



TOWN *of* WAKE FOREST

Planning Board Meeting Agenda May 10, 2022 at 6:00 PM

Notice

In accordance with the requirements of Title II of the Americans with Disability Act of 1990 (ADA), the Town of Wake Forest will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities. For individuals with impaired hearing, special equipment is available for use during meetings in the Town Hall Board Chambers. Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the Town of Wake Forest should contact the office of ADA Coordinator [Mickey Rochelle](#) at 919-435-9455 or Deputy Town Clerk [Terry Savary](#) at 919-435-9432 as soon as possible, but no later than 48 hours before the scheduled event.

Cable & Online Broadcast of Planning Board Meetings

All Planning Board meetings are broadcast live on [WFTV 10](#) beginning at 6:00 p.m. Meetings are also aired online on the [Public Meetings Portal](#) on the [Town of Wake Forest website](#). Archived meeting videos are also provided and available for one year after the original air date.

Meeting Agendas

[Planning Board](#) meeting agendas are typically available to be viewed and downloaded by noon on the Friday prior to the second Tuesday of each month. Citizens may also receive a copy of each month's agenda via email by enrolling in the Town's free [E-Notifier](#) subscription service.

Public Comment

Those wishing to speak must first register to speak no later than noon the day of the meeting. In lieu of speaking in person, written comments can be provided via the public comment portal. Written comments received less than 24 hours before the scheduled meeting may not be included in the record. The forms to register to speak and provide written comments are available at <https://www.wakeforestnc.gov/ph>.

At the appropriate time, the Planning Board Chair will acknowledge those persons who have registered to speak. They will be called upon in the order registered. Speakers will address the Board as a whole, from the podium at the front of the room, and begin their remarks by stating their

name and address. At the end of public comment, the Chair may summarize the discussion from the public comment. While not required, the Chair may ask staff or the applicant to respond. Speakers needing additional information or questions answered will be contacted by the Deputy Town Clerk and provided contact information for the appropriate staff person.

Unless otherwise indicated by the Chair, individual comments shall be limited to three minutes. Groups are encouraged to designate a lead speaker on their behalf, and when addressing the Board, the speaker must first identify the group they are representing and will be given no more than ten minutes to give comments. Once comments have been made, speakers cannot speak again, unless specifically called upon by the Chair. The Chair may, at his/her discretion, interrupt public comment and elect to continue it to another meeting due to, among other reasons, the lateness of the hour or to allow consideration of other items on the agenda.

When public comment sessions are continued from previous meetings, previous individuals that have spoken, either representing themselves or a group, cannot speak at a continued public comment session, unless specifically called upon by the Chair. Additionally, speakers cannot both represent themselves individually and speak on behalf of a group throughout public comment periods, even if held over multiple sessions.

1.Call to Order

2.Adoption of Agenda

3.Approval of Minutes

- 3.A. Approval of Minutes
[DraftPBMinutesMar202208.pdf](#)

4.Presentations

5.Old Business with Public Comment

6.Old Business

7.New Business with Public Comment

- 7.A. Consideration of and Public Comment on LEGISLATIVE ITEM TA-22-02 Text Amendment to the Unified Development Ordinance
[TA-22-02 Staff Reportv3.pdf](#)
[Attachment A - TA-22-02 Application.pdf](#)
[Attachment B - Proposed Changes.pdf](#)
[Attachment C - Plan Consistency Analysis.pdf](#)

[Exhibit 1 - UDO Chapter 11.pdf](#)

[Exhibit 2 - UDO Chapter 12.pdf](#)

[Exhibit 3 - UDO Chapter 16.pdf](#)

[Exhibit 4 - UDO Chapter 17.pdf](#)

8.New Business

9.Staff Comments

10.Planning Board Comments

11.Adjournment



Planning Board Agenda Item Report

Agenda Item No.: 2021-545-
Submitted by: Terry Savary
Submitting Department: Planning
Meeting Date: May 10, 2022

SUBJECT

Approval of Minutes

Recommendation:

Item Summary:

ATTACHMENTS

- [DraftPBMinutesMar202208.pdf](#)



Wake Forest Planning Board Minutes

The Wake Forest Planning Board met on **Tuesday, March 8, 2022**, at **6:00 p.m.** in the Board Room at Wake Forest Town Hall, 301 S Brooks Street.

Planning Board Members present: Joe Kimray, Karin Kuropas, Thomas Ballman, Christopher Joyner, Michael Siderio, Michael Hickey, and Sheila Bishop

Planning Board Members absent: None

Board of Commissioners present: Commissioner Nick Sliwinski

Staff Members present: Planning Director Courtney Tanner, Assistant Planning Director Jennifer Currin, Deputy Town Clerk Terry Savary, and Town Attorney Hassan Kingsberry

1. Call to Order

Chair Kimray called the meeting to order at 6:00 p.m.

2. Adoption of Agenda

ACTION:

Mover: Karin Kuropas moved to adopt the agenda as presented.

Second: Sheila Bishop.

Vote: Motion carried 7-0.

3. Approval of Minutes

ACTION:

Mover: Karin Kuropas moved to approve the January 31, 2022 minutes as presented.

Second: Chris Joyner.

Vote: Motion carried 7-0.

4. Presentations

No Presentations.

5. Old Business with Public Comment
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No Old Business with Public Comment presented.

6. Old Business

6.A. Consideration of CPA-22-01, Revised Draft Town of Wake Forest Community Plan and Land Use Map (March 2, 2022 version)

Assistant Planning Director Jennifer Currin provided an overview of the modifications made to the draft Town of Wake Forest Community Plan and Land Use Map. Item CPA-22-01 was continued at the January 31, 2022 Planning Board meeting.

Thomas Ballman asked what micro transit is. Ms. Currin explained micro transit as a no fixed route, but having fixed locations for pick up, where you call and request a shuttle pickup to take you to a specific location.

Mr. Ballman thanked staff for outlining the plan. He thought it was telling in reading all the comments and responses gathered.

Mr. Ballman said one of the recommendations is to update the 2015 Parks & Recreation Plan. He asked if those plans are typically updated every 10 years. Ms. Currin did not know what the frequency is for a Parks & Recreation Master Plan, but a Land Use Plan is updated every 7 years or so. Mr. Ballman stated the demand for youth programs has grown significantly and the children are being put on waiting lists to participate in the programs being offered. Mr. Kimray asked if he had a specific action item in mind. Mr. Ballman said an action item would be an investigation into the programming based on what's transpired in the town and what's coming online. Ms. Currin stated as part of the update to the Parks & Recreation Master Plan there would be a needs assessment, which would evaluate some of the items mentioned.

Mr. Ballman spoke about the Church Initiative property and said he's spent time visiting the facility to try and understand what transpired at the public hearing. He understands town staff has tried to make some adjustments such as adding professional services to help alleviate their concerns. Mr. Ballman stated it appears they want to be identified as an Office and Institutional type use in the future. Ms. Currin stated the Renaissance Plan is a separate plan that establishes the boundaries they're located in. As part of this plan we would not be able to remove them from that boundary since that boundary was established with a separate plan. Ms. Currin stated staff does have it as an action item within the Community Plan as well as to update the Renaissance Plan. Ms. Currin stated staff's opinion is when you look at the downtown plan there's no Office and Institutional anywhere in that vicinity and it doesn't make sense from staff's perspective to be Office and Institutional. Mr. Ballman added there are isolated parcels throughout the town that are zoned Office and Institutional.

Mike Hickey commended staff and thanked them for listening. He stated Page 35 of the revised draft Community Plan identifies enhancing infrastructure with growth, and mitigating traffic congestion, but the action items do not address town congestion. He thinks it needs to be included as an action item.

Mr. Hickey asked how the parcels were identified for inclusion within the residential plan. Ms. Currin stated, when it was being developed, they looked around town and identified general areas of where there may be development in the future.

Sheila Bishop thanked staff for putting the Plan together. Ms. Bishop stated action item 18.2 of the Community Plan talks about adding amenities and programming to the bikeways, greenways, and trails. She asked if it was added due to public feedback. Ms. Currin replied yes, there was public feedback related to greenways and programming. She said they presented to the Public Arts Commission, and they mentioned items such as art along the greenways. The goal is to create a more connected community.

Ms. Bishop said action item 18.3 of the Community Plan addresses restaurants and cafes. She asked if there was any concern adding those action items next to greenways and open spaces when they're trying to move away from congestion. Ms. Currin explained with that action item they're trying to encourage greenway connection to some of those more active uses.

Ms. Bishop asked how often the Comprehensive Transportation Plan is updated. Ms. Currin responded, generally, it's a 7-year rotation.

Mike Siderio asked how the town increases parks and open space. Ms. Currin replied, the Parks & Recreation Master Plan identifies where future facilities may be needed based upon projected growth. Ms. Currin stated there's private HOA open space as well, depending upon what's proposed, which is dictated by the Unified Development Ordinance. Mr. Siderio asked if the town would have to purchase land for public spaces. Ms. Currin replied, yes.

Mr. Siderio asked if there's a hierarchy between the Community Plan and the Renaissance Plan when it comes to a contradiction in plans. Ms. Currin replied, if there are policies in both plans that apply, they'd have to follow both.

Mr. Siderio asked if the past plans and studies on pages 22 and 23 of the Comprehensive Plan should be in chronological order. Ms. Currin replied staff would take a look to see if they should be put in chronological order.

Chair Kimray commended staff on a job well done.

Mr. Ballman said there's a lot of private open space that could provide a greater opportunity for a multi-modal experience.

Mr. Hickey identified a grammatical error on page 50 of the Community Plan. He said it should read "Country Club" not "County Club".

Mr. Hickey commended staff on their efforts in the first revision of the Community Plan.

ACTION:

Mover: Mike Hickey moved to approve CPA-22-01, Revised Draft Town of Wake Forest Community Plan and Land Use Map (March 2, 2022 version) with the following conditions:

Conditions:

1. *Add the following text under the Community Facilities section of the Community Plan:*
Continue to work with NCDOT on roadway improvements to prioritize and improve traffic conditions, remove and reduce congestion where applicable.
2. Staff to fix typo on page 50 of the Community Plan. Change "County Club" to "Country Club".

Seconded: Chris Joyner

Mr. Hickey asked if there were any other recommendations or comments needing to be added. Chair Kimray stated that would need to be done prior to the motion being closed and seconded.

Mike Hickey withdrew said motion of CPA-22-01 and asked if there were other board members that would like to make recommendation as well.

Mr. Ballman stated the one recommendation he mentioned was the programming aspect of the plan. He said Ms. Currin stated the update of the plan would account for the programming update. He mentioned the Church Initiatives property being pulled out of the downtown small area plan and understands it's part of the Renaissance Plan.

Ms. Tanner stated there's already a recommendation for an update to the Parks & Recreation Plan as well as an update to the Renaissance Plan and both are accounted for in the action plan.

Mr. Ballman asked if there's any reference to deed restricted land, within developments, as further opportunities to expand greenways or expand access to town greenways. Ms. Currin stated, anytime a development comes in, the town evaluates it against the Comprehensive Transportation Plan to identify if any corridors for greenways need to be reserved.

ACTION:

Mover: Mike Hickey moved to approve CPA-22-01, Revised Draft Town of Wake Forest Community Plan and Land Use Map (March 2, 2022 version) with conditions:

Conditions:

1. *Include an additional action item under Community Facilities Section, action item 13-14:*
Work with NCDOT on traffic mitigation, congestion reduction, and roadway improvements. Encourage fast track and/or speed up of existing projects including the Rogers Road project.
2. Staff to fix typo on page 50 of the Community Plan. Change "County Club" to "Country Club".

Seconder: Thomas Ballman.

Vote: Motion carried 7-0.

7. New Business with Public Comment
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No New Business with Public Comment presented.

8. New Business

No New Business presented.

9. Staff Comments

Ms. Tanner informed the Planning Board one of the items on the March 15, 2022 Board of Commissioners meeting agenda is the contract of the Comprehensive Unified Development Ordinance and the Manual of Specifications, Standards & Design update. She said Houseal Lavigne Associates was the selected firm.

Ms. Tanner stated there will be at least eight special work sessions over a 2-year period for the Planning Board. In order for Houseal Lavigne to prepare the UDO the Board will meet with them over a 2-year period to gather feedback on what works in the UDO and what's missing and/or broken in the UDO. Ms. Tanner will notify the Board of the special meeting dates once she receives them.

Mr. Hickey asked if the days of the special meetings will be flexible. Ms. Tanner replied yes, they could be flexible. Staff can't guarantee the special meetings will be held on the same night.

Mr. Joyner asked if the special meetings would begin at 6:00 p.m. Ms. Tanner replied, yes.

Mr. Ballman asked if the number of special meetings have been outlined. Ms. Tanner replied yes, there'll be at least eight special meetings.

Ms. Bishop asked Ms. Tanner if she'd follow-up with an email regarding the special meetings.

10. Planning Board Comments

No Comments.

11. Adjournment

ACTION:

Mover: Chris Joyner moved to adjourn at 7:08 p.m.

Seconder: Thomas Ballman.

Vote: Motion carried 7-0.

Duly approved in open session this 12th day of April 2022.

Joe Kimray
Planning Board Chair

Terry Savary
Deputy Town Clerk



Planning Board Agenda Item Report

Agenda Item No.: 2021-560-
Submitted by: Patrick Reidy
Submitting Department: Planning
Meeting Date: May 10, 2022

SUBJECT

Consideration of and Public Comment on LEGISLATIVE ITEM TA-22-02 Text Amendment to the Unified Development Ordinance

Recommendation:

Item Summary:

ATTACHMENTS

- [TA-22-02 Staff Reportv3.pdf](#)
- [Attachment A - TA-22-02 Application.pdf](#)
- [Attachment B - Proposed Changes.pdf](#)
- [Attachment C - Plan Consistency Analysis.pdf](#)
- [Exhibit 1 - UDO Chapter 11.pdf](#)
- [Exhibit 2 - UDO Chapter 12.pdf](#)
- [Exhibit 3 - UDO Chapter 16.pdf](#)
- [Exhibit 4 - UDO Chapter 17.pdf](#)



Staff Report

TA-22-02: Unified Development Ordinance Text Amendment

Meeting Date	May 10, 2022
Requested Actions	Consideration of the following items related to a Unified Development Ordinance (UDO) Text Amendment: 1. Plan Consistency Statement. 2. Amendment to Chapters 11, 12, 16, and 17 of the UDO.
Case Manager	Patrick Reidy, Senior Planner
Planning Board Recommendation	N/A

PUBLIC INPUT MEETINGS

Public Comment Session	Public Hearing (tentative)
May 10, 2022	June 21, 2022

CASE INFORMATION

Applicant	Town of Wake Forest 301 S Brooks Street Wake Forest, NC 27587
<i>See Attachment A for copy of the Application.</i>	

CASE SUMMARY

The UDO was adopted on July 16, 2013, and has been amended since by Town Planning staff. The UDO is a consolidated document which contains all the Town's regulations for zoning, development, subdivision, flood damage prevention, erosion and sedimentation control and storm water and is used during the development review process. There are three proposed amendments, including definitions: Murals, Flood Damage Prevention, and Enforcement.

PROPOSED CHANGES

Chapter	Section
Chapter 11	Section 11.8 Permanent Signage Standards The murals amendment is to allow murals within the Renaissance Area Historic Core (RA-HC) District. The Town of Wake Forest submitted and received a National Endowment of Arts grant for murals. While working on the design of a future mural, it was noted that Section 11.8 did not allow murals in the RA-HC District. This amendment would allow for murals to be located in the RA-HC under the current mural regulations.
Chapter 12	Section 12.4.1 Flood Damage Prevention – General Provisions Chapter 12.4 of the UDO is being amended to include additional statutory references per a recommendation of the State. The references are required to be added to the UDO by July 1, 2022.
Chapter 16	Replacing all of Chapter 16 - Violations & Penalties with Chapter 16 – Enforcement Chapter 16 of the UDO is being replaced in its entirety to create consistency between the different enforcement entities, align with fee amendments proposed in the FY23 budget, clarify the different levels of hearings and appeals, and add a citation reduction option for first time offenders who bring a violation into compliance.
Chapter 17	Section 17.4 Definitions Generally The definitions “Demolition by Neglect”, “Hardship Review Committee”, and “Mural” are being added to align with Chapter 11 and 16 amendments.
<i>See Attachment B for detailed Proposed Changes.</i>	

COMPREHENSIVE PLAN CONSISTENCY

Community Plan (2022)	The proposed request is generally consistent with the Community Plan.
Comprehensive Transportation Plan (2019)	The Comprehensive Transportation Plan is not applicable to the request.
Historic Preservation Plan (2012)	The Historic Preservation Plan is not applicable to the request.

Northeast Community Plan (2021)	The Northeast Community Plan is not applicable to the request.
Parks, Recreation, and Cultural Resources Master Plan (2015)	The Parks, Recreation, and Cultural Resources Master Plan is not applicable to the request.
Public Art Vision Plan (2009)	The proposed request is generally consistent with the Public Art Vision Plan.
Renaissance Plan (2017)	The proposed request is generally consistent with the Renaissance Plan.
<i>See Attachment C for detailed Plan Consistency Analysis and each adopted Plan for full policy guidance.</i>	

STAFF RECOMMENDATION

Staff recommends approval of the proposed amendments to the Unified Development Ordinance. The request is generally **Consistent** with the relevant policies in the Comprehensive Plan, and **Approval** of the text amendment request is reasonable and in the public interest.

ATTACHMENTS

- Attachment A: Application
- Attachment B: Proposed Changes
- Attachment C: Plan Consistency Analysis

EXHIBITS

- Exhibit 1: UDO Chapter 11
- Exhibit 2: UDO Chapter 12
- Exhibit 3: UDO Chapter 16
- Exhibit 4: UDO Chapter 17



UDO Amendment

idtPlans LLC

P.O. Box 13086 | Tucson, AZ 85732

P: (520) 319-0988 | F: (520) 319-1430 | E: info@idtplans.com

Project Overview

#756971

Project Title: UDO Text Amendment - Enforcement, Murals, and Flood Damage Prevention

Jurisdiction: Town of Wake Forest (Wake County)

Application Type: UDO Amendment

State: NC

Workflow: UDO Amendment - Planning Board

County: Wake

Checklist - Comprehensive Plan & UDO Amendment

A submittal checklist is available to view additional documents which are required to be submitted with this application. After answering the application questions, you will be asked to upload the required documents.

[VIEW COMPREHENSIVE PLAN & UDO AMENDMENT
SUBMITTAL CHECKLIST](#)

Missing items will result in the application being declined and returned to the applicant to resubmit. A revised and complete application including all missing items must be received or the application will be not be deemed complete and routed for review.

Please confirm you have reviewed the associated submitted checklist for this permit and confirm you will submit all documents required on the submittal checklist: Yes

Pre-Application Meeting

Has a pre-application conference been held?: Yes

This type of project requires a pre-application conference be completed prior to official submittal. Please return to the home screen and select **Pre-Application Conference** from the application type drop down list in order to schedule your required meeting.

Pre-Application Conference Date and Time: 02/01/2022 5:00 PM **Staff Member Met With:** Patrick Reidy

Project Tracking ID: TA-22-02

Project Contact - Applicant

Please enter all project contacts related to your application.

This is an important step to ensure all members of the applicant team receive email notifications associated with the project which may include comments, requested revisions, scheduled meetings or hearings, and final decisions. This also informs Town staff of the team members assigned role with the project.

Project Contact - Applicant

Patrick Reidy

Town of Wake Forest

UDO Text Amendment

Description of Request: Text amendments for Chapters 11, 12, 16, and 17	Applicant Proposed Language: Text amendments for Chapters 11, 12, 16, and 17
Justification of Amendments: Update enforcement procedures and penalties, update mural regulations, and update flood damage prevention provisions	

UDO Section

Section Title

Staff Comment

1. Text proposed to be added to the UDO are shown with red, underlined text.

2. Text proposed to be removed from the UDO are shown with red, strikethrough text.

11.8

Permanent Signage Standards

1. The proposed text amendment adds the Renaissance Area Historic Core (RA-HC) District as a permitted zoning district where murals are allowed.

Sign Type	Conditions	Permitted Location	Maximum Area	Maximum Height	Permit Required	Maximum Number	Illumination
Gas Station Pricing	11.10.6	-	-	-	-	-	-
A. Canopy Signage	11.10.6	Canopy over Gas Pumps	1 sq ft per canopy linear foot	Cannot extend beyond canopy structure	Yes	1 per side facing street, alley, or parking area	Internal Only
B. Monument	11.10.6	Incorporated into allowable monument sign	16 sq ft for LED priced, or 25%, of allowable monument sign, whichever is greater	See 11.10.9	Yes	See 11.10.9	Internal Only
C. Wall Sign	11.10.6	See 11.10.17	16 sq ft	See 11.10.17	Yes	See 11.10.17	Internal Only
Governmental Signs	11.10.7	All Districts	n/a	n/a	No	n/a	Internal or External
Historic Identification Plaques	N/A	All Districts – on historic sites only.	4 sq ft per plaque	2 ft	No	One per historic site	External Only
Incidental Signs	11.10.8	All Districts	4 sq ft	4 ft	No	n/a	Internal or External
Legal & Warning Signs	11.10.9	All Districts	n/a	n/a	No	n/a	n/a
Monument Signs (Single-Use or Single Building Site)	11.10.10	OS, RD, GR3, GR5, GR10, UR	12 sq ft for non-residential uses	6 ft	Yes	1 per street frontage	Internal or External
		HB	70 sq ft	12 ft			
		NB, RMX, NMX	40 sq	10 ft			
		UMX, RA, HC	15 sq ft	6 ft			
		LI, HI	70 sq ft	10 ft			
		ICD	24 sq ft	7 ft		1 per public entrance & 1 per building for ICD	
Monument Signs (Multiple Non-Residential Buildings Site)	11.10.10	HB, NB, NMX, LI, HI, RMX, UMX, ICD	Option 1: 70 sq ft	Option 1: 12 ft	Yes	Option 1: 1 per street frontage	Internal or External
			Option 2: 32 sq ft	Option 2: 6 ft		Option 2: 1 per street frontage and 1 per outparcel	
Monument Signs (Residential)	11.10.10	All residential development	12 sq ft	n/a	Yes	See 11.10.11.B	External Only
Murals/Wall Art	11.10.11	HB, NB, NMX, LI, HI, <u>RA-HC</u> , RMX, UMX, ICD	n/a	n/a	Yes	n/a	External Only
Occupant/Street Number Signs	11.10.12	All Districts	2 sq ft	2 ft	No	n/a	Internal or External

UDO Section	Section Title	Staff Comment
12.4	Flood Damage Prevention	2. Chapter 12.4 of the UDO is being amended to include additional statutory references as required by the State.

12.4. Flood Damage Prevention

12.4.1. General Provisions

A. Authorization: The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Article 6 of Chapter 153A; Article 8 of Chapter 160A; and Article 7, 9, and 11 of Chapter 160D of the North Carolina General Statutes, delegated to the Town of Wake Forest the authority to adopt regulations designed to promote the public health, safety, and general welfare.

A.B. Applicability: This section shall apply to all Special Flood Hazard Areas within the jurisdiction, including Extra-Territorial Jurisdiction (ETJ), of the Town of Wake Forest.

B.C. Exemptions

1. All new residential construction and substantial residential improvements proposed on a parcel of land that has no buildable area outside the Special Flood Hazard Area (SFHA), and that was recorded prior to May 2, 2006 shall be permitted for development provided that all applicable provisions of this ordinance area met.
2. All subdivisions approved prior to May 2, 2006, shall be exempted from the requirements prohibiting the platting of lots located within the Special Flood Hazard Area, provided the subdivision complies with the requirements in place prior to May 2, 2006.

C.D. Establishment of Flood Hazard Areas

1. The Special Flood Hazard Areas and Future Conditions Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Insurance Study (FIS) and its accompanying Flood Insurance Rate Maps (FIRM) for Wake County and Franklin County dated July 19, 2022~~May 2, 2006~~ and April 16, 2013 ~~and updated Preliminary FIRM in March 2015 (anticipated to be adopted in 2020)~~ and their accompanying Digital Flood Insurance Rate Map Panels (~~1728~~, 1738, 1739, 1748, 1749, 1759, ~~1821~~, 1830, 1831, 1832, 1840, 1841, 1842, 1850 ~~and~~ 1851, 1852, 1860, and 1861), and any revisions thereto, including any digital data developed as part of the FIS, which are adopted by reference and declared to be part of this ordinance. The "Special Flood Hazard Areas" also include those defined through standard engineering analysis for private developments or by governmental agencies, but which have not yet been incorporated into the FIRM. Preliminary FIRM data may be ~~used~~ for design purposes, Conditional Letters of Map Revisions, and No-Rise analysis with concurrence of the Floodplain Administrator for the floodplain development permit. Letters of Map Change must be based on the most recently adopted effective model approved by FEMA.

UDO Section	Section Title	Staff Comment
	2. In addition, upon annexation to the Town of Wake Forest or inclusion in the Extra-Territorial Jurisdiction (ETJ), the Special Flood Hazard Areas identified by the Federal Emergency Management Agency (FEMA) and/or produced under the Cooperating Technical State agreement between the State of North Carolina and FEMA as stated above, for the unincorporated areas of Wake County and Franklin County, with accompanying maps and other supporting data are adopted by reference and declared to be part of this ordinance. 3. A professional evaluation shall be provided of the potential changes in the Special Flood Hazard Area elevation caused by the obstruction, encroachment, alteration, or relocation of areas identified to have flood hazard soils by Wake County with a total drainage area of more than 5 acres. <u>D.E.</u> General Development Restrictions: In general, no new development is allowed in the Special Flood Hazard Areas unless one or more of the following are met: 1. The property/use is exempted from this requirement as identified in Section <u>12.4.1.C</u>12.4.1.B; 2. The development is for roads, greenways, pedestrian crossings, park-related equipment, or public utilities and facilities such as wastewater, gas, electrical, and water systems that are located and constructed to minimize flood damage. Structures for pedestrian crossings (e.g., footbridges, etc.), playground equipment, and other similar items may be permitted if the applicant provides certification by a Professional Engineer, architect, or landscape architect that these encroachments will not result in an increase in flood levels during the base flood. <u>E.F.</u> Warning and Disclaimer of Liability: The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Floods larger than those considered by this ordinance can and will occur on rare occasions. Actual flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Town of Wake Forest or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder. <u>F.G.</u> Definitions: Definitions specific to the application and administration of the provisions for flood damage reduction in this section shall be indicated as such in Chapter 17 with the parenthetical note “(<i>Floodplain Development</i>)”. All other terms in this section shall be defined according to their standard definition in Chapter 17, or if not listed, shall have their everyday meaning as determined by their dictionary definition.	

UDO Section	Section Title	Staff Comment
16	Violation and Penalties	3. The entirety of Chapter 16 is being replaced and will be titled "Enforcement". See Exhibit C for the entirety of the proposed Chapter 16.
17.4	Definitions Generally	4. The proposed text amendment adds definitions for "Demolition of Neglect", "Hardship Review Committee", and "Mural".
DEMOLITION BY NEGLECT The failure by the owner or other responsible person with legal control of any building or structure (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: • <u>Deterioration of exterior walls, foundations, or other vertical supports that cause leaning, sagging, splitting, listing, or buckling.</u> • <u>Deterioration of flooring or floor supports, roofs, or other horizontal members that cause leaning, sagging, splitting, listing, or buckling.</u> • <u>Deterioration of external chimneys causing leaning, sagging, splitting, listing, or buckling.</u> • <u>Deterioration or crumbling of exterior plasters or mortars.</u> • <u>Ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors.</u> • <u>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.</u> • <u>Rotting, holes, and other forms of decay.</u> • <u>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.</u> • <u>Heaving, subsidence, or cracking of sidewalks, steps, or pathways.</u> • <u>Deterioration of fences, gates, and/or accessory structures.</u> • <u>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.</u> MURAL A painting or other work of art executed directly or affixed to an exterior wall. 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.		

Community Plan Consistency Grid				
POLICIES FOR AFFORDABLE HOUSING		YES	NO	NA
AH-1	Implement Affordable Housing Plan			
POLICIES FOR RESIDENTIAL CHARACTER		YES	NO	NA
RC-1	Encourage single-family attached and multifamily development to incorporate varied building frontages and rooflines, front porches, front yards, and balconies to provide visual interest and complement the scale and character of surrounding single-family neighborhoods			
RC-2	Setbacks of infill development should match the existing context as much as possible as uniform setbacks can help foster a pedestrian-friendly environment			
RC-3	Promote higher density infill and redevelopment within older established neighborhoods to provide greater housing choices while matching the scale and character of existing properties			
RC-4	Promote higher density housing along key corridors and surrounding activity centers. This includes near areas designated in the Land Use Plan as Commercial Corridor; Neighborhood Commercial; Light Industrial; and Office, Civic, and Institutional			
RC-5	For larger scale planned subdivisions that provide a mix of housing types, work with private developers to locate lower density housing near existing single-family detached neighborhoods to create appropriate transitions and preserve the character of established neighborhoods			
RC-6	Consider requiring a minimum percentage of housing types in new neighborhood developments to increase housing diversity and affordability (e.g. at least 20% duplexes/townhomes)			
RC-7	Review and update the UDO to align with residential character recommendations within this Community Plan			
POLICIES FOR SENIOR HOUSING		YES	NO	NA
SH-1	Promote senior housing within a quarter mile of transit stops, Downtown, shopping areas, parks, and recreational facilities			
SH-2	Encourage smaller lot, single-story housing types for seniors that are ADA accessible			
SH-3	Encourage age-targeted cooperative housing types for community-oriented senior living, such as co-housing and cottage home courts			
SH-4	Promote the development of continuing care retirement communities (CCRC), or life plan communities, which offer distinct types of housing and care levels based on a senior's needs			
SH-5	Encourage developers of age-targeted housing to include amenities attractive to seniors, such as front porches, back patios, walking paths, and outdoor sports facilities, and activated gathering spaces			
POLICIES FOR COMMERCIAL DEVELOPMENT		YES	NO	NA
CD-1	Enhance established commercial areas by incentivizing redevelopment and/or renovation of existing businesses.			
CD-2	Support small, local businesses within commercial centers to support unique shopping options within Wake Forest			
CD-3	Establish architectural design standards for commercial building facades that promote quality design while allowing for flexibility that encourages creative design			
CD-4	Promote multi-story structures within Commercial Corridor and Neighborhood Commercial areas at appropriate scales that offer residential or office above ground-floor commercial			
CD-5	Encourage pedestrian-oriented shopping environments with sidewalks, attractive storefronts, and buildings facing each other to create a sense of enclosure			
CD-6	Encourage the incorporation of pedestrian/bicyclist/transit-oriented areas in large-scale shopping centers that provide outdoor seating and gathering areas, bicycle parking stations, and access to transit services			
CD-7	Promote cross-access and pedestrian pathways between adjacent parking lots and leading to buildings to promote well-connected, cohesive shopping areas			
CD-8	Encourage the consolidation of commercial driveways onto major streets to reduce traffic conflicts			
CD-9	Require "360 degree architecture" (high quality architecture on all sides of the building as opposed to just the front-facing façade), including well-designed or screened service areas			
CD-10	Encourage businesses to replace existing, non-conforming signage with attractive signage that meets Town standards			
CD-11	Promote outparcel development to improve the character along primary roadways and break up views of large parking lots			
CD-12	Review and update the UDO, including the US 1 Special Highway Overlay (SH1-O) and Dr Calvin Jones Highway Overlay (SH2-O) districts, to align with commercial development recommendations within this Community Plan			
CD-13	Support accessory commercial units (ACUs) that allow the ground floor of residential properties or an accessory structure facing the street to contain a commercial use beneficial to the surrounding neighborhood			
CD-14	Establish block standards for commercial areas to break up large tracts into more human scale pieces with streets or street-like features within the development			

POLICIES FOR MINORITY & WOMEN-OWNED BUSINESSES		YES	NO	NA
MWOB-1	Work with organizations, such as the Chamber and the Black Business Alliance, to expand diversity, equity, and inclusion programs that are supported with grassroots community engagement			
MWOB-2	Explore successful programs for supporting minority and women-owned businesses in surrounding communities to implement in Wake Forest			
MWOB-3	Explore regional, state, and federal grants available for minority and women businesses, such as grants from the National Institute of Economic Development and Carolina Community Impact			
MWOB-4	Support informational sessions and/or provide educational resources to employers on how they can establish equitable work environments and policies within their businesses			
POLICIES FOR SETBACKS		YES	NO	NA
SB-1	Incentivize businesses to situate new buildings at or near the property line to improve walkability, such as by requiring more landscaping if parking lots are located in front of buildings rather than to the rear/side			
SB-2	Promote consistency in setbacks within commercial and residential areas to form desirable continuity in the streetwall, or the facades of buildings facing the street			
SB-3	Encourage outparcel development with 360 architecture to "hold the corner" of commercial corridor development			
SB-4	Ensure adequate setbacks of industrial or other high intensity uses to reduce potential sound or visual impacts on adjacent lower intensity uses			
SB-5	Allow for flexibly in setbacks in Downtown where existing conditions prevent a consistent streetwall, while maintaining a close interface with the street (e.g., utility, landscaping, and/or topography challenges)			
POLICIES FOR PARKING LOTS		YES	NO	NA
PL-1	For existing front-loaded surface parking lots, encourage property owners to improve their character with perimeter and interior landscaping, and/or decorative walls and fencing			
PL-2	Require off-street parking to be located to the side or rear of the primary building			
PL-3	Encourage shared parking agreements where neighboring uses with different peak parking demand times can use the same parking lot, reducing the need for additional parking lots			
PL-4	Reevaluate minimum parking standards and consider implementing maximum parking standards to reduce excessive requirements			
PL-5	Monitor parking supply and strategically encourage structured or underground parking in higher density areas if needed, such as in Downtown, TOD, and activity center areas, to reduce the amount of land dedicated to surface parking			
PL-6	Consider offering incentives for structured parking, such as density bonuses, allowable lot coverage increases, and height limit increases.			
PL-7	Encourage the integration of structured parking into multifamily buildings to minimize surface parking lots			
PL-8	Encourage North Carolina Department of Environmental Quality's (NCDEQ) Stormwater Nitrogen and Phosphorus (SNAP) nutrient-reducing practices, such as permeable surfaces, that allow water infiltration in parking lots to improve stormwater drainage and water quality			
PL-9	Encourage the provision of pedestrian walkways in parking lots to enhance connectivity and safety to businesses			
POLICIES FOR SCREENING & BUFFERING		YES	NO	NA
SB-1	Ensure sufficient screening and buffering of industrial and commercial uses next to residential uses to minimize potential adverse impacts, such as in the Unicon Drive area			
SB-2	Encourage new development to preserve existing wooded areas along the perimeter of sites to provide natural buffering			
SB-3	Encourage screening of utility, loading, outdoor storage, and trash disposal areas that are visible from the right-of-way and adjacent development			
SB-4	Promote the use of setbacks for walls and fences that allow for plantings between the property line and the right-of-way and adjacent development			

POLICIES FOR COMMUNITY CHARACTER		YES	NO	NA
CC-1	Preserve vistas and view corridors that contribute to the economic and aesthetic value of Wake Forest, such as the church steeple at Southeastern Baptist Theological Seminary, S White Street in Downtown, and N Main Street in the Wake Forest Local Historic District			
CC-2	Curate public outdoor spaces for important monuments and artworks to showcase them as anchors and entry points to neighborhoods			
CC-3	Leverage historic structures, events, and people to create a sense of place through placemaking and branding			
CC-4	Ensure new development is contextual to the existing character of the area in terms of scale, massing, setback, fenestration, and design features (porches, storefronts, etc.)			
CC-5	Encourage developers to incorporate landscaping to beautify neighborhoods and commercial areas, such as landscaped medians and roundabouts.			
CC-6	Incorporate landscaping and gateway features into public rights-of-way, such as landscaped streetscapes, green infrastructure, and public promenades			
CC-7	Emphasize quality development along highly visible thoroughfares in the Town to reinforce its positive image			
CC-8	In accordance with the Land Use Plan, ensure incompatible, high intensity uses are directed away from low intensity residential areas			
CC-9	Continue to provide quality municipal services for the maintenance and upkeep of neighborhoods, such as street cleaning, snow removal, and trash disposal services			
CC-10	Work with NCDOT to identify areas for roadway enhancements			
CC-11	Refer to the Public Art Vision Plan for guidance when public art is being proposed in private development			
CC-12	Work with developers to improve the character of retaining walls, such as by incorporating public art or tiering the walls to reduce their visual impact			
POLICIES FOR UTILITY LINES		YES	NO	NA
UL-1	Create a master plan for burying utility lines with community involvement to identify priority areas for conversion			
UL-2	Ensure major Town entrances and gateway corridors and highly visible, pedestrian-oriented areas are prioritized for conversion			
UL-3	Consider trenching utilities as capital improvements are made in the right-of-way for all areas of the Town			
UL-4	Investigate partnering with private developers to install conduit for fiber and/or burying utility lines in priority conversion areas			
UL-5	Explore partnerships with private developers for boring and burying additional conduit along main roadways			
UL-6	Consider and install conduit with greenway project construction.			

		YES	NO	NA
POLICIES FOR HISTORIC PRESERVATION				
HP-1	Work with the Historic Preservation Commission (HPC) and the Planning Department to continue to implement the 2019 Historic Property Handbook and Design Standards and continue to preserve existing and new historic landmarks			
HP-2	Continue to enforce the Historic Preservation Ordinance for the Wake Forest Local Historic District and local historic landmarks			
HP-3	Promote State and Federal Tax Incentives for qualified rehabilitation projects for properties listed individually or as contributing historic properties in the National Register of Historic Places			
HP-4	Ensure development surrounding and within historic districts is sensitive to the historic context of the neighborhood			
HP-5	Encourage adaptive reuse, restoration, and repurposing of historic structures to preserve Wake Forest's history			
HP-6	Continue to enforce the Demolition of Historic Structures Ordinance for the protection of all historic properties in Wake Forest			
HP-7	Investigate the adoption of new local historic districts or character historic overlay districts to preserve Wake Forest's historic character			
POLICIES FOR COMMUNITY FACILITIES				
CF-1	Expand Town facilities concurrently with new growth			
CF-2	Annually review the Town's Work Management Plan, Staffing, and Budget section to reflect current needs and priorities			
CF-3	Work with the Wake Forest Parks, Recreation, and Cultural Resources Department to identify strategies to close gaps in park service areas, such as west of Capital Boulevard and the southern and eastern portion of Town			
CF-4	Work with the Wake Forest Parks, Recreation, and Cultural Resources Department to expand equity in the quality of public park facilities and programming			
CF-5	Explore green infrastructure options that also beautify spaces, like bioswales and planters			
CF-6	Continue to work with regional educational entities to provide support as they seek new facility locations or expansion with growth			
CF-7	Coordinate with regional educational entities to ensure increased equity in educational facilities across the community			
CF-8	Coordinate with the Police and Fire Departments to ensure response times are sufficient for all areas of town with growth			
CF-9	Consider emerging best practices for community safety, such as mental health crisis response teams			
CF-10	Promote and incorporate sustainable building practices into community facilities, setting a precedent for private developers to implement			
CF-11	Coordinate with regional healthcare providers to explore opportunities to locate a full service hospital or regional medical facilities in the Town			
CF-12	Evaluate existing streets and explore UDO updates to address traffic congestion, traffic speed, reduce collisions, and improve safety conditions for all modes of transportation			
CF-13	Regularly update the Town Pavement Management System program			
POLICIES FOR PUBLIC TRANSIT				
PT-1	Continue to work with transit partners to consider more frequent service and route network expansions to key locations to improve rider experience and attract more usage of mass transit			
PT-2	Coordinate with property owners, private developers, and transit partners to set aside land for transit stops at appropriate locations. The Town should obtain a transit easement for these locations and construct and maintain quality bus shelter infrastructure			
PT-3	Work with GoRaleigh and GoTriangle to construct smart bus shelters, or sustainable shelters that incorporate elements like interactive screens with live timetables, smart lighting, solar panels, and bike lock stations			
PT-4	Explore incorporating public art into bus shelters			
PT-5	Continue to evaluate and coordinate Park and Ride locations with transit partners			
PT-6	Explore best long term transit options such as fixed or microtransit			
POLICIES FOR CAPITAL BOULEVARD				
CB-1	Continue to work closely with NCDOT to implement the project and promote commercial growth in accordance with the Land Use Plan			
CB-2	Continue advocating for improvements along the corridor to assist in improving the quality of life for Wake Forest residents, businesses, and property owners			

		YES	NO	NA
POLICIES FOR STREET CONNECTIVITY		YES	NO	NA
SC-1	Promote short blocks of less than 600 linear feet between intersections of local roads to improve walkability			
SC-2	Avoid dead-ends, cul-de-sacs, and T-intersections in places where four-way intersections can be aligned			
SC-3	Study the appropriateness of traffic circles at four-way intersections to ease congestion and improve safety			
POLICIES FOR SIDEWALKS & MULTI-USE PATHS		YES	NO	NA
SP-1	Update the CTP to include an inventory of sidewalks in addition to multi-use paths and establish project priorities, private-public funding, and time frames for closing gaps in the network			
SP-2	Update the CTP to identify priority areas for high visibility crosswalks, bulb outs, refuge islands, rectangular rapid flashing beacons, and other pedestrian improvements			
SP-3	Work with Public Works to identify crosswalk ramps that are not ADA compliant and prioritize upgrades			
SP-4	In coordination with roadway improvements, upgrade aging sidewalks or install new sidewalks if none exist			
SP-5	Promote sidewalk, multi-use path, or trail connectivity between residential subdivisions and nonresidential development to improve pedestrian and bicycle connectivity			
SP-6	Continue to ensure all new residential development provides sidewalks on both sides of the street			
SP-7	Encourage multi-use paths to be provided along the main road in developments			
SP-8	Ensure multifamily and commercial developments include strong pedestrian networks within and between their sites			
POLICIES FOR BIKEWAYS, GREENWAYS & TRAILS		YES	NO	NA
BGT-1	Identify trail head locations as the greenway and trail network continues to expand			
BGT-2	Explore opportunities along greenways to add amenities (i.e. water fountains, seating /rest areas, pocket parks, public art, and fix it stations) and programming with the Parks, Recreation, and Cultural Resources Department or other organizations like StoryWalks			
BGT-3	Encourage development along greenways to incorporate greenway access into the site, particularly for uses attractive to trail users (i.e. restaurant, cafes, and bars)			
POLICIES FOR LOCAL FOOD SYSTEMS		YES	NO	NA
LFS-1	Continue to support the Northern Community Food Security Team and together explore other locations for community food hubs within the Town			
LFS-2	Partner with local food cooperatives and regional food networks, such as the Capital Area Food Network, to address food insecurity in the community			
LFS-3	Encourage regenerative practices, such as use of organic fertilizers, crop rotation, and crop variation for healthy soil			
LFS-4	Conduct a meal gap survey to better assess the immediate and long term needs in the community			
LFS-5	Evaluate the economic impact of local food systems in the community to encourage localized marketplaces for food producers			
LFS-6	Explore updates to the UDO that would promote urban agriculture and repurposing of vacant or underutilized lots for such uses			
POLICIES FOR CONSERVATION DESIGN		YES	NO	NA
CD-1	Encourage conservation design in the UDO's subdivision development regulations, particularly for areas within watershed protection areas			
CD-2	Explore incentives for promoting conservation design, such as density bonuses to allow for comparable number of housing units but greater preserved green space within the site			
CD-3	Encourage developers to enhance preserved green spaces as accessible amenities for residents, such as trails and outdoor seating			
POLICIES FOR GREEN SPACE PRESERVATION		YES	NO	NA
GSP-1	Prioritize higher density redevelopment and infill development within already developed areas to avoid premature development in long term growth areas and reduce greenfield development			
GSP-2	Work with private developers to preserve significant natural assets within sites, such as streams, steep slopes, unique geological formations, wetlands, and mature stands of trees, which can be incorporated as development amenities			
GSP-3	Continue to identify and strategically acquire environmentally sensitive land to preserve as dedicated conservation areas and publicly accessible open space			
GSP-4	Explore incentives to promote conservation design in future development, such as density bonuses, to promote clusters of taller structures that preserve natural areas of the site			
GSP-5	Explore strategies to further promote green space preservation within the updated UDO, such as increasing set aside requirements, and evaluate what is credited as open space			
GSP-6	Explore strategies to further protect wildlife and environmentally sensitive areas in the UDO			

		YES	NO	NA
POLICIES FOR TREE CANOPY		YES	NO	NA
TC-1	Continue to support the Town in administering the Urban Forestry Program and planting, preserving, and maintaining trees on public properties and rights-of-way			
TC-2	Explore updates to the UDO that could further promote tree preservation and replacement in new developments			
TC-3	Review existing incentives and consider additional incentives for private developers to promote tree preservation above what is required by the UDO			
TC-4	Explore ways to increase the number of trees required in parking lots during the update to the UDO, such as requiring an island every 20 parking spaces or decreasing the minimum distance a parking space can be from a tree			
TC-5	Ensure public and private tree plantings and xeriscaping are made up of native plant species that are adapted to local environmental conditions and require less irrigation			
TC-6	Coordinate efforts to influence State regulations related to the expansion of tree preservation standards			
POLICIES FOR SUSTAINABLE DEVELOPMENT		YES	NO	NA
SD-1	Encourage private developers to incorporate green building, LID, and green infrastructure practices in future developments			
SD-2	Incorporate green infrastructure into public streetscapes, prioritizing pedestrian-oriented areas like Downtown, TOD, and Neighborhood Commercial areas			
SD-3	Continue to incorporate sustainable design best practices into Town-owned infrastructure and community facilities, striving to incorporate LEED practices into future facilities			
SD-4	Use the Environmental Protection Agency's (EPA) "Revising Local Codes to Facilitate Low Impact Development" guide to help identify regulations within the UDO that discourage LID practices			
SD-5	Evaluate potential rainwater collection programs and composting programs			
SD-6	Explore an incentive program to encourage development to provide stormwater when lots are exempt from stormwater requirements			
SD-7	Update the Manual of Specifications, Standards and Design to reference green infrastructure design			
SD-8	Explore decommissioned rights-of-way as potential stormwater routes			
SD-9	Support the use of attractive, safe, and sustainable street furniture and infrastructure, such as solar streetlights, and LED traffic lights			
SD-10	Expand the electric vehicle (EV) charging network by requiring the installation of charging stations, or the infrastructure needed to accommodate future charging stations, in all new parking lots, especially parking lots of multifamily and large scale developments, and increasing supply of public charging stations			
SD-11	Promote adaptive reuse over redevelopment for structures that are structurally sound, feature desirable built form, and/or are historically significant. This includes creating an online inventory of buildings available for adaptive reuse			
SD-12	Investigate developing a solar energy ordinance and enrolling in the SolSmart program, a national designation program funded by the US Department of Energy charged with making solar power faster, easier, and more affordable			
SD-13	Explore ways to incentivize renewable energy and passive solar design in the Town's development standards. SolSmart's Solar Energy Toolkit can be used as resource for better promoting solar panels within the code			
SD-14	Continue partnership with Raleigh to encourage homeowners to incorporate practices for water conservation			
POLICIES FOR TOURISM		YES	NO	NA
T-1	Grow the Town's art community and reputation as a regional arts destination with a Downtown focus			
T-2	Explore the potential of constructing a recreational destination facility with a regional draw			
T-3	Develop annual Tourism Economic Impact Reports to help quantify progress made in Wake Forest's tourism sector and identify trends, issues, and opportunities that can help Town staff prioritize future investments			
T-4	Support the Wake Forest Area Chamber to create and market a local visitor's center as a public resource hub for the Town's attractions, events, and businesses for visitors			
T-5	Leverage Wake County's Room Occupancy Tax to build, finance, and create new establishments or run events related to tourism, allowing the Town to capitalize on its success in drawing hotel occupants			
T-6	Create a community-wide wayfinding plan to improve sense of place and signage that directs visitors and residents to Town destinations			
T-7	Continue to support Wake Forest Downtown Inc. (a Main Street America accredited program) in meeting the National Accreditation Standards of Performance as outlined by the National Main Street Center			
T-8	Continue to participate in the NC Main to Main Trail program, a network that connects the State's Main Street America communities, and leverage this designation in the Town's marketing strategy			
T-9	Investigate hiring consultants to provide a comprehensive evaluation of Town events and provide recommendations for improved programs			
T-10	Explore the creation of a social district, where customers can carry and consume food and drinks purchased from businesses outside in a designated zone			
POLICIES FOR GATEWAYS		YES	NO	NA
GW-1	Create a Gateway Plan to identify and prioritize sites for gateway features and establish design standards. Ensure the Plan works in synergy with the Town's Wayfinding Plan.			
GW-2	Improve roadway infrastructure along key gateway routes to enhance their character and multimodal connectivity.			

POLICIES FOR DOWNTOWN WAKE FOREST		YES	NO	NA
DWF-1	Evaluate existing zoning regulations around density in appropriate locations to balance Downtown's development potential with preserving its historic character			
DWF-2	Identify strategies to fill vacant buildings Downtown that promote an entrepreneurial and small-business culture			
DWF-3	Identify strategies to attract families and younger populations to Downtown with inviting public spaces, entertainment, and destinations for all ages			
DWF-4	Provide guidelines for how buildings should be orientated to support pedestrian-friendly environments			
DWF-5	Reassess parking demand and supply with consideration for a new parking garage(s) to minimize surface parking lots			
DWF-6	Identify strategies to create an "experience-based" Downtown retail environment with unique local businesses and a pedestrian-oriented environment			
DWF-7	Reassess strategies to improve gateways and wayfinding to and within Downtown to better direct people and create a distinct sense of place			
DWF-8	Identify opportunities for Downtown events and public gathering spaces to bring the community together, such as live outdoor events and festivals			

Public Arts Plan Consistency Grid

POLICIES FOR PUBLIC ARTS IMPLEMENTATION		YES	NO	NA
PAI-1	Liason and consult with municipal agencies and departments			
PAI-2	Commission original works of public art			
PAI-3	Acquire public art			
PAI-4	Document all accession, deaccession, loans, or donations of public art			
PAI-5	Provide technical feasibility for public art			
PAI-6	Ensure public art commissioned by the Town is owned by the Town			
PAI-7	Ensure the deaccession of public art is handled with cautious, deliberate and scrupulous standards			
PAI-8	Ensure public art emphasizes placemaking with safety, security, maintenance, accessibility, context, departmental support and community support in mind			
PAI-9	Actively engage an artist when undertaking Town capital projects and encourage private developers to include either an artist on the design team or works of art with public access within the development			
PAI-10	Explore incentives for public art such as tax credits, covering maintenance costs and payment-in-lieu to locate artwork on an alternative site			
PAI-11	Consider easements for public art			
PAI-12	Ensure adequate maintenance is performed on public art			
PAI-13	Avoid conflicts of interest in the selection of a project site, finalist or artist			

Renaissance Plan Consistency Grid				
POLICIES FOR SUCCESSFUL DOWNTOWNS		YES	NO	NA
SD-1	Maintain and develop short blocks and a dense street network for enhanced walkability and increased connectivity			
SD-2	Provide ample on-street parking to support retail and act as an inherent traffic calming element			
SD-3	Ensure continuous building facade frontages along streets to keep pedestrians and bicyclists interested while traveling along the street			
SD-4	Balance the ratio of building height to street width to achieve a comfortable public realm			
SD-5	Provide and program a diversity of high quality public spaces			
SD-6	Manage parking with thoughtful consideration of location and actual need over the quantity of spaces			
SD-7	Provide active and engaging ground floor uses for downtown buildings			
SD-8	Work with businesses to encourage their hours of operation(s) go beyond 5 PM			
SD-9	Provide ample ambient lighting for both safety and interest			
SD-10	Locate restaurants in close proximity to one another to effectively concentrate a variety of options for visitors			
SD-11	Attract businesses and other uses that provide daytime employment			
SD-12	Provide high-end commercial activity			
SD-13	Increase the amount of pedestrian activity			
SD-14	Provide adequate accessibility and wayfinding for pedestrians			
SD-15	Ensure new building heights are between 2 and 4 stories			
SD-16	Ensure development is easily accessible to transit to accommodate higher volumes of users without adding pressure on parking			
SD-17	Provide dynamic activity with a mixture of sidewalk displays, outdoor dining, creative signage, diverse public spaces, and enticing window shopping			
SD-18	Incorporate unique and enticing human-scaled design features into new development			
SD-19	Attract diverse residential and employment centers within a 5 to 10-minute walk of downtown			
SD-20	Streets shall accommodate two-way, multi-modal traffic with on-street parking, street trees and furnishings			
POLICIES FOR RETAIL STRATEGY		YES	NO	NA
RS-1	Locate Retail Merchandising Units (RMUs) on sites slated, but not ready for redevelopment			
RS-2	Convene stakeholders to generate strategies for marketing downtown and facilitating new retail			
RS-3	Work to attract visitation from nearby neighborhoods/subdivisions			
RS-4	Require active ground floor uses based on the existing character and realistic aspirations for particular streets or areas			
RS-5	Make more efficient use of existing resources and condition motorists to consider parking spaces a little further than directly by their destination			
POLICIES FOR CONNECTIVITY TO THE CORE		YES	NO	NA
CC-1	Build on the identified centers of energy and ensure multi-modal connectivity between them			
CC-2	Transform Owen Street into a festival street that connects the retail core to the civic core with a unique urban experience			
CC-3	Build the Downtown Connection greenway and add a connection from Deacon Ridge Street to Franklin Street at mid-block			
CC-4	Fill any identified gaps in the sidewalk network and construct new sidewalks where suggested			
CC-5	Continue to complete streetscape improvements throughout the Renaissance Area prioritizing those that improve safety			

Renaissance Plan Consistency Grid				
POLICIES FOR MANAGING CARS		YES	NO	NA
MC-1	Enforce timed parking spaces to create more frequent turnover and availability of those parking spaces			
MC-2	Where feasible, consolidate driveway entrances and reduce curb cuts			
MC-3	Add parking spaces along Taylor Street behind Town Hall			
MC-4	Coordinate shared parking strategies with private lot owners to more efficiently utilize parking facilities			
MC-5	Install signage for private lots with shared parking agreements			
MC-6	Investigate the use of the Wake Forest Baptist Church lots for downtown employee parking so that parking spots closer to retail can be used by visitors			
MC-7	Add a pay station to the White Street public parking lot if site continues to be used as public parking area			
MC-8	Meter White Street parking spaces once enforcement of time limits is implemented			
MC-9	Over time, increase public transportation access as well as parking fees for metered spots and public lots			
MC-10	Build a public parking deck to serve a specialized development, and potentially, nearby uses			
POLICIES FOR CREATING A DESTINATION		YES	NO	NA
CD-1	Connect public gathering spaces, so there is a safe, enjoyable journey between them			
CD-2	Identify and implement an interactive civic space in downtown Wake Forest that attracts families through play and water			
CD-3	Develop a community art master plan which identifies opportunities for building murals, sculptures and other forms of creative thinking			
CD-4	Hire an event coordinator to manage, promote and execute Town related activities/festivals			
POLICIES FOR PUTTING PEOPLE FIRST		YES	NO	NA
PPF-1	Implement small-scale tactical improvements to the downtown area, such as parklets, temporary art installations, closed street events, and temporary seating or dining areas.			
PPF-2	Test outdoor dining at The Forks to add outdoor vibrancy and encourage pedestrian activity on Elm Avenue			
PPF-3	Restripe Elm Avenue to include bike lanes to give the east side a dedicated bicycle facility connecting them to downtown			
PPF-4	Install a temporary parklet in the loading zone; upon evaluation of its success, consider enhanced permanent features for the space			
PPF-5	Transform the intersection of Roosevelt Avenue and Front Street into a prominent gateway to downtown Wake Forest			
PPF-6	Transform the pedestrian pathway across the rail line into an art walk to downtown Wake Forest			
PPF-7	Use interesting lighting techniques to make the bridge an iconic and memorable feature of downtown			
PPF-8	Encourage the revitalization of 153 South White Street through strategic renovations			
PPF-9	Create a master list of opportunities and seek civic organizations to partner with in order to test a range of opportunities using tactical techniques			
PPF-10	Layer the downtown environment incrementally with additional furnishings, lighting and landscaping			
PPF-11	Research best practices in public Wi-Fi program implementation and management and subsequently implement public Wi-Fi in the Renaissance Area			
PPF-12	Add ideal spatial enclosure ratios to the Unified Development Ordinance			
PPF-13	Amend the Unified Development Ordinance to better achieve ideal building heights			
PPF-14	Amend the existing Required Shopfront Overlay District to include additional frontages			

Renaissance Plan Consistency Grid				
POLICIES FOR DEVELOPMENT AND REDEVELOPMENT OPPORTUNITIES		YES	NO	NA
DRDO-1	Connect the Northeast Community with downtown through a transitional redevelopment area comprised of new mixed-use infill development, renovated buildings, multi-family housing, single-family housing, and walkable street block sizes			
DRDO-2	Encourage the renovation and adaptive reuse of the garage building on Roosevelt Avenue			
DRDO-3	Transform the public and private realm of Wait Avenue and Roosevelt Avenue with redevelopment, adaptive reuse of older buildings, and new mixed-use infill development			
DRDO-4	Close a portion of Wait Avenue and consolidate the block to better accommodate a cohesive redevelopment and contribute in a positive way to downtown			
DRDO-5	Encourage infill and redevelopment along Owen Avenue to serve as a catalytic project that would add vibrancy to a key intersection in the historic core			
DRDO-6	Encourage infill development on vacant and underutilized lots on White Street to maintain a consistent and attractive street edge			
DRDO-7	Explore development and redevelopment of large parcels of land along South White Street, south of Elm Avenue, with primary focus on a mix of multi-family over retail, townhomes and civic buildings			
DRDO-8	Connect the Senior Center to downtown via Brooks Street and ensure that the public streetscape and the frontages of private development contribute to a highly walkable street			
DRDO-9	Replace some of the unsightly and underperforming parking lot area in front of the Renaissance Center with new, mixed-use outparcel development			
DRDO-10	Encourage new mixed-use, infill development and redevelopment of areas around the intersection of Elm Avenue and S. White Street			
POLICIES FOR IMPLEMENTATION STRATEGIES		YES	NO	NA
IS-1	Promote more frequent, smaller events in downtown that are more seasonally predictable and recurring			
IS-2	Attract a broad array of user groups, specifically children and college students, to downtown through strategic programming			

11.8 PERMANENT SIGNAGE STANDARDS

Sign Type	Conditions	Permitted Location	Max. Area	Maximum Height	Permit Required	Max. Number	Illumination
Address / Tenant Identification Signs	11.10.1	All Districts	1 sq ft per tenant, owner, location or business	n/a	No	1 per tenant	n/a
Awning / Canopy Signs	11.10.2	All Businesses except Home Occupations	50% of the awning area	n/a	Yes	n/a	External Only
Directional Signs	11.10.3	All commercial projects	4 sq ft per face	3 ft	Yes	Max of 2 signs per entrance or exit	Internal or External
Drive-Thru Menu Boards	11.10.4	NB, HB, RA-HC, NMX, UMX, PUD	40 sq ft per lane	6 ft	Yes	2 per drive-thru lane	Internal Only
Electronic Message Boards	11.10.5	HB, NB	Shall not comprise more than 25% of the primary sign area	See 11.10.11	Yes	One per sign	See 11.10.11
Gas Station Pricing	11.10.6	-	-	-	-	-	-
Canopy Signage	11.10.6	Canopy over Gas Pumps	1 sq ft per canopy linear foot	Cannot extend beyond canopy structure	Yes	1 per side facing street, alley, or parking area	Internal Only
Monument	11.10.6	Incorporated into allowable monument sign	16 sq ft for LED pricer, or 25%, of allowable monument sign, whichever is greater	See 11.10.9	Yes	See 11.10.9	Internal Only
Wall Sign	11.10.6	See 11.10.17	16 sq ft	See 11.10.17	Yes	See 11.10.17	Internal Only
Governmental Signs	11.10.7	All Districts	n/a	n/a	No	n/a	Internal or External
Historic Identification Plaques	N/A	All Districts – on historic sites only.	4 sq ft per plaque	2 ft	No	One per historic site	External Only
Incidental Signs	11.10.8	All Districts	4 sq ft	4 ft	No	n/a	Internal or External
Legal & Warning Signs	11.10.9	All Districts	n/a	n/a	No	n/a	n/a

Sign Type	Conditions	Permitted Location	Maximum Area	Maximum Height	Permit Required	Maximum Number	Illumination
Monument Signs (Single-Use or Single Building Site)	11.10.10	OS, RD, GR3, GR5, GR10, UR	12 sq ft for non-residential uses	6 ft	Yes	1 per street frontage	Internal or External
		HB	70 sq ft	12 ft			
		NB, RMX, NMX	40 sq	10 ft			
		UMX, RA, HC	15 sq ft	6 ft			
		LI, HI	70 sq ft	10 ft			
		ICD	24 sq ft	7 ft		1 per public entrance & 1 per building for ICD	
Monument Signs (Multiple Non-Residential Buildings Site)	11.10.10	HB, NB, NMX, LI, HI, RMX, UMX, ICD	Option 1: 70 sq ft	Option 1: 12 ft	Yes	Option 1: 1 per street frontage	Internal or External
			Option 2: 32 sq ft	Option 2: 6 ft		Option 2: 1 per street frontage and 1 per outparcel	
Monument Signs (Residential)	11.10.10	All residential development	12 sq ft	n/a	Yes	See 11.10.11.B	External Only
Murals/Wall Art	11.10.11	HB, NB, NMX, LI, HI, <u>RA-HC</u> , RMX, UMX, ICD	n/a	n/a	Yes	n/a	External Only
Occupant/Street Number Signs	11.10.12	All Districts	2 sq ft	2 ft	No	n/a	Internal or External
Post & Arm Signs	11.10.13	Businesses and Home Occupations in all districts except UMX and RA-HC	4 sq ft	4.5ft	Yes	1 per tenant	External only
Projecting/ Suspended Signs	11.10.14	NMX, UMX, RA-HC, RMX	6 sq ft per story; max of 12 sq ft	Shall not extend above 1 st floor	Yes	1 per tenant; Max of 2 per building	External Only
Theatre Marquee Signs	11.10.15	Theatres only	1.5 sq ft per linear foot of building wall area shall be in sum with permitted wall sign area	n/a	Yes	1 per tenant	Internal or External
Vending Machine/Automatic Teller & Gasoline Pump Signs	11.10.16	Located on machine only	n/a	n/a	No	1 per machine	Not allowed

Sign Type	Conditions	Permitted Location	Maximum Area	Maximum Height	Permit Required	Maximum Number	Illumination
Wall Signs	11.10.17	OS, RD, GR3, GR5, GR10, UR	0.5 sq ft per linear ft of building wall	No sign shall extend above roofline	Yes	1 sign per building wall	Internal or External
		HI, LI, HB, NB, NMX	Front Façade: 1.5 sq ft per linear ft of storefront Side & Rear Façade: 1 sq ft per linear ft of building wall			4 signs per building wall	
		RMX, RA-HC, UMX	Front, Side & Rear Façade: 1 sq ft per linear ft of building wall			2 signs per building wall	
		ICD	4 sq ft per building entrance 24 sq ft per building at main entrance			1 per building entrance	
Window/Door Signs	11.10.18	Urban Districts: All Businesses except Home Occupations	15% of the gross glass area on any one side of the building	n/a	No	n/a	n/a
		Rural/Suburban Districts: All Businesses except Home Occupations	30% of the gross glass area on any one side of the building				

12.4. Flood Damage Prevention

12.4.1. General Provisions

A. Authorization: The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Article 6 of Chapter 153A; Article 8 of Chapter 160A; and Article 7, 9, and 11 of Chapter 160D of the North Carolina General Statutes, delegated to the Town of Wake Forest the authority to adopt regulations designed to promote the public health, safety, and general welfare.

A.B. Applicability: This section shall apply to all Special Flood Hazard Areas within the jurisdiction, including Extra-Territorial Jurisdiction (ETJ), of the Town of Wake Forest.

B.C. Exemptions

1. All new residential construction and substantial residential improvements proposed on a parcel of land that has no buildable area outside the Special Flood Hazard Area (SFHA), and that was recorded prior to May 2, 2006 shall be permitted for development provided that all applicable provisions of this ordinance area met.
2. All subdivisions approved prior to May 2, 2006, shall be exempted from the requirements prohibiting the platting of lots located within the Special Flood Hazard Area, provided the subdivision complies with the requirements in place prior to May 2, 2006.

C.D. Establishment of Flood Hazard Areas

1. The Special Flood Hazard Areas and Future Conditions Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Insurance Study (FIS) and its accompanying Flood Insurance Rate Maps (FIRM) for Wake County and Franklin County dated July 19, 2022~~May 2, 2006~~ and April 16, 2013 ~~and updated Preliminary FIRM in March 2015 (anticipated to be adopted in 2020)~~ and their accompanying Digital Flood Insurance Rate Map Panels (~~1728~~, 1738, 1739, 1748, 1749, 1759, ~~1821~~, 1830, 1831, 1832, 1840, 1841, 1842, 1850 and 1851, 1852, 1860, and 1861), and any revisions thereto, including any digital data developed as part of the FIS, which are adopted by reference and declared to be part of this ordinance. The "Special Flood Hazard Areas" also include those defined through standard engineering analysis for private developments or by governmental agencies, but which have not yet been incorporated into the FIRM. Preliminary FIRM data may be ~~used~~ for design purposes, Conditional Letters of Map Revisions, and No-Rise analysis with concurrence of the Floodplain Administrator for the floodplain development permit. Letters of Map Change must be based on the most recently adopted effective model approved by FEMA.
2. In addition, upon annexation to the Town of Wake Forest or inclusion in the Extra-Territorial Jurisdiction (ETJ), the Special Flood Hazard Areas identified by the Federal Emergency Management Agency (FEMA) and/or produced under the Cooperating Technical State agreement between the State of North Carolina and FEMA as stated above, for the unincorporated areas of Wake County and Franklin County, with accompanying maps and other supporting data are adopted by reference and declared to be part of this ordinance.
3. A professional evaluation shall be provided of the potential changes in the Special Flood Hazard Area elevation caused by the obstruction, encroachment, alteration, or relocation of areas identified to have flood hazard soils by Wake County with a total drainage area of more than 5 acres.

D.E. General Development Restrictions: In general, no new development is allowed in the Special Flood Hazard Areas unless one or more of the following are met:

1. The property/use is exempted from this requirement as identified in Section 12.4.1.C~~12.4.1.B~~;
2. The development is for roads, greenways, pedestrian crossings, park-related equipment, or public utilities and facilities such as wastewater, gas, electrical, and water systems that are located and constructed to minimize flood damage. Structures for pedestrian crossings (e.g., footbridges, etc.), playground equipment, and other similar items may be permitted if the applicant provides certification by a Professional Engineer, architect, or landscape architect that these encroachments will not result in an increase in flood levels during the base flood.

E.F. Warning and Disclaimer of Liability: The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Floods larger than those considered by this ordinance can and will occur on rare occasions. Actual flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Town of Wake Forest or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

F.G. Definitions: Definitions specific to the application and administration of the provisions for flood damage reduction in this section shall be indicated as such in Chapter 17 with the parenthetical note “(*Floodplain Development*)”. All other terms in this section shall be defined according to their standard definition in Chapter 17, or if not listed, shall have their everyday meaning as determined by their dictionary definition.

12.4.2. Provisions For Flood Hazard Reduction

A. General Standards: In all Special Flood Hazard Areas the following provisions are required:

1. All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.
2. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
3. All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.
4. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located to prevent water from entering or accumulating within the components during conditions of flooding. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, appliances (washers, dryers, refrigerators, freezers, etc.), hot water heaters, and electric outlets/switches.
5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.

7. Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this ordinance, shall meet the requirements of “new construction” as contained in this ordinance.
8. Nonconforming buildings or uses may not be enlarged, replaced, or rebuilt unless such enlargement or reconstruction is accomplished in conformance with the provisions of this Section. Nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the Regulatory Flood Protection Elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.
9. New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted in a Special Flood Hazard Area. No variances shall be granted for these facilities.
10. All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.
11. All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
12. All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
13. All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

B. Specific Standards and Restrictions: In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided and in Future Conditions Flood Hazard Areas where Future Conditions Flood Elevations data has been provided, the following additional provisions are required:

1. Residential Construction

- a. New construction of or substantial improvements to any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation.
- b. No proposed lot for development that is wholly or partly subject to flooding shall be approved unless there is established on the final plat a line representing an actual contour as determined by field survey of the Special Flood Hazard Area elevation as determined by the Federal Emergency Management Agency (FEMA) Special Hazard Area Maps.
- c. Such a line shall be known and identified on the site plan or subdivision plan and final plat as the “Development Restriction Floodline.”
- d. Subdivisions approved after May 2, 2006, may not plat lots for development located within the Special Flood Hazard Area unless all of the following exemptions are met:
 - i. The Special Flood Hazard Area affects a maximum area of 10% or less of the total acreage of the subdivision;

- ii. There is no reason for the formation of a homeowner's association other than to retain ownership and maintenance responsibility for the Special Flood Hazard Area (e.g., covenant, other common areas); and
 - iii. The Special Flood Hazard Area is placed in a permanent conservation easement at plat recordation.
- 2. **Non-Residential Construction:** New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation. Structures located in A, AE, and X (Future) Zones may be floodproofed to the Regulatory Flood Protection Elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the Regulatory Flood Protection Elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A Professional Engineer, Professional Land Surveyor or Registered Architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Section 15.7.3.E along with the operational and maintenance plans.
- 3. **Elevated Buildings:** In new construction or substantial improvements of elevated buildings, fully-enclosed areas below the lowest floor shall conform to the following standards:
 - a. Such enclosed areas shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises.
 - b. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas.
 - c. Such enclosed areas shall be constructed entirely of flood resistant materials below the Regulatory Flood Protection Elevation.
 - d. In Zones A, AE and X (Future), such enclosed areas shall include flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:
 - i. Provide a minimum of two (2) flood openings on different sides of each enclosed area subject to flooding;
 - ii. The total combined area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;
 - iii. If a building has more than one (1) enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
 - iv. The bottom of all required flood openings shall be no higher than one (1) foot above the adjacent grade;

- v. Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and
 - vi. Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.
- 4. **Additions:** All additions must meet the applicable standards for new construction.
- 5. **Recreational Vehicles:** Recreational vehicles shall either:
 - a. Be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use with up-to-date state inspection and tags (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions); or
 - b. Meet all the requirements for new construction.
- 6. **Accessory Structures:** When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, the following criteria shall be met:
 - a. Accessory structures shall not be used for human habitation.
 - b. Accessory structures shall be constructed and placed on the building site to offer the minimum resistance to the flow of floodwaters.
 - c. Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below regulatory flood protection elevation in conformance with Section 12.4.2.B.3.d.
 - d. Certification requirements: An accessory structure with a footprint less than 150 square feet that satisfies the criteria outlined above does not require an elevation or floodproofing certificate. Elevation or floodproofing certifications are required for all other accessory structures in accordance with Section 15.7.3.E.
- 7. **Temporary Non-Residential Structures**
 - a. Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:
 - i. A specified time period for which the temporary use will be permitted. Time specified may not exceed three (3) months, renewable up to one (1) year;
 - ii. The name, address, and phone number of the individual responsible for the removal of the temporary structure;
 - iii. The time frame prior to the event at which a structure will be removed (i.e. minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);
 - iv. A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and

- v. Designation, accompanied by documentation, of a location outside the Special Flood Hazard Area to which the structure will be moved.

C. Standards for Floodplains Without Established Base Flood Elevations: Within the Special Flood Hazard Areas designated as Approximate Zone A where no Base Flood Elevation (BFE) data has been provided by FEMA, the following provisions shall apply:

1. No encroachments, including fill, new construction, substantial improvements, or new development shall be permitted within a distance of 20 feet, each side, from the top of bank or five (5) times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
2. The BFE used in determining the Regulatory Flood Protection Elevation shall be determined based on one of the following criteria set in priority order:
 - a. If Base Flood Elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this ordinance and shall be elevated or in accordance with elevations established by the Floodplain Administrator.
 - b. All subdivision, manufactured home park and other development proposals shall provide Base Flood Elevation (BFE) data if development is greater than five (5) acres or has more than 50 lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference to be utilized in implementing this ordinance.

D. Floodway and Non-Encroachment Areas: Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following additional provisions shall apply to all development within such areas:

1. No encroachments, including fill, new construction, substantial improvements, and other developments shall be permitted unless it has been demonstrated that:
 - a. the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of floodplain development permit, or
 - b. if an increase in base flood will occur due to the proposed encroachments, an evaluation of alternatives, which would not result in the base flood increase, should be provided for review by the Floodplain Administrator demonstrating why these alternatives are not feasible. Upon approval by the Floodplain Administrator, a Conditional Letter of Map Revision (CLOMR) must be approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained upon completion of the proposed encroachment.
 - c. No manufactured or mobile homes shall be permitted, except an existing manufactured home subdivision or mobile home park. A replacement manufactured, or mobile home may be placed on a lot in an existing manufactured home subdivision or mobile home park provided the anchoring and the elevation standards of this Ordinance are met
- 12.4.2.D.3.a.

2. If paragraph 1, above, is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.
3. No manufactured homes shall be permitted within floodways or non-encroachment areas, except replacements of existing manufactured homes which meet the following provisions:
 - a. Manufactured and mobile homes shall be anchored to prevent flotation, collapse, or lateral movement in accordance with the Regulations for Mobile Homes and Modular Housing adopted by the Commissioners of Insurance pursuant to NCGS 143.143.15. Additionally, when the chassis elevation is 36 inches or less above the grade within a floodprone area, the chassis shall be supported by reinforced piers or other foundation elements of at least equivalent strength. If the elevation of the chassis exceeds 36 inches in height an engineering certification is required.
 - b. The no encroachment standard of Section 12.4.2.D.1.
 - c. An evacuation plan shall be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home subdivisions or mobile home parks located within flood prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local emergency management coordinator.
 - d. An existing manufactured home subdivision or mobile home park on which a manufactured or mobile home has incurred "substantial damage" as a result of a flood, must be elevated on a permanent foundation such that the lowest floor of the manufactured or mobile home is elevated no lower than two (2) feet above the base flood elevation.

16. Enforcement

16.1 General Provisions

16.1.1 Purpose

This Chapter establishes procedures through which the Town seeks to ensure compliance with the provisions of this Ordinance and obtain corrections for Ordinance violations. It also sets forth the remedies and penalties that apply to violations of this Ordinance.

16.1.2 Compliance Required

Compliance with all the procedures, standards, and other provisions of this Ordinance is required by all persons owning, developing, managing, using, or occupying land or structures in the Town and the ETJ.

16.2 Violations and Responsible Parties

16.2.1 Violations Generally

A. Failure To Comply with Ordinance, Term, or Condition of Approval Constitutes Ordinance Violation

Any failure to comply with a standard, requirement, prohibition, or limitation imposed by this Ordinance, or the terms or conditions of any permit or other development approval or authorization granted in accordance with this Ordinance shall constitute a violation of this Ordinance punishable as provided in this chapter.

B. Permits or Permit Approval Only Authorize Development Approved

Permits or permit approvals issued by a decision-making body authorize only the use, arrangement, location, design, density or intensity, and development set forth in such permits or development approvals.

16.2.2 Specific Violations

It shall be a violation of this Ordinance to undertake any activity contrary to the provisions of this Ordinance, including but not limited to any act or omission, or failure to comply with any other provisions, procedures, or standards as required by this Ordinance.

16.2.3 Illegal Subdivisions/Sales of Land

It shall be a violation of this Ordinance to subdivide land contrary to the provisions of this Ordinance or transfer or sell of land by reference to, exhibition of, or any other use or a plat showing a subdivision of the land before the plat has been properly approved under the terms of this Ordinance and recorded in the office of the Wake County or Franklin County Register of Deeds, as appropriate.

16.2.4 Demolition by Neglect of Historic Properties

Demolition by Neglect of any designated historic landmark or property located within a historic district shall constitute a violation of this Ordinance. Owners of historic properties and structures shall have the responsibility to preserve those properties and structures against decay, deterioration, and structural defects and to correct conditions that would compromise those properties' and structures' long-term integrity.

16.2.5 Responsible Parties

The owner, developer, tenant, or occupant of any land or structure, financial responsible party, and an architect, engineer, builder, contractor, agent, or any other person who participates in, assists, directs, creates, or maintains a situation that constitutes a violation of this Ordinance. All persons who commit violations shall be held responsible and shall be subject to the remedies and penalties set forth in this Chapter.

16.3 Enforcement Responsibility and Procedures

16.3.1 Responsibility for Enforcement

- A.** Primary responsibility for enforcing the provisions of this Ordinance shall be divided among Town officials as follows:
 - 1. The Planning Director, or his/her designee, shall be responsible for all enforcement of the zoning and subdivision provisions in the text of this Ordinance, zoning district boundaries, and compliance with conditions of approval.
 - 2. The Engineering Director, or his/her designee, shall be responsible for enforcement of the watercourse buffers, erosion control, floodplains, stormwater management, illicit discharges, and engineering provisions in the text of this Ordinance and compliance with conditions of approval.
- B.** The Building Official, or his/her designee, is responsible for all enforcement of Building Code.
- C.** All other officers and employees of the Town, especially members of the Police Department and Fire Department, shall have the duty to assist in enforcing this Ordinance by reporting apparent violations of this Ordinance to these officials.

16.3.3 Complaints Regarding Violations

In addition to enforcement by Town officials, any person may submit a complaint alleging a violation of this Ordinance. On receiving a complaint that fully states the basis for the allegation, including the apparent cause of the alleged violation, the Planning Director, Engineering Director, or Building Official, as appropriate, shall properly record such complaint, investigate the alleged violation, and take appropriate action as provided by this Ordinance.

16.3.4 Inspections

- A.** After presenting proper credentials, the Planning Director, Engineering Director, and/or Building Official may enter upon land or inspect any land or structures to ensure compliance with the provisions of this Ordinance. These inspections shall be carried out during normal business hours unless the Administrator determines there is a special circumstance or an emergency necessitating inspection at another time. Inspections of non-public areas may only occur with the consent of the premises owner or with an administrative inspection warrant.
- B.** No person shall willfully resist, delay, or obstruct an authorized representative, employee, or agent of the Town of Wake Forest while that person is inspecting or attempting to inspect land or structures nor shall any person obstruct, hamper, or interfere with any such representative while in the process of carrying out their official duties.

16.3.5 General Enforcement Procedure

A. Notice of Violation and Correction Order

1. On finding that a violation of this Ordinance exists, the Town shall provide written notice of the violation and correction order. Such Notice of Violation and Correction Order shall be served to the holder of the development approval and to the landowner of the property (if different) on which the violation exists and the person causing or maintaining the violation in any manner permitted by NC General Statute, including:

- a. Personal delivery,
- b. Electronic delivery,
- c. First-class mail, or
- d. Posted on the property.

The person providing the Notice of Violation and Correction Order shall certify to the local government that the notice was provided, and the certificate shall be deemed conclusive in the absence of fraud.

2. The Notice of Violation and Correction Order shall:
 - a. Describe the location and nature of the violation;
 - b. State the actions necessary to abate the violation;
 - c. Order that the violation be corrected within a specified reasonable time period not to exceed 30 days after receipt of the Notice of Violation and Correction Order and with the limit for correction of the violation beginning five days after the notice if posted on the property; and
 - d. State a Notice of Violation and Correction Order may be appealed to the Board of Adjustment except as provided by G.S. 160D-1403.1 or otherwise provided by law. The owner or other party has 30 days from receipt of the written notice of the determination within which to file an appeal. Any other person with standing to appeal has 30 days from receipt from any source of actual or constructive notice of the determination within which to file an appeal. In the absence of evidence to the contrary, notice given pursuant to G.S. 160D-403(b) by first-class mail is deemed received on the third business day following deposit of the notice for mailing with the United States Postal Service.
3. The final Notice of Violation and Correction Order, which may also be the initial Notice of the Violation and Correction Order, shall state what course of action is intended if the violation is not corrected. If the final Notice of Violation and Correction Order identifies the assessment of a civil penalty as a potential intended course of action, the Notice of Violation and Correction Order shall also serve as a warning citation. The final Notice of Violation and Correction Order shall also advise the violators of their rights to appeal the Notice of Violation and Correction Order to the Board of Adjustment in accordance with the above criteria.

B. Extension of Time Limit to Correct Violation

On receiving a written request for extension of the time limit for correction specified in the Notice of the Violation and Correction Order, the Planning Director, Engineering Director, and/or Building Official, as appropriate, may grant a single

extension of time limit for up to 90 45 days for good cause shown. The notice of extension shall state the date prior to which correction must be made or the violator will be subject to the penalties described in the Notice of the Violation and Correction Order.

C. Application of Remedies and Penalties

On determining that the violator has failed to correct the violation by the time limit set forth in the final Notice of Violation and Correction Order (or any granted extension thereof), has failed to request an administrative hearing, or has failed to appeal the Notice of Violation and Correction Order in accordance with Section 15.12, Appeals of Administrative Decisions, the Planning Director, Engineering Director, or Building Official, as appropriate, shall take appropriate action, as provided in Section 16.4, Remedies and Penalties, to correct the violation and to ensure compliance with this Ordinance.

D. Emergency Enforcement Without Notice

If it is determined that delay in correcting the violation would pose a danger to the public health, safety, or welfare, the Planning Director, Engineering Director, and/or Building Official, as appropriate, may seek immediate enforcement without prior written notice by invoking any of the remedies authorized in Section 16.4, Remedies and Penalties.

E. Repeat Violations

If the same violation is repeated by the same offender over any two-year period, the Town may commence the application of remedies or penalties at the stage in the process where the previous violation was resolved.

F. Authority to Require Statements

The Town shall have the authority to require written statements, or the filing of reports under oath, with respect to pertinent questions related to land-disturbing activities constituting a potential violation of this Ordinance.

16.3.6 Demolition by Neglect Enforcement Procedure

A. Determination by Neglect

Once the possibility of neglect comes to the attention of the Planning Director, the Planning Director will investigate. If the Planning Director determines that a "Demolition by Neglect" violation has occurred notice will be given to the Historic Preservation Commission (HPC).

B. Determination of Neglect

The HPC shall call an administrative public hearing. Written notice of such administrative public hearing shall be mailed by first class mail to the owner, not less than 10 days prior to the date of the hearing. If the HPC determines at the administrative public hearing that a state of "Demolition by Neglect" exists then it will issue a finding of such condition and either issue a Certificate of Appropriateness (COA) for minor repairs, if appropriate, and/or order that an application for a COA be submitted for repairs requiring a separate evidentiary hearing before the HPC. Any required time limit for repairs will automatically be adjusted, as needed, to allow the normal COA process.

C. Notice of Violation and Correction Order

When the Historic Preservation Commission finds that a state of “Demolition by Neglect” exists, a Notice of Violation and Correction Order shall be issued in accordance with standard Town procedures in 16.3.5.A. If an order to apply for a COA has been issued by the HPC, the Notice of Violation and Correction Order will include a statement to that fact and the time allowed for compliance will be appropriately adjusted.

16.3.7 Stormwater Management Enforcement Procedure

- A. A property owner that fails to submit an Annual Stormwater Control Measure (SCM) Inspection Report before the end of the year in accordance with Section 12.5.6.C of this Ordinance shall receive a Notice of Violation and Correction Order allowing an additional 30 days to comply. If the SCM Inspection has not been received by 30 days after mailing the Notice of Violation and Correction Order, a second violation will be mailed.
- B. If a person violates any of the illicit discharge provisions stated in Section 12.5.8.B of this Ordinance, a letter will be mailed to the owner, with a determined number of days to comply with the recommend action items. If the recommend items have not been completed within the set time or if there has been no contact from the owner, a second Notice of Violation and Correction Order will be mailed to the owner.

16.4 Remedies and Penalties

The Town may use any combination of the following remedies and penalties to enforce compliance with this Ordinance.

16.4.1 Remedies

A. Issuance of Stop Work Order

Whenever any development subject to this Ordinance, including a building or structure that is being constructed, demolished, renovated, altered, or repaired, is in violation of any applicable provision of this Ordinance, the Planning Director, Engineering Director, or Building Official may issue a Stop Work Order. The Stop Work Order shall be in writing, directed to the person doing the work, and shall state the specific work to be stopped, the specific reasons for cessation, and the action(s) necessary to lawfully resume work.

B. Revocation of Permit or Approval

The Planning Director, Engineering Director, or Building Official, as appropriate, may revoke any permit or approval granted under this Ordinance, by written notice to the permit or approval holder, when false statements or misrepresentations were made in securing the permit or approval, work is being or has been done in substantial departure from the approved application or plan, there has been a failure to comply with the requirements of this Ordinance, or a permit or approval has been mistakenly granted in violation of this Ordinance. The development permit cannot be revoked if a public hearing was required to approve the development permit without following the same development review and approval process required for issuance of the development approval.

C. Denial or Withholding of Related Permits

The Planning Director, Engineering Director, or Building Official, as appropriate, may deny or withhold a Certificate of Compliance or Certificate of Occupancy in accordance with the Building Code or deny or withhold any permit, approval, or other authorization under this Ordinance to use or develop any land, structure, or improvements—until an alleged violation related to such land, use, or development is corrected and any associated civil penalty is paid.

D. Removal of Illegal Signs

1. The Town may remove any sign placed within the state or Town public right-of-way in violation of the standards in this Ordinance.
2. The Town may remove any sign placed in the line of sight.
3. Pursuant to NC General Statutes, the Planning Director shall have the authority to summarily remove, abate, or remedy a sign or sign structure which the building inspector has determined to be dangerous or prejudicial to the public health or safety.
4. The expense of the action shall be paid by the sign owner or if the sign owner cannot be ascertained, by the property owner, and if not paid, the Town will execute a lien against the real property in accordance with Chapter 160D of the General Statutes.

E. Restoration

The Engineering Director may require any person who undertakes a land-disturbing activity and who fails to retain sediment generated by the activity, as required by Section 12.3.3, to restore the waters and land affected by the failure so as to minimize the detrimental effects of the resulting pollution by sedimentation.

F. Safeguards from Undue Economic Hardship

1. When a written claim of undue economic hardship is made owing to the effects of this article, the Planning Director shall notify the Hardship Review Committee (HRC) which shall be made up of the Finance Director, the Assistant Planning Director and the Inspections Director or their designees. The Planning Director shall schedule an administrative hearing on the claim within 15 business days of receipt of the written request.
2. The petitioner submitting the written claim shall present the information required by the HRC to determine if an undue economic hardship owing to the effects of a “Demolition by Neglect” finding has occurred. If any of the required information is not reasonably available, the petitioner shall describe the reasons why such information cannot be obtained. The minimum necessary evidence shall include, but is not limited to:
 - a. Nature of ownership (individual, business, or non-profit) or legal possession, custody, and control.
 - b. Financial resources of the owner and/or parties in interest.
 - c. Estimated cost of repairs.
 - d. Assessed value of the land and improvements (existing).
 - e. Real estate taxes for the previous 2 years.

- f. Amount paid for the property, date of purchase, and party from whom purchased, including a description of the relationship between the owner and the person from whom the property was purchased, or other means of acquisition of title, such as by gift or by inheritance.
 - g. Annual debt service, if any, for the previous 2 years.
 - h. Any listing of the property for sale or for rent, the price asked, and offers received, if any.
3. In addition, for all income-producing properties, the petitioner must also provide the following:
 - a. Annual gross income from the property for the previous 2 years.
 - b. Itemized operating and maintenance expenses for the previous 2 years, including proof that adequate and competent management procedures were followed.
 - c. Annual cash flow, if any, for the previous 2 years.
4. Within 30 business days after the administrative hearing, the Hardship Review Committee shall cause to be made a finding of undue or no undue economic hardship and shall provide a copy of the decision to the Planning Director and the Historic Preservation Commission. In the event of a finding of no undue economic hardship, the Planning Director shall cause to be issued an order for such property to be repaired within the time specified.
5. In the event of a finding of undue economic hardship, the finding may be accompanied by a recommended plan to relieve the economic hardship. This plan may include, but is not limited to, the following: property tax relief as may be allowed under North Carolina law, loans, or grants from the Town, the county, or other public, private, or nonprofit sources, acquisition by purchase, building code modifications, or changes in applicable zoning regulations proving sufficient to mitigate the undue economic hardship. The HRC shall report such finding and the recommended plan to the Planning Director who will then cause to be issued an order for such property to be repaired within the time specified, and according to the provisions of the recommended plan.
6. Findings made by the HRC may be appealed to the Historic Preservation Commission and shall be heard at its next meeting, within the limitations of its procedures for applicable deadlines. Decisions of the Historic Preservation Commission may be appealed to the Board of Adjustment in accordance with NC General Statutes.

G. Injunction

The Planning Director or Engineering Director, as appropriate, may apply to the appropriate court for a mandatory or prohibitory injunction ordering the offender to correct the unlawful condition or cease the unlawful use of the land in question.

H. Order of Abatement

1. The Planning Director, Engineering Director, or Building Official, as appropriate, may apply for, and the court may enter into an Order of Abatement as part of the judgment in the case. An Order of Abatement may direct any of the following actions:

- a. Buildings or other structures on the property be closed, demolished, or removed;
 - b. Fixtures, furniture, or other moveable property be moved or removed entirely;
 - c. Improvements, alterations, modifications, or repairs be made;
 - d. Trees be replaced; or
 - e. Any other action be taken that is necessary to bring the property into compliance with this Ordinance.
2. If an Order of Abatement is executed, a lien may be placed on the property for the cost of executing the order in accordance with Chapter 160D of the General Statutes.

I. Equitable Remedy

The Town may apply to the appropriate court for any appropriate equitable remedy to enforce the provisions of this Ordinance. The fact that other remedies are provided under general law or this Ordinance shall not be used by a violator as a defense to the Town's application for equitable relief.

16.4.2 Citations and Civil Penalties

A. Erosion and Sedimentation Control Violations

1. Any person, firm, or corporation who violates any provisions in Chapter 12.3, Erosion and Sedimentation Controls Regulations, shall be in violation of this Chapter and shall be subject to civil penalties as follows:
 - a. Grading without a permit (includes single family lots) - \$5,000.00
 - b. Failure to install measures for lots less than ½ acre - \$500.00
 - c. Failure to renew grading permit - \$500.00
 - d. Failure to follow approved plan or obtain signed plan prior to work - \$2,500.00
 - e. Failure to submit a revised plan - \$2,500.00
 - f. Failure to provide adequate ground cover – up to \$5,000.00
 - g. Failure to take all reasonable measures to prevent sediment leaving site– up to \$5,000.00
 - h. Failure to provide adequate riparian buffers – up to \$5,000.00
 - i. Unlawful grading in floodplain - \$5,000.00
 - j. Filling in wetland, creek, or water course without obtaining required permits - \$5,000.00
 - k. Grading slopes and fill steeper than allowed by approved permit - \$2,500.00
 - l. Failure to maintain erosion control measures – up to \$5,000.00
 - m. If sediment enters a buffer, stream, or wetlands – up to \$25,000.00
2. The Town may require a person who engaged in a land-disturbing activity and failed to retain sediment generated by the activity, as required by G.S. 113A-57 (3), to restore the waters and land affected by the failure so as to minimize the detrimental effects of the resulting pollution by sedimentation.

B. Flood Damage Prevention Violations

Any person, firm, or corporation who violates any provisions in Chapter 12.4, Flood Damage Prevention, or order made pursuant to Chapter 12.4 shall be in violation of this Chapter and shall be subject to civil penalties as follows:

1. A civil penalty in the amount of \$100.00 per violation shall be assessed.
2. Each day such violation continues shall be considered a separate and distinct offense.

C. Landscaping Violations

Any person, firm, or corporation who violates the provisions of Chapter 8, Tree Protection, Buffers, and Landscaping, shall be subject to the following.

1. A base fine of \$2.00 for every square foot of the Critical Root Zone occupied by the damaged or removed vegetation within any areas required to be protected.
2. A base fine of \$100.00 per tree for any tree excessively pruned shall be applied in addition to the replacement of plant material using the “inch for inch” standard as determined by the Planning Director.

D. Stormwater Management Violations

Any person, firm, or corporation who receives a second Notice of Violation and Correction Order for failing to provide an SCM Inspection Report or illicitly discharging shall be subject to the following.

1. A fine of \$250.00 will be issued for failing to provide a SCM Inspection Report. For every 30 days that the Report is not provided, a fine of up to \$25,000.00 will be issued subject to the Engineering Director’s discretion based on the severity of violation and scope of repairs.
2. A fine of up to \$25,000.00 will be issued until the issue until an illicit discharge is resolved, subject to the Engineering Director’s discretion based on the severity of violation and scope of repairs.

E. Watercourse (Riparian) Buffer Area Violations

1. Any person, firm, or corporation who violates any provisions in Section 12.7, Watercourse (Riparian) Buffer Areas, shall be in violation of this Ordinance and shall be subject to the following:
 - a. For first time offenders, a civil penalty in the amount of \$100.00 per day shall be assessed.
 - b. For repeat offenders, the amount of the penalty shall be double the amount assessed for the previous penalty, not to exceed \$10,000.00 per violation for any continuing violation.
 - c. Each day’s continuing violation shall be a separate and distinct offense.

F. Other Violations

Any person, firm, or corporation who violations the provisions of this Ordinance other than those listed above in Section 16.4.2, shall be subject to civil penalties as follows:

1. A civil penalty in the amount of \$50.00 per violation for the first day and \$100.00 per violation for any day thereafter in violation.
2. Each day’s continuing violation shall be a separate and distinct offense.

G. Citation

1. To impose a civil penalty, the Planning Director, Engineer Director, or Building Official, as appropriate, shall first provide the violator a written citation, either by personal service or certified mail, return receipt requested. The citation shall:
 - a. Describe the violation;
 - b. Describe the action required to correct the violation;
 - c. Specify the amount of the civil penalty being issued;
 - d. Direct the violator to remit payment for the civil penalty within 30 days to the Town or contest the citation by submitting a written request for an administrative hearing as outlined in Section 16.3.5.2.d; and
 - e. Advise the violator of the right to appeal the citation to the Board of Adjustment in accordance with Section 15.12, Appeals of Administrative Decisions.
2. If the violator requests an administrative hearing within the deadline set forth in the citation, the Planning Director, Engineering Director, or Building Official, as appropriate, shall schedule a hearing not less than seven days or no more than 30 days after receiving the request, and shall provide the violator written notice of the time and place of the hearing. At the conclusion of the hearing, the Planning Director, Engineering Director, or Building Official, as appropriate, shall make a final determination of (1) whether the citation is warranted, and (2) whether the penalty amount is appropriate or should be reduced or waived. If finding that the citation is warranted and the penalty amount is confirmed or reduced, the Planning Director, Engineer Director, or Building Official, as appropriate, shall order the violator to pay the civil penalty to the Town. The Planning Director, Engineering Director, or Building Official, as appropriate, shall also advise the violator of the right to appeal the citation to the Board of Adjustment in accordance with Section 15.12, Appeals of Administrative Decisions.
3. If the violator fails to either pay the civil penalty, or as reduced from administrative hearing, or has failed to appeal the citation deadline listed in the citation in accordance with Section 15.12, Appeals of Administrative Decisions, the Town may institute a civil action in the nature of a debt in a court of competent jurisdiction to recover the civil penalty.
4. If a Civil Penalty is issued to a first-time offender, the offender may make a written request to the Planning Director, Engineering Director, or Building Official, as appropriate, for a reduction in the citation amount. Such request must be made within ten days of the citation being issued. If a reduction in the citation amount is granted, the offender shall pay the reduced civil penalty within three business days of such reduction approval. If the reduced civil penalty is not paid within this timeframe, the original civil penalty amount shall be enforced.

16.4.3 Tree Replacement and Delay in Approvals

In addition to 16.4.2, Citations and Civil Penalties, any person, firm, or corporation who violates the provisions of Section 8.2.2, Exemptions, shall be subject to the following:

Type of Violation		3 Year Delay in Approvals	5 Year Delay in Approvals	Replacement of Vegetation from Protected Areas
Exempt Property per Section 8.2.2	Any existing vegetation removed from protected areas	•		•
Non-Exempt Property per Section 8.2.2	Less than 75% of existing vegetation removed from protected areas	•		•
	75% or more of existing vegetation removed from protected areas		•	•

16.4.4 Unauthorized Demolition of Historic Property Violations

In addition to 16.4.2, Citations and Civil Penalties, any person, firm, or corporation who demolishes a structure subject to this Ordinance or in violation of the Certificate of Appropriateness shall be prohibited from submitting redevelopment plans for the property for 48 months from the date of the Notice of Violation and Correction Order issuance. The length of the delay may be shortened at the discretion of the Planning Director, following an administrative hearing, depending on the specific circumstances of the site, structure, and violation.

16.4.5 Criminal Penalties

Violations of this Ordinance, where permissible under North Carolina law, may be enforced as a Class 3 misdemeanor and shall be subject to a fine of \$500.00.

No further work or activity shall take place in violation of a stop work order pending a ruling on the appeal. Violation of a stop work order, and other pertinent provisions of Chapter 160D of the North Carolina General Statutes where allowed and specified, shall constitute a Class 1 Misdemeanor.

16.4.6 Cumulative Remedies and Penalties

The remedies and penalties provided for violations of this Ordinance, whether civil or criminal, shall be cumulative and in addition to any other remedy or penalty provided by law, and may be exercised in any order.

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, Open Space and Greenway 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 1/2 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 (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 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 streams typically lack 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 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 as defined in the Wake Forest Open Space & Greenways Plan 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 are 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 corner lot, the 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 DEVICES

MEASURES The overall design, construction and maintenance of on 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 lines.