



ZONING REPORT

Prepared for:

651 Gilcrest Farm Rd LLC, a Delaware limited liability company

Property Identification:

Vacant land
651 Gilcrest Farm Road
Wake Forest, NC 27587

Prepared by:

GRS Group an NV5 Company
163 Technology Drive, Suite 100, Irvine, California 92618
877 GRS CRE1 | +1 213 908 2173 | www.grs-global.com

GRS Group Contact:

Timothy Van Zant, Manager, Zoning Operations
tvanzant@grs-global.com | O: 580.372.2507

Final Report Date: August 24, 2023
Revision 1: January 17, 2024
GRS Project #: 23-64058.36

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SECTION 1: SUMMARY OF PROPERTY

1.1 PROPERTY INFORMATION & SITE DESCRIPTION

Property Name	Vacant land
Property Address	651 Gilcrest Farm Road, Wake Forest, NC
Parcel ID	1851245850
Parcel Size	14.006 acres (610,119.6 square feet) +/-
Property Description	Vacant land; proposed skilled nursing facility
Date of Construction	N/A, vacant land

1.2 ZONING CLASSIFICATION & PERMITTED USES

Date of Existing Ordinance	July 19, 2022
Jurisdiction	Town of Wake Forest, NC
Existing Zoning	RMX (Residential Mixed-Use)
Is the Use Permitted?	Yes, vacant land is a permitted use. Yes, a skilled nursing facility is a permitted use in the RMX zoning district subject to supplemental use standards.

Adjacent Parcels Zoning Classification

North	UR-CD (Urban Residential Conditional District) & OS (Open Space)
East	Wake County R-80W
South	RMX (Residential Mixed-Use)
West	OS (Open Space)

SECTION 2: ZONING REQUIREMENTS

BUILDING REQUIREMENTS

	<i>Municipal Requirements</i>	<i>Existing Property Conditions</i>
Front Yard Setback	18 feet maximum	No buildings
Side Yard Setbacks	0 feet minimum	No buildings
Rear Yard Setback	5 feet minimum	No buildings
Street Side Setback	5 feet minimum	No buildings
Building Separation	No requirement	No buildings
Is the Existing Building in Conformance with the Required Setback Restrictions? Yes		

HEIGHT RESTRICTIONS

	<i>Municipal Requirements</i>	<i>Existing Property Conditions</i>
Maximum Building Height	6 stories	No buildings
Is the Existing Building in Conformance with the Required Height Restrictions? Yes		

AREA REQUIREMENTS

	<i>Municipal Requirements</i>	<i>Existing Property Conditions</i>
Minimum Lot Area	No requirement	14.006 acres (610,119.6 square feet) +/-
Minimum Lot Width	No requirement	Greater than 50 feet
Minimum Lot Depth	No requirement	Greater than 50 feet
Minimum Lot Frontage	No requirement	Greater than 50 feet
Is the Existing Building in Conformance with the Required Area Restrictions? Yes		

DENSITY REQUIREMENTS

	<i>Municipal Requirements</i>	<i>Existing Property Conditions</i>
Maximum Density	24 units per acre	Does not apply
Maximum Floor Area Ratio	No requirement	0.0
Maximum Building Lot Coverage	No requirement	0 percent
Is the Existing Building in Conformance with the Required Density Area Restrictions? Yes		

PARKING REQUIREMENTS

	<i>Municipal Requirements</i>	<i>Existing Property Conditions</i>
Parking Space Formula	Vacant land does not require parking Skilled nursing: 1 space per 2 resident rooms minimum	No parking provided
Parking Setback	No requirement	Does not apply
Is the Existing Building in Conformance with the Required Parking Restrictions? Yes		

SECTION 3: SUPPLEMENTAL INFORMATION

3.1 SPECIAL PERMITTING

None

3.2 SITE PLAN APPROVAL

None

3.3 VIOLATIONS SEARCH

According to Emma Linn, Planner II, "We are unaware of the existence of any violations, or alleged violations of any zoning ordinances as of today, August 7, 2023." See attached.

According to Jennifer Eller, Inspections Technician, "Building Inspections has no record of any building permits, CO's, or outstanding violations." See attached.

According to Kathryn Salisbury, Planning Technician, "There are no other permits or code violation records available." See attached.

3.4 CERTIFICATES OF OCCUPANCY

According to Jennifer Eller, Inspections Technician, "Building Inspections has no record of any building permits, CO's, or outstanding violations." See attached. Certificates of Occupancy are not required for vacant land.

3.5 ADDITIONAL COMMENTS

No Additional Comments.

SECTION 4: SUMMARY OF FINDINGS

Conformance Status	Legal Conforming
Nonconforming Characteristics	None
Nonconforming Clause	According to Town of Wake Forest, NC Zoning Code Section 13.6 (C)(1) "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."

Municipality	Surveyor
Town of Wake Forest, NC Emma Linn, Planner II (919) 435-9514	Cain Surveying, P.C. Surveyor No.: L-2498 Survey Dated: August 21, 2023

For the purposes of this report, GRS Group has relied on information provided by the above sources.

APPENDICES

ZONING MAP

ZONING VERIFICATION LETTER

ZONING/LAND USE DISTRICT REGULATIONS

OFF STREET PARKING REGULATIONS

NONCONFORMING REGULATIONS

DEFINITIONS

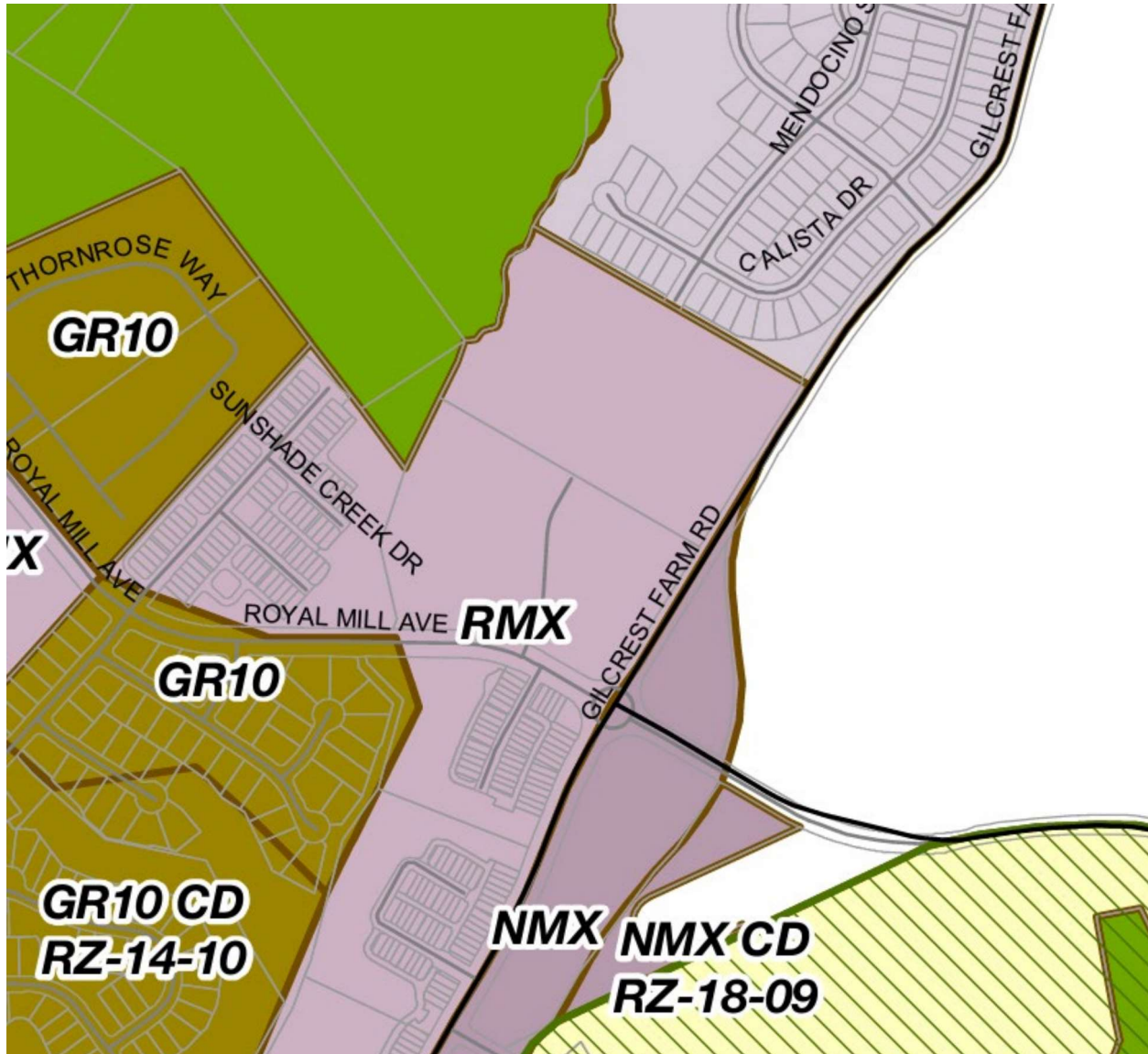
ZONING MAP



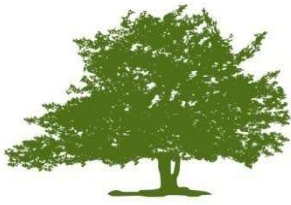
TOWN *of* WAKE FOREST

301 S. Brooks Street
Wake Forest, NC 27587
t 919.435.9400

www.wakeforestnc.gov



ZONING VERIFICATION LETTER



TOWN *of* WAKE FOREST

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Wake Forest, NC 27587
t 919.435.9400

www.wakeforestnc.gov

ZONING VERIFICATION LETTER

To:	Zoning Info: Timothy Van Zant 1608 SW 96th Street Oklahoma City, OK 73159
Subject:	Zoning Verification Letter: Wake County Tax PIN: 1851-24-5850 651 Gilcrest Farm Road Wake Forest, NC 27587

The undersigned hereby certifies that:

1. The Town of Wake Forest is responsible for the enforcement of building codes, zoning ordinances and similar codes or ordinances related to commercial, residential, and industrial development in the Town of Wake Forest.
2. The above referenced property is zoned Residential Mixed-Use (RMX). The parcel is approximately 14.00 acres in size and located within the Town of Wake Forest's jurisdiction.
3. In 2020, a Master Plan application for a Residential Care Facility located at 651 Gilcrest Farm Road was received. Related case number SP-20-25. In 2021, Construction Plans were submitted for this facility.
4. A copy of the Wake Forest Zoning Map is attached illustrating the location of the property and surrounding zonings. The properties to the north are zoned Urban Residential Conditional District (UR-CD) and Open Space (OS). The property to the east is zoned Wake County R-80W. The properties to the west are zoned Open Space (OS). The property to the south is zoned Residential Mixed-Use (RMX).
5. To the best of my knowledge the subject property does not fall within any the Special Overlay District.
6. To the best of my knowledge the subject property is not listed as a historical property nor is it part of a historic district.
7. To the best of my knowledge the subject property is not subject to any Conditional Use Permit or Special Use Permit.

8. We are unaware of the existence of any violations, or alleged violations of any zoning ordinances as of today, August 7, 2023.
9. Building and fire code violations are kept on file in the Building & Inspections Department (Contact Info. 919-435-9530).
10. The Certificate of Occupancy is kept on file in the Building & Inspections Department (Contact Info. 919-435-9530).
11. This information was researched on August 7, 2023, by the undersigned, per request as a public service. The undersigned certifies that the above information contained herein is believed to be accurate and is based upon or relates to the information supplied by the requestor. This letter is not a formal determination and is non-binding. The authority assumes no liability for errors and omissions. All information was obtained from public records, which may be inspected during regular business hours.

Please contact me at (919) 435-9514 or email at elinn@wakeforestnc.gov if you have questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Emma Linn". The signature is fluid and cursive, with the first name "Emma" and last name "Linn" clearly distinguishable.

Emma Linn
Planner II

RE: Public Records Request - Asta Sternberg

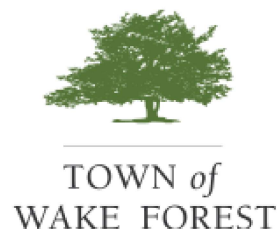
Eller, Jennifer <jeller@wakeforestnc.gov>

Wed 7/26/2023 8:51 AM

To:Asta <Research@keyzoning.com>

Cc:Savary, Terry <tsavary@wakeforestnc.gov>

No, because we only keep records for 6 years per NC State Law.

**Jennifer Eller**

Inspections Technician

INSPECTIONS

Permits: 919-435-9530 | **Inspections:** 919-435-9531
301 S. Brooks Street | Wake Forest, NC 27587
wakeforestnc.gov



Where Innovation Meets Opportunity

Correspondence to and from this E-mail address may be subject to the North Carolina Public Records Law (NCGS Chapter 132) and may be disclosed to third parties.

From: Asta <Research@keyzoning.com>
Sent: Wednesday, July 26, 2023 11:50 AM
To: Eller, Jennifer <jeller@wakeforestnc.gov>
Cc: Savary, Terry <tsavary@wakeforestnc.gov>
Subject: Re: Public Records Request - Asta Sternberg

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Please use the **Phish Alert Button** to submit any suspicious emails for review.

Thank you for the information. Is the lack of CO on file considered a violation?

Asta

From: Eller, Jennifer <jeller@wakeforestnc.gov>
Sent: Wednesday, July 26, 2023 6:14 AM
To: Asta <Research@keyzoning.com>
Cc: Savary, Terry <tsavary@wakeforestnc.gov>
Subject: FW: Public Records Request - Asta Sternberg

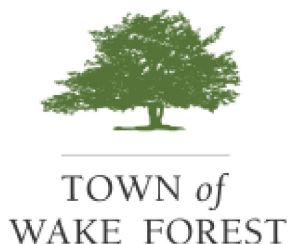
Building Inspections has no record of any building permits, CO's, or outstanding violations.

Thank you.

From: Carr, JJ <jcarr@wakeforestnc.gov>
Sent: Wednesday, July 26, 2023 8:51 AM
To: Eller, Jennifer <jeller@wakeforestnc.gov>
Subject: FW: Public Records Request - Asta Sternberg

Please assist.

Thanks,

**JJ Carr**

Inspections & Facilities Director
INSPECTIONS

Office: 919-435-9530 | Direct: 919-435-9519 | Mobile: 919-801-0689
301 S. Brooks Street | Wake Forest, NC 27587
wakeforestnc.gov



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From: Dowtin, Ella <edowtin@wakeforestnc.gov>
Sent: Wednesday, July 26, 2023 8:48 AM
To: Coleman, Benjamin <bcoleman@wakeforestnc.gov>; Tanner, Courtney <ctanner@wakeforestnc.gov>; Carr, JJ <jcarr@wakeforestnc.gov>
Cc: Savary, Terry <tsavary@wakeforestnc.gov>
Subject: Fw: Public Records Request - Asta Sternberg

Good morning
See the request below.

Please copy Terry and I in your response to the citizen.

Thanks,

**Ella Dowtin**

Deputy Town Clerk
TOWN CLERK

Office: 919-435-9400 | Direct: 919-435-9436
301 S. Brooks Street | Wake Forest, NC 27587
wakeforestnc.gov



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Correspondence to and from this E-mail address may be subject to the North Carolina Public Records Law (NCGS Chapter 132) and may be disclosed to third parties.

From: Town of Wake Forest, NC <notifications@cognitoforms.com>
Sent: Tuesday, July 25, 2023 7:23 PM
To: Savary, Terry <tsavary@wakeforestnc.gov>; Dowtin, Ella <edowtin@wakeforestnc.gov>
Subject: Public Records Request - Asta Sternberg

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Town of Wake Forest, NC

Public Records Request

[View full entry at CognitoForms.com.](#)

Entry Details

Contact Information

NAME	Asta Sternberg
ADDRESS	PO Box 469, Necedah, Wisconsin 54646
PHONE	(971) 300-4569
EMAIL	Research@keyzoning.com

Information Requested

A VALID PUBLIC RECORDS REQUEST IS FOR A SPECIFIC AND IDENTIFIABLE PUBLIC DOCUMENT. A REQUEST FOR GENERAL INFORMATION IS NOT A VALID REQUEST, PLEASE BE AS DETAILED AS POSSIBLE. OUR STAFF MAY ASSIST IN CLARIFYING YOUR REQUEST.	Please accept the following public records request. Please notify me in advance if fees will exceed \$50.00. Property – 651 Gilcrest Farm Road, Wake Forest NC - Planning/Zoning/ Development: copies of any approved site plans, variances, special/ conditional use permits, planned developments, or zoning relief granted to the property, and notification of any outstanding zoning code violations - Building/ Construction: copies of the existing Certificates of Occupancy, and notification of any outstanding building code violations - Fire: notification of any outstanding fire code violations Thank you!
HOW WOULD YOU PREFER TO RECEIVE THE REQUESTED INFORMATION?	Email

Terms & Conditions

I AGREE TO THE TERMS LISTED ABOVE. Yes

Public Records Request 651 Gilcrest Farm Rd

Salisbury, Kathryn <ksalisbury@wakeforestnc.gov>

Mon 7/31/2023 8:34 AM

To:Asta <Research@keyzoning.com>

Cc:Dowtin, Ella <edowtin@wakeforestnc.gov>; Savary, Terry <tsavary@wakeforestnc.gov>

 2 attachments (1 MB)

PDFViewWake (17).pdf; Ord2021-7-SD-20-07-Traditions_Grande_Care_Facility_Major_Subdivision_-651_Gilcrest_Farm_Rd (1).pdf;

Hello,

I've attached the approval of the subdivision plan to this email. There are no other permits or code violation records available.

Thank you,



Kathryn Salisbury

Planning Technician

PLANNING

Office: 919-435-9510 | **Direct:** 919-435-9518 | **Mobile:** 919-760-3792

| Wake Forest, NC 27587

wakeforestnc.gov



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Correspondence to and from this E-mail address may be subject to the North Carolina Public Records Law (NCGS Chapter 132) and may be disclosed to third parties.

ZONING/LAND USE DISTRICT REGULATIONS

- J. Infrastructure:** Uses and structures dedicated to transportation, communication, information, and utilities.

2.3.2. Interpretation of Use Table

- A. Permitted/Prohibited Uses:** Uses not listed as permitted (P); permitted with additional supplemental standards (Ps); or requiring a special use permit (SUP) are presumed to be prohibited (-) from the applicable zoning district. Uses denoted with (CZ) indicate that a conditional zoning is required for the use to be considered in the parallel Conditional District. Uses denoted with (A) indicate only permitted as an accessory use.
- B. Uses Not Listed:** In the event that a particular use is not listed in the Use Table, and such use is not listed as a prohibited use and is not otherwise prohibited by law, the Administrator shall determine whether a materially similar use exists in this chapter. Should the Administrator determine that a materially similar use does exist, the regulations governing that use shall apply to the particular use not listed and the Administrator's decision shall be recorded in writing. Should the Administrator determine that a materially similar use does not exist, this chapter may be amended to establish a specific listing for the use in question.
- C. Materially Similar Uses:** The Administrator may determine that a use is materially similar if a permitted use is similarly classified by one or more of the following use classification systems:
1. American Planning Association Land-Based Classification Standards (LBCS)
 2. North American Industrial Classification System (NAICS)
 3. Institute of Transportation Engineers (ITS) Trip Generation Guide

2.3.3. Use Table

See Chapter 15 for procedures on application types and approval processes.

(P)=Permitted

(SUP)=Permitted with Approval of Special Use Permit

(CZ)=Permitted with Approval of Conditional Zoning

(A)=Permitted only as an Accessory Use

(s)=Supplemental Use Standards

USE TYPES	RURAL		SUBURBAN								URBAN					
	OS	RD	GR3	GR5	GR10	NB	HB	ICD	LI	HI	UR	RMX	RA-HC	NMX	UMX	PUD
A. RESIDENTIAL	OS	RD	GR3	GR5	GR10	NB	HB	ICD	LI	HI	UR	RMX	RA-HC	NMX	UMX	PUD
HOUSEHOLD LIVING USES																
Dwelling-Single Family	—	P	P	P	P	—	—	P	—	—	P	Ps	—	—	—	P
Dwelling-Duplex	—	—	—	P	P	—	—	P	—	—	P	Ps	—	—	—	P
Dwelling-Townhome	—	—	—	—	P	—	—	P	—	—	P	Ps	P	Ps	P	P
Dwelling-Multifamily	—	—	—	—	P	—	—	P	—	—	Ps	Ps	P	Ps	P	P
Dwelling-Accessory	—	As	As	As	As	—	—	As	—	—	As	As	As	As	As	As
Family Care Home (6 or fewer residents)	—	Ps	Ps	Ps	Ps	Ps	—	Ps	—	—	Ps	Ps	Ps	Ps	Ps	Ps
Live-Work Unit	—	—	—	—	Ps	P	P	Ps	—	—	Ps	Ps	Ps	P	P	P
Manufactured Housing – Class A	—	Ps	—	Ps	Ps	—	—	—	—	—	SUPs	—	—	—	—	—

	RURAL		SUBURBAN								URBAN					
USE TYPES	OS	RD	GR3	GR5	GR10	NB	HB	ICD	LI	HI	UR	RMX	RA-HC	NMX	UMX	PUD
Manufactured Housing – Class B & C	–	SUPs	–	SUPs	SUPs	–	–	–	–	–	–	–	–	–	–	–
Manufactured Home Park	–	SUPs	–	–	–	–	–	–	–	–	–	–	–	–	–	–
GROUP LIVING USES																
Boarding or Rooming House (12 or fewer persons)	–	–	Ps	Ps	–	Ps	–	Ps	–	–	Ps	Ps	Ps	Ps	Ps	–
Dormitory	–	–	–	–	–	–	–	P	–	–	–	–	–	–	–	P
Residential Care Facility (More than 6 Residents)	–	–	Ps	Ps	Ps	Ps	–	Ps	–	–	Ps	Ps	Ps	Ps	Ps	Ps

B. LODGING	OS	RD	GR3	GR5	GR10	NB	HB	ICD	LI	HI	UR	RMX	RA-HC	NMX	UMX	PUD
Bed and Breakfast Home (Up to 8 Rooms)	–	SUPs	SUPs	SUPs	–	–	–	Ps	–	–	SUPs	Ps	Ps	Ps	Ps	–
Hotel/Inn (Less than 20 Rooms)	–	–	–	–	SUP	P	P	P	–	–	–	P	P	P	P	P
Hotel/Inn (No Room Limit)	–	–	–	–	–	P	P	P	–	–	–	–	P	P	P	P

C. OFFICE/SERVICE	OS	RD	GR3	GR5	GR10	NB	HB	ICD	LI	HI	UR	RMX	RA-HC	NMX	UMX	PUD
ATM	–	–	–	–	–	P	P	P	P	P	–	P	P	P	P	P
Bank, Credit Union, Financial Services	–	–	–	–	–	P	P	P	–	–	–	P	P	P	P	P
Business Support Services	–	–	–	–	–	P	P	P	P	–	–	P	P	P	P	P
Dry Cleaning & Laundry Services	–	–	–	–	–	P	P	P	–	–	–	P	P	P	P	P
Funeral Home/Crematorium	–	P	–	–	–	P	P	–	–	–	–	P	P	P	P	–
Home Occupation	–	As	As	As	As	–	–	–	–	–	As	As	As	As	As	As
Medical Clinic	–	–	–	–	–	P	P	P	–	–	–	P	P	P	P	P
Personal Services	–	–	–	–	–	P	P	P	–	–	–	P	P	P	P	P
Personal Services, Restricted	–	–	–	–	–	–	P	–	–	–	–	–	–	–	–	–
Post Office	–	–	–	–	–	P	P	P	–	–	–	P	P	P	P	P
Professional Services	–	–	–	–	–	P	P	P	P	–	–	P	P	P	P	P
Small Equipment Repair/Rental	–	–	–	–	–	P	P	–	P	P	–	–	P	P	P	–
Veterinary Services	–	–	–	–	–	P	P	P	P	P	–	Ps	Ps	Ps	Ps	Ps

D. COMMERCIAL/ENTERTAINMENT	OS	RD	GR3	GR5	GR10	NB	HB	ICD	LI	HI	UR	RMX	RA-HC	NMX	UMX	PUD
Alcoholic Beverage Sales Store	–	–	–	–	–	P	P	–	–	–	–	P	P	P	P	P
Amusement, Indoor	–	–	–	–	–	P	P	–	P	–	–	–	P	P	P	P
Amusement, Outdoor	–	–	–	–	–	–	P	–	P	–	–	–	–	–	–	–
Bar/Tavern	–	–	–	–	–	P	P	–	–	–	–	–	P	P	P	P
General Commercial	–	–	–	–	–	P	P	P	–	–	–	P	P	P	P	P
General Commercial – Use Greater than 100,000 sf	–	–	–	–	–	–	SUP	–	–	–	–	–	–	–	–	P
Internet Sweepstakes Facility	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Night Club	–	–	–	–	–	P	P	–	–	–	–	–	P	P	P	P
Open Air Retail	–	–	–	–	–	Ps	Ps	SUPs	–	–	–	Ps	Ps	Ps	Ps	Ps
Outdoor Seating	–	–	–	–	–	As	As	As	–	–	–	As	As	As	As	As

	RURAL		SUBURBAN								URBAN					
USE TYPES	OS	RD	GR3	GR5	GR10	NB	HB	ICD	LI	HI	UR	RMX	RA-HC	NMX	UMX	PUD
Outside or Display Sales	—	—	—	—	—	As	A	As	—	—	—	As	As	As	As	As
Pawnshop	—	—	—	—	—	P	P	—	—	—	—	—	P	P	P	P
Restaurant	—	—	—	—	—	P	P	P	—	—	—	P	P	P	P	P
Riding Stable	—	P	P	—	—	—	—	—	—	—	—	—	—	—	—	—
Shooting Range, Indoor	—	—	—	—	—	—	Ps	—	Ps	—	—	—	—	—	—	—
Shooting Range, Outdoor	SUPs	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Theater, Indoor Movie or Live Performance	—	—	—	—	—	P	P	P	—	—	—	—	P	P	P	P
Theater, Outdoor	—	—	—	—	—	—	P	P	—	—	—	—	Ps	Ps	Ps	Ps

E. CIVIC	OS	RD	GR3	GR5	GR10	NB	HB	ICD	LI	HI	UR	RMX	RA-HC	NMX	UMX	PUD
Cemetery	Ps	Ps	Ps	Ps	Ps	Ps	Ps	Ps	—	—	Ps	Ps	Ps	Ps	Ps	—
Civic Meeting Facility	—	P	—	—	—	P	P	P	—	—	P	P	P	P	P	P
Community or Cultural Facility	P	P	P	P	P	P	P	P	—	—	P	P	P	P	P	P
Conference/Convention Center	—	P	—	—	—	—	P	P	—	—	—	—	—	—	P	P
Public Safety Station	—	SUP	SUP	SUP	SUP	P	P	P	P	P	P	P	P	P	P	P
Recreation Facility, Indoor	P	P	P	P	P	P	P	P	P	—	P	P	P	P	P	P
Recreation Facility, Outdoor	P	P	P	P	P	P	P	P	—	—	P	P	P	P	P	P
Religious Institution	—	Ps	Ps	Ps	Ps	Ps	Ps	Ps	—	—	Ps	Ps	—	Ps	Ps	—
Sports Arena/Stadium	—	—	—	—	—	—	SUP	SUP	P	—	—	—	—	—	SUP	SUP

F. EDUCATIONAL/INSTITUTIONAL	OS	RD	GR3	GR5	GR10	NB	HB	ICD	LI	HI	UR	RMX	RA-HC	NMX	UMX	PUD
Child/Adult Day Care Home (8 or fewer persons)	—	As	As	As	As	—	—	—	—	—	As	As	—	As	As	As
Child/Adult Day Care Center (More than 8 persons)	—	Ps	—	—	—	Ps	Ps	Ps	—	—	—	Ps	Ps	Ps	Ps	Ps
College/University	—	—	—	—	—	—	—	P	—	—	—	—	—	—	—	SUP
Community Support Facility	—	Ps	—	—	—	Ps	P	P	—	—	Ps	Ps	Ps	Ps	SUPs	SUPs
Correctional Institution	—	—	—	—	—	—	—	—	SUPs	SUPs	—	—	—	—	—	—
Halfway Home	—	—	—	—	—	SUPs	—	—	—	—	—	SUPs	—	SUPs	—	—
Hospital	—	—	—	—	—	—	P	P	P	—	—	—	—	—	—	P
School – Elementary & Secondary	—	—	—	—	—	—	Ps	—	—	—	—	—	—	—	—	—
School – Vocational/Technical	—	—	—	—	—	—	—	P	—	—	—	P	P	P	P	P
Studio – Art, dance, martial arts, music	—	—	—	—	—	P	P	P	P	—	—	P	P	P	P	P

G. AUTOMOTIVE	OS	RD	GR3	GR5	GR10	NB	HB	ICD	LI	HI	UR	RMX	RA-HC	NMX	UMX	PUD
Drive-Thru/Drive-In Facility	—	—	—	—	—	Ps	Ps	—	—	—	—	—	SUPs	SUPs	SUPs	—
Gas/Fueling Station	—	—	—	—	—	Ps	Ps	—	—	—	—	—	—	SUPs	SUPs	—
Heavy Equipment/Manufactured Home Rental/Sales	—	—	—	—	—	P	P	—	P	—	—	—	—	—	—	—
Parking Lot/Structure – Principal Use	—	—	—	—	—	SUPs	SUPs	P	P	P	—	CZ	CZ	SUPs	SUPs	SUPs

	RURAL		SUBURBAN								URBAN					
USE TYPES	OS	RD	GR3	GR5	GR10	NB	HB	ICD	LI	HI	UR	RMX	RA-HC	NMX	UMX	PUD
Theater, Drive-In	—	—	—	—	—	—	P	—	P	—	—	—	—	—	—	—
Vehicle Rental/Leasing/Sales	—	—	—	—	—	—	P	—	P	—	—	—	—	—	—	—
Vehicle Rental – Moving Trucks	—	—	—	—	—	—	P	—	P	—	—	—	—	—	—	—
Vehicle Services – Minor Maintenance/Repair	—	—	—	—	—	Ps	P	—	P	P	—	—	—	Ps	Ps	
Vehicle Services – Major Repair/Body Work	—	—	—	—	—	—	P	—	P	P	—	—	—	—	—	—

H. INDUSTRY/WHOLESALE/STORAGE	OS	RD	GR3	GR5	GR10	NB	HB	ICD	LI	HI	UR	RMX	RA-HC	NMX	UMX	PUD
Industry, Light	—	—	—	—	—	—	Ps	—	Ps	Ps	—	—	—	—	—	—
Industry, Heavy	—	—	—	—	—	—	—	—	—	Ps	—	—	—	—	—	—
Landfill	—	—	—	—	—	—	—	—	—	SUP	—	—	—	—	—	—
Light Manufacturing Workshop	—	—	—	—	—	P	P	—	P	P	—	P	P	P	P	P
Materials Recovery & Waste Transfer Facility	—	—	—	—	—	—	—	—	SUPs	SUPs	—	—	—	—	—	—
Recycling Collection Station	—	—	—	—	—	Ps	Ps	Ps	Ps	Ps	—	—	—	—	—	—
Storage - Outdoor Storage Yard	—	—	—	—	—	—	—	—	P	P	—	—	—	—	—	—
Storage – Self-Service	—	—	—	—	—	CZ	Ps	—	P	P	—	—	—	—	—	—
Storage – Warehouse, Indoor Storage	—	—	—	—	—	—	—	—	P	P	—	—	—	—	—	P
Wholesaling and Distribution	—	—	—	—	—	—	—	—	P	P	—	—	—	—	—	P

I. AGRICULTURE	OS	RD	GR3	GR5	GR10	NB	HB	ICD	LI	HI	UR	RMX	RA-HC	NMX	UMX	PUD
Animal Production	—	SUPs	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Backyard Pen/Coop	—	As	As	As	As	As	As	As	—	—	As	As	As	As	As	As
Nursery & Garden Center	P	P	P	P	—	—	—	P	—	—	—	—	—	—	—	—
Garden (Community and Private)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Kennel	—	SUPs	—	—	—	—	Ps	—	P	P	—	—	—	—	—	—
Produce Stand	—	Ps	Ps	Ps	Ps	Ps	Ps	Ps	—	—	Ps	Ps	Ps	Ps	Ps	Ps

J. INFRASTRUCTURE	OS	RD	GR3	GR5	GR10	NB	HB	ICD	LI	HI	UR	RMX	RA-HC	NMX	UMX	PUD
Airstrip	—	SUPs	SUPs	—	—	—	—	—	SUPs	SUPs	—	—	—	—	—	—
Wireless Telecommunications Facility (Non-Tower)	—	Ps	Ps	Ps	Ps	Ps	Ps	Ps	Ps	Ps	Ps	Ps	Ps	Ps	Ps	Ps
Wireless Telecommunications Facility (Tower)	—	SUPs	SUPs	SUPs	SUPs	SUPs	SUPs	SUPs	SUPs	SUPs	SUPs	SUPs	SUPs	SUPs	SUPs	SUPs
Utilities – Class 1	—	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Utilities – Class 2	—	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Utilities – Class 3	—	—	—	—	—	—	—	—	SUP	P	—	—	—	—	—	—

K. OTHER	OS	RD	GR3	GR5	GR10	NB	HB	ICD	LI	HI	UR	RMX	RA-HC	NMX	UMX	PUD
Temporary Uses	See Section 4.7 for Specific Provisions															

2. District Provisions

2.1. Official Zoning Map

2.1.1. Zoning Map

A. Zoning Districts

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.

B. Overlay Districts

Certain overlay districts such as the Special Highway Overlay District, the Watershed Protection Districts, etc., are hereby established and incorporated by reference. The spatial data for such overlay(s) shall be presented with the Official Zoning Map as appropriate.

C. Administration and Maintenance of Zoning Map

The Official Zoning Map shall be maintained in the Wake Forest Planning Department and a copy shall be kept on file with the Town Clerk. The Administrator shall separately maintain the digital files that comprise the map and record all map amendments in a separate metadata file.

2.1.2. Interpretation of Boundaries

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

- A. 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. In the absence of specified distances on the map, dimensions or distances shall be determined by the scale of the Official Zoning Map.
- C. Where the Zoning Map shows a district boundary dividing a lot, each part of the lot shall conform to the standards established by this ordinance for the land development or overlay district in which that part is located.
- D. When the street or property layout existing on the ground is at variance with that shown on the Official Zoning Map, the Planning Board shall interpret the district boundaries of this ordinance in accordance with Section 14.4

2.2. District Provisions

2.2.1. Urban (Form-Based) Districts General Overview

A number of the key districts for the Town of Wake Forest are ordered and classified according to the Rural-Urban Transect. The Transect is a method of classifying the natural and built environments as a continuum of six conditions, ranging from rural to urban. The value of the Transect is that it classifies development form with the appropriate land use and development context. For example, a rural street typically has no curbs or sidewalks, and its buildings are often irregularly spaced. An urban street, depending on the intensity of urbanism, may have curbs and gutters, regularly placed street trees, sidewalks, and building forms that are more regular in form and spacing. Each urban zoning category has detailed provisions for the mix of uses, building type,

density, height, street design, the design of parks and open space, the mix of uses, building design, parking, streetscape, and other aspects of the human environment.

In order to implement the intent of this ordinance, there are hereby created several base districts with the designations and general purposes listed under each and the specifically permitted uses, special uses, dimensional standards and permitted building types included. Each base district has a corresponding Conditional District designation which shall be administered in accordance with Section 2.6.

DRAWING BY JAMES WASSELL



A. Natural & Rural Areas

The Transect begins with two areas that are rural in character: the Natural Area, which is made up of lands protected in perpetuity as natural, recreational, or agricultural areas; and the Rural Area, which includes areas of high agricultural, scenic, or environmental value that should be protected.

B. Suburban Area

The transition area between countryside and town is called the Suburban Area. This area consists primarily of single family homes. Although this area is primarily a residential area, it may have other development types, such as schools and other civic uses.

C. General Urban Area

General Urban development is primarily residential, but more urban in character, having a higher density with a mix of housing types and a greater mix of uses, including neighborhood-serving commercial uses.

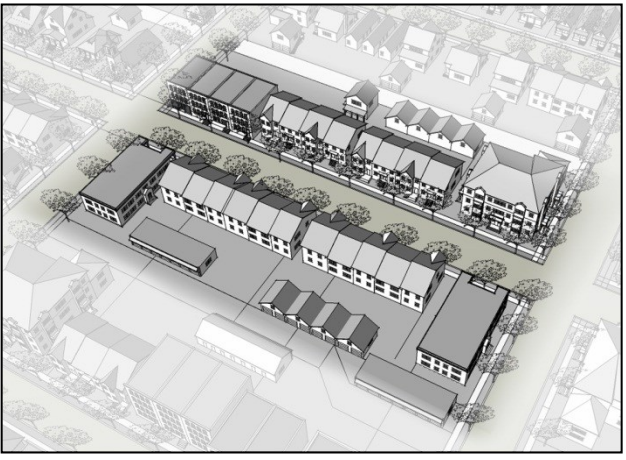
D. Urban Center Area

At the more urban end of the spectrum is the Urban Center Area. This can be a small neighborhood center or a larger Village/Town center, the latter serving more than one neighborhood.

E. Urban Core Area

The Urban Core or Downtown serves not only adjacent neighborhoods, but the entire town and the region. While it is typically the central business district where the greatest mix of uses occurs, the historic character and location of Wake Forest's downtown is too small in size and scale to serve as a primary urban core area.

2.2.2. Urban District Descriptions

BASE DISTRICT DESCRIPTION	
A. Urban Residential (UR) <i>Previous District(s): R10 & R8 in urban contexts</i> The Urban Residential District is established as a predominately residential district in which a variety of types of housing is permitted, including single-family and duplex residences, small apartment buildings and townhouses.	
B. Residential Mixed-Use (RMX) <i>Previous District(s): R5 & O-I in urban contexts, MF, RA-C</i> The Residential Mixed-Use District is established to accommodate a variety of housing types in a neighborhood setting. The regulations of this district are intended to provide areas of the community for those persons desiring small residences and multifamily structures in relatively high density neighborhoods within walking or biking distance from mixed-use centers as well as some limited commercial uses in pedestrian-scaled, residential-style structures.	
C. Neighborhood Mixed-Use (NMX) <i>Previous District(s): O-I & NB in urban contexts, RA-C</i> The Neighborhood Mixed-Use District is established as a pedestrian-scaled, mixed-use district which caters to the everyday needs of nearby neighborhoods, stressing accessibility by automobiles, bicycles, and pedestrians.	

BASE DISTRICT DESCRIPTION	
D. Renaissance Area 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.	
E. Urban Mixed-Use (UMX) <i>Previous District(s): RA-UC</i> The Urban Mixed-Use District accommodates an active, pedestrian-friendly area of community-scale 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.	
F. Planned Unit Development (PUD) The Planned Unit Development (PUD) district is designed to promote a compatible mix of uses to instigate an integrated and sustainable development consistent with the Town's unique character. This district shall also encourage design flexibility; multi-modal connectivity between uses; sensitivity to natural resources and environmental features; and facilitate the efficient provisions of infrastructure, utilities, and adequate public facilities.	

2.2.3. Table of Urban District Development Standard

Base Districts	UR	RMX	NMX RA-HC	UMX	PUD
A. BUILDING TYPE (Section 5.4 – 5.8)	Civic / Institutional Detached House Townhouse	Civic / Institutional Detached House Townhouse Apartment Commercial	Civic / Institutional Townhouse Apartment Commercial	Civic / Institutional Townhouse Apartment Commercial	Civic / Institutional Detached House Townhouse Apartment Commercial
B. PRIVATE FRONTAGE (Section 5.3)					Refer to Section 2.7
1. Common Lawn	Permitted	Permitted	Prohibited	Prohibited	--
2. Porch & Fence	Permitted	Permitted	Prohibited	Prohibited	--
3. Terrace or Light Court	Permitted	Permitted	Permitted	Permitted	--
4. Forecourt	Permitted	Permitted	Permitted	Permitted	--
5. Stoop	Permitted	Permitted	Permitted	Permitted	--
6. Shopfront/Awning	Prohibited	Permitted	Permitted	Permitted	--
7. Gallery	Prohibited	Prohibited	Permitted	Permitted	--
8. Arcade	Prohibited	Prohibited	Permitted	Permitted	--
C. DEVELOPMENT STANDARDS					
1. Max. Density (Units/Acre)	10 du/ac	24 du/ac	n/a	n/a	n/a
2. Open Space (min) per CH 7	5%	5%	2% for projects 5 acres or greater	2% for projects 5 acres or greater	15%
3. Park Space (min) per CH 7	2%	2%	2% for projects 5 acres or greater	2% for projects 5 acres or greater	2%
4. Minimum and Maximum Development Size if not in TND	80 acres maximum	40 acres maximum	n/a	n/a	10 acres minimum
D. PRINCIPAL BUILDING					
1. Principal Front Setback	20 ft max.	18 ft max.	12 ft max (NMX) 5 ft max. (RA-HC)	6 ft max.	Per UDO Section 2.7
2. Street Side/Secondary Front Setback	5 ft min.	5 ft min.	12 ft max.	6 ft max.	Per UDO Section 2.7
3. Side (from adjacent lot) Setback ^{1,2}	5 ft min.	0 ft min.	0 ft min.	0 ft min.	Per UDO Section 2.7
4. Rear Setback	20 ft min. OR 5ft min. w/ rear alley access	5 ft min.	0 ft min.	0 ft min.	Per UDO Section 2.7
5. Frontage Buildout ³	n/a	n/a	60% min.	70% min.	Per UDO Section 2.7

Base Districts	UR	RMX	NMX RA-HC	UMX	PUD
E. ACCESSORY STRUCTURE					
1. Side Setback ¹	5 ft min.	5 ft min. OR 0 ft min. for attached structures	5 ft min. OR 0 ft min. for attached structures	0 ft min.	Per UDO Section 2.7
2. Rear Setback ¹	5 ft min.	5 ft min.	5 ft min.	0 ft min.	Per UDO Section 2.7
3. Garage Setback from Alley	15 ft from face of garage to centerline of alley				
4. Other Standards	20 ft min. behind building frontage line		Rear Yard Only		
F. PARKING CONFIGURATION					
1. Parking Requirements	By Use - See Section 9.4				
2. Parking Location	By Building Type - See Section 9.3				
G. HEIGHT					
1. Min. Height	None	None	16 ft	2 stories	Per UDO Section 2.7
2. Max. Height ⁴	3 stories	6 Stories (May Exceed with an SUP)	6 Stories (May Exceed with an SUP) (3 Stories along White Street from Elm to Roosevelt)	6 Stories (May Exceed with an SUP)	6 Stories or 60 feet, whichever is less (may exceed with an SUP)

¹ May be increased subject to building code standards

² Side setback does not apply to interior units of townhome buildings

³ For principal street frontage only; see Section 4.3.3.C for calculations

⁴ When maximum height is express in stories, the allowable height shall be calculated by multiplying the maximum number of stories permitted by the maximum story height outlined in Section 4.5.

2.2.4. Rural and Suburban Districts

In order to maintain existing auto-oriented commercial and industrial areas, and conventionally developed residential subdivisions, there are hereby continued several base districts with the designations and general purposes listed under each and the specifically permitted uses, special uses, and dimensional standards included. It is expected that the expansion or enlargement of these districts will be minimal as more than sufficient area currently exists in accordance with the adopted Community Plan for such single-use categories. Each base district has a corresponding Conditional District designation which shall be administered in accordance with Section 2.4.

BASE DISTRICT	DESCRIPTION
A. Open Space District (OS)	The Open Space District is established to preserve and protect environmentally sensitive lands (e.g. floodways, wetlands) and properties that are already under public ownership and/or otherwise restricted for use for passive or active recreational use.
B. Rural Holding District (RD) <i>Previous District(s): RD</i>	The Rural Holding District is established as a district in which the principal uses of the land are restricted due to lack of available utilities, unsuitable soil types or steep slopes.
C. General Residential (GR3, GR5, GR10) <i>Previous District(s): R20, R15, R10, R5, MF, O-I</i> <i>R-20 & R-15 converted to GR3</i> <i>R-10 converted to GR5</i> <i>R-5, MF & O-I converted to GR10 where applicable</i>	The General Residential Districts are established to maintain previously developed suburban residential subdivisions for their existing or approved low-to-medium density single-family dwellings and related recreational, religious, and educational facilities. Intended to act as a transitional zoning district between rural development in the county and the urban development of the town, these regulations are further intended to discourage any use which would be detrimental to the predominately residential nature of the areas included within the district.
D. Neighborhood Business (NB) <i>Previous District(s): NB, O-I</i>	The Neighborhood Business District is established as a district in which the principle use of land is for retail trade and services purposes of a lower intensity than the Highway Business (HB) District. Such districts are generally located near residential areas and cater to the everyday needs of nearby residential neighborhoods, stressing accessibility by automobiles, bicycles, and pedestrians.
E. Highway Business (HB) <i>Previous District(s): HB</i>	The Highway Business District is generally located on the major thoroughfares in town and provides opportunities for the provision of offices, services, and retail goods. The regulations for this district are intended to accommodate the predominately auto-oriented pattern of existing development while encouraging the creation of new pedestrian-friendly, mixed-use areas that avoid strip commercial development and establish more resilient land development patterns.
F. Institutional Campus Development (ICD) <i>Previous District(s): ICD</i>	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 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.
G. Light Industrial (LI) <i>Previous District(s): I</i>	The Light Industrial District is established to accommodate externally benign industrial and office uses that pose little nuisance to adjacent residential or mixed-use areas.
H. Heavy Industrial (HI)	The Heavy Industrial District is established to accommodate those industrial, manufacturing, or large-scale utility operations that are known to pose levels of noise, vibration, odor, or truck traffic that are considered nuisances to surrounding development.

2.2.5. Table of Rural and Suburban District Development Standards

Standard	Open Space (OS)	Rural Holding District (RD)	General Residential (GR3, GR5, GR10)	Neighborhood Business (NB)	Highway Business (HB)	Institutional Campus Development (ICD)	Light Industrial (LI)	Heavy Industrial (HI)
A. DEVELOPMENT STANDARDS								
1. District/Development Area (min)	n/a	n/a	n/a	n/a	n/a	10 acres	10 acres	20 acres
2. Density (max) ¹	n/a	1 unit/acre	GR3: 3 units/acre GR5: 5 units/acre GR10: 10 units/acre	n/a	n/a	determined by adopted master plan	n/a	n/a
3. Open Space (min) per Chapter 7	n/a	10%	10%	n/a	n/a	25%	n/a	n/a
4. Park Space (min) per Chapter 7	n/a	2.5%	2.5%	n/a	n/a	n/a	n/a	n/a
5. Building Floor Area (Max)	n/a	n/a	n/a	50,000 sq ft per building	n/a	n/a	n/a	n/a
6. Development Floor Area (Max)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
B. LOT STANDARDS								
1. Lot Area (min) ²	n/a	40,000 sq ft	GR3: 10,000 sq ft GR5: 7,500 sq ft GR10: 5,000 sq ft	None except max. 15 acres for Shopping Centers	20,000 sf	n/a	40,000 sq ft	5 acres
2. Lot Width at Front Setback (min) ³	n/a	60 ft	50 ft	none	150 ft	n/a	n/a	n/a
C. PRINCIPAL BUILDING								
1. Principal Front Setback (min)	20 ft	20 ft	20 ft	20 ft	30 ft	20 ft	30 ft	50 ft
2. Street Side/Secondary Front Setback (min)	20 ft	20 ft	20 ft	20 ft	30 ft	20 ft	30 ft	50 ft
3. Side (from adjacent lot) Setback (min) ⁴	10 ft	10 ft	8 ft	15 ft	10 ft	10 ft	15 ft	30 ft
4. Rear Setback (min)	25 ft	25 ft	25 ft	20 ft	30 ft	20 ft	20 ft	50 ft
D. ACCESSORY STRUCTURE								
1. Side Setback (min)	10 ft	10 ft	5 ft	10 ft	10 ft	10 ft	10 ft	10 ft
2. Rear Setback (min)	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft
3. Other Standards	n/a	See Section 4.6	See Section 4.6	See Section 4.6	See Section 4.6	See Section 4.6	See Section 4.6	See Section 4.6
E. PARKING CONFIGURATION								
1. Parking Location		By Building Type - See Section 9.3						
2. Specific Restrictions	n/a	n/a	n/a	Parking in Front setback not permitted	Parking in first 10 ft of Front setback not permitted	Parking in Exterior setback not permitted except as part of an approved CD plan	Parking in Front & Exterior setback not permitted	Parking in Exterior setback not permitted

4. General Provisions For All Districts

4.1. Applicability

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

4.2. Interpretation Of Numerical Standards

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

4.3. Basic Lot And Use Standards

4.3.1. All Lots and Buildings Shall Front On A Public Street

A. Lot Requirements

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

B. Building Requirements

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

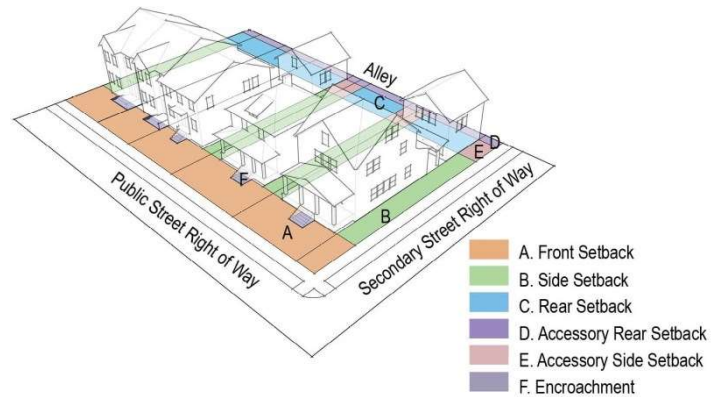
4.3.2. Number of Principal Buildings Per Lot

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

4.3.3. Dimensional Standards

A. General Requirements

A building, structure or lot shall not be developed, used, or occupied unless it meets the minimum setback requirements for the land development or overlay district in which it is located.



B. Infill Lot Standards:

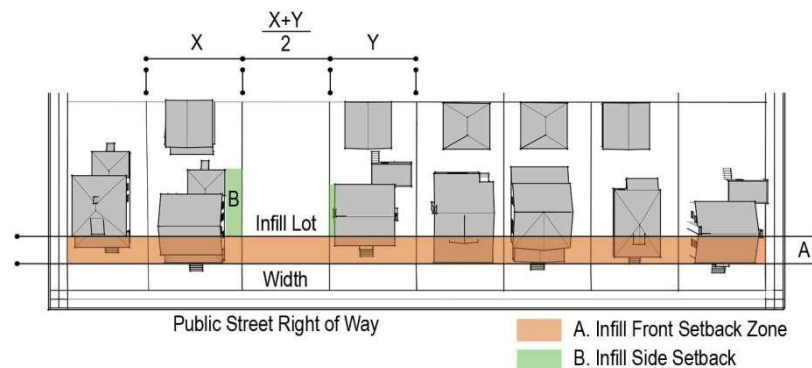
1. **Setbacks:** The minimum front or street setback required may be reduced for any lot where the average established front yard on developed lots located within 300 feet on each side of such lot, and fronting on the same street as such lot, is less than the minimum required setback. In such cases, the minimum front or street setback may be less than that required but not less than the average of the existing front yards on the developed lots within 300 feet of each side.
2. **Lot width:** For new lots created from existing larger lots, the lot width at the frontage line and the side yard setbacks shall be consistent with the immediately adjacent neighboring parcels on the same side of the street.

C. Frontage Buildout Standards

For the purposes of calculating frontage building, the figure representing the linear footage of buildings occupying the lot frontage shall only include those portions of the building(s) that meet the maximum setback requires for the zoning district. The figure representing the linear footage of the lot frontage shall be determined by the width of the property at the primary front. The Administrator may allow linear footage of the following items to be subtracted from the lot frontage:

1. Existing easements that cannot be abandoned and do not allow the construction of structures or buildings;
2. Floodplain as shown on FIRM or preliminary FIRM maps;
3. Wetlands;
4. Streams and riparian buffers; and
5. Portions of property deemed unbuildable due to the shape of the property, where the lot depth is 50 feet or less.

4.3.4. Encroachments



The features listed below may encroach into a required setback.

OFF STREET PARKING REGULATIONS

9. Parking & Driveways

9.1. Purpose And Intent

Parking lots and similar facilities are necessary elements in the urban environment. However, the provision of parking facilities must be regulated in order to avoid negative impacts such as:

- Increased storm water volume and velocity,
- Increased surface pollutants,
- Increased surface level heat and glare,
- Reduction in the efficiency of the connecting street system, and
- Reduction in the operations of the surrounding pedestrian and bicycle network.

The purpose of this chapter is to ensure the adequate provision of parking in Wake Forest without degrading the urban or natural environment.

9.2. Applicability

The provisions of this chapter shall apply to all new and expanded development, as well as any changes in use. The notable exception shall be any Planned Unit Development District, which is intended to create its own parking standards through the PUD Concept Plan.

9.3. Permitted Parking Locations

	Civic/Institutional	Detached House	Townhouse	Apartment	Commercial	Mixed-Use	All Other Bldgs	
OS	n/a	n/a	n/a	n/a	n/a	n/a	n/a	Permitted Parking Configurations* (Also see diagrams below) Location A – Parking permitted in 3 rd Layer only Location B – Parking permitted in 2 nd and 3 rd Layers only Location C – Parking permitted in 2nd and 3rd Layers. Parking in 1st Layer restricted to one drive aisle with 2 bays. Location D – Parking permitted in 2nd and 3rd Layers. Parking in 1st Layer restricted to a driveway or paved surface not to exceed 40% of the lot width. U – Unrestricted
RD	U	U	–	–	–	–	–	
GR3 & GR5	U	U	–	–	–	–	–	
GR10	C	D	B	B	–	–	–	
NB	C	D	–	–	C	C	–	
HB	C	–	–	–	U	C	–	
ICD	B	D	B	B	B	B		
LI	–	–	–	–	U	U	U	
HI	–	–	–	–	U	U	U	
UR	B	D	B	B	–	–	–	
RMX	B	D	B	B	B	B	–	
NMX & RA-HC	B	D	B	B	B	B	–	
UMX	B	–	A	A	A	A	–	
* These requirements are intended to be applied from the principal frontage of the lot as determined by the Administrator. Parking configurations may have additional restrictions specified in the tables of district standards in Sections 2.2.3 and 2.2.5, and in Chapter 5 – Building Design Standards, and, if located in the Special Highway Overlay (SH1-O and SH2-O) District, in Section 2.4.3 or in the Glen Royall Mill Village Character Preservation Overlay District in Section 2.4.6. The Administrator may waive or alter parking configuration requirements to accommodate unique constraints, such as severe topography, on a site-by-site basis.								

PERMITTED PARKING CONFIGURATION DIAGRAMS	
	Location A <i>Parking permitted in 3rd Layer only</i> 1st Layer – distance from right-of-way to front of building 2nd Layer – 20 feet 3rd Layer – remainder of lot
	Location B <i>Parking permitted in 2nd and 3rd Layers only</i> 1st Layer – distance from right-of-way to front of building 2nd Layer – 20 feet 3rd Layer – remainder of lot
	Location C <i>Parking permitted in 2nd and 3rd Layers. Parking in 1st Layer restricted to one drive aisle with 2 bays.</i> 1st Layer – distance from right-of-way to front of building 2nd Layer – 20 feet 3rd Layer – remainder of lot
	Location D <i>Parking permitted in 2nd and 3rd Layers. Parking in 1st Layer restricted to a driveway or paved surface not to exceed 40% of the lot width.</i> 1st Layer – distance from right-of-way to front of building 2nd Layer – 20 feet 3rd Layer – remainder of lot
	U – Unrestricted 1st Layer – distance from right-of-way to front of building 2nd Layer – 20 feet 3rd Layer – remainder of lot

9.4. Parking Requirements

Permanent off-street parking (including on-street parking in accordance with the requirements below) is required subject to the table below. If required, parking shall be provided at the time of erection, alteration, enlargement, establishment or change of use of any building or open use of land which require additional off-street parking. Mixed use developments or lots containing more than one use shall determine the total number of required parking spaces by adding together the required number of spaces for each of the proposed uses as if they were separate.

A. OFF-STREET PARKING SCHEDULE "A"

Use Category	Minimum Required Auto Spaces	Minimum Required Bicycle Parking Spaces ¹
Residential		
Dwelling-Single Family & Two Family	1 per unit, or 2 per unit if parking is provided in an enclosed garage	No requirement
Dwelling-Townhome & Multifamily	1.8 per unit	2 per 40 auto spaces
Dwelling-Accessory	1 per unit	No requirement
Live-Work Units	1 per 600 sf	2 per 40 auto spaces
Residential Care Facilities	1 per 2 resident rooms	2 per 40 auto spaces
All Other Residential Uses	No requirement	No requirement
Cluster Mailbox Unit	2 spaces per location, one space must meet ADA accessibility requirements	No requirement
Recreation facility, private (single-family dwellings or townhomes)	Subdivisions with 100 or more dwelling units shall provide: • 1 per 300 sf of clubhouse with interior gathering space • 1 per 100 sf of surface area of the pool (water area) • 2 per sports amenity (e.g., court, field, playground, park, etc.) Subdivisions with less than 100 dwelling units shall provide: • 1 per 300 sf of clubhouse with interior gathering space • 1 per 200 sf of surface area of the pool (water area) • 2 per sports amenity (e.g., court, field, playground, park, etc.)	4 spaces or 1 space per 30 dwelling units, whichever is greater
Recreation facility, private (multi-family)	No requirement	4 spaces or 1 space per 30 dwelling units, whichever is greater
Lodging – All Lodging Uses	1 per room	2 per 50 auto spaces
Office/Service		
Child/Adult Day Care Centers (More than 8 persons)	1 per 6-person capacity	2 per 50 auto spaces
Funeral Home	1 per 5 seats in chapel	2 per 50 auto spaces
Medical Clinic	1 per 250 sf	2 per 50 auto spaces
Office	1 per 300 sf	2 per 50 auto spaces
Veterinary Services	Schedule B	2 per 50 auto spaces

Use Category	Minimum Required Auto Spaces	Minimum Required Bicycle Parking Spaces ¹
All Other Office/Service Uses	1 per 500 sf	2 per 50 auto spaces
Commercial		
Restaurant Bar/Tavern Nightclub	1 per 200 sf (minimum of 8)	2 per 50 auto spaces
General Commercial	1 per 350 sf	2 per 40 auto spaces
General Commercial – Greater than 100,000 sf	1 per 300 sf	2 per 40 auto spaces
Shooting range, outdoor	1 space per target and 1 space for every 300 sf of office area	2 per 50 auto spaces
All Other Commercial Uses	1 per 400 sf	2 per 40 auto spaces
Automotive	Schedule B	2 per 50 auto spaces
Entertainment/Recreation		
Amusements (Indoor)	1 per 4 persons permitted	2 per 40 auto spaces
Amusements (Outdoor)	1 per 4 persons permitted	2 per 40 auto spaces
Recreational Facility (Indoor)	1 per 4 persons permitted	2 per 40 auto spaces (minimum of 4 racks)
Recreational Facility (Outdoor)	Schedule C	4 spaces or a minimum of 2 per 40 auto spaces (minimum of 4 racks)
Sports Arena/ Stadium	Schedule C	2 per 40 auto spaces
Theater (Indoor & Outdoor)	1 per 5 seats	2 per 40 auto spaces
All Other Entertainment/Recreation Uses	Schedule C	2 per 40 auto spaces
Civic/Educational/Institutional		
Civic Meeting Facilities	1 per 100 sf	2 per 50 auto spaces
Community or Cultural Facility	1 per 300 sf	
Hospital	1 per 2 beds plus 1 per employee	2 per 50 auto spaces
Religious Institution (RA-HC, NM, UMX)	No requirement	2 per 50 seats
Religious Institution (All Other Districts)	1 per 4 seats in the main assembly hall	2 per 50 seats
Schools – Elementary & Secondary	1 per 4 seats in the main assembly hall or gymnasium*	2 per 50 students
Studio – Art, dance, martial arts, music	1 per 400 sf	2 per 20 auto spaces
Vocational School/Technical	Schedule C	2 per 50 auto spaces
All Other Civic/Educational/Institutional Uses	Schedule C	2 per 40 auto spaces
Industry/Wholesale/Storage		
All Industry/Wholesale/Storage Uses	Schedule B	2 per 50 auto spaces
Agricultural		
Garden or Nursery	1 per 1,000 sf of open-air sales plus space for retail sales per Schedule B	2 per 50 auto spaces
Kennel, Outdoor	Schedule B	2 per 50 auto spaces
All Other Agricultural Uses	Schedule C	No requirement
Infrastructure – All Infrastructure Uses	Schedule C	No requirement
¹ Bicycle parking minimums are based on the number of automobile parking spaces provided on site, not the minimum number of automobile parking spaces required.		

B. OFF-STREET PARKING SCHEDULE “B”

Activity	Minimum Required Auto Spaces
Office or administrative area	1 per 300 sf
Indoor Sales Area	1 per 200 sf
Outdoor sales or display area (3,000 sf or less)	1 per 750 sf
Outdoor sales or display area (Over 3,000 sf)	
Motor vehicles/equipment sales	1 per 2,000 sf
Other sales/display	1 per 1,000 sf
Indoor Storage/warehousing	
1-50,000 sf	1 per 1,500 sf
50,001 and greater sf	1 per 2,000 sf
Vehicle Service/manufacturing area	
1-3,000 sf	1 per 250 sf
3,001-5,000 sf	1 per 500 sf
5,001-10,000 sf	1 per 750 sf
10,001-50,000 sf	1 per 1,250 sf
50,001 and greater sf	1 per 2,000 sf

C. OFF-STREET PARKING SCHEDULE “C”

Uses that are not listed in Schedule A or that reference Schedule C have widely varying parking and loading demand characteristics, making it impossible to specify a single off-street parking or loading standard. Upon receiving a development application for a use subject to Schedule C standards, the Administrator shall apply the off-street parking and loading standard specified for the listed use that is deemed most similar to the proposed use, or shall establish minimum off-street parking requirements based on a parking and loading study prepared by the applicant. Such a study must include estimates of parking demand based on recommendations of the Institute of Traffic Engineers (ITE), or other acceptable estimates as approved by the Administrator, and should include other reliable data collected from uses or combinations of uses that are the same as, or comparable with, the proposed use. Comparability will be determined by density, scale, bulk, area, type of activity, and location. The study must document the source of data used to develop the recommendations.

9.4.1. Maximum Parking

The minimum parking requirements above have intentionally been set below general market expectations as a means to mitigate against the negative aspects of paved surfaces on the environment such as excessive water runoff, water pollution, and urban heat island effect. To this end, there shall also be a maximum parking standard for large parking facilities as follows:

A. Pervious Pavement Required

1. If a parking lot exceeds 150 spaces and includes more than twice the minimum number of spaces established for a use, as outlined in Section 9.4.1 above, any parking spaces over twice the minimum required must be installed using pervious pavement systems only.
2. If there are no minimum parking requirements for the use given in Section 9.4.1 above, the maximum parking standard shall be 35% of the site area.

- B. **Exception:** Where poorly draining soil types prevent the use of this technique, the Administrator may grant an exception to the maximum parking standard above upon sufficient justification from the applicant of the need for such extra parking facilities.

9.4.2. Exemptions, Exceptions and Adjustments

- A. **Exemptions:** All uses in the RA-HC District are exempt from providing the minimum, off-street, automobile parking, required by the section. Bicycle parking is required as outlined in Section 9.4.A, based on the minimum of automobile spaces that would otherwise be provided.
- B. **Exceptions for Non-Residential Uses in the Renaissance Area:** Nonresidential uses, located outside of the RA-HC district, in the Renaissance Area of downtown (as defined by the Renaissance Plan for Downtown Wake Forest, NC, dated September 2017, and as amended), may reduce the required off-street, automobile parking spaces, required in this Chapter, by up to 50% with Administrator approved provided the following are met:
 - 1. The remaining number of required off-street parking spaces must be provided on-site, within a shared parking area (Section 9.4.3), a satellite parking area (Section 9.4.4), or by adjacent on-street parking (Section 9.4.2.D);
 - 2. If a mixed-use development is proposed, the total number of required residential spaces must be provided; and
 - 3. Additional bicycle parking, over and above what is required by Section 9.4.A, is required. A minimum increase of 50%, long-term bicycle spaces shall be provided.
- C. **Exceptions for Residential Uses in the Renaissance Area:** Residential uses, located outside of the RA-HC district, in the Renaissance Area (as defined in the Renaissance Plan for Downtown Wake Forest, NC, dated September 2017 and as amended), may utilize the following methods to either reduce the amount of space required for parking or to reduce the number of off-street parking spaces required in this Chapter by no more than 10%. Administrator approval is required.
 - 1. **Tandem Parking:** Tandem parking is permitted for single-unit, two-unit, and multi-unit residential dwellings. Each tandem space must measure at least 9 feet in width by 36 feet in length. Both parking spaces in tandem must be assigned to the same dwelling unit. Guest parking, if provided, may not utilize tandem parking.
 - 2. **Private Car Sharing Program:** The parking requirements for all dwelling units may be reduced by three (3) parking spaces for each car-share vehicle provided as part of an active on-site car-sharing program made available for the exclusive use of residents of multi-family dwelling developments. The total number of required spaces may not be reduced by more than 10% utilizing this method.
- D. **Adjacent On-Street Parking:** In the Renaissance Area (as defined in the Renaissance Plan for Downtown Wake Forest, NC, dated September 2017 and as amended), public, off-site, on-street parking spaces, located immediately adjacent to the property line of any give site, may be counted as a parking space to meet the minimum parking requirements of this Chapter. These on-street parking spaces shall not be reserved or signed as parking for a particular use or site. Further, a note shall be added to the plans indicating these spaces are only to be counted for meeting the parking requirements on that particular development and in no way shall be counted toward any other development's off-street parking requirements.
- E. **Adjustments for Tree Preservation:** The minimum number of parking spaces required may be adjusted by the Administrator when it has been determined that the reductions are necessary to preserve a healthy tree or trees (with a 12 inch or greater

diameter at breast height) from being damaged or removed, and where the site plan provides for the retention of said tree or trees.

9.4.3. Shared Automobile Parking

- A. One parking lot may contain required parking spaces for several different uses; however, the required parking spaces assigned to one use may not be counted or assigned to another uses, unless otherwise provided in this section.
- B. To the extent that developments that wish to make joint use of the same parking spaces operate at different, off-peak times, the same spaces may be credited to both uses.
- C. In the joint use of the same parking spaces by two or more principal uses involves satellite parking spaces, then the provisions of Section 9.4.4 are also applicable.
- D. Where vehicle access is provided between adjoining nonresidential developments and the operating hours of adjoining uses do not significantly overlap, the uses may share up to 50% of the required parking spaces.
- E. An applicant proposed the use of the shared parking must:
 - 1. Demonstrate that the applicant has the express legal right to use the parking spaces in question;
 - 2. Provided the shared use parking agreement detailing how the parking spaces will be shared among the uses; and
 - 3. Sign an acknowledgement that the continuing validity of the applicant's development permit depends upon the continuing ability to provide the requisite number of parking spaces. If the shared parking is no longer available or the property owner fails to comply with the requirements of this section, the parking requirement reverts to those requirements found in the table in Section 9.4.A and the property owner or applicant must demonstrate compliance with said requirements or the development permit shall be revoked.
- F. Should there be a change in owner, change in use, expansion or reduction in building or parking area, a new shared use agreement and agreement in outlined in subsection E above shall be submitted to the Town and additional parking may have to be provided as required by this Ordinance or the permit shall be revoked.

9.4.4. Satellite Automobile Parking

- A. If the off-street parking spaces required by this section cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within 660 feet. Such measurement shall be taken from the edge of the satellite parking area to the entryway of the principal use for which the parking is provided. A safe, direct, paved, and lit pedestrian route shall be provided between the lot and the entrance of the principal use.
- B. Satellite parking may not be used for residential visitor/guest parking or for the provisions of the ADA required spaces unless located within 200 feet of the entryway of the principal use for which the parking is provided.
- C. If satellite parking is utilized to fulfill parking requirements, the owner or authorized agent for the land upon which such satellite parking is located shall restrict the use of such parking area for parking only in connection with the use(s) or structure(s) for which such satellite parking is provided. Such restriction shall be recorded through an easements plat properly filed with the Register of Deeds of Wake County, which may be released only by written consent of the town.
- D. Satellite parking for a particular use shall not be established in any district that does not allow that use.

- E. The applicant wishing to utilize the provisions of this section must present satisfactory written evidence that the applicant has the legal right to use the satellite parking spaces, and that such right is exclusive during the operation hours of the use in question. The applicant must also sign an acknowledgement that the continuing validity of the applicant's permit depends upon the continuing ability to provide exclusive use during operation hours of the requisite number of parking spaces. If the parking spaces are required for residential uses, "operating hours" shall be considered 24 hours a day for the purposes of this section.
- F. The applicant using satellite parking to comply with the requirements of this section must sign an acknowledgement that the continuing validity of the applicant's permit depends on the continuing ability to provide the requisite number of parking spaces. If the applicant or property owner fails to comply with the requirement so this section, the parking requirements reverts to those requirements in this Chapter and the property owner and applicant must demonstrate compliance with said requirements or the development permit may be revoked.
- G. Should there be a change in owner, change in use, expansion or reduction in building or parking area, the applicant will have to demonstrate continued compliance through the satellite parking and/or provide additional parking as required by this Ordinance or the permit shall be revoked.

9.4.5. Off-Street Loading Requirements

- A. **Off-Street Loading Schedule:** Off-street loading spaces shall be required for industrial, major institutional, and business uses that can be expected to regularly receive or deliver goods, pursuant to the following Off-Street Loading Schedule (RA-HC is exempt from this requirement)

Gross Floor Area (Square Feet)	Required Number of Spaces
0-20,000	0
20,001 - 40,000	1
40,001 - 100,000	2
100,001 - 160,000	3
160,001 - 240,000	4
240,001 - 320,000	5
320,001 – 400,000	6
Each 90,000 over 400,000	1

- B. **Dimensions:** Required loading spaces shall have the following minimum dimensions: 12-foot minimum width, 25-foot minimum length, and 14-foot minimum vertical clearance.
- C. **Locations:**
 - 1. Required off-street loading spaces shall not be located within a building but shall be on the site of the use served or on an adjoining site.
 - 2. Required off-street loading spaces shall be located to the sides and/or rear of the lot to maximize the street exposure of the primary structure.
 - 3. A loading area shall not be located in a required setback. In addition, street-side loading docks shall be set back at least 70 feet from the street property line or 110 feet from the street center line, whichever is greater.
 - 4. No loading bay may intrude into any portion of a required parking aisle or access dimension.
 - 5. Loading areas visible from a street shall be screened on three sides by a solid, decorative fence, wall, or hedge at least six feet in height.

D. Access:

1. A required loading stall shall be accessible without parking a truck across a street property line unless the Administrator determines that provision of turn-around space is infeasible and approves alternate access.
2. An occupied loading space shall not prevent access to a required off-street parking space.

9.5. Vehicle Parking Design Standards**9.5.1. Parking Area General Design Standards**

- A. 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 or streets except where allowed for residences.
- B. Parking design and location shall be in accordance with the Wake Forest Manual of Specifications, Standards and Design (MSSD).
- C. 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.
- D. Parking shall not be located in landscaped, open space or tree save areas.
- E. 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.
- F. 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.
- G. 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.
- H. 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.
- I. Compact car spaces in accordance with the MSSD may be used for any parking provided above the minimum required parking which has been met with standard car spaces.

9.5.2. Off-Street Parking Area Design Standards

- A. Pavement directional arrows shall be provided on one-way driveways, one-way drive aisles, drive aisles with angled parking, and locations warranted by the Administrator for safety and traffic operations.
- B. Loading areas and off-street parking spaces shall be marked with pavement surface markings so that they are easily identified.
- C. Stop bars, directional arrows, crosswalks, and any regulatory pavement markings required by MUTCD standards shall be marked with white thermoplastic.

NONCONFORMING REGULATIONS

13. Nonconformities

13.1. Purpose and Applicability

The purpose of this section is to regulate and limit the continued existence of uses and structures established prior to the effective date of this ordinance (or any subsequent amendment) that do not conform to this ordinance. Any nonconformity created by a change in the classification of property or the text of these regulations shall also be regulated by the provisions of this section. The provisions of this chapter are intended to limit substantial investment in nonconformities and to bring about their eventual elimination and/or lessen their impact upon surrounding conforming uses in order to preserve the integrity of the area in which a nonconformity is located.

13.1.1. Applicability Matrix

The following table summarizes the primary requirements that shall be met when there are changes to existing development and/or to nonconforming structures or uses. A ✓ indicates that compliance with all applicable standards is required.

	2.2	Ch. 5	6.11	Ch. 8	8.4	8.5	8.6 - 8.8	Ch. 10	Ch. 11
	Dimensional Standards	Building Design Standards	Sidewalks	Tree Protection & Landscaping	Buffers & Screening	Street Tree Planting	Parking Lot Landscaping	Outdoor Lighting	Signs
Existing Development									
Change of Use (From One Use Type to Another Use Type)		✓ (a)	✓	✓	✓	✓	✓	✓	✓
Parking Area Expansion									
Less than 12 spaces or <40% of Paved Area							✓ (a)	✓ (a)	
Expansion of ≥ 40% of Paved Area or 12 spaces or more			✓	✓	✓	✓	✓	✓	✓
Building Expansion/Reconstruction									
< 50% of Existing Floor Area	✓ (a,b)	✓ (a)						✓ (a)	✓
≥ 50% of Existing Floor Area	✓ (a,b)	✓ (c)	✓	✓	✓	✓	✓	✓	✓
(a) For modified or expanded/reconstructed portion only									
(b) Exception: Maximum front setbacks should be met to the extent practical as determined by the Administrator.									
(c) For expansions, reconstruction areas and all other walls facing public streets									

13.2. General Provisions**13.2.1. Appeals and Modifications**

- A. The Board of Adjustment shall hear and decide appeals from any land owner (i) to make a change in use of a nonconforming use to a different, less-intense nonconforming use; (ii) to make a change in location of a nonconforming use of land to another location on the same property; or (iii) allow the replacement of a nonconforming use.
- B. The Board of Adjustment may only grant a change for a nonconforming use or replacement of a nonconforming structure which has been destroyed after having first held an evidentiary public hearing and having determined that:
 - 1. Said change will be more suitable and appropriate for the lot(s) on which it is located than the existing situation; and,
 - 2. The proposed change will have a less harmful effect than the existing situation on the properties surrounding the lot(s) in question; and,
 - 3. The decision to grant the change will be in harmony with the general purpose and intent of this ordinance and will not be injurious to the neighborhood or otherwise be detrimental to the public welfare.
- C. The Board of Adjustment, in granting such changes, may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards when made a part of the terms upon which the change was granted, shall be deemed a violation of this ordinance and shall be subject to enforcement provisions as prescribed per Chapter 16, Violations and Penalties.

13.2.2. Discontinuance

A nonconforming use shall be presumed discontinued when any of the following has occurred:

- A. The owner has indicated intent, in writing to the Administrator, to abandon the use.
- B. A conforming use has replaced the original nonconforming use.
- C. The building or structure housing the nonconforming use has been removed.
- D. The owner has physically changed the building or structure or its permanent equipment in such a way as to indicate clearly a change in use or activity to something other than the nonconforming use.
- E. The property, structure or use has been vacant or completely inactive for 365 days.

13.3. Nonconforming Plans**13.3.1. Approved Plans**

- A. **Previously Approved Legal Nonconforming Plans:** Any plan (including but not limited to master plans, preliminary plats, final plats, conditional district plans, special use permit plans) for the development of property and/or construction of a building which has received final approval by the Town of Wake Forest for development and/or construction, but does not conform to this ordinance, may be developed and/or constructed in accordance with the rules and regulations, including any conditions imposed upon approval, that were in place prior to the effective date of this ordinance. Any plan approved prior to the adoption of this ordinance, but which conforms to its provisions, shall be administered, interpreted, amended, and implemented in accordance with the provisions of this ordinance.
- B. **May Choose New Ordinance:** A property owner with an approved site specific plan as identified above may elect to develop such property and/or construct such building in

accordance with the terms and provisions of this ordinance in lieu of the rules and regulations upon which the plan was approved. The Administrator shall notify the property owner in writing of any additional required procedures or modifications which may be necessary in order for the plan to conform to the ordinance.

- C. **Amendments or Modifications of Previously Approved Plans:** Any amendment or modification to an approved site specific plan, which would have required approval pursuant to the ordinance, the rule or regulation by which the plan was originally approved, shall be reviewed and considered in accordance with the terms and provisions of this ordinance as if it were an amendment or modification to a plan originally approved under this ordinance.

13.3.2. Vested Rights

This section does not prohibit the exercise of any vested right established by common law ordinance or statute.

13.4. Nonconforming Lots

13.4.1. Definition and Applicability

A nonconforming lot is a lot of record that does not meet the dimensional requirements of Chapter 2 for the land development district in which it is located. A nonconforming vacant lot of record is one that was recorded by plat or description in the Office of the Register of Deeds of Wake County prior to the adoption of this chapter or prior to the time that the lot was brought into the town's jurisdiction. This definition shall not be interpreted to include recorded lots that were in violation of any prior subdivision regulations of the Town of Wake Forest and which will remain in violation.

13.4.2. Standards

- A. **Lot May Be Developed:** Except as provided in Sections 13.4.2.B and 13.4.2.C below, a nonconforming vacant lot may be developed for any of the uses permitted by these regulations in the district in which it is located, provided that any use and/or structure meets all applicable yard and setback requirements for the district in which the lot is located. A variance shall not be required for substandard lot width or lot size for such lots of record.
- B. **Lots to Be Combined, If Possible:** A nonconforming vacant lot shall not be developed if it can be combined with an adjoining lot owned by the same person on or after the effective date of these regulations in order to create a single conforming or substantially conforming lot. For the purposes of this section, "adjoining" shall be deemed to mean the sharing of one or more common lot lines and access to both lots can be provided by the same street without crossing that street. All other minimum requirements for the particular land development district and proposed use must be met or a variance obtained from these requirements through an action of the Board of Adjustment. This shall include meeting the requirements for additional lot size for increased densities of residential development (duplexes, multi-family dwellings, etc.).
- C. **Exceptions for Previously Approved Plats:** A nonconforming lot may be developed if, at the effective date of this ordinance, the lot is located in (i) a subdivision that had received preliminary plat approval; or (ii) a subdivision that had received final plat approval.
- D. **Existing Structures on Non-Conforming Lots:** Any structure on a nonconforming occupied lot may be occupied, without expansion, by a conforming use or may be improved or expanded in accordance with the standards listed in this section. Structural alterations or remodeling of structures on nonconforming lots required by an authorized public official shall be permitted. Routine maintenance shall also be

permitted so long as no expansion of the nonconformity occurs as a result of the maintenance.

- E. **Expansion of Structures:** Any improvement or expansion of any structure on a nonconforming occupied lot must comply with all other minimum requirements of this ordinance or a variance must be obtained from these requirements through an action of the Board of Adjustment. This shall include meeting the requirements for additional lot size for increased densities of residential development (duplexes, multi-family dwellings, etc.).

13.5. Nonconforming Uses & Structures

13.5.1. Definition and Applicability

- A. **Nonconforming Use:** A nonconforming use is a use which was once a permitted use on a parcel of land or within a structure, or which precedes any ordinances, but which is now not a permitted use of that parcel according to Chapter 2 of this ordinance. This definition includes open uses of land (e.g., storage yards and golf driving ranges) as well as the structures that contain nonconforming uses. The nonconformity may result from the adoption of this ordinance or any subsequent amendment.
- B. **Nonconforming Structure:** A nonconforming structure does not conform to dimensional, design, locational, or other requirements of this ordinance. The nonconformity may result from adoption of this ordinance or any subsequent amendment.

13.5.2. Standards For Nonconforming Uses

- A. **Continuation:** Any legally established nonconforming use may be continued subject to the standards listed in this section. However, once a nonconforming use is made conforming, it may not later be used for any nonconforming use or expanded in violation 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 25% percent of the area of the original non-conforming structure; and shall be used solely for residential purposes.
- C. **Discontinuance of 1 Year:** A nonconforming use of a structure that is discontinued for a continuous period of more than one year may not be reestablished. All subsequent uses of the structure and site must be in conformance with the particular regulations for the land development district in which the property is located.

13.5.3. Standards For Nonconforming Structures

- A. **Continuation:** Any legally established nonconforming use or structure may be continued subject to the standards listed in this section. However, once a nonconforming use or structure is made conforming, it may not later be used for any nonconforming use or expanded in violation of this ordinance. 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.
- B. **Repairs and Modernization:** Repairs and modernization of any nonconforming structure 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.

C. Damage or Destruction

1. 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.
2. The above requirement does not apply to single-family dwellings and accessory buildings or structures located in any historic district, designated as a local landmark, or individually listed on the North Carolina study list or the National Register of Historic Places. Structures meeting these classifications may be reconstructed as long as such reconstruction does not increase the nonconformity of the original structure.

- D. Manufactured Homes:** No Class C manufactured home shall be removed for more than 48 hours and replaced unless its lot and stand conform to the requirements of this ordinance.

- E. Nonconforming Non-Residential Structures within a Floodway or Flood Fringe:** Any nonconforming structure wholly or partly within a Special Flood Hazard Area may be flood-proofed according to methods and specifications set for 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.

13.5.4. Standards For Nonconforming Accessory Uses and Structures

No nonconforming accessory use or accessory structure shall continue after the principal use or structure is terminated by abandonment, damage, or destruction unless such accessory use or structure is made to conform to the standards for the zoning district in which it is located. No nonconforming accessory use or structure shall become or replace any terminated principal nonconforming use or structure except as permitted in Section 13.5.3.C.2 above.

13.6. Nonconforming Manufactured Home Parks

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.

13.7. Nonconforming Signs

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 in Chapter 11.

13.7.1. 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 50% 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.

13.7.2. 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 this section. Signs erected after the passage of this ordinance shall conform to the standards set forth herein.

14. Administrative Agencies

14.1. The Administrator

The various provisions of this ordinance shall be administered under the general direction of the Town Manager and under the specific direction of the Town of Wake Forest Planning Department, the Town of Wake Forest Public Works Department, the Town of Wake Forest Engineering Department, and the City of Raleigh Public Utilities Department. For the purposes of this ordinance, the Planning Director, the Director of Public Works and Utilities, the Director of Engineering, and their subordinate staffs are collectively referred to as the Administrator. The Planning Department will serve as the “gatekeeper” for all development applications and will advise applicants on appropriate personnel to contact.

14.1.1. Powers and Duties

The Administrator shall have the following powers and duties, to be carried out in accordance with the terms of this ordinance:

- A. To maintain a record of all permits and approvals on file and to make copies available to interested parties.
- B. To review all applications for land development for compliance with the terms of this ordinance.
- C. To provide the Wake Forest Board of Commissioners, the Planning Board, Board of Adjustment, the Historic Preservation Commission and the Design Review Board with reports and recommendations regarding matters before these bodies, either as required by this ordinance, other laws or regulations or at the request of the body.
- D. To enforce compliance with the terms of this ordinance, unless otherwise specified.
- E. To review all development plans for compliance with street and utility requirements of the Town of Wake Forest.
- F. To administer the sedimentation and erosion control program for the town.
- G. To administer the floodplain management program for the town as follows:
 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. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

DEFINITIONS

17. Definitions

17.1. Intent

For the purpose of interpreting this ordinance, certain words, concepts, and ideas are defined herein. Except as defined herein, all other words used in this ordinance shall have their everyday meaning as determined by their dictionary definition.

17.2. Rules Of Construction

The words and phrases in this chapter shall have their customary meanings or shall be as defined in a standards dictionary, except for the specific words and phrases defined in this chapter.

- Tense. Words used in the present tense include the future tense.
- Number. The singular number includes the plural number and the plural number includes the singular number.
- Person. The word "person" includes a firm, association, partnership, trust, company, corporation, or any other entity usually defined in legal usage as a person.
- Shall and May. The words "shall," "must," and "will" are mandatory in nature. The word "may" is permissive in nature.
- Used or occupied. The words "used" and "occupied" include the words "intended, designed, or arranged to be used or occupied."
- Lot. The word "lot" includes the words "plot" and/or "parcel."
- On the Premises of. The phrase "on the premises of," as applied to accessory uses or structures, shall be interpreted to mean "on the same lot."
- The parenthetical notation “(Floodplain Development)” shall indicate defined terms that apply only to the application and administration of the Flood Damage Prevention provisions of this ordinance.
- The parenthetical notation “(WTF)” shall indicate defined terms that apply only to the application and administration of the Wireless Telecommunications Facility provisions of this ordinance.
- LBCS – American Planning Association Land-based Classification Standards
- NCGS – North Carolina General Statutes
- NAICS – North American Industrial Classification System

17.3. Use Definitions

ACCESSORY STRUCTURE A structure that is clearly incidental to and customarily found in connection with a principal building, is located on the same parcel and serves a principal building, and is subordinate in area, extent and purpose to the principal building served.

ACCESSORY USE A use that is clearly incidental to and customarily found in connection with a principal use, is located on the same parcel and serves a principal use, and is subordinate in

area, extent and purpose to the principal use served.

ADULT ESTABLISHMENT Any establishment having a substantial portion of materials or entertainment characterized by an emphasis on sexual activities, anatomical genital areas, or the female breast as listed and defined in NCGS, Section 14.210.10 (or any successor thereto).

AIRSTRIPE A paved surface used for take-off and landing of aircraft.

ALCOHOLIC BEVERAGE SALES STORE The retail sales of beer, wine, and/or other alcoholic beverages for off-premise consumption as a primary use.

ALLEY A public way which affords only a secondary means of access to abutting property and is not intended for general traffic circulation.

AMUSEMENTS, INDOOR Establishments that provide commercial recreation activities completely within an enclosed structure such as video arcades, skating rinks, roller rinks, shooting ranges, bowling alleys, and billiards/pool halls.

AMUSEMENTS, OUTDOOR Establishments that provide commercial recreation activities primarily outdoors such as miniature golf establishments; go-cart facility; theme parks, carnivals, fairgrounds, and midways; paintball parks; and water rides.

ANIMAL PRODUCTION Industries in the Animal Production subsector raise or fatten animals for the sale of animals or animal products. The subsector comprises establishments, such as ranches, farms, and feedlots primarily engaged in keeping, grazing, breeding, or feeding animals. These animals are kept for the products they produce or for eventual sale. The animals are generally raised in various environments, from total confinement or captivity to feeding on an open range pasture. Establishments primarily engaged in the farm raising and production of aquatic animals or plants in controlled or selected aquatic environments are included in this subsector.

ATM Computerized, self-service machines used by banking customers for financial institutions, including deposits, withdrawals and fund transfers, without face-to-face contact with financial institution personnel. These machines may be located at or within banks, or in other locations.

BACKYARD PENS/COOPS The long-term keeping of fowl, rabbits, and other similar small creatures in backyards as accessory uses to existing residential structures.

BANK, CREDIT UNION, FINANCIAL SERVICES Establishment that engages in financial transactions that create, liquidate, or change

ownership of financial services. Banks, credit unions, and savings institutions may perform central banking functions, accept deposits, and lend funds from these deposits. In addition to banks and credit unions, financial services institutions may include: credit agencies, trust companies, holding companies, savings and loan institutions, check cashing services, securities/commodity contract brokers and dealers, security and commodity exchanges, vehicle finance (equity) leasing agencies, and investment companies.

BAR/TAVERN A business where alcoholic beverages are sold for on-site consumption, which are not part of a larger restaurant. Includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. May also include beer brewing as part of a microbrewery and other beverage tasting facilities.

BED AND BREAKFAST HOME (UP TO 8 ROOMS)

A private home containing not more than 8 guest rooms that offers bed and breakfast accommodations to guests.

BOARDING OR ROOMING HOUSE (12 OR LESS PERSONS) A detached residential structure that has been converted for use as group living quarters for no more than 12 people.

BUSINESS SUPPORT SERVICES These establishments provide any of the following: document preparation, telephone answering, telemarketing, mailing (except direct mail advertising), court reporting, and steno typing. They may operate copy centers, which provide photocopying, duplicating, blueprinting, or other copying services besides printing. They may provide a range of support activities, including mailing services, document copying, facsimiles, word processing, on-site computer rental, and office product sales.

CEMETERY A parcel of land used for interment of the dead in the ground or in mausoleums.

CHILD/ADULT DAY CARE CENTER (MORE THAN 8 PERSONS) An individual, agency, or organization providing supervision or care on a regular basis for children or adults who are not related by blood or marriage to, and who are not the legal wards or foster children of, the

supervising adults; and who are not residents in the center; designed and approved to accommodate more than 8 children or adults at a time based on State regulations; not an accessory to residential use.

CHILD/ADULT DAY CARE HOME (8 OR FEWER PERSONS) Supervision or care provided on a regular basis as an accessory use within a principal residential dwelling unit, by a resident of the dwelling, for no more than 8 children (no more than 5 of which may be of pre-school age) or for no more than 8 adults. The children or adults cared for do not live in the home or reside there overnight.

CIVIC MEETING FACILITIES Not-for-profit membership organizations such as alumni associations, booster clubs, scouting organizations, ethnic associations, social clubs, fraternal lodge, and veterans' membership organizations primarily engaged in promoting the civic and social interests of their members. The uses often include meeting and storage facilities.

COLLEGE/UNIVERSITY Junior colleges, colleges, universities, and professional schools with physical structures (excluding online and remote programs). These establishments furnish academic or technical courses and grant degrees, certificates, or diplomas at the associate, baccalaureate, or graduate levels in a campus setting in more than one building.

COMMUNITY/CULTURAL CENTER Facilities designed to promote cultural advancement and serve the community such as occasional live theater, dance, or music establishments; art galleries, studios, and museums; non-profit civic or fraternal organizations; museums, exhibition, or similar facility; and libraries.

COMMUNITY SUPPORT FACILITY A permanent, stand-alone support facility providing personal assistance to individuals in need; such assistance to individuals may include temporary shelter, food services provisions, counseling, instruction, medical services, and other incidental services. This definition does not include emergency/hazard Shelters or clothing/food collection centers as accessory uses.

CONFERENCE/CONVENTION FACILITY A commercial facility for public assembly including, but not limited to auditoriums,

conference facilities, convention centers, exhibition halls, and the like.

CORRECTIONAL INSTITUTION Government establishments generally designed for the confinement, correction, and rehabilitation of offenders sentenced by a court.

DORMITORY A building used as group living quarters for a student body or religious order as an accessory use for a college, university, boarding school, convent, monastery or other similar public, semi-public use.

DRIVE-THRU/DRIVE-IN FACILITY A primary or accessory facility where goods or services may be obtained by motorists without leaving their vehicles. These facilities include drive-through bank teller windows, dry cleaners, fast-food restaurants, drive-through coffee, photo stores, pharmacies, etc. Does not include: Automated Teller Machines (ATMs), gas stations or other vehicle services, which are separately defined.

DRY CLEANING & LAUNDRY SERVICES Coin-operated laundries, dry cleaning pick-up stores without dry cleaning equipment, or dry cleaning stores that do not provide cleaning services to other collection stations or stores.

DWELLING Any building that contains one or more dwelling units used, intended, or designed to be built, used, rented, leased, let, or hired out to be occupied, or that are occupied for living purposes.

DWELLING-ACCESSORY A dwelling unit either detached or attached, such as a garage apartment or cottage, located on a lot with an existing single-family dwelling.

DWELLING-DUPLEX A single detached dwelling on a single lot that contains two dwelling units and is divided vertically, and each unit has a separate entrance from the outside or through a common vestibule.

DWELLING-MULTIFAMILY A building or a group of buildings, including a portion thereof, containing 3 or more dwelling units on a single lot where each unit has a separate entrance from the outside or through a common vestibule. The dwelling units may be located side by side in a horizontal configuration or stacked one above the other in a vertical configuration, sharing common vertical walls or horizontal floors and ceilings. Each dwelling unit

shall include permanent provisions for living, sleeping, cooking, and sanitation, and can be owner or tenant occupied. Multifamily dwellings also include carriage-style building with multifamily dwelling units over garages. A multifamily structure where dwelling units are available for lease or rent for less than one month shall be considered lodging.

DWELLING-SINGLE FAMILY A single detached dwelling on a lot, other than a manufactured home dwelling, that contains a single dwelling unit (excluding any dwelling-accessory). Also includes factory-built, modular housing units that comply with NC State Building Code.

DWELLING-TOWNHOME A building containing two or more dwelling units that are attached horizontally through common walls. Each dwelling unit occupies space from the ground to the roof of the building and is located on a separate lot.

DWELLING UNIT A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

FAMILY CARE HOME (6 OR FEWER RESIDENTS) A home with support and supervisory personnel that provides room and board, personal care, and rehabilitation services in a family environment for not more than 6 resident handicapped persons and is certified by the State of North Carolina. (NCGS §168-21)

FUNERAL HOME/CREMATORIUM Establishments for preparing the dead for burial or internment and conducting funerals (i.e. providing facilities for wakes, arranging transportation for the dead, and selling caskets and related merchandise).

GARDEN (COMMUNITY AND PRIVATE) An exterior area for the small-scale production of vegetables and flowering plants for personal or small commercial use. This definition includes community and private gardens. This definition does not include crop production and nurseries.

GAS / FUELING STATION Establishment that primarily retails automotive fuels. These establishments may further provide services such as automotive repair, automotive oils, and/or replacement parts and accessories. Gas

stations include structures that are specialized for selling gasoline with storage tanks, often underground or hidden. The sale of food and other items as well as car washes shall be incidental to the gas station.

GENERAL COMMERCIAL – USE GREATER THAN 100,000 SF A use category allowing general commercial premises greater than 100,000 square feet in gross leasable area to be available for the commercial sale of merchandise and prepared foods, but excluding manufacturing.

GENERAL COMMERCIAL A place of business providing the sale and display of goods or sale of services directly to the consumer, with goods, including prepared foods and catering service, available for immediate purchase and removal from the premises by the purchaser.

HALFWAY HOUSE A place where persons are aided in readjusting to society following a period of imprisonment, hospitalization or institutionalized treatment related to a criminal offense.

HEAVY EQUIPMENT/MANUFACTURED HOME RENTAL/SALES Establishments which may have showrooms or open lots for selling, renting or leasing heavy equipment such as buses, trucks, manufactured homes, construction equipment, or boats or marine craft.

HOME OCCUPATION An occupation or profession conducted within a dwelling unit or accessory building by a residing family member that is incidental to the primary use of the dwelling as a residence. Home Occupations are small and quiet non-retail businesses generally invisible from the frontage, seldom visited by clients, requiring little parking, little or no signage, and having only one or two employees and provide services such as professional services, music instruction, and hair styling. Home Occupations include produce stands and child/adult day care homes.

HOSPITAL A health care facility and related facilities the purpose of which is to provide for care, treatment, testing for physical, emotional, or mental injury, illness, or disability, and overnight boarding of patients, either on a for-profit or not-for-profit basis; but not including group homes.

HOTEL/INN (NO ROOM LIMIT) Establishments providing lodging and short-term accommodations for travelers. They may offer a wide range of services including, overnight sleeping space, food services, convention hosting services, and/or laundry services. Entertainment and recreation activities may also be included. Extended-stay hotels are included in this category. This definition includes “motels.”

HOTEL/INN (LESS THAN 20 ROOMS) Any building or group of buildings in which there are fewer than 20 guest rooms used for the purposes of offering public lodging on a day-to-day basis.

INDUSTRY, HEAVY A non-residential use that requires a National Pollutant Discharge Elimination System (NPDES) permit for an industrial or stormwater discharge; or that involves the use or storage of any hazardous materials or substances; or that is used for the purpose of manufacturing, assembling, finishing, cleaning, or developing any product or commodity; or that involves the mining or extraction of any minerals, ore, fossil fuels, or other materials from beneath the surface of the earth. Typically the largest facilities in a community, these structures house complex operations, some of which might be continuous (operated 24 hours a day, 7 days a week).

INDUSTRY, LIGHT A non-residential use that involves the manufacturing, assembling, finishing, cleaning, or developing any product or commodity. Facilities are typically designed to look and generate impacts like a typical office building, but rely on special power, water, or waste disposal systems for operation. Noise, odor, dust, and glare of each operation are completely confined within an enclosed building, insofar as practical. This includes medical and testing laboratories. This definition also includes facilities for scientific research, and the design, development, and testing of electrical, electronic, magnetic, optical, computer and telecommunications components in advance of product manufacturing, and the assembly of related products from parts produced off-site, where the manufacturing activity is secondary to the research and development activities. Also included are laundry/dry cleaning plants as principal uses

engaged primarily in high volume laundry and garment services, including: carpet and upholstery cleaners; diaper services; dry-cleaning and garment pressing; and commercial laundries.

INTERNET SWEEPSTAKES FACILITY Any business enterprise where persons utilize computers, gaming terminals, or other electronic machines to conduct games of chance, including sweepstakes, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. This does not include any lottery approved by the State of North Carolina.

KENNEL A use or structure intended and used for the breeding or accommodation of small domestic animals for sale or for the training or overnight boarding of animals for persons other than the owner of the lot, but not including a veterinary clinic in which the overnight boarding of animals is necessary for or accessory to the testing and medical treatment of the physical disorders of animals. (LBCS F2700)

LANDFILL A disposal facility for hazardous or nonhazardous solid waste. These establishments also manage recycling and resource recovery facilities that operate in conjunction with landfills.

LIGHT MANUFACTURING WORKSHOP The assembly, fabrication, production or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building and are visually undifferentiated from an office building or a residentially-scaled garage. These typically involve the work of artisans or craftsman. May also include beer brewing or other similar facilities as part of a microbrewery and other beverage tasting facilities.

LIVE-WORK UNITS An attached residential building type with a small commercial enterprise on the ground floor and a residential unit above or behind with a common tenant in both spaces (no dual occupancy is permitted).

MANUFACTURED HOME PARK The location of 2 or more manufactured or mobile homes on a

parcel of land shall constitute a manufactured home park.

MANUFACTURED HOUSING 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 40 feet long and over 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. The structure is 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.

MANUFACTURED HOUSING-CLASS A 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, and has a HUD label attached.

MANUFACTURED HOUSING-CLASS B 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.

MANUFACTURED HOME-CLASS C 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.

MATERIALS RECOVERY & WASTE TRANSFER

FACILITIES This industry comprises establishments primarily engaged in a) operating facilities for separating and sorting recyclable materials from nonhazardous waste streams (i.e., garbage) and/or b) operating facilities where commingled recyclable materials, such as paper, plastics, used beverage cans, and metals, are sorted into distinct categories.

MEDICAL CLINIC Medical service facilities that provide outpatient ambulatory or outpatient health care such as emergency medical clinics; ambulatory surgical centers; dialysis centers; outpatient family planning services; community health centers and clinics; blood and organ banks; and medical services such as physician's and dentist's offices.

MONOPOLE WIRELESS COMMUNICATIONS

TOWER A wireless communication support structure that consists of a freestanding support structure erected to support wireless communication antennas and connecting appurtenances. This term shall not include any antenna that is under 35 feet in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive only antennas.

NIGHT CLUB A business that operates primarily in the evening hours that principally provides entertainment such as live music, and/or dancing, comedy, etc.

NURSERY & GARDEN CENTER Industries in the nursery and garden center subsector grow crops mainly for commercial food and fiber. The subsector comprises establishments, such as farms, orchards, groves, greenhouses, and nurseries, which are primarily engaged in the commercial production of crops, plants, vines, or trees and their seeds.

OPEN AIR RETAIL A retail sales establishment operated primarily in the open air including, but not limited to: farmers market, flea markets, sidewalk kiosks and the like. Uses not included are: car sales, equipment sales, boats sales, and home and garden supplies and equipment.

OUTDOOR SEATING The provision of on-site outdoor seating areas by a restaurant, bar/tavern, or other uses where food or beverages are served for consumption as an

accessory use. The accessory use also may include outdoor seating areas on public sidewalks in front of the establishment.

OUTSIDE OR DISPLAY SALES The sale of goods and products outside of a permanent structure that are clearly related to the function contained in that structure. This includes, but is not limited to, landscape materials, lawn, and garden supplies, and produce.

OUTSIDE STORAGE The storage of any material for a period greater than 48 hours, including items for sale, lease, processing, and repair (excluding vehicles for sale) outside the principal or accessory buildings on a property.

PARKING LOT/STRUCTURE – PRINCIPAL USE A stand-alone parking lot or structure (deck/garage) that is available for public or private use, but that is not accessory to another use.

PAWNSHOP A premise operated by a pawnbroker who is engaged in the business of lending money on the security of pledged goods and who may also purchase merchandise for resale from dealers and traders. (Subject to NCGS, Chapter 91A)

PERSONAL SERVICES Cosmetic services such as hair and nail salons, barber shops, clothing alterations, shoe repair, weight loss centers and non-permanent makeup services.

PERSONAL SERVICES, RESTRICTED A personal service establishment that may tend to have a blighting and/or deteriorating effect upon surrounding areas and that may need to be dispersed from other similar uses to minimize its adverse impacts, including check-cashing services and tattooing, piercing, and similar services. These uses may also include accessory retail sales of products related to the services provided.

PERSONAL WIRELESS FACILITY See “Wireless Telecommunications Facility.”

POST OFFICE Establishments conducting operations of the United States Postal Service including permanent, contract, and lease stations.

PRODUCE STAND A temporary open air stand or place for the seasonal selling of agricultural

produce by an individual (excludes Open Air Retail).

PROFESSIONAL SERVICES Services provided that make available the knowledge and skills of their employees to sell expertise and perform professional, scientific, and technical services to others such as legal services; accounting, tax, bookkeeping, and payroll services; architectural, engineering, and related services; graphic, industrial, and interior design services; consulting services; research and development services; advertising, media, and photography services; real estate services; investment banking, securities, brokerages; and insurance-related services.

PUBLIC SAFETY STATION Facilities for federal, state, and local law enforcement and fire protection agencies, and their accessory uses including office space, temporary holding cells, equipment and evidence storage facilities, and vehicle garages. This definition is not intended to be inclusive of vehicle impoundment lots or state prison facilities.

RECREATION FACILITIES, INDOOR Uses or structures for active recreation including gymnasiums, natatoriums, fitness center, athletic equipment, indoor running tracks, climbing facilities, court facilities and their customary accessory uses. This definition is inclusive of both non-profit and for-profit operations.

RECREATION FACILITIES, OUTDOOR Parks and other open space used for active or passive recreation such as ball fields, batting cages, skateboard parks, playgrounds, greenway trails, driving ranges, tennis courts, riding stables, campgrounds, and golf courses and their customary accessory uses including, but not limited to, maintenance sheds, clubhouses (with or without food service), pools, restrooms, and picnic shelters. This definition is inclusive of both non-profit and for-profit operations.

RECYCLING COLLECTION STATION A center for the acceptance by donation, redemption, or purchase, of recyclable materials from the public.

RELIGIOUS INSTITUTION Any facility such as a church, temple, monastery, synagogues, or mosque used for worship by a non-profit organization and their customary related uses

for education (pre-schools, religious education, etc.), recreation (gymnasiums, activity rooms, ball fields, etc.), housing (rectory, parsonage, elderly or disabled housing, etc.) and accessory uses such as cemeteries, mausoleums, offices, soup kitchens, and bookstores.

RESIDENTIAL CARE FACILITY A staffed premises (not a single-family dwelling) with paid or volunteer staff that provides full-time care to more than 6 individuals. Residential care facilities include group homes (NCGS §131D), nursing homes (NCGS § 131E-101), residential child-care facilities (NCGS § 131D-10.2), assisted living residences (NCGS § 131D-2), adult care homes (NCGS §131D-2), retirement housing, congregate living services, assisted living services, continuing care retirement centers, skilled nursing services and orphanages. This term excludes family care homes and halfway houses.

RESTAURANT A retail business selling ready-to-eat food and/or beverages for on or off-premise consumption. Customers may be served from an ordering counter (i.e. cafeteria or limited service restaurant); at their tables (full-service restaurant); and, at exclusively pedestrian-oriented facilities that serve from a walk-up ordering counter (snack and/or nonalcoholic bars). To qualify as a restaurant, an establishment's gross receipts from food and nonalcoholic beverages shall be not less than 30% of the total gross receipts from food, nonalcoholic beverages, and alcoholic beverages.

RIDING STABLE An establishment where horses are boarded and cared for, and where instruction in riding, jumping, and showing and/or the hiring of horses for riding is offered.

SCHOOL – ELEMENTARY & SECONDARY A public or private institution for education or learning including athletic or recreational facilities, which does not include lodging. This institution includes any school licensed by the state and that meets the state requirements for elementary and secondary education. Elementary school shall be considered to generally include pre-kindergarten through eighth grades; secondary school shall be considered to generally include ninth through twelfth grades.

SCHOOL – VOCATIONAL/TECHNICAL A public or private institution for education or learning including athletic or recreational facilities, which does not include lodging. These schools offer vocational and technical training in a variety of technical subjects and trades. Training may lead to job-specific certification. (LBCS F6100 and F6140)

SHOOTING RANGE, INDOOR An enclosed indoor facility that is designed for the discharging of firearms for recreational or training purposes.

SHOOTING RANGE, OUTDOOR A permanently located and improved area that is designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any other similar sport shooting in an outdoor environment. Outdoor shooting range excludes any area for the exclusive use of archery or air guns or an enclosed indoor shooting range facility.

SMALL EQUIPMENT REPAIR/RENTAL The repair and/or rental of small equipment as a primary use including televisions, computers, cleaning equipment, vacuum cleaners, and other equipment that can be transported by automobile, small truck/van.

SPORTS ARENA/STADIUM A structure that is open or enclosed and used for games, concerts, and major events and is partly or completely surrounded by tiers of seats for spectators.

STORAGE-OUTDOOR STORAGE YARD The storage of various materials outside of a structure, as a principal use. This includes salvage yards used for the storage and/or collection of any type of equipment.

STORAGE – SELF-SERVICE A building containing separate enclosed storage spaces of varying sizes leased or rented on an individual basis.

STORAGE-WAREHOUSE, INDOOR STORAGE Facilities for the storage of furniture, household goods, or other commercial goods of any nature. Includes cold storage. Does not include warehouse, storage, or mini-storage facilities offered for rent or lease to the general public; warehouse facilities primarily used for wholesaling and distribution; or terminal facilities for handling freight.

STUDIO – ART, DANCE, MARTIAL ARTS, MUSIC Small facilities for individual and group

instruction and training in the arts; production rehearsal; photography, and the processing of photographs produced only by users of the studio facilities; martial arts training studios; gymnastics, yoga, and similar instruction; and aerobics and gymnastics studios with no other fitness facilities or equipment.

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.

THEATER, INDOOR MOVIE OR LIVE PERFORMANCE A specialized theater for showing movies or motion pictures on a projection screen or a stage for live performances. This category also includes cineplexes and megaplexes, complex structures with multiple movie theaters, each theater capable of an independent performance.

THEATER, OUTDOOR An establishment for the performing arts with open-air seating for audiences.

THEATER, DRIVE-IN A specialized outdoor theater for showing movies or motion pictures on a projection screen where patrons view movies from their vehicles.

UTILITIES Publicly or privately owned facilities or systems for the distribution of gas, electricity, steam, or water, the collection, treatment and disposal of sewage or refuse; the transmission of communications; of similar functions necessary for the provision of public services. Radio transmission facilities less than 180 feet in height for use by ham radio operators or two-way radio facilities for business or governmental communications shall be deemed accessory uses and not utilities. Utilities are divided into 3 classes:

Class 1: Transmission and collection lines (above and below ground) including electrical, natural, gas, waste water collection/transmission, and water distribution lines; pumping stations, lift stations, and telephone switching facilities (up to 200 sq. ft).

Class 2: Elevated water storage tanks; water and wastewater package treatment plants, telephone switching facilities (over 200 sq.

ft), substations, or other similar facilities in connection with telephone, electric, steam, and water facilities.

Class 3: Generation, production, or treatment facilities such as power plants, water and sewage plants (greater than 0.3 mgd), and landfills.

VEHICLE RENTAL/LEASING/SALES

Establishments which may have showrooms or open lots for selling, renting, or leasing automobiles, light trucks, motorcycles, and ATVs.

VEHICLE RENTAL/LEASING – MOVING TRUCKS

Establishments exclusively for renting or leasing trucks, vans, and trailers for moving furniture and other goods.

VEHICLE SERVICES – MAJOR REPAIR/BODY WORK

The repair, servicing, alteration, restoration, towing, painting, cleaning, or finishing of automobiles, trucks, recreational vehicles, boats, large appliances, commercial and industrial equipment, and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This includes major repair and body work which encompasses towing, collision repair, other body work and painting services, and tire recapping.

VEHICLE SERVICES – MINOR MAINTENANCE/REPAIR

The repair, servicing, alteration, restoration, towing painting, cleaning, or finishing of automobiles, trucks, recreational vehicles, boats, and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. Minor facilities providing limited repair and maintenance services. Examples include: car washes, attended and self-service; car stereo and alarm system installers; detailing services; muffler and radiator shops; quick-lube services; tire and battery sales and installation (not including recapping).

VETERINARY SERVICES Establishments that include services by licensed practitioners of veterinary medicine, dentistry, or surgery for animals; boarding services for pets; and grooming.

WHOLESALE AND DISTRIBUTION

Establishments engaged in selling merchandise to retailers; to contractors, industrial,

commercial, institutional, farm or professional business users; to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. This does not include selling to the public. Examples of these establishments include:

- Agents, merchandise or commodity brokers, and commission merchants;
- Assemblers, buyers and associations engaged in the cooperative marketing of farm products;
- Merchant wholesalers;
- Stores primarily selling electrical plumbing, heating, and air conditioning supplies and equipment.

WIRELESS TELECOMMUNICATIONS FACILITY

(WTF) 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, including but not limited to cabling, equipment shelters, and other structures associated with the site. It is a structure and facility intended for transmitting and/or any form or type of wireless communications or service, including but not limited to commercial 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.

WIRELESS TELECOMMUNICATIONS FACILITY

(NON-TOWER) A Wireless Telecommunication Facility not located on a structure designed primarily to support an antenna for receiving and/or transmitting a wireless signal.

17.4. Definitions Generally*

* Note - The parenthetical notation “(Floodplain Development)” shall indicate defined terms that apply only to the application and administration of the Flood Damage Prevention provisions of this ordinance.

** Note - The parenthetical notation “(WTF)” shall indicate defined terms that apply only to the application and administration of the Wireless Telecommunications Facility provisions of this ordinance.

1-YEAR, 24-HOUR STORM The surface runoff resulting from a 24-hour rainfall of an intensity expected to be equaled or exceeded, on average, once in 12 months and with a duration of 24 hours

ACCELERATED EROSION Any increase over the rate of natural erosion as a result of land-disturbing activities.

ACTIVE CONSTRUCTION Activities that contribute directly to the building of facilities including land-disturbing activities for roads, parking lots, footings, etc.

ADDITION (FLOODPLAIN DEVELOPMENT) An extension or increase in the floor area or height of an existing building or structure.

ADEQUATE EROSION CONTROL MEASURE, STRUCTURE, OR DEVICE A measure, structure or device that controls the soil material within the land areas under responsible control of the person conducting the land-disturbing activity.

ADMINISTRATIVE DECISION Decision made in the implementation, administration, or enforcement of development regulations that involves the determination of facts and the application of objective standards set forth in this ordinance.

ADMINISTRATIVE HEARING A proceeding to gather facts needed to make an administrative decision.

ADMINISTRATOR For the purposes of this ordinance, the Planning Director, the Director of Public Works and Utilities, the Director of Engineering, and their subordinate staffs are collectively referred to as the Administrator.

AFFILIATE A person that directly or indirectly, through one or more intermediaries, controls, is

controlled by, or is under common control of another person.

ALLEY A minor right-of-way privately or publicly owned, primarily for service or garage access.

AMBER LIGHTING Any non-white color lighting similar to the color of high-pressure sodium lighting and with a temperature rating of less than 2,700 Kelvin.

AMEND, AMENDMENT AND AMENDED (WTF) Any change, addition, correction, deletion, replacement, or substitution, other than typographical changes of no effect in an application or other document or filing.

ANSI STANDARDS Standards published by the American National Standards Institute (ANSI), a private, non-profit organization [501(c)(3)] that administers and coordinates the U.S. voluntary standardization and conformity assessment system. More information is available at www.ansi.org.

ANTENNA (WTF) A system of electrical conductors that transmit or receive electromagnetic waves or radio frequency or other wireless signals.

APPLICATION (WTF) All necessary and required documentation that an applicant submits in order to receive a Special Use Permit or Building Permit for Wireless Telecommunications Facilities.

AREA, GROSS The total horizontal area within a lot(s) or parcel(s) of land before streets, easements, or other areas to be dedicated or reserved for public or private use are deducted from such lot(s) or parcel(s).

AWNING/CANOPY SIGN Signs integrated into traditional storefront awnings that project over a sidewalk from the building façade.

BASE FLOOD (FLOODPLAIN DEVELOPMENT) The flood having a 1% chance of being equaled or exceeded in any given year based on current conditions hydrology.

BASE FLOOD ELEVATION (BFE) (FLOODPLAIN DEVELOPMENT) A determination of the water surface elevations of the base flood based on current conditions hydrology or future conditions hydrology as published in the Flood Insurance Study. When the BFE has not been provided in a “Special Flood Hazard Area”, it

may be obtained from engineering studies available from a Federal or State other source using FEMA approved engineering methodologies. This elevation, when combined with 2 additional vertical feet, establishes the regulatory flood protection elevation in flood hazard areas.

BASEMENT (FLOODPLAIN DEVELOPMENT) Any area of a building having its floor subgrade (below ground level) on all sides.

BEDROOM A room designated for sleeping, also known as a sleeping room.

BEING CONDUCTED A land disturbing activity that has been initiated and permanent stabilization of the site has not been completed.

BERM An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.

BLOCK An area of land generally bounded by streets or rights-of-way and occupied by or intended for buildings.

BONA FIDE FARM PURPOSES Includes the production and activities relating or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture as defined in NCGS §106-581.1 and all other purposes described in NCGS §160D-903.

BORROW Fill material that is required for on-site construction and is obtained from other locations.

BUFFER A combination of physical space and vertical elements, such as plantings or fencing, used to separate and screen incompatible land uses from each other.

BUFFER ZONE The strip of land adjacent to a lake or natural watercourse.

BUFFERYARD The area of a required buffer in which plantings or other screening elements are to be located.

BUILDING Any structure built for support, shelter or enclosure for any occupancy or storage.

BUILDING COVERAGE A percentage figure referring to that portion of a lot covered with principal and accessory buildings or structures

as measured by dividing the total area of building and structure footprints by the gross area of the lot.

BUILDING SETBACK LINE, MINIMUM See "Setback, Minimum."

BUILDING FLOOR AREA The gross floor area of an individual structure built for support, shelter or enclosure for any occupancy or storage.

BUILT-UPON AREA (BUA) That portion of a development project that is covered by impervious or partially impervious surface including, but not limited to, buildings; pavement and gravel areas such as roads, parking lots, and paths; and recreation facilities such as tennis courts. "Built-upon area" does not include a wooden slatted deck, the water area of a swimming pool, or pervious or partially pervious paving material to the extent that the paving material absorbs water or allows water to infiltrate through the paving material.

CAMOUFLAGE See "Stealth."

CANOPY TREE Large-growing, shade-producing trees with an expected mature height of 40 feet or greater and an expected mature crown spread of 30 feet or greater.

CARRIER OR WIRELESS CARRIER An entity licensed by the FCC to provide Personal Wireless Service.

CEASE ORDER See "Stop Work Order"

CERTIFICATE OF COMPLETION OR COC (WTF) A required document issued by the Town that confirms that all work represented in the application i) was properly permitted; ii) was done in compliance with and fulfilled all conditions of all permits, including any final completion deadline; iii) was fully constructed as approved and permitted; and iv) a final inspection was requested, conducted and the Facility or Complex passed the final inspection.

CERTIFICATE OF COMPLETION FOR SOIL EROSION AND SEDIMENTATION CONTROL A certificate issued by the Town of Wake Forest Engineering Department indicating that the permittee has achieved acceptable stabilization in accordance with the approved plan and has completed all work necessary on the site related to soil erosion. All land-disturbance shown on the approved plan is stabilized with permanent

ground cover, permanent armor, or impervious surface. All proposed roads, utilities, permanent erosion control devices, and other infrastructure are installed as per approved plans. All temporary sediment control devices required by the approved plan are removed.

CERTIFICATE OF COMPLIANCE FOR PRELIMINARY SOIL EROSION AND SEDIMENTATION CONTROL

A certificate issued by the Town of Wake Forest Engineering Department indicating that the erosion control devices shown on the approved plan have been constructed correctly and are operating correctly.

CERTIFIED ARBORIST An individual who has successfully completed the International Society of Arboriculture (ISA) exam process.

CHANGE OF USE For the purposes of this UDO only this term shall mean any alteration in the use of a lot or structure which, in the determination of the Administrator, changes the primary use such lot or property from one use type listed in the Use Table in Section 2.3.3 to another use type.

CHEMICAL STORAGE FACILITY (FLOODPLAIN DEVELOPMENT) A building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

CLEAR-CUTTING The indiscriminate and broad removal of trees, shrubs, or undergrowth.

CO-LOCATION The use of an approved telecommunications structure to support Antenna for the provision of wireless services.

COMMERCIAL IMPRACTICABILITY OR COMMERCIALLY IMPRACTICAL (WTF) The inability to perform an act on terms that are reasonable in commerce; the cause or occurrence of which could not have been reasonably anticipated or foreseen and that jeopardizes the financial efficacy of the project. The inability to achieve a satisfactory financial return on investment or profit, standing alone, shall not deem a situation to be “commercial impractical” and shall not render an act or the terms of an agreement “commercially impractical”.

COMPLETED APPLICATION (WTF) 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.

COMPLEX (WTF) The entire permitted site or facility, including all structures and equipment located at the site.

COMPLETION OF CONSTRUCTION OR DEVELOPMENT No further land-disturbing activity is required on a phase of a project except that which is necessary for establishing a permanent ground cover.

COMPREHENSIVE PLAN The plans adopted by the Board of Commissioners that set forth goals, policies, and guidelines intended to direct the present and future physical, social, and economic development that occurs within the Town’s planning jurisdiction for the public and private development of land and water, including but not limited to the Community Plan, Transportation Plan, small area plans, and Parks, Recreation and Cultural Resources Master Plan.

CONDITIONAL DISTRICT The resulting zoning district of a conditional zoning process, containing site-specific conditions.

CONDITIONAL ZONING A legislative zoning map amendment with site-specific conditions incorporated into the zoning map amendment.

CONSERVATION EASEMENT An easement granting a right or interest in real property that is appropriate to retaining land or water areas predominantly in their natural, scenic, open, or wooded condition.

CONSTRUCTION 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.

CORNER LOT A lot which abuts the right-of-way of two streets at their intersection.

CPESC Certified professional in Erosion and Sediment Control. NCDOT Level I-III a/b certification is not required if a CPESC is onsite monitoring installation and has approved design.

CRITICAL ROOT ZONE The circular area of ground surrounding a tree extending from the center of tree to the greater of 1.5 feet per caliper inch DBH of the tree or the dripline (furthest extent of tree canopy). The area uniformly encompassed by a circle with a radius equal to 1-1/2 feet per inch of DBH tree trunk of the preserved tree measured at 4 ½ feet above the ground (measured to the nearest inch), with the trunk of the tree at the center of the circle. The minimum radius shall not be less than 7 feet unless approved by the Administrator.

CURRENT CONDITIONS HYDROLOGY (FLOODPLAIN DEVELOPMENT) 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.

DAS OR DISTRIBUTIVE ACCESS SYSTEM (WTF) 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.

DISTRIBUTIVE ACCESS SYSTEM (DAS) A technology using antenna combining technology generally allowing for multiple Carriers or Wireless Service Providers to use the same set of antennas, cabling, or fiber optics.

DEDICATION A gift, by the owner, or a right to use land for a specified purpose or purposes. Because a transfer of property rights is entailed, dedication must be made by written instrument, and is completed with an acceptance.

DEMOLITION BY NEGLECT The failure by the owner or other responsible person with legal control of any building or structure that is a designated historic landmark or within a locally designated historic district (including walls, fences, light fixtures, steps, pavement, paths, outdoor signs, or any other appurtenant feature), to keep the building or structure free of decay, deterioration, and structural defects to such a degree that the structural integrity or habitability of the structure may be threatened.

Demolition by neglect shall also include the failure of such owner, or other responsible

person to repair, upon written notice of violation of this Ordinance by the Town, such exterior features as are found to be deteriorating, or to correct any condition contributing to deterioration, including but not limited to the following defects:

- Deterioration of exterior walls, foundations, or other vertical supports that cause leaning, sagging, splitting, listing, or buckling.
- Deterioration of flooring or floor supports, roofs, or other horizontal members that cause leaning, sagging, splitting, listing, or buckling.
- Deterioration of external chimneys causing leaning, sagging, splitting, listing, or buckling.
- Deterioration or crumbling of exterior plasters or mortars.
- Ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors.
- Defective protection or lack of weather protection for exterior wall and roof coverings, including lack of paint, or weathering due to lack of paint and/or other protective coverings.
- Rotting, holes, and other forms of decay.
- Deterioration of exterior stairs, porches, handrails, window and door frames, cornices, entablatures, wall facings, and architectural details that causes delamination, instability, loss of shape and form, or crumbling.
- Heaving, subsidence, or cracking of sidewalks, steps, or pathways.
- Deterioration of fences, gates, and/or accessory structures.
- Deterioration that has a detrimental effect upon the special character of the district as a whole or the unique attributes and character of the Historic Property.
- Deterioration of any exterior feature so as to create, or permit the creation of,

any hazardous or unsafe conditions to life, health, or other property.

DENSITY The number of dwelling units per acre determined by dividing the total number of dwelling units located on a development site by the gross area. Accessory dwelling units are not included in density calculations.

DETERMINATION A written, final and binding order, requirement, or determination regarding an administrative decision.

DEVELOPER A person, including a governmental agency or redevelopment authority, who undertakes any development and who is the landowner of the property to be developed or who has been authorized by the landowner to undertake development on that property.

DEVELOPMENT FLOOR AREA The total building floor area of any construction projects simultaneously developed by a single developer.

DEVELOPMENT Includes the following human-caused activities that require a permit or approval from any agency, including but not limited to (1) Any land disturbing activity which adds to or changes the impervious land cover' (2) excavation, grading, filling, mining, or clearing of land; (3) draining, damming or dredging of water bodies; (4) the subdivision of land as defined by NC General Statutes; (5) the construction, alteration, enlargement, or movement to another site of any structure; (7) the demolition of a building; and (8) the initiation or substation change in the use of land or the intensity of use of land.

DEVELOPMENT (FLOODPLAIN DEVELOPMENT) 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.

DEVELOPMENT APPROVAL A written, administrative, or quasi-judicial approval that is required prior to commencing development or undertaking a specific activity, project, or development proposal. Development approvals include, but are not limited to, administrative permits, sit master plan approvals, construction plan approvals, special use permits, and certificates of appropriateness. The perm also

includes all other regulatory approvals required by regulations adopted pursuant to this ordinance, including plat approvals and permits issued.

DEVELOPMENT REGULATION Those regulations contained or incorporated by reference within this Unified Development Ordinance or any other regulation adopted pursuant to NC General Statutes.

DIAMETER AT BREAST HEIGHT (DBH) Standard measure of a tree trunk size, measured 4.5 feet (breast height) above ground level or the total diameter of all stems of a multi-trunk tree measured at 4 ½ feet above grade. If a tree splits into multiple trunks below 4.5 feet, then the trunk is measured at its most narrow point beneath the split.

DIRECTIONAL/IDENTIFICATION SIGNS Public purpose signs designed to identify parking areas, control traffic, and provide guidance to special areas and to announce one's arrival into the heart of the community. These signs are solely for the purpose of navigation and do not contain commercial messages.

DISCHARGE POINT That point at which stormwater runoff leaves a tract of land in a concentrated flow pattern.

DISPOSAL (FLOODPLAIN DEVELOPMENT) As defined in NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

DITCH OR CANAL A man-made channel other than a modified natural stream constructed for drainage purposes that is typically dug through inner-stream divide areas. A ditch or canal may have flows that are perennial, intermittent, or ephemeral.

DOUBLE FRONTAGE LOT A continuous (through) lot which is accessible from both streets upon which it fronts.

DRAINAGE EASEMENT A 20' wide minimum strip of land reserved for conveyance of stormwater required when the total drainage area exceeds 4 lots or 4 acres, whichever is less,

generally located along rear or side lot lines, but may cross lots at such points that will not pose a hazard to persons or property.

DRAINAGEWAY A natural or artificial stream or depression that conveys surface water.

DRIPLINE A vertical line extending from the outer edge of a tree canopy to the ground.

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.

ELECTRONIC MESSAGE BOARD An electronically generated changeable copy message within a sign frame which does not incorporate any mechanical movement of the sign itself.

ELEVATED BUILDING (FLOODPLAIN DEVELOPMENT) A non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

ELIGIBLE FACILITY (WTF) An existing wireless tower or base station that involves collocation of new transmission equipment or the replacement of transmission equipment that does not constitute a Substantial Modification.

EMERGENCY/HAZARD SHELTERS A shelter intended to protect occupants from temporary emergencies and hazards.

ENCROACHMENT (FLOODPLAIN DEVELOPMENT) The advance or infringement of uses, fill, excavation, buildings, permanent structures, or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

ENERGY DISSIPATER A structure or shaped channel section with mechanical armoring placed at the outlet of pipes or conduits to receive and break down the energy from high velocity flow.

EPHEMERAL STREAM A feature that carries only stormwater in direct response to precipitation with water flowing only during and shortly after large precipitation events. An ephemeral stream may or may not have a well-defined channel, the aquatic bed is always above the perched or

seasonal high water table, and stormwater runoff is the primary source of water. An ephemeral stream typically lacks the biological, hydrological, and physical characteristics commonly associated with continuous or intermittent conveyance of water. (15A NCAC 02B.0610(14)).

ESTABLISHED FARM Means an ongoing agricultural operation including all such operations that qualify for the agricultural use value tax rate.

EROSION The wearing away of land surface by the action of the wind, water, gravity, or any combination thereof.

EVIDENTIARY HEARING A hearing to gather competent, material, and substantial evidence in order to make findings for a quasi-judicial decision required by this ordinance.

EXISTING MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION (FLOODPLAIN DEVELOPMENT) A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the original effective date of the floodplain management regulations adopted by the town (May 16, 2006).

EXPRESSWAY An expressway is a divided street or road which serves through traffic with full or full partial control of access and generally with grade separations at intersections; however, infrequent at-grade crossings may be permitted.

FAA The Federal Aviation Administration, or its duly designated and authorized successor agency.

FCC The Federal Communications Commission, or its duly designated and authorized successor agency.

FACILITY (WTF) A set of wireless transmitting and/or receiving equipment, including any associated electronics and electronics shelter or cabinet and generator.

FINISHED GRADE The grade after construction, exclusive of any filling, berming, mounting, or excavating.

FINISHED (HABITABLE) AREA (FLOODPLAIN DEVELOPMENT) An enclosed area having more than 20 linear feet of finished interior walls (paneling, etc.) or used for any purpose other than solely for parking of vehicles, building access, or storage.

FLAG POLE LOT A lot with minimal frontage on a public street where access to the public street is by a narrow private driveway.

FLOOD / FLOODING (FLOODPLAIN DEVELOPMENT) A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; and/or the unusual and rapid accumulation of runoff of surface waters from any source.

FLOOD HAZARD BOUNDARY MAP (FHBM) (FLOODPLAIN DEVELOPMENT) An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the Special Flood Hazard Areas have been designated. The FHBM includes a description of the boundaries of the floodplain, flood-prone and/or flood-hazard areas, including representations of the floodway, floodway fringe, and future conditions flood hazard areas. The map is applicable to the community within the corporate limits and within the extraterritorial jurisdiction of the Town of Wake Forest.

FLOOD HAZARD SOILS Those types of soils in the relatively flat areas associated with natural watercourses which are subject to periodic flooding. The types of soils and their corresponding symbols are as follows:

Flood Hazard Soil Identification	Map Symbol
Altavista fine sandy loam, 0% to 4% slopes	AfA
Buncombe, 0 to 2% slopes	Bu
Chewacla, 0 to 2% slopes	Cm

Colfax fine sand loam, 0 to 6% slopes	Cn
Manatachie soils, 0 to 4% slopes	Me
Wahee fine sandy loam, 0 to 2% slopes	Wh
Wehadkee silt loam, 0 to 2% slopes	Wn
Wehandkee and Bibb soils	Wo
Worsham sandy loam, 0 to 4% slopes	Wy

FLOOD INSURANCE (FLOODPLAIN DEVELOPMENT) The insurance coverage provided under the National Flood Insurance Program.

FLOOD INSURANCE RATE MAP (FIRM) (FLOODPLAIN DEVELOPMENT) An official map of a community, issued by the Federal Emergency Management Agency, on which the Special Flood Hazard Areas, the Future Conditions Flood Hazard Areas, and the risk premium zones applicable to the community are delineated.

FLOOD INSURANCE STUDY (FIS) (FLOODPLAIN DEVELOPMENT) An examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

FLOODPLAIN / FLOOD PRONE AREA (FLOODPLAIN DEVELOPMENT) Any land area susceptible to being inundated by water from any source. The maximum area, adjoining a river, stream, watercourse, or lake, which is likely to be flooded, by the base flood or the future conditions flood. The floodplain, flood-prone and/or flood-hazard areas includes "floodway" areas, "floodway fringe" areas and future conditions flood hazard areas. These areas are illustrated on flood hazard boundary maps, flood hazard soils plus additional

distances, recorded flood storage areas required by this UDO and drainage basin study maps.

FLOODPLAIN MANAGEMENT (FLOODPLAIN DEVELOPMENT) The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

FLOODPLAIN MANAGEMENT REGULATIONS (FLOODPLAIN DEVELOPMENT) Any ordinances, 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 (FLOODPLAIN DEVELOPMENT) 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. Any combination of structural and nonstructural features, additions, changes or adjustments to properties and structures in accordance with or comparable to guidelines set forth in "Floodproofing Regulations" June 1972 edition, published by the Office of the Chief Engineers U.S. Army, Washington, D.C. for an essentially dry floodproof class (W2).

FLOODWAY (FLOODPLAIN DEVELOPMENT) The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

FLOOD ZONE (FLOODPLAIN DEVELOPMENT) 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 (FLOODPLAIN DEVELOPMENT) 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 than 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".

FREEWAY A freeway is a divided street or road which serves through traffic with full control of access and with grade separations at intersections.

FRONTAGE BUILDOUT Percentage of lot frontage occupied by the fronts of buildings.

FUTURE CONDITIONS FLOOD (FLOODPLAIN DEVELOPMENT) The flood having a 1% chance of being equaled or exceeded in any given year based on future conditions hydrology.

FUTURE CONDITIONS FLOOD ELEVATION (FLOODPLAIN DEVELOPMENT) A determination of the water surface elevations of the 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 (FLOODPLAIN DEVELOPMENT) The land area that would be inundated by the 1% annual chance flood based on future conditions hydrology.

FUTURE CONDITIONS HYDROLOGY (FLOODPLAIN DEVELOPMENT) 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 (FLOODPLAIN DEVELOPMENT) 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.

GREENWAY A linear natural preserve available for free and unstructured recreation to the general public. This term is not meant to be inclusive of required pedestrian/bicycle connections from adjacent development to greenways. The various types of greenways are as follows:

Type 1: Sensitive natural area with no formal greenway or trail development.

Type 2: Greenway corridors in a primarily natural state with gravel or dirt trails intended for use by pedestrians only.

Type 3: Corridors located outside floodplains with unpaved multi-use trails that are intended for use by pedestrians and bicyclists.

Type 4: High capacity off-road corridors and/or corridors located within floodplains that are paved for use by a wide variety of user groups including pedestrians, bicyclists, joggers, wheelchairs users, strollers and rollerbladers.

GROUND COVER Any natural vegetative growth or other material that renders the soil surface stable against accelerated erosion.

GROSS LEASABLE AREA The gross building floor area occupied or used by a tenant.

GROUND / FREESTANDING SIGN A sign that extends upward out of the ground, independent of a building, with an integral support structure.

HARDSHIP REVIEW COMMITTEE (HRC) A committee comprised of the Finance Director, the Assistant Planning Director, and the Inspections Director or their designees. The HRC shall review claims of undue economic hardship when a Demolition by Neglect violation occurs as outlined in Section 16.4.1.F

HAZARDOUS WASTE FACILITY (FLOODPLAIN DEVELOPMENT) As defined in NCGS Article 9 of Chapter 130A, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

HEIGHT When referring to a Tower or wireless support structure for a Wireless Telecommunications Facility, "height" includes the distance measured from the pre-existing

grade level to the highest point on the tower or structure, even if said highest point is an antenna or lightening protection device extending above the support structure. For all other structures and uses, see Section 4.5 – Measurement of Height.

HIGHEST ADJACENT GRADE (HAG)

(FLOODPLAIN DEVELOPMENT) The highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

HIGH IMPERVIOUS SURFACE PROJECT Any project that has more than 24% built-upon area (BUA) for all residential and non-residential development in the Falls Creek, Richland Creek, and Neuse River Watersheds, and 6-30% BUA for all residential and non-residential development in the Smith Creek Watershed.

HIGH QUALITY WATERS (HQW) Those classified as such in 15A NCAC 2B.0101(e)(5) -General Procedures.

HIGH QUALITY WATER ZONES Areas that are within one mile and drain to HQWs.

HISTORIC STRUCTURE (FLOODPLAIN DEVELOPMENT)

- Any structure that is:
- 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;
 - 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;
 - Individually listed on a local inventory of historic landmarks in communities with a "Certified Local Government (CLG) Program"; or
 - Certified as contributing to the historical significance of a historic district designated by a community with a "Certified Local Government (CLG) Program.

IMPERVIOUS SURFACE Impervious surface area includes any material which reduces and/or prevents absorption of storm water. This

includes but is not limited to, buildings, roads, pavement, gravel surfaces, etc. The effective impervious coverage for certain surfaces listed below are as follows:

1. Asphalt, concrete, crusher-run, gravel, masonry, marl, wood, and other impermeable surfaces that prevent land area from infiltrating stormwater are 100% impervious.
2. Porous surfaces that permit direct infiltration of unconcentrated stormwater into ground areas which are prepared in accordance with plans approved by the Town, so that the first one-half inch of stormwater infiltrates into the bare ground are 10% through 70% impervious, depending on:
 - a. Compaction;
 - b. Condition of subgrade;
 - c. Extent of land disturbance;
 - d. Extent of porous openings;
 - e. Protection from siltation and clogging;
 - f. Slope of the ground area; and
 - g. Volume of stormwater stored.
3. Slatted wood decks that allow the drainage of water through the slats to an unpaved surface below are 50% impervious. If the area covered by the deck is washed gravel, the deck is 30% impervious.
4. Un-graveled natural footpaths, water surfaces of swimming pools and drainfields areas 0% impervious.
5. All other necessary determinations about impervious surfaces will be based on hydrological tests based on existing subgrade soils, slope, rainfall intensity and rainfall duration.

INTERMITTENT STREAM A well-defined channel that contains water for only a part of the year, typically during winter and spring when the aquatic bed is below the water table. The flow may be heavily supplemented by stormwater runoff. Intermittent streams often lack biological and physical characteristics commonly associated with the perennial conveyances of water. 15A NCAC 02B.0233 (2)(g).

LAKE OR NATURAL WATERCOURSE Any stream, river, brook, swamp, sound, bay, creek, run, branch, canal, waterway, estuary, and any reservoir, lake, or pond, natural or impounded,

in which sediment may be moved or carried in suspension, and which could be damaged by accumulation of sediment.

LAND-DISTURBING ACTIVITY Any use of the land by any person in residential, industrial, educational, institutional, or commercial development, highway and road construction and maintenance, that results in a change in the natural cover or topography and that may cause or contribute to sedimentation.

LANDSCAPE PLAN A plan illustrating the design and specifications for the preservation of existing vegetation; the placement of any live plant materials such as trees, shrubs, grasses, ground covers, etc.; and the location and design of built features such as berms, fencing, walls, etc.

LARGER COMMON PLAN OF DEVELOPMENT OR SALE Any area where multiple separate and distinct construction or land disturbing activities will occur under one plan. A plan is any announcement or piece of documentation (including but not limited to a sign, public notice or hearing, sales pitch, advertisement, loan application, drawing, permit application, zoning request, or computer design) or physical demarcation (including but not limited to boundary signs, lot stakes, or surveyor markings) indicating that construction activities may occur on a specific plot.

LEGISLATIVE DECISION The adoption, amendment, or repeal of a regulation or an application local act. It also includes the decision to approve, amend, or rescind a development agreement.

LEGISLATIVE HEARING A hearing to solicit public comment on a proposed legislative decision.

LETTER OF MAP AMENDMENT (LOMA) A letter from FEMA that officially removes a property or building from the FEMA special flood hazard area (SFHA) that was inadvertently shown in the SFHA on the FIRM.

LETTER OF MAP REVISION (LOMR) An official revision to the currently effective FEMA FIRM based on as-built conditions and/or more accurate data. It is issued by FEMA and may change FEMA base flood elevations, the location

of the FEMA floodway lines and/or the location of the FEMA flood fringe line.

LOT A parcel of land having frontage on a public street or other officially approved means of access.

LOT FRONTAGE The lot width measured at the street right-of-way line from which the lot obtains access.

LOT LINE A line forming a boundary of a lot.

LOT LINE, PRINCIPAL FRONT A lot line separating the lot from the public street right-of-way or private street. On a lot with more than one street frontage, the principal front lot line is generally the lot line abutting the street of higher classification. If both streets have the same classification or in the case of infill development, the principal front shall be the lot line that continues the established building pattern.

LOT LINE, REAR A lot line connecting the lot's interior side lot lines, or an interior side lot line and a street side lot line, along the edge of the lot opposite its front lot line.

LOT LINE, SECONDARY FRONT OR STREET SIDE A lot line, other than a principle front lot line, separating the lot from an abutting public street right-of-way or private street. Generally, the street side or secondary front lot line is the lot line abutting a street of lower classification.

LOT LINE, SIDE A lot line not abutting a street and connecting the lot's front and rear lot lines.

LOWEST ADJACENT GRADE (LAG) (FLOODPLAIN DEVELOPMENT) The elevation of the ground, sidewalk, or patio slab immediately next to the building, or deck support, after completion of the building.

LOWEST FLOOR (FLOODPLAIN DEVELOPMENT) The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

LOW IMPACT DEVELOPMENT (LID) A method of site development and stormwater management that mimics the natural hydrologic functions of infiltration, runoff, and evapotranspiration on a site before development occurs. The objective of Low Impact Development is the volume of runoff leaving the site after development matches the volume of runoff before development. In addition, a LID project should maintain adequate flows to the streams and wetlands on the site rather than piping stormwater to a single low point.

LOW IMPERVIOUS SURFACE PROJECT A project that has no more than 24% built-upon area (BUA) for all residential and non-residential development. See Section 12.6.1.D for the Low Impervious Surface limits for areas located in protected watershed such as Falls Creek, Richland Creek, and Smith Creek.

MAINTENANCE (WTF) Plumbing, electrical or mechanical work that may require a building permit but that does not constitute a Modification to the WTF.

MANUFACTURED HOME (FLOODPLAIN DEVELOPMENT) A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. This term does not include a "recreational vehicle".

MANUFACTURED HOME PARK OR SUBDIVISION (FLOODPLAIN DEVELOPMENT) A parcel (or contiguous parcels) of land divided into 2 or more manufactured home lots for rent or sale.

MARKET VALUE (FLOODPLAIN DEVELOPMENT) The building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

MEAN SEA LEVEL (FLOODPLAIN DEVELOPMENT) The National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988, or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which Base Flood Elevations

(BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.

MARQUEE SIGN Vertical signs projecting from the side of a building or a roof structure which may or may not incorporate changeable type.

MECHANICAL UTILITY Any piece of machinery or equipment with moving parts, generates noise, or causes any kind of environmental disturbance or creates emission of any kind, including air movement. Said machinery or equipment is generally functional or utilitarian in nature.

SUBDIVISION Any subdivision of land other than those exempt per NCGS.

MODIFICATION OR MODIFY (WTF) The addition, removal or change of any of the physical and visually discernible components or aspects of a wireless Facility or Complex with identical components, including but not limited to antennas, cabling, equipment shelters, landscaping, fencing, utility feeds, or the color or materials of any visually discernible components, vehicular access, parking and/or an upgrade or change-out of equipment for different, better, or more modern equipment.

MODIFIED NATURAL STREAM An on-site channelization or relocation of a stream channel and subsequent relocation of the intermittent or perennial flow as evidenced by topographic alterations in the immediate watershed. A modified natural stream must have the typical biological, hydrological, and physical characteristics commonly associated with the continuous conveyance of water (perennial stream).

MURAL A painting or other work of art executed directly or affixed to an exterior wall.

MULTI-PHASED DEVELOPMENT VESTING PLAN A development containing at least 25 acres that is subject to a master plan with committed elements showing the types and intensity of uses for each phase and which development permitting will occur in more than one phase.

NATURAL EROSION The wearing away of the earth's surface by water, wind, or other natural agent under natural environmental conditions undisturbed by humans.

NCDOT EROSION CONTROL CERTIFICATION A certification required by the DOT for all erosion control projects.

- **Level I: Erosion & Sediment Control/Stormwater Inspector/Installer -** Required for each supervisor of grading contractor installing temporary erosion and sediment control/stormwater devices and/or subcontractor.
- **Level II: Erosion & Sediment Control/Stormwater Site Management -** Superintendent/foreman in charge of grading activities, contractor personnel assigned to conduct NPDES sites inspections and fill out NPDES weekly log.
- **Level III a/b: Design Professionals**

NCGS The North Carolina General Statutes and all rules and orders adopted pursuant to them.

NECESSARY, NECESSITY OR NEED (WTF) What is technologically required for the equipment to function as designed by the manufacturer and that anything less will result in prohibiting the provision of service as intended and described in the narrative of the Application. Necessary or Need does not mean what may be desired, preferred or the most cost-efficient approach and is not related to an Applicant's specific chosen design standards. Any situation involving a choice between or among alternatives or options is not a Need or a Necessity.

NEIGHBORHOOD PARKS Improved space set aside for public use and recreation that is comprised of one or more of the following typologies (as outlined in Section 7.5.1): Park/Greenway, Green, Square, Playground, and Community Garden.

NEW CONSTRUCTION (FLOODPLAIN DEVELOPMENT) 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 (May 16, 2006) and includes any subsequent improvements to such structures.

NIER Non-Ionizing Electromagnetic Radiation.

NONCONFORMING SIGN A sign legally established prior to the effective date of this ordinance or subsequent amendment thereto, that does not conform to the sign regulations found herein.

NON-ENCROACHMENT AREA (FLOODPLAIN DEVELOPMENT) The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot as designated in the Flood Insurance Study report.

OFFICIAL MAPS OR PLANS Any maps or plans officially adopted by the Wake Forest Board of Commissioners as a guide to the development of the Town of Wake Forest.

OFF-SITE STORMWATER CONTROL MEASURES The overall design, construction, and maintenance of one or more devices and measures and associated drainage easements, conduits, inlets, channels, pipes and ditches, level spreaders, filters, buffers, bioretention areas, sand filters, detention basins, wetlands and ponds necessary to collect, convey, store and control stormwater runoff and pollutants for more than one lot. Stormwater control facilities serving contiguous properties or a subdivision or a portion of a subdivision greater than one lot are examples of off-site stormwater control facilities.

ON-SITE STORMWATER CONTROL MEASURES The overall design, construction, and maintenance of one or more devices and measures and associated drainage easement, conduits, inlets, channels pipes, ditches, level spreaders, filters, buffers, bioretention areas, sand, filters, detention basins, wetlands, and ponds, necessary to collect, convey, store and control stormwater runoff and pollutants within and for a single lot.

OPEN SPACE Those areas set aside and protected from development which may be left in a generally unimproved state.

OWNER The legal or beneficial owner of land, including but not limited to a mortgagee or vendee in possession, receiver, executor, trustee, or long-term or commercial lessee, or any other person or entity holding proprietary rights in the property or having legal power of management and control of the property. "Owner" shall include long-term commercial tenants; management entities, such as those charged with or engaged in the management of properties for profit; and every person or entity having joint ownership of the property. A

secured lender not in possession of the property does not constitute an owner, unless the secured lender is included within the meaning of "owner" under another description in this definition, such as a management entity.

PARENT ENTITY An affiliate that directly, or indirectly through one or more intermediaries, controls another person.

PE Professional Engineer License.

PERENNIAL STREAM A well-defined channel that contains water year-round during a year of normal rainfall with the aquatic bed below the water table for most of the year. Groundwater is the primary source of water for perennial streams. A perennial stream exhibits the typical biological, hydrological, and physical characteristics commonly associated with the continuous conveyance of water. 15A NCAC 02B.033 (2)(I).

PERMIT The approval document allowing land-disturbing activities to be initiated. A project may be developed in phases with separate permits for each phase.

PERSON Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, or other legal entity.

PERSON CONDUCTING LAND-DISTURBING ACTIVITY Any person who may be held responsible for a violation unless expressly provided otherwise by the erosion and sedimentation control regulations of this article, the SPCA Act, or any order adopted pursuant to these regulations or the SPCA Act.

PERSON RESPONSIBLE FOR THE VIOLATION

Examples of this include:

- The developer or other person who has or holds himself out as having financial or operational control over the land – disturbing activity; and/or
- The landowner or person in possession or control of the land when he has directly or indirectly allowed the land-disturbing activity or has benefited from it or he has failed to comply with any provision of the erosion and sedimentation control regulations of this article, the SPCA Act, or any order

adopted pursuant to these regulations or the SPCA Act as imposes a duty upon him; and/or

- The contractor or subcontractor who is authorized to perform land-disturbing work for the landowner.

PHASE OF GRADING One of two types of grading, rough or fine. Grading plans are required to be phased.

PLANNED UNIT DEVELOPMENT A district designed to promote a compatible mix of uses in an integrated and sustainable development consistent with the Town's unique character. This district shall also encourage design flexibility, multi-modal connectivity between uses; sensitivity to natural resources and environmental features; and facilitate the efficient provisions of infrastructure, utilities, and adequate public facilities.

PLAT A map or plan of a parcel of land which is to be or has been subdivided.

POST-FIRM (FLOODPLAIN DEVELOPMENT) 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 (FLOODPLAIN DEVELOPMENT) 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.

PRELIMINARY FLOOD INSURANCE RATE MAP (PFIRM) A map(s) released by the Federal Emergency Management Agency (FEMA) for public comment prior to the effective date of the FIRM as established by FEBA. The map may be in both digital and printed format and shows the community and FEMA special flood hazard areas, community encroachment areas and FEMA floodways, FEMA and community base flood elevations, flood insurance risk premium zones and other data. The data and maps are subject to change prior to the effective date.

PRELIMINARY FLOOD INSURANCE STUDY (PFIS) A narrative report released by the Federal Emergency Management Agency for public comment prior to the effective date. Information contained in the PFIS includes a description of past flooding and studies, the

study area, engineering methods, community and FEMA base flood elevations, other community and FEMA flood data. The flood insurance rate maps are also included as part of the flood insurance study. The data and maps are subject to change prior to the effective date.

PRIMARY CONSERVATION AREA Such areas include riparian corridors, special flood hazard areas, unique geological formations, rock outcroppings, rare plants, rare plant communities, rare habitats, wetlands, & prime agricultural areas/farmland.

PRINCIPALLY ABOVE GROUND (FLOODPLAIN DEVELOPMENT) At least 51% of the actual cash value of the structure is above ground.

PRIVATE DRIVEWAY A roadway serving 2 or fewer lots, building sites or other divisions of land and not intended to be used for public ingress or egress.

PROJECTING/SUSPENDED SIGN Pedestrian-scaled signs mounted to the side of a building or underside of a balcony or arcade which can be read from both sides.

PROTECTIVE COVER Natural or artificial ground cover of grass, trees, shrubs, or mulch sufficient to reduce erosion potential.

PUBLIC OR COMMUNITY SEWAGE DISPOSAL SYSTEM A sanitary sewage disposal system, regulated by the Division of Environmental Management, North Carolina Department of Natural and Economic Resources, with 3,000 gallons or more design capacity and/or whose effluent is discharged to surface water.

PUBLIC OR COMMUNITY WATER SUPPLY SYSTEM A system serving 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 constructed to specifications approved by the Division of Health Services, North Carolina Department of Human Resources.

PUBLIC SAFETY AND/OR NUISANCE (FLOODPLAIN DEVELOPMENT) 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.

QUASI-JUDICIAL DECISION A decision that involves the findings of facts regarding a specific application of an ordinance and the exercise of discretion when applying the standards of the ordinance.

RADOME A housing that contains one or more antennas made from a material that is transparent to radio waves. A radome is expressly not an antenna.

RECREATIONAL VEHICLE (RV) (FLOODPLAIN DEVELOPMENT) A vehicle, which is:

- Built on a single chassis;
- 400 square feet or less when measured at the largest horizontal projection;
- Designed to be self-propelled or permanently towable by a light duty truck; and
- Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

REDEVELOPMENT Any rebuilding activity other than a rebuilding activity that results in no net increase in built-upon area and provides equal or greater stormwater control than the previous development.

REFERENCE LEVEL (FLOODPLAIN DEVELOPMENT) The top of the lowest floor for structures within Special Flood Hazard Areas and Future Conditions Flood Hazard Areas designated as Zone AE, A, A99 or X (Future).

REGIONAL STORMWATER CONTROL MEASURES

The overall design, construction and maintenance of measures and devices and associated drainage easements, conduits, inlets, channels, pipes, ditches, filters, buffers, bioretention areas and ponds that are necessary to collect, convey, store and control stormwater runoff and pollutants within or outside a development and for one or more developments, as shown on the stormwater control master plans approved by the State of North Carolina and the Town of Wake Forest.

REGULATORY FLOOD PROTECTION ELEVATION (FLOODPLAIN DEVELOPMENT) 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.

- In “Special Flood Hazard Areas” where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus 2 feet of freeboard.
- In “Special Flood Hazard Areas” where no BFE has been established, this elevation shall be at least 2 feet above the highest adjacent grade.
- In Future Conditions Flood Hazard Areas this elevation shall be the Future Conditions Flood Elevation plus 2 feet of freeboard.

REMEDY A VIOLATION (FLOODPLAIN DEVELOPMENT) 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

REPAIRS AND MAINTENANCE (WTF) The replacement or repair of any components of a wireless Facility or Complex 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 or Complex without the addition, removal or change of any of the physical or visually discernible components or aspects of a wireless Facility or Complex that will impose new visible burdens of the Facility or Complex as originally permitted.

RIGHT-OF-WAY An area of land not on a lot that is dedicated or taken for public or private use to accommodate a transportation system. It may incorporate the roadway, curbs, gutters, lawn strips, sidewalks, and lighting, and may include special features (required by the topography or treatment) such as grade separation, bridges, or other transportation infrastructure.

RIGHT-OF-WAY, ASSUMED Where no right-of-way exists or if the right-of-way is only inclusive

of the street pavement then the assumed right-of-way line is parallel to the edge of pavement and setback a minimum of 10 feet from the edge of pavement. This definition is for setback calculation purposes only and does not represent any expressed or implied taking of property.

RIVERINE (FLOODPLAIN DEVELOPMENT)

Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

PARAPET SIGN A building-mounted sign erected upon and completely over any part the roof of a building.

SALVAGE YARD (FLOODPLAIN DEVELOPMENT)

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.

SEDIMENT The solids particulate matter both mineral and organic that has been or is being transported by water, air, gravity, or ice from its site of origin.

SEDIMENTATION The process by which sediment resulting from accelerated erosion has been or is being transported off the site of the land-disturbing activity or into a lake or natural watercourse.

SEEDING Seed, straw and tack, hydroseed, sod, or other approved seeding method.

SEDIMENT POLLUTION CONTROL ACT (SPCA ACT) North Carolina Sediment Pollution Control Act of 1973 and all rules and orders adopted pursuant to it.

SETBACK The shortest horizontal distance from a lot line of a lot to the nearest point of a structure on the lot.

SETBACK, MAXIMUM A line parallel to the lot line at or in front of which a building shall be erected. Maximum setbacks shall be figured from the right-of-way line. At least 50% of the building frontage shall meet the maximum setback.

SETBACK, MINIMUM A line parallel to the lot line in front of which no building shall be erected. Minimum setbacks shall be figured from the right-of-way line, lot line, or in the case of alley-accessed lots the alley easement.

SETBACK, PRINCIPAL FRONT The shortest horizontal distance from the principal front lot line of a lot to the nearest point of a structure on the lot. Where no right-of-way exists or if the right-of-way is only inclusive of the street pavement then the principal front setback shall be measure from an assumed right-of-way line.

SETBACK, REAR The shortest horizontal distance from the rear lot line of a lot, or in the case of alley-accessed lots the centerline of the alley, to the nearest point of a structure on the lot.

SETBACK, SECONDARY FRONT OR STREET SIDE

The shortest horizontal distance from the secondary front or street side lot line of a lot to the nearest point of a structure on the lot.

SETBACK, SIDE The shortest horizontal distance from the side lot line of a lot to the nearest point of a structure on the lot.

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.

SILTATION Sediment resulting from accelerated erosion which can be settled or removed by properly designed, constructed, and maintained control measures; and which has been transported from its point of origin within the site of a land-disturbing activity; and which has been deposited, or is in suspension in water.

SINGLE-TIER LOT A lot which backs upon a limited access highway, a railroad, a physical barrier, or another type of land use and to which access from the rear is usually prohibited.

SITE SPECIFIC VESTING PLAN A site-specific development plan that describes with a reasonable certainty the type and intensity of use for a specific parcel or parcels of property and identify boundaries, significant topography, natural features, the approximate location and dimensions (including height) of proposed buildings, and the approximate location of proposed infrastructure, including utilities and street and pedestrian facilities. The following development applications constitute site specific vesting plans: site master plan, site construction plan, subdivision master plan, subdivision construction plan, special use

permit, a conditional district master plan, and a planned unit development. The validity permit is two years.

SITE PLAN A plan and/or review process for any type of development or building activity on particular parcel or parcels of land.

SPECIAL USE PERMIT (SUP) A permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with general standards requiring that judgment and discretion be exercised as well as compliance with specific standards.

STABILIZATION The process of restoring a site with ground cover or armor to resist soil erosion from the forces of air, wind, or water.

STEALTH OR STEALTH TECHNOLOGY (WTF) A design or treatment that minimizes adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such Wireless Telecommunications Facilities, which shall mean building the least visually and physically intrusive facility and Complex that is not technologically or commercially impracticable under the facts and circumstances. Stealth technology includes such techniques as DAS or its functional equivalent or camouflage where the Tower is disguised to make it less visually obtrusive and not recognizable to the average person as a Wireless Facility or Complex.

STOP WORK ORDER A written order to stop work, issued by the Administrator, upon determining that work is being conducted in violation of this ordinance.

STORM DRAINAGE FACILITIES The system of inlets, conduits, channels, ditches, and appurtenances which serve to collect and convey stormwater through and from a given drainage area.

STORMWATER MANUAL The Stormwater Design Manual approved for use in Phase II jurisdictions by the N.C. Division of Environmental Quality and certified by this jurisdiction is at least as stringent as the Stormwater Design Manual approved for use in Phase II jurisdictions the proper implementation

of the requirements of the federal Phase II stormwater program. All references herein to the Stormwater Design Manual are to the latest published edition or revision.

STORMWATER CONTROL DEVICE MEASURES

The overall design, construction, and maintenance of one or more physical devices, measures and associated drainage easements, conduits, inlets, channels, pipes and ditches, level spreaders, filters, buffers, bioretention areas, sand filters, detention basins, swales, wetlands and ponds or any other-Town approved best management practice necessary to collect, convey, store, treat and control stormwater runoff and pollutants.

STORMWATER RUNOFF The surface flow of water resulting from precipitation in any form and occurring immediately after rainfall or melting.

STREAM An intermittent or perennial surface water subject to US Army Corps of Engineers (Corps) and/or NC Division of Water Resources (DWR) 404/401 jurisdiction. To confirm jurisdictional status, a formal Corps and/or DWQ response is required (e.g. Jurisdictional Determination).

STREAM CLASSIFICATION The existing or contemplated best usage of streams, pursuant to 15A NCAC 02B .0300, and/or subsequent clarifications, modifications, and addenda.

STREET A dedicated and accepted public right-of-way, or privately maintained access, for vehicular traffic which conforms to any of the specific street classifications in Section 6.7.2 of this ordinance.

STRUCTURE Anything principally above ground that is erected, installed, or constructed on or affixed to the ground or attached to something located on the ground including, a gas or liquid storage tank, or other man-made facilities or infrastructure. For floodplain management purposes "principally above ground" means that at least 51% of the actual cash value of the structure is above ground.

STRUCTURAL CAPABILITY OR "STRUCTURAL CAPACITY (WTF) Notwithstanding anything to the contrary in any other standard, code, regulation or law, up to and not exceeding a

literal 100% of the designed loading and stress capability of the support structure.

SOLID WASTE DISPOSAL FACILITY (FLOODPLAIN DEVELOPMENT) As defined in NCGS 130A-290(a) (35), any facility involved in the disposal of solid waste.

SOLID WASTE DISPOSAL SITE (FLOODPLAIN DEVELOPMENT) 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) (FLOODPLAIN DEVELOPMENT) The land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year based on current conditions hydrology.

START OF CONSTRUCTION (FLOODPLAIN DEVELOPMENT) Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

STEALTH OR STEALTH DESIGN A design or treatment such as a Distributed Antenna System or its equivalent that minimizes adverse aesthetic and visual impacts on the land, property and 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.

STRUCTURE (FLOODPLAIN DEVELOPMENT) A walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

STRUCTURAL SCM A physical device designed to trap, settle out, or filter pollutants from stormwater runoff; to alter or reduce stormwater runoff velocity, amount, timing, or other characteristics; to approximate the pre-development hydrology on a developed site; or to achieve any combination of these goals. Structural SCM includes physical practices such as constructed wetlands, vegetative practices, filter strips, grassed swales, and other methods installed or created on real property. "Structural SCM" is synonymous with "structural practice", "stormwater control facility," "stormwater control practice," "stormwater treatment practice," "stormwater management practice," "stormwater control measures," "structural stormwater treatment systems," and similar terms used in this ordinance.

SUBDIVIDER Any person, firm, or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.

SUBDIVISION All divisions of a tract or parcel of land into 2 or more lots, building sites, or other divisions for the purpose of sale, or building development (whether immediate or future) and shall include all divisions of land involving the dedications of a new street or a change in existing streets. Does not include exempt subdivision as defined by NC General Statutes.

SUBSIDIARY An affiliate that is, directly or indirectly, through one or more intermediaries, controlled by another person.

SUBSTANTIAL DAMAGE (FLOODPLAIN DEVELOPMENT) Damage of any origin sustained by a structure during any 1-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% 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 2 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% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT (FLOODPLAIN DEVELOPMENT) Any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any 1-year period for which the cost equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- Any correction of existing violations of State or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or,
- Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

SUBSTANTIAL MODIFICATION (WTF) A change or Modification that increases the existing vertical height of the structure by the greater of (a) more than ten percent (10%) or (b) the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet; or (a) except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable, adding an appurtenance to the body of a wireless support structure that protrudes horizontally from the edge of the wireless support structure the greater of (i) more than 20 feet or (ii) more than the width of the wireless support structure at the level of the appurtenance; or (b) increases the square footage of the existing equipment compound by more than 2,500 square feet.

SUBSTANTIAL PROGRESS For the purposes of determining whether sufficient progress has been made on an approved plan, one or more of the following construction activities toward the

completion of a site or subdivision plan shall occur: obtaining a grading permit and conducting grading activity on a continuous basis and not discontinued for more than 30 days; or installation and approval of on-site infrastructure; or obtaining a building permit for the construction and approval of a building foundation. "Substantial progress" for purposes of determining whether an approved plan is null and void is not necessarily the same as "substantial expenditures" used for determining vested rights pursuant to applicable law.

TELECOMMUNICATIONS The transmission and/or reception of audio, video, data, and other information by wire, radio frequency, light, and other electronic or electromagnetic systems.

TELECOMMUNICATIONS STRUCTURE OR SUPPORT STRUCTURE A structure used in the provision of services described in the definition of Wireless Telecommunications Facilities to physically support antennas and other equipment necessary for the provision of wireless service.

TEMPORARY (WTF) Unless otherwise specified by this ordinance, something intended to, or that does, exist for fewer than 90 days.

TEMPORARY SIGNS Portable signs used to announce or advertise specific events which have a definite beginning and end date/time.

TEN-YEAR STORM The storm water runoff resulting from precipitation of an intensity expected to be equaled or exceeded, on the average, once in ten years, and of a duration which will produce the maximum peak rate of runoff for the watershed of interest under average antecedent wetness conditions.

TOP OF BANK The points in a cross-section where the stream channel makes a transition to flood plain. Top of bank can be identified by a change in the slope of the land, a transition from terrestrial to riparian vegetation, and/or changes in the composition of substrate materials.

TOWER Any structure designed primarily to support an antenna for receiving and/or transmitting a wireless signal.

TRACT All contiguous land and bodies of water being disturbed or to be disturbed as a unit, regardless of ownership.

TWENTY-FIVE YEAR STORM The storm water runoff resulting from precipitation of an intensity expected to be equaled or exceeded on the average, once in 25 years, and of a duration which will produce the maximum peak rate of runoff for the watershed of interest under average antecedent wetness conditions.

UNBUILDABLE AREAS Areas that have highly erodible soils or slopes in excess of 60%.

UNCOVERED The removal of ground cover from, on, or above the soil surface.

UNDERSTORY TREE Small-growing trees with an expected mature height of 20 to 40 feet.

UPPER WATERSHED DRAINAGEWAY A natural or artificial stream or depression that drains more than 5 acres of surface water located within a Water Supply Watershed Overlay District.

VESTED RIGHT The right to undertake and complete the development and use of property under the terms and conditions of an approval secured as specified by NC General Statutes or under common law.

VELOCITY The average velocity of flow through the cross section of the main channel at the peak flow of the storm of interest. The cross section of the main channel is defined by the geometry of the channel plus the area of flow below the flood height defined by vertical lines at the main channel banks. Overload flows are not to be included for the purpose of computing velocity of flow.

VIOLATION (FLOODPLAIN DEVELOPMENT) The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance is presumed to be in violation until such time as that documentation is provided.

WALL SIGN Flat signs or lettering which are painted or attached to the wall of a building or structure.

WASTE Surplus soil or earth materials resulting from on-site construction and disposed of at other locations.

WATER SURFACE ELEVATION (WSE) (FLOODPLAIN DEVELOPMENT) The height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

WATERCOURSE (FLOODPLAIN DEVELOPMENT) A lake, river, creek, stream, or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

WATERCOURSE BUFFER ZONE The strip of land adjacent to a lake, river, creek, stream.

WETLANDS Wetlands are areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. This definition of wetlands is used by the U.S. Army Corps of Engineers (Corps) and the U.S. Environmental Protection Agency (EPA) since the 1970s for regulatory purposes in Section 404 of the Clean Water Act.

WINDOW SIGN Flat signs or lettering which are painted or attached to the window of a building or structure. These signs also include retail window displays which are intended to showcase/advertise goods and products to pedestrians on the sidewalk.

WORKING DAYS Days exclusive of Saturday, Sunday, Federal and State holidays during which weather conditions or soil conditions permit land-disturbing activity to be undertaken under the Land Disturbance Permit.

WIRELESS CARRIER See "Carrier"

YARD The area within a lot that lies between the principal structure(s) on the lot and the nearest lot line