- Minimum required lot area for multi-family dwelling units shall be controlled by the following schedule:

Size of Unit	Minimum gross site land area (including building coverage per dwelling unit)
0 - 2 bedrooms	5,445 square feet
3 bedrooms	7,250 square feet
4+ bedrooms	8,712 square feet

- Setback requirements shall be the same as for all buildings in this district.
- Minimum required lot width for the first dwelling unit - 60 feet.
- Minimum additional required lot width for each additional dwelling - 10 feet.
- Minimum required front yard depth - 30 feet.
- Minimum required side yard - 10 feet.
- Minimum required depth of rear yard - 20 feet.
- All principal buildings in a multi-family development shall be setback from each street right-of-way a minimum of 30 feet.

D. Supplementary District Regulations

The supplementary district regulations stated in Article VI of this ordinance shall apply to the MF, Multi-Family District.

E. Off-Street Parking

Off-street parking shall be provided as required in Article VII of this ordinance.

Section 13. C. U. MF, Multi-Family Residential District

Identical to the MF, Multi-Family Residential District except that a Conditional Use Permit is required as a prerequisite to any use or development, as provided in this article.

Section 14. RESERVED

Section 15. R-8, Residential-8 District

The R-8, Residential-8 District is designated as a residential district in which a variety of types of housing is permitted, including single-family and duplex residences, apartments, townhouses, condominiums and manufactured homes. Public water and sewage shall be required in this district.

A. Permitted Uses

Single-family dwellings and modular homes.
Accessory apartments.

Duplexes.
Churches.
Public and private schools.
Class A Manufactured Homes on individual lots.

Home occupations, such as dressmaking, catering, baking, hairdressing, laundering, cooking, designing, accounting, and the practice of law, medicine and dentistry, shall be permitted as accessory uses in residences or accessory buildings thereof provided that such operation shall be engaged in only by residents of the premises, that not more than twenty-five percent (25%) of the gross floor area of the residence shall be used for such occupation, that no display of products shall be visible from the street and no objectionable effects shall be produced or created.

Public recreation facilities, including community centers, parks, ballparks, playgrounds assembly halls, swimming pools, athletic courts.

Uses and buildings accessory to permitted uses.

B. Special Uses

After due notice and public hearing and subject to conditions and safeguards to be fixed by the Board of Commissioners, based on a recommendation of the Planning Board in each case, a special use permit may be granted by the Board of Commissioners for uses listed below, subject to the requirements of Article VIII.

Private recreation clubs-country clubs, golf courses, tennis clubs, swimming clubs, fraternal organizations.

Planned Unit Developments.

Condominiums.

Funeral Homes.

Hospitals, excluding veterinary hospitals

Fire stations.

Cemeteries.

Libraries.

Rest homes.

Homes for children.

Wireless Telecommunications Facilities when no alternative can provide necessary wireless service in the District.

Offices for business and professional uses provided: 1. The uses are restricted to existing structures. 2. The structure was originally constructed for non-residential use. 3. The structure is not an accessory or appurtenant building to a principal use. 4. No structural addition is made to the existing structure.

Medical clinics.

Public utilities.

Utility substations.

Pumping stations.

Uses and buildings accessory to permitted special uses.

Multi-family dwelling units including apartments, townhouses, and condominiums.

Class B Manufactured Homes on individual lots.

Manufactured home parks and subdivisions.

Zero Lot Line Developments

C. Dimensional Requirements

- Minimum lot area for the first dwelling unit - 8,000 square feet.
- Minimum required lot area for second dwelling unit - 4,000 square feet.
- The lot area requirements applicable to multi-family dwelling units in the MF, Multi-Family District shall apply to multi-family dwelling units in the R-8, Residential-8 District.
- Minimum required lot width for the first dwelling units - 50 feet.
- Minimum additional required lot width for each additional dwelling unit - 10 feet.
- Minimum required front yard depth - 20 feet.
- Minimum required side yard - 8 feet.
- Minimum required depth of rear yard - 15 feet.
- All principal buildings in a multi-family development shall be setback from each street right-of-way a minimum of 20 feet.

D. Supplementary District Regulations

The supplementary district regulations stated in Article VI of this ordinance shall apply to the R-8, Residential-8 District.

E. Off-Street Parking

Off-street parking shall be provided as required in Article VII of this ordinance.

Section 16. C. U. R-8, Residential-8 District

Identical to R-8, Residential-8 District except that a Conditional Use Permit is required as a prerequisite to any use or development, as provided for in this article.

Section 17. R-5, Residential-5 District

The R-5, Residential-5 District is designated as a district in which the principal use of land is for single-family, duplex, manufactured homes and multi-family residences. The regulations of this district are intended to provide areas of the community for those persons desiring small residences and multi-family structures in relatively high density neighborhoods. Public water and sewage shall be required in this district.

A. Permitted Uses

Single-family dwellings and modular homes.
Accessory apartments.
Duplexes.
Churches.
Public and private schools.
Class A Manufactured Homes on individual lots.

Home occupations, such as dressmaking, catering, baking, hairdressing, laundering, cooking, designing, accounting and the practice of law, medicine, and dentistry, shall be permitted as accessory uses in residences or accessory buildings thereof provided that such operation shall be engaged in only by residents of the premises, that not more than twenty-five percent (25%) of the gross floor area of the residence shall be used for such occupation, that no display or products shall be visible from the street, and no objectionable effects shall be produced or created.

Public recreation facilities including community centers, parks, ballparks, playgrounds, assembly halls, swimming pools, athletic courts.

Uses and buildings accessory to permitted uses.

B. Special Uses

After due notice and public hearing and subject to conditions and safeguards to be fixed by the Board of Commissioners, based on a recommendation of the Planning Board in each case

a special use permit may be granted by the Board of Commissioners for uses listed below, subject to the requirements of Article VIII.

Private recreation clubs-country clubs, golf courses, tennis clubs, swimming clubs, fraternal organizations.

Planned Unit Developments.

Condominiums.

Funeral Homes.

Hospitals, excluding veterinary hospitals.

Fire stations.

Cemeteries.

Libraries.

Rest homes.

Homes for children.

Offices for business and professional uses provided: 1. The uses are restricted to existing structures. 2. The structure was originally constructed for non-residential use. 3. The structure is not an accessory or appurtenant building to a principal use. 4. No structural addition is made to the existing structure.

Medical clinics.

Public utilities.

Pumping stations.

Uses and building accessory to permitted special uses.

Multi-family dwelling units, including apartments, townhouses, and condominiums.

Manufactured home parks and subdivisions.

Class B Manufactured Homes on individual lots.

Wireless Telecommunications Facilities when no alternative can provide necessary wireless service in the District.

Zero Lot Line Developments

C. Dimensional Requirements

- Minimum lot area for the first dwelling unit - 5,000 square feet.
- Minimum required lot area for second dwelling unit - 2,500 square feet.
- The lot area requirements applicable to multi-family dwelling units in the R-5, Residential-5 District shall be as follows:

  For a lot size up to one (1) acre, the minimum required lot area for the third and each additional dwelling unit - 4,500 square feet.

  For lots over one (1) acre in size, there shall be a maximum density at the rate of ten (10) units per acre.

- Minimum required lot width for the first dwelling units - 50 feet.
- Minimum additional required lot width for each additional dwelling unit - 5 feet.
- Minimum required front yard depth - 20 feet.
- Minimum required side yard - 8 feet.
  Aggregate width side yard - 16 feet. This provision shall be available only to new developments with a minimum size of five (5) acres. The minimum side yard width shall be two (2) feet. No structure shall be located closer than the aggregate side yard distance from an existing structure on an adjoining lot so that the minimum distance between principle structures shall always be the aggregate side yard distance. Easements on adjoining side yards shall be required to provide access to adjoining structures for construction, maintenance and repairs. The side yard requirement for lots which directly abut a lot of a different zoning classification shall be eight (8) feet.
- Minimum required depth of rear yard - 10 feet.
- All principal buildings in a multi-family development shall be setback from each street right-of-way a minimum of 20 feet.

D. Supplementary District Regulations

The supplementary district regulations stated in Article VI of this ordinance shall apply to the R-5, Residential-5 District.

E. Off-Street Parking

Off-street parking shall be provided as required in Article VII of this ordinance.

Section 18. C.U. R-5, Residential-5 District

Identical to R-5, Residential-5 District except that a Conditional Use Permit is required as a prerequisite to any use or development, as provided for in this article.

Section 19. Renaissance Area Districts

The regulations for this district are designed to permit a concentrated development of permitted facilities within the central portion of Wake Forest.

A. Purpose and Intent

The purpose of these Renaissance Area Districts is to enact regulations that implement the vision and goals of The Renaissance Plan for the Heart of Wake Forest.

These regulations are intended to attach the same or greater level of importance to the overall building and site design as is placed on the use contained within to facilitate the creation of a convenient, safe**,** and attractive community. Buildings are expected to be added to Downtown Wake Forest as long-term additions to the architectural vibrancy of the community for the purpose of encouraging economic development activities that enlarge the tax base by providing desirable residences and places of shopping, employment and public assembly.

These regulations encourage the placement of buildings closer to each other as well as closer to the street where pedestrian activity is expected to occur. As the sidewalks remain the principal place of pedestrian movement and casual social interaction, designs and uses should be complementary of that function. This encourages pedestrian activity by providing an attractive destination and an interesting journey thereby reducing congestion and improving the overall quality of life in the Town of Wake Forest.

The guiding principle of the Renaissance Area Districts is that the use of the property, while important, is subordinated to the design of the building within which it is contained. This permits a greater deal of visual compatibility while encouraging mixed uses to be in close proximity of one another.

B. Renaissance Area Districts

In accordance with The Renaissance Plan, the area has been classified into three districts as follows:

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

2. **Urban Center (RA-UC)**
   As with the Historic Core, the Urban Center accommodates an active, pedestrian-friendly area of commercial, residential, office, and civic uses in both vertically mixed-use, as well as free-standing buildings. Retail should be placed at street level, with residential

uses in rear or upper stories. Larger buildings are more easily accommodated in this area due to the presence of larger parcels.

3. **Campus (RA-C)**
   The Campus area, while predominately comprised of civic, assembly, and institutional uses is encouraged to be mixed-use in overall composition while maintaining a close integration with the natural surroundings. Streets in this area should be planted with a regular spacing of canopy trees and parking lots should be away from the pedestrian realm.

C. Summary Table of District Provisions

Summary Table of District Provisions	**Historic Core RA-HC**	**Urban Center RA-UC**	**Campus RA-C**
Lot Dimensions			
Front Setback (min)	0 feet	0 feet	10 feet
Front Setback (max)	5 feet	15 feet	25 feet
Side Setback	0 feet	0 feet	6 feet
Rear Setback (no alley)	0 feet	20 feet	20 feet
Rear Setback (measured from centerline of alley)	0 feet from edge of alley pavement	15 feet	15 feet
Encroachments	Balconies, stoops, stairs, chimneys, open porches, bay windows, and raised doorways are permitted to encroach into the front setback. Upper story balconies may encroach into the right-of-way up to 3 feet with permission from the Town.		
Height			
Minimum	16 Feet	n/a	n/a
Maximum	4 Stories up to 60 feet (3 Stories along White Street from Elm to Roosevelt)	3 Stories up to 45 feet	3 Stories up to 45 feet

D. Summary Table of Permitted and Special Uses

Summary Table of Permitted and *Special Uses	Historic Core RA-HC	Urban Center RA-UC	Campus RA-C
Residential	Multi-Family Homes Loft Apartments	Multi-Family Homes Loft Apartments	Multi-Family Homes (Town Homes, Condos, & Apartments) Loft Apartments
Lodging	Bed & Breakfast* Hotels & Inns*	Bed & Breakfast* Hotels & Inns*	Bed & Breakfast*
Retail	Retail Uses Convenience Store (no pumps)* Shopping Centers* Recreation Centers /Amusements* Food Sales & Service	Retail uses Shopping Centers* Recreation Centers /Amusements* Food Sales & Service Convenience Store (no pumps) Gas Station* Self-Storage Facility* Day Care Centers*	Retail Uses Shopping Centers* Recreation Centers /Amusements* Food Sales & Service Convenience Store (no pumps) Gas Station* Self-Storage Facility* Day Care Centers
Office/Service	Professional Office Home Occupations Personal Services Professional/Business Services Repair Services	Professional Office Home Occupations Personal Services Professional/Business Services Repair Services	Professional Office Home Occupations Personal Services Repair Services Professional/Business Services
Manufacturing	None permitted	None permitted	None permitted
Civic/Assembly	Civic/Assembly Uses Public Facilities	Civic/Assembly Uses Public Facilities	Civic/Assembly Uses Public Facilities
Schools	Personal skills instruction, such as dance, art, yoga, cooking, martial arts	Public and private (primary, secondary, collegiate, and instructional, personal skills, technical, business, vocational, or professional training)	Public and private (primary, secondary, collegiate, and instructional, personal skills, technical, business, vocational, or professional training)
Other	Accessory Use/Building	Accessory Use/Building	Accessory Use/Building Essential Services* Wholesale Trade* Warehousing*
Wireless Telecommunications Facilities	Wireless Telecommunications Facilities Prohibited, except when no alternative can provide necessary wireless service in the RA-HC District*	Wireless Telecommunications Facilities Prohibited, except when no alternative can provide necessary wireless service in the RA Districts*	Wireless Telecommunications Facilities Prohibited, except when no alternative can provide necessary wireless service in the RA Districts*

***SPECIAL USES:** AFTER DUE NOTICE AND HEARING AND SUBJECT TO CONDITIONS, AND SAFEGUARDS TO BE FIXED BY THE BOARD OF COMMISSIONERS, BASED ON A RECOMMENDATION OF THE PLANNING BOARD IN EACH CASE A SPECIAL USE PERMIT MAY BE GRANTED BY THE BOARD OF COMMISSIONERS FOR USES LISTED BELOW, SUBJECT TO THE REQUIREMENTS OF ARTICLE VIII, SECTION 2 OF THE ZONING ORDINANCE.

E. Urban Open Space

All development should provide useable urban open space. Examples of useable public open space include: a park or green, outdoor café or restaurant seating, a plaza with seating, a tot lot, a picnic area, or a wide arcade for strolling along store fronts. Public right-of-way, landscaping filled in around buildings and parking lots, and simple paths are not considered useable urban open space. The character and size of the public open space should be influenced by the surrounding uses (e.g. residential, retail, office) as well as by the prospective user groups (e.g. workers, shoppers, and youth).

Urban Open Space Dedication Requirements:	**Historic Core RA-HC**	**Urban Center RA-UC**	**Campus RA-C**
Minimum Dedication Requirement			
For Residential-Only Units	none	250 square feet per bedroom unit*	250 square feet per bedroom unit*
For Vertically Mixed-Use Development & Garage Apartments/Cottages	none	none	none
For Non-Residential Only Development	none	5% of Lot*	5% of Lot*

** The Town may require a payment in lieu of dedicated open space if it deems appropriate.*

Dedication Standards: For the purposes of this calculation, developers should make a good faith estimate at the time of Development Plan submission. In general, Single-Family Homes are calculated at a rate of 3 bedrooms per unit, unless otherwise specified. Greenways are credited towards this requirement at a rate equal to the length of the path times 16 feet in width.

F. Supplementary District Regulations

The supplementary district regulations stated in Article VI of this ordinance shall apply to the Renaissance Area Districts.

G. Off-Street Parking

Except as modified in Article VI, Section H. Renaissance Area, off-street parking shall be provided as required in Article VII of this ordinance.

Section 20. C.U. RA-HC, Renaissance Area Historic Core District

Identical to the RA-HC, Renaissance Area Historic Core District except that a Conditional Use Permit is required as a prerequisite to any use or development, as provided for in this article.

Section 21. C.U. RA-UC, Renaissance Area Urban Center District

Identical to the RA-UC, Renaissance Area Urban Center District except that a Conditional Use Permit is required as a prerequisite to any use or development, as provided for in this article.

Section 22. C.U. RA-C, Renaissance Area Campus District

Identical to the RA-C, Renaissance Area Campus District except that a Conditional Use Permit is required as a prerequisite to any use or development, as provided for in this article.

Section 23. NB, Neighborhood Business District

The NB, Neighborhood Business District is established as a district in which the principle use of land is for retail trade and service purposes of a lower intensity than the HB, Highway Business District, which are properly located near residential areas and which cater to the everyday needs of nearby residential neighborhoods, stressing accessibility by automobiles, bicycles, and pedestrians.

A. Permitted Uses

Accessory Living Unit: One accessory living unit for caretaker or watchman, not to be permitted on the ground floor.

Food Sales and Service: Cafes and coffee shops, caterers, delicatessens, grocery stores, ice cream shops, meat markets, restaurants, and soda fountains.

Personal Services: Barber shops, beauty shops, laundromats and dry-cleaning and laundering pick-up stations, pet grooming (provided there is no boarding of animals), and tailor and seamstress shops.

Professional and Business Services: Accountants and tax services, attorneys, banks and other financial institutions, copy centers (consumer oriented), doctors' and dentists' offices, offices for business and professional uses, photography studios, photo processing (consumer oriented), real estate sales and rental, travel agents, and veterinary clinics (with no outdoor runs or pens).

Public Facilities: Assembly halls (with 250 seats or less), boys and girls clubs, community centers, governmental offices, libraries, museums and art galleries, post offices and mail box centers, public safety facilities, police, fire, and EMS stations, public utilities, religious facilities, and senior centers.

Recreation: Art studios, country clubs, dance studios, fraternal organizations, golf courses (miniature), health clubs and fitness centers, music studios, parks and playgrounds, swimming clubs, tennis clubs, and theaters (indoor) (live and movie, with 250 seats or less).

Repair Services: Shoe repair shops and small appliance and electric equipment repair shops.

Retail: Antiques, art and frames, books, cameras, candy, china and pottery, convenience stores (with no gasoline sales), clothing, computers and accessories, drugs, fabric, gifts, greeting cards and stationery, hardware, jewelry and watches, lamps and lampshades, medical supplies (consumer sales), music and musical instruments, paint and wallpaper, personal items, pets and pet supplies, rugs and carpets, shoes, small appliances and electronic equipment, and video, music, and DVD rental and sales.

Other / Miscellaneous: Automated car washes as accessory to convenience stores and gas stations, parking lots, schools, public and private (primary, secondary, collegiate, and technical, business, vocational, or professional training), and uses and buildings accessory to permitted uses.

B. Special Uses

After due notice and hearing subject to conditions and safeguards to be fixed by the Board of Commissioners, based on a recommendation of the Planning Board in each case a special use permit may be granted by the Board of Commissioners for uses listed below, subject to the requirements of Article VIII.

Personal Services: Bed and breakfast homes, day care centers (children or adults), and funeral homes and crematoriums.

Professional and Business Services: Automated car washes (drive through tunnel) and taxicab call stands.

Public Facilities: Assembly halls (with more than 250 seats) and cemeteries.

Recreation: Recreational facilities (indoor) not otherwise listed and theaters (indoor) (live and movie, with more than 250 seats).

Repair Services: Auto repair shops.

Retail: Automotive service facilities, convenience stores (with gasoline sales), garden centers and nurseries, produce stands, and shopping centers.

Other/Miscellaneous: Self-Storage facilities (mini-warehouses), Wireless Telecommunications Facilities, Uses and buildings accessory to special uses.

C. Dimensional Requirements

- No minimum lot area.
- Maximum lot area for shopping centers – 15 acres
- Maximum square footage in structures, including multiple floors – 20,000 square feet of gross floor area shall be the maximum permitted for any one establishment, with the exception of grocery stores which are not to exceed 50,000 square feet of gross floor area, with an allowed variance of 5% which may be granted by staff under special circumstances. Total square feet of gross floor area in any one project or shopping center, including out parcels and accessory buildings, shall not exceed 125,000.
- No minimum lot width.
- Minimum required depth of front yard shall be twenty (20) feet which shall be developed for sidewalks, grass and plants and the necessary driveways. Off-street parking shall not be permitted to this area.
- Minimum required side yard - 15 feet.
- Minimum required depth of rear yard - 20 feet.

D. Supplementary District Regulations

All supplementary district regulations stated in Article VI of this ordinance shall apply to the NB, Neighborhood Business District.

All permitted uses in this district are subject to installation and approval by the Town Manager of curbs, gutters, storm drainage structures, sidewalks, entrances and exits, street paving, water and sewer facilities, and garbage collection procedures.

E. Off-Street Parking

Off-street parking shall be provided in the NB, Neighborhood Business District as required in Article VII of this ordinance.

All permitted uses in this district are subject to installation and approval by the Town Manager of curbs, gutters, storm drainage structures, sidewalks, entrances and exits, street paving, water and sewer facilities, and garbage collection procedures.

Section 24. C.U. NB Neighborhood Business District

Identical to the NB, Neighborhood Business District except that a Conditional Use Permit is required as a prerequisite to any use or development, as provided for in this article.

Section 25. HB, Highway Business District

The HB, Highway Business District is generally located on the major radial highways into Town and provide offices, services and retail goods. The regulations for this district are intended to require ample parking, controlled traffic movement and suitable landscaping as well as to prevent strip commercial development.

A. Permitted Uses

Stores retailing: automobile accessories, groceries, drugs, notions, fish, meat, antiques, hardware, upholstery, paints, furniture, appliances, radio and television, automobiles, bicycles, motorcycles, paint and wallpaper, electrical and plumbing fixtures, nursery stock and supplies, bakeries, book stores, candy, clothing, dry goods, gifts, hobbies, and crafts, jewelry, leather goods, magazines, musical goods, pets, seed and feed, sporting goods, shoes and toys.

Child care center, video sales and rentals. Motels, banks, tourist homes, barber and beauty shops, shoe repair, laundry and dry cleaning, dry cleaning pick up stations, restaurants, ABC stores, service stations, parking lots, radio and television repair, funeral homes, drive-ins dispensing foods, radio and television broadcasting stations, offices, nursing and rest homes, automobile wash, wholesale and jobbing establishments including incidental retail outlets for only such merchandise as is handled at wholesale, tire recapping and retreading, business offices, cafeterias, financial offices, florists, governmental offices, medical offices, household equipment, greenhouses, and nurseries, guest houses, hotels, libraries, pool halls, theaters, washerettes, professional offices, repair and services of offices.

Self-service storage facility

Veterinary Clinics

Signs subject to requirements of Article VI, Section 5.

Dog Kennel

Schools, public and private (primary, secondary, collegiate, and instructional, personal skills, technical, business, vocational, or professional training).

Uses and buildings accessory to permitted uses.

B. Special Uses

After due notice and public hearing and subject to conditions and safeguards to be fixed by the Board of Commissioners, based on a recommendation of the Planning Board in each case a special use permit may be granted by the Board of Commissioners for uses listed below, subject to the requirements of Article VIII.

Shopping centers.

Wireless Telecommunications Facilities.

C. Dimensional Requirements

Minimum required lot area - 20,000 square feet.
Minimum required mean lot width - 150 feet.
Minimum required depth of front yard shall be thirty (30) feet from street right-of-way. The first ten (10) feet back from the street shall be developed for sidewalks, grass and plants, and the necessary off-street parking shall not be permitted in this area.
Minimum required side yard shall be ten (10) feet.
Minimum required rear yard - thirty (30) feet.

D. Supplementary District Regulations

All supplementary district regulations stated in Article VI of this ordinance shall apply to the HB, Highway Business District.

All permitted uses in this district are subject to installation and approval by the Town Manager of curbs, gutters, storm drainage structures, sidewalks, entrances, and exits, street paving, and water and sewer facilities.

E. Off-Street Parking

Off-street parking shall be provided as required in Article VII of this ordinance.

Section 26. C.U. HB, Highway Business District

Identical to the HB, Highway Business District except that a Conditional Use Permit is required as a prerequisite to any use or development, as provided in this article.

Section 27. I-Industrial District

The I-Industrial District is established as a district in which the principle use of the land is for industry and those uses which can be operated in a relatively clean and quiet manner and which are conducive to industrial development while not being a nuisance to adjacent residential or commercial district.

A. Permitted Uses

All uses in industrial district shall be permitted only as special uses.

B. Special Uses

Any use is permitted in this district provided a special use permit has been issued. Uses which are seen as suitable for the proposed site and which will benefit the Town economically are encouraged to locate within Wake Forest. Conflicting land uses are discouraged but if the proposed use is seen as following the guidelines of the Land Development Plan, and thorough findings of fact has been provided, and sufficiency safeguards are provided, consideration will be given to the use. These uses shall in no way be detrimental to public health, safety, and welfare and shall cause little environmental disruption.

The location of said industry shall not impose an undue burden on any utilities, facilities or services of the Town.

C. Prohibited Uses

Buildings or uses manufacturing:

Acetylene gas

Acid

Ammonia

Bleaching powder

Chlorine

Superphosphate and other phosphate.

Nitrogenous tankage, fish meal, or any fertilizer materials carrying an objectionable odor.

Fertilizer or any other product involving the use of dusty or granular ingredients, unless the manufacturing process and the transfer of the ingredients is carried on under cover or is so screened that the emanation of dust beyond the industrial district is prohibited.

Fireworks or explosives.

Turpentine.

Paints, varnish, resin, or shellac which requires distillation or heating of ingredients.

Soap manufactured from animal fats but not from vegetable or mineral oils.

Vinegar.

Storage yard for wrecked, dismantled or partially dismantled automobile vehicles.

Junkyards or shops for purchase, sale, handling, bailing or storage of scrap paper, scrap metals, scrap rubber, broken bottles, or rags, wherein the conduct of which establishment these materials are on the premises, except where the waste consists of scrap metals from industrial plants, created by stamping, punching, milling, lathing, screw machinery, or like manufacturing process, but not by the wear or deterioration of finished products; storage of materials is in enclosed buildings; the scrap materials are transported in containers, cartons, or enclosed vehicles.

Rendering operations including the reduction of inedible animal matter.

Open pit rock quarry.

Any use or trade which, though properly and safely operated with ordinary care, according to good and reasonable practice, causes noxious or offensive odors, gas, fumes, smoke, dust or vibration of noise which substantially interferes with other uses of property permitted in the district.

Dwellings or residences, except the residence of a caretaker or watchman

Farms

Schools

D. Dimensional Requirements

- Minimum required lot width - 100 feet.
- Minimum required lot depth - 150 feet.
- Minimum required lot size - 40,000 square feet.
- Minimum front yard depth shall be thirty feet which shall be devoted for sidewalks, grass, plants, and the necessary driveways. Off-street parking shall not be permitted in this area.
- Minimum required width of side yards - 15 feet.
- Minimum required depth of rear yard - 20 feet.

E. Supplementary District Regulations

All supplementary district regulations stated in Article VI of this ordinance shall apply to the Industrial District.

All permitted uses in this district are subject to installation and approval by the Town Manager of curbs, gutters, storm drainage structures, sidewalks, entrances and exits, street paving, and water and sewer facilities.

F. Off-Street Parking

Off-street parking shall be provided in the I, Industrial District as required by Article VII of this ordinance.

Section 28. C.U. I, Industrial District

Identical to the I, Industrial District except that a Conditional Use Permit is required as a prerequisite to any use or development as provided for in this article.

Section 29. O-I, Office and Institution District

This district is intended to provide for office and institution development and, where appropriate, to serve as a transitional buffer between residential and non-residential districts. To ensure that conflict in land use is kept to a minimum, strict development controls are employed, such as limits on retail uses, buffers, height and signs. This district is intended to be easily accessible, and therefore, placed adjacent to or accessible from a thoroughfare of not less than sixty (60) feet right-of-way. The regulations for this district are intended to require easy access, ample parking and suitable landscaping.

A. Permitted Uses

Professional offices and services including but not limited to governmental, accountant, architect, artists, banker, broker copying facilities, dentist, engineer, insurance, landscape architect, lawyer, nurse, physician, planner, realtor, chiropractor, optometrist, secretarial agency, publicity agency, travel agency, bonding agency, dental laboratories, mortgage agency, and finance agency.

All permitted uses allowed in residential districts except manufactured homes and single-family homes and duplexes.

Churches, charitable organizations, or civic agencies.

Public or private schools, child care centers, colleges, medical clinics, hospitals, nursing homes, and vocational schools.

Retail uses not involving retail trade nor the maintenance of a stock of goods, except such uses may include art and crafts supplies shop, barber shop, beauty shop, camera shop, film depository, gift shop, optical shop, pharmacy, restaurant, dry-cleaning and banking. There shall be no drive-in trade, except in connection with a bank or laundry. Retail uses shall be limited to housing with a principal building for the principal permitted office use and when the total floor area of all retail uses combined does not occupy more than twenty percent (20%) of the total gross floor area of the building.

Commercial and non-profit recreational facilities.

Utility Offices.

B. Special Uses

Bed and Breakfast Homes.

Multi-family developments.

Wireless Telecommunications Facilities.

C. Dimensional Requirements

- Minimum required lot area: 5,000 square feet
- Minimum required mean lot width: 50 feet
- Minimum required depth of front yard: 30 feet
- The front yard shall be developed for landscaping, walkways, driveways and off-street parking shall not be permitted in this area.
- Minimum required side yard: 10 feet
- Minimum required depth of rear yard: 20 feet
- A maximum density of 10 units per acre shall be permitted for multi-family dwelling units.

D. Supplementary District Regulations

All supplementary district regulations stated in Article VI of this ordinance shall apply to the O-I, Office and Institution District. All permitted uses and special uses in this district are subject to installation and approval by the Town Engineer of curbs, gutters, storm drainage structures, sidewalks, entrances and exits, street paving, water and sewer facilities, and garbage collection procedures.

E. Off-street Parking

Off-street parking shall be provided as required in Article VII of this ordinance.

F. Site Plan Review

1. None of the uses authorized, except a single office on one lot, shall be permitted until a site plan showing the proposed development of the site has been approved by the Board of Commissioners after a recommendation thereon has been made by the Planning Board. The site plan shall be submitted in accordance with Article IV, Section 12 of this ordinance.

The subdivision review under the Wake Forest Subdivision Regulations shall be carried out as an integral part of the review of such development. In cases of conflict the more restrictive and/or more detailed regulations shall apply.

2. The following site plan standards shall apply for approving a site plan:

a. Minimum required access:

1) Two (2) acre sites or less - 60 foot right-of-way.
2) Sites greater than two (2) acres - 70 foot right-of-way.

b. The Board of Commissioners may impose conditions upon the installation and operation of the proposed use(s) to ensure that the accumulated potential impact of the proposed use, including lighting, glare, noise, dust, fumes, odor, vibrations, will not interfere with the use of the other properties in the vicinity, or the scale of hours of operation of the proposed use(s) will not substantially alter the residential character of the immediate vicinity, or the potential pedestrian or vehicular traffic that could be generated due to the use(s) will adequately and safely accommodated on adjoining streets and pedestrian paths.

c. The Board of Commissioners may refuse to approve a site plan on the grounds that it fails adequately to protect residentially zoned property in the near vicinity or that the proposal fails to provide safe conditions for pedestrians and motorists.

Section 30. C.U. O-I, Office and Institutional District

Identical to O-I, Office and Institutional District except that a Conditional Use Permit is required as a prerequisite to any use or development, as provided for in this article.

Section 31. Falls Lake Watershed Protection Overlay District

The Falls Lake Watershed Protection regulations are established as an overlay district to preserve water quality in the Falls Lake water supply watershed in order to provide safe drinking water. The intent of this district is to establish regulations which ensure the availability of public water supplies at an acceptable level of water quality for present and future residents.

A. Authority

This section is adopted pursuant to G.S.143-214.5 and the Water Supply Watershed Protection Rules established by the N.C. Environmental Management Commission.

B. Applicability

The Falls Lake Watershed Protection Overlay District is an overlay district with regulations, when implemented, shall be super-imposed on all zoning districts within the Falls Lake water supply watershed. The Falls Lake Watershed Protection Overlay District may be established for land within the watershed of the Falls Lake Reservoir as an alternative to the R-80W and R-40W zoning districts. The Falls Lake Watershed Protection Overlay District shall consist

of two (2) sub-areas: (1) the watershed management area, and (2) the critical water quality area.

1. Development Procedures

a. Zoning Changes

1) Zoning changes within the Falls Lake Watershed Protection Overlay District shall require the petitioner to submit an application under the conditional use zoning procedures of the Town of Wake Forest.
2) All conditional use zoning petitions within the Falls Lake Watershed Protection Overlay District shall include detailed information as to how the development of the property will conform to the requirements of this section. This information shall include but not limited to: topographic analysis, soil analysis, vegetation analysis, impervious surface areas, and watershed protection measures.

2. Exceptions

All land in the Falls Lake Watershed Protection Overlay District shall be developed in accordance with the requirements of this section except for the following:

a. Existing development, except that expansions to structures other than single-family development shall meet the requirements of this section; however, the built-upon area of the existing development is not required to be included in the density or impervious surface area calculations.

b. 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, except that there are no restrictions on single-family residential development.

c. A deeded single-family lot owned by an individual prior to the effective date of this section (July 1, 1993), provided it is developed for single-family use.

d. A non-conforming lot of record, not contiguous to any other lot owned by the same party, provided it is developed for single-family use.

e. Any lot or parcel created as part of a family subdivision on or after July 1, 1995, provided it is developed for one single-family detached residence and if it is exempt from the subdivision regulations.

3. Zoning Jurisdiction Expansion

All land brought into Wake Forest jurisdiction, located within the Falls Lake watershed at the time of an ETJ extension by the County of Wake or annexation, shall be zoned by the

Town of Wake Forest to R-80W or R-40W. Any subsequent change to another zoning district shall require conditional use zoning.

C. Development Standards

Within the Falls Lake Watershed Protection Overlay District, in addition to the normal underlaying zoning district requirements, the following standards shall apply. These conditions shall become part of any conditional use rezoning petition.

1. Impervious surface limitations/Density limits.

a. Critical water quality area.

1) Residential. New residential development shall not exceed a density of one (1) dwelling unit per two (2) acres and shall not exceed an impervious surface area of six percent (6%) on a project-by-project basis. 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.

2) Non-residential. New non-residential development shall not exceed six percent (6%) impervious surface area on a project-by-project basis. 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.

b. Watershed management area.

1) Residential. New residential development shall not exceed: a density of one (1) dwelling unit per one (1) acre on a project-by-project basis and twelve percent (12%) impervious surface area on a project-by-project basis where municipal sanitary sewer and water services are not provided, or twenty-four percent (24%) impervious surface area on a project-by-project basis where municipal sanitary sewer and water services are provided. 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.

2) Non-residential. Non-residential development shall not exceed: twelve percent (12%) impervious surface area on a project-by-project basis where municipal sanitary sewer and water services are not provided, or twenty-four percent (24%) impervious surface area on a project-by-project basis where municipal sanitary sewer and water services are provided. For the purposes of calculating impervious surface area, total project area shall include total acreage in the tract on which the project is to be developed.

3) Non-residential high density option. New non-residential development shall not exceed seventy percent (70%) impervious surface area on a project-by-project basis. 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.

2. Watercourse buffer areas.

a. A Drainageway Buffer shall be maintained along each side of a perennial stream and shall be a width of fifty (50) feet; and, a twenty-five (25) foot wide Drainageway Buffer shall be maintained along each side of an upper watershed drainageway, as defined in Article III, Section 2 of this Ordinance, up to a point where less than five (5) acres are drained by such upper watershed drainageway. In order to determine the amount of land drained by an upper watershed drainage way or a stream, USGS or Wake County topographic maps may be used.

b. A one hundred (100) foot wide natural vegetated Water Supply Impoundment Buffer, measured perpendicular from the normal pool shoreline, shall be maintained around Water Supply Impoundments on streams which have been classified WS-III and WS-IV by the N. C. Environmental Management Commission or successor authority.

c. A one hundred (100) foot wide Water Supply Impoundment Buffer, measured perpendicular to the stream bank, shall also be maintained along the banks of streams which have been classified WS-III and WS-IV.

d. For all new non-residential development activities that utilize the high density option, a minimum one hundred (100) foot wide Drainageway Buffer shall be required along all perennial waters indicated on the most recent versions of USGS or Wake County topographic maps or as determined by local studies.

e. Drainageway Buffers and Water Supply Impoundment Buffers shall remain natural and undisturbed except as may be necessary to accommodate any of the following uses:

1) Boat docks, ramps, piers, or similar structures;

2) Greenways, pedestrian paths, path shelters and benches, and related recreational uses;

3) Reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places;

4) Drainage facilities or utilities;

5) Roads, provided they cross the buffer at a horizontal angle of at least sixty (60) degrees;

6) Forestry and husbandry activities that eliminate diseased, infected or damaged timber or nuisance vegetation;

7) Sedimentation and erosion control measures and devices as approved by the Wake County Department of Community Development Services;

8) Construction of new lakes or ponds, or expansion of existing lakes or ponds, provided that applicable buffers shall be designated around such lakes or ponds.

9) Flag poles, signs and security lights, and other such structures which result in only diminimus increases in impervious area.

These activities shall minimize built-upon surface area, direct run-off away from the surface waters and maximize the utilization of best management practices (BMP's).

f. The requirements of the Neuse River Riparian Buffer Rules shall apply concurrently with the required Drainageway Buffers required above.

3. Setback from Buffers.

All buildings and structures shall be set back a minimum of twenty (20) feet from the edge of any drainage way buffer or water supply improvement buffer. Where the setback from a buffer results in a greater setback than from a lot line, the requirements of this paragraph shall control.

4. On-Site Erosion Control Measures.

a. No development permit shall be issued until approved watershed management protection measures are in place.

b. No land disturbing activities shall be allowed until all plans are approved and necessary permits have been obtained.

c. Development shall comply with the regulations of the Town of Wake Forest erosion and sedimentation control ordinance.

d. Storm-water runoff shall be transported by vegetated conveyances to the maximum extent practicable.

e. For new non-residential development activities utilizing the high density option, engineered storm-water controls shall be required to control the runoff from the first inch of rainfall. The operation and maintenance of the required engineered storm-water controls shall be the ultimate responsibility of the Town of Wake Forest.

5. Hazardous Materials.

a. 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.

b. New industrial development shall incorporate adequately designed, constructed and maintained spill containment structures if hazardous materials are either used, stored or manufactured on the premises.

D. Restricted Uses

The following uses are prohibited in the Reservoir Watershed Protection District:

1. Processing of mineral products;

2. Lumber mills and saw mills;

3. Processing of animal and vegetable products;

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 of Wake Forest 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.

E. Site Plan Review

None of the uses authorized by the underlying zoning district, except a single dwelling on one lot, shall be permitted until a development plan of the site has been approved by the Board of Commissioners after a recommendation thereon has been made by the Planning Board. The development plan shall be submitted in accordance with Article IV, Section 12 of this ordinance.

Section 32. Special Highway Overlay District (SHOD)

This district is established as an overlay district to protect and to preserve the natural scenic beauty along major access corridors located in the Town of Wake Forest's zoning jurisdiction; and, to protect the carrying capacity of these major thoroughfares by reducing the hazards arising

from necessary points of ingress and egress and cluttered roadside development; and, to reduce the costs of future highway expansions by requiring buildings and structures to be sufficiently set back from rights-of-way to provide adequate storage for vehicles until they can safely enter the highway. It is the intent of this district to ensure that development occurring in the special highway overlay district shall be in harmony with and shall preserve the natural beauty and character of the existing landscape.

A. Location

1. For the purpose of this section, the following are major access corridors:

a. Highway US-1.

b. NC-98, beginning at intersections with proposed NC-98 By-pass and extending to zoning jurisdiction limits.

c. Proposed NC-98 By-pass.

2. The district is located on either side of a major access corridor (as designated above) beginning at the centerline of the existing or proposed right-of-way. The depth of the district is one thousand (1,000) feet and shall follow identifiable boundaries whenever possible measured on either side of the right-of-way of the major access corridor.

Exceptions to the district depth and location can be applied:

a. Where identifiable conditions exist to screen the visibility of motorists, or

b. At an intersection targeted for shopping center development.

B. Uses

The uses permitted or prohibited in the special highway overlay district shall be the uses permitted or prohibited in the underlying zoning district.

C. Dimensional Requirements

Dimensional requirements shall be those stated for the underlying zoning district. Where standards of the overlay district and the underlying district differ, the more restrictive standard shall apply. For lots abutting a major access corridor, as identified in Part A.1 of this section, the following dimensional requirements shall apply:

1. Front yard: The minimum front yard shall be 100 feet. The minimum front yard shall be 50 feet if off-street parking and display areas are located in side and rear yards.

2. Corner side-yard: The minimum corner-side yard shall be 50 feet.

3. Minimum lot size: 80,000 square feet for non-residential development. Residential development lot size shall comply with underlying zoning district.

4. Mean lot width: 200 feet.

5. Adjustment of Yard Requirements.

   The Planning Board, in reviewing an application for a special use or site plan, may adjust (either reduce or increase) minimum SHOD yards and setback requirements for yards adjacent to the major access corridor or intersecting streets upon making a finding that the proposed adjustment of those requirements:

   a. Will not substantially defeat the purposes for which those requirements were established, as set forth in Article V, Section 24 of this ordinance;
   b. Is necessitated by the configuration and/or topography of the land, which makes it impractical to comply with the yard and setback requirements of this section;
   c. Is no greater than is necessary to allow for reasonable development of the tract; and
   d. Will not adversely affect the value of adjoining or abutting property, or that the use is a public necessity.
   e. Is necessitated to preserve existing natural vegetation considered to be a landmark or in an advanced stage of growth, removal of which would visually affect the natural wooded character of the area.

   Such findings will be in addition to and not in lieu of any finding required by Article IV, Section 12 or Article VIII of this ordinance.

D. Off-street Parking

Off-street parking shall be provided as required by the underlying zoning district. To achieve the purposes of the special highway overlay district, it is preferred that off-street parking be located in side and rear yards.

E. Supplemental District Regulations

All supplementary district regulations stated in Article VI of this ordinance and the standards of the special highway overlay district shall apply. Where these standards differ, the more restrictive standard shall apply.

1. **Driveways:** a) One combined entrance and exit shall be permitted for each lot with frontage along a major access corridor; b) For lots with 500 feet or more of frontage along a major access corridor, two (2) combined entrances and exits shall be permitted; c) For lots with frontage on an access/frontage road adjacent to a major access corridor, the number of entrances shall be determined as provided in Article VI, Section 1 of this ordinance.

2. Landscaping and Buffering:

It is the intent of this section that as much of the tract as possible be left in an undisturbed or enhanced state of vegetation, and that sufficient areas of natural buffer remain so that the proposed use will be visually in harmony with the natural wooded character of the area. Removing or denuding of natural forest vegetation along major access corridors is strongly discouraged; however, it is understood that conditions may exist as stated in Section C.5, that may warrant removing of natural forest vegetation.

a. Buffering

1) A minimum SHOD yard of fifty (50) feet of natural vegetation or its planted equivalent shall be preserved from the edge of the existing or proposed right-of-way of any major access corridor within the district.

2) A minimum SHOD yard of thirty (30) feet of natural vegetation or its planted equivalent shall be preserved from the edge of the existing or proposed right-of-way of any access/frontage road adjacent to any major access corridor.

3) A minimum SHOD yard of thirty (30) feet of natural vegetation or its planted equivalent shall be adjacent to a street which intersects with a major access corridor for a distance of 200 feet.

4) Those portions of front, rear or side yards not adjacent to a major access corridor or not part of the 50 foot SHOD yard and are not devoted to the uses, buildings and structures of a permitted use shall be preserved to retain the existing natural vegetation.

5) This part shall not apply to existing lots of record that are developed for single-family detached or duplexed dwelling units.

b. Screening and Landscaping

1) Where SHOD yards along major access corridors are required, the existing natural vegetation shall be retained. If limited or no vegetation exists, then the SHOD yard shall be planted at a rate of five (5) trees per fifty (50) feet of SHOD yard.

2) Where SHOD yards along intersecting streets or access/frontage roads adjacent to any major access corridor are required, the existing natural vegetation shall be retained. If limited or no vegetation exists, the SHOD yard shall be planted at a rate of three (3) trees per fifty (50) linear feet of SHOD yard.

3) In yards not devoted to use, buildings, and structures, the existing natural vegetation shall be retained. If limited or no vegetation exists, the yard shall be

planted consistent with the standards specified in Article VI, Section 7 of this ordinance.

F. Site Plan Review

1. None of the uses authorized by the underlying zoning district, except a single-family or two-family dwelling unit on one lot, shall be permitted until a site plan showing the proposed development of the site has been approved by the Board of Commissioners after a recommendation thereon has been made by the Planning Board. The site plan shall be submitted and reviewed in accordance with Article IV, Section 12 of this ordinance.

2. No grading permit shall be issued or no land-disturbing activities shall be allowed until all plans are approved. No land disturbing activities shall take place within the 50 foot SHOD yard except for required driveways, utility mains, and easements.

3. The 50 foot SHOD yards adjacent to a major access corridor and intersecting streets shall be shown on site plans within the special highway overlay district.

G. Expansions and Changes of Use

For properties which have expansions or additions which singularly or collectively exceed twenty-five (25%) percent of the gross floor area and/floor surface area, or change use which requires additional off-street parking made after application of this section, the SHOD yard requirements are as follows:

1. Where adjacent to a major access corridor, provide SHOD yard of twenty-five (25) feet of natural vegetation or planted equivalent. Screening shall be provided at a rate of three (3) trees per fifty (50) linear feet of SHOD yard.

2. Where adjacent to a street intersecting a major access corridor, provide a SHOD yard of fifteen (15) feet of natural vegetation or planted equivalent. Screening shall be provided at a rate of two (2) trees per (50) linear feet of SHOD yard.

Section 33. R-80W, Residential-80 Watershed Protection District

The purpose of this district is to limit the amount and type of development to low intensity residential and non-residential uses in the critical water quality area of water supply watersheds and watershed management areas classified WS-II by the N. C. Environmental Management Commission. The intent of the regulations is to preserve water quality in water supply watersheds by reducing the threat of run-off pollution to water supplies in order to provide safe drinking water at an acceptable level of water quality for present and future residents.

This section is adopted pursuant to G.S.143-214.5 and the Water Supply Watershed Protection Rules established by the N. C. Environmental Management Commission.

A. Permitted Uses

Single-family dwellings.

Modular homes.

Bona-fide farms, subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990. Bona-fide farm activity conducted after January 1, 1993 shall maintain a minimum ten (10) foot vegetative buffer, or equivalent control as determined by the Soil and Water Conservation Commission, along all perennial waters indicated on the most recent versions of USGS 1:24,000 (7.5 minute) scale topographic maps or Wake County topographic maps. Animal operations greater than 100 animal units shall employ Best Management Practices by July 1, 1994 recommended by the Soil and Water Conservation Commission.

Public utilities.

Utility substations.

Home occupations.

Public recreation facilities.

Accessory buildings and uses.

B. Specials Uses

Manufactured homes.

Planned Unit Developments.

Private recreation facilities.

Cemeteries.

Fire and rescue stations.

Accessory buildings and uses to permitted special uses.

Telecommunication Towers

C. Dimensional Requirements

- The minimum lot area for each dwelling unit or principal use shall be 80,000 square feet. In a Planned Unit Development, the maximum overall density of a development shall not exceed one (1) dwelling unit per two (2) acres of the gross acreage of the development site.
- Minimum required lot width - 150 feet.
- Minimum required depth of front yard - 40 feet.
- Minimum required width of side yard - 20 feet.

- Minimum required depth of rear yard - 30 feet.

D. Development Standards

1. Watercourse Buffer Areas

a. A drainage way buffer shall be maintained along each side of a perennial stream and shall be a width of fifty (50) feet; and, a twenty-five (25) foot wide drainage way buffer shall be maintained along each side of an upper watershed drainage way, as defined in Article III, Section 2 of this ordinance, up to a point where less than five (5) acres are drained by such supper watershed drainage way.

In order to determine the amount of land drained by an upper watershed drainage way or a stream, USGS or Wake County topographic maps may be used.

b. A one hundred (100) foot wide natural vegetated Water Supply Impoundment Buffer, measured perpendicular from the normal pool shoreline, shall be maintained around Water Supply Impoundments on streams which have been classified WS-II, WS-III and WS-IV by the N. C. Environmental Management Commission or successor authority.

A one hundred (100) foot wide Water Supply Impoundment Buffer, measured perpendicular to the stream bank, shall also be maintained along the banks of streams which have been classified WS-II, WS-III and WS-IV.

c. Drainage way Buffers and Water Supply Impoundment Buffers shall remain natural and undisturbed except as may be necessary to accommodate any of the following uses:

1) Boat docks, ramps, piers, or similar structures;

2) Greenways, pedestrian paths, path shelters and benches, and related recreational uses;

3) Reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places;

4) Drainage facilities or utilities;

5) Roads, provided they cross the buffer at a horizontal angle of at least sixty (60) degrees;

6) Forestry and husbandry activities that eliminate diseased, infected or damaged timber or nuisance vegetation;

7) Sedimentation and erosion control measures and devices as approved by the Wake County Department of Community Development Services;

8) Construction of new lakes or ponds, or expansion of existing lakes or ponds, provided that applicable buffers shall be designated around such lakes or ponds.

These activities shall minimize built-upon surface area, direct run-off away from the surface waters and maximize the utilization of best management practices (BMP's).

2. Impervious Surface Limitations

The maximum amount of impervious surface area shall not exceed six (6%) percent of the development site.

3. Setback from Buffers

All buildings and structures shall be set back a minimum of twenty (20) feet from the edge of any drainage way buffer or water supply improvement buffer. Where the setback from a buffer results in a greater setback than from a lot line, the requirements of this paragraph shall control.

4. Supplementary District Regulations

The supplementary district regulations stated in Article VI of this ordinance shall apply to the R-80W Watershed Protection District.

5. Off-Street Parking

Off-street parking shall be provided as required in Article VII of this ordinance.

6. Hazardous Materials

a. 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.

b. New industrial development shall incorporate adequately designed, constructed and maintained spill containment structures if hazardous materials are either used, stored or manufactured on the premises.

7. On-site Erosion Control Measures

a. No development permit shall be issued until approved watershed management protection measures as in place.

b. No land disturbing activities shall be allowed until all plans are approved and necessary permits have been obtained.

c. Development shall comply with the regulations of the Town of Wake Forest erosion and sedimentation control ordinance.

E. Restricted Uses

The following uses are prohibited in the R-80W Watershed Protection District:

1. The storage of toxic and hazardous materials unless a spill containment plan is implemented;

2. Landfills and discharging landfills;

3. Sites for land application of sludge/residuals or petroleum contaminated soils;

4. 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;

5. Any use determined by the Town of Wake Forest 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.

F. Compliance with Other Plans and Regulations

All other officially adopted plans and all other pertinent ordinance features shall be applicable and in addition to the regulations presented herein.

G. Exceptions

All land in the R-80W Watershed Protection District shall be developed in accordance with the requirements of this section except for the following:

1. Existing development, except that expansions to structures other than single family development shall meet the requirements of this section; however, the built-upon area of the existing development is not required to be included in the density or impervious surface area calculations.

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, except that there are no restrictions on single family residential development.

3. A deeded single-family lot owned by an individual prior to the effective date of this section (July 1, 1993), however this exemption does not apply to multiple lots under single ownership.

H. Site Plan Review

None of the uses authorized, except a single dwelling on one lot, shall be permitted until a development plan of the site has been approved by the Board of Commissioners after a recommendation thereon has been made by the Planning Board. The development plan shall be submitted in accordance with Article VI, Section 12 of this ordinance.

Section 34. R-40W, Residential-40 Watershed Protection District

The purpose of this district is to limit the amount and type of development to low and moderate intensity residential and non-residential uses in the watershed management area of water supply watersheds classified by the N. C. Environmental Management Commission. The intent of the regulations is to preserve water quality in water supply watersheds by reducing the threat of run-off pollution to water supplies in order to provide safe drinking water at an acceptable level of water quality for present and future residents.

This section is adopted pursuant to G.S. 143-214.5 and the Water Supply Watershed Protection Rules established by the N. C. Environmental Management Commission.

A. Permitted Uses

Single-family dwellings.

Modular homes.

Churches.

Bona-fide farms, subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990.

Public utilities.

Utility substations.

Home occupations.

Public recreation facilities.

Fire and rescue stations.

Accessory buildings and uses.

B. Specials Uses

Manufactured homes.

Planned Unit Developments.

Private recreation facilities.

Cemeteries.

Libraries.

Public and private schools, child care centers.

Dog Kennels, requires setbacks of 100 feet from all property lines; minimum lot size of 2 acres; sound-proof pens, i.e., interior doors; six foot high opaque fencing; and, a minimum ten foot landscaping buffer around the side and rear of the compound area.

Accessory buildings and uses to permitted special uses.

Telecommunication Towers

C. Dimensional Requirements

- The minimum lot area for each dwelling unit or principal use shall be 40,000 square feet. In a Planned Unit Development, the maximum overall density shall not exceed one (1) dwelling unit per acre of the gross acreage of the development site.

- Minimum required lot width - 100 feet.
- Minimum required depth of front yard - 30 feet.
- Minimum required width of side yard - 10 feet.
- Minimum required depth of rear yard - 30 feet.

D. Development Standards

1. Watercourse Buffer Areas

a. A drainage way buffer shall be maintained along each side of a perennial stream and shall be a width of fifty (50) feet; and, a twenty-five (25) foot wide drainage way buffer shall be maintained along each side of an upper watershed drainage way, as defined in Article III, Section 2 of this ordinance, up to a point where less than five (5) acres are drained by such upper watershed drainage way.

In order to determine the amount of land drained by an upper watershed drainage way or a stream, USGS or Wake County topographic maps may be used.

b. A one hundred (100) foot wide natural vegetated Water Supply Impoundment Buffer, measured perpendicular from the normal pool shoreline, shall be maintained around Water Supply Impoundments on streams which have been classified WS-III and WS-IV by the N. C. Environmental Management Commission or successor authority.

A one hundred (100) foot wide Water Supply Impoundment Buffer, measured perpendicular to the stream bank, shall also be maintained along the banks of streams which have been classified WS-III and WS-IV.

c. Drainage way Buffers and Water Supply Impoundment Buffers shall remain natural and undisturbed except as may be necessary to accommodate any of the following uses:

1) Boat docks, ramps, piers, or similar structures;

2) Green ways, pedestrian paths, path shelters and benches, and related recreational uses;

3) Reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places;

4) Drainage facilities or utilities;

5) Roads, provided they cross the buffer at a horizontal angle of at least sixty (60) degrees;

6) Forestry and husbandry activities that eliminate diseased, infected or damaged timber or nuisance vegetation;

7) Sedimentation and erosion control measures and devices as approved by the Wake County Department of Community Development Services;

8) Construction of new lakes or ponds, or expansion of existing lakes or ponds, provided that applicable buffers shall be designated around such lakes or ponds.

These activities shall minimize built-upon surface area, direct run-off away from the surface waters and maximize the utilization of best management practices (BMP's).

2. Impervious Surface Limitations

The maximum amount of impervious surface area shall not exceed:

a. Twelve (12) percent where sanitary sewer and water services are not provided; or

b. Twenty-four (24) percent where sanitary sewer and water services are provided.

3. Setback from Buffers

All buildings and structures shall be set back a minimum of twenty (20) feet from the edge of any drainage way buffer or water supply improvement buffer. Where the setback from a buffer results in a greater setback than from a lot line, the requirements of this paragraph shall control.

4. Supplementary District Regulations

The supplementary district regulations stated in Article VI of this ordinance shall apply to the R-40W Watershed Protection District.

5. Off-Street Parking

Off-street parking shall be provided as required in Article VII of this ordinance.

6. Hazardous Materials

a. 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.

b. New industrial development shall incorporate adequately designed, constructed and maintained spill containment structures if hazardous materials are either used, stored or manufactured on the premises.

7. On-site Erosion Control Measures

a. No development permit shall be issued until approved watershed management protection measures are in place.

b. No land disturbing activities shall be allowed until all plans are approved and necessary permits have been obtained.

c. Development shall comply with the regulations of the Town of Wake Forest erosion and sedimentation control ordinance.

E. Restricted Uses

The following uses are prohibited in the R-40W Watershed Protection District:

1. The storage of toxic and hazardous materials unless a spill containment plan is implemented;

2. Landfills and discharging landfills;

3. Sites for land application of sludge/residuals or petroleum contaminated soils;

4. 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;

5. Any use determined by the Town of Wake Forest 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.

F. Compliance with Other Plans and Regulations

All other officially adopted plans and all other pertinent ordinance features shall be applicable and in addition to the regulations presented herein.

G. Exceptions

All land in the R-40W Watershed Protection District shall be developed in accordance with the requirements of this section except for the following:

1. Existing development, except that expansions to structures other than single family development shall meet the requirements of this section; however, the built-upon area of the existing development is not required to be included in the density or impervious surface area calculations.

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, except that there are no restrictions on single family residential development.

3. A deeded single-family lot owned by an individual prior to the effective date of this section (July 1, 1993), however this exemption does not apply to multiple lots under single ownership.

H. Site Plan Review

None of the uses authorized, except a single dwelling on one lot, shall be permitted until a development plan of the site has been approved by the Board of Commissioners after a recommendation thereon has been made by the Planning Board. The development plan shall be submitted in accordance with Article IV, Section 12 of this ordinance.

Section 35. ICD, Institutional Campus Development District

This district is intended to allow for the continued and future use, expansion, and new development of academic and religious campuses and of governmental and health facilities, where the campus or facility has a total development size greater than ten (10) acres. The goal is to promote the many varied uses associated with such institutions while maintaining the overall design integrity of the campus setting and minimizing any adverse impacts on the neighboring residential and historic areas. In the attempt to meet this goal numerous requirements are included, such as but not limited to buffers, landscaping, outdoor lighting, parking, signage, building height, setbacks, and the like.

A. Permitted Uses

The following uses include all accompanying facilities and accessory uses associated with their development that do not significantly impact the existing infrastructure (i.e. street capacity, water and sewer capacity, police or fire protection, or other service related town functions or as described in subsection D. below) as approved by the Planning Department:

Academic Institutions.

Art Galleries and Museums

Assembly Facilities, including meeting rooms, chapels, sanctuaries, and auditoriums, but not including sports stadiums or coliseums.

Child care centers.

Classroom Buildings.

Conference Center.

Golf Courses.

Governmental Facilities.

Health Facilities.

Libraries.

Parking Lots.

Parks.

Post Offices.

Religious Institutions.

Residential:

Dormitories
Duplexes
Single-family Residences
Single-family Residences with an Accessory Apartment

Student Services, including:

Bookstore (*selling not only books and school, office, and art supplies; but such items as, but not limited to, CD's, videos, video rentals, gifts, greeting cards, flowers, candy, packaged snacks, soft drinks, toys, items with school logos, shirts, jackets, caps, sporting equipment, and small electronic equipment, such as clocks, radios, and stereos*), Cafeteria, Coffee Shop, Snack Bar, Bank, Barber Shop, Beauty Shop, Pro Shop, Travel Agent, etc., as long as they are located in such a manner and signage is such as to emphasize that they are for the prime benefit of students and employees and not the general public, although they may be open to the public.

Teller Machines (stand-alone -- walk-up or drive-up).

B. Special Uses

Any building or structure over 35 feet in height, plus the following:

Above-ground Water Tanks.

Bulk Storage of Fuel, Oil, Propane, or other Hazardous or Flammable Materials (in limited quantities for classroom or facility use and meeting all state and federal regulations).

Gymnasiums.

Outdoor Storage.

Maintenance Yards, Physical Plant, Equipment Storage, Garages, and other Facility Functionaries.

Parking Decks.

Planned Campus Development (with Master Plan).

Recreational Facilities not otherwise listed (such as swimming pools, playgrounds, bowling alleys, miniature golf, tennis courts, recreation center, etc.).

Residential: Multi-Family Housing

Stadiums and Coliseums.

Telecommunication Towers.

Temporary Housing (when owned or operated by the primary institutional use for the convenience of visitors):

Guest Houses
Boarding Houses
Bed and Breakfasts
Conference Centers

Motels and Hotels with less than twenty (20) guest rooms.

Any other use associated with the permitted principal use which is determined by the Town to significantly impact existing infrastructure or town services (i.e., street capacity, water and sewer capacity, police or fire protection, other service related town functions, or as described in subsection (d) below).

C. Dimensional Requirements

General Requirements

- Minimum required lot area: 10,000 square feet
- Minimum Institutional Development Size: 10 acres
- Minimum required mean lot width: 60 feet
- Minimum Institutional Development Width: 200 feet
- Maximum density allowed for multi-family dwellings: 10 units per acre
- For calculating units per acre, lines shall be drawn and shown on a site plan indicating the acreage used for the housing development, including residential buildings, accessory buildings, yards, drives, parking, playgrounds, picnic and park areas designated for the residents, and other adjacent open space for the use only of the residents and their guests.

Minimum Setbacks Along Exterior Property Boundaries and Public Streets inside the Campus		
	Buildings Up To 35 Ft. In Height	Buildings Over 35 Ft. In Height
Minimum required depth of front yard:	30 feet	1:1 ratio (One (1) foot vertical building height to one (1) foot horizontal setback)

The front yard shall be developed for landscaping, walkways, public art, fountains, and signs. Driveways may cross the required yard at approximately right angles and may not run within the required yard approximately parallel to the property line. Off-street parking is not permitted in the required yard.		
Minimum required side yard:	Buildings Up To 35 Ft. In Height	Buildings Over 35 Ft. In Height
Interior Side:	10 feet	3:2 ratio (Three (3) feet vertical building height to two (2) feet horizontal setback)
Street Side of Corner Lot:	25 feet	25 feet or 3:2 ratio (whichever is larger)
Minimum required depth of rear yard:	20 feet	3:2 ratio
Minimum Setbacks Between Buildings Within the Property		
Minimum Distance Between Buildings:	Ratio Method: The required separation between any two buildings shall be determined by the building height (excluding steeples and bell towers) of the tallest building. The use of a ratio allows a continuously sliding scale based on building height. For instance, a building height to setback ratio of 1:2 means that for every one (1) foot of building height of the tallest building there are two (2) feet of horizontal setback.	
Front Yard:	Face to Face: The minimum distance between two facing buildings at their closest point (at ground level or above) shall be determined according to the ratio of one (1) foot vertical building height to two (2) feet horizontal setback (1:2).	
Front Yard:	Face to Side or Face to Rear: A new building or addition must meet minimum setback requirements from other existing buildings, using either a 1:1.5 height to setback ratio, based on the height of the tallest building, or the minimum front yard plus side or rear yard setback, as appropriate, whichever is greater.	
Side and Rear Yards:	Side by Side, Side to Rear, & Rear to Rear: Side and rear yards between buildings; shall total a minimum of the standard side and/or rear yard requirements given above for along exterior boundaries for each building or by use of a 1:0.5 ratio, based on the height of the tallest building, whichever is greater.	
Corner to Corner:	There shall be no minimum distance between buildings where the closest points are corner to corner.	
Residences:	The minimum distance between buildings, where at least one of them contains residence quarters along any wall containing windows facing the other building, shall be equal to twice the interior side lot setback as given above (i.e. forty (40) feet instead of twenty (20) feet) or according to the 1:0.5 ratio, whichever is greater, along that side of the building.	

D. Open Space Requirement

A minimum of twenty-five percent (25%) of the gross acreage shall be reserved for open space and depicted on the Master Plan. This acreage need not be in a single piece, but may be in sections of one half (½) acre or more scattered throughout the campus including such items as Tree Save Areas, picnic areas, golf courses, walking trails, streams and adjacent banks, lakes, undisturbed natural areas (fields or woods), agricultural lands, wetlands, parks, etc. Large lawns substantially in excess of the required minimum may be counted toward this requirement. Paved or graveled parking lots shall not count toward this requirement. Areas designated as open space on the Master Plan may be changed through revising and reapproval of the Master Plan.

This area shall have free and easy access via streets, walk-ways, dedicated easements, rights-of-way, etc. and may be either deeded to the Town for public use or held by the institution for the use of its own residents, students, patients, employees, etc.

E. Campus Design Requirements

1. General Layout.

Internal buildings shall be laid out with well defined open areas to give prominence to important structures and to allow for gatherings and logical pedestrian circulation.

2. Parking Areas

All parking required by the uses in this district shall be provided on-site and in sufficient number not to require on-street parking off-campus, adjacent to campus, or encroachment on adjacent property, nor shall parking areas encroach into any required yards (setbacks). Parking areas shall be interconnected within the property wherever practicable so as to allow the movement of vehicles without the use of public streets. On-street parking along any public or private street running through the campus may be counted toward the required number of parking spaces. Any streets constructed on campus must meet town standards, including the provision of on-street parking. Parking required by uses on sites remote from the main campus shall be provided at the remote site (or within 400 feet as required in Article VI, Section 1 of this ordinance). Remote parking may be leased or provided for through some other means, as long as there is the guaranteed right of the institution to use the space for parking. If such parking becomes unavailable at some future time. Other provisions must be made in a timely manner.

Parking lots, including drives and access ways, shall be paved or covered with another all-weather material approved by the town. Overflow parking areas may be grassed. These overflow parking areas may be used only where the required parking is sizable and where the expected need is only occasional. The location
and proportion of required spaces to be considered “overflow” must be approved by the Planning Director, included as part of the Master Plan, or included as part of the

approved detailed development plan at the time of project development (see below). These grassed areas may count toward the open space requirement, but must be maintained in grass and not be graveled nor allowed to deteriorate into bare areas of dust or mud.

Parking areas shall be screened from adjacent residential, vacant, or commercial properties, so as to shield these properties from headlights and minimize noise of vehicles, by the use of landscaping, natural vegetation, landscaped berm, topography, fence or wall, or a building (see section "H" below). Any lighting of parking areas shall also be shielded, so as to cast no light directly upon adjacent properties and streets, and shall have a ninety degree cutoff in order to minimize light pollution.

Trash containers, outdoor storage areas, loading areas, and facility vehicles and similar equipment shall be located within the parking areas, equipment storage or maintenance yards, or in garages.

3. Architectural Standards

Important structures shall be built so that they terminate a vista, where possible, and shall be of sufficient design to create visual anchors for the campus. All principle structures on a campus shall maintain a consistent or compatible architectural style.

All rooftop equipment shall be enclosed in the building material that matches the structure or is visually compatible with the structure.

F. Supplementary District Regulations

All supplementary district regulations stated in Article VI of this ordinance shall apply to the ICD, Institutional Campus Development District. All permitted uses and special uses in this district are subject to installation and approval by the Town Engineer of curbs, gutters, storm drainage structures, sidewalks, entrances and exits, street paving, water and sewer facilities, and garbage collection procedures.

A Master Plan (Concept Plan) is required to be submitted and approved prior to obtaining a zoning or building permit for any new buildings or structures. Such Master Plan may be developed in phases over a period of time and may be updated or revised and reapproved, as needed. Building permits are always required, if applicable.

A detailed development plan is required to obtain any necessary permit as individual projects are initiated. If the project substantially conforms to the approved Master Plan only administrative approval is needed, unless otherwise specified by the Board of Commissioners during the Master Plan approval process.
If the project represents a substantial change from the approved Master Plan the development plan must be submitted for Planning and Zoning Board and Board of Commissioners approval. A "substantial change" means any change that may result in a change in traffic flow, types and intensity of activities, need for parking, potential noise or light pollution,

impact on neighboring properties and residents, impact on town infrastructure and demand for services, and the like. Such changes include, but are not limited to:

- elimination or reduction of any Tree Save Area,
- change in designated open space,
- addition or relocation of a building,
- addition or relocation of a parking lot for over ten (10) vehicles,
- addition or relocation of parking or outdoor storage for service vehicles or equipment,
- fences or walls higher than four (4) feet and thirty (30) feet or less from the property line,
- relocation of a public street or private street connecting with the public street system, and
- addition or relocation of any other major development, e.g. ballfields, tennis courts, golf courses, amphitheaters, or any other facility to be used by numerous people at one time.

Changes in small areas, such as small picnic areas, playgrounds, walking trails, gardens, patios, terraces, courtyards, walkways, parking lots for ten (10) or fewer vehicles, fences or walls more than thirty (30) feet from the property line, or fences or walls less than thirty (30) feet from the property line and four (4) feet or less in height, do not constitute a "substantial change".

G. Off-Street Parking

Off-street parking shall be provided as required in Article VII of this ordinance.

H. Landscaping and Buffers

All newly developed campus property shall meet the Landscape Standards of Section 7 of this article or as specified on the Master Plan, whichever provides the more intensive and larger buffer. These institutional campuses are considered institutional uses for the purpose of determining the minimum width of the required buffer along offices, classrooms, libraries, art galleries, churches and chapels, parking, golf courses, and housing areas. Other areas may require greater buffers, based on the particular use, such as gymnasiums, stadiums, and commercial uses, including but not limited to book stores, cafeterias, and barber shops.

Parking lots or parking decks visible from public streets or nearby private property must be landscaped with Type A screening or designated Tree Save Areas.

I. Site Plan Review

1. Development Plan Required

None of the uses listed as permitted or special, except a single family residence, shall be permitted until a development plan showing the proposed development of the site has been approved. The development plan shall be submitted an accordance with Article IV, Section 12 of this ordinance.

The subdivision review under the Wake Forest Subdivision Regulations, if applicable, shall be carried out as an integral part of the review of such development. In cases of conflict the more restrictive and/or more detailed regulations shall apply.

Site plan review and approval by the Board of Commissioners shall be required in the following cases, otherwise site plans may be approved by staff.

a. Any development involving the closing, relocation, or construction of new public streets;

b. Any development that, in the opinion of the Planning Director, substantially affects existing traffic circulation, drainage, relationship of buildings to each other, landscaping, buffering, or outdoor lighting; or significantly impacts existing infrastructure or town services (i.e. street capacity, water and sewer capacity, police or fire protection, or other service related town functions; or,

c. Any substantial change from the an approved Master Plan (see section "F" above).

2. Development Plan Standards

The following site plan standards shall apply:

a. The Board of Commissioners may impose conditions upon the installation and operation of the proposed use(s) to insure that the accumulated potential impact of the proposed use, including lighting, glare, noise, dust, fumes, odor, vibrations, etc. will not interfere with the use of the other properties in the vicinity, or the scale of hours of operation of the proposed use(s) will not substantially alter the residential character of the immediate vicinity, or the potential pedestrian or vehicular traffic that could be generated due to the use(s) will adequately and safely accommodated on adjoining streets and pedestrian paths.

The Board of Commissioners may refuse to approve a Master Plan or development plan on the grounds that it fails adequately to protect residentially zoned property or historic areas in the near vicinity or that the proposal fails to provide safe conditions for pedestrians and motorists.

Section 36. Richland Creek Watershed Protection Overlay District

The Richland Creek Watershed Protection regulations are established as an overlay district to preserve water quality in the Richland Creek water supply watershed in order to provide safe drinking water. The intent of this district is to establish regulations which ensure the availability of public water supplies at an acceptable level of water quality for present and future residents.

A. Authority

This section is adopted pursuant to G.S.143-214.5, as amended, and the Water Supply Watershed Protection Rules established by the NC Environmental Management Commission.

B. Applicability

The Richland Creek Watershed Protection District is an overlay district with regulations which shall be super-imposed on all zoning districts within the Richland Creek water supply watershed as defined by the N. C. Environmental Management Commission. The Richland Creek Watershed Protection District shall consist of two (2) sub-areas: (1) the watershed management area, and (2) the critical water quality area.

1. Development Procedures

a. Zoning Changes

1) Zoning changes within the Richland Creek Watershed Protection District shall require the petitioner to submit an application under the conditional use zoning procedures of the Town of Wake Forest.

2) All conditional use zoning petitions within the Richland Creek Watershed Protection District shall include detailed information as to how the development of the property will conform to the requirements of this section. This information shall include but not limited to: topographic analysis, soil analysis, vegetation analysis, impervious surface areas, and watershed protection measures.

2. Exceptions

All land in the Richland Creek Watershed Protection District shall be developed in accordance with the requirements of this section except for the following:

a. Existing development, except that expansions to structures other than single family development shall meet the requirements of this section; however, the built-upon area of the existing development is not required to be included in the density or impervious surface area calculations.

b. 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, except that there are no restrictions on single family residential development.

c. A deeded single-family lot owned by an individual prior to the effective date of this section (April 1, 2005), provided it is developed for single-family use.

d. A nonconforming lot of record, not contiguous to any other lot owned by the same party, provided it is developed for single-family use.

e. Any lot or parcel created as part of a family subdivision after the effective date of this section (April 1, 2005), provided it is developed for one single- family detached residence and if it is exempt from the subdivision regulations.

3. Zoning Jurisdiction Expansion

All land brought into Wake Forest jurisdiction, located within the Richland Creek water supply watershed at the time of an ETJ extension by the County of Wake or annexation, shall be zoned by the Town of Wake Forest to R-20, Residential-20 District and this overlay district. Any subsequent change to another zoning district shall require conditional use zoning and the inclusion of this overlay district.

C. Development Standards

Within the Richland Creek Watershed Protection District, in addition to the normal underlying zoning district requirements, the following standards shall apply. These conditions shall become part of any conditional use rezoning petition.

1. Impervious surface limitations/Density limits.

a. Critical water quality area.

Low Density Option:

1) Residential. New development shall not exceed a density of two (2) dwelling units of single-family detached development per acre on a project-by project basis; or a minimum lot size of 20,000 square feet for single-family detached development excluding roadway right-of-way on a project-by-project basis; or, for all other new residential development, a maximum impervious surface area of twenty-four percent (24%) on a project-by-project basis. For the purpose of calculating the impervious surface area and density, total project area shall include total acreage in the tract on which the project is to be developed.

2) Non-residential. New development shall not exceed twenty-four percent (24%) impervious surface area on a project-by-project basis. 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.

High Density Option:

If new development density exceeds the low density requirements, new residential and non-residential development shall not exceed fifty percent (50%) impervious surface area on a project-by-project basis. 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.

b. Watershed management area.

Low Density Option:

1) Residential. New development shall not exceed a density of two (2) dwelling units of single-family detached development per acre on a project-by project basis; or a minimum lot size of 20,000 square feet for single-family detached development excluding roadway right-of-way on a project-by-project basis; or, for all other new residential development, a maximum impervious surface area of twenty-four percent (24%) on a project-by-project basis. For the purpose of calculating the impervious surface area and density, total project area shall include total acreage in the tract on which the project is to be developed.

2) Non-residential. New development shall not exceed twenty-four percent (24%) impervious surface area on a project-by-project basis. For the purposes of calculating impervious surface area, total project area shall include total acreage in the tract on which the project is to be developed.

High Density Option:

If new development density exceeds the low density requirements, new residential and non-residential development shall not exceed seventy percent (70%) impervious surface area on a project-by-project basis. 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.

2. Watercourse buffer areas.

a. A Drainageway Buffer shall be maintained along each side of a perennial stream and shall be a width of fifty (50) feet; and, a twenty-five (25) foot wide Drainageway Buffer shall be maintained along each side of an upper watershed drainageway, as defined in Article III, Section 2 of this Ordinance, up to a point where less than five (5) acres are drained by such upper watershed drainageway. In order to determine the amount of land drained by an upper watershed drainage way or a stream, USGS or Wake County topographic maps may be used.

b. A one hundred (100) foot wide Water Supply Impoundment Buffer, measured perpendicular to the stream bank, shall also be maintained along the banks of streams which have been classified WS-IV.

c. For all new development activities that exceed the Low Density Option requirements, a minimum one hundred (100) foot wide Drainageway Buffer shall be required along all perennial waters indicated on the most recent versions of USGS or Wake County topographic maps or as determined by local studies.

d. Drainageway Buffers and Water Supply Impoundment Buffers shall remain natural and undisturbed except as may be necessary to accommodate any of the following uses:

1) Boat docks, ramps, piers, or similar structures;

2) Greenways, pedestrian paths, path shelters and benches, and related recreational uses;

3) Reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places;

4) Drainage facilities or utilities;

5) Roads, provided they cross the buffer at a horizontal angle of at least sixty (60) degrees;

6) Forestry and husbandry activities that eliminate diseased, infected or damaged timber or nuisance vegetation;

7) Sedimentation and erosion control measures and devices as approved by the Wake County Department of Community Development Services;

8) Construction of new lakes or ponds, or expansion of existing lakes or ponds, provided that applicable buffers shall be designated around such lakes or ponds.

9) Flag poles, signs and security lights, and other such structures which result in only diminimus increases in impervious area.

These activities shall minimize built-upon surface area, direct run-off away from the surface waters and maximize the utilization of best management practices (BMP's).

e. The requirements of the Neuse River Riparian Buffer rules shall apply concurrently with the required Drainageway Buffers described above.

3. Setback from Buffers.

All buildings and structures shall be set back a minimum of twenty (20) feet from the edge of any drainage way buffer or water supply improvement buffer. Where the setback from a buffer results in a greater setback than from a lot line, the requirements of this paragraph shall control.

4. On-Site Erosion Control and Drainage Measures.

a. No development permit shall be issued until approved watershed management protection measures are in place.

b. No land disturbing activities shall be allowed until all plans are approved and necessary permits have been obtained.

c. Development shall comply with the regulations of the Town of Wake Forest erosion and sedimentation control ordinance.

d. Stormwater runoff shall be transported by vegetated conveyances to the maximum extent practicable.

e. For new developments utilizing the high density option, engineered storm- water controls shall be required to control the runoff from the first inch of rainfall. The operation and maintenance of the required engineered storm- water controls shall be the ultimate responsibility of the Town of Wake Forest.

5. Hazardous Materials.

a. 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.

b. New industrial development shall incorporate adequately designed, constructed and maintained spill containment structures if hazardous materials are either used, stored or manufactured on the premises.

D. Restricted Uses.

The following uses are prohibited in the Richland Creek Watershed Protection District:

1. Processing of mineral products;

2. Lumber mills and saw mills;

3. Processing of animal and vegetable products;

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 of Wake Forest 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.

E. Site Plan Review

None of the uses authorized by the underlying zoning district, except a single dwelling on one lot, shall be permitted until a development plan of the site has been approved by the Board of Commissioners after a recommendation thereon has been made by the Planning Board. The development plan shall be submitted in accordance with Article IV, Section 12 of this ordinance.

Section 37. TND, Traditional Neighborhood Development District

The TND, Traditional Neighborhood Development District is established as a district to allow for the development of fully integrated, compact, mixed-use pedestrian oriented neighborhoods. The intent is to minimize traffic congestion, suburban sprawl, infrastructure costs, and environmental degradation.

A. Applicability

The Traditional Neighborhood Development District is a district requiring an alternate form of land development adhering to the generally accepted principles of traditional neighborhood development within the jurisdiction of the Town of Wake Forest.

B. General Requirements

Master plan required. No use or development of any property located in any Traditional Neighborhood Development District (TND) shall be permitted until a master plan showing the proposed use and development of the property has been approved by the Board of Commissioners after a recommendation thereon has been made by the Planning Board.

The master plan, in addition to the requirements for a master plan stated in the subdivision regulations, shall include a topographic survey, shall show the location and hierarchy of streets and public open spaces, location of residential, commercial, and civic building lots, street sections and/or plans, a master sign program, an outline of any regulatory intentions, phasing, and any other necessary information, including building elevations, which may be required to evaluate the interior pedestrian environment and conditions at project edges.

Regulating code required. A regulating form-based code shall be required with the submission of a TND master plan. Such regulating form-based code shall provide for the development and maintenance of the traditional neighborhood development and shall be an addendum to the district ordinance. The code shall address the essential elements of traditional neighborhood developments, to include, but not be limited to:

- the street, alley, and block structure;
- requirements for build-to lines, yards and building massing;
- the horizontal and vertical mixing of uses;
- the placement of street trees and other natural elements;
- parking locations and requirements;
- the location of squares, greens, plazas, parks and civic buildings (which may be public or private);
- architectural standards addressing building type and basic elements, rather than detailed design;
- contextual design standards that ensure that development responds to the traditional architectural styles of the Town of Wake Forest; and
- use, with standards that are relatively flexible.

C. Development Provisions

Minimum development size: 60 acres.
No maximum development size.
Maximum permitted densities and buffers shall be established during the master plan review process.

D. Design Provisions

Traditional Neighborhood Developments shall generally observe the following design principles:

Neighborhood Form

- All neighborhoods have identifiable centers and edges.
- The entire land area of the TND shall be divided into blocks, streets, lots, and open space.
- Most dwellings shall be within ¼ to ½ mile of the center of the neighborhood (a 5-minute walk).
- Street networks are interconnected and blocks are small.
- Uses and housing types are mixed and in close proximity to one another.
- Civic buildings are given prominent sites throughout the neighborhood.
- Neighborhoods should have a discernible center such as a square or green.
- Small playgrounds or open spaces should be close (not more than 1/8 mile) so that children can walk from their dwelling.
- Buildings at the neighborhood center should be placed close to the street to create a strong sense of place.
- Buildings for meetings, education, religion or culture should be located at the termination of a street or vista.
- There is a variety of dwelling types within the neighborhood.

Land Uses and Allocation of Different Uses

- Permitted uses shall be provided for in the Regulating Code and as shown on the Master Plan.
- Generally for a TND, the general land use categories and the suggested amounts for each, based on total gross area of the neighborhood, are as follows:

Use	Amount
Public	5%
Civic	2%
Shopfront	2-20%
Attached Homes	15-30%
Detached Homes	30%
Business	5-15%

Lots and Buildings

- All lots shall share a frontage line with a street or public space (square); lots fronting on a public space shall have access to a rear alley.
- All buildings, except accessory structures, shall have their main entrances opening onto a street or public space (square).
- No structure shall exceed four stories in height.
- Consistent build-to lines shall be established along all streets and public space frontages.

Streets, Alleys and Sidewalks

- Streets are relatively narrow and shaded by rows of trees.
- Public streets shall provide access to all tracts and lots.
- Rights-of-way and streets are encouraged to differ in dimension and each street shall be separately detailed. Designs shall permit comfortable use of the street by motorists, pedestrians and bicyclists.
- A continuous network of rear alleys is recommended for all lots within the TND.
- Streets and alleys shall, where practical, terminate at other streets within the neighborhood and connect to existing and projected streets outside the development. Cul-de-sacs and dead-end streets are discouraged and should only occur where absolutely necessary due to natural conditions.
- Every street, except alleys, shall have a sidewalk on both sides that is at least 5 feet wide. In shopfront areas, sidewalks shall be at least 10 feet wide.

Parking

- Parking lots and garage doors rarely front streets; parking should be located to the side or rear of buildings and be accessed by alleys.
- To the extent practical, adjacent parking lots shall be interconnected.
- Parking lots and parking garages shall not abut street intersections or civic buildings, be adjacent to squares or parks, or occupy lots which terminate a vista.

E. Supplementary District Regulations

All supplementary district regulations stated in Article VI of this ordinance shall apply unless modified by the Board of Commissioners pursuant to an approved master plan and regulating code for a traditional neighborhood development.

F. Off-Street Parking and Loading

Off-street parking and loading shall be provided as required in Article VII of this ordinance unless modified by the Board of Commissioners pursuant to an approved master plan and regulating code for a traditional neighborhood development.

G. Master Plan Review and Approval Process

1. All traditional neighborhood developments shall follow the procedures and requirements of the subdivision regulations. Design for specific land uses and developments within the TND shall observe the requirements of the site plan and subdivision review process, whichever applicable.

2. Due to the general nature of the requirements for Traditional Neighborhood Developments, the Board of Commissioners may refuse to approve a master plan (or phase thereof) for any of the following reasons:

- **a.** Failure to comply with any specific requirement of this section.
- **b.** Failure to protect nearby properties from the adverse effects of higher intensity uses.
- **c.** Failure to protect the public from dangerous volumes and arrangements of vehicular traffic.
- **d.** Failure to provide acceptable integration of development with surrounding properties.
- **e.** Failure to conform to the general plans for the physical development of the town.

Section 38. C.U. TND, Traditional Neighborhood Development District

Identical to the TND, Traditional Neighborhood Development District except that a Conditional Use Permit is required as a prerequisite to any use or development as provided for in this article.

ARTICLE VI. SUPPLEMENTARY DISTRICT REGULATIONS

Section 1. Curb Cuts

Any business or industry which requires lowered or cutaway curbs, for purposes of ingress or egress, shall be subject to the following provisions:

No more than two (2) combined entrances and exits shall be allowed on any parcel of property, the frontage of which is less than two hundred (200) feet on any one street, and located at a point along the frontage where it is possible for drivers of vehicles entering the highway to see in both directions along the traveled way far enough to allow entering the highway without creating a hazardous situation. Additional entrances or exits for parcels of property having a frontage in excess of two hundred (200) feet shall be permitted after showing of actual requirements of convenience and necessity and upon approval of the Planning Board. Where frontage is fifty (50) feet or less, only (1) combined entrance exit shall be permitted.

At street intersections, no curb cut shall be located within twenty-five (25) feet of the intersection of two curb lines or such lines extended, or within fifteen (15) feet of the intersection of two property lines, right-of-way lines, or such lines extended, whichever is least restrictive.

The distance between any two curb cuts on the same side of the street shall be not less than fifteen (15) feet. Said distance shall be measured between the points of tangency of the curb return radii and the established curb line of the abutting street.

All driveways shall be constructed so as to be at least five (5) feet from any property line, except that a curb return may become tangent to a curb line at a point where said property line extended intersects said curb line.

The minimum width of any one-way driveway shall be twelve (12) feet and the maximum width shall be thirty (30) feet. The minimum width of any two-way driveway shall be twelve (12) feet and the maximum be thirty-six (36) feet measured at the right-of-way line.

Any person or corporation desiring to construct a driveway or other connection within the right-of-way of a State System street or highway shall, before beginning any construction, secure a permit from the Department of Transportation, authorizing construction on the State right-of-way. Driveway connections to residences are normally excluded from this requirement, but may be included at the option of the Department of Transportation.

Failure to secure a permit prior to construction may result in the removal of the driveways and/or denial of access at that location.

Within municipalities having local ordinances affecting driveways, the more restrictive ordinance, municipal or state, shall apply to driveways connecting into state system streets and roads.

Section 2. Visibility at Intersection

On a corner lot in all zoning districts nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impeded vision between a height of two and a half (2-1/2) feet and ten (10) feet in a triangular area formed by a diagonal line between two points on the rights-of-way lines, twenty (20) feet from where they intersect.

Section 3. Building Heights

No building shall exceed thirty-five (35) feet in height except as provided in the Renaissance Area, ICD District and for property located in the Highway Corridor as defined on the Conceptual Objectives Map of the Land Use Management Plan. Church spires, flagpoles, antennas, chimneys, and similar accessories to structures are exempt from this height limitation.

A. Highway Corridor (US-1)

1. The maximum building height shall be 90 feet.

2. Building setbacks and building separation for buildings exceeding 35 feet in the Highway Corridor shall be modified from those in the underlying zoning district as required in the following table:

Building Setbacks for Building Height Exceeding 35 Feet		
	Modified Setbacks (modified from the underlying zoning district to the greater of the following minimum or ratio)	
	Minimum	Ratio of Setback:Building Height
Minimum required depth of front yard:	30 feet	---
Minimum required side yard:	25 feet	(1:2) One foot for every two feet of building height.
Minimum rear yard:	30 feet	(1:2) One foot for every two feet of building height, whichever is greater.
Side adjacent to public ROW:	25 feet	---
Any side adjacent to US-1 ROW:	50 feet	---
Any side adjacent to residentially zoned property	60	(1:1) One foot for every one foot of building height.
Building Separation for Building Height Exceeding 35 Feet		
	Building Separation Between Two Buildings at Their Closest	

	Point (whichever is greater, based on the tallest building)	
	Minimum	Ratio of Separation:Building Height
Face to Face:	30	(1:2) one foot for every two feet of building height.
Face to Side or Face to Rear:	30	(1:2) one foot for every two feet of building height.
Side to Side or Side to Rear	30	---
Rear to Rear:	30	(1:2) one foot for every two feet of building height.

B. ICD District. See Article V. Section 35. ICD, Institutional Campus Development District

Section 4. Signs

It is the purpose of this section to authorize the use of signs whose size, type, and location are compatible with their surroundings; to minimize the detrimental effects of signs; to ensure signs do not become a public hazard or nuisance or traffic hazard; to preserve the characteristics of each district and to protect and enhance the overall appearance of the community. All signs within the Wake Forest planning area shall be covered by these regulations and be erected, constructed, or maintained in accordance with the provisions of this section.

A. General Requirements

1. **Signs Subject to Control:** Unless specifically exempted, no sign visible from a public right-of-way shall be erected, displayed or substantially altered except in accordance with the provisions of this section and until a sign permit has been issued.

2. **Permits:** A permit shall be applied for and received from the Town before erecting, placing, rebuilding, reconstructing or moving any sign except those signs exempt from regulations. Every application for preliminary plan approval shall be accompanied by a plan or plans drawn to scale and including:

   a. The dimensions of the sign.
   b. The dimensions of the sign supporting members.
   c. The maximum and minimum height of the sign.
   d. The proposed location of the sign in relation to the building and/or physical surroundings.
   e. The Underwriters' Laboratory label number shall be required prior to erecting any electrical sign. The following changes shall not require a sign permit:

      1) Change of copy on signs specifically designed for changeable copy.
      2) The electrical, repainting or cleaning maintenance of a sign.
      3) The repair of a sign.

3. **Location:** No non-governmental sign shall be erected or constructed so as to interfere with visual clearance along any street or at any intersection of two (2) or more streets or highways. No non-governmental sign shall be erected upon or encroach upon public rights-of-way, except in the Central Business District, where projecting signs may extend no more than five (5) feet over the right-of-way or sidewalk. In all other districts except residential, HCBD and CBD, no ground signs may be erected unless the building or structure in which activity is conducted is setback at least twenty (20) feet from edge of pavement. No non-governmental sign shall be attached to or painted on power poles, light poles, telephone poles, traffic signs or other objects not intended to support a sign.

4. **Illumination:** No flashing or intermittent illumination shall be permitted on any advertising sign or structure. Illumination devices such as, but not limited to, flood or spot lights shall be so placed and so shielded, as to prevent the rays of illuminating therefrom being cast upon neighboring buildings and/or vehicles approaching from either direction.

5. **Inspections:** All signs for which a permit is required shall be subject to inspection by the Town. A representative of the Town shall be authorized to enter at all reasonable times upon any property or premises to ascertain whether the provisions of the code are being obeyed. The Town may order the removal of any sign that is not in accordance with the provisions of the code.

6. **Maintenance:** Signs shall be kept in proper repair. The owners of any sign judged substandard by the Town of Wake Forest Zoning and Code Enforcement Officer shall be notified in writing and the said owner shall have thirty (30) days in which to make repairs. If the said order is not complied with within thirty (30) days, the Zoning Enforcement Officer shall remove such sign at the expense of the owner or lessee thereof plus a $25 administrative fee.

7. **Material Specifications:** All materials used in signs must meet requirements set forth in the Uniform Building Code governing signs.

8. **Electrical:** All wiring shall be contained in conduit or enclosed in poles or raceways. In no case shall the wiring be exposed to the public.

9. **Removal:** Within thirty (30) days after the termination or relocation of a business at any location within the zoning jurisdiction of the Town of Wake Forest, the business or property owner shall remove any and all signs related to the terminated or relocated business. Conforming signs designed for changeable copy may be covered instead of removed. If the business or property owner fails to remove the sign(s) within the above specified time period, the Zoning Enforcement Officer shall take the necessary actions, as stated in Article IV. Section 9 and 10 of this ordinance, to remedy the violation.

10. **Temporary Signs**

Temporary or portable signs may be permitted in any commercial or industrial zoning district for a period of not over thirty (30) days upon the written approval of the Zoning Enforcement Officer or his/her agent. Such approval shall be limited to non-profit organizations who are exempt by the Internal Revenue Service and to any person(s) or corporation who has opened a new business.

B. Prohibited Signs in All Districts

1. Any sign located in a manner or place which might constitute a traffic hazard.

2. Any sign that uses the word ***"STOP", "SLOW", "CAUTION", "DANGER"***, or any other word which is likely to be confused with traffic directional and regulatory signs.

3. Any sign which by color, location, or nature may be confused with a traffic signal.

4. Any sign which contains, employs, or utilizes lights or lighting which rotates, flashes, moves, or alternates except otherwise approved time and temperature signs. However time and temperature signs that rotate are not permitted.

5. Any sign that obstructs any window, door, fire escape, stairway, ladder, or opening intended to provide light, air, ingress or egress for any building, as required by law.

6. Any sign imitating an official sign, or violating the Law of the State relating to outdoor advertising.

7. Off-premises signs, such as billboards.

8. All portable signs except those associated with gasoline stations, specifically those denoting gasoline prices, gas types and other petroleum related signage. Signs should be located at the pump island.

9. Any sign that utilizes neon-tube lighting as the visible light source.

10. Any sign installed or placed on public property or within a public right-of-way. Such sign shall be forfeited to the public and is subject to confiscation and disposal. In addition to other remedies hereunder, the Zoning Administrator shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.

11. Any sign that covers or crosses an architectural feature.

C. Signs Allowed in All Districts Exempted from Permit Issuance

1. Signs not exceeding two (2) square feet and not illuminated, bearing property numbers, post office box numbers, names of occupants, or other identification of premises not having commercial connotations.

2. Signs directing and guiding traffic on private property, but bearing no advertisement matter. Generic terminology will be permitted on directional signs.

3. Signs associated with municipal, county, state or federal bodies. Temporary political signs advertising candidates or issues which do not exceed four (4) square feet in area per display surface, are not erected in street rights-of-way, are not erected prior to the established filing date for an election and are removed no later than fifteen (15) days after the election.

4. Flags and insignia of government except where displayed in connection with commercial promotion.

5. Real estate signs advertising the sale, rental or lease of the premise on which the said sign is located, provided such signs do not exceed one (1) sign per street frontage; and do not exceed four (4) square feet in area per display surface for a residential premise; or sixteen (16) square feet in area per display surface for a non-residential premise or residential premises exceeding two (2) acres, and are removed immediately after sale or lease of the premise.

6. Public event announcements erected by public or non-profit organizations announcing special events of interest to the general public, provided such signs do not exceed four (4) square feet in area per display surface and are removed within fourteen (14) days of the event.

7. Yard or garage sale signs provided such signs do not exceed one (1) sign per site of such event, four (4) square feet in area per display surface and are removed within seven (7) days of erection.

8. Unit identification numbers shall be located on the front wall within eighteen (18) inches of the entrance, or if not feasible architecturally, prominently displayed on the building. Unit numbers for single-family dwellings only may, in lieu of being located on the front wall, be located on the mail boxes or similar-sized surface attached thereto. Group housing developments which are comprised of courts or units not fronting a public street must located identification signs containing the name of the court, street or way and the unit numbers on each private entrance.

9. Construction signs are not included in this category. A permit is required for all construction signs.

10. Generic, non-advertising, directional, realty signs not exceeding two (2) square feet in size on private property with the owner's permission be permitted.

D. Shopping Centers, Malls, Business Parks and Industrial Parks

A uniform sign plan must be submitted with the development plans for review and approval. The uniform sign plan must include the location, size, design, materials, and colors of all proposed signs.

Signs in this category are subject to the following requirements:

1. Wall Signs: 12" maximum protrusion. Maximum surface areas is 1.5 square feet per lineal feet of each building wall, which can be divided into a maximum of four (4) separate signs.

2. Ground Signs: Each development is permitted either:

a. One (1) ground sign per street frontage for the entire development, including outparcels,

or

b. Multiple low-profile ground signs for the entire development, including outparcels (One (1) per street frontage for the development and one (1) per outparcel).

Ground signs in this category must meet the following criteria:

Street Frontage	Sign Type	Size	Height
Less than 200 feet	Low Profile	32 square feet	3.5 feet
200 feet or greater	High Profile	70 square feet	20 feet

E. Residential Development - PUDS & Multi-family

Each subdivision, planned unit development or multi-family development is permitted a maximum of two (2) permanent ground signs, to be located at each major entrance to the residential development. If the sign is supported by a single pole that pole shall be a maximum height of 8 feet and the sign shall have a maximum surface area of 12 square feet.

Ground signs, other than those supported by a single pole, shall have a maximum surface area of twelve (12) square feet and a maximum height of 6 feet. (Refer to Diagrams 1-4.)

Where a subdivision, planned unit development or multi-family development contains defined pods, phases or subdivisions, one (1) ground sign is permitted for each of these indicating that subdivision's (or development's) name only. If the sign is supported by a single pole, the pole shall be a maximum height of eight (8) feet and the sign shall have a maximum surface area of 12 square feet.

Wall Signs:
(For placement of signs on side of building; attached or painted)

Computation:

Linear feet of building wall facing public road/private access x 15 = Total surface area of wall sign(s) permitted.

If individual letters are attached onto the wall, sign surface is measured by finding the area of the min. imaginary rectangle or square of vertical and horizontal lines which encloses all of the letters.

Computation:

Sign Length x Sign Height = Total surface area of sign.

Diagrams 1-4

Ground signs, other than those supported by a single pole, shall have a maximum surface area of 12 square feet; the supporting structures shall be a maximum height of 6 feet and a total length of 5 feet.

Signs are permitted on decorative or retaining walls at entrances to residential developments without limitation to size of the wall.

F. US-1 Highway and NC-98 Bypass Corridors

Criteria and Standards for free-standing ground signs in all Shopping/Commercial Centers, Business/Office Parks, Industrial Parks, Residential Subdivisions, and Individual lots not associated with any such development.

US-1 Highway and NC-98 Bypass Corridor Free-Standing Monument Signs

Signs located within the US-1 Highway and NC-98 Bypass Corridors shall meet the following criteria:

Sign District	Maximum Sign Area	Maximum Number of signs permitted	Maximum Dimensions
All Residential Zones: RD, R-80W, R-40W, R-20, R-15, R-10, R-8, R-5, MF, and O-I (where applicable); including single family and multi-family subdivisions/developments.	72 square feet	One (1) per road frontage	12' in height 6' in width
All Commercial, Office, and Industrial Zones (HB, NB, O-I, and I); including shopping/ commercial centers, business/ office parks, industrial parks, and individual lots not associated with any such development; with less than 300,000 square feet of building area or less than 400 feet of US-1 road frontage.	72 square feet	One (1) per road frontage	12' in height 6' in width
All Commercial, Office, and Industrial Zones (HB, NB, O-I, and I); including shopping/commercial centers, business/office parks, industrial parks, and individual lots not associated with any such development; with more than 300,000 square feet of building area and more than 400 feet of US-1 road frontage.	105 square feet	One (1) per road frontage	15' in height 7' in width

The following regulations shall be met in addition to the guidelines in the chart above:

1. All ground signs shall be placed immediately adjacent to the right-of-way boundary (or service road boundary), as long as they do not encroach on sight lines.

2. Ground signs shall not be permitted adjacent to US-1 or the NC-98 Bypass on lots with less than 150 feet of continuous US-1 or the NC-98 Bypass road frontage.

3. All ground signs shall be double-sided anodized metal box type signs, internally lit, in the shape of a vertical rectangle.

4. All ground signs shall be free-standing monuments and have a 2:1 height-to-width ratio not to exceed the criteria outlined in the table above.

5. All properties located within the corridors as identified in the US-1 Highway and NC-98 Bypass Corridor Plans are subject to these regulations.

G. Non-Confirming Signs and Discontinuance

1. **Definition:** A non-conforming sign is one that was established prior to effective date of this ordinance or by subsequent amendment thereto, but does not conform to the sign regulations found herein.

2. **Regulations:**

a. No enlargement, extension or structural alterations of any non-conforming sign or part thereof is permitted unless in conformance with the regulations found herein. Removal of a non-conforming sign, except for normal maintenance, will require that sign to conform if it is replaced.

b. If the non-conforming sign is damaged fifty (50) percent or more of its assessed value, such signs may be reconstructed only in compliance with the regulations found herein.

c. Nothing in this ordinance shall prevent the normal maintenance of an existing non-conforming sign.

d. Discontinuance: All non-conforming signs created as a result of the passage of this ordinance shall be allowed to remain in place in accordance with Part 2A, B and C of this Section. Signs erected after the passage of this Section shall conform to the standards set forth herein.

H. Definitions

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

1. ***Awning Sign:*** Any sign painted, stitched, sewn or stained onto the exterior of an awning.

2. ***Construction Project Sign:*** A sign identifying the architects, engineers, contractors and other individuals or firms involved with the construction of a building. The name of the building, the purpose of the building, and the expected completion date may be specified.

3. ***Electronic Message Board:*** An electronically generated changeable copy message within a sign frame which does not incorporate any mechanical movement of the sign itself.

4. ***Ground Sign:*** A sign that extends upward out of the ground.

5. ***Marquee Sign:*** Any sign that appears on an extended roof.

6. ***Menu Board Sign:*** Menu boards shall be allowed only as an accessory use to a restaurant having a drive-through window, provided that such signs shall not exceed 32 square feet in area and five feet in height.

7. ***Portable Sign:*** Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including not limited to, signs attached to

or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

8. ***Projecting Sign:*** Any sign other than a wall sign that is attached to and projects from the wall or face of a building or structure.

9. ***Roof Sign:*** A building-mounted sign erected upon and completely over the roof of a building. This type of sign is only permitted when an existing higher portion of the building exists behind the proposed sign location.

10. ***Wall Sign*****:** Any sign which is attached to or painted on a wall of a building or structure and which displays only one (1) sign surface.

11. ***Wayfinding Sign***: A system of public purpose off-premises signs designed to only lead patrons to special areas and to announce one's arrival into the heart of the community and erected by the Town of Wake Forest or its designee.

12. ***Window Sign:*** Signs shall be allowed on the show window glass of non-residential properties provided that they cover no more than fifty (50) percent of the gross glass area on any one side of the building and they are not separately illuminated.

I. Sign Standard:

1. Sign Area Computation

a. The sign area of a wall sign which consists of individual letters that are printed on or erected directly onto a wall exclusive of any sign surface is measured by finding the area of the minimum imaginary rectangle or square of vertical and horizontal lines which fully enclose all sign words or message.

Diagrams 5-6

<u>Multiple Elevations</u> <u>Multiple Tenants</u>

SIGN
SIGN

Tenant A
(Sign area)
Tenant B
(Sign Area)
Tenant B
(Sign Area)

b. The sign area of signs with three (3) or more sides containing copy, message, decoration or announcement visible from a street, highway or expressway is measured as the sum of the area of any two (2) adjacent sides.

c. The sign area of any other sign is measured by finding the area of the minimum imaginary rectangle or square of vertical or horizontal lines which fully enclose all extremities of the sign exclusive of its supports. Supports include poles, mast or a structure such as a wall that is not unlikely an integral part of or attached to a building. On signs with two (2) display surfaces, the sign area is taken as the total square footage of one (1) display surface.

Diagram 7

d. The sign height for ground signs shall be computed as the distance from: (1) the base of the sign at the finished grade or from (2) the nearest adjacent street grade to which the sign is oriented and on which the lot has frontage, whichever is higher, to the top of the highest component of the sign. Finished grade shall be the grade after construction, exclusive of any filling, berming, mounting, or excavating solely for the purpose of locating the sign.

<u>Ground Signs – Finished Grade Computations</u>

Diagrams 8-9

2. Sign Area Requirements

The following requirements shall apply to all those signs requiring a permit

Ground Signs			
Sign District	**Maximum Height**	**Maximum Square Footage**	**Other**
All Residential Districts	6 ft.	4 sq. ft. ***12 sq. ft**.	***Non-residential uses**
HB	20 ft.	70 sq. ft.	One (1) per business lot
NB	12 ft.	40 sq. ft.	One (1) per business lot
O-I	12 ft.	40 sq. ft.	One (1) per business lot
RA-HC, RA-UC, RA-C	5 ft.	15 sq. ft.	May be placed no closer than 10' from street pavement, monument type, no pole signs.
I	10 ft.	100 sq. ft.	One (1) per business lot
ICD	7 ft.	24 sq. ft.	One (1) per entrance to the campus at public streets and at a major walkway considered to be the main entrance. One (1) per building for identification.

Wall Signs			
Sign District	**Maximum Square Footage**	**Maximum Number**	**Other**
RD, MF, R-15, R-10, R-8, R-5	0.5 sq. ft. per linear ft. of building wall.	2 signs per building wall.	12" maximum protrusion. No sign shall extend above roofline.
HB, NB, O-I, RA-HC, RA-UC, RA-C	1.5 sq. ft. per linear ft. of building wall.	Maximum 4 signs per building wall.	12" maximum protrusion. Wall must face a public street or private access way if building is not adjacent to a public street. No sign shall extend above roofline.
ICD	Maximum of 4 sq. ft. per building entrance Maximum of 24 sq. ft. per building at main entrance	One (1) per building entrance	No sign shall extend above roofline.

Other Signs		
Sign Type	**Sign District**	**Dimensions**
I.D. Plaques	Historic Sites Only	Maximum 4 sq. ft. surface area
Home Occupation	All Residential Districts	Maximum 2 sq. ft. surface area. Attached to building.
Construction Projects	All Districts	Maximum 32 sq. ft. surface area.
Marquee Signs	RA-HC, RA-UC, RA-C, HB	Maximum 32 sq. ft. surface area. Freestanding signs maximum 6 ft. in height May only be used in conjunction with a theater. Project over a public sidewalk no closer than 4 feet to the curb, so as not to interfere with street trees, street lights, or public signs.
Roof Signs	HB, NB, I	1.5 sq. ft. per linear ft. of building wall to be erected upon; and shall be considered in the sum of the permitted area for the wall to which the sign is attached.
Traffic Control & Parking Lot	All Districts	Maximum 6 feet high. Maximum 4 sq. ft. surface area.
Projecting Sign	RA-HC, RA-UC, RA-C	Projecting signs attached to a building in a perpendicular fashion shall be acceptable as part of the overall allowed wall signage. The number of such signs shall not exceed one per tenant. Projecting signs are subject to the following: (1) The sign area for a one-story building shall not exceed 4 sq.ft. per side and for buildings exceeding one-story, the signboard shall not exceed 6 sq.ft. per side. (2) The height of the top edge of the signboard or bracket shall not exceed the height of the wall from which the sign projects. (3) No element of the sign shall hang lower than 7 feet above the ground or pedestrian walkway; (4) Projecting signs may extend over the public right-of-way, but shall not be located closer than 4 feet from street pavement. They shall be mounted and attached to buildings in a secure manner. The sign, brackets and mounting devices shall be maintained in good repair for both safety and appearance. (5) The signboard and the bracket shall not project more than 3 feet from the wall. (6) Projecting signs may be internally illuminated. Any indirect lighting or spot lighting shall require complete shielding of all light sources so as to illuminate only the face of the sign and prevent glare from off-site. (7) All lettering and graphics shall be permanent; changeable copy is prohibited. (8) Three dimensional signs are encouraged.

Other Signs		
Sign Type	**Sign District**	**Dimensions**
Awning, Canopy, & other Suspended Signs	HB, NB, O-I, I, RA-HC, RA-UC, RA-C	Within the allowable wall sign area, suspended signs shall be allowed under canopies or along pedestrian arcades, provided that: (1) Such signs shall not exceed one per tenant in a multi-tenant building entrance; (2) Such signs shall not exceed two square feet in area; (3) No element of the sign shall hang lower than seven feet above the ground or pedestrian walkway; (4) They shall be mounted and attached to buildings in a secure manner, shall not include wire or turnbuckle guy and shall be maintained in good repair for safety and appearance. (3) Such signs shall not be separately illuminated; and (4) Such signs shall contain only the address, suite number, logo or name of the occupant or business served by the entrance.
Time & Temperature	HB, NB, O-I, RA-UC, RA-C	Maximum 20 feet high. ***(HB - Maximum 30 feet high).*** Maximum 12 sq. ft. surface area.
Electronic Message Board	HB, NB	Electronic message boards may be incorporated into wall or ground signs within the overall maximum dimensions. (1) The electronic message board shall not comprise more than 50% of the primary sign area. (2) The electronic message shall not change in increments of less than two minutes and shall not scroll. New messages shall be timed to fade in and out slowly.
Wayfinding (erected by the public on either public or private property)	RA-HC, RA-UC, RA-C	Public Purpose off-premises identification signs, no larger than 1 sq ft. per location, business or facility, may be permitted on public or private property if erected by the Town or its designee.
Banners, Flags, & Pennants (Temporary Use for Special Events)	ICD	*Maximum 32 sq. ft. surface area. Minimum 7 feet clearance if projecting or hung over any sidewalk, for safety reasons. Minimum 10 feet clearance if hung over any street, driveway, alley, or any other vehicular travel way, for safety reasons. More may be required if the street involved warrants it.

Other Signs		
Sign Type	**Sign District**	**Dimensions**
Sandwich Board Signs	RA-HC, RA-UC	(1) Maximum height: 4 ½ ft., including legs. (2) Sign dimensions shall be 2 ft. wide and 4 ft. high with a maximum surface area of 8 sq.ft. per side. (3) Must be constructed of materials that present a finished appearance. Rough-cut plywood is not acceptable. Decorative trim or molding shall surround the message area. The sign lettering shall be professionally painted or applied; a "yard sales" or "graffiti" look with hand painted or paint stenciled letters is not acceptable, however, chalkboard signs shall be permitted. The written message of the sign should be kept to the minimum necessary to communicate the name of the business or a special message of the business; (3) Signs may be mounted on lockable wheels. (4) Sandwich boards shall not be illuminated. (5) Only chalkboard signs shall provide for changeable copy. (6) Signs may be located on a public sidewalk, but must be located such that a minimum of 48 inches unobstructed space is maintained for pedestrians. The sign shall be placed to create the least impediment to pedestrian flow, e.g. between tree grates at curbside. (7) Must be removed at the close of business each day.

** A plan showing diagrams of each type of banner, flag, or pennant and their method of installation must be submitted to the Planning Department for approval at least thirty (30) days prior to the special event making use of these banners, flags, or pennants. The installation cannot be initiated until appropriate approval is received and not more than one (1) week prior to the event. All such banners, flags, or pennants must be removed within three (3) days after the conclusion of the event. Nothing in these requirements shall be construed to imply any restriction or prohibition on the appropriate display of any official flag of the United States, the State of North Carolina or any other governmental entity.*

- *Maximum 32 sq. ft. surface area.*
- *Minimum 7 feet clearance if projecting or hung over any sidewalk, for safety reasons.*
- *Minimum 10 feet clearance if hung over any street, driveway, alley, or any other vehicular travel way, for safety reasons. More may be required if the street involved warrants it.*
- *Manner of installation must be based on established safety standards.*
- *Must be made of fire-retardant material or treated to be fire retardant.*
- *Must not obstruct any fire escape, window, or door, or be placed in such a manner so as to interfere with any openings required for ventilation, nor offer hindrance to fire department equipment or personnel.*
- *Banners, flags, or pennants may be placed in or along the right-of-way of public streets immediately adjacent to the campus providing a letter of permission from the proper utility company and/or property owner, holding the town harmless, is submitted if the banner, flag, or pennant is to be attached to any utility pole or to any tree or other object located on private property.*

Section 5. Recreation Facility Fee Requirements

A. **Recreation Facility Fees**. Pursuant to the authority granted to the Town by the State of North Carolina in Chapter 502, Senate Bill 576 (1989), the Town shall impose a recreation facility fee for each new single-family or multi-family unit development including, but not limited to, condominiums, town homes, apartments, and duplexes built in the Town or the Town's extraterritorial planning area. All developers of residential subdivisions, multi-family developments, planned unit developments and manufactured home parks for which Town approval or permitting is required, or which results in residential real property improvements shall pay the recreation facility fee.

Effective November 17, 1998, no building permit or, for those improvements not requiring a building permit, no other town permits or utilities connections shall be issued or completed for any building or improvement until the recreation facility fee has been paid to the Town in full.

B. **Exceptions.** The Recreation Facility Fee shall not apply to fences, billboards, poles, pipelines, transmission lines, advertising signs or similar structures and improvements, renovations and repairs which do not generate the need for additional or expanded recreational facilities. Furthermore, the recreation facility fee shall not apply to residential subdivisions, multi-family developments, planned unit developments and manufactured home parks, which have received master plan approval or an established zoning vested right prior to the aforementioned effective date.

C. **Fee Amounts**. The recreation facility fee shall be paid to the Town in the amounts as determined by the Board of Commissioners.

D. **Appeals.** Any person who feels aggrieved by any action of the Town in imposing the facilities fee on a development or the Town's classification for the purpose of establishing the rate, must first pay the amount of the facilities fee so charged to him/her, with such amount clearly marked as paid under protest, and thereafter give notice of appeal within a period of thirty (30) days after such payment. Such notice should be delivered by personal service (as defined in Section 1A-1, Rule 4 of the N. C. General Statutes) or registered or certified mail, return receipt requested, directed to the Town Manager. A public hearing shall be held by the Board of Commissioners to review said matter within a period of thirty-five (35) days following receipt of notice of appeal; the decision upon said appeal shall then be subject to review by the Superior Court by proceedings in the nature of certiorari; any petition for review by the Superior Court shall be filed with the clerk of Superior Court of Wake County within a period of thirty (30) days following the date the decision of the Board of Commissioners is delivered in writing to the appealing party, said delivery to be either by personal service or by registered mail or certified mail, return receipt requested.

Section 6. Landscape Standards

A. Purpose: The intent of this section is to provide guidelines and establish requirements for the proper relationships between non-compatible uses; to protect, refurbish, and improve the aesthetic appeal, scenic beauty, historic character and economic value of properties within the town by retention of natural vegetation and placement of necessary landscaping; and establish regulations for better control of the existing environment, visual pollution, erosion and sedimentation control, noise and artificial light and glare for the health, safety and welfare for the Town of Wake Forest.

B. Application of Requirements

1. General provisions: The requirements of this section shall apply to all land, public and private, in the Wake Forest zoning jurisdiction. Occupancy certificates for uses authorized by the zoning ordinance shall not be issued until such requirements are installed, unless provided otherwise in this section. The following categories shall meet the requirements of this section:

X bufferyards
X vehicular use areas
X street rights-of-way
X streetyards
X utility service areas
X streams, creeks, rivers, and lakes

2. Exemptions: None of the requirements listed herein shall apply to the following:

a. Improvements or repairs to interior and exterior features of existing structures or buildings which do not result in expansions or changes in the type of occupancy as set forth in the North Carolina Building Code.

b. A single-family detached dwelling on an individual lot of record.

c. Property covered by an active forestry management plan written by a North Carolina Registered Forester, provided documentation has been furnished to the Town.

3. Pre-existing Development:

a. Preexisting development that does not comply with the requirements of this section will be required to comply with said requirements in the following circumstances:

(1) A change in type of occupancy, as set forth in the North Carolina Building Code;

(2) A change in land use which requires an increase in the number of off-street parking spaces or the provision of a bufferyard;

(3) Additions or expansions which singularly or collectively exceed twenty-five (25) percent of the land area or gross building floor area existing at the effective date of this section.

b. The Town of Wake Forest recognizes that designing preexisting development to meet new regulations is more difficult and expensive than applying these standards to undeveloped properties. Therefore, greater flexibility will be afforded preexisting development in meeting the requirements of this section, in that:

(1) A variance of up to twenty-five (25) percent may be granted by the administrative officer for planting area and dimension requirements where compliance present hardships due to building location, lot size, or vehicular area configuration;

(2) A credit for reducing required off-street parking by one (1) space shall be given for the construction of each landscape island.

4. Procedures

a. When a site plan review is required pursuant to Article IV, Section 12 of this ordinance, or when an application is made for a development permit on any land to which the requirements of this section apply, the development plan shall be accompanied by a landscape plan. The landscape plan shall include the following:

(1) Existing vegetation and landscaping including the location, condition, and diameter at breast height (DBH) of all specimen trees that are 20" DBH and greater and all native flowering trees 8" DBH and greater including their critical root zones; and, any designated Historic or landmark trees;
(2) Locations of new planting material with a plant list that includes common and botanical plant names, baseline requirement (canopy or understory), quantity, caliper, height and spacing;
(3) Locations and dimensions of planting areas, parking lot islands, streetyards and bufferyards, areas of reforestation, and the location and dimensions of walls, berms, and fencing;
(4) The delineation of existing vegetation which is to be maintained or preserved as a Tree Save Area ("TSA") to meet or supplement the requirements of this section including their critical root zones;

(5) Locations of waterbodies and required watercourse buffers, overhead and underground utilities, easements, sight triangles, and the limits of land disturbance, clearing, grading, and trenching:
(6) All applicable details, specifications, procedures and schedules for new tree and shrub installation, transplanting, tree wells, tree staking, etc.;
(7) The location and description of all tree protection measures which are to be utilized;
(8) The planting schedule which is to be followed for the installation of all new plant material;
(9) All notes and certificates as required in subsection M. of this section.

b. All planting materials specified by the landscape plan shall be installed prior to the issuance of the Certificate of Occupancy. Exceptions may be granted by the administrative officer upon petition by the developer of the project. The petition must state the reason for the exception and the new planting schedule to be followed. In the following circumstances, exceptions may be granted for a period not to exceed one hundred and eighty (180) days:

(1) The unavailability of specified plant material;
(2) Weather conditions that prohibit the completion of the project or jeopardize the health of the plant material;
(3) Actions or directives issued by the Board of Commissioners.

The property owner or developer shall submit documentation of the estimated cost for the purchase and installation of the required planting areas and may be required to post a performance guarantee equal to the amount of the contract. Documentation may be a landscaping contractor's bid or contract, a nurseryman's bill, or a similar document.

Town staff may issue a Conditional Certificate of Occupancy but shall not issue a Certificate of Occupancy until the planting requirements have been completed and approved.

C. Tree Preservation Standards

It is the intent of this section to maintain an overall coverage of mature trees for the community as a whole as development occurs by encouraging the retention of existing vegetation and supplemental plantings in order to:

X Maximize the economic vitality and positive community image associated with the Town's mature vegetation, and protect and enhance property values;
X Maintain the aesthetic quality of the community as a whole;

X Moderate climate and reduce energy costs; and
X Mitigate the negative impacts of noise, glare, air and water pollution, and soil erosion on the environment of the Town and on its inhabitants.

Baseline Tree Canopy Coverage Requirement: Land or property to which the requirements of this Section apply, regardless of land use, shall maintain a minimum baseline canopy coverage area of one (1) canopy tree and one (1) understory tree per 5,000 square feet of parcel area. This requirement may be met through the retention of existing vegetation, supplemental plantings, or a combination of both. The following standards shall apply:

1. Priority One Areas: It is the intent of this paragraph to promote the protection of the existing vegetation of these areas of the site since, due to their environmental sensitivity and aesthetic impact, they represent a community asset. Every reasonable effort should be made to meet the baseline canopy coverage area through the retention of existing vegetation in the following Priority One Areas of the site:

X Required Bufferyards between conflicting uses (as defined in this Section);
X Thoroughfare Buffers and Streetyards;
X Watercourse Buffers and Wetlands;
X Conservation Easements;
X Special Flood Hazard Areas, as defined in Article XIII of this Ordinance;
X Historic, Landmark and/or Specimen trees which meet the requirements of this Section.

Standards for tree protection shall be utilized as outlined in this Section.

2. Additional Tree Preservation
In addition to Priority One areas, the following incentives are offered to encourage tree preservation for additional portions of the site:

a. Single-family Residential:
(1) Reduction to a maximum of 20% of minimum lot size when a corresponding Tree Save Area is established; and,
(2) Reduction to a maximum of 50% of required street tree or buffer plantings for every 200 square feet of TSA established in or along a street or bufferyard; and,
(3) Flexibility in other design requirements will be considered on a case-by-case basis to accommodate the establishment of a TSA.

b. Multi-Family Residential or Non-Residential:

(1) Reduction to a maximum of 20% of minimum parking requirement when a TSA is established by one (1) space per 200 square feet of TSA; and

(2) Reduction to a maximum of 50% of required parking lot planting when a TSA is established adjacent to a parking area by one (1) tree per 200 square feet of TSA; and

(3) Flexibility in other design requirements will be considered on a case-by-case basis to accommodate the establishment of a TSA.

3. **Tree Save Areas**: Trees survive the stress of construction best when they are left in stands or larger groupings. For that reason, it is encouraged that, wherever possible, the site should be designed and developed so that Tree Save Areas (TSAs) are designated in a single, contiguous unit. In order to qualify for the purpose of meeting the requirements of this Section, designated Tree Save Areas must conform to the following standards:

a. Minimum Dimensional Requirements: The extent of the Critical Root Zone (CRZ) of the tree or trees at the outer edges of the Tree Save Area shall constitute the limits of construction for the purposes of this sub-section (see detail 1).

b. Minimum Content Requirements: Existing vegetation on a site will be found in groups of varying size, species, and quantity. Since it is the intent of this section to preserve the larger, mature canopy trees on a given site, the TSA should contain, as determined by an informal site assessment, predominantly canopy tree species which are at least 2" caliper and a minimum of 10' in height. It is not the intent of this paragraph to require a formal tree survey.

c. Maintenance & Ownership: When a TSA is established in association with the incentives as listed in this section, it should be designated, where possible, as a dedicated open space, or in a conservation easement.

d. Tree Removal Inside Tree Save Areas: Trees that are in poor health may be removed from Tree Save Areas. All tree removal within TSA must have prior approval by town staff pursuant to the provisions of this section. However, in an emergency situation due to storm damage, or to alleviate an imminent hazard to the health, safety and welfare of the citizens, or to repair property damage, prior approval for tree removal in previously approved designated areas is not required.

4. **Credits**

Credit may be applied toward the baseline tree canopy requirements by the preservation of existing trees in Priority One Areas as well as other additional tree preservation areas on site. Credit will only be applied to existing vegetation that is healthy and meets the requirements of this section. Tree credit rates for each tree preserved shall be determined by the following methods, schedules and standards:

a. Credit for Preservation of Wooded Areas (Priority One or other locations).

In order to receive credit for wooded areas, the trees contained in these areas shall be a mixture of healthy and useful canopy and understory trees. The method for calculating tree credits in wooded areas is as follows: one tree per 700 square feet of protected area. Watercourse buffer areas and wetlands are not eligible for the tree credit and the respective amount of parcel area is exempt from the baseline tree coverage requirement.

b. Credit for Preservation of Specimen Trees

Existing DBH of Preserved Tree(s)	**Number/Type (Canopy or Understory) of Tree Credits**
8" + (Understory)	2 / Understory
20" – 30"	3 / Canopy
31" – 41"	4 / Canopy
42" +	5 / Canopy

DBH shall be rounded off to the nearest inch.
Trees must be of Specimen quality. See standards for specimen trees.

c. All Other Trees
All other trees preserved will receive one (1) tree credit with the exception of trees less than 2.5 inches caliper and trees with less than 10 years of remaining life.

d. Dead or Unhealthy Trees
1) No credit will be allowed for any dead tree, any tree in poor health, or any tree subject to grade alterations.
2) The death or unhealthy state of any tree(s) used for preservation credit, within three (3) years of establishing the TSA, shall require the property owner to plant new trees equal to the number of credited trees.
3) If any tree(s) used for preservation credit is improperly protected or determined to be hazardous, town staff may require new trees be planted equal to the number of credit trees.
4) Town staff may require trees left outside preservations areas to be removed if improperly protected or determined to be hazardous.

e. Land Dedication
Land that is dedicated to the Town that is part of the property being developed may be used towards the tree preservation requirement, if the dedicated land contains trees that meet the requirements above.

D. Tree Protection Standards

It is the intent of this Section to establish minimum standards of protection in order to ensure that trees which are to be saved remain undamaged, thus improving their long-term chances of survival.

1. **Clear Delineation.** Tree Save Areas, buffers or other areas where existing vegetation is to be preserved shall be delineated on the construction site as it is shown on the approved landscape plan.

   a. 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 to the CRZ. In some instances, town staff may require an additional area of no disturbance.

   b. Fencing of areas adjacent to existing and proposed roadways also is required. Fencing is required on all Town and Department of Transportation road projects that are adjacent to protected streetscapes or buffers.

   c. The tree protection fencing shall be clearly shown on the site and/or subdivision plan. No construction, grading, equipment or material storage, or any other activity shall be allowed within the fenced area.

   d. All fencing required by this section shall be orange polyethylene laminar safety fencing a minimum of four-feet high and of durable construction. Any deviation must be authorized by town staff, in advance of placement.

   e. Signs shall be installed on the tree protection fence visible on all sides of the fenced in area (minimum one on each side and/or every 150 linear feet). The size of each sign must be a minimum of two feet by two feet and shall contain the following language in English and Spanish (see detail 2) : "TREE PROTECTION ZONE, KEEP OUT". Any deviation must be authorized by Town staff, in advance of placement.

   f. A stop work order or notice of violation shall be issued if project is found to be out of compliance with this section or an approved Landscape Plan.

   g. All protected trees must be protected from silt.
      (1) Silt fencing reinforced with wire mesh fencing must be placed along the outer uphill edge of the tree protection zones at the land disturbance interface.
      (2) Silt fencing should be backed by 12 gauge, 2 inch x 4 wire mesh fencing in areas of steep slope. Steep slopes are defined as greater than 3H:1V.
      (3) All erosion control measures must comply with Town of Wake Forest standards.
      (4) A combination tree protection and silt fence is an acceptable option (see Detail 3).

   h. All tree fencing and erosion control barriers 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 of Wake Forest.

2. **Land Disturbance.** There shall be no clearing, excavation, soil compaction or changes of the existing grade within the delineated Tree Save Area or Tree Protection Zones. Should the removal of underbrush vegetation take place, every effort should be made to minimize the disturbance by heavy equipment, soil compaction, etc.

3. **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 Save Areas and Tree Protection Zones.

4. **Encroachments**
If during the course of construction, it does become necessary for activities to take place inside TSA or Tree Protection Zones, then the appropriate Town staff shall be consulted, in advance of any activity. Such activities include but are not limited to the erection of scaffolding, vehicle movement, trenching or excavation. Town staff shall recommend the most appropriate way to undertake such activities and suggest possible alternatives. If such an encroachment is anticipated, the following preventive measures shall be employed at a minimum:

a. Utilities. Where utilities must encroach upon a delineated Tree Save Area or Tree Protection Zone, they should be installed by tunneling, rather than by trenching (see detail 4). If it is necessary for roots to be disturbed, then proper root pruning procedures shall be employed (see detail 16 for tree & overhead utilities).

b. Clearing Activities. The removal of trees adjacent to tree saved areas can cause inadvertent damage to the protected trees. Wherever possible, it is strongly recommended to cut minimum one and one/half-foot trenches along the limits of land disturbance, so as to cut, rather than tear, roots.

c. Soil Compaction: Where compaction might occur due to traffic or materials through the tree protection zone, the area must first be mulched with a minimum four-inch layer of processed pine bark or wood chips or a 6-inch layer of pine straw (see Manual of Specifications). Equipment or materials storage or disposal shall not be allowed within tree protection areas.

5. **Pruning.** Prior to establishing a tree save area or tree protection zone, prune trees to be protected, focusing on removal of dead or broken branches (see detail 5). The purpose of this maintenance is primarily safety, but it also serves as a monitor for any new damage they may occur during construction. No additional pruning during the course of construction is allowed, unless directed by Town Staff to do so.

E. New Planting and Replacement Standards:

1. Plant Species. Plantings installed to meet the baseline vegetation requirement and other requirements of this Section shall be chosen from the Official Planting List as outlined in this Section. Substitutions may be made only by advance approval of town staff.

2. Minimum Tree Planting Size. The minimum tree size at planting is dependant on whether the species is drought tolerant, not drought tolerant, native or not-native. Specific minimum tree sizes are listed below.
   a. Canopy Tree Size: Drought tolerant or native canopy trees must be a minimum of two (2) inches in caliper or evergreen equivalent (see ANSI Z60.1-2004), measured six (6) inches above grade, when planted.
   b. Understory Tree Size: Drought tolerant or native understory trees must be a minimum of two (2) inch in caliper, measured six (6) inches above grade, when planted.

   When selecting species for planting, the Town of Wake Forest Urban Forestry Report shall be referenced as a guide to promote tree diversity.

3. Minimum Shrub Planting Size. At the time of planting, all shrubs except for shrubs planted as part of a buffer requirement shall be a minimum of eighteen (18) inches in height or spread and reach a minimum height of thirty-six (36) inches and a minimum spread of thirty (30) inches at maturity. Shrubs required in buffers shall be a minimum of three (3) feet in height at time of installation measured above grade and reach a minimum of six (6) feet in height at maturity and shall be spaced a minimum of five (5) feet on-center.

4. All planting areas that are adjacent to parking or vehicular use areas shall be protected from vehicular intrusion or damage from excessive vehicular lubricants or fuels.

5. Landscaping shall not obstruct the view of motorists using any street, parking aisle, private driveway or the approach to any street intersection so as to constitute a traffic hazard or a condition dangerous to public safety.

6. Plant materials used in conformance with the provisions of this section shall conform to standards promulgated by the American Association of Nurseryman in "American Standards for Nursery Stock" (ANSI Z60.1-2004), as amended from time to time hereafter. All plant material shall be free of disease and pests and be in vigorous health.

7. Required trees and shrubs may be planted in utility easements with written approval of the easement owner.

8. All plantings shall be mulched with 3 inches of shredded bark or 4 inches of pine straw to the dripline. The mulch shall be free of trash and maintained weed free thereafter. (See Detail 6).

9. All required trees shall be allowed to reach their mature size and shall be maintained at their mature size. Trimming and pruning shall be done in strict accordance with the ANSI A300 standards, as amended from time to time hereafter. Topping is not an acceptable pruning practice. Town staff may require the removal and replacement of any tree(s) that have been topped or excessively trimmed.

10. Staking is required only when a plant is unable to support itself with its existing root system. Examples of this are: bare rooted plants, a strong wind situation, loose soil, wet conditions, steep slopes and large size plant material. Tree ties are to be a soft, wide (minimum, 1 inch) polymer material. Ties are to be removed after one year following installation. (See Details 7 & 8).

11. Soil modifications shall be required on sites where the soil is poor in quality and structure. Soil modifications may include tilling, deep ripping, addition of nutrition/fertilizer or other organic compounds, conditioning additives to effect a change in the water holding capacity of the soil, soil structure, soil texture, and Ph, such as gypsum, sand, lime, dolomite, chemicals, mulches, otherwise.

12. Replacement of Specimen Trees

    a. When a specimen tree is removed from a site during construction, or dies within one year following construction, the applicant or developer shall replace such tree on the lot according to the following requirement: one 3" caliper tree per 8" of DBH, or any remainder thereof.

    b. In consultation with the Town staff, acceptable replacement trees shall be determined by a person qualified by training or experience to have expert knowledge of the subject. Alternatively, the valuation of trees removed may be established in accordance with standards established by the International Society of Arboriculture and replaced with landscaping of equal dollar value at the time of loss or removal.

13. Replacement of damaged, removed or excessively pruned trees and vegetation.

    a. Where the size (caliper/diameter, height, spread) and quantity of damaged vegetation can be documented, an equal amount of new vegetation ("inch for inch") shall be used to quantify the replacement vegetation. Replacement vegetation shall meet or exceed the requirements of this section.

b. Inch for Inch Replacement. Any tree that is damaged, removed or excessively pruned shall be replaced with one or more trees that have a caliper of at least 2 inches each and a cumulative caliper/diameter equal to or greater than the DBH of the original tree. In the case of removal, the DBH shall be the size of the stump or in the estimation of town staff.

c. Area Replacement. For all other cases where existing vegetation is damaged or removed, the type and amount of replacement vegetation required shall be the type and amount that is necessary to provide the type of landscaped areas required under this section and/or as required by the approved landscape plan.

d. Location of Replacement Vegetation. Replacement vegetation should be located within the vicinity of the violation. If replacement is not practical within the vicinity, a more suitable location on the site may be selected. If no suitable location can be found, a monetary payment may be required. This monetary payment will be based on the current market price for any replacement tree(s) and/or shrubs. This payment shall be used to fund plantings on public properties.

14. Replacement trees shall be maintained through an establishment period of at least one year. The applicant may be required to post a performance guarantee acceptable to the Town guaranteeing the survival and health of all replacement trees during the establishment period and guaranteeing any associated replacement costs. If the replacement trees do not satisfactorily survive the establishment period in the judgment of town staff, the performance guarantee will be used to purchase and install new replacement trees.

F. Specimen, Historic and Landmark Trees

It is the intent of this section to promote the preservation of trees which are of a significant enough size and/or of such a historic nature as to be an asset to the community as a whole.

1. **Specimen Trees:** Where there exist one or more Specimen Trees on property subject to the regulations of this section, every effort shall be made to preserve and protect that tree or trees, according to the protection standards as outlined in this Section. For the purposes of this Section, Specimen Trees shall be defined as those trees which meet one or more of the following:

a. Any tree in fair or better condition which equals or exceeds the following diameter sizes or which otherwise is noteworthy because of species, age, size, or other exceptional quality, uniqueness and rarity:

Tree Type	Tree Diameter size
Canopy	20” DBH
Understory	8” DBH *

* Reference ANSI Z60.1-2004 for multi-stem trees.

A tree in fair or better condition must meet the following minimum standards:

i. A life expectancy of greater than 10 years;

ii. A relatively sound and solid trunk with no extensive decay or hollowness, and less than 20 percent radial trunk dieback;

iii. No more than one major and several minor dead limbs;

iv. No major insect or pathological problem.

b. Designation as a ■Champion,• Landmark,• or ■Meritorious• Tree by the Wake County Capital Trees Program;

c. Designation as a Landmark Tree by the Wake Forest Board of Commissioners.

2. **Historic Trees:** Where there exists one or more designated Historic Trees on property subject to the regulations of this Section, every effort shall be made to preserve and protect that tree or trees, according to the methods outlined in this Section. For the purposes of this section, Historic Trees shall be defined as those trees which meet one or more of the following:

a. Designation as a ■Historical Tree• by the Wake County Capital Trees Program;

b. Designation as a ■Historic Tree• by the Wake Forest Board of Commissioners.

3. **Designation:** Upon petition by the owner of the property on which the tree(s) is located, and the recommendation of the Wake Forest Tree Board, the Wake Forest Board of Commissioners may designate a specific tree or group of trees as either ■Landmark,• ■Historic,• or both. In order to be designated as such, the following criteria must be demonstrated by the owner:

a. Landmark Trees

i. Using the measurement and point system established for state and national champion trees, a nominated tree must have a point total of at least 50% of the current state champion for the particular species; or be a highly visible or recognizable tree or group of trees which has significance for the entire community; and,

ii. Must exhibit such health, condition, and form as to have a reasonable prospect of continuing useful life.

b. Historic Trees

i. Must be at least fifty (50) years old and exhibit such health, condition, and form as to have a reasonable prospect of continuing useful life; and,

ii. Must be associated with a specific and significant historic event or individual; or contribute to the character of a historic building or property.

G. Bufferyard and Screening Requirements

1. **Bufferyards:** Where there are competing or conflicting land uses and/or differences in the intensity of the land uses, bufferyards and screening shall be required according to the following:

   a. The designated bufferyards are intended to be an aggregate dimension between the competing uses.
   b. If a proposed use is to develop next to an undeveloped or vacant property, the proposed use will be required to designate one-half of the required bufferyard, but not less than 10 feet in width, based on the previous use or the potential use of the adjacent property. The potential use of the adjacent property will be determined by the existing zoning or the proposed use as shown on the Land Use Management Plan.
   c. If a proposed use is to develop next to an existing land use which was not previously required to create a bufferyard, the proposed use will be required to create the entire bufferyard.
   d. Perpendicular encroachments by driveways, pedestrian-ways, and utilities are permitted, but should be minimized to the extent feasible.
   e. Bufferyards shall range in width from ten (10) to one hundred (100) feet. The following table illustrates the required bufferyard widths:

	Land Use on Adjacent Property							
Proposed Use	#1	#2	#3	#4	#5	#6	#7	#8
#1	0	10	10	20	20	20	50	100
#2	10	0	0	20	20	20	50	100
#3	10	0	0	10	20	20	50	100
#4	20	20	10	0	20	20	50	100
#5	20	20	20	20	0	10	10	20
#6	20	20	20	20	10	0	10	20
#7	50	50	50	50	10	10	0	10
#8	100	100	100	100	20	20	10	0

1 - Agricultural/Recreational
2 - Detached Dwelling Units (15,000± square foot lots)
3 - Detached Dwelling Units (8,000 to 14,999 square foot lots)
4 - Detached Dwelling Units (-8,000 square foot lots) and Multi-Family Units
5 - Office & Institutional
6 - Light Commercial (flex space, single use retail and business)
7 - Heavy Commercial (shopping centers, big box retail)
8 – Industrial

f. Ownership of Bufferyards.

(1) Any required bufferyard, including those required as a zoning condition, for a single-family or two-family residential development shall not be credited toward meeting the minimum lot size requirements. The residential bufferyard shall be a separate lot and owned by a separate entity such as a property owner's association.
(2) Where control and/or ownership of the bufferyard is by a separate entity, any disturbance, modifications, removal or damage to the bufferyard by an adjacent homeowner or resident is prohibited.
(3) The property owner's association or owner shall be responsible for the maintenance and any violation related to the bufferyard as defined in this section.
(4) Bufferyards may be included within residential lots only when all of the following conditions are met:
(a) The subdivision is limited in size and has no homeowners association; and
(b) There is no reason for the formation of a homeowner's association other than to retain ownership and maintenance responsibilities for the bufferyard; and
(c) The buffer is placed within a permanent conservation easement or other legal instrument dedicated to the Town of Wake Forest.

2. Screening:

a. Bufferyards shall be required to meet the following minimum screening rate requirements:

	Type A (see detail 9)	Type B (see detail 10)
Adjacent Land Uses	Residential vs. Non-Residential	Residential vs. Residential and Non-Residential vs. Non-Residential
Minimum # of Canopy Trees	3 per 10 feet of buffer width and 100 feet of buffer length	2 per 10 feet of buffer width and 100 feet of buffer length
Minimum # of Understory Trees	2 per 10 feet of buffer width and 100 feet of buffer length	1 per 10 feet of buffer width and 100 feet of buffer length
Minimum # of Shrubs	20 per 10 feet of buffer width and 100 lf of buffer length at 5'o.c. min (3' min at planting; 6' min at maturity)	14 per 10 feet of buffer width and 100 lf of buffer length at 5'o.c. min (3' min at planting; 6' min. At maturity)
Minimum % Evergreen	50% of trees 100% of shrubs	50% of shrubs and trees

b. Existing vegetation in bufferyard areas which meets the minimum standards for a Tree Save Area (TSA) shall qualify for the screening requirements. Where existing vegetation is insufficient or must be removed due to construction activity, new plantings shall be used to supplement any remaining existing vegetation in order to meet the minimum screening requirements.

3. **Additions to Buffers and Screening.** When it is determined that the conflict of land use is so great that the public safety is not served adequately by the minimum buffer and screening requirements, or where there is a need to prevent obvious visual disorder of land uses, then the Board of Commissioners may require the installation of fencing or earthen berms in addition to buffers and screening. When required by this section, the following standards shall apply:

a. Fencing:

(1) In all cases, the finished side of the fence must face the use with the lower intensity.

(2) Masonry, stone, block wall, brick or board fence of solid appearance, which complies with the purposes stated by the Board of Commissioners

(3) Required where a high degree of visual, audio, or physical disorder prevails.

(4) A decorative fence constructed of masonry, ornamental block or wood, required when physical screening is needed, but to a lesser extent than described in subsection ■a,• above.

(5) The height of the fence shall be determined by the Board of Commissioners based on the following variables: site conditions; topography; use; and/or building height. The minimum height of a fence required by this section shall be four (4) feet, and the maximum height shall be eight (8) feet.

b. **Berms**. Earthen berms may be required in combination with plant material and fencing for the purposes of screening. Berms shall be tapered appropriately to allow for practical maintenance.
(1) The slope of all berms shall not exceed a 2:1 ratio (horizontal to vertical), shall have a top width at least one-half the berm height, and a maximum height of six feet above the toe of the berm.
(2) All berms regardless of size, shall be stabilized. Topsoils brought in for mounds are to be mixed with native soil to avoid interfacing problems.
(3) Berms shall be constructed as to provide adequate sight distances at intersections and along all roads.
(4)Berms proposed to satisfy the screening requirements of this section shall be vegetated as required by this section. Use of berms as a substitute for existing healthy vegetation is strongly discouraged.

c. All above ground utility boxes, mechanical equipment, and refuse containers shall be screened for their entire length except for necessary access. Screening shall consist of evergreen shrubs, fencing, walls or berms, and shall comply with all other standards of this section.

H. Streetyard Requirements

It is the intent of this section to ensure that Wake Forest remains a community of tree-lined streets in order to reduce excessive noise, glare, and heat, and to ensure the aesthetic quality of the Town•s new neighborhoods.

1. **Street Trees.** Street trees should be planted within the public right-of-way to create a more pleasing view and allow for the continuity of canopy cover. However, where not practical due to the location of utilities or other site constraints, street trees may be planted on private property upon dedication of a tree easement. Street trees shall be installed according to the following standards:

a. One (1) canopy tree for every fifty (50) linear feet of planting area, or fraction thereof equal to or greater than twenty-five (25) feet; or

b. One (1) understory tree for every thirty-five (35) linear feet of planting area, or fraction thereof equal to or greater than eighteen (18) feet; or

d. A combination of both canopy and understory trees, such that the total number of trees is based on the same ratio as stated in (a) and (b).

d. Arrangement of and distance between trees is at the owner's option, except that the following minimum spacing applies:
   X Twenty (20) feet between canopy trees
   X Fifteen (15) feet between canopy trees and understory trees
   X Eight (8) feet between understory trees

e. Street trees shall be located and installed as shown in detail 11.

f. Linear feet of planting area shall exclude access drives.

2. Special Area Planting Requirements

a. If there exists an adopted corridor plan or planting standards for a specific street, the Owner must adhere to those standards;
b. If the development abuts US-1 or the NC-98 By-pass, the Owner is required to retain the existing vegetation within the street yard. If the parking lot for the development is located in the rear of the development or if the development has frontage on a service road, the street yard shall be thirty (30) feet. Otherwise, the street yard shall be fifty (50) feet. Within the required street yard, plantings shall consist of a minimum of five (5) canopy trees for every fifty (50) linear feet of frontage.

3. Streetyard Buffer Requirements

a. Unless required elsewhere in this section, the width of the streetyard for non-residential uses shall be a minimum of 30 feet along thoroughfares and collector streets designated on the Wake Forest Transportation Plan, as measured from the ultimate right-of-way line. For residential developments along thoroughfares, the width of the streetyard, as measured from the ultimate right-of-way line, shall be a minimum of 50 feet; along collector streets, a minimum of 20 feet shall be provided.
b. The Board of Commissioners or Town Staff may reduce or waive the prescribed width of a streetyard at the time of site plan or subdivision plan approval based on plans adopted for specific areas of the town. On redeveloped sites or existing nonconforming sites, the town staff may reduce or eliminate the streetyard to promote redevelopment and reuse of existing sites where it is impractical to meet current requirements.

I. Landscaping of Vehicular Use Areas

1. Screening: All off-street parking, loading areas, and service areas adjacent to and/or visible from a public right-of-way and adjacent properties shall be screened from view by use of one or more of the following (see detail 12):

   X a building or buildings;
   X a change in topography;

X a planting area a minimum of eight (8) feet wide planted with evergreen shrubbery placed a maximum of five (5) feet on center. All shrubs shall achieve a height of four (4) feet within 3 years (see detail 13).

X fencing, walls, or berms.

2. In addition to screening requirements, canopy trees shall be installed to provide shade coverage for all parking spaces within vehicle service areas and shall meet the following:

X a minimum of 300 square feet in planting area per canopy tree.

X a minimum horizontal dimension of nine (9) feet measured from back of curb, pavement, sidewalk or other separating structure for planting areas (see Detail 14).

X a continuous linear planting strip shall be provided between each two parking bays (see Detail 15).

X all parking spaces, or portions thereof, shall be within 61 feet of a planted canopy tree trunk.

X evergreen groundcover and/or shrubs planted at a minimum of three feet (3) feet on center for the balance of the island.

X barriers, such as wheel stops or 6" standard curbs, must be provided between vehicular use areas and landscaped areas

3. All loading and service areas shall be screened for their entire length except for necessary access. Screening shall consist of evergreen shrubs, fencing, walls or berms, and shall comply with all other standards of this section.

J. Watercourse Buffer Areas

It is the intent of this section 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 development adjacent to these natural and/or built features, resulting in a net reduction of pollutants that enter these water features.

1. Natural Assets. In all cases where development is proposed adjacent to streams, rivers, creeks, lakes, or ponds, every effort should be made to preserve these natural assets and protect water quality.

2. Neuse River Riparian Buffers. Within the Neuse River Basin, the Neuse River Riparian Buffer is a type of protected watercourse buffer regulated by the NC Division of Water Quality pursuant to 15A NCAC 2B.0233, as amended.

   Within the Neuse River Basin, single family residential lots platted prior to July 27, 2000 or residential subdivision plans submitted to the Town prior to July 27, 2000 shall be exempt from *Activity within Riparian Buffer (J.2. above)* requirements. A minimum of 30-foot buffer shall be required where practicable.

3. Drainageway Buffers. Within water supply watershed protection zoning districts as defined in Article V. of this ordinance, drainageway buffers are a type of watercourse buffer regulated by the Town of Wake Forest.
Drainageway buffers shall be measured perpendicular to the top of stream bank and shall apply concurrently with the Neuse River Riparian Buffer requirements, where applicable. For new developments, the most restrictive watercourse buffer requirements shall apply.

4. All surface waters shall be determined by a qualified professional 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 NC Division of Water Quality. Those surface waters found not to be subject to the Neuse River Riparian Buffer Rules shall be subject to the following:

   a. When located in the Falls Lake, Smith Creek or Richland Creek Water Supply Watersheds, the provisions for Watercourse Buffer Areas, as stated in Sections 31, 33, 34 and 36 of this Ordinance, shall apply. For intermittent surface waters, a drainageway buffer shall be maintained along each side and shall be a width of fifty (50) feet.

   b. When located in the balance of the Town's jurisdiction, a drainageway buffer shall be maintained along each side of perennial and intermittent surface waters and shall be a width of fifty (50) feet. Drainageway buffers shall remain natural and undisturbed except as may be necessary to accommodate any of the activities as defined in 15 NCAC 2B.0233 as amended, and if allowed by Part M. *Tree Clearing Permit*.

5. Exclusion of Watercourse Buffer Areas from Lots. Generally, no single-family lots created through a site and/or subdivision plan shall be platted into a watercourse buffer area. However, the Board of Commissioners may allow watercourse buffers to be included in lots only 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).

K. Maintenance & Enforcement

It is the intent of this section to ensure that the planting and preservation areas established to meet the requirements of this section are maintained, and to ensure that violators of these requirements are dealt with properly.

1. **Maintenance**. It shall be the responsibility of the property owner(s) to ensure that all regulated landscaped areas, buffers, fencing, and Tree Save Areas are installed, preserved, and maintained in good growing conditions, appearance, and usefulness. Damage and disturbances to these areas shall result in vegetation replacement and/or fines and other penalties. Preservation and maintenance shall include:

   a. Any dead, unhealthy, or missing vegetation, shall be replaced with vegetation that conforms to the standards of this section and the approved site and/or subdivision plan.

   b. All required buffers, streetyards, vehicular use areas, tree save areas and other landscaped areas shall be free of refuse and debris, shall be treated for pest/diseases in accordance with the approved site and/or subdivision plan, and shall be maintained as to prevent mulch, straw, dirt, or other materials from washing onto streets and sidewalks.

   c. The owner(s) shall take actions to protect all plant material from damage during all facility and site maintenance operations. All plant material must be maintained in a way that does not obstruct sight distances at roadways and intersections, obstruct traffic signs or devices, and interfere with the use of sidewalks or pedestrian trails. Plant material, whether located within buffers, tree save areas, or within planted areas (required by the site and/or subdivision plan) shall not be removed, damaged, cut or severely pruned so that their natural form is impaired. Shrubs within vehicular use areas, streetyards, and street fronts may be pruned, but must maintain at least three feet in height.

   d. In the event that existing required vegetation located within any buffers, tree save areas, streetyards, vehicular use or other landscape areas poses an immediate or imminent threat to improved structures on private property or public property, excessive pruning or removal of the vegetation may be allowable provided authorization is obtained from the Administrative Officer, and the performance standard of the landscape area is maintained consistent with this section. Replacement vegetation may be required as a condition of the permit.

   e. In the event that any vegetation or physical element functioning to meet the standards of this section is severely damaged due to an unusual weather occurrence or natural catastrophe, or other natural occurrence, the owner may be required to replant if the requirements of the section are not being met. Replacement vegetation shall conform to the standards of this section and the approved site and/or subdivision plan.

f. Landscape Maintenance Plan. The following statement shall be placed on the landscape sheet prior to plan approval. This statement must be individualized based on each site and/or subdivision plan. This should be done by a certified landscape architect.

"The owners of the property and their agents, heirs, or assigns shall be responsible for the installation, preservation, and maintenance of all planting and physical features shown on this plan. The owners shall be responsible for maintenance of the vegetation, including but not limited to:

1. *Fertilization (optional).*
2. *Pruning within limits (applicant must define limits).*
3. *Pest control.*
4. *Mulching.*
5. *Mowing (if any).*
6. *Protection of the root zones from equipment, construction and related materials, etc.*
7. *Method of irrigation.*
8. *Other continuing maintenance operations.*

Failure to maintain all plantings in accordance with this plan may constitute a violation of this Ordinance and may result in fines."

2. Enforcement Authority and Penalties.

The failure to comply with the landscaping and maintenance requirements of this section, or the unauthorized disturbance, damage, removal or excessive pruning of vegetation within any required buffers, tree save areas, streetscapes, vehicular use areas, or other landscape areas required by this section, or by a zoning condition, shall constitute a violation of this Ordinance.

a. The authority to determine whether the regulations of this ordinance have been met shall rest with town staff. Appeals of a decision of town staff shall be taken to the Board of Adjustment.

b. Notice of violation shall be sufficient if directed to the developer, owner(s), the agent of the owner(s), or the contractor, and left at his/her known place of business or residence. The notice of violation shall state the specific violation, indicate the remedy and time period for correcting the violation and, whether fines and/or civil penalties are due..

c. Failure to comply within the time period specified by the notice authorizes town staff to initiate any civil or criminal action as provided for in Article IV, Sections 9 and 10 of this ordinance.

d. Fines and Stop Work Orders

Fines and/ or stop work orders shall also apply for disturbing, damaging, removing, excessively pruning, and/or destroying protected vegetation, specimen trees, buffers, streetyards, TSAs or other landscaped areas as required by this section on private and public property.

(1) A base fine of $2.00 for every square foot of area of the CRZ occupied by the damaged or removed vegetation within any areas required to be protected under this section, including but not limited to: TSAs, riparian buffer zones, buffers, streetyards, vehicular use areas, and other landscape areas. The base fine shall not exceed a total of $20,000 per site. In determining the amount of the fine, town staff shall consider the degree and extent of harm caused by the violation, the cost of rectifying the damage, and whether the violation was committed willfully.
Payment of these fines shall be made to the Town at a time deemed appropriate by town staff.

(2) A base fine of $100 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 town staff.

L. Alternate Methods of Compliance

General Provisions

1. Alternate landscaping plans, plant materials, planting methods or reforestation may be used where unreasonable or impractical situations would result from application of landscaping or tree preservation requirements. Such situations may result from streams, natural rock formations, topography, or other physical conditions; or from lot configuration, utility easements, unified development design, or unusual site conditions.

2. Town staff may approve an alternate plan, which proposes different plant materials or methods provided that quality, effectiveness, durability, and performance are equivalent to that required by this Section. The performance of alternate landscaping plans or tree preservation plans shall be reviewed by town staff to determine if the alternate plan meets the intent and purpose of this Section. This determination shall take into account the land use classification of adjacent property, number of plantings, species, arrangement and coverage, location of plantings on the lot, and the level of screening, height, spread, and canopy of the plantings at maturity.

3. Decisions of town staff regarding alternate methods of compliance for landscaping and tree preservation may be appealed to the Board of Adjustment.

M. Tree Clearing Permit

1. Purpose.

Pursuant to N.C.G.S. 160A-458.5(c)(1), the purposes of these regulations are to:
(A) Protect existing trees and shrubs located upon undeveloped sites for use as future buffers and streetyards to meet site and/or subdivision plan requirements;
(B) Preserve existing tree and vegetative cover to protect the health, safety and welfare of the public by preserving the visual and aesthetic qualities of the Town; maintaining property values; controlling erosion; and reducing sediment and other pollutant run-off into streams and waterways in an effort to protect water quality; and
(C) Create a process whereby some properties are required to obtain a tree clearing certificate, recognize some properties are exempted from the requirement to obtain a tree clearing certificate prior to the removal of vegetation, and establish penalties for removal of all or substantially all of the required vegetation within required vegetation protection areas.

2. Applicability

The requirements for obtaining a Tree Clearing Permit and penalties for non-compliance are applicable to all undeveloped properties that are zoned for residential or non-residential use located within the Town limits and/or extraterritorial jurisdiction (ETJ). For the purposes of the section, "undeveloped properties" shall include any property within the Town's jurisdiction that is not subject to an approved site and/or subdivision plan.

3. Exemptions

A Tree Clearing Permit shall not be required for the activities listed below.
(A) Normal forestry activities taking place on property that is taxed under the present-use value standard or conducted pursuant to a forestry management plan prepared or approved by a forester registered pursuant to Chapter 89B of the North Carolina General Statutes, and provided such activities are accomplished in compliance with this Ordinance.
(B) Properties with a Town-approved site and/or subdivision plan, provided such plan has not expired and that any clearing or vegetation removal is done in strict accordance with the approved site and/or subdivision plan.
(C) The removal of vegetation by public or private agencies within the lines of any public street rights-of-way, utility easements, or other Town property, as may be necessary to ensure public safety, to obtain clear visibility at driveways or intersections, to perform authorized field survey work, or to preserve or enhance the symmetry and beauty of such Town property.
(D) The Town-initiated or approved removal of any vegetation which is in an unsafe condition, constitutes a nuisance or noxious weed, or which by its nature is injurious to sanitary sewers, electrical power lines, gas lines, water lines, stream or conveyance channels, or other public improvements, or vegetation which is infected with any injurious fungus, insect, or other pest.

(E) The removal of vegetation on a lot of record, less than 5 acres in size and zoned and/or used for residential purposes, provided such vegetation is not a portion of a required streetyard or other required riparian or landscaping buffer.

4. Required Buffers and Vegetation Protection Areas

Other than that necessary to gain reasonable access to the property, clearing and/or removal of trees and other vegetation shall be prohibited in the areas listed below. In situations where one or more buffer zones or vegetation protection areas overlap on the same site, then the more restrictive requirement shall apply.

(A) A perimeter streetyard zone having a width of 50 feet as measured from the ultimate right-of way boundary of adjacent existing roadways as depicted in the Wake Forest Transportation Plan.

(B) A perimeter buffer zone having a width of 50 feet as measured from all property lines that adjoin developed property or vacant property with an approved site and/or subdivision plan.

(C) A perimeter buffer zone having a width of 25 feet as measured from all property lines that adjoin undeveloped property or vacant property without an approved site and/or subdivision plan.

(D) Any other areas necessary for the protection of existing vegetation as indicated within this section.

5. Application Requirements

(A) An application for a Tree Clearing Permit may be filed only by the property owner(s) of the or by such property owners' authorized agent.

(B) An application for a Tree Clearing Permit shall be filed with the Planning Department. The application form shall be accompanied by a Vegetation Protection Plan that shall include, at a minimum, the following information on a sheet size no larger than 24 by 36 inches at a minimum scale of one inch equals 50 feet:

(1) Vicinity map showing the location of the tract at a readable scale.

(2) A map of the entire tract, including the property boundary of the entire tract by courses and distances with references to true meridian and the location and dimension of all on-site and adjacent off-site easements (e.g., drainage, utility, public access, aerial utility, conservation, permanent and temporary construction easements).

(3) General information about the tract, including but not limited to the owner of the tract; the current zoning of the tract, the area of the tract, and the conditional-use zoning conditions, planned unit development master plan requirements, if applicable.

(4) The location and use(s) of all existing building(s) on the tract.

(5) The owner, current zoning and present use of all contiguous properties (including property on opposite side of adjoining streets).

(6) The general classification of all existing and proposed adjacent roadways (as depicted in the Wake Forest Transportation Plan) and the ultimate right-of-way boundaries associated with these roadways.

(7) The location and width of all future/existing buffers and associated vegetation protection areas, including riparian buffers, perimeter buffers and perimeter

streetyards.

(8) The proposed limits of timbering activities, including the location and extent of all tree protection fencing as required by this section.

(C) The Administrative Officer may reduce or waive the requirements for a Vegetation Protection Plan in situations where it can be demonstrated that all vegetation removal will take place outside of required vegetation protection areas.

6. Procedure

Prior to the commencement of any vegetation clearing or removal on any undeveloped property, the owner or the owner's agent must demonstrate exemption from the requirements of this section, or submit the required application materials and applicable fees for a Tree Clearing Permit.

(A) Upon receipt of documentation that a property is exempted from obtaining a Tree Clearing Permit, the Administrative Officer shall review all materials and make a determination if a property is exempted from the requirements or if the requirements apply. In situations where exemption status is claimed based on forestry use, this documentation shall include proof that the property is taxed under the present-use value standard or a copy of the valid forestry management plan prepared or approved by a North Carolina registered forester.

(B) If a property is not exempted from the provisions pertaining to a Tree Clearing Permit, then such application materials shall include a Vegetation Protection Plan consistent with the requirements listed in this section.

(C) An applicant for a Tree Clearing Permit shall be notified upon approval of the Vegetation Protection Plan, and shall be free to erect or install any and all barriers necessary to protect existing vegetation within required buffer areas and vegetation protection areas from damage during tree clearing and/or removal activities. Failure to protect these areas shall result in penalties as indicated in this section

(D) Once all barriers for the protection of existing vegetation have been installed, a property owner or agent shall request inspection of such barriers for compliance with the requirements of this section.

(E) Upon a passing inspection of vegetation protection barriers, the Administrative Officer shall issue a Tree Clearing Permit, and authorized vegetation clearing and/or removal may commence.

(F) An approved Tree Clearing Permit shall be valid for a period of not more than 12 months from the date of issuance.

7. Penalties

Failure to comply with the provisions of this section shall constitute a violation, and shall subject an offending party to a series of actions, including the payment of fines, delay in site and/or subdivision plan approval or building permit issuance, and the requirement to replace removed vegetation. The Table below describes the penalties for non-compliance with this section. An "X" in a particular cell indicates the associated penalty which may apply:

Type of Violation	Payment of Fines	Three Year Delay in Approvals	Five year Delay in Approvals	Replacement of Vegetation Removed from Protected Areas
Exempt property. Some, All or substantially all of vegetation removed from protected areas.		**X**		**X**
Permit obtained. Some vegetation removed from protected areas.	**X**	**X**		**X**
Permit obtained. All or substantially all of vegetation removed from protected areas.	**X**		**X**	**X**
Non-exempt property. No permit obtained. Some vegetation removed from protected areas.	**X**	**X**		**X**
Non-exempt property. No permit obtained. All or substantially all of vegetation removed from protected areas.	**X**		**X**	**X**

"All or substantially all" shall mean 75 percent or more of the existing vegetation.
In determining penalties for noncompliance of tree removal, town staff shall consider the extent of illegal vegetation removal and the degree of willful intent.

N. General Information

1. Definitions:

ANSI Standards: American National Standards Institute (ANSI) is a private, non-profit organization [501(c)(3)] that administers and coordinates the U.S. voluntary standardization and conformity assessment system. This includes tree care operations for trees, shrubs and other woody plant maintenance. *www.ansi.org*

Alternate Methods of Compliance: Alternate landscaping plans, plant materials, planting methods, or reforestation may be used where unreasonable or impractical situations would result from application of the landscaping and tree preservation requirements. Alternate plans may be approved provided they are quality, effectiveness, durability and performance are equivalent to that required by the Landscaping and Tree Preservation requirements.

Berm: An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.

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

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

Caliper: American Association of Nurserymen Standard for trunk measurement of nursery stock. Caliper of the trunk shall be measured six (6) inches above the ground for trees up to and including four (4) inch caliper size, and twelve (12) inches above the ground for larger trees.

Canopy Tree: A species of tree which normally grows to a mature height of forty (40) feet or more. Canopy trees are typically shade producing trees.

Certified Arborist: An individual who has sussessfully completed the International Society of Arboriculture (ISA) exam process. This is also considered a minimum qualification.

Clear-cutting: The indiscriminate and broad removal of trees, shrubs, or undergrowth.

Critical Root Zone: The Critical Root Zone (CRZ) is equal to one foot radius from the center of the tree for every one (1) inch of trunk diameter at DBH or is equal to the dripline (furthest extent of tree canopy), whichever is greater. In no case shall the CRZ be less than six (6) feet in radius.

Crown Dripline: A vertical line extending from the outer edge of a tree's canopy to the ground.

Diameter at Breast Height (DBH): Standard measure of a tree's trunk size measured four and one half (4 ½) feet above ground level. If a tree splits into multiple trunks below 4 ½ feet, then the trunk is measured at its most narrow point beneath the split.

Deciduous: Refers to plants which typically shed their foliage annually.

Evergreen: Refers to plants which typically do not entirely shed their foliage annually.

Ground Cover: A species of plant which is normally below one foot in height at maturity.

Landscape Plan: 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.

Native: Refers to vegetation found in the natural community that is suited to the soil, topography, and hydrology of a particular site.

Planting: The installation of vegetation, or the vegetative material installed.

Protective Fencing: A physical and visual barrier installed around the critical root zone of a tree to prevent damage to the tree and its root system.

Reforestation: The creation of a diverse biological community dominated by trees and other woody plants containing at least 100 trees per acre with at least 50 of those trees having the potential of attaining a 2 inch or greater diameter measured 4.5 feet above ground, within 7 years.

Root Flare: The part of the tree trunk near the base of the tree that tapers outward into the ground.

Roots: The underground part of the tree that functions as an organ of absorption, food storage and aeration and as a support system.

Screening: The use of plant material, berms, fences or any combination thereof to visually control or block out objectionable views, define and create outdoor space, provide a sense of privacy, reduce the impact of incompatible uses, reduce glare and reflection, direct views and control noise and wind.

Seedling: A woody plant, less than 24 inches in height and having a diameter of less than ½ inch caliper measured at two (2) inches above the root collar.

Shrub: Any variety of low-growing, woody plants, generally characterized by several upright stems, and not typically exceeding ten (10) feet in height at maturity.

Sight Triangle: An area on either side of the street intersections, street corners or vehicular access points which allows for sufficient sight distance to allow drivers approaching simultaneously to see each other.

Soil Compaction: An increase in the dry soil weight per unit volume. Compacted soil causes a decrease in the availability of oxygen in the soil and an increase in toxic gases and physical root damage.

Specimen Tree: A tree that is particularly impressive due to size, shape, age, or any other trait that epitomizes the character of that species.

Streetyard: The area of land, of varying widths, parallel to a public street right-of way.

Tree: A large, woody plant having one or several self supporting stems or trunks and numerous branches.

Topping: The reduction of a tree's size using heading cuts that shorten limbs or branches back to a predetermined crown limit.

Tree Disturbance Permit: A Tree Disturbance Permit is an official authorization given by the Town prior to and tree disturbing activities, including the cutting of live trees not accompanied by a development plan. This may be required in addition to a grading permit. See also grading permit.

Tree Protection Measures: Physical and visual barriers used to prevent damage to trees and their root systems.

Tree Protection Zone: One or more areas on a site enveloped by tree protection fencing or other tree protection measures.

Tree Save Area: A Tree Save Area (TSA) is one or more areas on a site which includes existing trees and their critical root zones. The purpose of the TSA is to encourage the preservation of healthy trees.

Trunk: The main stem of a tree apart from limbs and roots.

Understory Tree: A species of tree which normally grows to a mature height of twenty (20) to forty (40) feet.

2. Official Planting List

The following constitutes the complete list of plant material which may be used for the purposes of meeting the requirements of this section, and the specific use for which credit will be permitted. Special attention has been given to species that are drought tolerant and/or native to this area. Be aware that some site preparation may be necessary to ensure tree survival, proper soil and water conditions are necessary for any species to survive. Many of the species below have many cultivars, please be sure to choose the correct one for the site.

The applicant, developer, owner, may request to use plant material not provided below. Town staff may approve or not approve at his/her discretion.

Legend: E = Evergreen, D=Deciduous, SE = Semi-Evergreen, DT = Drought Tolerant, N = Native, ST = Street Tree, PL = Parking Lot, B = Buffer

Canopy Trees					
Scientific Name	**Common Name**	**Ht (Feet) / Spread (Feet)**	**Evergreen or Deciduous**	**Drought Tolerant and/or Native**	**Permitted Use**
Acer pseudoplatanus	Sycamore Maple	40-60/35-50	D	DT	ST, PL, B
Acer rubrum	Red Maple	40-50/25-35	D	N	ST, PL, B
Acer saccharum	Sugar Maple	50-75/30-40	D	N	ST, PL, B
Acer x freemanii	Freeman Maple	45-50/15-40	D	N	ST, PL, B
Alnus glutinosa	Common Alder	40-60/20-40	D	DT	ST, PL, B
Betula nigra 'BNMTF'	Dura-Heat River Birch	55/35	D	DT	ST, B
Calocedrus decurrens	Incensecedar	30-50/10-15	E	DT	B
Carya cordiformis	Bitternut Hickory	50-75/30-50	D	DT, N	B
Carya glabra	Pignut Hickory	50-60/25-35	D	DT, N	B
Carya illinoiensis	Pecan	70-100/40-50	D	DT, N	PL,B
Carya ovata	Shagbark Hickory	60-80/40-50	D	DT, N	ST,PL,B
Castanea molissima	Chinese Chestnut	40-60/40-60	D	DT	PL,B
Cedrus atlantica	Atlas Cedar	40-60/30-40	E	DT	ST, B
Cedrus deodara	Deodar Cedar	40-70/30-40	E	DT	B
Cedrus libani	Cedar of Lebanon	40-60/40-60	E	DT	B
Cercidiphyllum japonicum	Katsuratree	40-60/20-30	D	-	ST, PL, B

Chamaecyparis obtuse	Hinoki Falsecypress	50-75/10-20	E	-	B
Chamaecyparis pisifera	Japanese Falsecypress	50-70/10-20	E	-	B
Cladrastis kentuckea	American Yellowwood	30-50/40-55	D	DT, N	B
Cryptomeria japonica	Japanese Cryptomeria	50-60/20-30	E	-	ST, PL, B
Cunninghamia lanceolata	Common Chinafir	30-75/10-30	E	-	B
Eucommia ulmoides	Hardy Rubber Tree	40-60/40-60	D	DT	B
Fagus grandiflora	American Beech	50-70/40-60	D	N	ST, PL, B
Fagus sylvatica	European Beech	50-60/35-45	D	-	ST, PL, B
Fraxinus americana	White Ash	50-80/50-80	D	DT, N	ST, PL, B
Fraxinus pennsylvanica	Green Ash	50-60/35-45	D	DT, N	ST, PL, B
Ginkgo biloba (Male)	Ginkgo	50-80/30-40	D	DT	ST, PL, B
Gleditsia triacanthos inermis	Thornless Honey Locust	50-70/35-50	D	DT, N	ST, PL, B
Gymnocladus dioicus	Kentucky Coffeetree	60-75/40-50	D	DT, N	ST, PL, B
Ilex opaca	American Holly	40-50/18-40	E	DT, N	ST, B
Juniperus siliciola	Southern Red Cedar	30-40	E	DT, N	ST, PL, B
Juniperus virginiana	Eastern Redcedar	40-50/8-20	E	DT, N	ST, PL, B
Larix keampferi	Japanese Larch	70-90/25-40	D	-	ST, PL, B
Liquidambar styraciflua	Sweetgum	40-75/20-50	D	N	B
Liriodendron tulipifera	Tulip Poplar	70-90/35-45	D	N	B
Magnolia acuminate	Cucumbertree Magnolia	50-80/50-70	D	N	PL, B
Magnolia grandiflora	Southern Magnolia	40-80/30-50	E	DT, N	ST,PL,B
Metasequoia glyptostroboides	Dawn Redwood	75-100/15-25	D	-	ST, PL, B
Nyssa sylvatica	Black Gum	35-50/20-30	D	DT, N	ST,PL,B
Phellodendron amurense ‘Macho’	Amur Corktree	30-45/30-40	D	DT	B
Pinus bungeana	Lacebark Pine	30-50/20-35	E	DT	B
Pinus echinata	Shortleaf Pine	50-80/25-40	E	DT, N	B
Pinus flexilis	Limber Pine	30-50/15-35	E	N	B
Pinus palustris	Longleaf Pine	80-100/30-40	E	DT, N	B
Pinus rigida	Pitch Pine	40-60/30-50	E	DT, N	B

Pinus strobes	Eastern White Pine	50-80/20-40	E	N	B
Pinus taeda	Loblolly Pine	50-90/30-40	E	DT, N	B
Pistachia chinensis	Chinese Pistache	30-40/25-35	D	DT	ST, PL, B
Platanus occidentalis	Sycamore	70-90/60-80	D	N	B
Platanus x acerifolia	London Planetree	60-80/50-70	D	DT	ST, PL, B
Prunus serotina	Black Cherry	50-75/35-50	D	DT, N	ST,B
Quercus acutissima	Sawtooth Oak	35-40/30-40	D	DT	ST, PL, B
Quercus alba	White Oak	50-75/50-80	D	N	ST, PL, B
Quercus bicolor	Swamp White Oak	50-75/50-60	D	DT, N	ST, PL, B
Quercus coccinea	Scarlet Oak	50-70/40-50	D	N	ST, PL, B
Quercus falcata	Southern Red Oak	70-80/50-60	D	DT, N	ST, PL, B
Quercus hemisphaerica	Laurel Oak	40-60/30-40	SE	DT, N	ST, PL, B
Quercus imbricaria	Shingle Oak	50-60/50-60	D	DT, N	ST, PL, B
Quercus laurifolia	Laurel Oak	40-60/30-40	D	N	ST, PL, B
Quercus lyrata	Overcup Oak	45-70/35-50	D	N	ST, B
Quercus macrocarpa	Bur Oak	70-80/70-80	D	DT, N	ST, PL, B
Quercus nigra	Water Oak	50-75/30-40	SE	DT, N	ST, PL, B
Quercus nuttalii	Nuttall Oak	40-60/25-35	D	DT, N	ST, PL, B
Quercus palustris	Pin Oak	55-70/40-50	D	DT, N	ST, PL, B
Quercus phellos	Willow Oak	40-60/30-40	D	DT, N	ST, PL, B
Quercus prinus	Chestnut Oak	50-75/50-70	D	DT, N	ST, PL, B
Quercus rubra	Red Oak	50-70/45-60	D	DT, N	ST,PL,B
Quercus shumardii	Shumard Oak	40-60/40-60	D	DT, N	ST, PL, B
Quercus stellata	Post Oak	40-50/35-50	D	DT, N	ST, PL, B
Quercus virginiana	Southern Live Oak	40-60/40-60	E	DT, N	ST, PL, B
Robinia pseudoacacia	Black Locust	30-50/20-35	D	DT, N	B
Salix alba	White Willow	75-100/50-100	D	-	B
Salix babylonica	Weeping Willow	30-50/20-40	D		B
Taxodium ascendens	Pondcypress	50-75/15-20	D	DT, N	B
Taxodium distichum	Baldcypress	50-70/20-30	D	DT, N	ST, PL, B
Thuja plicata	Giant Arborvitae	50-70/15-25	E	N	B
Tilia Americana	American Linden	60-80/35-50	D	N	ST, PL, B
Tsuga caroliniana	Carolina Hemlock	45-60/25-35	E	N	B

Ulmus alata	Winged Elm	35-50/40-50	D	DT, N	ST, PL, B
Ulmus americana	American Elm Use Dutch Elm Disease Resistant Cultivars	40-50/30-40	D	DT, N	ST, PL,B
Ulmus parvifolia	Chinese Elm	40-60/25-30	D	DT	ST, PL, B
Zelkova serrata	Japanese Zelkova	50-70/40-70	D	DT	ST, PL, B

Understory Trees					
Scientific Name	**Common Name**	**Ht (Feet) / Spread (Feet)**	**Evergreen or Deciduous**	**Drought Tolerant and/or Native**	**Permitted Use**
Abies firma	Japanese Fir	20-30/10-15	E	-	B
Abies koreana	Korean Fir	15-30	E	-	B
Acer barbatum	Southern Sugar Maple	20-25/20-25	D	DT, N	ST, B
Acer buergerianum	Trident maple	25-35/20-30	D	DT	ST, B
Acer campestre	Hedge Maple	25-35/30-40	D	DT	ST, B
Acer cissifolium	Ivy-leaved Maple	20-30	D	-	ST, B
Acer tataricum ssp. ginnala	Amur Maple	15-20/15-20	D	-	ST, B
Acer griseum	Paperbark Maple	20-30/15-20	D	-	ST, B
Acer leucoderme	Chalkbark Maple	20-30/20-25	D	DT	ST, B
Acer palmatum	Japanese Maple	15-20/10-15	D	-	ST, B
Acer tartaricum	Tatarian Maple	15-25/10-15	D	DT	B
Acer truncatum	Purpleblow Maple	20-25/15-20	D	DT	ST, B
Amelanchier arborea	Downy Serviceberry	10-25/8-15	D	N	ST, B
Carpinus betulus	European Hornbeam *Use Cultivars Only*	40-60/30-40	D	-	B
Carpinus caroliniana	American Hornbeam	25-30 /15-30	D	N	B
Cercis canadensis	Eastern Redbud	25-30/15-30	D	N	ST, B
Chionanthus retusus	Chinese Fringe Tree	15-25/10-25	D	DT	ST, PL, B
Chionanthus virginicus	White Fringe Tree	12-20/12-20	D	N	ST, PL, B

Cladrastis kentukea	American Yellowwood	30-50/40-55	D	DT, N	ST, B
Cornus florida	Flowering Dogwood	10-30/15-30	D	N	ST, B
Cornus kousa	Kousa Dogwood	10-30/15-30	D	-	ST, B
Cornus mas	Corneliancherry Dogwood	20-25/15-20	D	DT	ST, B
Cotinus coggygria	Common Smoketree	10-30/15-20	D	DT	B
Cotinus obovatus	American Smoketree	10-30/15-20	D	N	B
Crataegus phaenopyrum	Washington Hawthorn	25-30/20-25	D	N	ST, B
Crataegus viridis 'Winter King'	Green Hawthorn	20-30/25	D	DT, N	B
Cupressus arizonica	Arizona Cypress	30-40-15-20	E	DT	ST,PL,B
Diospyros virginiana	Common Persimmon	25-50/15-25	D	N	B
Halesia tetraptera	Carolina Silverbell	20-40/20-25	D	N	ST, B
Hamamelis virginiana	Common Witchhazel	15-30/15-30	D	N	B
Ilex cassine	Dahoon Holly	20-30/8-15	E	N	ST, PL, B
Ilex deciduas	Possumhaw	20-30/15-20	E	N	ST, B
Ilex opaca	American Holly	15-30/15-20	E	DT, N	ST, PL, B
Ilex integra	Nepal Holly	20-30	E	DT	ST, PL, B
Ilex vomitoria	Yaupon Holly	15-20/10-15	E	DT, N	ST, PL, B
Ilex x attenuata	Hybrid Holly	15-30/10-15	E	DT, N	ST, PL, B
Ilex x 'Dr. Kassab'	Dr. Kassab Holly	15-20/15	E	-	ST, PL, B
Ilex x 'Emily Bruner'	Emily Bruner holly	15-20/8	E	DT, N	ST, PL, B
Ilex x 'Nellie R. Stevens'	Nellie R. Stevens	15-25/10-15	E	DT	ST, PL, B
Juniperus silicola	Southern Red Cedar	25-50/25-50	E	N	ST, PL, B
Koelreuteria bipinnata	Chinese Flametree	20-30/15-20	D	DT	ST, B
Koelreuteria paniculata	Goldenraintree	15-30/15-30	E	DT	ST, B
Lagerstroemia indica	Common Crapemyrtle *Tree Type Cultivars*	10-25/25	D	DT	ST, B
Lagerstroemia indica x fauriei	Crapemyrtle *Tree Type Cultivars*	10-25/25	D	DT	ST, B

Magnolia grandiflora	Southern Magnolia *Understory Tree Type Cultivars*	10-30/10-15	E	DT, N	ST, PL, B
Magnolia macrophylla	Bigleaf Magnolia	30-40/20-25	D	N	ST, B
Magnolia virginiana	Sweetbay Magnolia	10-30/15-20	E	N	ST, PL, B
Magnolia x loebneri	Loebner Magnolia	20-30/35	D	DT	B
Magnolia x soulangiana	Saucer Magnolia	20-30/20-30	D	DT	B
Malus	Flowering Crabapple	15-25/10-20	D	DT	ST, B
Ostrya virginiana	Ironwood	25-40/15-30	D	DT, N	ST, B
Oxydendtum arboretum	Sourwood	20-30/20	D	DT, N	ST, B
Pinus bungeana	Lacebark Pine	30-50/20-35	E	DT	B
Pinus mugo	Mugo Pine	15-20/20-25	E	-	B
Pinus thumbergii	Japanese Black Pine	25/20-30	E	DT	B
Pinus virginiana	Virginia Pine	15-40/10-30	E	DT	B
Prunus americana	American Red Plum	15-25/15-20	D	DT, N	B
Prunus caroliniana	Carolina Cherrylaurel	20-30/15-25	E	N	ST, B
Prunus mume	Japanese Apricot	12-20/15-20	D	-	ST, B
Prunus persica	Commom Peach	15-25/15-25	D	-	B
Prunus sargentii	Sargent Cherry	20-30/20-30	D	DT	ST, B
Prunus serrulata	Flowering Cherry	15-30/20-30	D	DT	ST, B
Prunus subhirtella	Higan Cherry	20-40/15-30	D	DT	ST, B
Prunus virginiana	Common Chokecherry	15-20/10-15	D	DT, N	ST, B
Prunus x yedoensis	Yoshino Cherry	20-30/20-30	D	DT	ST, B
Prunus hybrids	Cherry	Varies	D	No	
Quercus glauca	Blue Japanese Oak	20-30/10-15	D	-	ST, B
Sassafras albidum	Common Sassafras	30-60/25-40	D	DT,N	B
Styrax japonicus	Japanese Snowbell	20-30/15-30	D	-	ST, B
Syringa reticulate	Japanese Tree Lilac	25-30/20-25	D	DT	ST, B
Thuja occidentalis	Eastern Arborvitae *Understory Tree Type Cultivars*	35/35	E	DT, N	B

Shrubs							
Scientific Name	**Common Name**	**Evergreen or Deciduous**	**Drought Tolerant &/or Native**	**Sun** **S – Sun** **PS – Part Sun** **LSh – Light shade** **PSh – Part shade** **Sh - shade**	**Height**	**Spread**	**Use** **B – buffer** **S – screening** **P – parking lot island** **F – foundation** **G - general**
Abelia chinesis	Chinese Abelia	D - SE	DT	S - PSh	4-7	4-6	S, F
Abelia x grandiflors hybrids	Abelia cvs: Little Richard, Edward Goucher, Sunrise, Frances Mason, etc.	SE	DT	S - PSh	3-5	4-6	S, F
Abelia x grandiflora	Glossy Abelia	SE	DT	S - PSh	3-6	3-6	S, F
Abeliophyllum distichum	White Forsythia	D	DT	S - PSh	3-5	3-4	S, F
Abies concolor (dwarf cultivars)	Compact White Fir (Compacta, Pineola Dwarf, Charming Chub	E	DT & N	S	2-5	4	S, P
Aesculus pavia	Red Buckeye	D	DT & N	S - PSh	10-20	10-20	B
Aesculus parviflora	Bottlebush Buckeye	SE	DT & N	S - PSh	6-10	8-15	B
Alnus serrulata	Tag Alder	D	DT	S - PSh	15-20		S, B
Amorpha fruticosa	Tall Indigo-bush	E	N	S	6-15	5-15	S, B
Aralia spinosa	Devil's Walking Stick	D	N	S - Sh	10-20		B
Aronia arbutifolia	Red Chokecherry	D	DT & N	S - PSh	6-10	3-5	S, B
Asimina triloba	Pawpaw	D	DT & N	S - PSh	15-30	15-20	B
Aucuba japonica	Japanese Aucuba	E		PSh	6-10	4-6	B
Azalea kaempferi	Kaempferi Azalea	SE - D		PSh	4-10	5-6	F
Azalea obtusum	Kurume Azalea	SE		PSh	2-5	2-5	F
Azalea mucronatum	Azalea	SE		PSh	6	4-6	F
Azalea roslyn	Azalea	E					F
Azalea x carla	Azalea	E					F
Azalea x girard	Azalea	E					F
Azalea x indica	Azalea	E					F
Azalea x kurume	Azalea	E		PSh - S	2-6	2-5	F

Azalea x rutherfordiana	Azalea	E		PSh - Sh	3-4	3-4	F
Azalea x satsuki	Azalea	E		PSh – S	8-10	6-8	S, F
Berberis julianae	Wintergreen barberry	E	DT	PSh – S	4-6	6-8	S, F
Berberis koreana	Korean Barberry	D	DT	PSh – S	4-6	3-5	S, F
Berberis x gladwynensis	Barberry	E	DT	PSh – S	3-4	3-5	S, F
Berberis x media	Barberry	SE	DT	PSh – S	3	8	S, F
Berberis x ottawensis	Barbery	D		S - PS	5	3	S, F
Buddleia davidii	Butterfly Bush	D	DT	PSh – S	5-10	6-8	B
Buddleia x weyeriana	Butterfly Bush	D	DT	PSh – S	6-10	6-8	B
Buxus harlandii	Harland Boxwood	E	DT	PSh – S	4-6	4-6	S, F
Buxus microphylla japonica	Japanese Boxwood	E	DT	PSh – S	3-4	3-4	S, F
Buxus sempervirens	American Boxwood	E	DT	PSh – S	15-20	10-15	S, F
Callicarpa americana	American Beautyberry	D	DT & N	PSh – S	4-6	5-6	G
Callicarpa dichotoma	White Beautyberry	D	DT & N	PSh – S	3-4	4-5	G
Calycanthus floridus	Sweetshrub	D	DT & N	PSh – S	6-9	6-12	B
Camellia japonica	Camellia	E		PSh	8-15	5-10	B, F
Camellia sasanqua	Sasanqua Camellia	E		PSh – S	8-15	5-10	B, F
Caryopteris x clandonensis	Blue Spirea	D	DT	S	2-3	2-3	F
Ceanothus americanus	New Jersey Tea	D	DT & N	PSh – S	3-4	3-5	S, B, F
Cephalanthus occidentalis	Buttonbush	D	DT & N	S	6-10		S, F
Cephalanthus harringtonia	Plum Yew	E	DT	S - Sh	4	6	S, F
Cephalanthus harringtonia drupacea	Spreading Plum Yew	E	DT	S - Sh	8	10	S, B, F

Chaenomeles japonica	Japanese Flowering Quince	D	DT	S - PS	4	4	F
Chaenomeles speciosa	Flowering Quince	D	DT	S - PS	4-6	4-5	F
Chamaecyparis obtuse	False Cypress	E		S – PSh	3-8	2-3	S, B
Chamaecyparis pisifera	False Cypress	E		PSh	5-6	5-6	S, B
Clethra acuminate	Cinnamon Clethra	D	DT & N	S – PSh	8-12		S, B
Clethra alnifolia	Clethra	D	DT & N	S – PSh	4-8	4-6	S, B, F
Cleyera japonica	Japanese Cleyera	E		S - LSh	8-12	6-10	S, B
Cornus amomum	Silky Dogwood	D	DT & N	PSh	6-15		G
Cornus sericea	Red Osier Dogwood	D		S - PSh	5-9	5-10	G
Corylus americana	Hazelnut	D	DT & N		8-15		G
Corylus avellana	Filbert	D		S	12-20	12-20	G
Cotoneaster dammeri	Bearberry	E		S - PSh	1-2	3-5	P, slopes
Cotoneaster horizontalis	Rockspray Cotoneaster	SE	DT	S - PSh	2-3	5-8	P, slopes
Cotoneaster salicifolia	Willowleaf	E	DT	S - PSh	10-15	8-10	S, B, slopes
Cryptomeria japonica (Nana Globosa, Black Dragon, etc.)	Cryptomeria	E	DT	S - PSh			S, B, F
Danae racemosa	Alexander Laurel	E		PSh - Sh	2-3	2-3	F
Daphne odora	Winter Daphne	E		S - PSh	3-4	2-4	F
Deutzia gracilis	Slender Deutzia	D	DT	S - LSh	2-4	3-4	F, P
Deutzia x hybrida	Deutzia	D	DT	S - LSh			F, P
Diervilla sessilifolia	Bush-honeysuckle	D	DT & N	S	3-5		G
Edgeworthia papyrifera	Paper Plant	D		S	4-6	6-8	G
Elaeagnus pungens	Thorny Elaeagnus	E	DT	S - PSh	10-15	6-10	S, B
Euonymus americanus	Strawberrybush	D	DT & N	PSh	4-6	3-4	G
Euonymus japonicus	Evergreen Euonymus	E	DT	S - Sh	10-15	5-6	S, F, B

Euonymus kiautschovicus	Spreading Euonymus	E - SE		S - PSh	8-10	4-6	S
Exochorda racemosa	Pearlbush	D	DT	S - PSh	10-15	10-15	G
Fatshedera lizei	Tree Ivy	E	DT	PSh - Sh	10		G
Ficus carica	Fig	D		S	10-15	12-20	G
Forsythia x intermedia	Forsythia	D	DT	S - PSh	8-10	10-12	S, F
Fothergilla gardenii	Fothergilla	D	DT & N	S - PSh	3-5	3-4	F, G
Fothergilla major	Large Folthergilla	D	DT & N	PSh	6-10	6-8	F, G
Gardenia jasminoides	Gardenia	E	DT	S - PSh	4-6	4-5	S, F
Hamamelis x	Witch Hazel	D	DT & N	S - PSh			G
Hamamelis x intermedia	Witch Hazel	D	DT & N	S - PSh	10-20	10-15	G
Hibiscus syriacus	Rose-of- Sharon	D	DT	S - PSh	8-10	6-10	G
Hydrangea arborescens	Smooth Hydrangea	D	DT & N	PSh	3-5	3-5	F
Hydrangea macrophylla	Bigleaf Hydrangea	D	DT	S - PSh	3-4	4-6	F
Hydrangea paniculata	Hydrangea	D	DT	S - PSh	10-20	6-8	F
Hydrangea quercifolia	Oak Leaf Hydrangea	D	DT & N	S - PSh	4-8	3-8	F
Hydrangea serrata	Hydrangea	D	DT	S - Sh	3-5	3-5	F
Hypericum frondosum	St. John's Wort	D	DT & N	S - PSh			G
Hypericum densiflorum	Dense Hypericum	D	DT & N	S – PSh			G
Hypericum galioides	St. John's Wort	E	DT & N	S - PSh			G
Hypericum patulum	St-John's-Wort	E	DT & N	S – PSh			G
Hypericum prolificum	Shrubby St. John's Wort	D	DT & N	S - PSh			G
Hypericum x		D	DT & N	S - PSh			G
Ilex cassine	Dahoon Holly	E	DT	S – PSh	20-30	10-15	S, B
Ilex cornuta	Chinese Holly	E	DT	S – PSh	3-4	5-6	S, F, P

Ilex crenata	Japanese Holly	E	DT	S – PSh	3-10	3-5	S, B, P
Ilex glabra	Inkberry Holly	E	DT	S – PSh	6-8	6-10	S, B
Ilex integra	Nepal Holly	E	DT	S	20-30		S, B
Ilex verticillata	Common Winterberry	D	DT & N	S – PSh	6-15	6-10	B, G needs male polinator
Ilex vomitoria	Yaupon Holly	E	DT	S – PSh	3-5	3-6	S
Ilex x aquipernyi	Holly	E		S – PSh	9-12	4-6	S, B
Ilex x attenuate	Holly	E		S – PSh	20-30	7-10	S, B
Illicium anisatum	Ansietree	E		PSh	6-10	4-6	S, B
Illicium floridanum	Anise Tree	E	N	PSh - Sh	10		S, B
Illicium parviflorum	Ansie Tree	E	N	S – Sh	20+	10-15	S, B
Itea virginica	Virginia Sweetspire	D	DT & N	S – PSh	3-6	4-6	G
Jasminum floridum	Flowering Jasmine	SE	DT	S – PSh	3-5	3-4	S, F
Jasminum nudiflorum	Winter Jasmine	D	DT	S – PSh	3-4	4-7	S, F
Juniperus spp.	Juniper	E	DT	S – PSh			S, B
Kerria japonica	Globe Flower	D	DT	PSh - Sh	3-6	6-9	S, F
Kalmia latifolia	Mountain Laurel	E	DT & N	S – PSh	7-15	3-5	S, B
Lagerstroemia indica 'Victor'	Dwarf Crape Myrtle	D	DT	S	3-5	3-5	G
Lauris noblis	Bay Laurel	E		S – PSh	8-12		S, B
Lavandula angustifolia	English Lavender	E	DT	S – PSh	3	3	G, P
Leucothoe fontanesiana	Drooping Leucothoe	E	N	PSh - Sh	3-6	3-6	S, F
Leucothoe populifolia	Florida Leucothoe	E	DT & N	S - PSh	2-6		S, B, F, P
Lindera benzoin	Spicebush	D	DT	S – PSh	6-12	6-12	G
Lonicera nitida	Boxleaf Honeysuckle	E	DT	S – PSh	6-8	4-6	S, B
Lonicera yunnanensis	Yunnan Honeysuckle	E		S	4		G
Loropetalum chinense	Chinese Witch Hazel	E	DT	S	6-10	6-10	S, B
Loropetalum chinense var rubrum	Chinese Witch Hazel	E	DT	S - PSh	6-10	6-10	S, B
Magnolia stellata	Star Magnolia	D		S – PSh	10-20	10-15	G

Michelia figo	Banana Shrub	E	DT	S – PSh	6-10	6-10	S, B
Myrica cerifera	Wax Myrtle	E	DT	S – PSh	10-15	6-10	S, B
Osmanthus fragrans	Fragrant Tea Olive	E	DT	S – PSh	10-20	8-12	S, B
Osmanthus heterophyllus	Holly Osmanthus	E	DT	S – PSh	8-10	5-10	S, B
Osmanthus x fortunei	Fortune's Osmanthus	E	DT	S – Sh	15-20	15-20	S, B
Philadelphus inodorus	Mock Orange	D	N	S – PSh	6-10		G
Philadelphus x virginalis	Mock Orange	D	N	S – PSh	8		G
Physocarpus opulifolius	Ninebark	D	DT & N	S – PSh	5-8	6-10	G
Picea glauca 'Conica'	Dwarf Alberta Spruce	E		S – PSh	10	3	S
Pieris japonica	Japanese Andromeda	E		S – PSh	9-12	6-8	G
Pinus mugo	Mugo Pine	E		S - PSh	4-6	4-8	S
Pittosporum tobira	Japanese Pittosporum	E	DT	S – Sh	8-12	4-8	S, B
Potentilla fruticosa	Bush Cinquefoil	D	DT	S – LSh	1-3	2-4	G
Prunus glandulosa	Flowering Almond	D	DT	S – PSh	4-5	3-4	G
Prunus laurocerasus	Laurel	E		S – Sh	3-4	6-8	S, B
Punica granatum	Pomegranate	D	DT	S – PSh	10-15	10-12	G
Pyracantha coccinea	Pyracantha	E	DT	S – PSh	6-15	8-15	S, B
Pyracantha koidzumii	Pyracantha	E	DT	S	8-12	8-12	S
Raphiolepis umbellata	Indian Hawthorne	E	DT	S – Sh	4-6	4-6	S
Rhapidophyllum Hystrix	Needle palm	E		PSh - Sh	6		G
Rhododendron aborescens	Sweet Azalea	D	N	S – PSh	3-6		G
Rhododendron austrinum	Rhododendron	D	DT & N	PSh	8-10	8-10	B
Rhododendron calendulaceum	Flame Azalea	D	DT & N	PSh	4-8	8-10	B
Rhododendron canescens	Rhodendron	D	DT & N	S – PSh	6-15	6-10	B

Rhododendron catawbiense	Rhodendron Moutain Rosebay	E	N	a.m. S – LSh	6-10	8-10	B
Rhododendron periclymenoides	Wild or Pinxter Azalea	D	DT & N	S – PSh	4-6	4-6	G
Rhododendron vaseyi	Pinkshell Azalea	E	N	S – PSh	5-10		S, B
Rhus glabra	Smooth Sumac	D	DT & N	S – PSh	15-25	15-25	
Rosa banksiae	Rose	E		S – PS	15-20		S
Rosa carolina	Carolina Rose	D	N	S – PS	3-5		G
Rosa spinosissima	Scotch Rose	D	DT	S – PSh	3		G
Rosmarinus officinalis	Rosemary	E	DT	S – LSh	2-4	3-4	P, G
Salix caprea	Pussy Willow	D		S – PSh	12-15	12-15	G
Sambucus canadensis	Elderberry	D	N	S	5-12		G
Sarcococca confusa	Sweetbox	D	DT	PSh - Sh	3-5	3-5	P, G
Serenoa repens	Saw Palmetto	E		S – PSh	2-7		G
Siphonosmanthus delavayi	Delavay Tea Olive	E		S – PSh			G
Spiraea cantoniensis	Reeves Spiraea	D	DT	S – PSh	4-6	3-5	F
Spiraea nipponica	Spiraea	D	DT	S – PSh	3-5	4-5	F
Spiraea prunifolia	Spiraea	D	DT	S	4-9	6-8	F
Spiraea thunbergii	Thunberg Spiraea	D	DT	S – PSh	3-5	3-5	F
Spiraea x bumalda	Bumald Spiraea	D	DT	S	2-3	3-5	F
Spiraea x vanhouttei	Vanhoutte Spiraea	D	DT	S – PSh	6-8	10-12	G
Symphoricarpos orbiculatus	Coral Berry	D		S – PSh	2-5	4-8	G
Thuja occidentalis	Arborvitae Shrub	E	DT	S – PSh			S, B
Vaccinium ashei	Blueberry	D	N	S – PSh	12		G
Vaccinium arboreum	Sparkleberry	D	DT & N	S - PSh	6-20		B
Vaccinium corymbosum	Highbush Blueberry	D	N	S – PSh	6-12		G
Vaccinium stamineum	Derrberry	D	N	S – PSh			G
Vaccinium pallidum	Lowbush Blueberry	D	N	S – PSh			G

Viburnum acerifolium	Maple-leaf Viburnum	D	DT	S – Sh	4-6	4	G
Viburnum alnifolia	Hobblebush	D	N	Sh	6-10		B
Viburnum awabuki	Viburnum	E	DT	S – PSh	10-15		S, B
Viburnum cassinoides	Witherod Vibernum	D	DT & N	S – PSh	5-10	5-8	B
Viburnum davidii	David Viburnum	E		S – PSh	3-5	3-5	S
Vibrurnum dentatum	Arrowwood Viburnum	D	DT & N	S – PSh	6-10	6-15	B
Viburnum macrocephalum	Chines Snowball	SE		S – PSh	6-15	10-12	B
Viburnum opulus	Common Snowball	D	DT	S – PSh	8-12	10-15	B
Viburnum plicatum	Viburnum	D	DT	S – PSh	8-10	8-10	B
Viburnum plicatum tomentosum	Double Viburnum	D	DT	S – PSh	8-10	8-10	B
Viburnum propinquum	Chinese Viburnum	E	DT	S – PSh	3-4		S, F
Viburnum prunifolium	Blackhaw vibrunum	D	DT & N	S – PSh	12-15	8-12	B
Viburnum rafinesquianum	Downy arrowwood	D	N	S - PSh	6		B
Viburnum rufidulum	Southern Blackhaw Viburnum	D	DT	PSh	10-20	10-15	S, B
Viburnum tinus	Viburnum	E	DT	S – PSh	6-12	6-10	S, B
Viburnum utile	Viburnum	E	DT & N	S – PSh	4-6	4-6	S, F
Viburnum x burkwoodii	Viburnum	D	DT	S – PSh	8-10	5-8	B
Viburnum x pragense	Prague Viburnum	E	DT	S – PSh	8-10	8-10	S, B
Viburnum x rhytidophylloides	Leatherleaf Viburnum	SE	DT	S – PSh	8-10	8-10	S, B
Vitex agnus-castus	Chastetree	D	DT	S – PSh	15-20	10-15	G
Weigela florida	Weigela	D		S – LSh	6-10	6-10	G
Zenobia pulverulenta	Dusty zenobia	D	N	S	3-4		G

Groundcovers		
Scientific Name	Common Name	E/D
Ajuga retans	Bugleflower	E
Antennaria plantaginifolia	Pussy's Toes	E
Asarum canadense	Wild Ginger	D
Aspidistra elatior	Cast-Iron Plant	E
Chrysogonum virginianum	Green-and-gold	E
Cotoneaster dammeri	Bearberry Contoneaster	E
Coreopsis auriculata	Mouse-eared coreopsis	D
Dianthus plumarius	Cottage Pink	E
Euonymus fortunei 'Coloratus'	Wintercreeper Euonymus	E
Festuca ovina	Blue Fescue	E
Fragaria chiloensis ananassa	Strawberry	E
Fragaria virginiana	Wild Strawberry	E
Gaultheria procumbens	Wintergreen	E
Hemerocallis hybrida	Daylily Hybrids	D and E
Hexastylis arifolia	Little Brown Jugs	E
Hosta lancifolia	Narrow-Leaved Plantain Lily	D
Hosta plantaginea	Fragrant Plantain	D
Iberis sempervirens	Evergreen Candytuft	E
Iris cristata	Dwarf crested iris	D
Juniperus chinensis	Sargent Juniper	E
Juniperus conferta	Shore Juniper	E
Juniperus horizontalis	Creeping Juniper	E
Liriope muscari	Lilyturf	E
Liriope spicata	Creeping Lilyturf	E
Mitchella repens	Partridge Berry	E
Ophiopogon jaburan vittata	Snakebeard	E
Ophiopogon japonicus	Mondo Grass	E
Pachysandra procumbens	Allegheny spurge	E

Phacelia bipinnatifida	Phacelia	D
Phlox amoena	Chalice Phlox	E
Phlox stolonifera	Creeping Phlox	E
Phlox subulata	Thrift	E
Pityopsis graminifolia	Golden Aster	D
Rosa wichuraiana	Memorial Rose	E
Rubus calycinoides	Green Carpet	E
Santolina chamaecyparissus	Lavender-cotton	E
Sarcococca hookeriana humilis	Small Himalayan Sarcococca	E
Shortia galacifolia	Oconee Bells	D
Sisyrinchium mucronatum	Blue-eyed Grass	E
Teucrium chamaedrys	Germander	E
Tiarella cordifolia	Foamflower	E
Trachelospermum asiaticum	Asiatic jasmine	E
Vinca minor	Periwinkle	E
Xanthorhiza simplicissima	Yellow-root	D

Detail 1

THE CRITICAL ROOT ZONE (CRZ) IS EQUAL TO ONE FOOT RADIALLY FROM THE TREE FOR EVERY ONE INCH OF TRUNK DIAMETER AT BREAST HEIGHT (DBH) OR TO THE DRIPLINE (FURTHEST EXTENT OF TREE CANOPY), WHICHEVER IS GREATER. IN NO CASE SHALL TEH CRZ BE LESS THAN 6' RADIALLY.

	TOWN OF WAKE FOREST		
	CRITICAL ROOT ZONE	SCALE: NOT TO SCALE	DETAIL # 2.91
		DATE: REV. 8-14-07	SHEET #: 1 OF 1
	USE WITH STANDARD SPECIFICATIONS ONLY		

Detail 2

VARIABLE AS DIRECTED BY THE ENGINEER
8' MAX
WARNING SIGN
TREE PROTECTION AREA
DO NOT ENTER
ARBOL DE LA ZONA DE
PROTECCION NO ENTRAN
MIN. 12-1/2 GA
INTERMEDIATE
WIRES
GRADE
ORANGE, UV RESISTANT
HIGH - TENSILE STRENGTH
POLY BARRICADE FABRIC (TYPICAL)
MIN. 10 GA
LINE WIRES
FRONT VIEW
40"
18"
TREE PROTECTION AREA
DO NOT ENTER
ARBOL DE LA ZONA DE
PROTECCION NO ENTRAN
WARNING SIGN DETAIL
NOTES:
WARNING SIGNS TO BE MADE OF DURABLE, WEATHERPROOF MATERIAL.
LETTERS TO BE 3" HIGH MINIMUM, CLEARLY LEGIBLE AND SPACED AS DETAILED.
SIGNS SHALL BE PLACED AT 50' MAXIMUM INTERVALS.
PLACE A SIGN AT EACH END OF LINEAR TREE PROTECTION AND 50' ON CENTER THEREAFTER.
FOR TREE PROTECTION AREAS LESS THAN 200' IN PERIMETER, PROVIDE NO LESS THAN ONE SIGN PER PROTECTION AREA.
ATTACH SIGNS SECURELY TO FENCE POSTS AND FABRIC.
MAINTAIN TREE PROTECTION FENCE THROUGHOUT DURATION OF PROJECT.
ADDITIONAL SIGNS MAY BE REQUIRED BY TOWN OF WAKE FOREST INSPECTIONS DEPARTMENT BASED ON ACTUAL FIELD CONDITIONS.
INSTALL TREE PROTECTION FENCE AND SIGNAGE PRIOR TO CALLING FOR THE INITIAL ON SITE INSPECTION
BY THE TOWN OF WAKE FOREST ZONING INSPECTOR.
NOTE: FOR TREE PROTECTION ONLY
STEEL POST
WOVEN WIRE FABRIC
WARNING SIGN
ORANGE, UV RESISTANT
HIGH - TENSILE STRENGTH
POLY BARRICADE FABRIC (TYPICAL)
HIGHWAY WIDTH
SIDE VIEW
TOWN OF WAKE FOREST
STD TREE PROTECTION DETAIL
NOT TO SCALE
REV.
1 OF 1
USE WITH STANDARD SPECIFICATIONS ONLY

Detail 3

* FOR REPAIR OF SILT FENCE FAILURES, USE No. 57 WASHED STONE FOR ANCHOR WHEN SILT FENCE IS PROTECTING CATCH BASIN.
MIN. 12-1/2 GA. INTERMEDIATE WIRES
GRADE
8' MAX.
VARIABLE AS DIRECTED BY THE ENGINEER
TREE PROTECTION AREA
DO NOT ENTER
ARBOL DE LA ZONA DE
PROTECCION NO ENTRAN
SILT FENCE FABRIC INSTALLED TO SECOND WIRE FROM TOP
MIN. 10 GA. LINE WIRES
FRONT VIEW
40"
TREE PROTECTION AREA
DO NOT ENTER
ARBOL DE LA ZONA DE
PROTECCION NO ENTRAN
18"
WARNING SIGN DETAIL
NOTES:
WARNING SIGNS TO BE MADE OF DURABLE, WEATHERPROOF MATERIAL.
LETTERS TO BE 3" HIGH MINIMUM, CLEARLY LEGIBLE AND SPACED AS DETAILED.
SIGNS SHALL BE PLACED AT 50' MAXIMUM INTERVALS.
PLACE A SIGN AT EACH END OF LINEAR TREE PROTECTION AND 50' ON CENTER THEREAFTER.
FOR TREE PROTECTION AREAS LESS THAN 200' IN PERIMETER, PROVIDE NO LESS THAN ONE SIGN PER PROTECTION AREA.
ATTACH SIGNS SECURELY TO FENCE POSTS AND FABRIC.
MAINTAIN TREE PROTECTION FENCE THROUGHOUT DURATION OF PROJECT.
ADDITIONAL SIGNS MAY BE REQUIRED BY TOWN OF WAKE FOREST INSPECTIONS DEPARTMENT BASED ON ACTUAL FIELD CONDITIONS.
INSTALL TREE PROTECTION FENCE AND SIGNAGE PRIOR TO CALLING FOR THE INITIAL ON SITE INSPECTION BY THE TOWN OF WAKE FOREST ZONING INSPECTOR.
STEEL POST
WOVEN WIRE FABRIC
WARNING SIGN
SILT FENCE GEOTEXTILE FABRIC
FILL SLOPE
GRADE
6" MIN. COVER OVER SKIRT *
EXTEND WIRE 6" MIN. INTO TRENCH AND ANCHOR SKIRT AS DIRECTED BY ENGINEER *
32" MIN. WIDTH
26"
3'-0"
2'-0"
SIDE VIEW
NOTE:
-USE SILT FENCE ONLY WHEN DRAINAGE AREA DOES NOT EXCEED 1/4 ACRE AND NEVER IN AREAS OF CONCENTRATED FLOW
-END OF SILT FENCE NEEDS TO BE TURNED UPHILL.
Wake Forest
North Carolina
TOWN OF WAKE FOREST
STD TEMPORARY SILT/
TREE PROTECTION FENCE
USE WITH STANDARD SPECIFICATIONS ONLY
NOT TO SCALE
REV.
1 OF 1

Detail 4

LESS DAMAGE IS DONE TO THE ROOT SYSTEM IF UTILITIES ARE TUNNELED UNDER A TREE RATHER THAN ACROSS THE ROOTS

Wake Forest North Carolina	TOWN OF WAKE FOREST		
	EXCAVATION FOR UTILITIES	SCALE: NOT TO SCALE	DETAIL # 2.91
	USE WITH STANDARD SPECIFICATIONS ONLY	DATE: REV. 8-14-07	SHEET # 1 OF 1

Detail 5

PROPER CUT

CUT 1 IS MADE TO PREVENT TEARING OF BARK
CUT 2 IS MADE TO REMOVE WEIGHT OF BRANCH
CUT 3 FINISHES PROPER PRUNING

SOURCE: INTERNATIONAL SOCIETY OF ARBORICULTURE

Wake Forest North Carolina	TOWN OF WAKE FOREST		
	TREE SURGERY DETAIL	NOT TO SCALE	2.92
	USE WITH STANDARD SPECIFICATIONS ONLY	REV. 8-14-07	1 OF 1

Detail 6

NOTES:

1. DO NOT WRAP TRUNK OF TREE.
2. ALL TREES SHALL CONFORM TO THE STANDARDS SET FORTH IN THE MOST RECENT AMERICAN STANDARDS FOR NURSERY STOCK.
3. THE MULCH SHALL BE FREE OF TRASH AND MAINTAIN WEED FREE THEREAFTER.

Wake Forest North Carolina	TOWN OF WAKE FOREST		
	TYPICAL TREE STAKING and PLANTING DETAIL	NOT TO SCALE	2.91
	USE WITH STANDARD SPECIFICATIONS ONLY	REV. 11-11-97	1 OF 1

Detail 7

TUCK ANY LOOSE ENDS OF THE WIRE OR CABLE INTO THE WIRE WRAP SO THAT NO SHARP WIRE EDGES ARE EXPOSED.

INSTALL THREE GUYS PER TREE, SPACED EVENLY AROUND THE TRUNK. PLACE STAKES 120 DEGREES APART.

REMOVE ALL STAKING AS SOON AS THE TREE HAS GROWN SUFFICIENT ROOTS TO OVERCOME THE PROBLEM THAT REQUIRED THE TREE TO BE STAKED. STAKES SHALL BE REMOVED NO LATER THAN THE FIRST GROWING SEASON AFTER PLANTING.

TREES NORMALLY DO NOT NEED TO BE STAKED AND STAKING CAN BE HARMFUL TO THE TREE. STAKING SHOULD ONLY BE DONE ONLY WITH THE APPROVAL OF THE LANDSCAPE ARCHITECT IF IT IS TO BE EXPECTED THAT THE TREE WILL NOT BE ABLE TO SUPPORT ITSELF. THE FOLLOWING ARE REASONS WHY TREES DO NOT REMAIN STRAIGHT.

- TREES WITH POOR QUALITY ROOT BALLS OR ROOT BALLS THAT HAVE BEEN CRACKED OR DAMAGED. REJECT RATHER THAN STAKE.
- TREES THAT HAVE GROWN TOO CLOSE TOGETHER IN THE NURSERY, RESULTING IN WEAK TRUNKS. REJECT RATHER THAN STAKE.
- PLANTING PROCEDURES THAT DO NOT ADEQUATELY TAMP SOILS AROUND THE ROOT BALL. CORRECT THE PLANTING PROCEDURE.
- ROOT BALLS PLACED ON SOFT SOIL. TAMP SOILS UNDER ROOT BALL PRIOR TO PLANTING.
- ROOT BALLS WITH VERY SANDY SOIL OR VERY WET CLAY. STAKING ADVISABLE.
- TREES LOCATED IN A PLACE OF EXTREMELY WINDY CONDITIONS. STAKING ADVISABLE.

SOURCE: INTERNATIONAL SOCIETY OF ARBORICULTURE

Wake Forest North Carolina	TOWN OF WAKE FOREST		
	TREE STAKING DETAIL *TREES 3 IN. CALIPER OR LARGER*	SCALE: NOT TO SCALE	DETAIL # ???
		DATE: REV. 8-14-07	SHEET #: 1 OF 1

USE WITH STANDARD SPECIFICATIONS ONLY

Detail 8

REMOVE ALL STAKING AS SOON AS THE TREE HAS GROWN SUFFICIENT ROOTS TO OVERCOME THE PROBLEM THAT REQUIRED THE TREE TO BE STAKED. STAKES SHALL BE REMOVED NO LATER THAN THE FIRST GROWING SEASON AFTER PLANTING.

TREES NORMALLY DO NOT NEED TO BE STAKED AND STAKING CAN BE HARMFUL TO THE TREE. STAKING SHOULD ONLY BE DONE ONLY WITH THE APPROVAL OF THE LANDSCAPE ARCHITECT IF IT IS TO BE EXPECTED THAT THE TREE WILL NOT BE ABLE TO SUPPORT ITSELF. THE FOLLOWING ARE REASONS WHY TREES DO NOT REMAIN STRAIGHT.

- TREES WITH POOR QUALITY ROOT BALLS OR ROOT BALLS THAT HAVE BEEN CRACKED OR DAMAGED. REJECT RATHER THAN STAKE.
- TREES THAT HAVE GROWN TOO CLOSE TOGETHER IN THE NURSERY, RESULTING IN WEAK TRUNKS. REJECT RATHER THAN STAKE.
- PLANTING PROCEDURES THAT DO NOT ADEQUATELY TAMP SOILS AROUND THE ROOT BALL. CORRECT THE PLANTING PROCEDURE.
- ROOT BALLS PLACED ON SOFT SOIL. TAMP SOILS UNDER ROOT BALL PRIOR TO PLANTING.
- ROOT BALLS WITH VERY SANDY SOIL OR VERY WET CLAY. STAKING ADVISABLE.
- TREES LOCATED IN A PLACE OF EXTREMELY WINDY CONDITIONS. STAKING ADVISABLE.

SOURCE: INTERNATIONAL SOCIETY OF ARBORICULTURE

Wake Forest North Carolina	TOWN OF WAKE FOREST		
	TREE STAKING DETAIL *UP TO AND INCLUDING 3 INCH CALIPER*	SCALE: NOT TO SCALE	DETAIL # ???
	USE WITH STANDARD SPECIFICATIONS ONLY	DATE: REV. 8-14-07	SHEET #: 1 OF 1

Detail 9

RESIDENTIAL VS. NON-RESIDENTIAL

MINIMUM PLANTING REQUIREMENTS:

Trees
50% of all new trees shall be evergreen.
Installed size = 2" cal.

Shrubs
100% of all new shrubs shall be evergreen.
Mature height = 6'H
Installed size = 36"h

NOTES:
1. Alternative techniques for screening are encouraged and can include use of topography, walls or similar methods. If an alternative technique is to be used, approval from the Planning Director is required.

Wake Forest North Carolina	TOWN OF WAKE FOREST		
	TYPE A BUFFERYARD EXAMPLE	NOT TO SCALE	
	USE WITH STANDARD SPECIFICATIONS ONLY	REV.	1 OF 1

Detail 10

RESIDENTIAL VS. RESIDENTIAL
NON-RESIDENTIAL VS. NON-RESIDENTIAL

MINIMUM PLANTING REQUIREMENTS

Trees
50% of all trees shall be evergreen
Installed size = 2" cal.

Shrubs
50% of all new shrubs shall be evergreen.
Mature height = 6'H
Installed size = 36"h

NOTES:
1. Alternative techniques for screening are encouraged and can include use of topography, walls or similar methods. If an alternative technique is to be used, approval from the Planning Director is required.

Wake Forest North Carolina	TOWN OF WAKE FOREST		
	TYPE B BUFFERYARD EXAMPLE	NOT TO SCALE	
	USE WITH STANDARD SPECIFICATIONS ONLY	REV.	1 OF 1

Detail 11

PRIVATE PROPERTY
STREET TREE
5' UTILITY EASEMENT
RIGHT-OF-WAY LINE / PROPERTY LINE 1 FT. BEHIND SIDEWALK
DRIVEWAY
5' FT SIDEWALK
5' MIN.
LAWN AREA
6' PREFFERED FOR MEDIUM SIZED TREES (30'-45' HT.)
8' OR LARGER PREFERRED FOR LARGE SIZED TREES (45' +)
CURB
PUBLIC STREET
CENTER TREE IN LAWN AREA
ROOT BARRIERS MAY BE REQUIRED FOR AREAS LESS THAN 6'
TREES SHALL BE NO CLOSER THAN 5' TO DRIVEWAYS
CONSIDER SIGHT VISABILITY WITH PLACEMENT OF TREE
OPTION 1
TREES IN RIGHT-OF-WAY BETWEEN STREET AND SIDEWALK
STREET TREE
PRIVATE PROPERTY
5'
8'
5'
8 FT. PUBLIC STREET TREE EASEMENT
PLANT TREES 5' BEHIND SIDEWALK
RIGHT-OF-WAY LINE / PROPERTY LINE 1 FT. BEHIND SIDEWALK
DRIVEWAY
5' FT SIDEWALK
LOCATE UTILITIES IN LAWN AREA OR UNDERNEATH SIDEWALK
LAWN AREA
CURB
PUBLIC STREET
TREES SHALL BE NO CLOSER THAN 5' TO ANY PAVEMENT
OPTION 2
8 FT. PUBLIC STREET TREE EASEMENT
STREET TREE
PRIVATE PROPERTY
5'
UTILITY EASEMENT
RIGHT-OF-WAY LINE / PROPERTY LINE
DRIVEWAY
5'
5'
VARIES
PLANT STREET TREES 5' BEHIND CURB. A 8' PUBLIC STREET TREE EASEMENT MAY BE REQUIRED IF INADEQUATE SPACE IN RIGHT-OF-WAY
CURB
PUBLIC STREET
TREES SHALL BE NO CLOSER THAN 5' TO DRIVEWAYS
OPTION 3
STREET WITH NO SIDEWALK
STREET TREES SHALL BE PLANTED IN THE RIGHT-OF-WAY WHEN ADEQUATE SPACE IS PROVIDED.
STREET TREES ARE TO BE PLANTED IN A 8' PUBLIC STREET TREE EASEMENT IN ALL OTHER SITUATIONS.
Wake Forest North Carolina
TOWN OF WAKE FOREST
STREET TREE PLANTING OPTIONS
USE WITH STANDARD SPECIFICATIONS ONLY
NOT TO SCALE
2.91
REV. 8-14-07
1 OF 1

Detail 12

Parking Lot Planting Requirements for Smaller Vehicular Use Areas

TOWN OF WAKE FOREST		
VEHICULAR USE AREA PLANTING STANDARDS EXAMPLE	NOT TO SCALE	
USE WITH STANDARD SPECIFICATIONS ONLY	REV.	1 OF 1

Detail 13

NOTES:

1. Opaque screening to be provided to a min. height of 4'-0".
2. Berms may be used in combination with planting to meet height requirements.

Wake Forest North Carolina	TOWN OF WAKE FOREST	
	PLANTED EVERGREEN SCREEN	NOT TO SCALE
	USE WITH STANDARD SPECIFICATIONS ONLY	REV. 1 OF 1

Detail 14

	TOWN OF WAKE FOREST		
	TYPICAL LANDSCAPE ISLAND	NOT TO SCALE	
	USE WITH STANDARD SPECIFICATIONS ONLY	REV.	1 OF 1

Detail 15

LINEAR PLANTING STRIP – ALIGNED PLANTING
All parking spaces within 61 ft. of a tree trunk.
Linear planting strip width: 9 ft.

NOTES:

1. The intent of these requirements is to provide shade and visual breaks across large parking areas. This requires canopy trees growing in enough permeable soil to thrive. Other design options which meet this intent may be approved.
2. All medians and/or islands planted with trees shall be at least 9 ft. wide with a minimum of 300 sf of permeable soil per canopy tree.
3. Existing, healthy, well-formed canopy trees should be preserved where possible. They will be counted toward the coverage requirements.
4. If a Linear Strip is used, shrubs shall be planted at a minimum of 3 ft. on center for the balance of the island and achieve a height of 4 ft. within 4 years.
5. These are minimum requirements; additional planting is encouraged.

Parking Lot Planting Requirements for
Larger Vehicular Use Area

TOWN OF WAKE FOREST		
VEHICULAR USE AREA PLANTING STANDARDS EXAMPLE	NOT TO SCALE	
USE WITH STANDARD SPECIFICATIONS ONLY	REV.	1 OF 1

Detail 16

SOURCE: INTERNATIONAL SOCIETY OF ARBORICULTURE

Wake Forest North Carolina	TOWN OF WAKE FOREST		
	TREES AND OVERHEAD UTILITIES	SCALE: NOT TO SCALE	DETAIL # 2.91
	USE WITH STANDARD SPECIFICATIONS ONLY	DATE: REV. 8-14-07	SHEET #: 1 OF 1

Section 7. Accessory Apartments

A. Apartment Size

Minimum size: 320 square feet

Maximum size: 25% size of principal dwelling.

B. Number of Accessory Apartments

One (1) accessory apartment is permitted per lot.

C. Location of Apartment

The apartment may be located within the principal residence or in a building detached from the primary residence, such as a garage apartment, pool house, or guest house. Such a detached building must be located in the side or rear yard.

D. Outside Entrance

If located within the principal dwelling, the apartment may have a private outside entrance, but such an entrance shall be located along the side or rear of the principal dwelling.

E. Apartment Features

The apartment 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).

F. Signs

No signs visible from the street or public sidewalk are permitted.

G. Parking

One (1) off-street parking space shall be provided in addition to those required for the principal dwelling.

H. Manufactured Homes

No manufactured home may be used in an accessory apartment even if the principal building is one.

Section 8. Standards for Manufactured Homes

All manufactured HUD homes and offices, whether used for residential or business purposes and whether placed in a manufactured home park or on an individual lot of record, shall meet the following requirements:

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 (3) feet difference between the chassis of the home or office and the finished grade of the stand along the entire perimeter of the home or office proper.

B. The manufactured home or office is set up in accordance to 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, moving hitch, wheels, axles, and transporting lights are all removed.

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 primary structure, and anchored securely to the ground.

E. Other than those within the manufactured home or office 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.

F. Double-wides: A continuous permanent masonry foundation, unpierced except for required ventilation and access, shall be installed around the entire perimeter of the home or office. If the masonry foundation is not brick, stone, or decorative concrete block it shall be parged (coated with a mortar-like finish) on the visible side. Class A Manufactured Homes have additional requirements, as described in the definition section of this ordinance.

G. Single-wides: Each single-wide manufactured home or office shall be installed with skirting provided by the manufacturer specifically for such use, unpierced except for required ventilation and access, around the entire perimeter of the home or office. Skirting shall be made of a material compatible with the siding of the home or office.

H. Empty liquefied petroleum gas containers and other objects and materials not approved by the Wake Forest Fire Department shall not be stored under manufactured homes or offices.

I. Single-wide manufactured HUD homes shall be placed only in manufactured home parks.

Section 9. Appearance Standards

A. Purpose and Intent

The purpose of establishing supplementary requirements for development is to ensure that the physical characteristics of proposed development are compatible when considered within the context of the surrounding areas and to preserve the unique visual character and streetscapes of Wake Forest. These requirements strike a balance between creativity and innovation on one hand while avoiding obtrusive, incongruous structures on the other. Wake Forest strongly encourages architectural styles that build upon and promote the existing historic character of the town and supports the view that inspiring, well-maintained, and harmonious development is in the best economic development interests of all residents and businesses.

B. Applicability

The standards described or referenced in this section shall apply to all non-residential development, including renovations, remodelings, face lifts, repainting, and additions to existing structures within the zoning jurisdiction of the Town of Wake Forest. All such projects shall require that a Development Permit be obtained from the Planning and Inspections Office prior to beginning the project. These standards are provided for three geographic areas with requirements that are cumulative, thus requiring developments and businesses in the center of town to meet requirements in addition to those in outlying areas.

C. General Compatibility Requirement

All development subject to this section shall be compatible with the established architectural character of the Town by using a design that is complementary to existing Town architectural styles, designs, and forms. Compatibility shall be achieved through techniques such as the repetition of roof lines, the use of similar proportions in building mass and outdoor spaces, similar relationships to the street, similar window and door patterns, and the use of building materials that have color, shades, and textures similar to those existing in the immediate area of the proposed development.

D. Modification of Standards

The Planning Director or his designee may make modifications to the following standards upon the written request of the applicant if the standard(s) in question conflicts with other requirements by law, as long as the proposal is in compliance with the Purpose and Intent of these standards and General Compatibility requirements given above. If the applicant and Planning Director or his designee cannot come to an agreement the proposal shall be submitted to the Planning Board for recommendation at the next available agenda and to the Board of Commissioners for final decision.

E. Conflicting Requirements

Where these requirements conflict with each other or with any requirement of the Zoning Ordinance, Subdivision Regulations, Wake Forest Historic District Design Guidelines, or standards given in the US-1 Corridor Plan, 98 Bypass Corridor Plan, Renaissance Plan or Design Guidelines for Development in Downtown Wake Forest, North Carolina, the stricter, more visually compatible or more appropriate standards shall apply as determined by the Planning Director. Any modifications necessary shall be made with the approval of the Planning Director or his designee.

F. Overall Design and Appearance Standards – (Everywhere)

1. Applicability

All non-residential development within the zoning jurisdiction of the Town of Wake Forest shall meet these overall design and appearance standards.

2. Basic Building Design

Scale: Building design shall emphasize a human scale at ground level, at entryways, and along street frontages through the creative use of such features as windows, doors, columns, canopies, arcades, and awnings.

Avoiding Monotony: Monotony of design in single or multiple building projects shall be avoided by varying detail, form and siting to the maximum extent practicable, within the standards set forth in these requirements.

Unify Individual Storefronts: If several storefronts are located in one building, the individual storefronts shall be unified in all exterior design elements, such as mass, window and door placement, color, materials, and signage while, at the same time, varying the look and providing distinctiveness from storefront to storefront.

3. Architectural Features

Roofs: Roof lines shall be varied to reduce the scale of structures and add visual interest.

Facades: All facades, including front and side facades and all rear facades that are visible from any public roadway or sidewalk or from private property, that are greater than one hundred (100) feet in length, measured horizontally, shall be interrupted by recesses, projections, windows, awnings, and/or arcades and shall utilize a repeating pattern of change in color, texture, and material modules.

All facades clearly visible from public streets or adjoining properties shall contribute to the pleasing scale of features of the building and feature characteristics similar to the front facade.

Entryways: Each principal building on a site shall have one or more clearly defined, highly visible customer entrances featuring one or more of the following: canopies or porticos, arcades, arches, wing walls, and/or planters.

Materials: Predominant exterior building materials shall be high quality materials, including brick, stucco, wood, stone, and tinted/textured decorative concrete masonry units, or other materials similar in appearance and durability. Under no circumstances shall unfinished concrete block be permitted.

Colors: Colors used for exterior surfaces shall be harmonious with surrounding development and shall visually reflect the traditional concept of the town. Color shades shall be used to facilitate blending into the neighborhood. Facade colors shall be of low reflectance earth tone, muted, subtle, or neutral colors. Building trim may feature brighter colors as an accent material. The use of high-intensity or metallic colors is not allowed except for accent purposes. The use of fluorescent, day glow, or neon colors shall be prohibited as a predominate wall color. Variations in color schemes are encouraged in order to articulate entryways and public amenities so as to give greater recognition to these features. Color samples shall be provided to the staff at the time of site plan review and prior to any renovations, remodelings, facelifts, and repainting, along with a description of how and where each color will be used. Colored renderings are encouraged, but shall not be a substitute for this requirement.

4. Parking Lots

To prevent huge expanses of asphalt separating non-residential buildings from streets, parking will be separated into sections separated by landscaping and other features. Larger parking areas shall be split into sections on different sides of the building or enclosed in an interior space between buildings so as not to be easily visible from the street in order to emphasize the building and de-emphasize the parking lot.

5. Trash Containment Areas

All trash containment devices, including compactors and dumpsters, shall be located and designed so as not to be visible from the view of nearby streets and properties. If the device is not visible from off the site, then it need not be screened. The type of screening used shall be determined based on the proposed location of the trash containment area, existing site conditions, and the type and amount of existing and proposed vegetation on the site.

6. Mechanical and Utility Equipment

Mechanical and utility equipment shall be screened from view from nearby streets and properties in the same manner as trash containment areas. Ground mounted equipment shall be located in the rear or side yard and screened. Such equipment located on the roof of the building shall also be made invisible from nearby streets and properties, through

the use of setbacks from the edge of the roof or through the use of a screen exceeding the height of the equipment and using building materials and design which are compatible with those used for the exterior of the building. If the equipment is not visible from off the site, then it need not be screened. The type of screening used shall be determined based on the proposed location of the equipment, existing site conditions, and the type and amount of existing and proposed vegetation on the site.

7. Streetscape Protection

Any damage to the existing streetscape design, including street trees, by development, use, or condition of private property shall be corrected by the property owner at the owner's expense to the satisfaction of the Town of Wake Forest prior to the issuance of a Certificate of Occupancy. Any damage not corrected by the owner shall be corrected by the Town, the cost of which is to be billed to the owner, including town administrative costs. For the purposes of this section, streetscape shall be defined to include any public improvement adjacent to private property regardless of whether or not it is a public street or part of any adopted plan or town project.

8. Sidewalks

Sidewalks meeting town standards shall be constructed to facilitate movement of pedestrians within the site and connect to the town sidewalk system.

9. Cultural Resources

Cultural Resources are shown on the Land Planning Resources Map for the Wake Forest Land Use Management Plan, adopted on May 14, 1987, updated on September 16, 1997. Site development shall be considered in light of impacts on the cultural resources of the Town of Wake Forest. Cultural resources include historic properties, points of high elevation, significant sites, silos and mature exceptional trees. Impacts on cultural resources shall be minimized by use of design, height, massing, scale, building orientation, site layout, visual (e.g. preservation of the view to the Binkley Chapel steeple) and other development techniques to harmoniously integrate new development into the Town while preserving and using cultural resources.

10. <u>Accent Light Strips</u>

Lighting strips are not architectural design features and may only be approved in limited applications to highlight material architectural elements.

a. Only one light strip is allowed per elevation.
b. Light strips shall only be approved as an accent to a horizontal architectural feature.
c. Light strips shall not be applied in vertical bands.
d. Light strips may not span architectural features.
e. Light strips shall not be used on canopy structures.

f. Light strips may only be installed in translucent soffits or "C" channels when they are designed to blend in with the architectural feature being highlighted. For example, a stone colored "C" channel could be situated beneath a stone look cornice in a manner which extends the cornice as viewed by day, while encasing a light strip that would illuminate white or colored light when viewed in the evening.

g. Opaque soffits or "C" channels providing only backlight conditions shall be required when accent colors are used to house the light strip.

h. The soffits or "C" channel shall be rigid so as not to sag over the run.

i. The light source shall not be visible.

j. Neon and other gas tubing are not allowed.

G. Town Center Area

1. Applicability

All non-residential development within a modified version of the area designated as the "Town Center" by the Wake Forest Land Use Management Plan shall meet these standards, in addition to those described in Overall Design and Appearance Standards, because this area is contained within the jurisdiction of the Town of Wake Forest throughout which the Overall Design and Appearance Standards apply.

The Town Center area is described as bounded on the northeast by the proposed Northside Loop south to NC-98, east to Smith Creek, following Smith Creek south to Rogers Road, west on Rogers Road to South Main Street (US-1A), south on South Main Street (US-1A) to the proposed Ligon Mill Road extension, north past the proposed NC-98 By-pass to Richland Creek, north along Richland Creek to West Oak Avenue, west on West Oak Avenue to Harris Road, and east on Harris Road to the Northside Loop.

2. Basic Building Design

Massing: A single, large, dominant building mass shall be avoided. Where large structures are required, mass shall be broken up through the use of setbacks, projecting and recessed elements, and similar design techniques.

Varying Architectural Styles: In developments with multiple structures of varying architectural styles, buildings shall be compatible by such means as a pattern of architectural features, similar scale and proportions, and consistent location of signage.

Additions and Renovations: Building additions and facade renovations shall be designed to reflect existing buildings in scale, materials, window treatment, and color. A change in scale may require a transitional design element between the new development and existing buildings.

Infill Development: New infill development shall either be similar in size and height or, if larger, be articulated and subdivided into massing that is proportional to the mass and scale of other structures on the same and adjoining blocks.

3. Architectural Features

Roofs: Roof lines, type (such as flat, hip, mansard, or gable), and materials shall be architecturally compatible with facade elements and the rest of the building and with other buildings on the same and adjoining blocks.

Fenestration: Windows, entryways, awnings, and arcades shall total at least sixty percent (60%) of the facade length abutting a public street. Windows and glass doors shall be clear, transparent glass. No window or door shall be horizontally separated by more than fifteen (15) feet from the nearest other window or door in the same facade visible from any public street.

Materials: Building materials shall either be similar to the materials already being used in the neighborhood or, if dissimilar materials are being proposed, other characteristics such as scale and proportions, form, architectural detailing, color, and texture, shall be utilized to ensure that enough similarity exists for the building to be compatible, despite the differences in materials.

Exterior Wall Cladding: During renovations in existing buildings brick, stone, or wood facades shall not be covered or replaced with artificial siding or panels**,** including decorative concrete masonry units. Fiber cement siding, such as the brand name "Hardiplank", may be used to replace wood clapboard siding.

Awnings and Canopies: When used, awnings and canopies shall be placed at the top of window or doorway openings and shall relate to the shape of the top of the window. Awnings shall be made of canvas, treated canvas, or similar material. Metal or vinyl (or plastic) awnings are prohibited. No awning shall extend more than the width of the sidewalk or nine (9) feet, whichever is less. Awnings must be self-supporting from the wall. No supports shall rest on or interfere with the use of pedestrian walkways or streets. In no case shall any awning extend beyond the street curb or interfere with street trees or public utilities.

Canopies shall be of solid materials and complement the color of the building to which they are affixed or associated. In some cases canopies may have supports separate from the building, such as at gas stations, but such canopies must be setback from the property and right-of-way lines a minimum of the required setback of accessory buildings, as required in the zoning district where located, and must not interfere with street trees or public utilities.

H. Renaissance Area Districts

1. Administration

a. Applicability

All development within Renaissance Area Districts, as defined in the Renaissance Plan, shall meet the standards as described in the Renaissance Plan, in addition to those described in Overall Design and Appearance Standards and Town Center Area, as appropriate, given above and any applicable highway corridor plans.

b. Purpose and Intent

The purpose of these Design Guidelines is to enact regulations that implement the vision and goals of The Renaissance Plan for the heart of Wake Forest.

These Design Guidelines are intended to attach the same or greater level of importance to the overall building and site design as is placed on the use contained within to facilitate the creation of a convenient, safe**,** and attractive community. Buildings are expected to be added to Downtown Wake Forest as long-term additions to the architectural vibrancy of the community for the purpose of encouraging economic development activities that enlarge the tax base by providing desirable residences and places of shopping, employment and public assembly.

These Design Guidelines encourage the placement of buildings closer to each other as well as closer to the street where pedestrian activity is expected to occur. As the sidewalks remain the principal place of pedestrian movement and casual social interaction, designs and uses should be complementary of that function. This encourages pedestrian activity by providing an attractive destination and an interesting journey thereby reducing congestion and improving the overall quality of life in the Town of Wake Forest.

c. Modification of Standards

The Planning Director or his designee may make modifications to the standards found in this Urban Code upon the written request of the applicant if the standard(s) in question conflicts with other requirements by law, as long as the proposal is in compliance with the Purpose and Intent of these standards given above. If the applicant and Planning Director or his designee cannot come to an agreement, the proposal shall be submitted to the Planning Board for recommendation on the next available agenda and to the Board of Commissioners for final decision.

2. Streetscape Design

Street designs in the Downtown should permit the comfortable use of the street by cars, bicyclists, and pedestrians. Pavement widths, design speeds, and the number of vehicle lanes should be minimized without compromising safety. The specific design of any given street must consider the building which fronts on the street and the relationship of the street to the Town's street network. New streets shall be required to be compatible with the Pedestrian and Bike plans, when complete. As preexisting streets are upgraded they shall be made compatible, to the extent practical, with the Pedestrian and Bike plans, when complete.

a. Connectivity: Streets shall interconnect within a development and with adjoining development. Street stubs should be provided with development adjacent to open land to provide for future connections. Streets shall be planned with due regard to the designated corridors shown on the Renaissance Plan.

b. Streetscape Design

All new development or expansions to existing development shall be required to upgrade their street frontage in accordance with the following standards:

	Historic Core	Urban Center	Campus
On-Street Parking	Parallel or Diagonal	Parallel or Diagonal	Parallel or Diagonal
Curb Return Radii (maximum)	15 feet	20 feet	20 feet
Curbs and Drainage	Standard Curb Closed Drainage	Standard Curb Closed Drainage	Standard Curb Open/Closed Drainage
Tree Spacing (minimum of 1)	50 feet Average	40 feet Average	40 feet minimum
Planting Strip Type	Planting Wells	Wells or a Continuous Strip	Continuous Strip
Minimum Planting Strip Width	n/a	6 feet	8 feet
Sidewalk Width (minimum)	10 feet	12 ft – Retail 8 ft – Office 5 ft – Residential	5 feet

c. General Provisions

1) **On-Street Parking:**
On-street parking provided shall be parallel. Angle parking is permitted in front of high traffic retail locations and where the posted traffic speed is 20 mph or less and/or on one-way streets.

2) **Curb-Return Radii:**
Curb radii shall be designed to reduce pedestrian crossing times along all streets requiring sidewalks. In general, curb radii should not exceed 20 ft.

3) **Curbs and Drainage:**
Curbs shall be constructed in accordance with town standards. Standard curbing is required along all streets with on-street parking and around all required landscaping areas and parking lots. Mountable curbing is permitted around center medians, roundabouts, and other features in order to facilitate the infrequent use by vehicles with larger turning radii. Drainage shall be provided using curb and gutter piped systems along all streets. All drainage grates, if provided, must be safe for bicyclists (grating must be perpendicular or diagonal to the street centerline).

4) **Traffic Calming:**

The use of traffic calming devices such as landscaping bulb-outs and roundabouts are encouraged as alternatives to conventional traffic control measures.

5) **Street Trees/Planting Strips:**
Landscaping, including street trees and planting strips, shall meet town standards. Streets should be designed with street trees planted in a manner appropriate to their function. Commercial streets shall have trees which compliment the face of the buildings and which shade the sidewalk. They should therefore be planted at property lines or at side property lines along the frontage.

In the RA-Campus, streets should have an appropriate canopy which shades both the street and sidewalk, and serves as a visual buffer between the street and the building.

6) **Sidewalks:**
Sidewalks serving mixed use and commercial areas should be a minimum of 12-15 feet in front of retail uses. (See Table 2.b. above)

7) **Outdoor Seating:**
Where uses such as outdoor seating for cafés and restaurants use the public sidewalk, there shall be a minimum of 4 feet of clearance for adequate passing distance by pedestrians.

3. Urban Open Space Standards:

a. Significant stands of trees, streambed areas, and other valuable topographic features shall be preserved within the required open space areas unless technically infeasible. Areas noted on The Renaissance Plan as open space should be preserved and dedicated unless technically infeasible and may be left unimproved in accordance with the Plan.

b. Required public open space shall be separately deeded to either a homeowner's association, a non-profit land trust or conservancy, the Town of Wake Forest, or otherwise permanently protected through deed restriction.

c. **Location:** The design and location of public open space on a site is perhaps the most important determinant in a successful pedestrian environment. To ensure that public open space is well-used, it is essential to locate and design it carefully.

- Public open space should be fronted by streets and buildings to encourage their use and patrol their safety.
- The space should be located where it is visible and easily accessible from homes and public areas (building entrances, streets, sidewalks).
- Take views and sun exposure into account in design and location.
- The space should be well-buffered from moving cars so that users can enjoy and relax in the space.

- The space may be visible from streets or internal drives but should not be wholly exposed to them.
- Partially enclose the space with building walls, freestanding walls, landscaping, raised planters, or on-street parking to help buffer it and create a comfortable "outdoor room".

d. Public Seating: Publicly accessible places to sit in the public realm are important not only as basic amenities, but also in sponsoring casual social interaction. Seating can be both formal and informal, including both park benches on the tops of garden walls or monumental stairs at the entrance to public buildings. Planter walls should be set at a maximum height of 2½ feet to allow for their use as seating. Moveable chairs and sidewalk cafes are strongly encouraged. Allow accessible surface spaces for strollers, wheelchairs, etc. adjacent to seating and out of the main pedestrian traffic flow.

e. Minimum Amenities:

- 1 tree (***2 ½*** inch caliper minimum at installation) for every 1,000 square feet of provided open space to be planted in at least 350 square feet of soil.
- A minimum of 25 linear feet of seating should be provided for every 1,000 square feet of urban open space. Seating should be more than 12 inches and less than 30 inches in height and not less than 16 inches in depth. Seating more than 28 inches in depth and accessible from two sides should count double. Moveable chairs are encouraged and each count as 2 ½ linear feet of suggested seating.
- At least half of the open space should be at street level.
- Playground equipment, statues, and fountains, if provided, should be located toward the interior of squares and parks.
- One water tap for each 5,000 square feet of each landscaped open space.
- One garbage receptacle for each 5,000 square feet of each physically separated open space, or a minimum of one, meeting town standards.

f. Public Art: Property owners are encouraged to provide outdoor public art on their property or in the adjacent public right-of-way, to enrich the pedestrian experience and create a stronger sense of place.

Murals displayed by a private business or property owner may be considered. If provided, the mural should be placed on a removable panel and not directly onto the building surface. Such murals may be considered to be signage and count toward the allowable wall sign area.

4. Site Design

A primary task of all urban architecture and landscape design is the physical definition of streets and public spaces as places of shared use. Streets lined by buildings rather than parking lots are more interesting to move along, especially for pedestrians and provide a safer environment.

a. Building Placement

1) **Building Frontage:**

All buildings shall share a frontage line with a street or public open space. Buildings should be located close to the pedestrian street (generally within 25 feet of the curb), with off-street parking behind and/or beside buildings.

2) **Corner lots:**
If the building is located at a street intersection, place the main building, or part of the building, at the corner. Parking, loading or service should not be located at an intersection.

3) **Viewshed Protection:**
Important vistas and views of the Southeastern Baptist Theological Seminary's church steeple shall be protected and accentuated to the extent practical.

4) **Street Vistas:**
Important street vistas (such as along Town gateways and primary pedestrian streets) should terminate in a focal point, such as a building or other architectural or landscaped feature.

5) **Setbacks:**
Front and side setbacks shall be consistent with those of surrounding buildings. An outdoor "room" may be placed between the building and sidewalk where the building serves as the termination of a pedestrian street, necessitating a larger setback. This type of outdoor "room" serves to open the business to the street and pedestrians and should be accessed from the public sidewalk to be used for customers, (e.g. sidewalk café) or for general public seating (e.g. courtyard). The Renaissance Area Plan has identified the termination of Wait Avenue, Jones Avenue, and East Owen Avenue for such opportunities.

b. Infill Lots

1) **Infill Compatibility:**
Unless otherwise specified in The Renaissance Plan, buildings on infill lots shall generally be setback a distance in context with surrounding buildings of the proposed development on the same side of the street. Adjacent buildings shall relate in similarity of scale, height, architectural style, and configuration. Transitions to dissimilar building types (i.e. Detached House to Commercial Buildings) should generally occur at the rear lane/alley, rear property line, or in the next block.

2) **Adjacent Lots:**
For similarly zoned properties, try to match the grade of abutting properties where the properties meet. If there is a significant grade difference, create an attractive transition, using creative grading and landscaping or a decorative retaining wall. Be sure to incorporate vehicular and pedestrian cross-access. Avoid using a blank or unscreened concrete retaining wall or a rock-covered slope.

c. Parking and Circulation

Parking in the Renaissance Area Districts shall be provided consistent with Article VII. Off-Street Parking and Loading, except as modified in this section.

1) **Minimum Parking Ratios**

	Historic Core RA-HC	**Urban Center RA-UC**	**Campus RA-C**
Parking Requirements (Minimum)*			
Residential	None	1 space per unit	1 space per unit
Lodging	None	1 space per room	1 space per room
All other uses	None	1 per 300 square feet	1 per 300 square feet

All square footage is in leasable square feet. Parking requirements may be satisfied using on-street parking in front of buildings or public lots within 300 ft of primary building entrances. Exceeding the minimum parking must be justified with parking studies and standards.

** The Town may approve a payment in lieu of parking or missing spaces in a lot.*

2) **Shared Parking Standards:**

The joint use of shared off-street parking between two uses may be made by contract between two or more adjacent property owners. Adjacent lots shall be interconnected where practical.

Developments that operate at different times may jointly use or share the same parking spaces with a maximum of one-half (½) of the parking spaces credited to both uses if one use is a church, theater, assembly hall or other use whose peak hours of attendance will be at night or on Sundays, and the other use or uses are ones that will be closed at night or on Sundays or upon the normal hours of operation.

3) **Location of Parking Areas:**

- Parking lots shall be located to the side or behind buildings or in the interior of a block. Parking areas in the side yards shall be located a minimum of 10 feet behind the frontage line of the building.
- Pedestrian and vehicular access from a public street to a parking area at the interior of the b lock shall be no further apart than a maximum of 400 feet.
- All off-street parking spaces for multi-family buildings shall be in the rear yard only and access to any garages shall be from the rear.

4) **Connectivity:** Adjacent lots should be interconnected except in the case of existing steep topography between the sites.

5) **Parking Area Screening:** All parking areas visible from the right-of-way should be screened from view. Parking areas located in the side yard shall have the portion of the lot that fronts the street screened up to a height of 4 feet using shrubs, brick walls (using brick that matches the adjacent building), wrought iron fencing, stone, cultured stone**,** or any combination thereof. For public safety, if a fence or wall screening a parking lot is over 4 feet in height that portion above 4 feet shall be pierced for visibility to the interior. If landscaping is used, the minimum planting area width should not be less than 4 feet.

6) **Loading and Unloading Spaces:** Any use with a private parking lot will provide space for loading and unloading, meeting town standards. Where an alley is constructed loading areas shall be provided in the alley for rear access to the business. Where there is no alley and no private parking lot one parking space shall be designated for loading on each side of the street per block, if considered feasible by the town planning department, unless the town adopts a delivery time restriction for on-street loading.

7) **Parking Space Dimensions:** Parking space dimensions shall meet current town standards.

8) **Parking Area Landscaping:**

   a) Maximum Distance from a Parking Space to a Shade Tree Trunk: The spacing of shade trees shall meet town standards.
   b) Required Plantings: 1 Shade Tree per 10 spaces to be located in interior parking lot islands.

9) **Parking Structures**

   a) The ground-level of a parking structure should be wrapped by retail, office or some other active use along at least the primary façade. All levels of a structured parking facility shall be designed and screened in such a way as to minimize visibility of parked cars.
   b) Along pedestrian-oriented streets, parking structure facades shall be treated with high quality materials and given vertical articulation and emphasis compatible to the principal structure. The façade shall be designed to visually screen cars. In no instance will rails or cabling alone be sufficient to meet this screening requirement.
   c) Pedestrian entries shall be clearly visible.
   d) In addition to the above requirements, in the event that any openings for ventilation, service, or emergency access are located at the first floor level in the building façade, then they shall be an integral part of the overall building design.

d. Pedestrian and Bicycle Amenities

1) **Pedestrian and Bicycle Network:** Provide a complete network of pedestrian and bicycle paths that interconnect building entrances, parking, transit stops, public sidewalks and crossings, adjacent properties, adjoining off-street paths, and other key destinations on or adjacent to the site. Avoid steps; provide curb ramps to accommodate wheelchairs, bicyclists, and baby strollers. If no immediate benefit can be derived from the pedestrian link, maintain the potential at-grade link and provide a construction easement to the adjoining property.

2) **Pedestrian Pathways:** Pedestrian pathways should be provided from the street to the parking area between buildings, as necessary to ensure reasonably safe, direct, and convenient access to building entrances and off-street parking. To aid pedestrian navigation and comfort, provide the following elements along paths:

   a) Landscaping, such as rows of trees and shrubs, flower beds, and planters
   b) Pedestrian scaled lighting, such as lighted bollards
   c) Small, color-coded way-finding signs, or a directory
   d) Vertical architectural elements, such as markers or arches
   e) Seating and resting spots
   f) Special paving

3) **Crosswalks:**
   Whenever pathways cross internal drives, curb cuts, and streets, provide a highly-visible crosswalk, made of a material that provides strong contrast with the vehicular surface (e.g. concrete in asphalt, unit pavers in concrete). Crosswalk stripes are acceptable, but require frequent repainting. Consider elevating the crosswalk to the level of the connecting walk. Also use standard warning signs and light fixtures (per the Manual of Traffic Control Devices) to alert drivers to crossings.

4) **Bicycle Parking:**
   Wherever auto parking is provided bicycle parking will also be provided, meeting town standards, with a minimum capacity of one bicycle**.** Inverted U or "Cora"-type racks are suggested though others of similar durability and ease of use may be approved. Bike racks should be located close to the main building entrance(s) so they are highly visible and convenient. To facilitate access, install a curb ramp in any drive near the bike parking.

e. Supplemental Landscaping

The appropriate use of existing and supplemental landscaping fosters unity of design for new development and blends new development with the natural landscape. Quality landscaping is an essential component of the built form of the Town.

The corners of street intersections, particularly gateways and site entries (entries from both street and sidewalk) should be distinguished by special landscape treatments: flower displays, specimen trees and shrubs, accent rocks, low walls, signage, decorative lighting, sculpture, architectural elements, and/or special paving. Features for vehicular entry points must meet the Town's sight triangle requirements.

f. Lighting

Decorative lighting should be provided as a means of providing a safe and visible pedestrian realm as well as establishing a theme or character for a street. The use of decorative light fixtures along with a coordinated signage and banner program create a lively pedestrian environment.

1) **Public and Private Sectors**

- Use a low intensity of high-quality light placed close together, which will provide good, uniform visibility while avoiding light pollution.
- Use decorative bases, posts, luminaires, and bollards in lieu of standard wood poles.
- Architectural accent lighting shall be white in color and be used to highlight architectural features without the lighting, itself, becoming a feature.

2) **Public Sector**

a) A lighting program should consider the illumination of sidewalks and other multi-use pathways using low intensity, closely spaced**,** fixtures that provide an even distribution of light while avoiding areas of intense shadows.
b) To consolidate the number of fixtures placed within the right-of-way, consider the co-location of light fixtures along with other streetscape elements on single poles (i.e. street lighting, pedestrian lighting, and banners).

3) **Private Sector**

a) A substantial amount of supplementary lighting for pedestrians shall be provided from the storefronts using either indirect illumination from within the building or direct illumination under canopies or awnings.
b) Exterior lights on all sides of buildings will have partial or full cutoff, meeting town standards.
c) Private parking lots shall be lighted with fixtures with a full 90 degree cutoff, meeting town standards.
d) Architectural lighting shall be subject to design review the same as other exterior lighting.
e) Lighting strips may only be approved in limited applications to highlight material architectural elements in accordance with Town standards.

g. Utilities and Trash Containment

1) **Underground Wiring:**
To reduce the visual impact of overhead wiring, utility services shall be located underground with periodic stub-ups**.**

2) **Trash Containment Areas:**
All trash containment devices, including grease containers**,** compactors, and dumpsters, shall meet town standards and be located and designed so as not to be visible from the view of nearby streets and properties. Chain link fences are not permitted. Screening materials shall consist of brick, stone, cultured stone, split face CMU or evergreen vegetation plus concrete bollards. If the device is not visible from off the site, then it need not be screened. The type of screening used shall be determined based on the proposed location of the trash containment area, existing site conditions, and the type and amount of existing and proposed vegetation on the site.

3) **Mechanical and Utility Equipment:** Mechanical and utility equipment shall be screened from view from nearby streets and properties in the same manner as trash containment areas. Ground mounted equipment shall be located in the rear or side yard and screened. Such equipment located on the roof of the building shall also be made invisible from nearby streets and properties, through the use of parapet walls or setbacks from the edge of the roof or through the use of a screen exceeding the height of the equipment and using building materials and design which are compatible with those used for the exterior of the building. If the equipment is not visible at pedestrian height from nearby sites then it need not be screened. The type of screening used shall be determined based on the proposed location of the equipment, existing site conditions, and the type and amount of existing and proposed vegetation on the site.

5. Building Design Standards

The rich, architectural vocabulary of the Town of Wake Forest presents a wide variety of development opportunities using traditional forms while avoiding any perception of monotony. Buildings that are stylized in an attempt to use the building itself as advertising are not acceptable, particularly where the proposed architecture is the result of a "corporate" or franchise style. In the case of a contributing building to the Downtown Wake Forest Historic District, the Secretary of Interior's Standards for Rehabilitation will be used as a guideline for exterior work.

a. General Building Design Principles

1) **Scale:** Building design shall emphasize a human scale at ground level, at entryways, and along street frontages through the creative use of such features as windows, doors, columns, canopies, arcades, and awnings.

2) **Massing:** A single, large, dominant building mass shall be avoided. Where large structures are required, mass shall be broken up through the use of setbacks, projecting and recessed elements, and similar design techniques.

3) **Height:** Infill structures shall conform to the average height of surrounding structures, with taller portions of the new building set back in order to maintain the established street pattern and access to light.

4) **Avoiding Monotony:** Monotony of design in single or multiple building projects shall be avoided by varying detail, form and siting to the maximum extent practicable, within the standards set forth in these requirements.

5) **Unify Individual Storefronts:** If several storefronts are located in one building, the individual storefronts shall be unified in all exterior design elements, such as mass, window and door placement, color, materials, and signage while, at the same time, varying the look and providing distinctiveness from storefront to storefront.

6) **Varying Architectural Styles:** In developments with multiple structures of varying architectural styles, buildings shall be compatible by such means as a pattern of architectural features, similar scale and proportions, and consistent location of signage.

7) **Additions and Renovations:** Building additions and facade renovations shall be designed to reflect existing buildings in scale, materials, window treatment, and color. A change in scale may require a transitional design element between the new development and existing buildings. The Secretary of the Interior's Standards for Rehabilitation shall be a guideline in renovating historic buildings.

8) **Infill Development:** New infill development shall either be similar in size and height or, if larger, be articulated and subdivided into massing that is proportional to the mass and scale of other structures on the same and adjoining blocks.

b. Ground Floor Treatment

The first floor of all buildings should be designed to encourage and complement pedestrian-style interest and activity by incorporating the following elements:

1) The ground level of the building must offer pedestrian interest along sidewalks and paths. Blank walls at the street level are not permitted. This includes windows, entrances, and architectural details. Incidental signage on buildings, awnings, and ornamentation is encouraged.

2) Windows, entryways, awnings, and arcades shall total at least sixty percent (60%) of the facade length abutting a public street. Windows and glass doors shall be clear, transparent glass. The use of reflective (mirrored) glass is not

3) Differentiate the entrance to commercial use of the ground floor from the secondary entrance, if any, to the upper levels.

4) Ventilation grates or emergency exit doors located at the first floor level in the building facade, which are oriented to any public street, shall be decorative.

c. Building Entrances

A primary entrance facade shall be oriented toward the street, be designed for the pedestrian, and be distinguishable from the rest of the building. Such entrances shall be designed to convey their prominence on the fronting façade. Use building massing, special architectural features, and changes in the roof line to emphasize building entrances. Additional entrances may be oriented toward side or rear parking lots. Service entrances for shipping and receiving shall be oriented away from the public street.

d. Residential Building Entrances

Residential building entrances shall be designed so as to be separate from the public sidewalk by elevation change, recessing, decorative fencing, or other technique to reinforce a privacy zone, privacy for the interior, and distinguish them from the commercial entrances.

e. Wall Detailing

1) Architectural elements like windows and doors, bulkheads, masonry piers, transoms, cornice lines, window hoods, awnings, canopies, and other similar details shall be used on all facades facing public rights-of-way.

2) Building wall offsets, including projections, recesses, and changes in floor level shall be used in order to: add architectural interest and variety, relieve the visual effect of a single, long wall and subdivide the wall into human size proportions. Similarly, roofline offsets should be provided to lend architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof.

3) Consider the use of cornices to provide a separation between the storefront and the upper stories.

f. Doors and Windows (Fenestration) All development shall be designed to encourage and complement pedestrian scale activity. First floor windows and glass doors shall provide a view into the building or into a window display area. They shall not be painted, tinted, or otherwise covered, so as to obstruct view into the interior. Such covered windows function as solid walls and are not appropriate in a pedestrian oriented downtown.

1) New storefronts shall incorporate display windows, or equivalent glazing, to match the rhythm of a storefront with display windows.

2) The rhythm and placement of windows in a new facade shall relate to the surrounding buildings.

3) The proportions of the windows shall be compatible with those on the surrounding buildings.

4) The wall to window ratio of new buildings shall be compatible with and relate to that of nearby structures. The wall to window ratio is the balance of openings in a building with the rest of the facade. (Also see Section 5.b.2))

5) Maintain the pattern on adjacent buildings established by details such as recessed windows, wide sills, window boxes, and bay windows. Avoid windows that are flush to the wall.

6) Windows, doors, columns, eaves, parapets, and other building components shall be proportional to the overall scale of the building. Windows shall be vertically proportioned wherever possible. Also, to the extent possible, upper story windows shall be vertically aligned with the location of windows and doors on the ground level.

7) Consider the use of transoms to provide light to the interior.

g. Awnings and Canopies

Awnings and canopies shall be designed in context with the historic surroundings. When used, awnings and canopies shall be placed at the top of window or doorway openings and shall relate to the shape of the top of the window. Awnings shall be made of canvas, treated canvas, or similar material. High quality metal awnings with an appropriate design compatible with the area, as determined by the Planning Director or his designee, may be allowed. Other metal, as well as vinyl (or plastic) awnings, are prohibited. Flat, metal awnings or other awnings that are inappropriately related to the character and period of the building shall not be permitted. No awning shall extend more than the width of the sidewalk or nine (9) feet, whichever is less. Awnings must be self-supporting from the wall. No supports shall rest on or interfere with the use of pedestrian walkways or streets. In no case

shall any awning extend beyond the street curb or interfere with street trees or public utilities. (Also see Sections5.l.4) and Article VI, Section 4. Signs)

Canopies shall be of solid materials and complement the color of the building to which they are affixed or associated. In some cases canopies may have supports separate from the building, such as at gas stations, but such canopies must be setback from the property and right-of-way lines a minimum of the required setback of accessory buildings, as required in the zoning district where located, and must not interfere with street trees or public utilities. (Also see Sections 5.l.4) and Article VI, Section 4. Signs)

h. Residential Façade Design

1) Garage doors are not permitted on the front elevation of any residential building.

2) All building elevations visible from the street shall provide doors, porches, balconies, and/or windows. This standard applies to each full and partial building story.

3) All residential buildings shall provide detailed design along all elevations. Detailed design shall be provided by using multiple architectural features on all elevations, as appropriate, for the proposed building type and style (may vary features on rear/side/front elevations):
   a) Dormers
   b) Gables
   c) Recessed entries
   d) Covered porch entries
   e) Cupolas or towers
   f) Pillars or posts
   g) Eaves (minimum 6 inch projection)
   h) Off-sets in building face or roof (minimum 16 inches)
   i) Window trim (minimum 4 inches wide)
   j) Bay windows
   k) Balconies
   l) Decorative patterns on exterior finish (e.g. scales/shingles, wainscoting, ornamentation, and similar features)
   m) Decorative cornices and roof lines (for flat roofs)
   n) Corner boards

i. Roofs

1) Roofline offsets shall be provided to lend architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof.

2) Roof pitches less than 3/12 and flat roofs will require a parapet wall and decorative cornice as appropriate. (Also see Section 5.h.3))

3) Main roofs on residential buildings shall be symmetrical gables or hips with a pitch between 6:12 and 12:12. Monopitch (shed) roofs are allowed only if they are attached to the wall of the main building. No monopitch roof shall be less then 6:12.

4) Roof lines, type (such as flat, hip, mansard, or gable), and materials shall be architecturally compatible with facade elements and the rest of the building and with other buildings on the same and adjoining blocks. Roof forms shall be architecturally compatible with existing, adjacent, or surrounding structures.

5) A pitched roof shall be profiled by eaves and overhangs a minimum of 12 inches from the building face or with a gutter.

j. Materials and Colors

1) **Wall Materials:** Predominant exterior building materials shall be high quality materials, including brick, stucco, wood clapboard, fiber cement board, stone, cultured stone, and/or other materials similar in appearance and durability. Under no circumstances shall unfinished concrete block be permitted. Brick, stone, cultured stone, or decorative masonry units shall not be painted unless approved. EIFS and similar synthetic coatings shall not be permitted as a predominant exterior building material.

2) **Material Configuration:** Two wall materials may be combined horizontally on one facade. The heavier material should be below.

3) **Accent Materials:** In addition to acceptable predominant wall materials, tinted/textured decorative concrete masonry units, shingles, EIFS, and other minority elements may be used on facades as an accent material only. Light strips may be used in limited quantities as an accent material, as described in Section 7.6.3.

4) **Roof Materials:** Pitched roofs should be clad in wood shingles, standing seam metal, terne, slate, dimensional asphalt shingles or similar material.

5) **Foundation Materials:** Foundation walls (except those under porches) shall be finished with brick, stone, or cultured stone. The crawlspace of porches shall be enclosed with brick, stone, cultured stone**,** or wood lattice, or any combination thereof.

6) **Colors:** Colors used for exterior surfaces shall be harmonious with surrounding development and shall visually reflect the traditional palette of downtown. Color shades shall be used to facilitate blending into the neighborhood.

   a) **Façade and Trim Color:** Facade colors shall be of low reflectance earth tone, muted, subtle, or neutral colors. Building trim may feature brighter colors. The use of high-intensity or metallic colors is not allowed except for accent purposes. The use of fluorescent, day glow, or neon colors shall be prohibited as a predominant wall color. Variations in color schemes are encouraged in order to articulate entryways and public amenities so as to give greater recognition to these features.
   b) **Submittals:** Color samples shall be provided to the staff, according to town standards**,** at the time of site plan review and prior to any renovations, remodelings, facelifts, and repainting, along with a description of how and where each color will be used. Colored renderings are encouraged, but shall not be a substitute for this requirement.

k. Renovations and Remodeling

1) **Storefronts:**

   a) Original storefronts shall be maintained, repaired, and preserved with as little alteration as possible. Extensively deteriorated or missing elements shall be replaced with parts based on surviving details or other evidence.
   b) When completely missing, a new facade will be designed which is compatible with the size, scale, materials, and color of similar structures, old records or photographs, intact portions of the building, or other design appropriate to the period.
   c) Decorative detail shall be retained and restored whenever possible.

2) **Doors:** The original doors of a building shall be retained, repaired, and refinished, as needed, if possible. Replacement doors shall be compatible with the historic character and design of the building.

3) **Windows**

   a) Retain the original fenestration pattern (window opening proportions).
   b) If the original window openings have been altered, restore them to their original configuration and style, if known, or to something appropriate to the period.
   c) If the ceiling has been lowered pull the dropped ceiling back from the original window to allow light to enter.

   d) Do not block or fill window openings.

e) Do not use shutters on the first floor except where clear evidence indicates their presence historically. If shutters are to be used, they shall be functional unless the windows are fixed.
f) When possible, save and restore the original windows and frames. Replace missing or rotting parts with similar material.

4) **Signage**

a) Lettering style, materials, and colors shall complement the building.
b) Nationally distributed signs not compatible with the style and character of the building and with the sign board space shall not be allowed.

5) **Exterior Treatment**

a) If brick, stone, or decorative concrete masonry unit surfaces are unpainted they shall be left that way unless painting is approved. If they are painted repaint with an appropriate color.
b) Avoid sandblasting and other abrasive cleaning methods, unless all alternatives have failed.
c) Masonry repair shall use an approved mortar mix that matches the compressive strength, color, and texture of the original.
d) Do not use waterproof coatings that do not breathe.

l. Historic Renovations

The Secretary of the Interior's Standards for Rehabilitation shall be a guideline in renovating historic buildings. The following guidelines are intended to ensure compliance with these Standards.

1) **Storefronts**

a) Original storefronts shall be maintained, repaired, and preserved with as little alteration as possible. Extensively deteriorated or missing elements shall be replaced with parts based on surviving details or other evidence.
b) When completely missing, a new facade will be designed which is compatible with the size, scale, materials, and color of similar structures, old records or photographs, intact portions of the building, or other design appropriate to the period.
c) Decorative detail shall be retained and restored whenever possible.

2) **Doors:** The original doors of a building shall be retained, repaired, and refinished, as needed, if possible. Replacement doors shall be compatible with the historic character and design of the building.

3) **Exterior Wall Cladding:** During renovations in existing buildings brick, stone, or wood facades shall not be covered or replaced with artificial siding or panels**,**

including decorative concrete masonry units. Fiber cement siding, such as the brand name "Hardiplank", may be used to replace wood clapboard siding.

4) **Awnings**

a) Flat, metal awnings or other awnings that are inappropriately related to the character and period of the building shall not be permitted. (See Section 5.g.)
b) The use of signage on upper facade awnings shall not be permitted.

5) **Windows**

a) Retain the original fenestration pattern (window opening proportions).
b) When possible, save and restore the original windows and frames. Replace missing or rotting parts with similar material. If the original window openings have already been altered, restore them to their original configuration and style, if known, or to something appropriate to the period.
c) If the ceiling has been lowered pull the dropped ceiling back from the original window to allow light to enter.
d) Do not block or fill window openings.
e) Do not use shutters on the first floor except where clear evidence indicates their presence historically. If shutters are to be used, they shall be functional unless the windows are fixed.
f) The use of reflective glazing is prohibited and the use of tinted glazing on major facades is prohibited.

6) **Signage** (Also see Article VI, Section 4. Signs.)

a) Signage shall be placed on the sign board or on the space above the storefront lintels.
b) Lettering style, materials, and colors shall complement the building.
c) Nationally distributed signs not compatible with the style and character of the building and with the sign board space shall not be allowed.

7) **Exterior Treatment**

a) Previously unpainted brick, stone, cultured stone**,** or decorative concrete masonry units shall not be painted. If they are already painted repaint with an appropriate color after submission of color samples to and approval from the planning department. However, the removal of non-historic paint from brick and stone is strongly encouraged.
b) The use of sandblasting and other abrasive treatments is not permitted.
c) Masonry repair shall use an approved mortar mix that matches the compressive strength, color, and texture of the original. The mortar width and tooling profile will also match the original.
d) Do not use waterproof coatings that do not breathe. The use of new types of waterproof coatings shall be discouraged, as their long-term effects are not

known. The use of a waterproof coating shall not be used to circumvent needed maintenance, such as pointing.

6. Maintenance

In order to meet the goals of this Code as stated in Article V. District Regulations; Section 19. Renaissance Area Districts, A. Purpose and Intent, especially with respect to Safety and Attractiveness, which in turn promotes the overall economic health of the Renaissance Area, property owners in the Urban Districts shall be required to maintain the exterior premises of their property in good condition or shall be deemed in violation of this ordinance as provided by Article IV, Section 10.

This applies to all exterior features, including but not necessarily limited to the following items: landscaping; building elements & materials; finishes, including paint; and accessories, such as awnings and signs.

I. Highway Corridors

1. Applicability

All non-residential development within designated highway corridors, such as US-1, shall meet the standards as described in the adopted corridor plans, in addition to those described in Overall Design and Appearance Standards and Town Center Area, if located there.

2. Buildings Exceeding 35 Feet.

In addition to the requirements of the applicable corridor plans and design and appearance standards, the following shall apply:

a. Basic Building and Site Design

1) Taller buildings shall be designed within the context of Wake Forest architecture. The Georgian Revival style of the taller buildings that were once part of Wake Forest College and which are now part of the Southeastern Baptist Theological Seminary exemplify a facet of the Wake Forest aesthetic.

2) Place new building fronts to form a streetscape at the street level.

3) Entrance features and public spaces shall contribute to the urban wall.

4) Massing of new buildings should reflect the buildings on either side to maintain compatible building heights.

5) Where taller buildings are adjacent to residential districts, the building should be stepped or terraced in order to ensure that additional height shall not result in sun shadow impacts, loss of privacy or other negative impacts on nearby residences.

6) Surface level parking shall be located to minimize the view of parking from public streets and shall not be situated forward of the building line on the street sides of taller buildings.

b. Architectural Features

1) **Façades:** Each façade shall provide for increased visual interest by incorporating windows, patios, porticos, porches, terraces or balconies and shall be modulated at the ground level and upper levels to produce highly articulated building forms.

2) **Windows:** Windows shall be framed with decorative surrounds to enhance their design value. Window surrounds such as stone like sills, lintels, window heads, brick soldiers or other bonds and surrounds shall be utilized to frame windows in a manner that enhances the overall design. While windows are a desirable feature in a façade, taller buildings shall not incorporate large glass expanses as the predominant design feature of the façades.

3) **Roofs:** Roofs shall contribute to the quality of the building with varied lines, deep rakes and eaves or richly articulated cornices for added dimension.

J. Gateways

1. Applicability

All non-residential development within designated gateways, as defined in any gateway plans, shall meet the standards as described in any such adopted gateway plans, in addition to those described in Overall Design and Appearance Standards and Town Center Area, as appropriate, given above and any applicable highway corridor plans.

Section 10. Exterior Lighting Standards

A. Overall Goal

The intent of this section is to focus on the actual physical effects of lighting, as well as the effect that lighting may have on the surrounding neighborhood. Exterior lighting shall be evaluated in the development review process to ensure that the functional and security needs of the project are met in a way that does not adversely affect the adjacent properties or neighborhood or impair the vision of motorists through spill-over light or glare.

B. Lighting Design Standards

(This section does not apply to public street lighting.)

1. Site lighting that may be confused with warning, emergency, or traffic signals is prohibited.

2. Background spaces like parking lots shall be illuminated as unobtrusively as possible to meet the functional needs of safe circulation and of protecting people and property.

3. Foreground spaces, such as building entrances and plaza seating areas, shall utilize local lighting that defines the space without glare.

4. Light sources shall be concealed and fully shielded from view off-site and shall feature sharp cut-off capability so as to minimize up-light, spill-light, glare, and unnecessary diffusion on adjacent property.

5. The style of light standards and fixtures shall be consistent with the style and character of architecture proposed on the site. Poles shall be anodized or otherwise coated to minimize glare from the light source.

6. Light sources must minimize contrast with the light produced by surrounding uses and must produce an unobtrusive degree of brightness in both illumination levels and color rendition. Incandescent, metal halide, and high-pressure sodium light sources all can provide adequate illumination with low contrast and brightness and are permitted light sources.

7. Maximum height of light poles with a ninety (90) or less degree cut-off fixture, measured from the light stream to the ground, shall be thirty (30) feet. Maximum height of light poles without a full ninety (90) degree or less cut-off fixture, measured from the light stream to the ground, shall be sixteen (16) feet. Poles may be mounted on a concrete pier of no more than three (3) feet in height.

8. Maximum on-site lighting levels shall not exceed ten (10) foot-candles at grade, as measured in the brightest area, except for loading and unloading platforms or outside display and sales areas where the maximum lighting level shall be twenty (20) foot-candles.

9. Outdoor display lots for vehicle sales and leasing shall comply with the requirements of this section, except that outside display areas may exceed twenty (20) foot-candles if outdoor white lighting is cut off, leaving only security lighting that is amber in color, after closing or 11:00 p.m., whichever comes earlier.

10. At grade light levels measured at the property line of the development site shall not exceed one (1) foot-candle as a direct result of the on-site lighting. In the case of buildings closer than ten (10) feet to the property line using only wall packs, this requirement shall not apply as long as the wall packs meet the requirements of item "12" below and the lights are screened from view from any adjacent residential property. *(Foot-candles (F) can be calculated by dividing the lumens (L) by the distance squared (D^2) (i.e. $F = L / D^2$).)*

11. No outdoor pole lighting fixture shall be located within any required street yard or buffer (other than landscape lighting).

12. Wall packs on buildings may be used at entrances to a building to light unsafe areas, but must be fully shielded to direct the light downward, must be of low wattage (100 watts or lower), and the light source shall not be visible from off-site.

13. No flickering or flashing lights shall be permitted.

14. Because of their unique requirements for nighttime visibility and their limited hours of operation, ball fields and similar recreational uses are exempt from the exterior lighting standards provided above. However, these uses shall not exceed a maximum permitted post height of eighty (80) feet. The Planning Director or his designee may set a shorter maximum pole height if the specific recreational use does not require the taller pole. The luminaries must be shielded to prevent light and glare spillover to adjacent roadways or residential property. The maximum permitted illumination at the property or right-of-way line shall not exceed two (2) foot-candles and all lights, except for any amber color security lights, shall be cut off after use. (See #10 above for calculation method.)

15. Unique areas or neighborhoods within the jurisdiction, such as but not limited to any locally designated municipal historic district, any National Register historic district, and downtown Wake Forest, may have additional design guidelines for lighting. Natural areas and natural features shall be protected from light spillage from off-site sources.

16. Light poles and fixtures shall be of a non-glossy grey, black, aluminum, or bronze finish, unless permission is granted by the Planning Director or his designee for a special color scheme or theme.

17. All exterior lighting, on or off the building, shall be either amber in color or turned off at 11:00 p.m. or at closing, whichever is earlier, with the exception of low-wattage landscaping or other decorative lighting or customer entrance or service area lights aiming down and installed under a canopy or similar roof structure. The term “amber” shall include any related non-white color, such as the pinkish color of high-pressure sodium lighting.

18. Pole light fixtures shall have a flat lens or have shields installed on each side of the fixture to hide the lens.

19. Subsequent phases of an entire development shall have a uniform design plan for lighting and fixtures. New phases must meet all requirements in effect at the time of obtaining a permit, but lighting plans must consider preexisting lighting in earlier phases, both in design and intensity of light.

Section 11. Wireless Telecommunications Facilities

A. Purpose and Legislative Intent

The Telecommunications Act of 1996 affirmed the Town of Wake Forest's authority concerning the placement, construction and modification of Wireless Telecommunications Facilities. North Carolina General Statutes governing the regulation of Wireless Telecommunication Facilities, §160A, Article 19, Part 3E., provide for the safe and efficient integration of facilities necessary for the provision of advanced wireless telecommunications services throughout the community and to ensure the ready availability of reliable wireless services to the public, government agencies and first responders, with the intention of furthering the public safety and general welfare.

The Town of Wake Forest finds that Wireless Telecommunications Facilities may pose significant concerns to the health, safety, public welfare, character and environment of the Town and its inhabitants. The Town also recognizes that facilitating the development of wireless service technology can be an economic development asset to the Town and of significant benefit to the Town and its residents. In order to insure that the placement, construction or modification of Wireless Telecommunications Facilities is consistent with the Town's land use policies, the Town is adopting a single, comprehensive, Wireless Telecommunications Facilities application and permit process. The intent of this Section is to minimize the iimpact of Wireless Telecommunications Facilities, establish a fair and efficient process for review and approval of applications, assure an integrated, comprehensive review of environmental impacts of such facilities, and protect the health, safety and welfare of the Town of Wake Forest.

B. Severability

1. If any word, phrase, sentence, part, section, subsection, or other portion of this Section or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed Application thereof, shall be severable, and the remaining provisions of this Section, and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

2. Any Special Use Permit issued pursuant to this Section shall be comprehensive and not severable. If part of a permit is deemed or ruled to be invalid or unenforceable in any material respect, by a competent authority, or is overturned by a competent authority, the permit shall be void in total, upon determination by the Town.

C. Definitions

For purposes of this Section, and where not inconsistent with the context of a particular section, the defined terms, phrases, words, abbreviations, and their derivations shall have the meaning given in this section. When not inconsistent with the context, words in the present tense include the future tense, words used in the plural number include words in the singular number and words in the singular number include the plural number. The word "shall" is always mandatory, and not merely directory.

1. "**Accessory Facility** or **Structure**" means an accessory facility or structure serving or being used in conjunction with Wireless Telecommunications Facilities, and located on the same property or lot as the Wireless Telecommunications Facilities, including but not limited to, utility or transmission equipment storage sheds or cabinets.

2. **"Amend Application" or "Amended Application"** means any change in an Application made subsequent to the submission of the Application from that which was originally submitted, regardless of the reason.

3. **"Applicant"** means any Wireless service provider submitting an Application for a Special Use Permit for Wireless Telecommunications Facilities.

4. **"Application"** means all necessary and required documentation that an Applicant submits in order to receive a Special Use Permit or a Development Permit for Wireless Telecommunications Facilities.

5. **"Antenna"** means a system of electrical conductors that transmit or receive electromagnetic waves or radio frequency or other wireless signals.

6. **"Board"** means the Wake Forest Board of Commissioners.

7. **"Co-location"** means the use of an approved telecommunications structure to support Antenna for the provision of wireless services.

8. **"Commercial Impracticability"** or **"Commercially Impracticable"** means 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 impracticable" and shall not render an act or the terms of an agreement "commercially impracticable".

9. **"Completed Application"** means an Application that contains all necessary and required information and/or data necessary to enable an informed decision to be made with respect to an Application.

10. **"DAS"** or **"Distributive Access System"** means a technology using antenna combining technology allowing for multiple carriers or Wireless Service Providers to use the same set of antennas, cabling or fiber optics.

11. **"FAA"** means the Federal Aviation Administration, or its duly designated and authorized successor agency.

12. **"FCC"** means the Federal Communications Commission, or its duly designated and authorized successor agency.

13. **“Height”** means, when referring to a Tower or structure, 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.

14. **“Maintenance”** means plumbing, electrical or mechanical work that may require a development permit but that does not constitute a Modification to the WTF.

15. **“Modification”** or **“Modify”** means, the addition, removal or change of any of the physical and visually discernable components or aspects of a wireless facility, such as antennas, cabling, equipment shelters, landscaping, fencing, utility feeds, changing the color or materials of any visually discernable components, vehicular access, parking and/or an upgrade or change-out of equipment for better or more modern equipment. Adding a new wireless carrier or service provider to a Telecommunications Tower or Telecommunications Site as a co-location is a modification.

16. **“Necessary”** means what is technologically required for the equipment to function as designed by the manufacturer and that anything less will result in prohibiting or acting in a manner that prohibits the provision of service as intended and described in the narrative of the Application.

17. **“NIER”** means Non-Ionizing Electromagnetic Radiation.

18. **“Person”** means any individual, corporation, estate, trust, partnership, joint stock company, association of two (2) or more persons having a joint common interest, or any other entity.

19. **“Personal Wireless Facility**” See definition for ‘Wireless Telecommunications Facilities’.

20. **“Personal Wireless Services”** or **“PWS”** or **“Personal Telecommunications Service”** or **“PTS”** shall have the same meaning as defined and used in the 1996 Telecommunications Act.

21. **"Repairs and Maintenance"** means the replacement or repair of any components of a wireless facility where the replacement is identical to the component being replaced or for any matters that involve the normal repair and maintenance of a wireless facility without the addition, removal or change of any of the physical or visually discernable components or aspects of a wireless facility that will add to the visible appearance of the facility as originally permitted.

22. **“Special Use Permit”** means the official document or permit by which an Applicant is allowed to file for a building permit to construct and use Wireless Telecommunications Facilities as granted or issued by the Town.

23. "**Stealth"** or **"Stealth Technology"** means 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 using the least visually and physically intrusive facility that is not technologically or commercially impracticable under the facts and circumstances. Stealth technology includes such technology 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 WTF.

24. **"State"** means the State of North Carolina.

25. **"Stealth"** or **"Camouflage"** means disguising a tower or wireless telecommunications facility so as to make it less visually obtrusive and not recognizable to the average person as a wireless telecommunications facility.

26. **"Telecommunications"** means the transmission and/or reception of audio, video, data, and other information by wire, radio frequency, light, and other electronic or electromagnetic systems.

27. **"Telecommunication Site"** See definition for Wireless Telecommunications Facilities.

28. **"Telecommunications Structure"** means a structure used in the provision of services described in the definition of 'Wireless Telecommunications Facilities'.

29. **"Temporary"** means temporary in relation to all aspects and components of this Ordinance, something intended to, or that does, exist for fewer than ninety (90) days.

30. **"Tower"** means any structure designed primarily to support an antenna for receiving and/or transmitting a wireless signal.

31. "**Wireless Telecommunications Facility or Facilities (WTF or WTFs)"** means and includes a **"Telecommunications Site"** and **"Personal Wireless Facility".** It means a structure, facility or location designed, or intended to be used as, or used to support Antennas or other transmitting or receiving devices. This includes without limit, Towers of all types, kinds and structures, including, but not limited to buildings, church steeples, silos, water towers, signs or other structures that can be used as a support structure for Antennas or the functional equivalent of such. It further includes all related facilities and equipment such as cabling, equipment shelters and other structures associated with the site. It is a structure and facility intended for transmitting and/or receiving radio, television, cellular, SMR, paging, 911, Personal Communications Services (PCS), commercial satellite services, microwave services and any commercial wireless telecommunication service not licensed by the FCC.

D. Overall Procedure and Desired Outcomes for Approving and Issuing Permits for Wireless Telecommunications Facilities

In order to ensure that the placement, construction, and modification of Wireless Telecommunications Facilities protects the Town's health, safety, public welfare, environmental features, the nature and character of the community and neighborhood and other aspects of the quality of life specifically listed elsewhere in this Section, the Town hereby adopts an overall procedure with respect to the review, approval and issuance of permits for Wireless Telecommunications Facilities for the express purpose of achieving the following outcomes:

1. Requiring a Special Use Permit for any new, co-location or modification of a Wireless Telecommunications Facility as required or otherwise specified in this Section;

2. Implementing an Application process for person(s) seeking approval of Wireless Telecommunications Facilities;

3. Establishing a procedure for examining an application and issuing a Special Use Permit and/or Development Permit for Wireless Telecommunications Facilities that is both fair and consistent;

4. Promoting and requiring, wherever possible, the sharing and/or co-location of Wireless Telecommunications Facilities among service providers;

5. Requiring, promoting and encouraging, wherever possible, the placement, height and quantity of Wireless Telecommunications Facilities in such a manner, including but not limited to the use of stealth technology.

6. In approving a Wireless Telecommunications Facility, the Town shall find that the facility shall be the most appropriate site in regards to being the least visually intrusive among those available in the Town given the facts and circumstances.

E. Exceptions from a Special Use Permit for Wireless Telecommunications Facilities

1. No Person shall be permitted to site, place, build, construct, modify or prepare any site for the placement or use of a Wireless Telecommunications Facility as of the effective date of this Section without having first obtained a Special Use Permit and development permit for a Wireless Telecommunications Facility as defined in Part D of this Section or an administratively granted authorization (development permit) as defined in Part H of this Section, whichever is applicable. Notwithstanding anything to the contrary in this section, no Special Use Permit shall be required for those non-commercial exceptions noted in Part F, unless deemed in the public interest by the Town.

2. If constructed as required by permit, all legally permitted Wireless Telecommunications Facilities that existed on or before the effective date of this Section shall be allowed to continue as they presently exist, provided however, that they are operating as originally permitted and that any modification of an existing Wireless Telecommunications Facility not permitted under this Section will require the complete facility and any new installation to comply with this Section, as will anything changing the structural load.

3. Any Repair and Maintenance of a Wireless Telecommunications Facility that does not increase the height of the structure, alter the profile, increase the footprint or otherwise exceed the conditions of the Special Use Permit does not require an application for a Special Use Permit but may require a development permit. However, no additional construction or site modification shall be considered to be Repair or Maintenance.

F. Exclusions

The following shall be exempt from this Section:

1. Any facilities expressly exempt from the Town's siting, building and permitting authority.

2. Any reception or transmission devises expressly exempted under the Telecommunications Act of 1996.

3. 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.

4. Facilities used exclusively for providing unlicensed spread spectrum technologies, such as IEEE 802.11a, b, g services (e.g. Wi-Fi and Bluetooth) where the facility does not require a new tower or increase the height of the structure being attached to.

G. Special Use Permit Application and Other Requirements for a New Wireless Telecommunications Facility or For Increasing the Footprint, Height, Profile or Number of Co-locations of the Structure to Be Attached To

All Applicants for a Special Use Permit for new Wireless Telecommunications Facilities, including new towers or support structures or that otherwise increases the footprint, height, profile or number of co-locations or any modification of such facility beyond the conditions of an approved Special Use Permit shall comply with the requirements set forth in this Section. The Town Board of Commissioners (Board) is the officially designated agency or body of the Town to whom applications for a Special Use Permit for Wireless Telecommunications Facilities must be made, and that is authorized to review, analyze, evaluate and make decisions with respect to granting or not granting or revoking special use permits for Wireless Telecommunications Facilities. The Board may at its discretion delegate or designate the Town Planning Board or other official agencies or officials of the

Town or expert consultants to accept, review, analyze, evaluate and make recommendations to the Board with respect to the granting or not granting or revoking Special Use Permits for Wireless Telecommunications Facilities.

1. All Applicants shall closely follow the instructions for preparing an Application for a Wireless Telecommunications Facility prior to the submittal of an Application for a Special Use Permit. Not closely following the instructions without permission to deviate from such may result in rejection of the Application until the receipt of a properly completed and complete Application. The Applicant shall be notified in writing within 45 days of submission of an Application as to the completeness of the Wireless Telecommunications Facility Application and any deficiencies. An amended Application shall be required to correct any deficiencies.

2. When placing wireless facilities on government-owned property or facilities, only non-commercial wireless carriers and users are exempt from the permitting requirements of this Section.

3. The Town may deny applications not meeting the requirements stated herein or which are otherwise not complete. In the event the Application is denied, the portion of any portion of the Wireless Telecommunications Facility Application Fee remaining after payment of all invoices related to the review of the Wireless Telecommunications Facility shall be promptly refunded upon written request by the Applicant, but the Special Use Permit Application Fee is not refundable.

4. No Wireless Telecommunications Facilities shall be installed, constructed or modified until the Application is reviewed and approved by the Board, the Special Use Permit has been issued and a Development Permit has been issued.

5. Any and all representations made by the Applicant to the Board on the record during the Application process, whether written or verbal, shall be deemed to have been relied upon in good faith by the Town. Any verbal representation shall be treated as if it were made in writing.

6. An Application for a Special Use Permit for a Wireless Telecommunications Facility shall be signed on behalf of the Applicant by the person vested with the authority to bind and commit the Applicant to the conditions of the Special Use Permit and the person preparing the same and with knowledge of the contents and representations made therein and attesting to the truth and completeness of the information.

7. The Applicant must provide documentation to verify it has the right to proceed as proposed on the Site. This requires an executed copy of the lease with the landowner or landlord or a signed letter of agency acknowledging authorization. If the applicant owns the site, a copy of the ownership record is required.

8. The Applicant shall include a statement in writing:

a. That the applicant's proposed Wireless Telecommunications Facility shall be maintained in a safe manner, and in compliance with all conditions of the Special Use Permit, without exception, unless specifically granted relief by the Board in writing, as well as all applicable and permissible local codes, ordinances, and regulations, including any and all applicable Town, State and Federal Laws, rules, and regulations; and

b. That the construction of the Wireless Telecommunications Facility is legally permissible, including, but not limited to the fact that the Applicant is authorized to do business in the State.

9. Where a certification is called for in this Section, such certification shall bear the signature and seal of a Professional Engineer licensed in the State.

In addition to all other required information as stated in this Section, all applications for the construction or installation of new Wireless Telecommunications Facilities or modification of an existing facility shall contain the information hereinafter set forth prior to the issuance of a Development Permit.

Ownership and Management

a. The Name, address and phone number of the person preparing the Application;
b. The Name, address, and phone number of the property owner and the Applicant, including the legal name of the Applicant. If the owner of the structure is different than the applicant, the name and all necessary contact information shall be provided;
c. The Postal address and tax map parcel number of the property;
d. A copy of the FCC license applicable for the intended use of the Wireless Telecommunications Facilities;
e. Written acknowledgement that any new Telecommunications Tower shall be designed to accommodate a minimum of six antenna arrays and shall be managed so as not to restrict, prevent or prohibit competition among carriers;
f. The Applicant shall disclose in writing any agreement in existence prior to submission of the Application that would limit or preclude the ability of the Applicant to share any new Telecommunication Tower that it constructs;

Zoning and Planning

g. The Zoning District or designation in which the property is situated;
h. The size of the property footprint on which the structure to be attached to is located, stated both in square feet and lot line dimensions, and a survey showing the location of all lot lines;
i. The location, size and height of all existing and proposed structures on the property on which the structure is located and that is the subject of the Application;
j. A site plan showing the footprint and the type, location and dimensions of access drives, landscaping and buffers, fencing and any other requirements of site plans;
k. Elevations showing the profile or the vertical rendition of the Wireless Telecommunications Facility identifying proposed attachments and all related fixtures, structures, appurtenances and apparatus, including the height above the pre-existing grade, materials, colors and lighting;

l. When considering a modification to an existing Wireless Telecommunications Facility, provide all users and attachments to the Facility, including the all related fixtures, structures, appurtenances and apparatus, including height above pre-existing grade, materials, color and lighting;

m. azimuth, size and center line height location of all proposed and existing antennas on the supporting structure;

n. The type and design of the Wireless Telecommunications Facility, the number of antenna arrays proposed and the basis for the calculations of the Wireless Telecommunications Facility's capacity to accommodate the required number of antenna arrays for which the structure must be designed;

o. The applicant shall disclose in writing any agreement in existence prior to submission of the Application that would limit or preclude the ability of the Applicant to share any new Telecommunication Tower that it constructs;

Safety

p. If modifying an existing Wireless Telecommunications Facility:

1) the age of the Facility in years, including the date of the grant of the original permit;
2) a description of the type of tower, e.g. guyed, self-supporting lattice or monopole
3) the make, model, type and manufacturer of the Facility and the structural design calculations, certified by a Professional Engineer licensed in the State, proving the Facility's capability to safely accommodate the facilities of the Applicant without change or modification or if any change or modification of the Facility is needed, a detailed narrative explaining what changes are needed, why they are needed and who will be responsible to assure that the changes are made;
4) a copy of the installed foundation design, as well as a geotechnical sub-surface soils investigation, evaluation report and foundation recommendation for the tower site or other structure;
5) For a Tower that is five (5) years old or older, or for a guyed Tower that is three (3) years old or older, a copy of the latest ANSI Report done pursuant to the latest edition of ANSI-EIA/TIA 222F – Annex E for any self-supporting Tower. If an ANSI report has not been done pursuant to the preceding schedule, an ANSI report shall be done and submitted as part of the Application. No Development Permit shall be issued for any Wireless Facility where the structure being attached to is in need of remediation, unless and until all remediation work needed has been completed or a schedule for the remediation work has been approved by the Town Planning Department;

q. A Structural Report signed by a Professional Engineer licensed to do business in the State and bearing that engineer's currently valid stamp, showing the structural adequacy of the proposed structure to accommodate the proposed Wireless Telecommunications Facility, including any equipment shelter, unless the equipment shelter is located on the lowest floor of a building;

r. If attaching to a structure other than a Tower or where the proposed attachment is within 30 feet of areas to which the public has or could reasonably have or gain access to, documentation shall be provided, including all calculations, proving that the potential exposure to RF Radiation (i.e. NIER or Non-Ion Emitting Radiation),

will be in compliance with the most recent Federal Communications Commission regulations governing RF Radiation and exposure thereto, and further denoting the minimum distance from any antennas an individual may safely stand without being exposed to RF radiation in excess of the FCC's permitted standards and any portion(s) of the structure that would be exposed to RF radiation in excess of the FCC's permitted standards . In compliance with the FCC's regulations, in such an instance the RF Radiation from all wireless facilities at that location shall be included in the calculations to show the cumulative effect on any area of the building or structure deemed accessible by the public or workers. Such report or analysis shall be signed and sealed by a Professional Engineer licensed in the State; or

s. In an instance involving a Tower where the new Wireless Facilities will be ten (10) meters or more above ground level, signed documentation such as the FCC's "Checklist to Determine whether a Facility may be Categorically Excluded" shall be provided to verify that the Wireless Telecommunication Facility with the proposed installation will be in full compliance with the current FCC's RF Emissions regulations. If not categorically excluded, a complete RF Emissions study is required to enable verification of compliance, including providing all calculations so that such may be verified prior to issuance of a Development Permit;

t. In certain instances, the Town may deem it appropriate to have an RF survey of the facility done after the construction or modification and activation of the Facility, such to be done under the direction of the Town or its designee, and an un-redacted copy of the survey results provided, along with all calculations prior to issuance of a Certificate of Compliance;

u. If any section or portion of the structure to be attached to is not in compliance with the FCC's regulations regarding RF radiation, that section or portion must be barricaded with a suitable barrier to discourage approaching into the area in excess of the FCC's regulations, and be marked off with yellow and black plastic chain and striped warning tape, as well as placing RF Radiation signs as needed and appropriate to warn individuals of the potential danger;

v. A signed statement that the Applicant will expeditiously remedy any physical or RF interference with other telecommunications or wireless devices or services.

10. The applicant will provide a written copy of an analysis, completed by a qualified individual or organization, to determine if the proposed Wireless Telecommunications Facility is in compliance with Federal Aviation Administration Regulation Part 77 and if it requires lighting. This requirement shall also be for any where the application increases the height of the Wireless Telecommunications Facility. If this analysis determines that an FAA determination is required, then all filings with the FAA, all responses from the FAA and any related correspondence shall be provided with the application.

11. Application for New Wireless Telecommunications Facility versus Co-location

a. the Applicant shall be required to submit a written report demonstrating its meaningful efforts to secure shared use of existing Wireless Telecommunications Facilities or the use of alternative buildings or other structures within the Town that are at or above the surrounding tree height or the tallest obstruction and are within

one (1) mile of the proposed tower. Copies of written requests and responses for shared use shall be provided to the Town in the Application, along with any letters of rejection stating the reason for rejection.

b. Telecommunications Towers shall be prohibited in Residential Districts, Historic Districts or Renaissance Districts unless the Applicant provides documentation (i.e. evidence) to demonstrate that the Telecommunications Tower is necessary, that the area cannot be served from outside the District, that no existing or previously approved Wireless Telecommunications Facility can reasonably be used for the antenna placement instead of the construction of a new Wireless Telecommunications Facility or instead of increasing the height of an existing Wireless Telecommunications Facility, and that no alternative Wireless Telecommunications Facility or alternative type of Wireless Telecommunications Facility can be used to provide Wireless Telecommunications Service to the District.

c. In order to better inform the public, in the case of a new Telecommunication Tower, the applicant shall hold a "balloon test" prior to the initial public hearing on the application. The Applicant shall arrange to fly, or raise upon a temporary mast, a minimum of a ten (10) foot in length brightly colored balloon at the maximum height of the proposed new Tower.

d. At least fourteen (14) days prior to the conduct of the balloon test, a sign shall be erected so as to be clearly visible from the road nearest the proposed site and shall be removed no later than fourteen (14) days after the conduct of the balloon test. The sign shall be at least four feet (4') by eight feet (8') in size and shall be readable from the road by a person with 20/20 vision.

e. Such sign shall be placed off, but as near to, the public right-of-way as is possible.

f. Such sign shall contain the times and date(s) of the balloon test and contact information.

g. The dates, (including a second date, in case of poor visibility or wind in excess of 15 mph on the initial date) times and location of this balloon test shall be advertised by the Applicant seven (7) and fourteen (14) days in advance of the first test date in a newspaper with a general circulation in the Town and as agreed to by the Town. The Applicant shall inform the Town in writing, of the dates and times of the test, at least fourteen (14) days in advance. The balloon shall be flown for at least four (4) consecutive hours between 10:00 am and 2:00 p.m. on the dates chosen. The primary date shall be on a week-end, but the second date, in case of poor visibility on the initial date, may be on a week day. A report with pictures from various locations of the balloon shall be provided with the application.

h. The Applicant shall notify all property owners and residents located within one-thousand five hundred feet (1,500) of the nearest property line of the subject property of the proposed construction of the Tower and Wireless Facility and of the date(s) and

time(s) of the balloon test. Such notice shall be provided at least fourteen (14) days prior to the conduct of the balloon test and shall be delivered by first-class mail.

i. The Wireless Telecommunications Facility shall be structurally designed to accommodate at least six Antenna Arrays 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 interference. A claim of interference because of a need to have greater than six feet (6') 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, and not merely verbal or written assertions. This requirement may be waived, provided that the Applicant, in writing, demonstrates that the provisions of future shared usage of the Wireless Telecommunications Facility is not reasonably feasible if co-location is technically or commercially impractical or impracticable. The Applicant shall provide information necessary to determine whether co-location is reasonably feasible based upon:

1) The kind of Wireless Telecommunications Facility site and structure proposed;
2) Available space on existing and approved Wireless Telecommunications Facilities;

j. The owner of a proposed new Wireless Telecommunications Facility, and his/her successors in interest, shall negotiate in good faith for the shared use of the proposed Wireless Telecommunications Facility by other Wireless service providers in the future, and shall:

1) Respond within 60 days to a request for information from a potential shared-use Applicant;
2) Negotiate in good faith concerning future requests for shared use of the new Wireless Telecommunications Facility by other Telecommunications providers;
3) Allow shared use of the new Wireless Telecommunications Facility if another Telecommunications provider agrees in writing to pay reasonable charges. The charges may include, but are not limited to, a Pro rata share of the cost of site selection, planning, project administration, land costs, site design, construction and maintenance financing, return on equity, less depreciation, and all of the costs of adapting the Wireless Telecommunications Facility or equipment to accommodate a shared user without causing electromagnetic interference;
4) Failure to abide by the conditions outlined above may be grounds for revocation of the Special Use Permit.

12. The Applicant shall provide certification with documentation (i.e. structural analysis) including calculations that the Telecommunications Facility and foundation and attachments, rooftop support structure, water tank structure, or any other supporting structure as proposed to be utilized are designed and will be constructed to meet all local,

state and federal structural requirements for loads, including wind and ice loads and including, but not limited to all applicable ANSI (American National Standards Institute) guidelines.

13. All Applications for proposed Wireless Telecommunications Facilities shall contain a demonstration that the Facility is sited and designed so as to create the least visual intrusiveness reasonably possible given the facts and circumstances involved, and thereby will have the least adverse visual effect on the environment and its character, on existing vegetation, and on the community in the area of the Wireless Telecommunications Facility. The Town expressly reserves the right to require the use of Stealth or Camouflage technology or techniques such as DAS (Distributive Antenna System technology) or its functional equivalent to achieve this goal and such shall be subject to approval by the Board.

14. the Applicant shall furnish a Visual Impact Assessment, which shall include:

a. a computer generated "Zone of Visibility Map" at a minimum of one mile radius from the proposed structure shall be provided to illustrate locations from which the proposed installation may be seen, with and without foliage;

b. Pictorial representations (photo simulations) of "before and after" views from key viewpoints inside of the Town as may be appropriate and required, including but not limited to state highways and other major roads, state and local parks, other public lands, historic districts, preserves and historic sites normally open to the public, and from any other location where the site is visible to a large number of visitors, travelers or residents. Guidance will be provided concerning the appropriate key sites at the pre-application meeting. The applicant shall provide a map showing the locations of where the pictures were taken and the distance(s)of each location from the proposed structure;

c. A written description of the visual impact of the proposed facility, including, as applicable, the tower base, guy wires, fencing and accessory buildings from abutting and adjacent properties and streets as relates to the need for or appropriateness of screening.

15. The Applicant shall demonstrate and provide in writing and by drawing how it shall effectively screen from view the base and all related equipment and structures of the proposed Wireless Telecommunications Facility.

16. The Wireless Telecommunications Facility and any and all accessory or associated facilities shall maximize the use of building materials, colors and textures designed to blend with the structure to which it may be affixed and to harmonize with the natural surroundings. This shall include the utilization of stealth or camouflage or concealment technology as may be required by the Town.

17. All utilities at a Wireless Telecommunications Facility site shall be installed underground and in compliance with all Laws, ordinances, rules and regulations of the Town, including specifically, but not limited to, the National Electrical Safety Code and the National Electrical Code where appropriate.

18. At a Wireless Telecommunications Facility site an access road, turn around space and parking 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 at all times minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion.

19. All Wireless Telecommunications Facility shall be constructed, operated, maintained, repaired, provided for removal of, modified or restored in strict compliance with all current applicable technical, safety and safety-related codes adopted by the Town, State, or United States, including but not limited to the most recent editions of the ANSI Code, National Electrical Safety Code and the National Electrical Code, as well as accepted and responsible workmanlike industry practices and recommended practices of the National Association of Tower Erectors. The codes referred to are codes that include, but are not limited to, construction, building, electrical, fire, safety, health, and land use codes. In the event of a conflict between or among any of the preceding the more stringent shall apply.

20. A holder of a Special Use Permit granted under this Section shall obtain, at its own expense, all permits and licenses required by applicable law, ordinance, rule, regulation or code, and must maintain the same, in full force and effect, for as long as required by the Town or other governmental entity or agency having jurisdiction over the applicant.

21. There shall be a pre-application meeting for all intended applications. The purpose of the pre-application meeting will be to address issues that will help to expedite the review and permitting process and certain issues or concerns the Town may have. A pre-application meeting shall also include a site visit, if there has not been a prior site visit for the requested facility. Costs of the Town's consultants to prepare for and attend the pre-application meeting will be borne by the applicant and paid for out of an application fee to be set forth in the Town's Fee Schedule to cover the customary cost for review and inspection of similar applications.

22. An Applicant shall submit to the Town the number of completed Applications determined to be needed at the pre-application meeting. However, applications will not be transmitted to the Board for consideration until the application is deemed complete.

23. If the proposed site is within two miles of another jurisdiction, written notification of the Application shall be provided to the legislative body of all such adjacent municipalities as applicable and/or requested.

24. The holder of a Special Use Permit shall notify the Town of any intended Modification of a Wireless Telecommunication Facility and shall apply to the Town to modify, relocate or rebuild a Wireless Telecommunications Facility.

25. A Development Permit shall not be issued for construction of the Wireless Telecommunications Facility until there is an Application for a specific carrier that documents that the Facility is necessary for that carrier to serve the community and that co-location on an existing Telecommunications Structure is not reasonably feasible within the applicant's search ring. Co-location on an existing structure is not reasonably feasible if co-location is technically or commercially impractical or impracticable or the owner of the Wireless Telecommunications Facility is unwilling to enter into a contract for such use at fair market value. Sufficient documentation (i.e. evidence) to support such claims shall be submitted with a Wireless Telecommunications Facility Application for the first carrier to determine whether co-location on existing structures is reasonably feasible.

H. Requirements for an Application for the First Antenna to be Attached to an Approved Wireless Telecommunications Structure Within the Parameters of an Approved Special Use Permit

1. The fixed Application fee for review of Wireless Telecommunications Facilities Applications for locating an antenna array on an approved Wireless Telecommunications Facility within the parameters of an approved Special Use Permit shall be as set forth in the Town's Schedule of Fees.

2. An application to increase the parameters of an approved Wireless Telecommunications Facility as relates to conditioned height, profile, number of co-locations or footprint shall not qualify for treatment as an attachment to an approved Wireless Telecommunications Facility within the parameters of an approved Special Use Permit under this Section.

3. There shall be no Special Use Permit required for an application to attach the first antenna array on an approved Wireless Telecommunications Facility within the parameters of an approved Special Use Permit, unless for good cause such shall be required by the Board of Commissioners or Planning Director. Instead, approval shall result in issuance of a Development Permit by the appropriate administrative officer.

4. Documentation shall be provided to demonstrate that the Applicant has the legal right to proceed as proposed on the Site, including an executed copy of the lease with the owner of the facility proposed to be attached to, or a letter of agency, showing the right of the Applicant to attach to the structure.

5. A Pre-Application meeting shall be held. Before the Pre-Application meeting, the Applicant shall be provided instructions for completing an Application. Said instructions are to be controlling as regards the form and substance of the issues addressed in the Instructions and must be followed. Prior to the Pre-Application meeting, the Applicant

shall prepare and submit the Project Information Form and submit the application fee, but shall not prepare or submit the Application.

6. The Applicant shall include a written statement that:

a. The Applicant's proposed Wireless Telecommunications Facility shall be maintained in a safe manner, and in compliance with all conditions of all applicable permits and authorizations, without exception, as well as all applicable and permissible local codes, ordinances, and regulations, including any and all applicable Town, State and Federal Laws, rules, and regulations; and

b. The construction of the Wireless Telecommunications Facilities is legally permissible, including, but not limited to the fact that the Applicant is authorized to do business in the State.

7. An application for the first antenna to be attached to an approved Wireless Telecommunications Facility subsequent to the issuance of the Special Use Permit and prior to issuance of a development permit for construction of the Wireless Telecommunications Facility shall contain the requirements of the Streamlined Process for Review of Co-locations in section (I) and the following information:

Facility Description and Documentation of the Facility as Necessary

a. A detailed narrative description and explanation of the specific objective(s) for the new Wireless Telecommunications Facility, expressly including and explaining the purpose for the facility, such as coverage and/or capacity, technical requirements, and the identified boundaries of the specific geographic area of intended coverage;

b. Technical documentation that proves the design of the Wireless Telecommunications Facility is what is Necessary to provide the type and coverage of the service primarily and essentially within the Town. Such documentation shall include a propagation study of the proposed site and all adjoining planned, proposed or existing sites, that demonstrates a significant gap in coverage and/or, if a capacity issue is involved, to include an analysis of the current and projected usage (traffic studies) using generally accepted industry methods and standards so as to conclusively prove the need for what is proposed. To enable the Town to make its decision as regards to the design of the Wireless Telecommunications Facility, the Town may require the provision of all technical or engineering data and information used by the Applicant that is Necessary to enable an informed decision to be made to assure compliance with the intent of this Section and that is based upon a written record, not to include information that by applicable law or regulation is deemed to be confidential or proprietary;

c. All of the modeling information (i.e. data) inputted into the software used to produce the propagation studies, including, but not limited to any assumptions made, such as ambient tree height, which shall include the completion of the town's Propagation Study Data Form;

d. A copy of the FCC license applicable for the intended use of the Wireless Telecommunications Facility, as well as a copy of the five (5) and ten (10) year build-out plan required by the FCC;

e. The frequency, modulation and class of service of radio or other transmitting equipment;

f. The maximum transmission power capability of all radios, as designed, if the Applicant is a cellular or functionally equivalent carrier, or the maximum transmission power capability, as designed, of all transmission facilities if the Applicant is not a cellular or functionally equivalent carrier;

g. The actual intended transmission power stated as the maximum effective radiated power (ERP), both in dBm's and watts;

h. A statement certifying that the Wireless Telecommunications Facility and all attachments thereto are in compliance with the conditions of the approved Special Use Permit.

Ownership and Management

i. The Name, address and phone number of the person preparing the Application;

j. The Name, address, and phone number of the property owner and the Applicant, including the legal name of the Applicant. If the owner of the structure is different than the applicant, the name and all necessary contact information shall be provided;

k. The Postal address and tax map parcel number of the property;

l. A copy of the FCC license applicable for the intended use of the Wireless Telecommunications Facilities.

I. Streamlined Requirements for an Application to Co-locate on an Existing Telecommunications Facility Within the Parameters of an Approved Special Use Permit

1. The fixed Application fee for review of Wireless Telecommunications Facilities Applications for co-locating an antenna array on an existing Wireless Telecommunications Facility shall be as set forth in the Town's Schedule of Fees.

2. An application to increase the parameters of an approved Wireless Telecommunications Facility as relates to conditioned height, profile, number of co-locations or footprint shall not qualify for treatment as an attachment to an existing Tower or other structure under this Section.

3. There shall be no Special Use Permit required for an application to modify or to co-locate an antenna array on an existing and properly permitted and erected Wireless Telecommunications Facility so long as the co-location or modification does not exceed the parameters of the conditions of the approved Special Use Permit, unless for good cause such shall be required by the Board of Commissioners or Planning Director. Instead, approval shall result in issuance of a Development Permit by the appropriate administrative officer.

4. Documentation shall be provided to demonstrate that the Applicant has the legal right to proceed as proposed on the Site, including an executed copy of the lease with the owner

of the facility proposed to be attached to, or a letter of agency, showing the right of the Applicant to attach to the structure.

5. A Pre-Application meeting shall be held. Before the Pre-Application meeting, the Applicant shall be provided instructions for completing an Application. Said instructions are to be controlling as regards the form and substance of the issues addressed in the Instructions and must be followed. Prior to the Pre-Application meeting, the Applicant shall prepare and submit the Project Information Form and submit the application fee, but shall not prepare or submit the Application.

6. The Applicant shall include a written statement that:

a. The Applicant's proposed Wireless Telecommunications Facility shall be maintained in a safe manner, and in compliance with all conditions of all applicable permits and authorizations, without exception, as well as all applicable and permissible local codes, ordinances, and regulations, including any and all applicable Town, State and Federal Laws, rules, and regulations; and

b. The construction of the Wireless Telecommunications Facilities is legally permissible, including, but not limited to the fact that the Applicant is authorized to do business in the State.

7. An application for attaching an antenna array under this section shall contain the following information:

Facility Description

a. A detailed narrative description and explanation of the specific objective(s) for the new facility, or the modification of an existing wireless facility, expressly including and explaining the purpose for the facility, such as lack of coverage, and/or capacity, requirements, and the identified boundaries of the specific geographic area of intended coverage;

b. Documentation that the design of the facility is what is necessary for the design service to serve the community (i.e. that the placement on the Wireless Telecommunications Structure is the lowest available height Necessary and that the design produces the least visual and is designed to operate within the conditions of the approved Special Use Permit as regards to height, profile, type and number of co-locations and footprint);

c. A copy of the FCC license applicable for the intended use of the Wireless Telecommunications Facility, as well as a copy of the five (5) and ten (10) year build-out plan required by the FCC;

d. The frequency, modulation and class of service of radio or other transmitting equipment;

e. The maximum transmission power capability of all radios, as designed, if the Applicant is a cellular or functional equivalent carrier, or the maximum transmission power capability, as designed, of all transmission facilities if the Applicant is not a cellular or functional equivalent carrier;

f. The actual intended transmission power stated as the maximum effective radiated power (ERP), both in dBm's and watts;

g. A statement certifying that the Wireless Telecommunications Facility and all attachments thereto are in compliance with the conditions of the approved Special Use Permit;

Ownership and Management

h. The Name, address and phone number of the person preparing the Application;

i. The Name, address, and phone number of the property owner and the Applicant, including the legal name of the Applicant. If the owner of the structure is different than the applicant, the name and all necessary contact information shall be provided;

j. The Postal address and tax map parcel number of the property;

k. A copy of the FCC license applicable for the intended use of the Wireless Telecommunications Facilities.

Zoning and Planning

l. The Zoning District or designation in which the property is situated;

m. The size of the property on which the structure to be attached to is located, stated both in square feet and lot line dimensions, and a survey showing the location of all lot lines;

n. The location, size and height of all existing and proposed structures on the property on which the structure is located and that is the subject of the Application;

o. A site plan showing the footprint, location and dimensions of access drives, landscaping and buffers, fencing and any other requirements of site plans.

p. Elevations showing the vertical rendition of the Wireless Telecommunications Facility identifying all users, attachments, and all related fixtures, structures, appurtenances and apparatus, including height above pre-existing grade, materials, color and lighting;

q. The azimuth, size and center line height location of all proposed and existing antennae on the supporting structure;

r. The number, type and model of the Antenna(s) proposed, along with a copy of the specification sheet(s) for the antennas;

Safety

s. the age of the tower in years, including the date of the grant of the original permit or authorization for the Tower;

t. a description of the type of tower, e.g. guyed, self-supporting lattice or monopole;

u. the make, model, type and manufacturer of the Telecommunications Structure and the structural design calculations, certified by a Professional Engineer licensed in the State, proving the Structure's capability to safely accommodate the facilities of the Applicant without change or modification or if any change or modification of the Structure is needed, a detailed narrative explaining what changes are needed, why they are needed and who will be responsible to assure that the changes are made;

v. A copy of the installed foundation design, as well as a geotechnical sub-surface soils investigation, evaluation report and foundation recommendation for the tower site or other structure;

w. For a Tower that is five (5) years old or older, or for a guyed Tower that is three (3) years old or older, a copy of the latest ANSI Report done pursuant to the latest edition of ANSI-EIA/TIA 222F – Annex E for any self-supporting Tower. If an ANSI report has not been done pursuant to the preceding schedule, an ANSI report shall be done and submitted as part of the Application. No Development Permit shall be issued for any Wireless Facility where the structure being attached to is in need of remediation, unless and until all remediation work needed has been completed or a schedule for the remediation work has been approved by the Town Planning Department;

x. a Structural Report signed by a Professional Engineer licensed to do business in the State and bearing that engineer's currently valid stamp, showing the structural adequacy of the Wireless Telecommunications Facility to accommodate the proposed modification or antenna array co-location, including any equipment shelter, unless the equipment shelter is located on the lowest floor of a building;

y. If attaching to a structure other than a Tower or where the proposed attachment is within 30 feet of areas to which the public has or could reasonably have or gain access to, documentation shall be provided, including all calculations, proving that the potential exposure to RF Radiation (i.e. NIER or Non-Ion Emitting Radiation), will be in compliance with the most recent Federal Communications Commission regulations governing RF Radiation and exposure thereto, and further denoting the minimum distance from any antennas an individual may safely stand without being exposed to RF radiation in excess of the FCC's permitted standards and any portion(s) of the structure that would be exposed to RF radiation in excess of the FCC's permitted standards . In compliance with the FCC's regulations, in such an instance the RF Radiation from all wireless facilities at that location shall be included in the calculations to show the cumulative effect on any area of the building or structure deemed accessible by the public or workers. Such report or analysis shall be signed and sealed by a Professional Engineer licensed in the State; or

z. In an instance involving a Tower where the new Wireless Telecommunications Facility will be ten (10) meters or more above ground level, signed documentation such as the FCC's "Checklist to Determine whether a Facility may be Categorically Excluded" shall be provided to verify that the Wireless Telecommunication Facility with the proposed installation will be in full compliance with the current FCC's RF Emissions regulations. If not categorically excluded, a complete RF Emissions study is required to enable verification of compliance, including providing all calculations so that such may be verified prior to issuance of a Development Permit;

aa. If any section or portion of the structure to be attached to is not in compliance with the FCC's regulations regarding RF radiation, that section or portion must be barricaded with a suitable barrier to discourage approaching into the area in excess of the FCC's regulations, and be marked off with yellow and black striped warning tape or a suitable warning barrier, as well as placing RF Radiation signs as needed and appropriate to warn individuals of the potential danger;

bb. A signed statement that the Applicant will expeditiously remedy any physical or RF interference with other telecommunications or wireless devices or services.

8. To protect the nature and character of the area and create the least visually intrusive impact reasonably possible under the facts and circumstances, any attachment to a

building or other structure with a facie, the antennas shall be mounted on the facie, unless it can be proven that such will prohibit or have the effect of prohibiting the provision of service, and all such attachments and exposed cabling shall use camouflage or stealth techniques to match as closely as possible the color and texture of the structure.

9. If attaching to a water tank, mounting on the top of the tank or the use of a corral shall only be permitted if the Applicant can prove that to locate elsewhere will prohibit or have the effect of prohibiting the provision of service. The provisions of the preceding subsection (9) of this section shall also apply to any attachment to a water tank.

10. The Applicant shall provide a certification by a Professional Engineer licensed in the State, along with documentation (a structural analysis), including calculations, that prove that the Wireless Telecommunications Facility and its foundation as proposed to be utilized are designed and were constructed to meet all local, Town, State, Federal and ANSI structural requirements for loads, including wind and ice loads and the placement of any equipment on the roof a building after the addition of the proposed new facilities.

11. So as to be the least visually intrusive Wireless Telecommunications Facility reasonably possible given the facts and circumstances involved, and thereby have the least adverse visual effect and create the least intrusive or lowest profile or visual silhouette reasonably possible, unless it can be proven that such would be technologically impracticable, 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 so as minimize the visual profile of the antennas, or prove technically, with hard data and a detailed narrative, that flush mounting can not be used and would serve to prohibit or have the effect of prohibiting the provision of service.

12. Unless it is deemed inappropriate or unnecessary by the Town given the facts and circumstances, the Applicant shall demonstrate and provide in writing and by drawing how it shall effectively buffer and screen from view the base and all related equipment and structures of the proposed Wireless Telecommunications Facility.

13. The Wireless Telecommunications Facility and any and all accessory or associated facilities shall maximize the use of building materials, colors and textures designed to blend with the structure to which it may be affixed and to harmonize with the natural surroundings. This shall include the utilization of stealth, camouflage or concealment technology as may be required by the Town and as is not impracticable under the facts and circumstances.

14. All utilities installed for a new Wireless Telecommunications Facility shall be installed underground and in compliance with all Laws, ordinances, rules and regulations of the Town, including specifically, but not limited to, the National Electrical Safety Code and the National Electrical Code where appropriate.

15. If deemed necessary or appropriate, an access road, turn around space and parking 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 at all times minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion and shall comply with any local or State regulations for the construction of roads. If the current access road or turn around space is deemed in disrepair or in need of remedial work to make it serviceable and safe and in compliance with any applicable regulations as determined at a site visit, the Application shall contain a commitment to remedy or restore the road or turn around space so that it is serviceable and safe and in compliance with applicable regulations.

J. Location of Wireless Telecommunications Facilities

1. Applicants for Telecommunications Towers shall locate, site and erect said Wireless Telecommunications Facilities in accordance with the following priorities, in the following order:

- **a.** On existing Town-owned Wireless Telecommunications Facilities without increasing the height of the tower or structure.
- **b.** On existing Wireless Telecommunications Facilities without increasing the height of the tower or structure.
- **c.** On Town-owned properties or facilities.
- **d.** On properties in areas zoned for Business use, excluding Renaissance Districts.
- **e.** On properties in areas zoned for Rural use.
- **f.** On properties in areas zoned for Residential use.
- **g.** On properties in Renaissance Districts.
- **h.** On properties in designated Historic Districts.

2. Applicants for all other Wireless Telecommunications facilities (e.g. Distributed Antenna Systems or buildings) shall locate, site and construct said Wireless Telecommunications Facilities in accordance with the following priorities, in order:

- **a.** On existing Town-owned Wireless Telecommunications Facilities without increasing the height of the structure.
- **b.** On existing Wireless Telecommunications Facilities without increasing the height of the structure.
- **c.** On Town-owned properties or facilities.
- **d.** On properties in areas zoned for Business use.
- **e.** On properties in areas zoned for Rural use.
- **f.** On properties in areas zoned for Residential use.
- **g.** On properties in designated Historic Districts.

3. If the proposed site is not proposed for the highest priority listed above, then a detailed explanation and justification must be provided as to why a site of all higher priority designations was not selected. The person seeking such an exception must satisfactorily demonstrate the reason or reasons why such a permit should be granted for the proposed

site, and the hardship that would be incurred by the Applicant if the permit were not granted for the Wireless Telecommunications Facility as proposed.

4. An Applicant may not by-pass sites of higher priority by stating the site proposed is the only site leased or selected or because there is an existing lease with a landowner. An Application shall address co-location as an option. If such option is not proposed, the applicant must explain to the reasonable satisfaction of the Town why co-location is technically or commercially impracticable. Agreements between Wireless Telecommunications Facility owners limiting or prohibiting co-location shall not be a valid basis for any claim of commercial impracticability or hardship.

5. Notwithstanding the above, the Town may approve any site located within an area in the above list of priorities, provided that the Town finds that the proposed site is in the best interest of the health, safety and welfare of the Town and its inhabitants and will not have a deleterious effect on the nature and character of the community and neighborhood. Conversely, the Town may direct that the proposed location be changed to another location that is more in keeping with the goals of this Section and the public interest as determined by the Town.

6. Notwithstanding that a potential site may be situated in an area of highest priority or highest available priority, the Town may disapprove an Application for any of the following reasons:

- **a.** Conflict with safety and safety-related codes and requirements;
- **b.** Conflict with the historic nature or character of a neighborhood or district;
- **c.** The use or construction of Wireless Telecommunications Facilities which is contrary to an already stated purpose of a specific zoning or land use designation;
- **d.** The placement and location of Wireless Telecommunications Facilities which would create an unacceptable risk, or the reasonable probability of such, to residents, the public, employees and agents of the Town, or employees of the service provider or other service providers;
- **e.** The placement and location of a Wireless Telecommunications Facility would result in a conflict with or compromise in or change the nature or character of the surrounding area;
- **f.** Conflicts with the provisions of this Section;
- **g.** Failure to submit a complete Application as required under this Section.

7. Notwithstanding anything to the contrary in this Section, for good cause shown, such as the ability to utilize a shorter or less intrusive facility elsewhere 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 (1) site to provide substantially the same service if the relocation could result in a less intrusive facility or facilities, singly or in combination. The existence of a lease entered into prior to the approval of an application shall not be deemed justification for the requested location.

K. Buffering and Screening of Wireless Telecommunications Facilities

1. There shall be a ten (10) foot "Type A" vegetative buffer and landscaping to conform to all landscape requirements of Article VI. Section 7 of this Ordinance.
2. The vegetative material shall include sufficient evergreen material to screen as much of the Wireless Telecommunications Facility as is technologically practicable, including at grade mechanicals and as vertical structures.

L. Shared Use of Wireless Telecommunications Facilities Structures

1. The Town requires the co-location of antenna arrays on existing Wireless Telecommunications Facilities , as opposed to the construction of a new Wireless Telecommunications Facility, or increasing the height, footprint or profile beyond the conditions of the approved Special Use Permit for an existing Wireless Telecommunications Facility , unless such is proven to be technologically impracticable. The Applicant shall submit a comprehensive report inventorying all existing Wireless Telecommunications Facilities and other suitable structures within one (1) mile of the location of any proposed new Wireless Telecommunications Facility, unless the Applicant can show that some other distance is more appropriate and reasonable and demonstrate conclusively why an existing Wireless Telecommunications Facility or other suitable structure cannot be used.

2. An Applicant intending to locate on an existing Wireless Telecommunications Facility shall be required to document the intent of the existing owner to permit its use by the Applicant.

3. Such shared use shall consist only of the minimum Antenna array technologically required to provide service primarily and essentially within the Town, to the extent practicable, unless good cause is shown.

M. Type and Height of Wireless Telecommunications Facilities

1. All new towers shall be of the monopole type, unless such is able to be proven to be technologically impracticable. No new towers of a lattice or guyed type shall be permitted, unless relief is otherwise expressly granted.

2. The Applicant shall submit documentation justifying the total height of any Wireless Telecommunications Facility or Antenna requested and the basis therefore. Documentation in the form of propagation studies must include all backup data used to produce the studies at the requested height and a minimum of ten feet (10’) lower height to enable verification of the need for the requested height.

3. For a new Wireless Telecommunications Facility, a reduction in the identified size of the identified service area of 10% or less of the predicted service area shall not be deemed

justification for exceeding the otherwise allowable height of a Wireless Telecommunications Facility.

4. The maximum permitted total height of a new Wireless Telecommunications Facility shall be 90 feet above pre-construction ground level, unless it can be proven that such height would prohibit or have the effect of prohibiting the provision of service in the intended service area within the community. The maximum permitted height is not an as-of-right height, but rather the maximum permitted height, absent proof of the technological need for a greater height.

5. For a wireless facility to be located on an existing Wireless Telecommunications Facility, such documentation will be analyzed in the context of the justification of the height needed to provide service primarily and essentially within the Town, to the extent practicable, unless good cause is shown. A reduction in the size of the identified service area of 10% or less of the predicted service area shall not be deemed justification for increasing the height of a facility.

6. Notwithstanding the preceding subsection (***4***) of this section, Wireless Telecommunications Facilities shall be no taller than the minimum height technologically necessary to enable the provision of wireless service coverage or capacity as needed within the community (i.e. the Town, and its jurisdiction).

7. Documentation substantiating the height necessary to provide for the placement of an antennal array to provide wireless service to the community shall be submitted by the Applicant prior to issuance of a Development Permit for a new Wireless Telecommunications Facility, but shall not be required prior to issuance of the Special Use Permit unless the requested height exceeds the 90 foot maximum height. Such documentation shall be provided with an Application for the first attachment of an antenna array and for any proposed increase in the previously permitted height.

8. Relief from the maximum height for new Wireless Telecommunications Facilities shall only be considered where evidence substantiates a taller height is Necessary for the provision of wireless service to the community, to the exclusion of any alternative option that is not technologically or commercially impracticable, and where denial of a taller height would have the effect of prohibiting the provision of wireless service to the community. Such documentation shall be provided prior to consideration of a Special Use Permit when the requested height exceeds the 90 foot maximum height.

9. Prior to issuing a Development Permit for the co-location of an antenna array on an existing Wireless Telecommunications Facility, an Applicant shall demonstrate that the co-location is located appropriately on the Wireless Telecommunications Facility with the overall goal being to preserve the carrying capacity of the Wireless Telecommunications Facility for future co-locations and to minimize the visual intrusiveness and impacts.

10. In determining the necessary height for a Wireless Telecommunications Facility , or the height or placement of a co-location on a Wireless Telecommunications Facility, the signal strengths analyzed shall be the threshold or lowest signal strength at which the customer equipment is designed to function, which may be required to be determined by the manufacturer's published specifications for the customer equipment.

11. As the Town has made the policy decision that more towers of a shorter height is in the public interest, as opposed to fewer taller towers, spacing, or the distance between towers, shall be such that the service may be provided without exceeding the maximum permitted height.

N. Visibility of Wireless Telecommunications Facilities

1. Wireless Telecommunications Facilities shall not be artificially lighted or marked, except as required by federal regulations.

2. Stealth: All new Wireless Telecommunications Facilities, including but not limited to towers, shall utilize Stealth or Camouflage techniques and technology, unless such can be shown to be either Commercially or Technologically Impracticable.

3. Dual Mode: In order to minimize the number of antenna arrays and thus the visual impact, the Town may require the use of dual mode antennas to be used, including by two different carriers, unless it can be proven that such will not work technologically and that such would have the effect of prohibiting the provision of service in the Town.

4. Wireless Telecommunications Facilities Finish/Color: Structures shall be galvanized and/or painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings and shall be maintained in accordance with the requirements of this Section.

5. Lighting: If lighting is legally required or proposed, the Applicant shall provide a detailed plan for sufficient lighting of as unobtrusive and inoffensive an effect as is permissible under State and Federal regulations. For any Wireless Telecommunications Facility for which lighting is required under the FAA's regulations, or that for any reason has lights attached, all such lighting shall be affixed with technology that enables the light to be seen as intended from the air, but that prevents the ground scatter effect so that it not able to be seen from the ground to a height of at least 12 degrees vertical for a distance of at least 1 mile in a level terrain situation. Such device must be compliant with or not in conflict with FAA regulations. A physical shield may be used, as long as the light is able to be seen from the air, as intended by the FAA.

6. In the event a Wireless Telecommunications Facility that is lighted is modified, at the time of the modification the Town may require that the Tower be retrofitted with the technology set forth in the preceding subsection (5).

7. Flush Mounting: All new or replacement antennas, except omni-directional whip antennas, shall be flush-mounted or as close to flush-mounted as is technologically

possible on any Wireless Telecommunications Facility, so long as such does not have the effect of prohibiting the provision of service to the intended service area, alone or in combination with another site(s), unless the Applicant can prove that it is technologically impracticable.

8. Placement on Building – Facie: If attached to a building, all antennas shall be mounted on the facie of the building and camouflaged so as to match the color and, if possible, texture of the building or in a manner so as to make the antennas as visually innocuous and undetectable as is possible given the facts and circumstances involved.

O. Security of Wireless Telecommunications Facilities

All Wireless Telecommunications Facilities shall be located, fenced or otherwise secured in a manner that prevents unauthorized access. Specifically:

1. All Wireless Telecommunications Facilities, including Antennas, Towers and other supporting structures, such as guy anchor points and wires, shall be made inaccessible to individuals and constructed or shielded in such a manner that they cannot be climbed or collided with; and

2. Transmitters and Telecommunications control points shall be installed in such a manner that they are readily accessible only to persons authorized to operate or service them.

P. Signage

Wireless Telecommunications Facilities shall contain a sign no larger than four (4) square feet in order to provide adequate notification to persons in the immediate area of the presence of RF radiation or to control exposure to RF radiation within a given area. A sign of the same size is also to be installed to contain the name(s) of the owner(s) and operator(s) of the Antenna(s) as well as emergency phone number(s). The sign shall be on the equipment shelter or cabinet of the Applicant and be visible from the access point of the site and must identify the equipment owner of the shelter or cabinet. On tower sites, an FCC registration site, as applicable, is also to be present. The signs shall not be lighted, unless applicable law, rule or regulation requires lighting. No other signage, including advertising, shall be permitted.

Q. Setbacks

1. All proposed Telecommunications Towers and any other proposed Wireless Telecommunications Facility attachment structures shall be set back from abutting parcels, recorded rights-of-way and road and street lines by the greater of the following distances: A distance equal to the height of the proposed Tower or other Wireless Telecommunications Facility structure plus ten percent (10%) of the height of the Telecommunications Structure, otherwise known as the Fall Zone, or the existing setback requirement of the underlying zoning district, whichever is greater. Any Accessory

structure shall be located within the footprint as approved in the Special Use Permit and so as to comply with the applicable minimum setback requirements for the property on which it is situated. The Fall Zone shall be measured from the nearest portion of the right-of-way of any public road or thoroughfare and any occupied building or domicile. Further, the nearest portion of any access road leading to a wireless Telecommunications facility shall be no less than fifteen (15) feet from the nearest property line.

2. There shall be no development of habitable buildings within the Fall Zone set forth in the preceding subsection (1).

R. Retention of Expert Assistance Cost to be Borne by Applicant

1. The Town may hire any consultant and/or expert necessary to assist the Town in reviewing and evaluating the Application, including the construction and modification of the site, once permitted, and any site inspections.

2. To prevent the taxpayers from having to bear the cost related to the issue of the regulation of Wireless Telecommunications Facilities, an Applicant shall pay to the Town an application fee to be set forth in the Town's Fee Schedule to cover the customary cost for review and inspection of similar applications to cover all reasonable costs of consultant and expert evaluation and consultation with the Town in connection with the review of any Application, and where applicable, any lease negotiation, the pre-approval evaluation, and including the construction and modification of the site, once permitted. The payment of the initial application fee to the Town shall precede the pre-application meeting or any work being done as regards to processing an application. The Town will maintain accounting for the hours expended in the review of the application. The Town's consultants/experts shall invoice the Town for all time expended in its services in reviewing the Application, including the construction and modification of the site, once permitted. If at any time during the process the hours expended in review of the application are within 25 percent of the total time expended in the customary review of similar applications, the Applicant shall immediately, upon notification by the Town, provide a retainer equivalent to 50 percent of the initial application fee. Such additional funds shall be deposited with the Town before any further action or consideration is taken on the Application. In the event that the amount paid to the Town is more than the amount of the actual invoicing at the conclusion of the project, the remaining balance shall be promptly refunded to the Applicant upon written request made by the applicant subsequent to the issuance of a Certificate of Completion by the Town.

3. The fixed fee is the hourly rate of consultants and experts retained to review Wireless Telecommunications Facilities Applications, but the total amount of the funds needed as set forth in subsection (2) of this section may vary with the scope (lease negotiations and/or review) and complexity of the project, the completeness of the Application and other information as may be needed to complete the necessary review, analysis and inspection of any construction or modification.

4. Records of all outside costs associated with the review and permitting process shall be maintained and available for public inspection, in compliance with applicable North Carolina law.

S. Procedural Requirements for a Special Use Permit

1. The procedures established for Special Uses in Article VIII, Sections 1 through 11 of this Ordinance shall apply where wireless telecommunications facilities require a Special Use Permit as required or otherwise specified in this Section.

2. The Town shall schedule the required public hearing once it finds the Application is complete and is not required to set a date if the Application is not complete. The Town, at any stage prior to issuing a Special Use Permit, may require such additional information as it deems necessary as such relates to the issue of the siting, construction or modification of a Wireless Telecommunications Facility.

3. A Special Use Permit shall be issued for a Wireless Telecommunications Structure upon Board review and approval, but the Development Permit for said Telecommunications Structure shall not be issued until an Applicant has provided substantiating documentation under the section governing the placement of the first antenna array prior to construction of a new Wireless Telecommunications Facility.

T. Action on an Application for a Special Use Permit for Wireless Telecommunications Facilities

1. The Town will undertake a review of an Application pursuant to this Article in a timely fashion, consistent with its responsibilities, and shall act within a reasonable period of time given the relative complexity of the Application and the circumstances, with due regard for the public's interest and need to be involved, and the Applicant's desire for a timely resolution.

2. The Town may refer any Application or part thereof to any advisory or other committee for a non-binding recommendation.

3. After the public hearing and after formally considering the Application, the Town may approve, approve with conditions, or deny a Special Use Permit. Its decision shall be in writing and shall be supported by substantial evidence contained in a written record. The burden of proof for the grant of the permit shall always be upon the Applicant.

4. If the Town approves the Special Use Permit for the Wireless Telecommunications Facility, then the Applicant shall be notified of such approval at the Board Meeting and in writing within 30 calendar days of the Town's action, and the Special use Permit shall be issued within thirty (30) days after such approval. Except for necessary construction plan documents, building permits, and subsequent Certificates of Compliance, once a Special Use Permit has been granted hereunder, no additional site plan or zoning approvals shall

5. If the Town denies the Special Use Permit for the Wireless Telecommunications Facilities, then the Applicant shall be notified of such denial at the Board Meeting and in writing within 30 calendar days of the Board's action and shall set forth in writing the reason or reasons for the denial.

U. Extent and Parameters of Special Use Permit for Wireless Telecommunications Facilities

The extent and parameters of a Special Use Permit for Wireless Telecommunications Facilities shall be as follows:

1. Such Special Use Permit shall not be assigned, transferred or conveyed without the express prior written notification to the Town.

2. Following an opportunity to cure and, if not cured within the time frame set forth in the notice of violation, a hearing upon due prior notice to the Applicant, such Special Use Permit may be revoked, canceled, or terminated for a violation of the conditions and provisions of the Special Use Permit, or for a material violation of this Section or other applicable law, rule or regulation. Notice of a violation and of the date, time and place of a hearing shall be provided by registered mail to the last known address of the holder of the Special Use Permit.

V. Application Fee

At the time that a person submits an Application for a Special Use Permit for a new Wireless Telecommunications Facility, such person shall pay a non-refundable application fee set forth in the Town's Fee Schedule as may be amended or changed from time to time.

W. Removal and Performance Security

The Applicant and the owner of record of any proposed Wireless Telecommunications Facilities property site shall, at its cost and expense, be jointly required to execute and file with the Town a bond, or other form of security acceptable to the Town as to type of security and the form and manner of execution, in an amount of at least $75,000.00 for a tower and with such sureties as are deemed sufficient by the Town to assure the faithful performance of the terms and conditions of this Section and conditions of any Special Use Permit issued pursuant to this Section. 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 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.

X. Reservation of Authority to Inspect Wireless Telecommunications Facilities

In order to verify that the holder of a Special Use Permit for Wireless Telecommunications Facilities and any and all lessees, renters, and/or licensees of Wireless Telecommunications Facilities, place and construct such facilities, including Towers and Antennas, in accordance with all applicable technical, safety, fire, building, and zoning codes, Laws, ordinances and regulations and other applicable requirements, the Town may inspect all facets of said permit holder's, renter's, lessee's or licensee's placement, construction, modification and maintenance of such facilities, including, but not limited to, Towers, Antennas and buildings or other structures constructed or located on the permitted site.

Y. Liability Insurance

1. A holder of a Special Use Permit for Wireless Telecommunications Structures shall secure and at all times maintain public liability insurance for personal injuries, death and property damage, and umbrella insurance coverage, for the duration of the Special Use Permit in amounts as set forth below:

- **a.** Commercial General Liability covering personal injuries, death and property damage: $1,000,000 per occurrence/$2,000,000 aggregate; and
- **b.** Automobile Coverage: $1,000,000.00 per occurrence/ $2,000,000 aggregate; and
- **c.** A $3,000,000 Umbrella coverage; and
- **d.** Workers Compensation and Disability: Statutory amounts.

2. For a Wireless Telecommunications Facility on Town property, the Commercial General Liability insurance policy shall specifically name the Town and its officers, Boards, employees, committee members, attorneys, agents and consultants as additional insureds.

3. The insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in the State and with a Best's rating of at least A.

4. The insurance policies shall contain an endorsement obligating the insurance company to furnish the Town with at least thirty (30) days prior written notice in advance of the cancellation of the insurance.

5. Renewal or replacement policies or certificates shall be delivered to the Town at least fifteen (15) days before the expiration of the insurance that such policies are to renew or replace.

6. Before construction of a permitted Wireless Telecommunications Facility is initiated, but in no case later than fifteen (15) days prior the grant of the Development Permit, the holder of the Special Use Permit shall deliver to the Town a copy of each of the policies or certificates representing the insurance in the required amounts.

7. A Certificate of Insurance that states that it is for informational purposes only and does not confer rights upon the Town shall not be deemed to comply with this Section.

Z. Indemnification

1. Any application for Wireless Telecommunication Facilities that is proposed for Town property, pursuant to this Section, shall contain a provision with respect to indemnification. Such provision shall require the applicant, to the extent permitted by the Section, to at all times defend, indemnify, protect, save, hold harmless, and exempt the Town, and its officers, Boards, employees, committee members, attorneys, agents, and consultants from any and all penalties, damages, costs, or charges arising out of any and all claims, suits, demands, causes of action, or award of damages, whether compensatory or punitive, or expenses arising there from, either at law or in equity, which might arise out of, or are caused by, the placement, construction, erection, modification, location, products performance, use, operation, maintenance, repair, installation, replacement, removal, or restoration of said Facility, excepting, however, any portion of such claims, suits, demands, causes of action or award of damages as may be attributable to the negligent or intentional acts or omissions of the Town, or its servants or agents. With respect to the penalties, damages or charges referenced herein, reasonable attorneys' fees, consultants' fees, and expert witness fees are included in those costs that are recoverable by the Town.

2. Notwithstanding the requirements noted in subsection (1) of this section, an indemnification provision will not be required in those instances where the Town itself applies for and secures a Special Use Permit for Wireless Telecommunications Facilities.

AA. Fines

1. In the event of a violation of this Section or any Special Use Permit issued pursuant to this Section, the Town may impose and collect, and the holder of the Special Use Permit for Wireless Telecommunications Facilities shall pay to the Town, fines or penalties as set forth in Article IV, Sections 9 and 10 of this Ordinance.
2. Notwithstanding anything in this Section, the holder of the Special Use Permit for Wireless Telecommunications Facilities may not use the payment of fines, liquidated damages or other penalties, to evade or avoid compliance with this Section or any section of this Ordinance. An attempt to do so shall subject the holder of the Special Use Permit to termination and revocation of the Special Use Permit. The Town may also seek injunctive relief to prevent the continued violation of this Section, without limiting other remedies available to the Town.

BB. Default and/or Revocation

If a Wireless Telecommunications Structure or Facility is repaired, rebuilt, placed, moved, re-located, modified or maintained in a way that is inconsistent or not in

compliance with the provisions of this Section or of the Special Use Permit, then the Town shall notify the holder of the Special Use Permit in writing of such violation. A Permit holder in violation may be considered in default and subject to fines as in Section (Y) and if a violation is not corrected to the satisfaction of the Town in a reasonable period of time the Special Use Permit shall be subject to revocation.

CC. Removal of Wireless Telecommunications Structures and Facilities

1. The owner of any Wireless Telecommunications Facility or wireless facility shall be required to provide a minimum of thirty (30) days written notice to the Town Clerk prior to abandoning any Wireless Telecommunications Facility or wireless facility.

2. Under the following circumstances, the Town may determine that the health, safety, and welfare interests of the Town warrant and require the removal of Wireless Telecommunications Facilities.

a. Wireless Telecommunications Facilities that have been abandoned (i.e. not used as Wireless Telecommunications Facilities) for a period exceeding ninety consecutive (90) days or a total of one hundred-eighty (180) days in any three hundred-sixty five (365) day period, except for periods caused by force majeure or Acts of God, in which case, repair or removal shall commence within 90 days of abandonment;

b. Permitted Wireless Telecommunications Structures or Facilities fall into such a state of disrepair that it creates a health or safety hazard;

c. Wireless Telecommunications Structures or Facilities have been located, constructed, or modified without first obtaining, or in a manner not authorized by, the required Special Use Permit, or any other necessary authorization and the Special Permit may be revoked.

3. If the Town makes such a determination as noted in subsection (1) of this section, then the Town shall notify the holder of the Special Use Permit for the Wireless Telecommunications Facilities within forty-eight (48) hours that said Wireless Telecommunications Facilities are to be removed, the Town may approve an interim temporary use agreement/permit, such as to enable the sale of the Wireless Telecommunications Facilities.

4. The holder of the Special Use Permit, or its successors or assigns, shall dismantle and remove such Wireless Telecommunications Facilities, and all associated structures and facilities, from the site and restore the site to as close to its original condition as is possible, such restoration being limited only by physical or commercial impracticability, within ninety (90) days of receipt of written notice from the Town. However, if the owner of the property upon which the Wireless Telecommunications Facilities are located wishes to retain any access roadway to the Wireless Telecommunications Facilities, the owner may do so with the approval of the Town.

5. If Wireless Telecommunications Facilities are not removed or substantial progress has not been made to remove the Wireless Telecommunications Facilities within ninety (90) days after the permit holder has received notice, then the Town may order officials or representatives of the Town to remove the Wireless Telecommunications Facilities at the sole expense of the owner or Special Use Permit holder.

6. If, the Town removes, or causes to be removed, Wireless Telecommunications Facilities, and the owner of the Wireless Telecommunications Facilities does not claim and remove it from the site to a lawful location within ten (10) days, then the Town may take steps to declare the Wireless Telecommunications Facilities abandoned, and sell them and their components.

7. Notwithstanding anything in this Section to the contrary, the Town may approve a temporary use permit/agreement for the Wireless Telecommunications Facilities, for no more than ninety (90) days, during which time a suitable plan for removal, conversion, or re-location of the affected Wireless Telecommunications Facilities shall be developed by the holder of the Special Use Permit, subject to the approval of the Town, and an agreement to such plan shall be executed by the holder of the Special Use Permit and the Town. If such a plan is not developed, approved and executed within the ninety (90) day time period, then the Town may take possession of and dispose of the affected Wireless Telecommunications Facilities in the manner provided in this Section and utilize the bond in Section (BB).

DD. Relief

Any Applicant desiring relief, waiver or exemption from any aspect or requirement of this Section may request such at the pre-Application meeting, provided that the relief or exemption is contained in the submitted Application for either a Special Use Permit, or in the case of an existing or previously granted Special Use Permit, a request for modification of its Wireless Telecommunications Facility and/or facilities. Such relief may be temporary or permanent, partial or complete. However, the burden of proving the need for the requested relief, waiver or exemption is solely on the Applicant to prove. The Applicant shall bear all costs of the Town in considering the request and the relief, waiver or exemption. No such relief or exemption shall be approved unless the Applicant demonstrates by clear and convincing evidence that, if granted the relief, waiver or exemption will have no significant affect on the health, safety and welfare of the Town, its residents and other service providers.

EE. Periodic Regulatory Review by the Town

1. The Town may at any time conduct a review and examination of this entire Section.

2. If after such a periodic review and examination of this Section, the Town determines that one or more provisions of this Section should be amended, repealed, revised, clarified, or deleted, and then the Town may take whatever measures are necessary in accordance

with applicable Ordinance in order to accomplish the same. It is noted that where warranted, and in the best interests of the Town, the Town may repeal this entire Section at any time.

3. Notwithstanding the provisions of subsections (1) and (2) of this Section, the Town may at any time and in any manner (to the extent permitted by Federal, State, or local law), amend, add, repeal, and/or delete one or more provisions of this Section.

FF. Adherence to State and/or Federal Rules and Regulations

1. To the extent that the holder of a Special Use Permit for a Wireless Telecommunications Facility has not received relief, or is otherwise exempt, from appropriate State and/or Federal agency rules or regulations, then the holder of such a Special Use Permit shall adhere to, and comply with, all applicable rules, regulations, standards, and provisions of any State or Federal agency, including, but not limited to, the FAA and the FCC. Specifically included in this requirement are any rules and regulations regarding height, lighting, security, electrical and RF emission standards.

2. To the extent that applicable rules, regulations, standards, and provisions of any State or Federal agency, including but not limited to, the FAA and the FCC, and specifically including any rules and regulations regarding height, lighting, and security are changed and/or are modified during the duration of a Special Use Permit for Wireless Telecommunications Facilities, then the holder of such a Special Use Permit shall conform the permitted Wireless Telecommunications Facilities to the applicable changed and/or modified rule, regulation, standard, or provision within a maximum of twenty-four (24) months of the effective date of the applicable changed and/or modified rule, regulation, standard, or provision, or sooner as may be required by the issuing entity.

GG. Bi-Annual Meeting:

In order to develop a logical, rational plan of deployment and siting of Wireless Telecommunications Facilities within the Town that provides reasonable coverage within the Town based on the needs of the Town and its residents, while minimizing the number and intrusiveness of the facilities and the most efficient use of Wireless Telecommunications Facilities sites, twice annually within the months of January and June of each calendar year, the Town shall hold a meeting of all carriers and tower companies who have filed applications the previous year or anyone who has expressed an interest in filing an Application to construct a Wireless Telecommunications Facility. The Town shall notify each party of the date, time and place of the meeting no later than thirty (30) days prior to the meeting at the last known address of the party and attendance shall be expected. In order to allow the allocation of the Town's resources to those applications deemed urgent or critical so that they may be permitted and service provided as expeditiously as is reasonably possible, lack of attendance shall be deemed as evidence of a lack of urgency or any critical need for the facility and subject the party not attending to a longer review process than for those attending. Consideration of Applications by those not attending shall be addressed and

considered by the Planning Board twice annually, at dates to be established by the Planning Board. Exceptions to this policy may be granted by the Director of Planning based on facts and circumstances deemed sufficient to warrant exception that are shown to be in the interest of the Town and its residents.

HH. Conflict with Other Laws

Where this Section differs or conflicts with other Laws, rules and regulations, unless the right to do so is preempted or prohibited by the Town, State or federal government, this Section shall apply.

II. Effective Date

This Section shall be effective immediately upon passage, pursuant to applicable legal and procedural requirements.

JJ.Authority

This Section is enacted pursuant to applicable authority granted by the State and federal government.

Section 12. Demolition of Historic Structures

A. Authority

This section is adopted pursuant to Session Law 2007-66, House Bill 827 ratified June 7, 2007 by the General Assembly of the State of North Carolina.

B. Purpose

The intent of this section is to provide guidelines and establish requirements for the delay in demolition of historic structures in order to preserve and enhance one of the most valuable and unique natural resources of the Town of Wake Forest, and to preserve the property values and promote the general welfare of its citizens.

C. Application of Requirements

1. **General Provisions.** The requirements of this section shall apply to the demolition of all historic structures located within the corporate limits and extraterritorial jurisdiction of the Town of Wake Forest. A development permit authorizing the demolition of historic structures shall not be issued until such requirements are met, unless provided otherwise in this section. For the purposes of this section, the term "historic structures" means:

   a. Any designated local, State, or national landmark; or
   b. Any structure that is:
      1) Individually listed in the National Register of Historic Places;

2) Individually identified as a contributing structure in a historic district listed in the National Register of Historic Places;
3) 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;
4) Individually listed in the State inventory of historic places;
5) Individually listed in the county Register of Historic Places; or,
6) 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.

2. Exemptions

Properties for which a State Building Inspector has ordered immediate demolition are exempted from this process.

3. Certificate of Appropriateness Required

A Certificate of Appropriateness (COA), approved and issued by the Historic Preservation Commission (HPC) subject to the provisions of Article V., Section 3.E.6 of this Ordinance, is required prior to the demolition of any historic structure, as defined in Section C.1. above. This COA may authorize demolition or may order a delay of demolition for a specified period of time of up to 365 days from the date of the COA.

4. Procedure

The applicable procedure is as described in Article V., Section 3.E.8 of this Ordinance and as described as follows:

a. Approval Process

1) All applications for demolition of any historic structure shall receive a score to be assigned by staff based on the **Demolition Approval Scoring System (DASS)** as described below. If a property qualifies in more than one tier then the points will be assigned based on the highest tier and not by a combination of points from lower tiers.

Score	
1 Point	No delay of demolition. No Certificate of Appropriateness (COA) is required.
2 Points	Staff shall determine if property is located in an area that is a potential historic district or if the property is a potential for listing on the state study list. If either is true an application for a COA shall be filed by the applicant for review by the HPC. The HPC shall grant a COA authorizing demolition or may order a delay of up to 365 days before demolition may

commence. If neither is true (i.e. the site is not in a potential historic district and is not a potential for listing on the state study list) no COA is required and the demolition may proceed without delay.

3 Points An application for a COA shall be filed by the applicant for review by the HPC. The HPC shall grant a COA authorizing demolition or may order a delay of up to 365 days before demolition may commence.

4 Points An application for a COA shall be filed by the applicant for review by the HPC. The HPC shall grant a COA authorizing demolition or may order a delay of up to 365 days before demolition may commence. A DASS score of 4 Points will likely result in an automatic delay of 365 days.

b. Assignment of Points Under the Demolition Approval Scoring System (DASS)

Tier 4 – 4 Points total for one or more of the following:

- individually designated landmark
- individually listed in National Register
- "contributing" in National Register district

Tier 3 – 3 Points total for one or more of the following:

- certified or preliminarily determined by the Secretary of the Interior as contributing to the significance of a district preliminarily determined by the Secretary to qualify as a registered historic district
- designated as "non-contributing" in a National Register historic district
- individually listed in the state study list
- individually listed in any county or local inventory of historic buildings or sites

Tier 2 – 2 Points total for one or more of the following:

- appears on the Historic Building Survey Map of the town
- location in an area on the state study list as a potential historic district

Tier 1 – 1 Point total

- None of the above

c. Application Evaluation

An application for a COA affecting a Tier 2 or higher property will be evaluated based on four standards which will be weighed using a scale of 0-2 where 0 means that the structure does not meet the standard, 1 means the structure moderately meets the standard and 2 means the structure significantly meets the standard. The standards are as follows:

1) **Architectural Integrity**

a) The structure has maintained the integrity of its original architectural form.

b) Changes made to the structure over 50 years ago have gained historic significance.

2) **Architectural Style**

a) The structure has a distinctive architectural style.
b) It has superior craftsmanship.
c) The structure is the last or oldest example of a certain building type.
d) It is one of a cluster of buildings that are significant as a group.

3) **Cultural Significance**

The structure is culturally significant due to factors such as its historic use, an event, a person, a builder, or an architect associated with the structure.

4) **Structural Integrity**

a) The structure will be given a score of 2 points for structural integrity unless the applicant has provided an engineer's report stating otherwise.
b) Said report will be paid for by the applicant using a structural engineer recommended by the State Historic Preservation Office.
c) The structural components – roof, wall, floor, and foundation systems will each have a value of ½ point.
d) If the report states that a system is structurally unsound the score of 2 will be reduced by ½ point per system rated at 50% or more unsound.

A total score of four or greater will result issuance of a COA with an order for delay of demolition for 365 days from the date of the COA. A total score of less than four may result in issuance of a COA with a delay of less than 365 days or no delay of demolition.

d. Immediate Demolition Due to Unsafe Conditions

1) Any application for demolition of a Tier 3 or higher structure must include documentation as to the condition of the property to support a claim of unsafe conditions.
2) The documentation shall be in the form of a report from a structural engineer recommended by the State Historic Preservation Office and paid for by the applicant. This report shall specifically address the roof, wall, floor, and foundation systems rated as a percentage structurally unsound.
3) If the structure to be demolished is an accessory structure, a similar report from the town building inspector may be submitted for the engineer's report although the HPC may require that the applicant return with an engineer's report at the applicant's expense.
4) The HPC may also require an engineer's report for any Tier 2 property at their discretion and at the applicant's expense based on the considerations of the specific site.

5) A structure found to be unsafe shall not automatically be issued a COA with no delay of demolition. The COA may be issued with a delay of demolition and an order for stabilization or shoring in order to avoid demolition by neglect.

e. Salvage of Materials

1) Prior to demolition, the applicant shall make all materials available to salvagers.
2) Such materials may be sold to a salvage company or any other interested party, donated to "Habitat for Humanity" or similar organizations, given away to individuals, businesses, or other organizations, or any combination thereof.
3) The applicant must publically advertise, at least 2 weeks prior, a date and time for any interested materials salvager or other interested parties to visit the building to be demolished and arrange to acquire any desired salvage materials. The requirement of advertising may be waived by staff or the HPC when the salvage is handled in another acceptable manner or the potential salvage is of minimal value.
4) The applicant shall time the collection of materials in a logical manner, such as doors, windows, fireplace surrounds and mantels, cabinets, fixtures, etc will be collected prior to wood flooring, although carpets could be collected early.
5) At the time the salvaged materials are collected the applicant or his agent must be on site to assure that materials are not damaged in the acquisition of other materials.

4. Penalties

In addition to penalties authorized elsewhere, any demolition of structures subject to these regulations, in violation of the COA, or undertaken without compliance with this process shall be prohibited from submitting redevelopment plans for the property for up to 48 months from the date of notice of the violation. The length of the delay will be at the discretion of the Planning Director or his agent, depending on the specific circumstances of the site, structure, and violation.

ARTICLE VII. OFF-STREET PARKING AND LOADING

Section 1. Off-Street Parking Requirements

Permanent off-street parking shall be provided at the time of erection of any building, expansion of any principal building resulting in increased capacity from added dwelling units, guest rooms, seats or floor area, or change of use or occupancy. Off-street parking shall be provided in the amount specified in this section.

A. Certification of Minimum Parking Requirements

1. Each application for a development permit as provided for in this ordinance shall include information as to the location and dimensions of off-street parking and loading space and the means of ingress and egress to such space. This information shall be in sufficient detail to demonstrate whether or not the requirements of this section are met.

2. The North Carolina Building Code and American Disability Act general requirements for handicapped parking, curb cuts/curb ramps, passenger loading zones, legal signage (including maximum penalty signage for illegal parking) and accessibility shall be provided.

B. Combination of Required Parking Space

The required parking space for any number of separate uses may be combined in one lot but the required space assigned to one use may not be assigned to another use, except that one-half of the parking space required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night and on Sundays.

C. Off Site Parking Space

If the off-street parking space required by this ordinance cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within 400 feet of the main entrance to such principal use, provided:

1. such land is in the same ownership as the principal use, or

2. easements are recorded by all owners of record.

D. Calculation of Required Parking

1. When calculations result in a fraction of a space, round up to the next highest number.

2. On-street parking shall not be used to meet minimum parking requirements, except as provided in the Renaissance Districts.

3. Parking based on seating, students or employees shall be based on maximum occupancy or design capacity unless otherwise specified.

4. Parking based on floor area shall be based on gross floor area unless otherwise specified.

5. Parking for residential uses shall be based on the number of dwelling units.

6. Parking for low, medium and high generator retail uses that are otherwise unlisted and any other unlisted uses shall be determined by the Planning Director based on closest comparable use. Alternatively, the Planning Director may require submission of a parking demand study to estimate parking required according to the recommendations of the Institute of Traffic Engineers (ITE).

7. The Planning Director may modify the minimum or maximum parking requirements based on consideration of the parking demand for the proposed use, any special area characteristics, hours of operation and demand in determining the amount of parking needed. Sufficient professionally prepared parking demand data shall be provided to make such considerations possible.

E. Location and Design of Required Parking

1. Parking areas shall be located and designed to avoid undue interference with the use of public rights-of-way, driveways or pedestrian ways. Parking stalls shall not be located in areas that would require backing into access driveways except where allowed for residences.

2. Parking design and location shall be in accordance with the Wake Forest Manual of Specifications & Standards, other sections of this ordinance and any corridor or area plans.

3. Parking shall be provided in parking structures or paved surfaces. Paved surfaces include concrete or asphalt. Parking shall be in stalls in paved lots or areas, except as otherwise provided:

   a. single family residential developments shall provide the required parking in paved private driveways.

   b. townhouses or condominiums shall provide the required parking in paved driveways or in parking lots or areas.

   c. townhouses or condominiums may provide the required parking in on street parking stalls at the discretion of the Planning Director.

4. Parking stalls shall be located a minimum of 10 feet from public rights-of-way and buildings to allow sufficient separation for sidewalks, landscaping and other site features except along the backs of buildings in areas designed for loading and unloading.

5. Parking shall not be located in landscaped, open space or tree save areas.

6. Parking areas shall be maintained to provide for vehicle access and shall be kept free of litter, debris, outdoor display and sales and material storage, including portable containers.

7. Parking for service vehicles shall be designated, located and screened to minimize the view from adjacent properties and rights-of-way, generally at the rear of buildings.

8. Vehicle storage or display areas shall be identified on the site plan distinct from customer and employee parking areas and shall comply with parking access, location and design requirements, except that striping of the display or storage area shall not be required. Vehicle storage or display areas shall not be located in a manner that interferes with vehicle or pedestrian access aisles or driveways.

9. 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.

F. Drive-thru Requirements

Drive-thru lanes shall be designed and located to provide adequate queuing so as to ensure that access aisles and rights-of-way remain unimpeded and to minimize automobile and pedestrian conflicts. The design and queuing shall be based on consideration of the demand for the proposed use, any special area characteristics and site circulation. Upon request, sufficient professionally prepared data shall be provided to make such considerations possible.

G. Bicycle Parking Requirements

Bicycle parking shall be provided by all non-residential, multi-family, recreation and industrial uses. Bicycle parking facilities required by this section shall be designed to provide convenient bicycle parking and to protect parked bicycles from damage. Acceptable rack elements, rack location and access, rack area and site conditions such as protection from the elements and visibility shall conform to the Association of Pedestrian and Bicycle Professionals Bicycle Parking Guidelines.

1. Bicycle Parking Facilities

Bicycle parking spaces shall be Class I, Class II, or Class III facilities. Racks which only support one wheel are not acceptable. Multi-family uses shall provide shelter over Class II and Class III spaces provided to accommodate long term storage.

a. *Class I.* Bicycle lockers are generally rectangular enclosures, each holding one or two bicycles.

b. *Class II.* Bicycle parking racks which allow all three major components of the bicycle, back wheel, frame, and front wheel, to be locked, without removal of the front wheel.

c. *Class III.* Racks such as loop, post, rails, "A" and inverted "U" racks. Each rack provides two bicycle parking spaces. Common properties in a class III facility include its support of the bicycle with or without the front wheel removed and post or pipe dimensions which allow the lock to encompass the front tire and down post or the rear wheel and seat post. Class III facilities are recommended for short-term parking, although, in combination with shelter, they can be adequate for long-term storage.

2. Surfacing

Bicycle parking shall be provided on a hard-surface, all-weather pavement of asphalt or concrete with curb ramps installed as appropriate.

3. Signage

Where not clearly visible from the access way, directional signage shall be provided to route bicyclists to the bicycle parking facility.

4. Installation

Installation shall be according to the manufacturers' instructions.

5. Placement

a. Bicycle parking shall be separated from automobile parking by a physical barrier or by at least five feet where automobile parking is prohibited and shall be located as close to public and employee entrances as possible without interfering with the flow of pedestrian and vehicular traffic.

b. Bicycle parking shall be conveniently located near entrances. Where multiple entrances exist, the racks shall be dispersed among the entrances rather than located in large groupings.

c. Bicycle parking shall be located so as not to interfere with pedestrian access.

H. Transportation Facility Permitting

1. A Transportation Facility (TF) is any surface parking lot of 1500 spaces or more, a combination of surface and structure parking of 1000 spaces or more or any parking structure of 750 spaces must comply with the regulations pertaining to the TF Program administered by the North Carolina Department of Environmental and Natural Resources, Division of Air Quality.

2. Any existing facility that plans a modification that exceeds the above thresholds is subject to the TF Program regulations.

I. Minimum Parking Requirements

The following off-street parking space shall be required:

Use	***Required Parking***
Residential and Related Uses	
Single Family Residential	Two parking spaces on the same lot for each dwelling unit in a paved driveway.
Single Family Residential Detached, Duplex, Triplex or Quadroplex	Two parking spaces on the same lot for each dwelling unit in a paved driveway or parking space.
Single Family Residential Attached	Two parking spaces on the same lot for each dwelling unit in a paved driveway or parking space.
Multi-Family Residential	Two parking spaces for each dwelling unit and, plus one space for every 10 units. One bicycle parking rack for every building or one rack per 50 units, whichever is greater.
Rooming house, boarding house or bread and breakfast establishment	Two parking spaces plus one parking space for each room to be rented.
Home Occupation	Two parking spaces plus 50 percent of the parking required for the square footage of the business in the home occupation based on parking required for the closest related business use.
Public and Semi Public Uses	
Hospital	One parking space for each two beds intended for patient use plus one parking space for each employee at max shift. Bicycle parking at one rack per building and one bicycle parking rack for every 40 employees at max shift.
Clinic or surgery center	One parking space for every two beds, four parking spaces for every exam or treatment room and two parking spaces for every three employees at max shift. Bicycle parking at one rack per building and one bicycle parking rack for every 40 employees at max shift.

Use	***Required Parking***
Nursing Home	One parking space for each three beds intended for patient use plus one parking space for each employee at max shift. Bicycle parking at one rack per building and one bicycle parking rack for every 40 employees at max shift.
Libraries	One parking space for each 300 square feet, one parking space for each employee at max shift and one parking space for each four seats in any auditorium or meeting room. One bicycle parking rack for every 40 automobile parking spaces.
Museums, Cultural Facilities and Art Galleries	One parking space for each 500 square feet. One bicycle parking rack for every 40 automobile parking spaces.
Elementary School (public or private)	Two parking spaces for each classroom and administrative office. One bus space for each bus to be stored on the premises. One bicycle parking rack for every 40 students.
Middle School (public or private)	Two parking spaces for each classroom and administrative office. One bus space for each bus to be stored on the premises. One bicycle parking rack for every 40 students.
High School	One parking space for each four students, one parking space for each classroom and one parking space for every administrative office or one parking space per four seats for any assembly room, hall, auditorium or sporting arena, whichever is greater. One bus space for each bus to be stored on the premises. One bicycle parking rack for every 40 students.
Church, auditorium, and other assembly.	One parking space for each four seats. One bicycle parking rack for every 50 seats.
Utility Buildings	One parking space for every 400 square feet in customer receiving areas, one parking space for each employee at max shift and one parking space for every service vehicle. One bicycle parking rack for every 100 automobile spaces.
Recreational and Fitness Uses	
Public or private clubs, fitness centers, amenities centers or recreational facilities	The greater of one parking space for each 200 square feet of gross floor area or one parking space for every four persons based on maximum capacity. One bicycle parking rack for every 40 automobile parking spaces.
Passive recreation area	One parking space for every 10,000 square feet for passive recreation areas smaller than five total acres, one parking space for every acre for sites larger than five acres. One bicycle parking rack for every 40 automobile parking spaces.
Tennis or racket ball court	Two parking spaces for each court. One bicycle parking rack for every two courts.

Use	***Required Parking***
Swimming pool	The greater of one parking space for every 75 square feet of pool surface area or one parking space for every three persons based on maximum capacity. The greater of four bicycle parking racks or one bicycle parking rack for every 20 automobile parking spaces.
Community garden	One parking space for every 10,000 square feet. One bicycle parking rack for every acre.
Stadiums	One parking space for every four persons based on maximum seating and one parking space for every four players. One bicycle parking rack for every 40 automobile parking spaces up to a maximum of 50 racks.
Basketball court	Six parking spaces for every full court. One bicycle parking rack for every full court.
Baseball field	Twenty parking spaces per field. Four bicycle parking racks for every field.
Guest Accommodations	
Motel	One parking space for each room to be rented plus one parking space per employee at max shift. One bicycle parking rack for every 50 automobile spaces.
Hotel	One parking space for every room to be rented plus one parking space for each employee at max shift and 50 percent of the parking required for all accessory uses such as restaurants and meeting rooms. One bicycle parking rack for every 50 automobile parking spaces.
Offices	
General, business or professional offices	One parking space for every 300 square feet of gross floor area. One bicycle parking rack for every 50 automobile spaces.
Financial offices and banks	One parking space for every 300 square feet of gross floor area, one parking space for each employee and queuing space for three vehicles for each drive-thru window. One bicycle parking rack for every 50 automobile spaces.
ATM (stand alone)	Two parking spaces for each terminal.
Dental or medical office	Minimum: three parking spaces for each exam or treatment room plus one parking space for each employee at max shift. Maximum: one parking space for every 125 square feet. One bicycle parking rack for every 50 spaces.
Animal Services	
Veterinarian clinic or hospital	One parking space for every 300 square feet of gross floor area. One bicycle parking rack for every 40 automobile spaces.
Kennel	One parking space for every 400 square feet of gross floor area. One bicycle parking rack for every 40 automobile spaces.

Use	***Required Parking***
Business Uses	
Restaurant (sit down only)	Minimum: The greater of one parking space for every four seats and two parking spaces for every three employees at max shift or one parking space for every 200 square feet of gross floor area and two parking spaces for every three employees at max shift. Bicycle parking: one bicycle parking rack for every 50 automobile spaces. Maximum: The greater of one parking space for every seat at maximum capacity and one parking space for every employee at max shift or one parking space for every 40 square feet of gross floor area and one parking space for every employee at max shift.
Restaurant (sit down with drive-thru)	Minimum: The greater of one parking space for every four seats, two parking spaces for every three employees at max shift and one parking space for every drive-thru or one parking space for every 200 square feet of gross floor area, two parking spaces for every three employees at max shift and one parking space for every drive-thru. Bicycle parking: one bicycle parking rack for every 50 automobile spaces. Maximum: The greater of one parking space for every seat at maximum capacity, one parking space for every employee at max shift and one parking space for every drive-thru or one parking space for every 40 square feet of floor area, one parking space for every employee at max shift and one parking space for every drive-thru.
Restaurant (delivery, drive-thru or walk-up only)	Minimum: One parking space for every 200 square feet of gross floor area, one parking space for every employee at max shift and one parking space for every service vehicle used in operation. Bicycle parking: one bicycle parking rack. Maximum: One parking space for every 40 square feet of gross floor area, one parking space for every employee at max shift and one parking space for every service vehicle used in operation.
ABC store	One parking space for every 300 square feet of gross floor area. One bicycle parking rack.
Retail store	One parking space for every 200 square feet of gross floor area. One rack for every 40 automobile spaces.
Stand alone department store, bulk retail store or wholesale club	Minimum: One parking space for every 300 square feet of gross floor area. One bicycle parking rack for every 40 automobile spaces. Bicycle parking: one rack for every 100 automobile spaces. Maximum: One parking space for every 150 square feet of gross floor area.

Use	***Required Parking***
Pharmacy	One parking space for every 300 square feet of retail sales area and one space for every 200 square feet of pharmacy and waiting area. One bicycle parking rack for every 40 automobile spaces.
Retail nursery or greenhouse	One parking space for every 200 square feet of gross floor area and one parking space for every 1,000 square feet of outdoor or open display or storage area. One bicycle parking rack for every 40 automobile spaces.
Wholesale nursery or greenhouse	One parking space for every 10,000 square feet of display area, one parking space for every employee and one parking space for every service vehicle used in operations. One rack for every 40 automobile spaces.
Personal services	One parking space for every 300 square feet of gross floor area. One bicycle parking rack.
Theaters	One parking space for each three seats based on maximum capacity. One bicycle parking rack for every theater screen.
Repair services	One parking space for every 400 square feet of gross floor area and one parking space for every service vehicle use in operations. One bicycle parking rack.
Automobile sales	One parking space for every 300 square feet of gross floor area and one parking space for every 5,000 square feet of outdoor vehicle display area. One bicycle parking rack for every 80 parking spaces.
Automobile rental	One parking space for every 300 square feet of gross floor area and one parking space for 5,000 square feet of outdoor vehicle rental storage area. One bicycle parking rack.
Automobile service station	Three parking spaces for every service bay, one parking space for every 200 square feet in sales floor area, one parking space for every office and one parking space for every vehicle used in operations. One bicycle parking rack.
Automobile gasoline station or convenience store	One parking space for every 300 square feet of gross floor area, less one space for every station in the pump island. One bicycle parking rack for every 40 automobile spaces.
Funeral Homes	One parking space for each three seats in the chapel or parlor. One bicycle parking rack.
Daycare center	Two parking spaces for every classroom and one parking space for each office and every vehicle used in operations. One bicycle parking rack for every 40 automobile spaces.
Trade or vocational school	Two parking spaces for every classroom and one parking space for every two students. One bicycle parking rack for every 40 automobile spaces.
Instructional (dance, karate and etc.)	Minimum: one parking space for every 200 square feet. Maximum: one parking space for every 100 square feet. One bicycle parking rack for every 20 automobile spaces.

Use	***Required Parking***
Shopping Centers	
Convenience center up to 50,000 square feet	One parking space for every 300 square feet of gross floor area. One bicycle parking rack for every 40 automobile spaces.
Neighborhood center 50,001 to 125,000 square feet	One parking space for every 250 square feet of gross floor area. One bicycle parking rack for every 40 automobile spaces.
Community or Regional centers 125,001 square feet or more	One parking space for every 275 square feet of gross floor area. One bicycle parking rack for every 40 automobile spaces.
Retail Uses Not Otherwise Indicated	
Low generator retail and service establishments	One space for each 400 square feet of gross floor area, two spaces for each three employees and one space for each service vehicle used in operation. One bicycle parking rack for every 40 automobile spaces.
Medium generator retail and service establishments	One space for each 300 square feet, two spaces for each three employees and one space for each vehicle used in operation. One bicycle parking rack for every 40 automobile spaces.
High generator retail and service establishments	One space for each 200 square feet, two spaces for each three employees and one space for each vehicle used in operation. One bicycle parking rack for every 40 automobile spaces.
Industrial and Wholesale Uses	
Warehouse or Wholesale uses	One parking space for each employee at max shift, one parking space for every service vehicle used in operation and one parking space for every two persons based on maximum capacity in public reception areas. One bicycle parking rack per building.
Industrial uses	One parking space for each employee at max shift, one parking space for every service vehicle used in operation and one parking space for every two persons based on maximum capacity in public reception areas. One bicycle parking rack per building.
Campus Uses	
Administrative and Faculty Offices	One parking space for each faculty and administrative office plus one space for every four offices. One bicycle parking rack for every 40 automobile spaces.
Churches, Stadiums, and other places of public assembly	Same as listed elsewhere in this section.

Use	*Required Parking*
Classrooms	One parking space per classroom plus one parking space for each three students for which the building was designated. (The required number of parking spaces may be reduced by a maximum of 30 percent if it can be demonstrated that a similar proportion of students live within 400 feet of the classroom building.) Two bicycle parking racks for every classroom.
Dining Facilities (including cafeterias, snack bars, etc.)	One parking space for each four seats at tables, one parking space for each three seats at counters or bars and one space for each employee. (The required number of parking spaces may be reduced by a maximum of 30 percent if it can be demonstrated that a similar proportion customers are attending classes or are employed on campus within 400 feet of the eating facility. However, such reduction may not endanger needed parking for banquet facilities.) One bicycle parking rack for every eight seats.
Libraries, Art Galleries, Museums, etc.	One parking space for each 300 square feet of gross floor area. (The required number of parking spaces may be reduced by a maximum of 30 percent if it can be demonstrated that a similar proportion of visitors are attending classes or are employed on campus within 400 feet of the library or other facility in question. However, such reduction may not endanger needed parking for meeting facilities.) One bicycle parking rack for every 40 automobile parking spaces.
Recreation	Same as listed elsewhere in this section for the particular type of recreation.

Section 2. Off-Street Loading

The number of off-street loading berths required by this section shall be considered as the minimum and the developer shall evaluate his own needs to determine if they are greater than the minimum specified by this section. This section does not apply to:

- Residential and related uses,
- Renaissance Area Historic Core District,

Square Feet of Gross Floor Area Range		Required No. of Berths
Less than 40,000		1
40,000	100,000	2
100,000	160,000	3
160,000	240,000	4
240,000	320,000	5
320,000	400,000	6

Above 400,000	6 + 1 for every 90,000 gross floor area over 400,000 square feet

A. Each loading berth shall have a minimum plan dimension of 12 feet by 75 feet with 14 feet of overhead clearance and adequate means for ingress and egress.

B. For uses containing a gross floor area of less than 20,000 square feet, each off-street loading space shall have a minimum length of 30 feet.

C. Uses which do not handle large quantities of goods, including but not limited to office buildings, classroom buildings, funeral homes, hotels, motels, apartment buildings, and places of public assembly, shall provide off-street loading facilities in the following amounts:

Square Feet of Gross Floor Area Range		**Required No. of Berths**
Less than 80,000		1
80,001	200,000	2
200,001	320,000	3
Above 320,000		3 + 1 for every 180,000 gross floor area over 320,000 square feet

D. The Planning Director may waive or modify the off-street loading requirements upon finding that the use does not require loading spaces of the number or size specified given specific operational characteristics related to shipping and receiving to and from the site.

ARTICLE VIII. SPECIAL USES

The Board of Commissioners shall have authority to grant permission for the establishment of special uses as specified in this ordinance.

Section 1. Intent

It is the intent of this article to recognize and permit certain uses and developments that require special review and to provide standards by which applications for permits for such uses and developments shall be evaluated.

It is further intended that Special Use Permits be required for the following types of developments:

A. Developments or land uses that, because of their inherent nature, extent and external effects, require special care in the control of their location, design and methods of operation in order to ensure protection of the public health, safety, and welfare; and,

B. Major developments that require special review in order to provide regulatory flexibility and performance criteria necessary to ensure i) that there is an efficient use of land and services, ii) that future development is compatible with existing land uses, iii) that a more desirable environment is possible through greater control.

Section 2. Findings of Fact

No special use permit shall be approved by the Board of Commissioners unless each and all of the following findings is made concerning the proposed special use:

A. That the proposed use or development is located, designed, and proposed to be operated so as not to be detrimental to the public health, safety and general welfare;

B. That the proposed use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal and similar facilities;

C. That the proposed use will not substantially injure the value of adjoining or abutting property;

D. That the proposed use will not cause undue traffic congestion or create a traffic hazard;

E. That the proposed use will not create undue noise, dust, and gasses;

F. That the proposed use, if developed according to the plan submitted and approved, will be in harmony with the area in which it is located;

G. That the proposed use or development conforms with the general plans for the physical development of the town; and,

H. That the proposed use or development meets all other rules and regulations within the zoning ordinance and all existing Town policies.

Section 3. Procedure for Approval of Special Use Permits

A. Applications for Special Use Permits shall be filed with the Town Planner in accordance with current Town policy, schedules and procedures.

B. No application will be accepted unless the prescribed application forms are completed with all required information, and accompanied by the appropriate filing fee.

C. Applications filed in accordance with current Town policy, schedules and procedures may be discussed with Town Staff and altered so as to conform with all existing plans and regulations.

D. On acceptance of a complete application, notice of public hearing shall be given once each week for two (2) consecutive calendar weeks in a newspaper of general circulation in Wake Forest, North Carolina. Said notice shall be published the first time not less than ten (10) days nor more than twenty-five (25) days prior to the date of public hearing. Notice shall also be made by posting the property concerned with a poster indicating the proposed change and hearing. All property owners abutting or within 100 feet of the property on which the proposed use will be developed shall be notified, by first class mail of the date and place of the forthcoming hearing.

E. Public hearings conducted by the Board of Commissioners shall be held jointly with the Planning Board on the first Tuesday of each month.

Section 4. Preliminary Review

A. On acceptance of a special use application, the Town Planner shall prepare and submit to the Planning Board and the Board of Commissioners a written report containing findings as required in Section 1 of this Article, and shall make a recommendation and the reasons thereof.

B. The Board of Commissioners shall require the Planning Board to review special use applications and submit findings and recommendations following the public hearing.

C. When deciding special use permits, the Planning Board shall follow quasi-judicial procedures. A member of the Planning Board shall not participate in or vote on a quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, a close

familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

D. No greater than a majority vote shall be required for the Planning Board to recommend the issuance of a special use permit. Vacant positions on the Planning Board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the Board for calculation of the requisite majority.

Section 5. Public Hearing

The public hearing, following quasi-judicial procedures, shall be open to the public and all interested persons shall be given the opportunity to present evidence and arguments and to ask questions of persons who testify. The Board of Commissioners may place reasonable and equitable limitations on the presentation of evidence and arguments and the cross-examination of witnesses so that the application may be heard without undue delay. All persons who intend to present evidence at the public hearing shall be sworn.

The applicant shall bear the burden of presenting evidence sufficient to establish conclusively that the proposed development will comply with the determination required in Section 1 of this Article.

A record of the proceedings of the hearing shall be made and shall include all documentary evidence presented at the hearing.

Section 6. Board of Commissioners Action

The Board of Commissioners shall take action on the application based on findings as to the determinations required in Section 1 of this Article. All findings shall be based on reliable evidence presented at the public hearing. When deciding special use permits, the Board of Commissioners shall follow quasi-judicial procedures. A member of the Board of Commissioners shall not participate in or vote on a quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not rec1use himself or herself, the remaining members shall by majority vote rule on the objection.

Action on the application shall be one of the following:

A. Approval;
B. Approval subject to reasonable and appropriate conditions and safeguards;
C. Denial;

D. Tabled for further study.

No greater than a majority vote shall be required for the Board of Commissioners to issue a special use permit. Vacant positions on the Board of Commissioners and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the Board for calculation of the requisite majority.

Section 7. Denials

When an application for a special use is denied by the Board of Commissioners, reapplication involving the same property may not be submitted for a period of six (6) months; however, if the petitioner can demonstrate a substantial change in circumstances surrounding the proposed use, then the Board of Commissioners may waive the six-month requirement and allow a reapplication for the property previously involved. The burden of demonstrating change in circumstances shall be on the applicant.

Section 8. Appeal of Decision

A decision by the Board of Commissioners on an application for a Special Use Permit may be appealed to the Superior Court by an aggrieved party. Such appeal shall be in the nature of certiorari and must be filed within thirty (30) days of the filing of the decision.

Section 9. Plan Approval

Developments requiring site plan approval as specified in Article IV, Section 12 and Article VIII shall be required to submit development plans in accordance with said Articles at the time the special use application is filed. Preliminary plat and construction drawings shall be required following the issuance of a special use permit. No zoning/development permit shall be issued for said special use until such plans have been approved.

Section 10. Modifications of Special Use Permits

Any change requiring evidenciary support in addition to that presented at a public hearing on applications for the original Special Use Permit shall constitute a modification of the Special Use Permit. Before making a determination as to whether a proposed action is a minor change or a modification, the Town Planner shall review the record of the proceedings on the original application for the Special Use Permit and subsequent applications for Modifications of Special Use Permits and shall use the following criteria in making the determination:

A. A change from the use approved by the Board of Commissioners shall constitute a modification;

B. Substantial changes in the location of principal and/or accessory structures approved by the Board of Commissioners shall constitute a modification;

C. Substantial changes in pedestrian or vehicular access or circulation approved by the Board of Commissioners shall constitute a modification;

D. Any upward change in the density approved by the Board of Commissioners shall constitute a modification;

If the proposed action is determined to be a modification, the Town Planner shall require the filing of an application for approval of the modification. Such application shall follow the procedures established in Section 3 of this Article.

Section 11. Revocation, Extension and Reinstatement of Special Use Permits

A. A special use permit or modification of Special Use Permit shall automatically be revoked if the physical construction of activity authorized by said permit, which shall include the installation of improvements, the commencement of the operation where physical improvements are not required or significant construction has not commenced within twelve (12) months of the issuance of such permit or modification for all Special Use Permits except those issued for Wireless Telecommunications Facilities.

Special Use Permits for Wireless Telecommunications Facilities shall automatically be revoked if the physical construction of activity authorized by said permit has not commenced within 24 months. Failure to complete construction of a Wireless Telecommunications Facility within 90 days subsequent to issuance of a Development Permit shall result in revocation of the Development Permit unless prohibited from completion of such construction by an act of force majeure.

Prior to the twelfth month an applicant may request an extension of the special use permit or modification of special use permit. The request shall be made in writing and submitted to the Board of Commissioners to be reviewed prior to the lasts day of the twelfth month.

The Board of Commissioners may grant no more than two (2) extensions, each extension shall be no more than six (6) months, to commence immediately after the twelve (12) month period for which the permit was issued.

B. A special use permit or modification of Special Use Permit may also be revoked by the Board of Commissioners after a finding of the existence of any one of the following conditions:

1. That the activity authorized by a Special Use Permit or Modification of Special Use Permit ceases for a continuous period of twelve (12) months.

2. That the governmental licenses and permits required for the activity authorized by a Special Use Permit or Modification of Special Use Permit are not obtained or are subsequently terminated; and

3. That any of the applicable requirements of this chapter or any conditions attached to the Special Use Permit or Modification of Special Use Permit are violated.

C. The Board of Commissioners may reinstate a revoked Special Use Permit or Modification of Special Use Permit provided:

1. A petition for reinstatement is submitted to the Board of Commissioners within ninety (90) days of the revocation;

2. The conditions that were the cause of the revocation have been eliminated; and

3. That the development is in full compliance with all applicable requirements of this article.

D. When considering a reinstatement of a special use permit the Board of Commissioners shall determine the time period for which the reinstated special use permit is valid. In no case shall the time be greater than 24 months after the date for which the initial special use permit was issued.

E. If a special use permit is not reinstated or the time period for an extension or reinstatement of a special use permit has elapsed, a reapplication for a special use permit following the "Procedure for Approval of Special Use Permit, Section 3" shall be required prior to any further development or activity taking place.

Section 12. Special Uses

Special Uses may be established in accordance with the procedures and general requirements set forth in Section 1 of this Article.

In addition to the general determinations required in Section 2 of this Article and the above requirements, the following specific supplemental standards shall be applicable for the designated special use.

Section 12.1. Planned Unit Developments

General

A. Requirements for development

A development plan shall be submitted as follows:

1. Master Land Use Plan.

All applications for approval of a special use permit for development of a planned unit development (PUD) shall be accompanied by a master land use plan and narrative which shall include but not be limited to:

a. The numbers and types of residential dwelling units.

b. The location and acreage of all proposed land uses.

c. Planned primary and secondary traffic circulation patterns including an analysis of anticipated traffic volumes and the impact on the existing street network.

d. Planned parks, playgrounds and open areas to be developed or preserved in accordance with Article IV, Section 7 of this ordinance and Section D of this Article.

e. Planned means of providing for the organization and arrangements for the ownership, maintenance and preservation of common open spaces.

f. Relationship of the planned unit development to the surrounding land uses and within the planned unit development.

g. Plans for water and wastewater systems to be constructed in accordance with Town standards.

h. Plans for the access of firefighting and refuse disposal equipment, to include the method of refuse disposal.

i. Plans for an adequate storm drainage system to be constructed in accordance with Town standards.

j. The delineation of areas to be constructed in phases or sections and the sequential order that will be followed in development including a written statement from the applicant indicating the date for beginning each phase of construction and the estimated date of completion.

k. Evidence that the North Carolina State Highway Commission (Department of Transportation) has been made aware and approve of the layout of the proposed planned unit development. Planned Unit Developments that are 200 acres or more are required to contact the Wake County Board of Education. A statement from the Wake County Board of Education showing their awareness of the proposed development shall be required prior to presenting the master land use plan to the Board of Commissioners and Planning Board.

l. Soils map prepared according to the United States cooperative soil survey standards.

m. Existing vegetation and natural areas shall be indicated on the master plan and a written statement shall be required stating that these areas will be protected to the

greatest extent possible and that minimum clearing of land shall be undertaken during development.

n. An analysis of anticipated population by age groups and evidence clearly showing the manner in which plans have been made for schools, recreation and town services. Supporting evidence justifying the proposed commercial areas within the planned unit development along with a schedule indicating the dates construction will begin and be completed in such areas.

The Planning Board or the Board of Commissioners may, when it deems advisable, require greater detail on any items listed in Section A of this Article.

B. Procedures

1. The Master Land Use plan accompanying the special use request shall be reviewed and approved according to the procedure described in Section 3 of this Article

2. No permit for construction of any on-site or off-site improvements in a planned unit development shall be granted prior to final approval of the planned unit development.

3. The Board of Adjustment shall have no power to waive any requirements contained in this division. Variances to any of these detailed provisions can only be waived after consideration by the Planning Board and approval by the Board of Commissioners.

4. No phase or section of an approved planned unit development shall be revised, enlarged or amended without first resubmitting that phase or section to the Planning Board and the Board of Commissioners as provided for in this section.

C. Use Requirements

1. Planned unit developments containing fifty (50) acres or less shall be composed of residential uses including both permitted and special uses in the Multi-family District.

2. Planned unit developments larger than fifty (50) acres may contain all uses permitted in the residential districts and the Central Business District. Special uses allowed in planned unit developments larger than fifty (50) acres but less than 100 acres, include all special uses in the Multi-family District and the Central Business District. All Business/Commercial uses would be designed to primarily serve the units of the development. The introduction of commercial or business facilities designed to attract a city-wide or regional clientele shall be discouraged.

3. Planned unit developments on more than 100 acres may include Commercial Districts and Office and Institutional Districts, designed to attract city-wide or regional clientele. Commercial and Office and Institutional areas within the PUD shall require rezoning.

D. Minimum Area Requirements

1. General Provisions.

a. Setback requirements. Minimum yards and lot width shall be the same as those required for the zoning district in which the planned unit development is located.

b. Lot size and density. Lot size and density for the multi-family dwellings shall be as permitted for each zoning district. The minimum lot size for all other dwellings shall not be less than eighty (80) percent of the minimum lot size for the zoning district in which the planned unit development is located.

All peripheral lots in a planned unit development shall not be less than the minimum lot sizes as determined by the zoning of the lands (developed or undeveloped) that are immediately adjacent to the planned unit development, except where Rural Holding (RD) is the adjacent zone, when peripheral lots shall be the minimum required size for the zoning district within which the planned unit development is located.

c. Open space. A minimum of twenty-five (25) percent of the gross acreage shall be reserved for open space.

This area shall have free and easy access via streets, walk-ways, dedicated easements, rights-of-way, etc. This area shall be either deeded to the Town or held in non-profit corporate ownership by the owners of the lots. If the open space is deeded to a homeowner's association, then a "declaration of covenants" must be established. As a minimum the covenant shall be subject to the following:

- Homeowner's association must be established before homes are sold.
- Membership in the association shall be mandatory for all homeowners in the development.
- The association shall be responsible for liability insurance, all pertinent local taxes and maintenance of recreation and other facilities, such as pumping stations, private roads, etc. (landscaping).
- Any sums levied by the association that remain unpaid shall become a lien on the individual homeowner's property.
- If all or any portion of the association is being dissolved, or if the association is dissolved, the open space shall be deeded to the Town.
- If construction has not begun within one (1) year from the date of such approval, the association shall be terminated. An extension of this period is allowed upon written request. Good and sufficient cause must be shown.

2. Provisions for Cluster Development in R-40W and R-80 W Districts.

a. Definition. For the purposes of this section, cluster development means the grouping of buildings or lots in order to conserve land resources and provide for innovation in the design of the project including minimizing stormwater runoff impacts.

b. Dimensional requirements. Dimensional requirements shall be the same as those stated in the R-20, Residential-20 District for projects on land zoned R-80W and R-15, Residential-15 District for projects on land zoned R-40W.

c. Parcel size. Minimum parcel size shall be forty (40) acres.

d. Open space.

- Minimum requirement. A minimum of forty (40) percent of the gross acreage shall be reserved for open space.

- Location. Open space areas shall be determined by requiring that natural and cultural resources be given priority for protection. Such resources shall include, but are not limited to, the following: Priority One Areas as defined in Article VI., Section 6 of this ordinance, wetland areas, steep slopes, water-supply reservoirs, critical wildlife habitat, sites of historic, cultural or archeological significance, resources identified on an adopted plan or official survey.

- Configuration. Open space areas shall be in large, continuous blocks, not fragmented and scattered throughout a site unless such a configuration would result in greater protection for resources. Open space areas shall conform to adopted open space and greenway plans. Contiguity with other open space and resource areas, both on- and off-site, shall be provided wherever possible.

- Ownership and maintenance. Open space areas may be either deeded to the Town or other governmental entity, held in non-profit corporate ownership by a homeowners association or private non-profit conservation organization, or retained by the owner or developer of the property. Terms for all methods of ownership shall ensure permanent protection and maintenance of open space areas.

E. Phased Development

1. Phased development shall be allowed if the entire project receives approval.

2. All open space for the entire project must be recorded and/or provided for in the homeowner's association with the development of the first phase.

3. Phased development is allowed only if the membership of the association includes the entire project.

5. No subsequent phases may be commenced until all physical improvements of the previous phase including streets, sidewalks, utilities, electrical service, recreation areas and the like have been installed or a performance guarantee is submitted for their installation.

F. Building Separation

The required separation between buildings shall be determined by building height. The minimum horizontal distance between the vertical projections of any points on two adjacent buildings shall be determined according to the following table:

Height of Taller Buildings	Minimum Horizontal Distance Between Vertical Projections
20 feet or less	15
between 20.1 and 25.0	20
between 25.1 and 30.0	30
between 30.1 and 35.0	40

If the buildings share a common open courtyard area, then the minimum distance between buildings on opposite sides of the courtyard shall not be less than seventy (70) feet for one-story buildings and ninety (90) feet for two-story buildings.

G. Parking

Each use within the planned development shall adhere to the minimum parking requirements set forth in this ordinance. Parking spaces in a parking lot shall not be located closer than ten (10) feet of any dwelling unit.

H. Utilities

All planned unit developments within the water and sewer perimeter area of the Town of Wake Forest shall be required to connect to the Town's system. All extension policies shall be applicable.

I. Subdivision Review

It is the intent of this section that subdivision review under the Subdivision Regulations be carried out as an integral part of the review of the Planned Unit Development. Except in the case of reduced lot size bonuses, if any provisions of this section for Planned Unit Developments conflicts with the Subdivision Regulations, the more restrictive and/or more detailed regulations shall apply.

J. Supplementary Regulations

Planned Unit Developments shall adhere to all other supplementary district regulations specified in the Zoning Ordinance.

K. Access

Access to multi-family units must abut an open dedicated street with a carrying capacity adequate to meet the anticipated demand.

L. Effective Date

1. A Planned Unit Development which has received approval prior to the date of adoption of this ordinance shall be allowed to be developed as approved provided each phase meets all regulations and ordinances that exist at the time of the Master Land Use Plan approval.

2. All Planned Unit Developments that have not received approval prior to the date of adoption of this ordinance shall be required to meet all regulations set forth herein.

Section 12.2. Multi-Family Developments

A. General Requirements for Development

The development of three or more dwelling units on one lot shall constitute a multi-family development.

A development plan shall be required as follows:

1. Master Land Use Plan

All applications for approval of a special use permit for a multi-family development shall be accompanied by a master land use plan and a narrative which shall include but not be limited to:

a. The number and types of residential dwelling units.

b. A plan showing traffic circulation patterns indicating parking areas, walkways, sidewalks and streets. Multi-family developments on less than two (2) acres may provide access to each dwelling unit via a parking lot. The property must abut an open dedicated street with a carrying capacity adequate to meet the anticipated demand.

c. Multi-family developments on more than two (2) acres must provide off-street parking and provide access via a dedicated public street. Said access must abut an existing open street with a carrying capacity adequate to meet the anticipated demand.

d. Private streets shall not be permitted within a multi-family development on more than two (2) acres except in a retirement center, rest home and hospital where private streets may be permitted if they are built town standards.

c. Relationships of the multi-family development to the surrounding land uses.

d. An analysis of anticipated traffic volumes and the impact on the existing street network.

e. Planned parks, playgrounds and open areas to be developed or preserved in accordance with Article VI, Section 6 of this ordinance and Section F of this Article.

f. Planned means of providing for the organization and arrangements for the ownership, maintenance and preservation of common open spaces.

g. Plans for water and wastewater systems to be constructed in accordance with Town standards. Any multi-family development proposed on more than 10 acres shall be required to determine the impact of the proposed development on the town's existing services and capacity.

h. Plans for the access of fire fighting and refuse disposal equipment to include the method of refuse disposal.

i. Plans for an adequate storm drainage system to be constructed in accordance with town standards.

j. The delineation of areas to be constructed in phases or sections and the sequential order that will be followed in development including a written statement from the applicant indicating the date for beginning each phase of construction and the estimated date of completion.

k. For projects greater than ten (10) acres, a statement from the North Carolina State Highway Commission (Department of Transportation) shall be required indicating they are aware of the development and approve of its layout as it pertains to the existing road network. Multi-family projects on more than 100 acres shall be required to contact the Wake County Board of Education. A statement from the Wake County Board of Education showing their awareness of the proposed development shall be required prior to presenting the master land use plan to the Board of Commissioners and the Planning Board.

l. Soils map prepared according to the United States Cooperative Soil Survey Standards.

m. Existing vegetation and natural areas shall be indicated on the master plan and a written statement shall be required stating that these areas will be protected to the greatest extent possible and that minimum clearing of the land shall be undertaken during development.

n. For projects greater than 50 acres, an analysis of anticipated population by age groups and evidence clearly showing the manner in which plans have been made for schools, recreation and town services.

2. Detailed Preliminary Plat and Construction Drawings

After approval of the master land use plan the developer shall submit detailed preliminary plat and construction drawings for each phase of development in accordance with Article III of the Subdivision Regulations. Preliminary plats shall conform to the approved Master Land Use Plan. All plans shall be submitted to the Planning Board for review. The Planning Board, may when it deems advisable, require greater detail on any items listed in Section A of this Article.

B. Procedures

The procedures shall be the same as that required for a Planned Unit Development.

C. Minimum Area Requirements

The maximum density for multi-family developments shall not exceed the maximums established for the zoning class in which the project is located. All dimensional requirements shall follow those stated for the zoning class in which the development is located.

D. Residential Sites

1. **Townhouses**: All townhouse proposals shall be subject to a conveyance of a fee-simple lot. The fee-simple lot shall be of sufficient size to contain the proposed residential unit. All common areas are to be conveyed to a non-profit corporate homeowner's association with one-hundred (100) percent membership or deeded to the town. The developer shall file with his application for approval a "dedication of covenants". As a minimum, the declaration must meet the following criteria:

    - Homeowner's association be established before units are sold.
    - Association be responsible for the liability insurance, pertinent local taxes, and maintenance of all recreation and other facilities. (landscaping)
    - Sums levied by the association that remain unpaid shall become a lien.
    - If association is dissolved, open space is deeded to the town. (Town need not accept).

- If construction has not begun within one year, the permit of approval shall expire. An extension may be granted upon written request. Good and sufficient cause must be shown.

2. Condominiums: Before the sale of any condominium units, a declaration establishing unit ownership must be recorded. The declaration must conform to the minimum criteria set forth below before recordation of the declaration can take place:

- Declaration must be a legal document.
- A plan must be submitted that shows: description of general common areas and facilities as defined in the North Carolina Unit Ownership Act, the proportionate interest of each unit owner, unit designation, unit location, number of rooms, common area to which units have access, boundary lines between structures, description of all garages, balconies, and patios.
- Prior to sale, homeowner's association must be in legal existence. Membership in the association is mandatory.
- Local taxes on common areas, liability insurance, maintenance of recreation and other facilities must be provided by homeowner's association.
- Homeowner's association empowered to levy assessments to meet its obligations and those not paid by the owners shall constitute a lien.
- All easements over common areas for access, ingress, egress, and parking must be shown.

E. Design

1. Building Separations: The required separation between buildings shall be determined by building height. Minimum horizontal distance between the vertical projections of any points on two adjacent buildings shall be determined according to the following table:

Height of Taller Buildings	**Minimum Horizontal Distance Between Vertical Projections**
20 feet or less	15
between 20.1 and 25.0	20
between 25.1 and 30.0	30
between 30.1 and 35.0	40

If the buildings share a common open courtyard area, then the minimum distance between buildings on opposite sides of the courtyard shall not be less than seventy (70) feet for one-story buildings and ninety (90) feet for two-story buildings. Yard spaces may not overlap.

2. Parking: Each use within the proposed development shall adhere to the minimum parking requirements set forth in this ordinance. Parking spaces in a parking lot shall not be located closer than ten (10) feet of any dwelling unit.

3. Transitional Use Areas: A residential use shall be established along the boundaries of each development for a distance of not less than fifty (50) feet. If the development adjoins a commercial district, the only permitted use shall be an open space buffer.

F. Open Space

1. A minimum of fifteen (15) percent of the gross acreage shall be reserved for open space.

2. A minimum of fifty (50) percent of the required reserved open space shall be dedicated for active recreational purposes and shall be developed for active recreational purposes as specified in Article V, Section 7. This area (open space) is either to be deeded to the Town or held in non-profit corporate ownership by the homeowner's association. Also, this area shall have free and easy access via streets, walk-ways, dedicated easements, rights-of-way, etc.

G. Phased Development

1. Phased development shall be allowed if the entire project receives approval.

2. All open space for the entire project must be recorded and/or provided for in the homeowner's association with development of the first phase.

3. Phased development is allowed only if the membership of the association includes the entire project.

4. No subsequent phases maybe commenced until all physical improvements of the previous phase including streets, sidewalks, utilities, electrical service, recreation areas and the like, have been installed, or a performance bond or letter of credit submitted for their installation.

H. Utilities

All multi-family developments within the water-sewer perimeter area of the Town of Wake Forest shall be required to connect to the town's system. All extension policies shall be applicable.

I. Subdivision Review

It is the intent of this section that subdivision review under the Subdivision Regulations be carried out as an integral part of the review of multi-family developments. If any provisions of this section conflicts with the Subdivision Regulations, the more restrictive and/or detailed shall apply. Variances to any of these provisions can only be waived after a recommendation by the Planning Board and approval by the Board of Commissioners.

J. Supplementary Regulations

Multi-family developments shall adhere to all supplementary district regulations specified in the Zoning Ordinance.

K. Final Plat

1. After approval of a preliminary plat and construction drawings, the final plat shall be prepared and submitted for final approval within one (1) year after approval of the preliminary plat. Failure to submit a final plat within one (1) year after approval results in automatic negation of that preliminary plat approval, unless the Planning Board determines that extenuating circumstances exist to justify an extension. The burden of proof of such circumstances shall be on the developer.

2. Final plat submission shall be in accordance with Article III of the Subdivision Regulations. Any covenants which create homeowners associations for the maintenance of all privately owned common areas must accompany the final plat.

L. Effective Date of Applicability

All multi-family developments approved prior to the effective date of adoption of this ordinance shall be subject to the previous regulations governing construction.

Section 12.3. Manufactured Home Parks

A. Suitability of Site

1. All manufactured home parks shall contain at least ten (10) acres of land and no less than ten (10) manufactured home spaces shall be completed and available for occupancy before issuance of an operating permit.

2. The park site shall be suitable for residential use. It shall not be subject to hazards such as insect or rodent infestation, objectionable smoke, noxious odors, unusual noise.

3. Every manufactured home park shall be located on ground that is above any probable flooding from any natural water source, and shall be graded so as to prevent the accumulation or ponding of water on the premises, shall have all drainage of the park confined or piped in such a way that it will not endanger any water supply; shall have all driveways lighted at night and directly accessible to all manufactured homes, and shall have walkways to the various buildings, if any, which shall be paved and lighted.

B. Requirements for Development

1. **Master Land Use Plan:**

All applications for approval of a manufactured home park shall be accompanied by a master land use plan which shall include but not be limited to:

a. The number of manufactured home spaces and their location.

b. A plan showing the proposed street network including an analysis of anticipated traffic volumes on the proposed and existing streets.

c. Planned parks, playgrounds and open space to be developed or preserved in accordance with Article VI, Section 6 of this ordinance and Section F of this Article.

d. Plans for water and wastewater systems. If private wells and septic tanks are to be installed a statement from the Wake County Health Department shall be required indicating their approval of the proposed development.

e. The master plan shall include the location of existing vegetation and natural areas and the applicant shall include a statement that these areas will be protected to the greatest extent possible with minimal clearance of existing vegetation.

f. The delineation of areas to be constructed in phases or sections and the sequential order that will be followed in development, including a written statement from the applicant indicating the date for beginning each phase of construction and the estimated date of completion.

2. Detailed Site Plan and Construction Drawings

a. Detailed engineering and construction plans of all on-site and off-site improvements in accordance with Section 12, Article VI, which may be submitted in phases, shall be submitted following approval of the master land use plan.

b. Detailed plans that specify the types of wind and water erosion and sedimentation control practices which are to be employed during all phases of construction.

c. The Planning Board may, when it deems advisable, require greater detail on any of the items specified in Section B of this Article.

C. Streets and Driveways

1. Access to the park shall be directly from a public maintained road. Two-way access streets within the park shall be paved twenty (20) feet wide. One-way streets shall be paved twelve (12) feet wide. The figures for these street widths are without parking allowances.

2. Reserved strip (adjoining paved surface). A strip six (6) feet wide and parallel to the paved surfaced of the street on both sides shall be reserved from use by the occupant

except for driveways, walkways, and ornamental vegetation. No other uses shall be permitted within these strips.

3. No manufactured home shall have its means of access and egress directly from a dedicated street.

4. Closed ends of dead-end drives or roads exceeding 400 feet in length shall be provided with a cul-de-sac paved to a minimum of sixty (60) feet diameter.

D. Requirements for Manufactured Home Parks and Subdivision in the Flood Fringe Districts

1. The construction of a new manufactured home park, the expansion of an existing manufactured home park, the placement of a new manufactured home not in a manufactured home park or the substantial improvements of any or the above as permitted by this ordinance in a FFD shall be allowed only if the following criteria are met:

a. Ground anchors for tie downs are provided.

b. Tie down requirements:

1) Over-the-top ties required at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, with one additional tie per side for manufactured homes more than fifty (50) feet long.

2) Frame ties are required in conjunction with each over-the-top tie.

3) All components of the anchoring must be capable of carrying a force of 4,800 pounds.

c. Lots or pads are elevated on compacted fill or by any other method approved by the Town Engineer so that the lowest habitable floor of the manufactured home is at or above the regulatory flood level.

d. Adequate surface drainage and easy access for a manufactured home hauler are provided.

e. Load-bearing foundation supports such as piers or pilings must be placed on stable soil or concrete footings no more than ten (10) feet apart, and if the support height is greater than 72 inches, the support must contain steel reinforcement.

2. In the event that a manufactured home location or relocation is not deemed to constitute the expansion of an existing manufactured home park as defined in Article III, the location or relocation shall be allowed provided that:

a. Any manufactured home moved into or relocated within an existing manufactured home park shall be anchored in accordance with the provisions in Article VIII, Section 3, C.1.b. and;

b. Easy access for a manufactured home hauler is provided.

E. External Yards, Screening, Buffering

1. The park shall have visual separation from all developed properties with a planted screen of eight (8) feet in height. No such screen shall, however, extend nearer to a street right-of-way than the established building line of adjoining lots.

2. No manufactured home shall be located closer than thirty (30) feet to any dedicated street right-of-way line or any exterior property line, and twenty (20) feet to any other manufactured home or building within the park.

F. Open Space

1. A minimum of fifteen (15) percent of the gross acreage shall be reserved for open space.

2. A minimum of fifty (50) percent of required reserved open space shall be dedicated for active recreation purposes and shall be developed for active recreational purposes as specified in Article VI, Section 6.

Recreation areas should be provided in a central location and convenient to park residents.

G. Manufactured Home Space

1. Size Requirements

For those spaces served by municipal water and sewer systems:
Minimum area ..... 5,000 sq. ft.
Minimum lot width ..... 50 ft.
Minimum lot depth ..... 75 ft.
Minimum to any private park street line..... 20 ft.
Minimum side yards ..... 8 ft.
Minimum rear yards..... 15 ft.

For those spaces served by public sewer system <u>but not</u> by public water system or by public water system <u>but not</u> public sewer system:

Minimum area ..... 15,000 sq. ft.
Minimum lot ..... 50 ft.
Minimum lot depth ..... 75 ft.
Minimum to any private park street line ..... 20 ft.
Minimum side yards ..... 8 ft.

For those spaces that are not served by either public water or public sewer:

Minimum area ..... 30,000 sq. ft.
Minimum lot width ..... 75 ft.
Minimum lot depth ..... 100 ft.
Minimum to any private park street line ..... 20 ft.
Minimum side yards ..... 10 ft.
Minimum rear yards ..... 30 ft.

2. Stand Requirements

The surface of each manufactured home stand shall be graded for proper drainage and shall be covered by at least a sixty (60) square foot slab of concrete asphalt flagstone, gravel or crushed stone. The remainder of the space shall be graded for drainage and graded areas grassed to prevent erosion.

Each space shall contain a manufactured home stand which shall have water, sewer and electrical connections.

Each manufactured home space shall be clearly defined by means of a concrete or iron pipe marker placed at all corners.

All manufactured home spaces shall abut upon a street.

H. Utilities

In every manufactured home park all utility installations shall comply with applicable codes of the Town of Wake Forest, Wake County, North Carolina, and the requirements of the North Carolina Utilities Commission. Fire hydrants shall be installed only when attached to the Town of Wake Forest water system.

1. Sewage and Refuse Disposal

Each manufactured home park shall be connected to a public sewer system if available or to a system constructed in compliance with the regulations of the Wake County Health Department or the Division of Environmental Management, North Carolina Department

of Natural and Economic Resources if a public municipal sewer system is unavailable. All sewage wastes from each manufactured home park, including water basins, refrigerator drains, sinks, faucets, and water using appliances not herein mentioned shall be piped into the manufactured home park sewage disposal system.

Each manufactured home space shall be provided with at least a three (3) inch diameter sewer riser pipe where collection systems are provided. The sewer riser pipe shall be so located on each space that the sewer connection to the manufactured home drain outlet will approximate a vertical position.

A 2 feet x 2 feet concrete apron shall be installed around all septic tank connection riser pipes for support and protection. The septic tank connections shall be located a distance of at least one hundred (100) feet from the well supply. The sewer connection shall have a nominal inside diameter of at least three (3) inches, and the slope of any portion thereof shall be at least one-fourth (1/4) inch per foot. The sewer connection shall consist of one pipe line only without any branch fittings. All joints shall be water tight including connection from trailer to sewer riser pipe.

All materials used for sewer connections shall be semi-rigid, corrosion resistant, non-absorbent, and durable. The inner surface shall be smooth.

Provision shall be made for plugging the sewer pipe when a manufactured home does not occupy a space. Surface drainage shall be diverted away from the rise. The rim of the riser pipe shall extend at least four (4) inches above ground elevation.

2. Water Supply

Each manufactured home park shall obtain water from a public water supply when available, or from a source approved by the Wake County Health Department, or the Division of Health Services, North Carolina Department of Human Resources.

The water supply and pressure shall be adequate for the park requirements. Water for drinking, cooking, laundry and general sanitary uses for each individual manufactured home shall be obtained from faucets or other plumbing connections located within each manufactured home.

3. Solid Waste Disposal

The storage, collection, and disposal of solid waste in the manufactured home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding area, accident or fire hazards or pollution.

All solid waste containing garbage shall be stored in standard fly tight, water tight, rodent-proof containers, with a capacity of not more than thirty-two (32) gallons which shall be located not more than 150 feet from any manufactured home lot. Containers shall be provided in sufficient number and capacity to properly store all solid waste containing

garbage. The manufactured home park management shall be responsible for the proper storage, collection and disposal of solid waste.

Stands shall be provided for all containers. Such container stands shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning around them.

All solid waste containing garbage shall be collected at least once weekly. Where suitable collection service is not available from municipal or private agencies, the manufactured home park operator shall provide this service. All solid waste containing garbage shall be collected and transported in covered vehicles or covered containers.

Where municipal or private disposal service is not available the manufactured home park operator shall submit a solid waste plan which shall be reviewed by the Town Engineer.

4. Fire Protection

Fire hydrants shall be installed so as to provide unobstructed access within a distance of five hundred (500) feet from any manufactured home space. The proposed utility system shall be approved by the Town Public Utilities Department.

5. Street Lights

All streets in the manufactured home park shall be adequately illuminated from sunset until sunrise. The minimum size street light shall be a 175 watt mercury-vapor (approximately 7,000 lumen class), or its equivalent, spaced at intervals of not more than three hundred (300) feet.

6. Accessory Uses

a. One (1) manufactured home may be used as an administrative office within the manufactured home park.

b. Convenience establishments of a commercial nature shall be limited to food stores, coin operated laundries, and beauty parlors and barber shops. These may be permitted in manufactured home parks subject to the following restrictions:

- Such establishments shall be subordinate to the residential use and character of the park;
- Such establishments shall present no visible evidence of their commercial character from any portion of any residential district outside the park; and
- Such establishments shall be designed to serve the trade and service needs of the park residents only.

c. The owner or operator of a manufactured home park shall not sell manufactured homes on or within a manufactured home park.

I. Manufactured Home Equipment

Each manufactured home shall be required to connect with the utilities provided at each manufactured home space, and shall install skirting around the entire manufactured home.

J. Procedure

The procedure for master plan and detailed plan consideration shall follow that required for a Planned Unit Development.

Section 12.4. Shopping Centers

A. General Requirements

All shopping centers shall require a development plan as follows:

1. Master Land Use Plan

All applications for approval of a special use permit for a shopping center shall be accompanied by a master land use plan which shall include but not be limited to:

a. The number and location of buildings.

b. A plan for traffic circulation and parking including an analysis of anticipated traffic volumes. A statement from the North Carolina State Highway Commission (Department of Transportation) shall be required to show they are aware of the project as it pertains to the existing street network.

c. Plans for water and wastewater systems to be constructed in accordance with Town standards.

d. Plans for access of fire fighting and refuse disposal equipment to include the method of refuse disposal.

e. Plans for an adequate storm drainage system to be constructed in accordance with Town standards.

f. The delineation of areas to be constructed in phases or sections and the sequential order that will be followed in development including a written statement from the applicant indicating the date for beginning each phase of construction and estimated date of completion.

g. A soils map prepared according to the United States Cooperative Soils Survey Standards.

h. Major outlying commercial developments shall require supporting evidence showing that there is sufficient market demand and the proposed development will not be in direct competition with the Central Business District.

2. Detailed Site Plans and Construction Drawings

a. After approval of the master land use plan the developer shall submit detailed preliminary plat and construction drawings in accordance with Section III of the Subdivision Regulations.

b. The Planning Board may, when it deems advisable, require greater detail on any of the items listed above.

B. Other Requirements

1. Site Area

a. No shopping center site shall contain less than two (2) acres, except those centers locating in the HCBD, CBD and NB zoning districts. Shopping center sites locating in these districts shall have minimum lot sizes as required in the Dimensional Requirement section of the district in which it is located.

b. Shopping centers shall be located to be of greatest convenience and service to the public.

2. Required Perimeter Yards

No building shall be less than fifty (50) feet from any street line or twenty-five (25) feet from any side or rear lot lines. For shopping center sites that are two (2) acres or less in size, all buildings shall comply with the minimum yard requirements of the district in which it is located.

3. Landscaping on Project Perimeters Required

Landscaping and buffering shall be required around and within the shopping center as per Article VI, Section 8.

4. Solid Waste Disposal

A plan for solid waste storage, collection and disposal shall be submitted to the Public Works Director and approved prior to the issuance of a special use permit.

5. **Utilities**

   Shopping center development shall be located where public water, sanitary sewer and storm drainage utilities are available.

6. **Road Facilities**

   Shopping center sites of more than ten (10) acres shall be tangent to two (2) or more major thoroughfares or one major thoroughfare and two (2) or more minor thoroughfares as designated on the Wake Forest Thoroughfare Plan.

   Shopping center sites of between three and ten acres shall be tangent to one major thoroughfare and one minor thoroughfare as designed on the Wake Forest Thoroughfare Plan.

   Shopping centers of less than three acres shall be served by a major or minor thoroughfare as designated on the officially adopted Wake Forest Thoroughfare Plan.

7. **Maximum Permissible Lot Coverage**

   The total ground area covered by the principal buildings and all accessory buildings including any roofed area shall not exceed thirty (30) percent of the total area.

C. Procedure

The procedure to be followed for master plan and preliminary plat approval shall follow that required for a Planned Unit Development.

Section 12.5. Regulations for Special Uses in the Flood Hazard District

The Board of Commissioners shall review requests for special uses based on information and technical assistance provided by the Town Engineer regarding the proposed project in relation to flood heights and velocities, threatened erosion, the adequacy of the plans for flood erosion protection, the adequacy of drainage facilities, and other technical matters.

The Board of Commissioners shall determine the specific flood or erosion hazard of the site and shall evaluate the suitability of the proposed use in relation to the flood hazard, and if a permit is to be issued may attach appropriate conditions.

In passing upon such applications, the Board of Commissioners shall consider the technical evaluation of the engineer, all relevant factors, and standards specified in other sections of this ordinance, and

- the danger that materials may be swept onto other lands to the injury of others;
- the danger of life and property due to flooding or erosion damage;

- the proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions;
- the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- the importance of the services provided by the proposed facility to the community;
- the necessity to the facility of a waterfront location, where applicable;
- the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- the compatibility for the proposed use with existing development anticipated in the foreseeable future;
- the relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
- the safety of access to the property in times of flood for ordinary and emergency vehicles;
- the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
- 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.

Section 12.6. Bed and Breakfast Homes

A. Applications

A development plan in accordance with Article IX, Section 2 of this ordinance shall be submitted with any special use permit application for a bed and breakfast home.

B. Requirements

1. The Bed and Breakfast operation is located in a dwelling structure which was originally constructed as a single-family dwelling or as an inn;

2. There is no rooming house, boarding house, tourist home, or bed and breakfast home located within four hundred (400) feet (determined by a straight line and not street distance) of the facility;

3. The owner of the Bed and Breakfast Home or a resident manager is domiciled on the premise;

4. Breakfasts served on the premise are only for guests and guests of guests of the facility and no other meals are provided on the premise;

5. Off-street parking for the use will be provided as required under Article VII, Section 1.D. of this ordinance, specifically rooming or boarding houses.

6. Any exterior modifications shall be described in the application and shall not be injurious to the historic or architectural character of the structure.

7. A special use permit issued to one person or party for a bed and breakfast home is not transferable to another person or party.

8. Copies of all sanitation inspection reports conducted by the Division of Health Services, North Carolina Department of Human Resources shall be forwarded to the Town of Wake Forest.

9. Where permitted in residential zoning districts, the dwelling structure in which the Bed and Breakfast operation is located shall have a minimum building separation of forty (40) feet from surrounding principal structures.

Section 12.7. Zero Lot Line Development

A. Purpose

The principal purposes of the Zero Lot Line concept are: (1) to promote infill and increased density in developments of detached single-family dwellings while maintaining compatibility with surrounding single-family building styles, and thereby make more efficient use of the land as compared to conventional development patterns; (2) to make available needed housing at a more affordable cost; (3) to promote dwellings that integrate and maximize the utility of internal and external living areas.

B. General Requirements for Development

Detached, single-family dwellings on individual lots of record, where the structure is situated with at least one wall against a property line shall constitute a Zero Lot Line (ZLL) Development.

Submittals for approval shall be required as follows:

1. **Site Plan.** All applications for approval of a special use permit for a ZLL Development shall be accompanied by a site plan in accordance with the requirements of the Wake Forest Subdivision Regulations with the following additional requirements:

   a. **Land Use.** The existing and proposed uses of the property within the subdivision and adjoining it, including green ways, active recreation areas, open space or common areas in square feet.

   b. **Street and Lot Layout.** The proposed street layout, including any alleys or other access areas; and the lot layout, including lot dimensions and area, typical building footprint and percentage of building coverage.

c. **Architectural Information.** Typical building floor plan and elevation showing square footage; building height, shape and dimension; and typical site elements such as walls and fences, patios or courtyards.

2. **Detailed Preliminary Plat and Construction Drawings.** After approval of the site plan the developer shall submit detailed preliminary plat and construction drawings of development in accordance with Article III of the Subdivision Regulations. Preliminary plats shall conform to the site plan.

The Planning Board or the Board of Commissioners may, when deemed advisable, require greater detail on any items listed in Section A of this article.

C. Procedures

1. **Special Use Permit and Site Plan.**

   a. The site plan accompanying the Special Use request shall be submitted to the Planning Department by the first Tuesday of the month.

   b. The Board of Commissioners shall convene a public hearing to consider the site plan; such public hearing to be held jointly with the Planning Board.

   c. A notice of public hearing shall be given in the same manner as for amendments to the Zoning Ordinance.

   d. Following the joint public hearing, the Planning Board shall review the plans and make a recommendation to the Board of Commissioners.

   e. No permit for construction of any on-site or off-site improvements in a ZLL Development shall be granted prior to final approval of the Zero Lot Line Development by the Board of Commissioners.

   f. The Board of Adjustment shall have no power to waive any requirements contained in this division.

   g. No phase or section of an approved ZLL Development shall be revised, enlarged or amended without that phase or section being first resubmitted to the Planning Board and the Board of Commissioners as provided for in this section.

2. **Detailed Preliminary Plat and Construction Drawings.**

   Following approval of the site plan, the developer shall submit detailed preliminary plat and construction drawings in accordance with Article III of the Subdivision Regulations. Preliminary plat shall conform to the approved site plan. The Planning Board shall review all detailed plans and make a recommendation to

the Board of Commissioners. Final approval shall be granted by the Board of Commissioners.

D. Minimum Area Requirements

1. Minimum Development Size for ZLL Developments shall be six (6) lots.

2. Minimum Lot Size for ZLL Development shall conform to the standards of the applicable zoning district.

3. Minimum Lot Width for ZLL Developments shall be fifty (50) feet, and sixty (60) feet for peripheral lots.

E. Easements and Minimum Setbacks

1. **Principal Dwelling**

   a. Zero Lot Line Setback. For legal purposes, the setback for the wall situated against the lot line (zero-wall) shall be one inch (1") from the property line.

   b. Front Yard: Twenty feet (20')

   c. Non-Zero Side Yard, Interior lots: two (2) times the regular side yard setback of the district.

   d. Non-Zero Side Yard, Peripheral Lots and Corner Lots: twenty feet (20').

   e. Rear Yard: ten feet (10'). Zero-rear yard setback shall be permitted subject to plan review.

2. **Accessory Structures.** All structures which are clearly subordinate to the principal dwelling shall conform to the setback requirements for the applicable zoning district.

3. **Wall Maintenance Easement.** A perpetual wall maintenance easement shall be provided on the lot adjacent to the zero property line, which, with the exception of free-standing walls or fences, shall be kept clear of structures. The easement shall be shown on the plat and incorporated into each deed transferring title to the property. The wall shall be maintained in its original color and treatment unless otherwise agreed upon in writing by the affected property owners. Roof overhangs may not encroach upon easement.

Easement Dimension: Five feet (5') for one-story buildings and Ten feet (10') for two-story buildings.

4. **Drainage and Utility Easements.** All ZLL Developments shall provide drainage and utility easements in accordance with the standards of the Subdivision Regulations.

F. Open Space Requirements

Open Space requirements for ZLL Developments shall be the same as the requirements for a standard single-family subdivision.

G. Design Standards

1. Site Design

a. **Lot Arrangement.** Cluster lot arrangements which maximize open space, lot privacy, and resource efficiency should be employed in ZLL Developments. Lots should be oriented with respect to solar alignment and other climatic features. Parallel lot arrangements shall also be permitted, but long streets and uniform setbacks are discouraged.

b. **Street frontage.** All lots shall have clear, direct frontage on a public street or approved access way.

c. **Alleys and Access ways.** Alleys and approved private access ways shall be permitted in ZLL Developments subject to plan review to provide ingress and egress to individual dwellings and/or to provide service and maintenance access or utility service. Alleys and approved access ways shall not be used for storage or parking.

d. **Maximum lot coverage.** The total lot area that may be covered by a building shall not exceed fifty percent (50%) of the total lot area.

e. **Landscape, Buffering, and Screening Requirements.** ZLL Developments are subject to the Landscape and Buffering Requirements of Article VI, Section 7 of the Zoning Ordinance. In addition, the use of decorative walls, hedges and screens to maximize privacy is encouraged. Every effort shall be made to preserve existing natural areas as much as is possible without creating undue hardship on the developer. Dwellings may be clustered so as to minimize the impact of development activities on natural features or environmentally significant or sensitive areas.

f. **Landscaping.** Landscape plantings on common areas and individual lots should be designed to maximize resource conservation. Native and drought tolerant species are encouraged.

g. **Street Trees.** Planting of trees in ZLL Developments shall conform to the requirements for a standard single-family subdivision as required by the Subdivision Regulations.

2. Architectural Features

a. **Structure orientation.** Each principal dwelling shall be situated with the zero-wall against the north property line. (In cases of design constraints, exceptions will be made subject to plan review.) Zero-walls shall be located on interior property lines only, and shall not abut existing developments or public rights-of-way. Common zero lot lines shall be permitted only in the case of site constraints in cluster developments, and subject to plan review. The use of varied setbacks, building heights, and roof lines is encouraged for visual interest.

b. **Building Type.** ZLL Developments are single-family subdivisions and the dwellings should conform to conventional single-family building style with the addition of the following specific requirements:

1) The zero-wall shall be constructed of solid, maintenance-free, decorative material, and shall have no windows, doors, air-conditioning units, or any other openings or attachments.

2) Atriums or courtyards shall be permitted to abut the zero property line, provided that they are enclosed by three (3) walls of the dwelling and by a solid wall of at least eight feet (8') in height on the zero lot line which is constructed of the same material as the dwelling's exterior.

3) Dwellings should be designed to maximize integration of interior and exterior spaces, and should incorporate features such as courtyards, decks, patios, porches, and sunrooms.

4) Building Height. No building shall exceed thirty-five feet (35') in height.

5) Energy Conservation. Dwellings in ZLL Developments should be designed so as to maximize their resource efficiency.

H. Subdivision Review

It is the intent of this section that subdivision review under the Subdivision Regulations be carried out as an integral part of the review process for ZLL Developments. If any provisions of this section conflicts with the Subdivision Regulations, the more restrictive and/or detailed shall apply. Variances to any of these provisions may only be granted after a recommendation by the Planning Board and approval of the Board of Commissioners.

I. Supplementary Regulations

ZLL Developments shall adhere to all supplementary regulations specified in the Zoning Ordinance.

J. Definitions

1. **Accessway.** Approved private street or drive which provides a means of ingress and egress to two or more properties.

2. **Cluster Lot Arrangement.** Configuration of lots in which property is located in closer proximity than in conventional development, allowing for conservation of open space and efficient placement of site improvements.

3. **Common Zero Lot Line (Common Zero-wall).** Arrangement of dwellings in which the property line which the blank wall abuts is mutual to both properties. Similar to a duplex unit in conventional development.

4. **Parallel Lot Arrangement.** A conventional lot arrangement in which dwellings are located roughly perpendicular to a public street or approved accessway.

5. **Zero Lot Line/Zero Property Line.** Property line abutting the blank wall of the dwelling on the adjacent property.

6. **Zero-wall.** Blank wall of the structure which abuts a property line.

Figure 2. Building Footprints and Easements

Figure 1. Easement & Setback Dimensions

Section 12.8. Wireless Telecommunications Facilities

A. Applications

A development plan in accordance with Article IX, Section 2 of this ordinance shall be submitted with any special use permit application for a Wireless Telecommunications Facility.

B. Requirements

1. See Article VI. Supplementary District Regulations, Section 11. Wireless Telecommunications Facilities.

ARTICLE IX. ENFORCEMENT

Section 1. Administrative Officer

The Zoning Enforcement Officer is hereby authorized to enforce the provisions of this ordinance. In connection with his/her responsibilities with regard to flood hazard districts, the zoning enforcement officer shall implement the elevation and flood-proofing provisions of this ordinance and such other duties as are assigned to him herein including:

1. Reviewing proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law;

2. Notifying adjacent communities and the North Carolina Department of Environment and Natural Resources prior to any alteration or relocation of a water course, and shall submit evidence of such notification to the Federal Insurance Administration; and

3. Obtaining necessary engineering analysis to assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.

Appeal from the decision of the Zoning Enforcement Officer shall be made to the Board of Adjustment.

Section 2. Development Permits

A development permit issued by the Zoning Enforcement Officer in conformity with the provisions of this ordinance shall be secured prior to the construction, addition, moving, demolition, reconstruction, repair, alteration, or change of use of any building or structure or portion thereof, property and privacy fences, use or change of use of land, or other development including, but not limited to, dredging, filling, grading, paving or excavation. In cases where the ordinance requires site plan review by the Board of Commissioners, the Zoning Enforcement Officer shall not issue a development permit until he has received written approval of the site plan proposals from the Board of Commissioners. A development permit shall be required for the purposes of maintaining, renewing, changing, or extending a non-conforming use. A development permit shall be required either for the whole or part of a building erected. No permit shall be issued for the purposes aforementioned until after a statement of its intended use or occupancy has been filed by the applicant.

A. 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 Zoning Enforcement Officer 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 Zoning Enforcement Officer may impose to protect the character of the district affected. The Zoning Enforcement Officer may consider any prior violation of this ordinance by applicant for which the applicant has received citation or notice from the Zoning Enforcement Officer as grounds for denial of an application.

1. Produce Sales, Seasonal Outdoor Sales & Other Similar Uses.
    a. Shall follow the application procedure in Article IX. Section 2.B. unless determined otherwise by the Planning Department.
    b. Shall be issued on an individual parcel or site for a period of time not to exceed ninety (90) consecutive days and no more than two (2) events per calendar year. Operation hours shall be limited to 7:00 AM – 10:00 PM.

2. Construction Offices.
    a. Shall follow the application procedure in Article IX. Section 2.B. unless determined otherwise by the Planning Department.
    b. No permit shall be issued until final site/subdivision construction plans are approved;
    c. Shall be removed upon completion of development.

3. Bazaars, Festivals, Carnivals, Fairs, Circuses, Concerts & Similar Outdoor Gatherings with the total anticipated assembly of 1,500 or more people and duration of two (2) or more days per calendar year on an individual parcel or site.
    a. Shall follow the application procedure in Article IX. Section 2.B. The completed application must be submitted to the Planning Department for review a minimum of thirty (30) days prior to the planned event. In addition to the information required in Article IX. Section 2.B., the completed application shall include the following information:
        1) Anticipated attendance, including previous attendance figures if the event has occurred at least once in the previous five (5) years;
        2) Anticipated number of days needed to prepare location for use;
        3) Means of activity containment (i.e. fencing, security, etc.);
        4) Event security, crowd control and traffic safety measures. Provisions for these must be approved by the Town of Wake Forest Police Department;
        5) Location of temporary signage as regulated by Article 6. Section 4 of this ordinance;
        6) Existing land uses of all adjacent properties;
        7) Location of restroom facilities;
        8) Method and location of garbage impoundment and means of removal;
        9) Location and method of site lighting;
        10) 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;

11) Proof of liability insurance;
12) Adequate access for emergency vehicles;

b. 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:
   1) 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");
   2) 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").

c. 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.

d. Location, time frame, and hours of operation shall meet the following:
   1) Events located in residential zoning districts shall be limited to an individual parcel or site for a period of time not to exceed fourteen (14) consecutive days and no more than two (2) events per calendar year.
   2) Events located in non-residential zoning districts shall be limited to an individual parcel or site for a period of time not to exceed seven (7) consecutive days and no more than seven (7) events per calendar year.

e. Shall meet all applicable requirements of the North Carolina Building Code.

f. Shall meet all other applicable Town ordinances.

4. Exemptions.

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.

5. In the event that a development permit is denied by the Zoning Enforcement Officer, an appeal of such denial may be taken to the Board of Adjustment within 30 days of the official notification of denial.

B. Application Procedures

Each application for a development permit shall be accompanied by a plan in duplicate, drawn to scale, one (1) copy of which shall be returned to the owner upon approval. If the property to be developed requires the use of a septic tank, the plan shall be accompanied by a letter of approval from the Wake County Health Department. The plan shall include:

1. The shape and dimensions of the lot on which the proposed building or use is to be constructed or conducted;

2. The location of the said lot with respect to adjacent rights-of-way;

3. The shape, dimensions, and location of all buildings, existing and proposed, on the said lot;

4. The nature of the proposed use of the building or land, including the extent and location of the use, on the said lot;

5. The location and dimensions of off-street parking and loading space and the means of ingress and egress to such space, and

6. Any other information which the Zoning Enforcement Officer may deem necessary for consideration in enforcing the provisions of this ordinance.

7. If any portion of a lot is in a Special Flood Hazard Area, the application for a development permit shall also include plans drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials; and, the location of the foregoing, where applicable, in relation to mean sea level, drainage facilities, the regulatory flood protection elevation, and any applicable Special Flood Hazard Areas. The Zoning Enforcement Officer shall require verification of actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures prior to framing of said structure. The elevation information shall be maintained as public record.

C. Fee

A fee, as determined by the Board of Commissioners, shall be paid to the Town of Wake Forest, North Carolina for each application for a development permit to cover the administrative costs involved.

D. Construction and Use Shall be in Conformity with Plan

A development permit issued on the basis of plans and applications approved by the Zoning Enforcement Officer authorizes arrangement and construction only as set forth in the approved plans upon which the issuance of the certificate was based. Use, arrangement or construction at variance with that authorized shall be deemed in violation of this ordinance and punishable as provided by Article IV, Section 10.

In addition to the aforementioned violation procedure outlined in Article IV, Section 10., a development permit for a temporary use may be revoked at any time if the Zoning Enforcement Officer finds any of the following have occurred:

1. Information submitted with the application is inaccurate;
2. Arrangement or construction of structures is different than that authorized by the Zoning Enforcement Officer in the development permit;
3. Use of structure or land is different than that authorized by the Zoning Enforcement Officer in the development permit;
4. The Zoning Enforcement Officer determines that the temporary use poses a threat to public health and safety;

Prior to the revocation of a development permit, the Zoning Enforcement Officer shall issue an official warning citation to the applicant. Such citation shall be in writing and shall specifically cite each deficiency and shall provide a time limit for such deficiencies to be remedied. If the noted deficiencies are not corrected by the time limit noted in the official warning citation, the development permit shall be revoked.

E. Duration

A temporary use shall last only as long as that time period stated in the development permit.

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.

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 three 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 and may be cited by the Zoning Enforcement Officer as provided under Article IV, Section 9.

Section 3. Certificate of Compliance

A Certificate of Compliance issued by the Zoning Enforcement Officer is required in advance of:

1. Occupancy or use of a building hereafter constructed, altered or moved.
2. Change of use of any building or portion thereof, or land.

A Certificate of Compliance, either for the whole or a part of a building or project shall be applied for coincident with the applications for a development permit and shall be issued within ten (10) days after the erection or structural alteration of such buildings, or part, shall have been completed in conformity with the provisions of this ordinance and the approved plan or approved site plan. A Certificate of Compliance shall not be issued unless the proposed use of a building or land conforms to the applicable provisions of this ordinance and to the approved plans. If the Certificate of Compliance is denied, the Zoning Enforcement Officer shall state in writing the reasons for refusal and the applicant shall be notified of the refusal. A record of all certificates shall be kept on file in the office of the Zoning Enforcement Officer and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building or land involved.

Section 4. Duties of Zoning Enforcement Officer, Board of Adjustment, Courts and Board of Commissioners as to Matters of Appeal

All questions arising in connection with the enforcement of this ordinance shall be presented first to the Zoning Enforcement Officer and that such questions shall be presented to the Board of Adjustment only on appeal from the Zoning Enforcement Officer; and that from the decision of the Board of Adjustment recourse shall be had to courts as provided by law. The duties of the Board of Commissioners in connection with the ordinance shall not include the hearing and passing upon disputed questions that may arise in connection with the enforcement thereof, but that the procedure for determining such questions shall be as herein set out in the ordinance, and that the duties of the Board of Commissioners in connection with the ordinance, shall be only the duty of considering and passing upon any proposed amendment or repeal of the ordinance as provided by law.

ARTICLE X. CHANGES AND AMENDMENTS

The Board of Commissioners may amend, supplement or change the text regulations and zoning map according to the following procedures.

Section 1. Action by the Applicant

The following action shall be taken by the applicant:

A. Initiation of Amendments

Proposed changes or amendments may be initiated by the Board of Commissioners, Planning Board, Board of Adjustment, or by one or more interested parties.

B. Application

1. An application for any change or amendment to district boundaries, district designations, ordinance text, or to conditions of a Conditional Use Permit or Special Use Permit shall be filed with the Zoning Enforcement Officer using the appropriate application forms on file. Such application, together with all appurtenant documents and items, shall be filed in accordance with current town policy, schedules and procedures.

2. It is the intent of this ordinance that the applicant for rezoning to any district other than a Conditional Use District shall be prohibited from offering any testimony or evidence concerning the specific manner in which he intends to use or develop the property.

If the applicant believes that development of his property in a specific manner will lessen adverse effects upon surrounding properties, or otherwise make the rezoning more in accordance with principles underlying the city's comprehensive zoning plan, he shall apply for rezoning to the appropriate Conditional Use District and simultaneously apply for a Conditional Use Permit specifying the nature of his proposed development. No permit shall be issued for any development within a Conditional Use District except in accordance with an approved Conditional Use Permit.

3. A statement analyzing the reasonableness of a proposed zoning map amendment shall be prepared for each petition for a conditional use district or other small-scale amendment.

C. Fee

The appropriate non-refundable filing fee shall be paid to the Town of Wake Forest, North Carolina for each application for an amendment to cover the costs of advertising and other administrative expenses involved. The fee shall be waived in the case of Planning Board or Board of Commissioners application.

D. Withdrawal of the Application

The applicant (petitioner) can withdraw the request at any time. However, once the newspaper receives notification of advertising, the public hearing will be held. The applicant will not be refunded the application fee if the newspaper has been notified of advertising. If the public hearing is held, the Board of Commissioners has the option of tabling, denying, or taking no action on the request. If the request is denied, the applicant cannot make a similar request for a period of six (6) months.

E. Reapplication for Amendment

With the exception of requests originating with the Town staff, Planning Board, Board of Commissioners, or any advisory board, an application for any rezoning of the same property or an application for a similar amendment to the text of this ordinance shall not be permitted within six (6) months of the original public hearing unless waived by the Board of Commissioners as described in Section 3.D. of this article.

Section 2. Action by the Planning Board

A. The Planning Board shall consider and make recommendations to the Board of Commissioners concerning each proposed zoning ordinance text or zoning map amendment. The Planning Board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The Planning Board shall provide a written recommendation to the Board of Commissioners that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval by the Board of Commissioners.

B. The Planning Board may hold separate public hearings or may sit concurrently with the public hearing by the Board of Commissioners.

C. Members of the Planning Board shall not vote on recommendations regarding any zoning ordinance text or zoning map amendment where the outcome of the matter is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.

Section 3. Action by the Board of Commissioners

A. Notice and Public Hearing

1. Published Hearing Notice. Notice of public hearing shall be given once a week for two (2) consecutive calendar weeks in a newspaper of general circulation in Wake Forest, North Carolina. Said notice shall be published the first time not less than ten (10) days nor more than twenty-five (25) days prior to the date of the public hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall

be included. If a proposed zoning map amendment directly affects more than fifty (50) properties owned by a total of at least fifty (50) different property owners, the Town may elect to use the alternative method described in G.S.160A-384 subsection (b).

2. Posted Hearing Notice. For a zoning map amendment, notice shall also be made by prominently posting a notice of the public hearing on the subject property or on an adjacent public street or highway right-of-way. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required, but the Town shall post sufficient notices to provide reasonable notice to interested persons.

3. Mailed Hearing Notice. For a zoning map amendment, the owner of that parcel of land as shown on the county tax listing and the owners of all parcels of land abutting that parcel as shown on the county tax listing, shall be mailed a notice of public hearing on the proposed amendment by first class mail at the last addresses listed for such owners on the county tax abstracts. This notice must be deposited in the mail at least ten (10) days but not more than twenty-five (25) days prior to the date of the public hearing. The person or persons mailing such notices shall certify to the Board of Commissioners that fact, and such certificate shall be deemed conclusive in the absence of fraud.

B. Board of Commissioners Action

Before taking such lawful action as it may deem advisable, the Board of Commissioners shall consider the Planning Board's recommendation on each proposed zoning ordinance text or zoning map amendment. If no written recommendation is received from the Planning Board within thirty (30) days of referral of the amendment, the Board of Commissioners may proceed in its consideration of the amendment without a recommendation of the Planning Board. The Board of Commissioners is not bound by the recommendations, if any, of the Planning Board. Prior to adopting or rejecting any zoning amendment, the Board of Commissioners shall adopt a statement describing whether its action is consistent with an adopted comprehensive plan and explaining why the Board considers the action taken to be reasonable and in the public interest. A simple majority of the Board of Commissioners shall be required to amend this ordinance following a favorable recommendation by the Planning Board. A three-fourths (3/4) majority vote by the Board of Commissioners shall be required to amend this ordinance when the Planning Board recommends against such amendment. Members of the Board of Commissioners shall not vote on any zoning ordinance text or zoning map amendment where the outcome of the matter is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.

C. Protests

1. Applicability and Voting.

a. In case, however, of a qualified protest against a zoning map amendment, such amendment shall not become effective except by favorable vote of three-fourths (3/4)

of all the members of the Board of Commissioners. Vacant positions on the Board of Commissioners and members who are excused from voting shall not be considered members of the Board for calculation of the requisite three-fourths majority.

b. Qualified protests are not applicable to the following:

1) any zoning map amendment which initially zones property added to the territorial coverage of the zoning ordinance as a result of annexation or otherwise, and
2) an amendment to an adopted conditional use district if the amendment does not change the types of uses that are permitted within the district, or increase the approved density for residential development, or increase the total approved size of non-residential development, or reduce the size of any buffers or screening approved for the conditional use district.

c. A person who has signed a protest petition may withdraw his or her name from the petition at any time prior to the vote on the proposed zoning map amendment.

2. Qualified Protest Petition.

No protest against any zoning map amendment shall be valid or effective for the purposes stated in subsection (C.1)(a) above unless:

a. signed by the owners of either twenty (20) percent or more of the area included in the proposed zoning map amendment, or, five (5) percent of a 100-foot-wide buffer extending along the entire boundary of each discrete or separate area proposed to be amended. A street right-of-way shall not be considered in computing the 100-foot buffer area as long as the street right-of-way is 100 feet wide or less. When less than an entire parcel of land is subject to the proposed zoning map amendment, the 100-foot buffer shall be measured from the property line of that parcel. In the absence of evidence to the contrary, the town may rely on the county tax listing to determine the owners of potentially qualifying areas; and,

b. written on a form prescribed and furnished by the Town; and,

c. bears the actual signatures of the requisite number of the property owners and states that they protest the proposed amendment; and,

d. received by the Town Clerk in time to allow at least two (2) normal working days (excluding weekends and legal holidays) prior to the public hearing on the amendment, so as to allow time for municipal personnel to check the accuracy and sufficiency of the petition.

D. Denial

When an application for rezoning or amendment is denied by the Board of Commissioners, re-applications involving the same property or amendment may not be submitted for a period

of six (6) months; however, if the petitioner can demonstrate a substantial change in circumstances surrounding the proposed zoning change or amendment, then the Board of Commissioners may waive the six-month requirement and allow a re-application for the property previously involved. The burden of demonstrating change in circumstances shall be on the petitioner.

Section 4. Action of Changes and Amendments Effecting Water Supply Watershed Protection Rules

Under no circumstances shall the Planning Board recommend or the Board of Commissioners adopt such amendments, supplements or changes that would cause this ordinance to violate the Water Supply Watershed Protection Rules as adopted by the N. C. Environmental Management Commission. All amendments shall be filed with the N. C. Division of Environmental Management, N. C. Division of Environmental Health, and the N. C. Division of Community Assistance.

ARTICLE XI. BOARD OF ADJUSTMENT

Section 1. Creating the Board of Adjustment

There shall be and is hereby created a Board of Adjustment (hereinafter called the Board) consisting of five (5) members, including four (4) residents of the Town of Wake Forest and one (1) resident of the extraterritorial jurisdiction. All members of the Board shall have voting power on all matters of business. The Town resident members of the Board shall be appointed by the Board of Commissioners of the Town of Wake Forest. Residents of the extraterritorial jurisdiction shall be appointed by the Wake County Commissioners. The members of the Board shall have initial terms of office as follows: one (1) member appointed for a term of one (1) year; two (2) members appointed for terms of two (2) years (one of whom is an extraterritorial member); and two (2) members appointed for a term of three (3) years (one of whom is an extraterritorial member). At completion of the initial term of office for each member all additional appointment to vacancies of the Board shall be for three-year terms.

The Board of Commissioners or County Board of Commissioners, as appropriate may appoint two (2) alternate members to serve on the Board in the absence of any appointed member. One (1) alternate shall reside within the corporate limits of the Town of Wake Forest and shall attend any regular or special meeting of the Board in the absence of an inside member or whenever two (2) members are absent. One alternate shall reside within the town's extraterritorial planning jurisdiction and shall attend any regular or special meeting of the Board in the absence of an outside member, or whenever two members are absent. Alternate members shall be appointed for the same term, in the same manner as regular members. Each alternate member, while attending any regular or special meeting of the board and serving in the absence of any regular member, shall have and may exercise all the powers and duties of a regular member.

Section 2. Meetings of the Board of Adjustment

The Board shall elect one of its members as Chairperson and shall appoint a secretary and such other subordinates as may be authorized by the Board of Commissioners. The Board shall draw up and adopt the rules of procedures under which it will operate. Meetings of the Board shall be held at the call of the Chairperson and at such other times as the Board may determine. Such Chairperson in his or her absence the acting attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon every question, or his absence or failure to vote, indicating such fact, and also keep records of its examination and any other official action.

Section 3. Filing and Notice for an Appeal or Variance

Appeals from the enforcement and interpretation of this ordinance and requests for variances shall be filed with the Zoning Enforcement Officer specifying the grounds thereof. The Zoning Enforcement Officer shall transmit to the Board all applications and records pertaining to such appeals and variances. An appeal stays all proceedings in furtherance of the action appealed

from, unless the Zoning Enforcement Officer certifies to the Board that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed other than by a restraining order, which may be granted by the Board or by a court of record on application or notice to the officer from whom the appeal is taken and due cause shown.

A. Hearing of the Appeal or Application for a Variance

After receipt of notice of an appeal, the Board Chairperson shall schedule the time for a hearing, which shall be at a regular or special meeting within thirty-six (36) days from the filing or such notice of appeal.

B. Notice

At least one (1) week prior to the date of the hearing the Town of Wake Forest shall furnish all adjoining property owners with written notice of the hearing.

C. Fee for Appeals or Variances

The appropriate filing fee, as determined by the Board of Commissioners, shall be paid to the Town of Wake Forest, North Carolina for each application for an appeal or variance to cover the necessary advertising and administrative costs.

Section 4. Powers and Duties

The Board of Adjustment shall have the following powers and duties:

A. Administrative Review

To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, determination, or refusal made by the Zoning Enforcement Officer or other administrative officials in the carrying out or enforcement of any provision of this ordinance. A concurring vote of four (4) members of the Board shall be necessary to reverse, wholly or partly any order, requirement, decision, permit, determination or refusal.

B. Variance

To authorize upon appeal in specific cases such variances from the terms of this ordinance as will not be contrary to the public interest where, owing to the special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. No change in permitted uses may be authorized by a variance.

In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with this ordinance. Such conditions and safeguards must be reasonably

related to the condition or circumstance that gives rise to the need for a variance. A concurring vote of four (4) members of the Board shall be necessary to grant a variance from the terms of this ordinance. Vacant positions on the Board of Adjustment and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the Board for calculation of the requisite super-majority if there are no qualified alternates available to take the place of such members.

A variance from the terms of this ordinance shall not be granted by the Board unless and until the following written findings are made:

1. That there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance;

2. That the variance is in harmony with the general purpose and intent of the ordinance and preserves its spirit; and,

3. That the granting of the variance secures the public safety and welfare and does substantial justice.

The Board of Adjustment may consider a request for a minor variance from a water supply watershed protection requirement adopted pursuant to G.S. 143-214.5 and the rules adopted by the N. C. Environmental Management Commission, provided the requested variance does <u>not</u> result in any one or more of the following:

1. The complete waiver of a protection requirement;

2. The relaxation by a factor of more than ten (10) percent, of any protection requirement that takes the form of a numerical standard.

In addition, the Board of Adjustment shall notify and allow a reasonable comment period for all other local governments having jurisdiction in the designated watershed and entity using the watershed for water consumption where the variance is being considered. If granted, minor variances shall be filed with the Division of Environmental Management on or before January 1st of the following year. Major variance requests, as determined by the Board of Adjustment, that do not meet the above mentioned conditions, shall also be heard by the Board of Adjustment. If approved, a copy of the evidentiary hearing and record for a major various request shall be submitted to the N. C. Environmental Management Commission for review and approval. Upon notification of a decision, the Board of Adjustment will issue an order granting or denying the major variance.

C. Conflicts

A member of the Board of Adjustment shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to

change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

Section 5. Appeal from the Board of Adjustment

Appeal from the decision of the Board of Adjustment may be made to the Wake County Superior Court within thirty (30) days after the decision is made by the Board, but not thereafter.

ARTICLE XII. EFFECTIVE DATE

This ordinance shall take effect and be in force from and after its passage and adoption.

ARTICLE XIII. FLOOD DAMAGE PREVENTION ORDINANCE

PART 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

Section A. Statutory Authorization

Municipal: The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3, 5, and 8 of Article 19 of Chapter 160A; and Article 8 of Chapter 160A of the North Carolina General Statutes, delegated to local governmental the responsibility units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

Therefore, the Board of Commissioners of the Town of Wake Forest, North Carolina, does ordain as follows:

Section B. Findings of Fact

1. The flood prone areas within the jurisdiction of the Town of Wake Forest are subject to periodic inundation which results 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 are 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.

Section C. Statement of Purpose

3. It is the purpose of this ordinance to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within 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. Exemptions

a. All new residential construction and substantial residential improvements proposed on a parcel of land that has no buildable area outside the Special Flood Hazard Area (SFHA) and Future Conditions Flood Hazard Area, and that was recorded prior to May 2, 2006 shall be permitted for development provided that all applicable provisions of this ordinance area met.

b. All subdivisions approved prior to May 2, 2006, shall be exempted from the requirements prohibiting the platting of lots located within the Special Flood Hazard Area (SFHA) and Future Conditions Flood Hazard Area, provided the subdivision complies with the requirements in place prior to May 2, 2006.

Section D. Objectives

The objectives of this ordinance are:

1. to protect human life and health;

2. to minimize expenditure of public money for costly flood control projects;

3. to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

4. to minimize prolonged business losses and interruptions;

5. to minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood prone areas;

6. to help maintain a stable tax base by providing for the sound use and development of flood prone areas; and

7. to ensure that potential buyers are aware that property is in a Special Flood Hazard Area or Future Conditions Flood Hazard Area.

PART 2. DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

"Accessory Structure (Appurtenant Structure)" means a structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

"Addition (to an existing building)" means an extension or increase in the floor area or height of a building or structure.

"Appeal" means a request for a review of the floodplain administrator's interpretation of any provision of this ordinance.

"Area of Special Flood Hazard" see "Special Flood Hazard Area (SFHA)"

"Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

"Base Flood" means the flood having a one (1) percent chance of being equaled or exceeded in any given year based on current conditions hydrology.

"Base Flood Elevation (BFE)" means a determination of the water surface elevations of the base flood based on current 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 the "Freeboard", establishes the "Regulatory Flood Protection Elevation" in Special Flood Hazard Areas.

"Building" see "Structure"

"Chemical Storage Facility" means a building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

"Current Conditions Hydrology" means the flood discharges associated with the land-use conditions existing within the drainage area of a watercourse at the time a flood study of the watercourse was conducted. Current conditions flood discharges and historical flood study information are published in the Flood Insurance Study.

"Development" means any 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.

"Disposal" means, 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.

"Elevated Building" means a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

"Encroachment" means 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.

"Existing Manufactured Home Park or Manufactured Home Subdivision" means 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 community.

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

a) the overflow of inland or tidal waters; and/or
b) the unusual and rapid accumulation of runoff of surface waters from any source.

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the Special Flood Hazard Areas have been defined as Zone A.

"Flood Insurance" means the insurance coverage provided under the National Flood Insurance Program.

"Flood Insurance Rate Map (FIRM)" means 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)" means 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.

"Flood Prone Area" see "Floodplain"

"Floodplain" means any land area susceptible to being inundated by water from any source.

"Floodplain Administrator" is the individual appointed to administer and enforce the floodplain management regulations.

"Floodplain Development Permit" means any type of permit that is required in conformance with the provisions of this ordinance, prior to the commencement of any development activity.

"Floodplain Management" means 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.

"Floodplain Management Regulations" means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

"Floodproofing" means any 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.

"Floodway" means 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 (1) foot.

"Flood Zone" means a geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

"Freeboard" means the height added to the Base Flood Elevation (BFE) or the Future Conditions Flood Elevation to account for the many unknown factors that could contribute to flood heights greater that the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization on the watershed. The Base Flood Elevation plus the freeboard establishes the "Regulatory Flood Protection Elevation".

"Future Conditions Flood" means the flood having a one (1) percent chance of being equaled or exceeded in any given year based on future conditions hydrology.

"Future Conditions Flood Elevation" means a determination of the water surface elevations of the one percent (1%) 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" means the land area that would be inundated by the one percent (1%) annual chance flood based on future conditions hydrology as determined in Article 3, Section B of this ordinance.

"Future Conditions Hydrology" means the flood discharges associated with projected land-use conditions based on Wake Forest's Land Use Management Plan and without consideration of projected future construction of flood detention structures or projected future hydraulic modifications within a stream or other waterway such as bridge and culvert construction, fill, and excavation. Future conditions flood discharges are published in the Flood Insurance Study.

"Functionally Dependent Facility" means a facility which cannot be used for its intended purpose unless it is located in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

"Hazardous Waste Facility" means, as defined in NCGS Article 9 of Chapter 130A, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

"Highest Adjacent Grade (HAG)" means the highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

"Historic Structure" means any structure that is:

a) listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
b) certified or preliminarily determined by the Secretary of 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;
c) individually listed on a local inventory of historic landmarks in communities with a "Certified Local Government (CLG) Program"; or
d) certified as contributing to the historical significance of a historic district designated by a community with a "Certified Local Government (CLG) Program"

Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

"Lowest Adjacent Grade (LAG)" means the elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

"Lowest Floor" means 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 ordinance.

"Manufactured Home" means 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. The term "manufactured home" does not include a "recreational vehicle".

"Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Market Value" means 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.

"Mean Sea Level" means, for purposes of this ordinance, 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.

"New Construction" means structures 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 and includes any subsequent improvements to such structures.

"Non-Encroachment Area" means 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 (1) foot as designated in the Flood Insurance Study report.

"Post-FIRM" means construction or other development for which the "start of construction" occurred on or after the effective date of the initial Flood Insurance Rate Map for the area.

"Pre-FIRM" means construction or other development for which the "start of construction" occurred before the effective date of the initial Flood Insurance Rate Map for the area.

"Principally Above Ground" means that at least 51% of the actual cash value of the structure is above ground.

"Public Safety" and/or "Nuisance" means anything 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.

"Recreational Vehicle (RV)" means a vehicle, which is:

a) built on a single chassis;
b) 400 square feet or less when measured at the largest horizontal projection;
c) designed to be self-propelled or permanently towable by a light duty truck; and
d) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Reference Level" is 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).

"Regulatory Flood Protection Elevation" means the elevation above mean sea level to which the reference level of all structures and other development located within Special Flood Hazard Areas and Future Conditions Flood Hazard Areas must be protected.

a) In "Special Flood Hazard Areas" where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus two (2) feet of freeboard.
b) In "Special Flood Hazard Areas" where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade.
c) In Future Conditions Flood Hazard Areas this elevation shall be the Future Conditions Flood Elevation plus two (2) feet of freeboard.

"Remedy a Violation" means to bring the structure or other development into compliance with State and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

"Salvage Yard" means any 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.

"Solid Waste Disposal Facility" means, as defined in NCGS 130A-290(a) (35), any facility involved in the disposal of solid waste.

"Solid Waste Disposal Site" means, as defined in (NCGS 130A-290(a) (36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

"Special Flood Hazard Area (SFHA)" means the land in the floodplain subject to a 0.2% or greater chance of being flooded in any given year based on current conditions hydrology, as determined in Part 3, Section B of this ordinance.

"Start of Construction" 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.

"Structure" means a walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

"Substantial Damage" means 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 definition of "substantial improvement". 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" means any 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:

a) 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,
b) any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

"Variance" is a grant of relief from the requirements of this ordinance.

"Violation" means 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 required in Articles 4 and 5 is presumed to be in violation until such time as that documentation is provided.

"Water Surface Elevation (WSE)" means the height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

"Watercourse" means a lake, river, creek, stream, wash, channel 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.

PART 3. GENERAL PROVISIONS

Section A. Lands to Which This Ordinance Applies

This ordinance shall apply to all Special Flood Hazard Areas and Future Conditions Flood Hazard Areas within the jurisdiction, including Extra-Territorial Jurisdiction (ETJ), of the Town of Wake Forest and within the jurisdiction of any other community whose governing body agrees, by resolution, to such applicability.

Section B. Basis for Establishing the Special Flood Hazard Areas and Future Conditions 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 dated May 2, 2006, which are adopted by reference and declared to be a part of this ordinance.

2. In addition, upon annexation to the Town of Wake Forest or inclusion in the Extra-Territorial Jurisdiction (ETJ), the Special Flood Hazard Areas and Future Conditions 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 ordinance.

3. A special flood study 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 5 acres.

Section C. Restrictions and Related Standards in and Near the Special Flood Hazard Area and Future Conditions Flood Hazard Areas

1. Development Restrictions

In general, no new development is allowed in the Special Flood Hazard Areas or Future Conditions Flood Hazard Areas unless one or more of the following are met:

a. The property/use is exempted from this requirement as identified in Part 1, Section C.1.; or

b. The development is for roads, greenways, pedestrian crossings, park-related equipment, or public utilities and facilities such as waste water, 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 registered engineer, architect, or landscape architect that these encroachments will not result in any increase in flood levels during the base flood.

Section D. Establishment of Floodplain Development Permit

A Town of Wake Forest Permit to Develop in a Flood Hazard Area, hereas referred to as Floodplain Development Permit, shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities within Special Flood Hazard Areas and Future Conditions Flood Hazard Areas determined in accordance with Article 3, Section B of this ordinance.

Section E. Compliance

No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this ordinance and other applicable regulations.

Section F. Abrogation and Greater Restrictions

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Section G. Interpretation

In the interpretation and application of this ordinance, all provisions shall be:
1. considered as minimum requirements;
2. liberally construed in favor of the governing body; and
3. deemed neither to limit nor repeal any other powers granted under State statutes.

Section H. Warning and Disclaimer of Liability

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Actual flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the Special Flood Hazard Areas and Future Conditions Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Town of Wake Forest or by any officer

or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

Section I. Penalties for Violation

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than $50.00 or imprisoned for not more than thirty (30) days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Wake Forest from taking such other lawful action as is necessary to prevent or remedy any violation.

PART 4. ADMINISTRATION

Section A. Designation of Floodplain Administrator

The Planning Director or his/her designee, hereinafter referred to as the "Floodplain Administrator", is hereby appointed to administer and implement the provisions of this ordinance.

Section B. Floodplain Development Application, Permit and Certification Requirements

1. Application Requirements. Application for a Floodplain Development Permit shall be made to the floodplain administrator prior to any development activities located within Special Flood Hazard Areas and Future Conditions Flood Hazard Areas. The following items shall be presented to the floodplain administrator to apply for a floodplain development permit:

a. A Plot Plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:

1) the nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;
2) the boundary of the Special Flood Hazard Area or Future Conditions Flood Hazard Area as delineated on the FIRM or other flood map as determined in Part 3, Section B, or a statement that the entire lot is within the Special Flood Hazard Area or Future Conditions Flood Hazard Area;
3) flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Article 3, Section B;
4) the boundary of the floodway(s) or non-encroachment area(s) as determined in Part 3, Section B;

5) the Base Flood Elevation (BFE) or Future Conditions Flood Elevation where provided as set forth in Part 3, Section B; Part 4, Section C.11. & 12.; or Part 5, Section D;
6) the old and new location of any watercourse that will be altered or relocated as a result of proposed development;
7) certification of the plot plan by a registered land surveyor or professional engineer.

b. Proposed elevation and method thereof, of all development within a Special Flood Hazard Area or Future Conditions Flood Hazard Area including but not limited to:

1) Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;

2) Elevation in relation to mean sea level to which any non-residential structure in Zone AE, A or X (Future) will be flood-proofed; and

3) Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed;

c. If floodproofing, a Floodproofing Certificate (FEMA Form 81-65) with supporting data and an operational plan that includes, but is not limited to, installation, exercise, and maintenance of floodproofing measures.

d. A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are not limited to:

1) The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls);

2) Openings to facilitate equalization of hydrostatic flood forces on walls in accordance with Part 5, Section B.4.c., when solid foundation perimeter walls are used in Zones A, AE and X (future);

e. Usage details of any enclosed areas below the regulatory flood protection elevation.

f. Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage;

g. Copies of all other Local, State and Federal permits required prior to floodplain development permit issuance (Wetlands, Endangered Species, Erosion and Sedimentation Control, Riparian Buffers, Mining, etc.)

h. Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure Part 5, Sections B.6. & 7. of this ordinance are met.

i. A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

2. Permit Requirements. The Floodplain Development Permit shall include, but not be limited to:

a. A description of the development to be permitted under the floodplain development permit.
b. The Special Flood Hazard Area or Future Conditions Flood Hazard Area determination for the proposed development per available data specified in Part 3, Section B.
c. The regulatory flood protection elevation required for the reference level and all attendant utilities.
d. The regulatory flood protection elevation required for the protection of all public utilities.
e. All certification submittal requirements with timelines.
f. A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse, as applicable.
g. The flood openings requirements, if in Zones A, AE or X (Future).

3. Certification Requirements.

a. Elevation Certificates

1) An Elevation Certificate (FEMA Form 81-31) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the floodplain administrator a certification of the elevation of the reference level, in relation to mean sea level. The floodplain administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.

2) All residential dwellings to be constructed in or within ten (10) feet (linear) of the Special Flood Hazard Area and Future Conditions Flood Hazard Areas will be required to have to have the footing pinned by a professional land surveyor prior to construction. In addition, a survey will be required at the foundation and flooring system inspection showing the elevations at the corners of the dwelling unit.

3) A final as-built Elevation Certificate (FEMA Form 81-31) along with a final registered survey of the property is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the floodplain administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The

floodplain administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

b. Floodproofing Certificate

If non-residential floodproofing is used to meet the regulatory flood protection elevation requirements, a Floodproofing Certificate (FEMA Form 81-65), with supporting data and an operational plan, is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the floodplain administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to mean sea level. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The floodplain administrator shall review the certificate data and plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

c. If a manufactured home is placed within Zone A, AE or X (Future) and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required per Part 5, Section B.3.

d. If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.

e. Certification Exemptions. The following structures, if located within Zone A, AE or X (Future), are exempt from the elevation/floodproofing certification requirements specified in items a. and b. of this subsection:

1) Recreational Vehicles meeting requirements of Part 5, Section B.6.a.;

2) Temporary Structures meeting requirements of Part 5, Section B.7.; and

3) Accessory Structures less than 150 square feet meeting requirements of Part 5, Section B.8.

Section C. Duties and Responsibilities of the Floodplain Administrator

The Floodplain Administrator shall perform, but not be limited to, the following duties:

1. Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas and Future Conditions Flood Hazard Areas to assure that the requirements of this ordinance have been satisfied.

2. 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.

3. 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).

4. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

5. Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of Part 5, Section E. are met.

6. Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) and all attendant utilities of all new or substantially improved structures, in accordance with Part 4, Section B.3.

7. 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 Part 4, Section B.3.

8. Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with Article 4, Section B.3.

9. When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with Part 4, Section B.3. and Part 5, Section B.2.

10. 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 article.

11. When Base Flood Elevation (BFE) data has not been provided in accordance with Part 3, Section B, 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

12. When Base Flood Elevation (BFE) data is provided but no floodway nor non-encroachment area data has been provided in accordance with Part 3, Section B., 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 ordinance.

13. 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.

14. Permanently maintain all records that pertain to the administration of this ordinance and make these records available for public inspection.

15. 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.

16. Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, 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.

17. 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.

18. 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.

19. Follow through with corrective procedures of Part 4, Section D.

20. Review, provide input, and make recommendations for variance requests.

21. 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 Article 3, Section B of this ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.

22. Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-F) and Letters of Map Revision (LOMR).

Section D. Corrective Procedures

1. Violations to be Corrected: When the floodplain administrator finds violations of applicable State and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.

2. Actions in Event of Failure to Take Corrective Action: If the owner of a building or property shall fail to take prompt corrective action, the floodplain administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:

a. that the building or property is in violation of the Flood Damage Prevention Ordinance;

b. that a hearing will be held before the floodplain administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and,

c. that following the hearing, the floodplain administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as appears appropriate.

3. Order to Take Corrective Action: If, upon a hearing held pursuant to the notice prescribed above, the floodplain administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, they shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more than (180) calendar days. Where the floodplain administrator finds that there is imminent danger to life or other property, they may order that corrective action be taken in such lesser period as may be feasible.

4. Appeal: Any owner who has received an order to take corrective action may appeal the order to the local elected governing body by giving notice of appeal in writing to the floodplain administrator and the clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the floodplain administrator shall be final. The local

governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

5. Failure to Comply with Order: If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a misdemeanor and shall be punished at the discretion of the court.

Section E. Variance Procedures

1. The Board of Commissioners upon the recommendation of the Planning Board as established by the Town of Wake Forest, hereinafter, shall hear and decide requests for variances from the requirements of this ordinance.

2. Any person aggrieved by the decision of the Board of Commissioners may appeal such decision to the Court, as provided in Chapter 7A of the North Carolina General Statutes.

3. Variances may be issued for:

a. the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure.

b. functionally dependant facilities if determined to meet the definition as stated in Part 2 of this ordinance, provided provisions of Part 4, Section E.9.b, c. and e. have been satisfied, and such facilities are protected by methods that minimize flood damages.

c. any other type of development provided it meets the requirements stated in this section.

4. In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:

a. the danger that materials 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 susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
d. the importance of the services provided by the proposed facility to the community;
e. the necessity to the facility of a waterfront location as defined under Part 2 of this ordinance as a functionally dependant facility, where applicable;
f. the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
g. the compatibility of the proposed use with existing and anticipated development;
h. the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
i. the safety of access to the property in times of flood for ordinary and emergency vehicles;

j. 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

k. 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.

5. A written report addressing each of the above factors shall be submitted with the application for a variance.

6. Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

7. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and 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, including justification for their issuance.

8. The floodplain administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request.

9. Conditions for Variances:

a. Variances shall not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.

b. Variances shall not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge.

c. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

d. Variances shall only be issued prior to development permit approval.

e. Variances shall only be issued upon:

1) a showing of good and sufficient cause;

2) a determination that failure to grant the variance would result in exceptional hardship; and

3) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

PART 5. PROVISIONS FOR FLOOD HAZARD REDUCTION

Section A. General Standards

In all Special Flood Hazard Areas and Future Conditions Flood Hazard Areas the following provisions are required:

1. All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.

2. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

3. All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.

4. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, appliances (washers, dryers, refrigerators, freezers, etc.), hot water heaters, and electric outlets/switches.

5. 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. Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance.

8. Nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance 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 ordinance.

9. 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 or Future Conditions Flood Hazard Area. No variances shall be granted for these facilities.

10. All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.

11. 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.

12. All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

13. 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.

Section 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, as set forth in Part 3, Section B, or Part 4, Section C.11 & 12., the following provisions, in addition to Part 5, Section A, 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, as defined in Part 2 of this ordinance.
- **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, or by other studies approved by the Town. Such a line shall be known and identified on the site plan or subdivision plan and final plat as the "Development Restriction Floodline."
- **c.** Subdivisions approved after May 2, 2006, may not plat lots for development located within the Special Flood Hazard Area or Future Conditions Flood Hazard Area unless all of the following exemptions are met:

    1) The flood hazard area affects a maximum area of 10% or less of the total acreage of the subdivision;

2) 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 or Future Conditions Flood Hazard Area (e.g., covenant, other common areas);
3) The Floodplain is placed in a permanent conservation easement at plat recordation.

2. Non-Residential Construction. 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, as defined in Part 2 of this ordinance. 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. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Part 4, Section B.3., along with the operational and maintenance plans.

3. Manufactured Homes.

a. New or replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the regulatory flood protection elevation, as defined in Article 2 of this ordinance.

b. Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by engineer certification, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS ξ143-143.15. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.

c. All enclosures or skirting below the lowest floor shall meet the requirements of Part 5, Section B.4.a., b. and c.

d. An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the floodplain administrator and the local Emergency Management coordinator.

4. Elevated Buildings. Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor:

a. 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. 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;

b. shall be constructed entirely of flood resistant materials below the regulatory flood protection elevation;

c. shall include, in Zones A, AE and X (Future), 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;

1) A minimum of two flood openings on different sides of each enclosed area subject to flooding;

2) The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;

3) If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;

4) The bottom of all required flood openings shall be no higher than one (1) foot above the adjacent grade;

5) 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

6) 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.

5. Additions/Improvements.

a. Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

1) not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.

2) a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

b. Additions to post-FIRM structures with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.

c. Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

1) not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction.

2) a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

d. Where an independent perimeter load-bearing wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and only the addition must comply with the standards for new construction.

6. 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 (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.

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 designation, accompanied by documentation, of a location

outside the Special Flood Hazard Area or Future Conditions Flood Hazard Area, to which the temporary structure will be moved.

8. Accessory Structures. When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area or Future Conditions Flood Hazard Area, the following criteria shall be met:

a. Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);

b. Accessory structures shall not be temperature-controlled;

c. Accessory structures shall be designed to have low flood damage potential;

d. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;

e. Accessory structures shall be firmly anchored in accordance with Part 5, Section A.1.;

f. All service facilities such as electrical shall be installed in accordance with Part 5, Section A.4.; and

g. Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below regulatory flood protection elevation in conformance with Part 5, Section B.4.c.

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 Part 4, Section B.3.

Section C. Reserved

Section D. Standards for Floodplains Without Established Base Flood Elevations

Within the Special Flood Hazard Areas designated as Approximate Zone A and established in Article 3, Section B, where no Base Flood Elevation (BFE) data has been provided by FEMA, the following provisions, in addition to Article 5, Sections A and B, shall apply:

1. No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of twenty (20) feet each side from 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 ordinance and shall be elevated or floodproofed in accordance with standards in Part 4, Section C.11. and 12.

b. All subdivision, manufactured home park and other development proposals shall provide Base Flood Elevation (BFE) data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference per Part 3, Section B to be utilized in implementing this ordinance.

c. When Base Flood Elevation (BFE) data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated to or above the regulatory flood protection elevation, as defined in Part 2.

Section E. Reserved

Section F. Floodway and Non-Encroachment Areas

Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in Part 3, Section B. 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 provisions, in addition to standards outlined in Part 5, Sections A and B, 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. If Part 5, Section F.1. is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.

3. No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision, provided the following provisions are met:

   a. the anchoring and the elevation standards of Part 5, Section B.3.; and

   b. the no encroachment standard of Part 5, Section F.1.

Section G. Reserved

PART 6. LEGAL STATUS PROVISIONS.

Section A. Effect on Rights and Liabilities Under the Existing Flood Damage Prevention Ordinance

This ordinance in part comes forward by re-enactment of some of the provisions of the flood damage prevention ordinance enacted _____ *(adoption date of the community's original Flood Damage Prevention Ordinance)* as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the flood damage prevention ordinance of the Town of Wake Forest enacted on _____ *(adoption date of the community's original Flood Damage Prevention Ordinance)*, as amended, which are not reenacted herein are repealed.

Section B. Effect upon Outstanding Floodplain Development Permits

Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a floodplain development permit has been granted by the floodplain administrator or his or her authorized agents before the time of passage of this ordinance; provided, however, that when construction is not begun under such outstanding permit within a period of six (6) months subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this ordinance.

Section C. Effective Date

This ordinance shall become effective upon adoption. [5/16/2006]