TOWN *of*
WAKE FOREST

Board of Adjustment
Meeting Agenda
September 21, 2023 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 Town Clerk Terry Savary at 919-435-9432 as soon as possible, but no later than 48 hours before the scheduled event.

Public Hearing

Those wishing to speak must first register to speak no later than 3pm the day of the meeting at https://www.wakeforestnc.gov/public-meetings-portal.

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

1.Call to Order

2.Adoption of Agenda

3.Approval of Minutes

3.A. Approval of Minutes
BOA minutes 7-20-2023.pdf

4.Old Business

4.A. Consideration of an Appeal of an Administrative Decision related to the issuance of two Notices of Violation (V-23-91 and V-23-240) at 1149 N Main St

BOA-23-02 STAFF REPORT.pdf
Attachment A - Application.pdf
Attachment B - Maps.pdf
Attachment C - Notices of Violation and Certified Letters Receipts.pdf
Attachment D - Preliminary Pictures Dated 3.9.23.pdf
Attachment E - Follow-up Inspection Pictures Dated 3.15.23.pdf
Attachment F - Stop Work Order Posting Picture.pdf
Attachment G - Submitted NCDOR Conditional Farmer Exemption Card.pdf
Attachment H - Copy of Deed for Warren County Parcel.pdf
Attachment I - Parken, LLC Annual Report 2022.pdf
Attachment J - Present Use Value Articles from NC Extension.pdf
Attachment K - Administrative Inspection Warrarnt.pdf
Attachment L - Inspection Pictures Dated 5.15.23.pdf
Attachment M - Warren County Tax Card.pdf
Attachment N - Wake County Tax Card.pdf
Attachment O - Copy of Deed for 1149 N Main St., Wake Forest, NC 27587.pdf
Attachment P - Documentation Submitted in Appeal Application.pdf
Attachment Q - AV-5 Application for Agriculture, Horticulture and Forestry Present-Use Value Assessment.pdf

5.New Business

5.A. Consideration of an Appeal of an Administrative Decision related to the issuance of the Planning Director's June 30, 2023 wall sign interpretation for the property located at 1839 S Main St., being Wake County PIN 1840012345.

BOA-23-03 STAFF REPORT.pdf
Attachment A-Application.pdf

Attachment B-Maps.pdf
Attachment C-June 30, 2023 Administrative Decision.pdf
Attachment D-September 2022 Sign Permit Submittal.pdf
Attachment E-Gas Station Canopy Email and Size.pdf
Attachment F-UDO Chapter 11, Sections 15.6.1 and 17.4.pdf

5.B. Consideration of a Variance submitted by Samuel Morris, Longleaf Law Partners on behalf of The Macsydney Company II, LLC and Physlesther II, LLC, for several sections in UDO Chapter 11-Signs for the property located at 1839 S Main St., being Wake County PIN 1840012345.
BOA-23-04 STAFF REPORT.pdf
Exhibit A-Application.pdf
Exhibit B-Maps.pdf
Exhibit C-Gas Station Canopy Email and Size.pdf
Exhibit D-Entrance Signs.pdf
Exhibit E-Monument Sign.pdf
Exhibit F-UDO Chapter 11 and Section 17.4.pdf

6.Staff Comments

7.Board of Adjustment Comments

8.Adjournment

Board of Adjustment Agenda Item Report

Agenda Item No.: 2023-232-
Submitted by: Ella Dowtin
Submitting Department: Planning
Meeting Date: September 21, 2023

SUBJECT
Approval of Minutes

Recommendation:

Item Summary:

ATTACHMENTS
- BOA minutes 7-20-2023.pdf

Wake Forest Board of Adjustment
Minutes

The Wake Forest Board of Adjustments met on **Thursday, July 20, 2023,** at **6:00 p.m.** in the Board Room at Wake Forest Town Hall, 301 S Brooks Street.

Board of Adjustments Members present: Jonathan Bivens, William Hedrick, Ken Christie, and Mark Williams

Board of Adjustments Members absent: Rick Porter and Bryan Lange

Staff Members present: Planning Director Courtney Tanner, Senior Planner Patrick Reidy, Assistant Planning Director Jennifer Currin, Attorney Hassan Kingsberry, Paralegal Aiden Portnoy, and Deputy Town Clerk Ella Dowtin

1. Call to Order

Chair Hedrick called the meeting to order at 6:00 p.m.
A quorum was established.

2. Adoption of Agenda

ACTION:
Mover: Ken Christie moved to adopt the agenda as presented.
Seconder: Jonathan Bivens.
Vote: Motion carried 4-0.

3. Approval of Minutes

ACTION:
Mover: Ken Christie moved to approve April 20, 2023; minutes as presented.
Seconder: Jonathan Bivens.

Vote: Motion carried 4-0.

4. Old Business

No Old Business was presented.

5. New Business

5. A. Consideration of an Appeal of an Administrative Decision related to the issuance of two Notices of Violation (V-23-91 and V-23-240) at 1149 N. Main St.

Planner Director Courtney Tanner received a request from the applicant that items V-23-91 and V-23-240 be tabled until the September 21, 2023, meeting.

ACTION:
Mover: Ken Christie moved that Notices of Violation (V-23-91 and V-23-240 be tabled until September 21, 2023.
Seconder: Jonathan Bivens.
Vote: Motion carried 4-0.

6. Staff Comments

6. A. No staff comments.

7. Board of Adjustments Comments

No board comments.

8. Adjournment

ACTION:
Chair Hedrick moved to adjourn at 6:04 p.m.

Duly approved in open session this 21st day of September 2023.

_____ _____

Ella F. Dowtin
Deputy Town Clerk

William Hedrick
Board of Adjustments Chair

Board of Adjustment Agenda Item Report

Agenda Item No.: 2023-189-
Submitted by: Courtney Tanner
Submitting Department: Planning
Meeting Date: September 21, 2023

SUBJECT
Consideration of an Appeal of an Administrative Decision related to the issuance of two Notices of Violation (V-23-91 and V-23-240) at 1149 N Main St

Recommendation:

Item Summary:

ATTACHMENTS

- BOA-23-02 STAFF REPORT.pdf
- Attachment A - Application.pdf
- Attachment B - Maps.pdf
- Attachment C - Notices of Violation and Certified Letters Receipts.pdf
- Attachment D - Preliminary Pictures Dated 3.9.23.pdf
- Attachment E - Follow-up Inspection Pictures Dated 3.15.23.pdf
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- Attachment H - Copy of Deed for Warren County Parcel.pdf
- Attachment I - Parken, LLC Annual Report 2022.pdf
- Attachment J - Present Use Value Articles from NC Extension.pdf
- Attachment K - Administrative Inspection Warrarnt.pdf
- Attachment L - Inspection Pictures Dated 5.15.23.pdf
- Attachment M - Warren County Tax Card.pdf
- Attachment N - Wake County Tax Card.pdf
- Attachment O - Copy of Deed for 1149 N Main St., Wake Forest, NC 27587.pdf
- Attachment P - Documentation Submitted in Appeal Application.pdf
- Attachment Q - AV-5 Application for Agriculture, Horticulture and Forestry Present-Use Value Assessment.pdf

TOWN of WAKE FOREST

Staff Report
Case BOA-23-02: Appeal of V-23-91 and V-23-240

Meeting Date	September 21, 2023
Requested Actions	Consideration of an Appeal of an Administrative Decision related to the issuance of two Notices of Violation (V-23-91 and V-23-240) at 1149 N Main St
Case Manager	Courtney Tanner, Planning Director

CASE INFORMATION

Applicant	Frank Bowman 547 South Main Street Wake Forest, NC 27587	
Property Owner	Francis Joseph Bowman III and Elizabeth Lauren Bowman 547 South Main Street Wake Forest, NC 27587	
Address	1149 N Main St	
Wake County Tax PIN(s)	1841882891	
Acreage	3.91 acres	
Zoning	Rural Holding District (RD)	
Corporate Limits	This application is not in the Town's corporate limits but in the Extraterritorial Jurisdiction	
Setbacks	**Front**	20 feet
	Street Side/ Secondary	20 feet
	Side	10 feet
	Rear	25 feet
See Attachment A for a copy of the application		

SURROUNDING LAND USES AND ZONING

	Land Use	Zoning
North	Single-Family Residential	General Residential 10 - Conditional District (RZ-22-02)
South	Single-Family Residential	Rural Holding District
East	Single-Family Residential	General Residential 3
West	Single-Family Residential	General Residential 3 – Conditional District (RZ-07-06)

See Attachment B for aerial photograph, jurisdictional map, and zoning map.

APPEAL REQUEST

Frank Bowman is appealing V-23-91 and V-23-240, Attachment C, dated 5/26/23, on the following grounds:

1. Property is being operated pursuant to North Carolina General Statute 160D-903 as a bona fide farm exempting it from municipal zoning regulations.

See page 2 of Attachment A for the Applicant's Description of Request, and note that the application states yes to the receiving an official determination request; however, the applicant has not applied for or requested an official determination from the Administrator.

ADMINISTRATIVE REVIEW OF APPEAL REQUEST

15.6.1, Development Permit, of the Unified Development Ordinance (UDO) states that a development permit shall be required for the construction or development of any new use within the land development jurisdiction of the Town of Wake Forest, and any other site improvement as indicated in the UDO. In addition to new uses, a development permit shall be required for expansions of existing uses and change of uses.

4.6, Accessory Uses And Structures, of the UDO states that it shall be unlawful for any person to erect, construct, enlarge, move or replace any accessory use or structure without first obtaining a certificate of zoning compliance from the Administrator.

2.3, Uses Permitted, along with 3.1, Applicability, of the UDO provide that the use Animal Production may be established in the Rural Holding District (RD) but shall require a Special Use Permit.

On March 9th, 2023, Assistant Planning Director Jennifer Currin reported to the Zoning Enforcement Officer, Benjamin Coleman, a report of potential development at the parcel located at 1149 N Main St. The report indicated that a large area had been cleared with tree removal. Staff responded to the area and spoke to a female renter in the single-family residence on the property. The renter advised that she had recently moved in with her family and her landlord had said that there was something commercial going to be conducted in the rear part of the parcel. Observations made by staff indicated significant development had already occurred with no corresponding development permit. An area of graded land, tree removal, gravel installation, and a gate installation were noted and photographed (Attachment D).

Concerned about land disturbance implications with a creek nearby, Assistant Stormwater Engineer Nick Nolte and Senior Civil Engineer Chris Glass accompanied staff to the site on March 15th, 2023, to assist with an evaluation. Upon inspection, a new concrete pad had been installed and an accessory structure (storage container) had been installed (Attachment E). Nick Nolte and Chris Glass determined that the area of land had exceeded ½ acre, threshold for a land disturbance permit, and that a follow up investigation with North Carolina Department of Environmental Quality (NCDEQ) was required to look at implications of the stream on the site. Due to the continued development without a permit, a Stop Work Order was posted on the property (Attachment F).

Mr. Frank Bowman contacted staff and was notified of the reason for the stop work order and the inspection during a phone conversation on March 15, 2023. In a follow-up phone conversation on March 16, 2023, Mr. Bowman advised staff that after speaking to his attorney, he should have told staff previously that the back portion of the property was covered by the bona fide farming exemption as an agricultural use in conjunction with a farm he operated in Warren County (North Carolina General Statute 160D-903). Mr. Bowmen provide Attachment G - Conditional Farmer Exemption Card and Attachment H – Deed for Warren County Parcel. After reviewing the documentation, the ownership of the property in Warren County was found to be under a business entity, Parken LLC, and different from the ownership of the subject parcel. Additionally, it was found that the 2022 annual report (Attachment I) filed by Parken LLC listed the description of nature of business as Residential property management and rental. As listed in two articles (Attachment J) published by the NC State Extension Agricultural and Environmental Law Specialists Dr. Robert Branan and Dr. Rajan Parajuli, the extension of the present use value participation in additional properties requires that LLCs list the purpose of the entity to include engagement in agriculture or forestry and be titled in the same name. The information provided was then forwarded to the Town Attorney, Hassan Kingsberry, who determined that the documentation submitted was insufficient to be exempted under North Carolina General Statute NCGS 105-277.2.(7) since the farming exemption in Warren County (forestry) did not match the agricultural use (beekeeping or honey) in Wake Forest, which is required by state law. Staff advised Mr. Bowman of this finding and gave him the Town Attorney's contact information to forward to his attorney to assist in resolving the matter. Mr. Bowman's attorney spoke to Hassan Kingsberry and was given feedback and direction to resolve the matter.

On March 22, 2023, staff again spoke to Mr. Bowman after it was observed that piers and foundations were erected in the gravel supporting wooden frames with a stop work order in place. During the conversation, Mr. Bowman stated that the supports were for planters and landscaping. Staff reiterated that the stop work order was still in place and to cease all development and have his attorney speak to the Town Attorney. An additional stop work order was posted due to the previous postings being removed.

On May 15, 2023, after observing more development on the parcel from public right of way, staff applied for and received an Administration Inspection Warrant signed by a County Magistrate (Attachment K). Staff executed this warrant with the assistance of the Wake County Sheriff's Office at approximately 2:51pm on May 15th. During the inspection (Attachment L), the installation of multiple beehives was observed as well as the storage of construction materials, tractors, bulldozer, and trailers. The storage container was changed in orientation, painted, and additional stands were installed on the landscaping material to hold beehives. After the inspection, Notices of Violation V-23-91 and V-23-240 (Exhibits C) were issued for the development and establishment of use without a permit since neither Mr. Bowman nor his attorney provided staff with documentation demonstrating the use qualified for agricultural exemption under North Carolina General Statute 160D-903(c).

Property in the extraterritorial jurisdiction ETJ

Section 1.3, Jurisdiction, of the UDO states property in the extraterritorial jurisdiction which is used for bona fide farm purposes is exempt from the requirements of this ordinance, pursuant to NC General Statute. The property owner has not provided this documentation for the subject property.

Property being operated as a bona fide farm pursuant to 160D-903

North Carolina General Statute 160D-903(c) states that "*Property that is located in a city's extraterritorial planning and development regulation jurisdiction and that is used for bona fide farm purposes is exempt from the city's zoning regulation to the same extent bona fide farming activities are exempt from county zoning pursuant to this section.*" The statute also provides four prima facie conditions that can establish a property is being used for bona fide farm purposes, although the statute does allow for other evidence to be considered. The four conditions are:

(1) A farm sales tax exemption certificate issued by the Department of Revenue.
(2) A copy of the property tax listing showing that the property is eligible for participation in the present-use value program pursuant to G.S. 105-277.3.
(3) A copy of the farm owner's or operator's Schedule F from the owner's or operator's most recent federal income tax return.
(4) A forest management plan.

Additionally, General Statute allows for additional parcels of land to be considered part of the bona fide farming exemption under certain circumstances detailed in NCGS 105-277.2.(7) "*Unit. – One or more tracts of agricultural land, horticultural land, or forestland. Multiple tracts must be under the same ownership and be of the same type of classification. If the multiple tracts are located within different counties, they must be within 50 miles of a tract qualifying under G.S. 105-277.3(a).*"

Although the applicant has provided documentation supporting the bona fide farm exemption for a farm he purchased in Warren County, there is insufficient evidence that the subject parcel qualifies as a "Unit" per NCGS 105-277.2.(7) and does not, on its own, meet any of the four conditions listed in 160D-903(c).

1149 N Main St Wake Forest, NC 27587 does not qualify as a "Unit" per NCGS 105-277.2.(7)

The definition of "Unit" has three elements for an additional property to qualify for the bona fide farming exemption extension: Same ownership, same classification, and within 50 miles.

Ownership: The Warren County parcel was purchased March 24, 2014 in the name of Parken, LLC (Attachment H) and remains under the same ownership today. The subject parcel Attachment N (Wake County tax card) was purchased March 5, 2004 by Francis Joseph Bowman, III and wife Elizabeth Lauren Bowman (Attachment O). Therefore, the subject parcel cannot be defined as a unit due to the lack of same ownership.

Use Classification: The classification for the Warren County is forestry. See Exhibit P, sheet 6 of the PDF. The use that the applicant has established on the subject parcel is beekeeping. Therefore, the subject parcel cannot be defined as a unit due to the different agricultural classifications.

Distance: The Warren County parcel described in Attachment M (Warren County tax card) is within the 50 mile radius.

A farm sales tax exemption certificate issued by the Department of Revenue has not been produced for the subject parcel

Mr. Bowman provided a copy of a NC Department of Revenue Conditional Farmer Exemption (Attachment G). The conditional exemption is in the name of "Double B Apiary & Farm, LLC" and lists the address as 547 S Main St., Wake Forest, NC 27587. Staff contacted the NC Department of

Revenue and was told that this address was the only one submitted for the exemption. Furthermore, as of July 13, 2023, "Double B Apiary & Farm, LLC" is not a registered entity with the NC Secretary of State's office and no DBA was located in searches in Wake County and Warren County for the business entity. Ultimately, the conditional farmer exemption does not satisfy the condition under 160D-903 because it is not associated with the subject parcel and is an unregistered LLC.

A copy of the property tax listing showing that the property is eligible for participation in the present-use value program pursuant to G.S. 105-277.3 has not been submitted

The applicant has provided documentation of the property tax listing for the Warren County parcel; however, no such documentation has been provided for the subject parcel.

A copy of the farm owner's or operator's Schedule F from the owner's or operator's most recent federal income tax return insufficient as submitted

The applicant submitted a 2022 Schedule F in the name of Francis Joseph Bowman III. The principal crop or activity is listed as "Honey" (Attachment P, sheet 19 of the PDF). Since the use on the subject parcel was established in 2023, this Schedule F would not be related to nor would it be presumed to be part of the Warren County parcel as it is for forestland.

A copy of the AV-5 Application for Agriculture, Horticulture and Forestry Present-Use Value Assessment

Mr. Bowman provided a copy of the AV-5 Application for Agriculture, Horticulture and Forestry Present-Use Value Assessment (Attachment Q) for the subject parcel. This form indicates the application is for agriculture and references the forestry property in Warren County. This application further demonstrates that the subject parcel does not qualify as a unit under NCGS 105-277.2.(7).

Animal Production as a use on the subject parcel

The Town of Wake Forest UDO Section 3.10.1 provides that a parcel zoned Rural Holding District (RD) may establish Animal Production with a Special Use Permit subject to a few additional standards. The applicant has been made aware of this process but has of July 13, 2023 had not applied for the permit.

STAFF RECOMMENDATION

Staff recommends that the Board of Adjustment concur that the subject parcel is not a bona fide farm per NCGS 160D-903(c) nor is it a "unit" of the applicant's Warren County farm per NCGS 105-277.2.(7) and uphold Notices of Violation V-23-91 and V-23-240.

ATTACHMENT

Attachment A:	Application
Attachment B:	Maps
Attachment C:	Notices of Violation and Certified Letter Receipts
Attachment D:	Preliminary Pictures Dated 3/9/23
Attachment E:	Follow-up Inspection Pictures Dated 3/15/23
Attachment F:	Stop Work Order Posting Picture
Attachment G:	Submitted NCDOR Conditional Farmer Exemption Card
Attachment H:	Copy of Deed for Warren County Parcel
Attachment I:	Parken, LLC Annual Report 2022
Attachment J:	Present Use Value Articles from NC Extension
Attachment K:	Administrative Inspection Warrant

Attachment L:	Inspection Pictures Dated 5/15/23
Attachment M:	Warren County Tax Card
Attachment N:	Wake County Tax Card
Attachment O:	Copy of Deed For 1149 N Main St., Wake Forest, NC 27587
Attachment P:	Documentation Submitted in Appeal Application
Attachment Q:	AV-5 Application for Agriculture, Horticulture and Forestry Present-Use Value Assessment

Appeal of Administrative Decision Application

(Appeal of Administrative Decision Workflow)

Town of Wake Forest, NC
301 S. Brooks St.
Wake Forest, NC 27587-2932
TEL (919) 435-9510 | FAX (919) 435-9539

Project Overview #1033304

Project Title: 1149 N Main St Wake Forest, NC

Application Type: Appeal of Administrative Decision

Workflow: Appeal of Administrative Decision

Jurisdiction: Town of Wake Forest (Wake County)

State: NC

County: Wake

Address & Basic Site Information

Please Note:
In some cases, a parcel address may not verify. In the event that our system is unable to verify the address you enter, please submit the project as an *Unverified Parcel* and provide zoning and land use information as requested below. For verified addresses, the zoning and land use information will be added to the application automatically (you do not need to provide it below).

Project Address or PIN:

- 1149 N Main St (1841882891)
- 1149 N Main St (1841882891)

Tax PIN:

- 1841882891
- 1841882891

Acreage: 4

Name of Existing Development/Subdivision (if applicable--for reference only):

For unverified addresses/parcels only, please provide below 1) the current use of the parcel, 2) the zoning district(s) it is in, and 3) any overlay districts that apply. Reference the zoning map and the overlay districts map on the town's website.

Current Use & Zoning (required only if address/parcel is unverified):
RD

*Note: Projects falling outside the limits of the Town or ETJ will be required to submit an annexation petition in conjunction with their project submittal. In this case, please return to the home screen and select **Annexation Petition** from the application type drop down.*

GIS Site Information (Automatically Generated - Not Available for Unverified Addresses)

Parcel Area: GIS Acreage

- 1149 N Main St: 3.91
- 1149 N Main St: 3.91

Current Use: Land Use Development

- 1149 N Main St: Residential
- 1149 N Main St: Residential

Wake Forest (WF):

Planning and Zoning: Jurisdiction

- 1149 N Main St: WAKE FOREST
- 1149 N Main St: WAKE FOREST

Base District: Zoning

- 1149 N Main St: RD
- 1149 N Main St: RD

In SH1-O Overlay:

In SH2-O Overlay:

In Water Supply Watershed Protection Overlay: Watershed Protection Overlay

- 1149 N Main St: yes (RC-WMA)
- 1149 N Main St: yes (RC-WMA)

In TND Overlay:

In HL-O Overlay:

In National Register of Historic Places:

In SF Overlay:

In MVCP-O Overlay:

In Flood Hazard Area:

Additional Zoning Information

Currently a Conditional District?: No

Is there an existing Special Use Permit for the Property?: No

Currently a Conditional Use?: No

Related Town of Wake Forest Case Numbers: v-23-240 v-23-91

Project Contacts

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
Frank Bowman

547 South Main Street
Wake Forest, NC 27587
P:9192918354
Parkenproperties@gmail.com

Project Contact - Attorney
Frank Bowman

547 South Main Street
Wake Forest, NC 27587
P:9192918354
Parkenproperties@gmail.com

Project Contact - Property Owner
Frank Bowman

547 South Main Street
Wake Forest, NC 27587
P:9192918354
Parkenproperties@gmail.com

Appeal of Administrative Decision

Have you received an official determination?: Yes

Description of Request:
Our Request is multi-layered.

First, we request an audience with the Board to discuss this situation, how it arose, how it was handled by the town staff and how we plan the continued use of this property.

Secondly, We are operating a portion this parcel of land that we own under NC 160D-903 and request that you allow us to continue its use as allowed by NC Law without further interruption. Before we used this property for this use, we consulted with the Local Extension Agent, The Department of Agriculture, The Small & Minority Farm Division of the NC Department of Agriculture and did our own research to ensure that we complying with the Law. This Law allows us to perform everything we have done on this property and is our response to Violations V-23-240 & V-223-91. I have submitted a public records request and have not got a

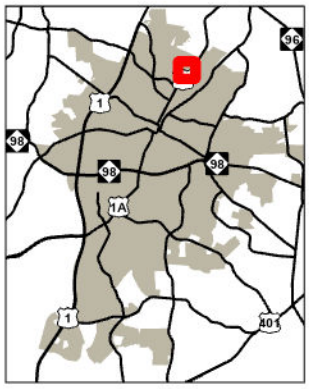
response as of today but it is my understanding that there has never been a similar violation V-23-240 requiring anyone to remove honey bee hives from a similar property and this action is punitive and does not violate any code, rule or law.

We have and always intend to be good neighbors. Over the past month, almost every neighbor to this property has been invited over to check things out. We showed them the clover, wildflowers and native flowering plants we installed, We showed them the over 700 flowering trees and bushes we have planted, we showed them the privacy screens we have installed to block the view from the road and neighbors, we showed them how we painted storage areas with dark colors to blend in with the landscape, we showed them how we are proactively doing all we can to make the area as nice as possible so if they are able to see any of it, it won't be an eyesore.

Throughout this experience, The Town of Wake Forest Enforcement officer has continually moved and changed the finish line for us. On top of that, he has told us that he plans to Quote "find a way to not let you do this" and he's "sending this information to the town attorney so they can find some way to stop you."

We have much more information to provide.

Please upload relevant information as may reasonably allow the Board of Adjustment to understand the basis for the applicant's appeal.



TOWN *of* WAKE FOREST

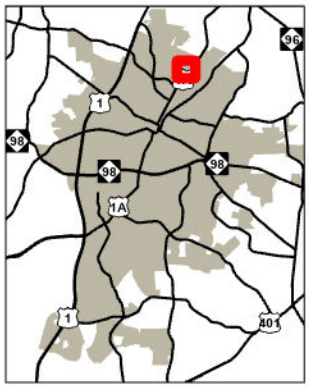
BOA-23-02
1149 N. Main St
PIN: 1841882891

7/5/2023

Please note that this map is intended for illustrative purposes only.
For specific inquiries regarding zoning boundaries, contact the
Town Wake Forest Planning Department at 919-435-9510.

N
W E

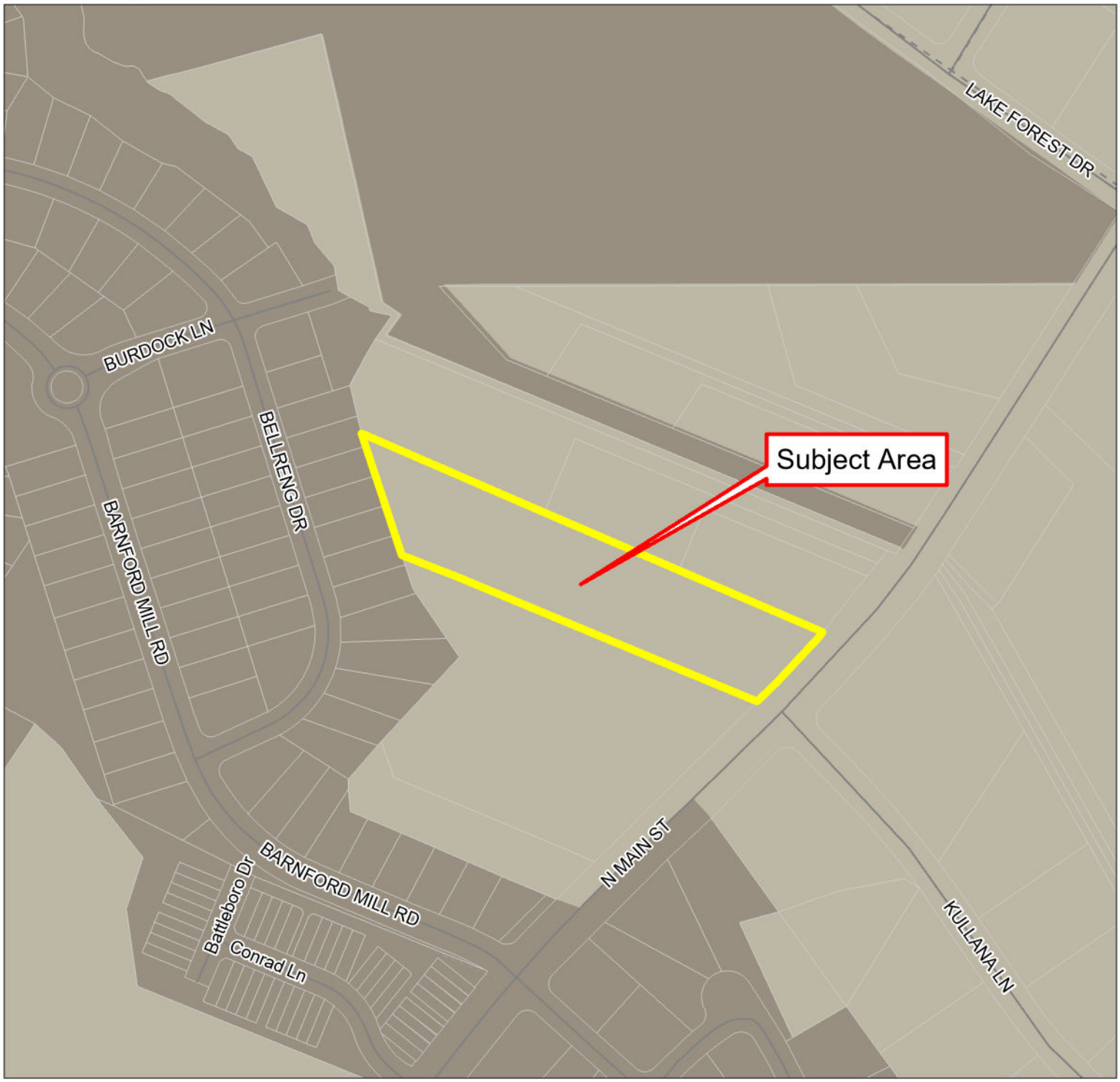
Not to Scale



TOWN *of* WAKE FOREST

BOA-23-02
1149 N. Main St
PIN: 1841882891

7/5/2023



Unincorporated - Wake County

Wake Forest Corporate Limits

Wake Forest Extraterritorial Jurisdiction (ETJ

Please note that this map is intended for illustrative purposes only. For specific inquiries regarding zoning boundaries, contact the Town Wake Forest Planning Department at 919-435-9510.

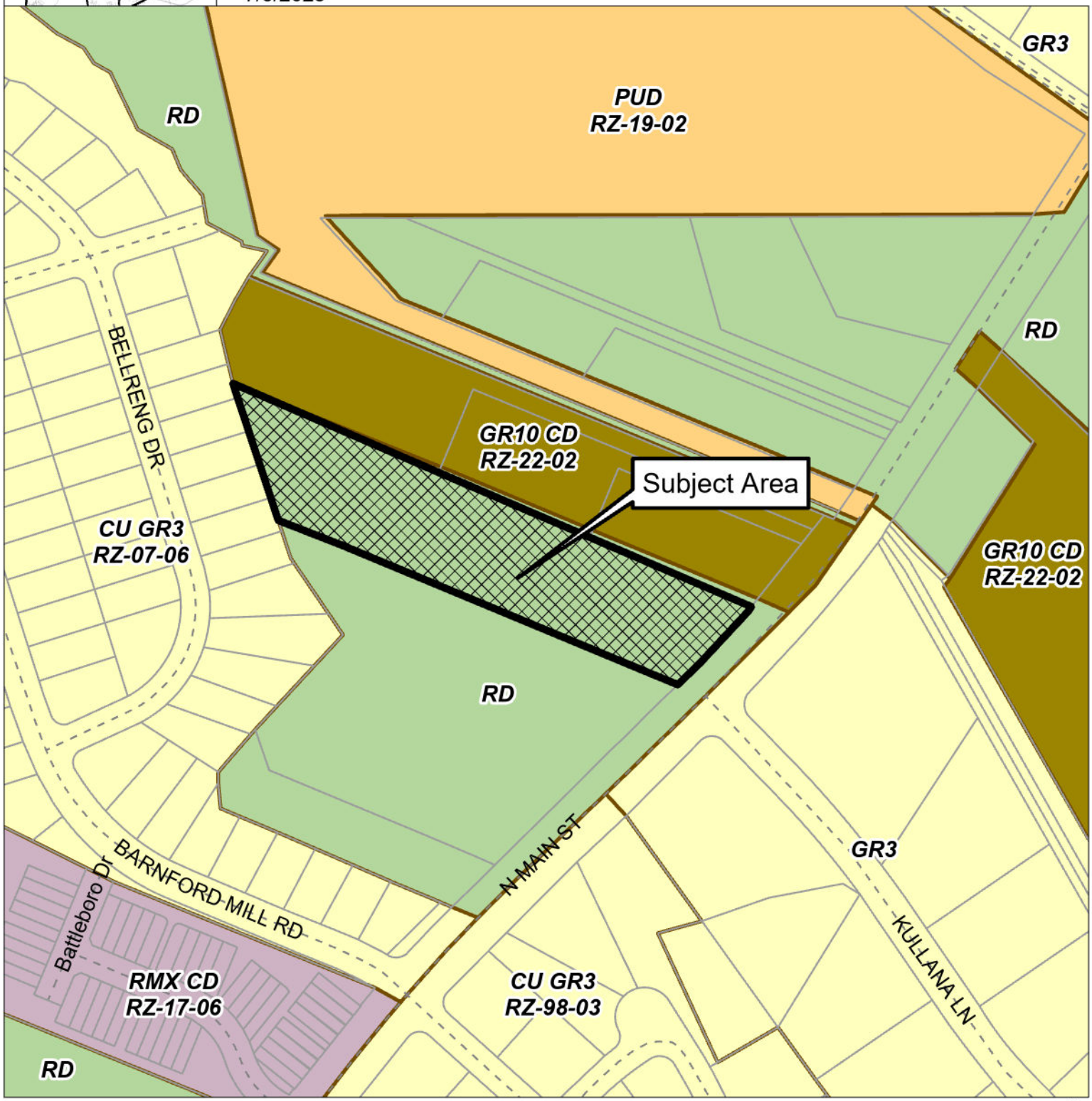
N W E

Not to Scale

TOWN of WAKE FOREST

BOA-23-02
1149 N. Main St
PIN: 1841882891

7/5/2023



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0 500 Feet

TOWN of
WAKE FOREST

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

www.wakeforestnc.gov

NOTICE OF VIOLATION & CORRECTION ORDER

Date:	MAY 17, 2023
Case No.:	V-23-240
Owner Name:	BOWMAN, FRANCIS JOSEPH III BOWMAN, ELIZABETH LAUREN
Owner Address:	547 S MAIN ST WAKE FOREST NC 27587-2803
Violation Location:	**1149 N MAIN ST**
Tax Pin:	**1841882891**

An investigation has determined that there is an unpermitted use (ANIMAL PRODUCTION) being conducted in the RD zone on your parcel. ***You are hereby notified*** that you are in violation of the following section of the Town of Wake Forest Unified Development Ordinance.

Chapter:	**2.3; 3.1**
Type of Violation:	**USE REQUIRES SPECIAL USE PERMIT AND SUPPLEMENTAL STANDARDS**
Corrective Action:	**CEASE THE USE "ANIMAL PRODUCTION" IN THE RD ZONE OR APPLY FOR AND RECEIVE A SPECIAL USE PERMIT AND CONFORM TO SUPPLEMENTAL STANDARDS**

In order to comply with the Town's Ordinance, **cease the use "Animal Production" in the RD zone or apply for and receive a special use permit and conform to supplemental standards.** Any person violating the Unified Development Ordinance shall be liable to the Town for civil penalties of up to $100.00 per day that the violation continues to exist. **If this violation is not brought into compliance by 5:00 PM 5/27/2023 *(10 days of letter sent)* civil penalties shall accrue.**

If you refuse to comply with the terms of this warning within the time specified, you will be subject to further sanctions as outlined in Chapter 16 Violations & Penalties of the Wake Forest Unified Development Ordinance.

We trust that you will work with us to correct this violation. If you have any questions or need further information, please contact the Planning Department at (919) 435-9541 or bcoleman@wakeforestnc.gov. Your prompt attention is required.

Sincerely,

Benjamin Coleman
Zoning Enforcement Officer
Town of Wake Forest

Appeals of this decision may be made to the Board of Adjustment pursuant to Section 15.12

TOWN *of*
WAKE FOREST

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

www.wakeforestnc.gov

NOTICE OF VIOLATION & CORRECTION ORDER

Date:	MAY 17, 2023
Case No.:	V-23-91
Owner Name:	BOWMAN, FRANCIS JOSEPH III BOWMAN, ELIZABETH LAUREN
Owner Address:	547 S MAIN ST WAKE FOREST NC 27587-2803
Violation Location:	**1149 N MAIN ST**
Tax Pin:	**1841882891**

An investigation has determined that there is development on your parcel without an associated and required permit *(illustrated in the attached photo). **You are hereby notified*** that you are in violation of the following section of the Town of Wake Forest Unified Development Ordinance.

Chapter:	**15.6.1; 4.6**
Type of Violation:	**DEVELOPMENT PERMIT REQUIRED FOR SITE IMPROVEMENT; ERECT, CONSTRUCT, ENLARGE, MOVE, OR REPLACE ANY ACCESSORY USE OR STRUCTURE WITHOUT FIRST OBTAINING A CERTIFICATE OF ZONING COMPLIANCE**
Corrective Action:	**APPLY FOR AND RECEIVE PERMIT FOR DEVELOPMENT AND CERTIFICATE OF ZONING COMPLIANCE**

In order to comply with the Town's Ordinance, **you must apply for and receive a development permit for all development on the parcel including any required site plans, construction drawings, and for any and all accessory structures or buildings on the property that require permitting.** Any person violating the Unified Development Ordinance shall be liable to the Town for civil penalties of up to $100.00 per day that the violation continues to exist. **If this violation is not brought into compliance by 5:00 PM 5/27/2023 *(10 days of letter sent)* civil penalties shall accrue.**

If you refuse to comply with the terms of this warning within the time specified, you will be subject to further sanctions as outlined in Chapter 16 Violations & Penalties of the Wake Forest Unified Development Ordinance.

We trust that you will work with us to correct this violation. If you have any questions or need further information, please contact the Planning Department at (919) 435-9541 or bcoleman@wakeforestnc.gov. Your prompt attention is required.

Sincerely,

Benjamin Coleman
Zoning Enforcement Officer
Town of Wake Forest

Appeals of this decision may be made to the Board of Adjustment pursuant to Section 15.12

K LINE

7022 2410 0000 1274 6284

U.S. Postal Service™
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Domestic Mail Only

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OFFICIAL USE

Certified Mail Fee
$
Extra Services & Fees *(check box, add fee as appropriate)*
☐ Return Receipt (hardcopy) $
☐ Return Receipt (electronic)
☐ Certified Mail Restricted Delivery
☐ Adult Signature Required
☐ Adult Signature Restricted Delivery
Postage
$
Total Postage and Fees
$
Sent To
BOWMAN, FRANCIS JOSEPH III BOWMAN
ELIZABETH LAUREN
547 S MAIN ST
WAKE FOREST NC 27587-2803
Street and Apt. No., or PO Box No.
City, State, ZIP+4®
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

Use 5/17/23

7022 2410 0000 1274 6291

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
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OFFICIAL USE

Certified Mail Fee
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Extra Services & Fees *(check box, add fee as appropriate)*
☐ Return Receipt (hardcopy) $
☐ Return Receipt (electronic)
☐ Certified Mail Restricted Delivery
☐ Adult Signature Required
☐ Adult Signature Restricted Delivery
Postage
$
Total Postage and Fees
$
Sent To
BOWMAN, FRANCIS JOSEPH III BOWMAN
ELIZABETH LAUREN
547 S MAIN ST
WAKE FOREST NC 27587-2803
Street and Apt. No., or PO Box No.
City, State, ZIP+4®
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

Debbie 5/17/23

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
BOWMAN, FRANCIS JOSEPH III BOWMAN
ELIZABETH LAUREN
547 S MAIN ST
WAKE FOREST NC 27587-2803

9590 9402 7928 2305 9853 07

2. Article Number *(Transfer from service label)*
7022 2410 0000 1274 6291

PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X
☐ Agent
☐ Addressee

B. Received by *(Printed Name)* Frank Bowman
C. Date of Delivery 6/9/23

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
● Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
BOWMAN, FRANCIS JOSEPH III BOWMAN
ELIZABETH LAUREN
547 S MAIN ST
WAKE FOREST NC 27587-2803

9590 9402 7928 2305 9852 91

2. Article Number *(Transfer from service label)*
7022 2410 0000 1274 6284

PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X
☐ Agent
☐ Addressee

B. Received by *(Printed Name)* Frank Bowman
C. Date of Delivery 6/9/23

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
● Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

K LINE

K LINE

STOP WORK
ORDER
STOP WORK
ORDER
STOP WORK
ORDER

NC Department of Revenue

Conditional Farmer Exemption

Exemption ID: 810175

Double B Apiary & Farm, LLC
547 S Main St
Wake Forest, NC 27587

Expires: 12/31/2025

BK:00965 PG:0212

FILED
WARREN COUNTY NC
YVONNE D. ALSTON
REGISTER OF DEEDS

FILED	Mar 28, 2014
AT	01:11:39 pm
BOOK	00965
START PAGE	0212
END PAGE	0214
INSTRUMENT #	00646
EXCISE TAX	$67.00

ADW

GENERAL WARRANTY DEED

Prepared by: D. MICHAEL PARKER
Return to: Parken, LLC c/o Frank Bowman, 547 S. Main St, Wake Forest, NC 27587
Revenue Stamp =$67.00

Prepared by and Hold for:
Kathryn S. Drake
Attorney at Law

NORTH CAROLINA

WARREN COUNTY

THIS DEED, made and entered into this the 24th day of March, 2014, by and between, **WILLIAM H. LOCK AND WIFE, DALE B. LOCK,** Parties of the First Part, hereinafter referred to as GRANTORS, and **PARKEN, LLC,** (a North Carolina limited liability company) Party of the Second Part, hereinafter referred to as GRANTEE,

W I T N E S S E T H:

That the said Grantors, for and in consideration of the sum of TEN DOLLARS ($10.00) to them in hand paid and other good and valuable considerations, the receipt of which is hereby acknowledged, have and by these presents do grant, bargain, sell and convey unto the Grantee in fee simple all that certain tract or parcel of land located in the **Warren County, North Carolina** and being more particularly described as follows:

BEING that certain tract or parcel of land **containing 30.5 acres** as the same is more particularly described according to that certain survey and plat thereof prepared by M. Keith Wrenn, Registered Land Surveyor, dated November 20, 1984, entitled **"Survey for Ivey A. Bolton",** and recorded in the Office of the Register of Deeds of Warren County, North Carolina in **Plat Book 21 at Page 44**, the metes, bounds, calls, courses and distances

appearing thereon being incorporated herein by reference; and being the identical property conveyed by Ivey A. Bolton, Jr. et ux to James Parker Lumpkin, II et al by deed dated January 30, 1985, and recorded in the Warren County Registry in Deed Book 409 at Page 218.

TO HAVE AND TO HOLD the aforesaid tract or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenant with the Grantee that the Grantor are seized of the premises in fee simple, have the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that the Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions, if any, set forth above.

IN WITNESS WHEREOF, the Grantors have hereunto sat their hands and seals, the day and year first above written.

(This Space Intentionally Left Blank)

William H. Lock (seal)
WILLIAM H. LOCK

Dale B Lock (seal)
DALE B. LOCK

****

STATE OF NORTH CAROLINA
COUNTY OF Alamance

I, Robert D. Hurdle, Notary Public of the aforesaid County and State, do hereby certify that **WILLIAM H. LOCK** and wife, **DALE B. LOCK** personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and seal, this the 24 day of March, 2014.

ROBERT D. HURDLE
NOTARY PUBLIC
ALAMANCE COUNTY
NORTH CAROLINA
My Commission Expires Dec 20, 2016

NOTARY PUBLIC

Robert D. Hurdle
PRINT OR TYPE NAME OF NOTARY

My commission expires: Dec. 20, 2016

F/RE/Lock/deed

LIMITED LIABILITY COMPANY ANNUAL REPORT

1/6/2022

NAME OF LIMITED LIABILITY COMPANY: ParKen, LLC

SECRETARY OF STATE ID NUMBER: 1282630 STATE OF FORMATION: NC

REPORT FOR THE CALENDAR YEAR: 2022

Filing Office Use Only
E - Filed Annual Report
1282630
CA202210304982
4/13/2022 10:16

☐ Changes

SECTION A: REGISTERED AGENT'S INFORMATION

1. NAME OF REGISTERED AGENT: Bowman, Frank

2. SIGNATURE OF THE NEW REGISTERED AGENT: _____

SIGNATURE CONSTITUTES CONSENT TO THE APPOINTMENT

3. REGISTERED AGENT OFFICE STREET ADDRESS **& COUNTY**

547 S. Main St
Wake Forest, NC 27587-2803 Wake County

4. REGISTERED AGENT OFFICE MAILING ADDRESS

547 S. Main St
Wake Forest, NC 27587-2803

SECTION B: PRINCIPAL OFFICE INFORMATION

1. DESCRIPTION OF NATURE OF BUSINESS: Residential property management and rental

2. PRINCIPAL OFFICE PHONE NUMBER: (919) 389-2235

3. PRINCIPAL OFFICE EMAIL: Privacy Redaction

4. PRINCIPAL OFFICE STREET ADDRESS

547 South Main Street
Wake Forest, NC 27587-2803

5. PRINCIPAL OFFICE MAILING ADDRESS

547 South Main Street
Wake Forest, NC 27587-2803

6. Select one of the following if applicable. (Optional see instructions)

☐ The company is a veteran-owned small business

☐ The company is a service-disabled veteran-owned small business

SECTION C: COMPANY OFFICIALS (Enter additional company officials in Section E.)

NAME:	Frank Bowman	Elizabeth Bowman	
TITLE:	Manager	Member	
ADDRESS:	547 South Main Street Wake Forest, NC 27587	547 S Main St Wake Forest, NC 27587	

SECTION D: CERTIFICATION OF ANNUAL REPORT. Section D must be completed in its entirety by a person/business entity.

Elizabeth Bowman — SIGNATURE

4/13/2022 — DATE

Form must be signed by a Company Official listed under Section C of This form.

Elizabeth Bowman — Print or Type Name of Company Official

Member — Print or Type Title of Company Official

This Annual Report has been filed electronically.

MAIL TO: Secretary of State, Business Registration Division, Post Office Box 29525, Raleigh, NC 27626-0525

Present Use Value: The Basics of Agricultural and Forest Use Property Tax

Find this page at:
go.ncsu.edu/readext?821667

> en Español

[Editor's Note: The following article was co-authored by Rajan Parajuli, PhD, Assistant Professor and Extension Specialist, Forest Economics and Policy,Department of Forestry and Environmental Resources, NC State University]

Introduction

Owning land in North Carolina is never cost-free, primarily because nearly all real property is taxed by a county or municipal government, unless exempted by a state statute or the North Carolina Constitution.[1] Because local governments do not have statutory authority to directly tax incomes, the revenues from property taxes are a primary means by which local governments operate public services such as schools, libraries, waste management, police and fire departments.

Because real property is taxed on its theoretical market value – it's "highest and best use" value – owning and accessing the acreages required to support medium and larger-scale farm operations would be cost-prohibitive. Income generated by farm or forestry could end up a negative return on investment if the land is taxed at

its market value. Likewise, forestry crops are long term, and costs for forest management practices are needed in early years, but the incomes from commercial timber sales will only be realized in the future many years later. In theory, if a landowner cannot afford to pay taxes on undeveloped real property, they could not afford to keep it in agriculture or forestry production. As a policy solution to reduce this cost to farmers so they can afford to keep farming, North Carolina offers a program to reduce the taxes paid on real property: the Present Use Value (PUV) program. This article provides an overview of the PUV program along with application scenarios.

The Present Use Value (PUV) Program – Appraisals Based on Production

Following a policy to keep lands working in agricultural, horticultural and forestry production, North Carolina state law requires all 100 counties to apply a differential appraisal to these working lands at a value that reflects the use of the land rather than its "highest and best use" value.[2] This program is known in North Carolina as Present Use Value (PUV), and it is perhaps the most beneficial tax program for owners of rural property. This program offers up to 90% tax savings for private eligible landowners in NC.[3] At its most basic operation, each parcel of land that qualifies for enrollment in PUV must be appraised at a lower value, to which the county's published tax rate is applied to produce the tax liability. In other words, the tax rate is the same, but it is applied to a lower value.

The technicalities of the law – and its sometimes unique application by each county – can present a challenge for landowners and their advisors, particularly when land is transferred to another or placed in the succession framework of a trust and/or limited liability company. The program is administered by each county's tax assessor, and while the state statute sets the requirements for real property qualification, counties are somewhat idiosyncratic in applying the program. For example, a particular county may apply an enrollment deadline, or may process "good cause" appeals for lapsed "continued use" enrollment, that differs from a neighboring county. In addition, over the past decade and particularly in counties surrounding growing metropolitan areas, tax offices have bolstered staff dedicated to monitoring compliance with the program. To guide these tax officers in fair implementation of the PUV program, the North Carolina Department of Revenue (NCDOR) publishes a Present Use Value Program Guide (hereafter the "Program Guide") to tax assessors to assist in their management of the program, with application of the program to various sample scenarios.[4]

It is important to remember that PUV is a tax deferral program, meaning that the property is always subject to tax at its highest appraisal, and this amount is always listed on the property tax card kept on file by the county (and often available online). Such deferral anticipates a future date at which the property will not qualify, and the deferred taxes (the differential between high and low) will come due. However, the deferred amount is time limited to three (3) years; so the tax differential is abated for the years prior to the third year before disqualification or voluntary removal from the PUV program. Note that PUV deferral may only apply to the land, as improvements are valued at their true value.

Real Property Qualifications for PUV

As noted, land must qualify for enrollment (and continued enrollment) in PUV, depending on its classification as agricultural, horticultural or forest land.[6] In 2010 the NC General Assembly created an effective fourth use category – wildlife use – that operates similar to PUV.[5] To determine whether land qualifies for continued enrollment, a tax office must ask four questions: 1) is the parcel owned by a qualified owner; 2) is the parcel under sound management?; 3) is the parcel of requisite size according to its classification?' and 4) does the parcel produce sufficient income? Only the first three questions apply to land in forestry use classification.

Individual Ownership

The requirement that the tract of land be owned – or traced to the ownership of – an individual person or persons applies to all categories. In the event of co-tenancy, each co-tenant must be an individual person, or if a non-human entity is the record owner, owners and beneficiaries of such entities must be individual people. The ownership requirement must be strictly adhered to when transferring land to other persons or transferring to entities serving as instruments of transfer and succession, such as trusts and limited liability companies. Likewise, dispositions of real property to the outright individual ownership of trust beneficiaries or members of a limited liability company will trigger scrutiny to the county tax office at the time of filing a continued use application (AV-4, see below). Trustees and LLC managers should ensure that property held within their entities presently qualifies prior to distribution, because one cannot transfer unqualified land (though enrolled and undiscovered) for continued use in PUV.

For land to qualify for PUV enrollment in the hands of an individual, it must be that person's place of residence, or, if not, the land must have been acquired by the individual or relative of the individual a full four (4) years prior to January 1 of the year the land is to be enrolled in PUV (regardless of the county's listing period for enrollment). For land transferred to an individual by an entity (e.g. trust or LLC), the land must have been enrolled under ownership of a qualified entity (the transferor) and the new individual owner (the transferee) must have been a member or owner of the transferring entity or a beneficiary of the transferring trust.

Sound Management Requirement (for Agriculture and Horticulture)

Another qualification for enrollment is the land must be under sound management.[6] A sound management plan is defined as "[a] program of production designed to obtain the greatest net return from the land consistent with its conservation and long-term improvement." Though "return" is not defined, the statute provides six safe harbors whereby if the landowner can demonstrate one of the following, the land is de facto under sound management:

(1) Enrollment in and compliance with an agency-administered and approved farm management plan;

(2) Compliance with a set of best management practices;

(3) Compliance with a minimum gross income per acre test;

(4) Evidence of net income from the farm operation;

(5) Evidence that farming is the farm operator's principal source of income; or

(6) Certification by a recognized agricultural or horticultural agency within the county that the land is operated under a sound management program.[7]

The Program Guide infers that a county compliance officer may choose which test to apply, but if the chosen test cannot be met, the landowner may present satisfaction of another safe harbor, and beyond that may present other evidence. Safe harbor (1) should be readily available if the land is enrolled in a program such as the Environmental Quality Incentives Program (EQIP), which requires management plans according to type of assistance, such as a nutrient management plan, but whether such suffices for the entire tract is unclear. The Program Guide notes that

tests 3, 4 and 5 are objective. Although it is not known if any county assessor uses the "minimum gross income per acre" test, the Program Guide suggests that such test parameters should be made public and that a landowner not be allowed to present their own minimum income amount. As for (4), net income simply means profit (which can be shown from a Schedule F), as can (5) principal source of income. As a practical matter, county Cooperative Extension or Soil & Water Conservation District may provide such certification in (6). (Note that the management requirement for forest use is discussed below.)

Size and Management, and Income Requirements

Forestry Use

Forestry Use requires a twenty (20) acre minimum tract with a soundly managed commercial timberland. There is no specific income requirement for forestry use. Once the 20-acre minimum tract qualifies, other smaller tracts may be included as long as they are under the same ownership and current use located in the same county or within 50 miles of the 20-acre parent tract. Additionally, the tract must be managed following a sound, written forest management plan which is kept on file with the county tax office. The owner is expected to implement the practices (or attempt to implement the practices) outlined in that forest management plan, and the assessor should conduct periodic compliance reviews.

The forest management plan must lay out the objectives and management prescriptions to allow an assessor to determine if the tract is being managed soundly for commercial timber production. Those reasonable and prudent management practices must be implemented to produce commercial timber over the stated life of the plan. Consulting foresters as well as foresters at the North Carolina Forest Service can prepare a forest management plan of any property. The management plan must be updated if forests and landowner objectives change, and the modified plan should be sent to the county assessor's office for review.

Though the PUV statute is silent on the contents of a forest management plan, a written forest management plan should include:

A statement of management and landowner objectives.

Location maps and photographs of forestland.

A forest inventory describing age, size, soil productivity, and condition of each delineated stand and corresponding to a map of forestland in timber production.

Prescribed practices for forest management and stand management recommendations for commercial timber production.

Harvest and regeneration objectives with timelines of expected timber harvests and recommended regeneration methods to be implemented once the final harvest of crop trees is complete.

As noted elsewhere in this article, a landowner may not change classifications for a parcel of land without filing a change of use application (the AV-4). Remember that compliance reviews are octennial, so a tract of land could easily slip out of production and begin volunteer growth. A forestry management plan for the property will not accomplish its enrollment in forestry: the change from agriculture had to have been made at the time the parcel could no longer prove $1000 annual income.

Agriculture and Horticulture

For agricultural use – which generally includes row crops and open grazing pasture (including hay production) – the tract must be a minimum ten (10) acres in agricultural production, defined as the "commercial production or growing of crops, plants, or animals."[8] This classification also includes "aquaculture" operations with a minimum five (5) acre footprint, which includes various facilities according to definition.[9] The horticulture classification requires a minimum five (5) acres in commercial horticultural production, defined as the "growing of fruits or vegetables or nursery or floral products."[10]

The size of the tract must be no less than required acres in actual agricultural or horticultural production. Infrastructure on the land supporting agricultural operations (such as barns, greenhouses, fencing, and ponds) do not disqualify the tract. However, any building used for residential purposes will disqualify that portion of the tract and will be assessed at its highest value (counties normally carve out an acre surrounding a structure used for residential purposes and tax its highest value along with the structure).[11]

A parcel meeting the ownership, management and acreage requirements for agriculture and horticulture must generate $1000 gross per year in farm production. Note that this figure represents total receipts regardless of profit. Agricultural

income includes government conservation payments (e.g. Conservation Reserve Program), grazing fees for livestock and sale of bees (curiously, income from honey is specifically excluded).[12] It is important to note that the amount of cash rent from a parcel is not considered agriculture or horticulture income; however, the farm production income from a farm tenant or lessee is used to satisfy this requirement.

The revenue requirement is based on a three year average. For example, if an enrolled property earns $1000 in year 1 and $2000 in year 2, then zero income in year 3 could still qualify the property. Income must come from commercial production (and sale) of the actual agricultural or horticultural product.

Multiple Parcels

Often, additional parcels are purchased or inherited out of PUV enrollment, and the new owner wishes to qualify these in PUV. There are several issues to consider.

First, if a parcel has been acquired that is not in PUV at the time of transfer, it may be enrolled in PUV immediately (immediately meaning in January following the date it was aquired) if the owner has at least one qualified PUV parcel in the same county (or within 50 miles if in another county).[13] However, the new parcel must match the classification of the parcel it is to join; for example, land producing agriculture crops or animals may only be enrolled if the land currently enrolled in PUV is also agriculture. PUV land in agriculture use cannot be paired with land in horticulture or forestry use, etc. Even if the new parcel is under the minimum size for the category, it may be paired with the other tract qualified in the same category. Note that one may never reach qualified size by pairing non-adjacent non-size qualifying parcels; at least one parcel must qualify on its own. (It is possible to combine parcels into one tract through application to the county, but this must be completed prior to qualifying for PUV). Consider this example:

> *Virgil purchased a 9 acre agricultural parcel not enrolled in PUV. Virgil owns a 15 acre parcel in enrolled agriculture PUV elsewhere in the county. He may immediately enroll his 9 acre parcel into PUV though it does not by itself qualify as agricultural use due to its. If the 9 acre tract is actual agricultural production, it qualifies as an expansion of an existing unit (i.e. the 15 acre parcel).*[14]

Also, the inferior size parcel cannot be paired with qualified PUV land unless it is under identical title. Mismatches of title often happen when one spouse owns land by themselves (either they purchased before marriage, or inherited or received it as

a gift during marriage), and the new parcel is titled as husband and wife. Consider this example:

> *Virgil purchased his 9 acres and paired it with his 15 acre tract prior to his marriage to Ellen. Following their marriage, Ellen and Virgil bought an additional 9 acre working hayfield parcel titled as tenants by the entirety. They cannot pair the hayfield property with the 15 acre tract because the latter is in Virgil's name alone. To enroll the new 9 acre tract, Virgil will need to deed both his original 9 acres and his 15 acre tract to himself and Ellen to create identical titles to the newly acquired land.*

Applying for PUV

Forestry. As noted above, real property classified as forest use must have a forest management plan associated with that tract on file with the tax office. Though the statute is not specific on when the plan must be completed and filed, the NC Department of Revenue in 2010 issued a position memorandum that such plans must be in place prior to January 1 of the year in which application for forest use enrollment is made.[15]

Agriculture and Horticulture. Application for agricultural or horticulture use may only be made in the fourth year (usually by January 31) following transfer of title to the owner, because the present owner must show records of $1000 per year average over the previous three years. (Enrolled land loses its status when transferred if the new owner does not file a continued use Form AV-4, see below.

Considerations with Farm Tenants and Lessees

Remember that unless contractually agreed otherwise, the landowner is responsible for timely payment of property taxes, not the tenant. Further, as noted above, the tenant's annual cash rent payment to the landowner is not considered income for the $1000 annual farm revenue requirement. The $1000 is calculated on the tenant's farm product receipts. It is therefore critical that the landowner – the party responsible for demonstrating qualification – have access to sufficient income records from the farm tenant. If a tenant does not want the landowner to know their income, the tenant could provide such information to the County upon request.

Neither the general statutes or the NCDOR PUV publication offer guidance on what records are sufficient to prove farm income. This is left to the discretion of the county tax assessor. One would assume that a Schedule F showing sufficient receipts. Other acceptable materials likely include receipts prepared by the farmer for sales of product or a Quickbooks ledger.

In regards to obtaining a farm tenant's record, the landowner should be in the habit of an annual review of the tenancy (even one not under lease) with the tenant, instead of allowing the tenancy to automatically renew under failure to give notice of termination (See article on North Carolina's Statutory Farm Tenancy). Such passive renewals were customary in the previous generation, and with farm land rarely changing hands, the risk of income verification was low and otherwise not strictly policed.

One measure to ensure annual compliance with a records request is to incorporate failure to do so as a matter of default in a lease. Below is a sample of suggested language:

> ***Tenant to Provide Income Records for PUV.*** *Tenant agrees to provide the Landowner – on an annual basis – to provide farm income statements for the purpose of initial or continued enrollment in the Present Use Value (PUV) program. Tenant shall supply the Landowner with records sufficient to demonstrate Tenant's gross farm income from the premises. Failure to provide records upon written request within 15 days of the request will be considered a default under the lease.*

The owner should be mindful to retrieve such income records on an annual basis, and not trust that several years back records will be available when requested by the county during an octennial compliance review, particularly if the tenant has quit the lease and otherwise unavailable or unwilling to supply records.

Change in Use

A change in use classification must be made by application and approved by the county. As a practical matter, converting land from agriculture to forestry without losing qualification is the easiest to achieve, in that forestry has no income requirement (this assumes the tract is minimum 20 acre and a forest management

plan is submitted). However, the landowner must complete the transition in the year prior to filing a change of use application with the county during its regular enrollment period (usually January).

Converting land from forestry is more challenging, in that the land must produce $1000 in income in the year prior to enrollment and for each of the two preceding years prior to enrollment as agricultural land under the statute.[16] If land can be cleared early and crops sown and sold in the same year, the NCDOR PUV Manual suggests to tax assessors that they may allow the land to remain enrolled.

Change from Agricultural to Horticultural or vice-versa is not as challenging as both have an income requirement. However, if the conversion from agriculture to horticulture involves acreage devoted solely to fruit tree production, the farmer may be challenged to prove income from that acreage until the trees produce.

As noted earlier, a change in classification is not self-help, in that if the land is to change uses and thus classifications, the Form AV-4 must be filed with the county tax office. Probably the riskiest situation is allowing land enrolled in agricultural (or horticultural) PUV to revert to trees after suspension of farming on the land. The landowner cannot later after a compliance review file a Form AV-4 and convert the land to forestry, this must have been done when farming ceased; from the counties perspective, if the land was in agricultural use and did not produce income, that classification failed.

When planning a land use classification change, it is a good idea to consult the county on their timing of a new use application (the Form AV-4). When approaching the tax office, it is a good idea to make sure that proof of compliance is readily available in the likely event the county reviews your status.

Loss of PUV Status

When a parcel of land loses its PUV enrollment, the financial consequences can be severe, particularly in an urbanizing county where the PUV appraisal has not kept pace with a rising highest and best use appraisal. The PUV appraisal, because it is based on use and subject to market forces connected to production, is disconnected from the appraisal driven by market forces in real estate, which is subject to very different market forces or factors (i.e. land scarcity due to encroaching development). Another situation where a heavy rollback burden can fall on a landowner is in a trust distribution of property, where multiple parcels have a rollback payment attached.

When a tract of land is disqualified, the owner of the property must pay what is known as a "roll back," which amounts to the sum of three (3) years of the unpaid deferred taxes plus interest on that differential for each year. The differential is measured between the tax paid (as calculated on the use value appraisal) and the tax payment that would have been made had the land not been enrolled in the program (the market value), plus 3 years interest on each year through the current year (i.e. year 1 = 36 months interest; year 2 = 24 months interest; year 3 = 12 months interest). The differential tax payments otherwise deferred prior to the 3 year look back are abated for all time.

It is important to remember that sometimes, particularly with the agricultural income requirement, a tract of land can appear to be enrolled but is factually not qualified. Though the landowner may be receiving tax bills showing the differential amount due, and paying the lower tax payment, the tax assessor has not discovered the non-qualification yet.

County tax offices discover non-qualification in several ways, principally through routine audit or when land changes title. By law, the county must annually audit one-eighth of the parcels enrolled in present use value, so there is time (in theory, eight years) for a particular tract to fail qualification before its next audit.[17] During the audit, the assessor will ask for verification of revenue for agricultural and horticulture land, or a sound management plan for forestland. When an information request is made during an audit, the landowner has sixty (60) days to comply, and failure to supply requested information results in disqualification; thereafter, the landowner still has another bite at the apple, with another 60 days to supply the information, whereupon if satisfactory, the assessor must reinstate the land to the PUV program.[18]

A discovery may sooner come when the property changes title, which can occur when property is sold or gifted in whole or subdivided and recorded in the name of the new owner. As noted above it is critically important to know whether a tract of land enrolled in the PUV program qualifies prior to contracting for its purpose or receiving it as a gift, because property that does not qualify in the hands of one owner cannot thereafter immediately qualify in the hands of the new owner. In other words, the property tax card may show that the tax due is the PUV amount, non-qualification may not yet be discovered.

Indeed, a landowner failing to voluntarily report a loss of status is subject to a penalty representing 10% of the total amount of the rollback (the deferred taxes plus interest), applied to each listing period the change goes unreported.[19]

Appeals and Good Cause

Appeals of adverse property tax decisions related to PUV primarily concern a) failure of qualification after compliance review, or b) filing of a late AV-4 for continued use after transfer. In either instance, the tax assessor is required to provide notice to the property owner that their property has lost enrollment.

If the county tax assessor, upon compliance examination, determines that a tract of land no longer qualifies for PUV, the office must notify the landowner in writing.[20] Following receipt of the notice, the landowner has 60 days from the date of the written notice to file his appeal of the assessor's decision to the county board of equalization.[21] If the property owner wins the appeal, the property is reinstated back to its qualification status. If a new disqualification factor emerges during the appeal, the tax assessor must issue a new notice. An appeal from the decision of the board of equalization is made to the NC Department of Revenue's Property Tax Commission.

The above notification requirement does not apply to loss of enrollment due to the filing of a late application (AV-4) for continued use. Recall that, upon most acquisitions of land enrolled in PUV, the new owner may file an AV-4 certifying continued use in the property's use classification and taking responsibility for deferred taxes from the previous three years. Failure to file the AV-4 within 60 days of acquisition is grounds for removal from the program.[22] Failure to file the form within the 60 days may be rectified upon a showing of "good cause"[23] to the board of equalization (or county commissioners if the equalization board is not in session). Note that the tax assessor lacks the authority to accept a late application, and must await the equalization or commissioner board's decision.

The NC General Statutes do not define "good cause." What constitutes good cause certainly varies by county, and several cases have dealt with the issue with other exemption categories other than PUV, suggesting that a taxpayer should avoid arguing it was simply unaware there was a deadline when they own other exempt property (likewise, counties should avoid tying decisions to the amount of tax revenue at stake).[24]

The appeal of an adverse enrollment determination is an administrative process, and the property owner must exhaust all levels of the appeals process, up through the decision of the Property Tax Commission, before a landowner may proceed to circuit court to challenge the tax assessor's decision. A landowner that misses the

statutory deadlines loses their right of court review.

Conclusion

Enrollment in PUV is particularly perilous at the moment enrolled land is transferred. Indeed that is the point of the program: differential taxes are merely deferred until such point they are paid. North Carolina is fortunate to have a program mandated by state statute applying to all 100 counties, other states are not so fortunate.[25]

Endnotes

[1] N.C.G.S. §105-274. "All property, real and personal, within the jurisdiction of the State shall be subject to taxation unless… (1) (e)xcluded from the tax base by a statute of statewide application… or, (2) (e)xempted from taxation by the Constitution…"

[2] See generally N.C.G.S. 105-277.2 et. seq.

[3] See *Benefits of a Woodland Plan* (NC Forest Service, August 2014) .

[4] Available at 2019_PUV_Program_Guide .

[5] See N.C.G.S. 105-277.15.

[6] N.C.G.S. § 105-277.2(1), (2), and (3)

[7] N.C.G.S. § 105-277.3(f)

[8] N.C.G.S. § 105-277.3(a)(1). It is important to note that this production reference does not refer – like other statutes when defining "agriculture" – to the definition supplied by N.C.G.S. §106-581.1, which includes "agritourism" and other value-added activity such as processing.

[9] As defined in N.C.G.S. §106-758.

[10] N.C.G.S. § 105-277.3(a)(2)

[11] Parcels of mixed production – including some tree cover less than forestry minimum – present unique qualification challenges. Discussion of those are outside immediate scope of this article, but are covered to some extent in the Program

Guide.

[12] N.C.G.S. § 105-277.3(a)(1)

[13] N.C.G.S. § 105-277.2(7)

[14] N.C.G.S. § 105-277.3(b2)(2)

[15] Forestry_Mgnt_Plans_2010 . In that memorandum, the NCDOR revealed the results of survey indicating about 18 counties required a plan on file by January 1, whereas 34 counties allowed submission 'as necessary' and 28 counties required submission by a deadline after January 1 (80 counties responded to survey)

[16] 2.3_Present-Use_Value .

[17] N.C.G.S. §105-296(j).

[18] Id.

[19] Present Use Value Program.

[20] N.C.G.S. § 105-277.4(b1)

[21] Id.

[22] N.C.G.S. § 105-277.4(a)

[23] N.C.G.S. § 105-277.4(a1). The statue is silent as to the deadline for making such a showing.

[24] See Chris McLaughlin, *"Good Cause" and Late Property Tax Exemption Applications* .

[25] For example, Virginia counties may but are not required to pass either an agricultural use property tax program, or an Agricultural and Forestal District ordinance (analogous to North Carolina's Voluntary Agricultural District program). See § 58.1-3231

More from Land Use Law

- Conservation and Farmland Preservation
- Land Ownership and Liability
- Natural Resource Regulation and Litigation
- The VAD/EVAD Conservation Agreement Requirement
- Zoning for Farming and Forestry

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Present Use Value: Maintaining the Individual Ownership Requirement in Transfer Planning

Find this page at:
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> en Español

[Farm Law editor's note: the following piece is in draft pending academic peer review, and written as part of the series **Farm Law: Owning, Managing and Transferring Farm Interests**, sponsored by the North Carolina Tobacco Trust Fund Project # #583400-10363. Comments to rabrana2@ncsu.edu are welcome.]

Introduction

Among the requirements for enrollment in the Present Use Value (PUV) property tax program, the requirement of individual ownership is a particular challenge to maintain when transferring land.

As further explored in the narrative **An Overview of Present Use Value**, a parcel must meet four requirements. To determine whether land qualifies for continued enrollment, a tax office must ask four questions: 1) is the parcel owned by

individuals?; 2) is the parcel under sound management?; 3) is the parcel of requisite size according to its classification?' and 4) does the parcel produce sufficient income? Only the first three questions apply to land in forestry use classification.

This paper explores individual ownership of land passing through estates, transfer by gift or sale, or transferred to an entity for liability, management, and future disposition (estate planning) purposes. This paper describes several forms of ownership, and how each is viewed through the lens of PUV's individual ownership requirement.

Individual Ownership

The requirement that the tract of land be owned – or traced to the ownership of – an **individual person** or persons applies to *all* categories of PUV (forest, agriculture, and horticulture), as well as the tax-deferred wildlife classification. In the event of co-tenancy, each co-tenant must be an individual person, or if a non-human entity is the record owner, owners and beneficiaries of such entities must be individual people. The ownership requirement must be strictly adhered to when transferring land to other persons or transferring to entities serving as instruments of transfer and succession, such as trusts and limited liability companies. Likewise, dispositions of real property to the outright individual ownership of trust beneficiaries or members of a limited liability company will trigger scrutiny to the county tax office at the time of filing a continued use application (AV-4, see below). Trustees and LLC managers should ensure that property held within their entities presently qualifies prior to distribution, because one cannot transfer unqualified land (though enrolled and undiscovered) for continued use in PUV.

For land to qualify for PUV enrollment in the hands of an individual, it must be that person's place of residence, or, if not, the land must have been acquired by the individual or relative of the individual a full four (4) years prior to January 1 of the year the land is to be enrolled in PUV (regardless of the county's listing period for enrollment). For land transferred to an individual by an entity (e.g. trust or LLC), the land must have been enrolled under ownership of a qualified entity (the transferor) and the new individual owner (the transferee) must have been a member or owner of the transferring entity or a beneficiary of the transferring trust. For example:

> *Nick and Jay are members of East Egg Land Co, LLC, which owns several tracts of land enrolled in PUV. Nick and Jay decide to sell one of the tracts to Daisy, who resides in an apartment in the town of West Egg, and not on the property, and who is not a member of the LLC. Later in the year (about 70 days after*

purchase), Daisy receives notice that the land has been removed from the PUV program, and that she must pay a rollback by the next tax bill due date. Upon inquiry she finds that she does not qualify as an individual because she does not live on the property, has not owned it for 4 years, and was not a member of the transferring LLC.

However, by way of exception, a transferee – Daisy in the above example – may continue the land in PUV if she timely files a "continued use application" – the Form AV-4 – and agrees to accept liability for the deferred tax liability of the previous owner. The new owner must agree to continue use in the same use classification. For example, Daisy could not decide to change the use classification upon her AV-4 filing, she would presumably have to wait until the next listing period.

Land enrolled in PUV that is transferred to another under reservation of a life estate does not lose qualification, as the life tenant is considered to be the owner of the property.

Co-Tenancy

Land owned by tenants-in-common may qualify for PUV enrollment, so long as all of the co-tenants are identifiable individuals and all are actively engaged in the classification purpose or otherwise related. A tenancy-in-common ownership that qualifies only under that combination of owners, it is considered a single owner combination, and is not fluid; if any of the co-tenants transfers their interest, a new co-tenancy combination, or "listing," is created, and an AV-4 continued use application must be filed to continue the land in PUV. Consider the following example:

John, Paul, George, and Ringo inherited a tract of land from their father, Brian. Assume the land in their co-tenancy qualifies for PUV. John transfers his interest to his girlfriend, Yoko. Within 60 days after the transfer, the new co-tenancy must file an AV-4, listing the new co-tenancy combination – Paul, George, Ringo, and Yoko – as the tract's listed owner. [Note: the transfer of the land from Brian to his sons did not require a new filing; once John transferred the interest to Yoko, he introduced an unrelated party. Had Yoko been John's spouse, she would have qualified as a relative of Paul, George, and Ringo (as spouse of a sibling).

Note that land, where not all individual owners can be identified, cannot qualify for PUV. For timberland, this poses a particular problem for qualification and timber management on "heir property" land, a term that generally describes a tract with multiple owners of different generations, some of whom may theoretically exist based on the laws of intestacy, but are unknown due to missing information about known but un-located heirs. An owner may be unknown if the living or marital status of a known heir is unknown, whereby other heirs may have inherited from that known heir under intestacy or a will. Though it is unknown the extent to which county tax offices investigate the family trees of owners to determine qualification, they have the legal authority to inquire.

Trusts

A trust may qualify as owner for PUV purposes depending on how it is set up and funded. For trusts to qualify as an owner for PUV enrollment purposes, the trust must be created by 1) an individual who *owns the land* prior to transferring said land to the trust, and 2) *all* beneficiaries of the trust must be individuals who are "directly or indirectly" related to the trust creator. Indirect relationship refers to an individual who holds a beneficial interest in a secondary trust (or a business entity, see below) that is somehow a beneficiary of the primary landowning trust. A "relative" (to the trust creator) is defined as the trust creator's spouse or spouse's lineal descendants or ancestors; lineal descendants or ancestors of the trust creator; siblings and their lineal descendants (nieces and nephews); aunts and uncles (but not their lineal descendants, so no cousins); and spouses of all the foregoing. The statute and Program Guide is silent as to whether a successor trustee must be an individual or a relative of the trust creator. Likewise, both are silent as to whether the beneficiary must have a present income interest, or an asset distribution interest that springs in the future (i.e. upon the death of the settlor).

In trust drafting, the settlor (one who creates the trust) must be careful to follow these relational definitions in designating beneficiaries, and may wish to include a disqualification for any future beneficiary falling outside the PUV definition (if the settlor's concern is to keep the land in PUV in the hands of his or her trust beneficiaries).

Unless the landholdings in a trust are identified by parcel(s) to specific beneficiaries, the beneficiaries of the trust have some beneficial interest in all of the property in the trust. If just one beneficiary is found to not qualify as an individual, in theory all of the land in the trust would be disqualified. Such qualification could easily happen

if the trust names a charity or other entity with owners not all of relation to the settlor as a beneficiary (e.g. a friend's child, an uncle's child, a trusted employee, etc.), without specifying that their beneficial interest excludes PUV real property.

As noted above, when a trust is created, the creator (settlor) must own the land prior to creation of the trust and funding it with the parcel enrolled in PUV. The land must have been owned by the creator or by the trust for four years preceding January 1 of the year of enrollment. For example:

> *Othello purchased a tract of land not enrolled in PUV in 2020. In 2021, he does some estate planning and forms a trust, and deeds the land to the trust. The tract of land will not be eligible for enrollment in PUV until January 1, 2025.*
>
> *However, if Othello purchased the tract enrolled in PUV and filed an AV-4 within 60-days of recording his deed of purchase, Othello may immediately transfer the land to his trust. After the second transfer, Othello will need to file another AV-4, signing it as Trustee of his trust to continue in PUV, assuming the trust beneficiaries are all individuals related to Othello. (It follows that Othello must pledge continued use prior to transferring to Trust)*

As to funding land to a trust, the form of transfer will be by deed from the individual owner (as Grantor) to the Trustee of the new trust (as Grantee). The PUV statute (as well as the Program Guide) is silent whether the Grantor must also serve as the Trustee, though the Program Guide in another context suggests this is not required. The Grantor/Grantee (often the same person[s]) must ensure that – within 60 days of recording the deed of transfer – an AV-4 continued use application is filed and signed by the Trustee (the Grantee) of the trust. (Such transfers are not limited to the traditional enrollment period of January). However, the Trustee should be prepared for the event that the tax office requests review of the trust to confirm beneficiary relationships to the settlor (the prior owner of the land). Again, like any disposition (sale or gift) or real property, it is best to prepare the AV-4 alongside the deed of transfer, and file the former immediately after recording the latter. Trustee may consider creating a one-page summary of the Trust, noting the date of purchase of the land by the trust creator, and a list of beneficiaries and their relationship to the trust creator.

Limited Liability Companies

The beneficiary considerations of trusts generally apply to membership (ownership) of limited liability companies, in that all owners of an interest in the entity must be an individual. If an interest owner is an entity, all members must be individuals; and explained above, all of a trust's beneficiaries must be a traceable relation (within the statutory definition) to the trust creator. With LLCs, a main goal is to ensure an ownership interest is not transferred to a "non-individual," such as a charity, through an interest owners estate plan or act of donation.

While owning land in the limited liability company has potential liability protection benefit, the entity is often used for land succession purposes. Such closely-held entities are ideal for restricting the universe of potential owners of an interest in the entity – and thus the real property within – by creating an internal and preferential market for purchase of a departing interest. An LLC used for this purpose should have a good operating agreement, which both defines who may be an equity owner in the LLC, and how an interest transferred to an unqualified owner is "called in" (via a buy-sell agreement). In defining a qualified member, the operating agreement should contain the following clause:

> ***Who May Become a Member****. The Members of the Company pursuant to this Operating Agreement agree that Membership in the Company is restricted to the lineal descendants of [insert name of parental or ancestral couple].*

The Operating Agreement should restrict transfer to that small universe of people, and insert a process for admitting individuals who do not meet that description. When a non-qualified person is the recipient of transfer or pending transfer, a buy-sell agreement with option exercise instructions, interest valuation method and purchase price, and payment terms should be spelled out. Managers and members of an entity should make sure that, as members dispose of interests at death or by gift, that the recipients of such interests are monitored for qualification as relatives, and if they do not qualify, interest buy-back provisions within the operation agreement should be exercised. Consider this example:

> *Abacab Land Company, LLC has three members, Phil, Mike and Tony, who inherited PUV land from their father Peter. They transferred the land to Abacab, timely filed the AV-4, and drafted an operating agreement which limited membership in Abacab to Phil, Mike and Tony and their lineal descendants, and which contained a buy-sell agreement. The buy-sell option on transferred interests to unqualified recipients expired at six months after the transfer. Phil dies, leaving – via his will – all of his property interests (including his ⅓ interest*

in Abacab) to his church. Mike and Tony neglect to exercise the option and purchase (call in) the interest within the expiration, and the church now owns Phil's ⅓ interest in Abacab.

In the event of a county compliance audit, or upon sale of some of the land in Abacab to a third party, the county may discover that not all of the owners of the entity are individuals.

Limited liability company qualification as a PUV owner also depends on the purpose of the entity. When forming the LLC – ie. filing its Articles of Organization with the NC Secretary of State – the organizer (filer) of the entity should ensure that both the Articles of Organization and the Operating Agreement state a purpose that qualifies the entity as principally engaged in agriculture or forestry according to statute. Such purpose is attached to the NC Secretary of State's form Articles of Organization (per Item 7) as an option, and can be placed in the early paragraphs of an operating agreement. Such purpose statement might read – for a farmland or forestland entity – as:

The purpose of the Company is to operate and manage a farm for commercial production of growing crops, plants and animals under a sound management plan, and to do any and all other acts and things which may be necessary, incidental or convenient to carry on the business of the Company.

For a forestland entity:

The purpose of the Company is to operate and manage forestland for commercial production of timber under a sound management plan, and to do any and all other acts and things which may be necessary, incidental or convenient to carry on the business of the Company.

Though the term "principally engaged" is not defined in the statute, the Program Guide suggests a minimum 50% of business revenues come from the qualified activity (farming, horticulture or forestry). The tax assessor may challenge whether the entity is principally engaged in production, but if the entity owns land enrolled in PUV in another county, a presumption is established that the entity's principal purpose is production of agricultural, horticultural or forest products. Consider this example:

Pete and Roger own Bargain, LLC that owns a number of residential rental properties, none of which qualify or are otherwise enrolled in PUV. Bargain, LLC buys a 23 acre tract of forestland that was enrolled in PUV at the time of transfer. Though Bargain LLC timely files an AV-4, the tax assessor requests to see Bargain LLC's financials, and finds that the majority of their income to date comes from residential rentals. Bargain, LLC is not principally engaged in commercial forestry.

Interest ownership of the entity – and the activity or relationship of the owners – is a critical matter. All members of the entity must be "actively engaged in farming;" however, a relative of one of the members actively engaged in farming need not be. Only an entity owned entirely by individuals related to one another (under the statutory definition of "relative") may lease the land out to a farmer to generate the required income. [Stated differently: leasing land for farming qualifies as an entity's principal business in agriculture only if all of the LLC members are related.]

The phrase "actively engaged" as applied to members is not defined by statute. However, the Program Guide follows an NCDOR position expressed in a reported court case to suggest that such activities qualify: operating farming equipment, caring for animals, and cultivating crops, participation in cropping and other management activities, including supervision of labor and capital investment decisions. An entity of unrelated members should take care to document such activities.

As with trusts, transferring land to an LLC requires filing of the AV-4 within 60 days of recording. Again, completion, recording, and filing of the deed of transfer AV-4 and should be immediately sequential.

Acknowledgments

Content loaded to Agricultural and Natural Resource Law portal, including narratives, workbooks, and presentations, is supported by The North Carolina Tobacco Trust Fund Commission (TTFC) (Grant award 2019-001-16), titled "An Heirs Guide to Farmland").

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STATE OF NORTH CAROLINA

In The General Court Of Justice

WAKE County

AFFIDAVIT TO OBTAIN ADMINISTRATIVE INSPECTION WARRANT FOR PARTICULAR CONDITION OR ACTIVITY

I, Benjamin Coleman, Zoning Enforcement Officer for the Town of Wake Forest, being
(name and position)

duly sworn and examined under oath, state under oath that there is probable cause for believing that there is
Land disturbance without permit in violation of Town of Wake Forest Unified Development Ordinance 15.7.2
(describe condition, object, activity, or circumstance which the search is intended to check or reveal)
Development and use established without permit in violation of Town of Wake Forest Unified Development Ordinance 15.6.1

at the property owned or possessed by BOWMAN, FRANCIS JOSEPH III BOWMAN, ELIZABETH LAUREN

and described as follows: Parcel located at 1149 N Main St (Tax Pin 1841882891) containing a single family residence on approximately 3.91 acres of land. The portion to be inspected will be on the outside of the residence only.
(precisely describe the property to be inspected)

The facts which establish probable cause to believe this are: On March 9, 2023, I took a public complaint about land disturbance at 1149 N Main St. consisting of felling multiple trees and grading a large portion of land. Upon inspection it was concerned that land disturbance requiring permit as well as the installation of a temporary structure had occurred. While speaking to Mr. Francis Bowman his position is that this land was a continuation of his bona fide farming exemption, however, upon request of documentation on 3/17/23, evidence produced was found insufficient to allow for exemption. After this conversation, an amount of time has been allowed for Mr. Bowman's attorney to produce the required documentation but he has not. This inspection warrant will be to access the property and gain the scope of development for further actions.

Signature Of Applicant

Name Of Applicant (Type Or Print)
Benjamin Coleman

SWORN AND SUBSCRIBED TO BEFORE ME:

Date 5/15/23

Signature

- [ ] *Deputy CSC*
- [x] *Magistrate*
- [ ] *Assistant CSC*
- [ ] *District Court Judge*
- [ ] *Clerk Of Superior Court*
- [ ] *Superior Court Judge*

IMPORTANT: ***Attach the Affidavit to the WARRANT if not on reverse side.***

AOC-CR-913M, Rev. 7/01
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(Over)

ORIGINAL

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STATE OF NORTH CAROLINA

In The General Court Of Justice

WAKE County

ADMINISTRATIVE INSPECTION WARRANT FOR PARTICULAR CONDITION OR ACTIVITY

G.S. 15-27.2; 58-79-1

TO ANY LAWFUL OFFICIAL EMPOWERED TO CONDUCT THE INSPECTION AUTHORIZED BY THIS WARRANT:

The applicant named on the accompanying affidavit, which is hereby incorporated by reference, being duly sworn, has stated to me that there is a condition, object, activity, or circumstance legally justifying an inspection of the property described in that affidavit. I have examined this applicant under oath or affirmation and have verified the accuracy of the matters in the affidavit establishing the legal grounds for this Warrant. YOU ARE HEREBY COMMANDED TO INSPECT THE PROPERTY DESCRIBED IN THE ACCOMPANYING AFFIDAVIT.

This inspection is authorized to check or reveal the conditions, objects, activities, or circumstances indicated in the accompanying affidavit.

This Warrant must be served upon the owner or possessor of the property described in the accompanying affidavit. If the owner or possessor is not present on the property at the time of inspection and you have made reasonable but unsuccessful efforts to locate the owner or possessor, you may instead serve it by affixing this Warrant or a copy to the property.

THIS WARRANT MAY BE EXECUTED ONLY BETWEEN THE HOURS OF 8:00 A.M. AND 8:00 P.M. AND ONLY WITHIN 24 HOURS AFTER IT WAS ISSUED. IT MUST BE RETURNED WITHIN 48 HOURS AFTER IT WAS ISSUED. HOWEVER, IF THIS WARRANT IS ISSUED PURSUANT TO A FIRE INVESTIGATION AUTHORIZED BY G.S. 58-79-1, IT MAY BE EXECUTED AT ANY TIME WITHIN 48 HOURS AFTER IT IS ISSUED. IT MUST BE RETURNED WITHOUT UNNECESSARY DELAY AFTER ITS EXECUTION OR AFTER 48 HOURS FROM THE TIME IT WAS ISSUED IF IT WAS NOT EXECUTED.

Date	Time
5/15/23	11:26 ☒ AM ☐ PM

Signature: J. Mar

☐ Deputy CSC ☐ Assistant CSC ☐ Clerk Of Superior Court
☒ Magistrate ☐ District Court Judge ☐ Superior Court Judge

OFFICER'S RETURN

I certify that this WARRANT was executed on the date and time shown below.

Date Of Execution: 5/15/23	Signature Of Inspecting Official:
Time Of Execution: 2:51 ☐ AM ☒ PM	Name Of Inspecting Official (Type Or Print): Benjamin Coleman

CLERK'S ACCEPTANCE

This WARRANT has been returned to this office on the date and time shown below.

Date Of Return	Signature
Time Of Return ☐ AM ☐ PM	☐ Deputy CSC ☐ Assistant CSC ☐ Clerk Of Superior Court

IMPORTANT: ***Attach the Affidavit to the WARRANT if not on reverse side.***

AOC-CR-913M, Side Two, Rev. 7/01

© 2001 Administrative Office of the Courts

ORIGINAL

BEWARE

PROLINE

Warren County Tax Office

Real Property Tax Data

Identification Information

Owner Name:	PARKEN LLC
Account Number:	39623-300
Parcel #:	D9-56
Description:	LUMPKIN LD PLAT 21/44 SHOCCO SPRINGS RD
Deed Book / Page:	965 / 212

Values

Acreage:	30.50
Building Value:	$0
Land Value:	$43,790
Personal Value:	$0
Deferments:	$35,450
Exemptions:	$0
Taxable Value:	$8,340

Tax Information

District: All

Status: PAID

Total Due:	$0.00
Total Original Due:	$74.22
Due Date:	9/1/2022
Date Paid:	12/17/2022

Tax History

Total Original Due:	$74.22
Total Interest:	$0.00
Total Other Charges:	$0.00
Total Paid:	$-74.22

Bill Information

Bill Number:	01246
Bill Year:	2022
Class:	300

Add to Cart

New Search | Print Record
View Replica Bill | Save
E-Billing | Address Change

*Recent Transfers May Not Be Reflected

Home

Wake County Real Estate Data
Account Summary

iMaps
Tax Bills

Account Search

Real Estate ID **0070776** PIN # **1841882891**

Location Address
1149 N MAIN ST

Property Description
LO9 & 10 JACKSON FARM BLC BM1942-21

Pin/Parcel History New Search

NORTH CAROLINA Account | Buildings | Land | Deeds | Notes | Sales | Photos | Tax Bill | Map

Property Owner	Owner's Mailing Address	Property Location Address
BOWMAN, FRANCIS JOSEPH III **BOWMAN, ELIZABETH LAUREN** (Use the Deeds link to view any additional owners)	**547 S MAIN ST** **WAKE FOREST NC 27587-2803**	**1149 N MAIN ST** **WAKE FOREST NC 27587-8239**

Administrative Data		**Transfer Information**		**Assessed Value**	
Old Map #	**193-00000-0005**				
Map/Scale	**1841 08**	Deed Date	**3/5/2004**	Land Value Assessed	**$138,422**
VCS	**19WF900**	Book & Page	**10699 0396**	Bldg. Value Assessed	**$31,028**
City		Revenue Stamps	**200.00**		
Fire District	**23**	Pkg Sale Date	**3/5/2004**		
Township	**WAKE FOREST**	Pkg Sale Price	**$100,000**	Tax Relief	
Land Class	**R-<10-HS**	Land Sale Date			
ETJ	**WF**	Land Sale Price		Land Use Value	
Spec Dist(s)				Use Value Deferment	
Zoning	**RD**	**Improvement Summary**		Historic Deferment	
History ID 1				Total Deferred Value	
History ID 2		Total Units	**1**		
Acreage	**3.91**	Recycle Units	**1**		
Permit Date		Apt/SC Sqft		Use/Hist/Tax Relief	
Permit #		Heated Area	**1,137**	Assessed	
				Total Value Assessed*	**$169,450**

*Wake County assessed building and land values reflect the market value as of January 1, 2020, which is the date of the last county-wide revaluation. Any inflation, deflation or other economic changes occurring after this date does not affect the assessed value of the property and cannot be lawfully considered when reviewing the value for adjustment.

The January 1, 2020 values will remain in effect until the next county-wide revaluation. Until that time, any real estate accounts created or new construction built is assessed according to the 2020 Schedule of Values.

For questions regarding the information displayed on this site, please contact the Department of Tax Administration at Taxhelp@wakegov.com or call 919-856-5400.

WAKE COUNTY, NC 317
LAURA M RIDDICK
REGISTER OF DEEDS
PRESENTED & RECORDED ON
03/05/2004 AT 12:17:40
STATE OF NORTH CAROLINA
REAL ESTATE EXCISE TAX: $200
BOOK:010699 PAGE:00396 - 00398

Parcel Identifier No: 0070776
Revenue: $200.00
Mail after recording to Grantees
This instrument was prepared by **Becker Law Offices, PLLC**

Brief Description for the index **LOT 9 & 10 W.C. JACKSON FARM 3.91 A**

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made the 5th day of March, 2004 , by and between

GRANTOR	GRANTEE
RICHARD ALLEN TIMBERLAKE, UNMARRIED	**FRANCIS JOSEPH BOWMAN, III AND WIFE ELIZABETH LAUREN BOWMAN** **1149 North Main Street** **Wake Forest, North Carolina 27587**

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g., corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of ,WAKE FOREST Township, Wake County, North Carolina and more particularly described as follows:

BEING all of Lot 9 and 10 in Block C, according to a plat of the W.C. Jackson Farm, made by Arrington & Arrington, RLS, October 27, 1942, and recorded in Book of Maps 1942, Page 21, Wake County Registry, to which map reference is hereby made for greater certainty of description and more fully described according to a survey and plat thereof by T.M. Arrington, Jr. RLS, May 12, 1975, as follows:

BEGINNING at an iron stake in the western right if way line of US Highway #1-A, corner of Davis land and runs thence along the Davis line, N 64° W. 750 ft. to an iron stake; thence N 14° W 250 ft. to an iron stake; thence along the Taylor line S 64°E 991 ft. to an iron stake in the western right of way line of US Highway #1-A; thence along the western right of way line of said Highway S 50° E 200 ft. to the beginning, containing 3.91 acres, more or less.

N. C. Bar Assoc. From No. 3 © 1977
Printed by Agreement with the N.C. Bar Assoc.
#003

The property hereinabove described was acquired by Grantor by instrument recorded in Book 8142, Page 2056.

A map showing the above described property is recorded in Book of Maps 1942, Page 21.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:

Ad valorem taxes for 2004 and subsequent years.

Declarations, covenants, restrictions, easements and rights-of-way, if any, of record.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

_____
(Corporate Name)

By: _____

President

(Corporate Seal)

Richard Allen Timberlake (SEAL)
RICHARD ALLEN TIMBERLAKE

_____ (SEAL)

_____ (SEAL)

_____ (SEAL)

SEAL-STAMP

C. ALBERTY NOTARY PUBLIC WAKE COUNTY, N.C.

State of North Carolina, Wake County

I, the undersigned, a Notary Public of the County and State aforesaid, certify that RICHARD ALLEN TIMBERLAKE Grantor(s), personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 5th day of MARCH, 2004.

My commission expires: 11/30/08

C. Alberty Notary Public

The foregoing Certificate(s) of _____

_____

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

_____ REGISTER OF DEEDS FOR _____ COUNTY

By _____ Deputy/Assistant-Register of Deeds.

N. C. Bar Assoc. Form No. 3 © 1977
Printed by Agreement with the N.C. Bar Assoc.
#003

BOOK:010699 PAGE:00396 - 00398

Yellow probate sheet is a vital part of your recorded document.
Please retain with original document and submit for rerecording.

WAKE COUNTY
NORTH CAROLINA

Wake County Register of Deeds
Laura M. Riddick
Register of Deeds

North Carolina – Wake County

The foregoing certificate___ of C A Liberty

_____ Notary(ies) Public is (are) certified to be correct. This instrument and this certificate are duly registered at the date and time and in the book and page shown on the first page hereof.

Laura M. Riddick, Register of Deeds

By: Veronica S Pearson
DEPUTY
Assistant/Deputy Register of Deeds

This Customer Group
_____ # of Time Stamps Needed

This Document
_____ New Time Stamp
3 # of Pages

22.004–7/11/03

BK:00965 PG:0212

FILED
WARREN COUNTY NC
YVONNE D. ALSTON
REGISTER OF DEEDS

FILED	Mar 28, 2014
AT	01:11:39 pm
BOOK	00965
START PAGE	0212
END PAGE	0214
INSTRUMENT #	00646
EXCISE TAX	$67.00

ADW

GENERAL WARRANTY DEED

Prepared by: D. MICHAEL PARKER
Return to: Parken, LLC c/o Frank Bowman, 547 S. Main St, Wake Forest, NC 27587
Revenue Stamp =$67.00

Prepared by and Hold for:
Kathryn S. Drake
Attorney at Law

NORTH CAROLINA

WARREN COUNTY

THIS DEED, made and entered into this the 24th day of March, 2014, by and between, **WILLIAM H. LOCK AND WIFE, DALE B. LOCK,** Parties of the First Part, hereinafter referred to as GRANTORS, and **PARKEN, LLC,** (a North Carolina limited liability company) Party of the Second Part, hereinafter referred to as GRANTEE,

WITNESSETH:

That the said Grantors, for and in consideration of the sum of TEN DOLLARS ($10.00) to them in hand paid and other good and valuable considerations, the receipt of which is hereby acknowledged, have and by these presents do grant, bargain, sell and convey unto the Grantee in fee simple all that certain tract or parcel of land located in the **Warren County, North Carolina** and being more particularly described as follows:

BEING that certain tract or parcel of land **containing 30.5 acres** as the same is more particularly described according to that certain survey and plat thereof prepared by M. Keith Wrenn, Registered Land Surveyor, dated November 20, 1984, entitled **"Survey for Ivey A. Bolton",** and recorded in the Office of the Register of Deeds of Warren County, North Carolina in **Plat Book 21 at Page 44**, the metes, bounds, calls, courses and distances

appearing thereon being incorporated herein by reference; and being the identical property conveyed by Ivey A. Bolton, Jr. et ux to James Parker Lumpkin, II et al by deed dated January 30, 1985, and recorded in the Warren County Registry in Deed Book 409 at Page 218.

TO HAVE AND TO HOLD the aforesaid tract or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenant with the Grantee that the Grantor are seized of the premises in fee simple, have the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that the Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions, if any, set forth above.

IN WITNESS WHEREOF, the Grantors have hereunto sat their hands and seals, the day and year first above written.

(This Space Intentionally Left Blank)

William H. Lock (seal)
WILLIAM H. LOCK

Dale B Lock (seal)
DALE B. LOCK

****

STATE OF NORTH CAROLINA
COUNTY OF Alamance

I, Robert D. Hurdle, Notary Public of the aforesaid County and State, do hereby certify that **WILLIAM H. LOCK** and wife, **DALE B. LOCK** personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and seal, this the 24 day of March, 2014.

ROBERT D. HURDLE
NOTARY PUBLIC
ALAMANCE COUNTY
NORTH CAROLINA
My Commission Expires Dec 20, 2016

NOTARY PUBLIC

Robert D. Hurdle
PRINT OR TYPE NAME OF NOTARY

My commission expires: Dec. 20, 2016

F/RE/Lock/deed

Warren County

Detail

Consolidated Real Property Index (Land):02/02/1989 to 03/16/2023

Instrument #	00646	**Book**	00965
Type	DEED	**Page**	0212
Recd Date	03/28/2014		

Description

Series	Name
1	LOCK, DALE B
1	LOCK, DALE B.
1	LOCK, WILLIAM H.
2	PARKEN, LLC

Warren County

Detail

Consolidated Real Property Index (Land):02/02/1989 to 03/16/2023

Instrument #	00646	**Book**	00965
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Recd Date	03/28/2014		

Description

Series	Name
1	LOCK, DALE B
1	LOCK, DALE B.
1	LOCK, WILLIAM H.
2	PARKEN, LLC

North Carolina Department of Agriculture & Consumer Services
N.C. Forest Service

Steven W. Troxler
Commissioner

Scott Bissette
Assistant Commissioner

100 Years of Protecting, Managing & Promoting North Carolina's Forests

737 Smokey Road
Rocky Mount, NC 27804
January 28, 2016

D-5 FM Plan – 30 acres
4220 ID: 093-982
Contract # 8503
Warren County
Parken LLC
PIN: 2933-51-7607

Parken LLC
C/o Frank Bowman
547 South Main St.
Wake Forest, NC 27587

Dear Mr. Bowman:

Assistant County Ranger Randy Kearney and I recently examined your property off of Shocco Springs Road in Warren County. We understand that you want to manage this property for commercial timber production and that you need an up to date management plan for the Warren County tax office.

QUICK SUMMARY OF NEEDED ACTION

- **Area 1: Check for first thin in 10 years. - 2026**

Current Tract Conditions

AREA 1 –

Area 1, is about 30 +/- acres, is loblolly pine plantation that was planted in 2012 following a final harvest. The tract was chemically released in 2014 and the release spray did an excellent job of controlling competing vegetation. The stand is currently 4 years old and the diameters are less than 1 inch with heights ranging from 4 to 10 feet. Most of the competition that remains is herbaceous such as grasses and weeds. The pines are in great shape and just need more time to grow before a commercial thinning can be considered.

1616 Mail Service Center, Raleigh, North Carolina 27699-1616
Phone: (919) 857-4801 • FAX: (919) 857-4802 • www.ncforestservice.gov
An Equal Opportunity Employer

The site index for this area is 81 feet at a base age of 50 years. What this means is that at age 50 the trees should be 81 feet tall. This is an average site index for growing loblolly pine.

The soils in this area are sandy loams that well drained and have slopes from 2-30%.

Recommendations

AREA 1 – Check for first thinning in 10 years. – 2026

It is recommended that this area be checked by a forestry professional in 10 years for a commercial thinning.

The stand should be thinned to approximately 80 square feet of basal area per acre. In simpler terms, this would mean leaving your trees spaced an average of 13-15 feet apart. The loggers will need to remove the smaller, crooked, forked, or otherwise lower quality stems and leave the largest and best trees undamaged at a more ideal spacing. The operation will need to be closely supervised.

To gain access to the stand, some contractors remove every third row while other contractors prefer to remove every fifth row (this is called the "take out row"). Both thinning techniques have advantages and disadvantages. The contractor should remove only the worse trees from the remaining rows of trees until they reach the target density for the stand (80 square feet of basal area).

I have enclosed a list of timber buyers in the area, some of which have thinning crews. You need to solicit two or three bids and check some references. Keep in mind that a thinning is a cultural practice that can have a dramatic effect on the value of your final stand of timber. You do not always want to sell a thinning to the highest bidder, but to the contractor who will do the best job and leave your crop trees in good shape.

Do not allow the contractor to thin during wet soil conditions, and do not allow him to leave damaged trees. All damaged trees should be cut and paid for. Be sure to hold the buyer responsible for all NC Water Quality Laws. Also enclosed is an information sheet with suggested provisions for timber sale contracts. If you can let us know when thinning begins, we would be glad to stop by to take a look.

I further recommend that you not sell a thinning on a "lump-sum" basis. If the contractor pays for the wood up-front, he will cut what he paid for. I suggest that you will get a better job if you allow the contractor to pay for what he cuts based on load tickets (you will have to trust him or you will have to post someone to count trucks – to make sure you see all of the load tickets). This type of contract is often referred to as a by-the-load contract. Be sure to get a price for pulpwood and chip-in-saw products. Also be sure to push the contractor to properly merchandise all wood products for its highest use.

You may want to get 10% down at the time you sign the contract. This will give the contractor an incentive to cut your thinning in a timely manner.

Consulting Foresters

We recommend having a private consulting forester handle your timber sale. Although they charge a fee, consultants generally find the landowner a better price for their timber. They also monitor the logging operation to ensure that water quality and the integrity of the land are protected. I have enclosed a list of consultants that you may contact.

Selling Timber

In case you want to handle the sale yourself, I have enclosed a list of timber buyers in the area. Contact as many timber buyers as possible before selling to anyone. Generally, a lump-sum, sealed bid gives the landowner the best results for final harvest. For your own protection, as well as the logger's, a written contract should always be used. I have enclosed a sheet titled, "Suggested Provisions for Timber Sale Contracts".

Water Quality Laws

There are several streams on this property that will need to be protected during all forestry operations. Be sure to hold the timber buyer responsible for all water quality laws, including the Forest Practices Guidelines (FPG's) and the Tar- Pamlico River Buffer Rules. The logger will need to leave an appropriate buffer along all creeks, and no equipment should ever be within 30' of the creek channel. Remember, the law holds you equally responsible for compliance with these regulations. You need to use your timber contract to put the responsibility back on the logger and timber buyer.

Timber Sale Taxation

Timber "Basis"

You will owe federal and state tax on any net timber sale income (your "gain"). Your taxable income is the gross dollar value of the sale, less any costs of selling the timber (consultant fees, temporary road improvements, etc.), AND less your adjusted timber "basis". Your original basis is usually:

1) the purchase price of your timber on the day that you purchased that timber or;
2) the fair market value at date of death in the case of inheritance (assuming the estate was valued at full fair market value, including the timber) or;
3) the donor's basis if the timber is received by gift or;
4) all capitalized reforestation expenditures (If you planted the trees and did not expense the reforestation costs, then your basis will be the cost of reforestation).

The adjusted basis will be the original basis plus any capitalized annual management expenses or less any depletion, casualty loss, amortization or other tax write-offs of basis dollars. It is very important to establish your basis before the timber sale in order to reduce the amount of your federal taxes. This basis should be established by a registered forester and should be assigned BEFORE the timber is cut.

Taxation of Timber Sale Income

Timber or pulpwood is real property and is therefore a capital asset (like land or houses). When you sell timber, the money you make (minus the costs of selling timber and minus your timber basis) is a "long-term capital gain," assuming that you have owned the timber for more than one year. The Federal Government taxes "long-term capital gains" at a lower rate than regular income (wages or farm income). The "capital gains" rate is currently set at 15-20% (depending on your income level and maybe subject to a 3.8% healthcare tax) while tax rates on regular income can be as high as 40%. Additionally, "capital gains" are not subject to self-employment taxation (currently 15%) as is farm income. As you can see, reporting timber sale income as a "capital gain" can greatly reduce your tax burden.

You may want to consult a tax account that is familiar with timber sales.

PRESENT USE TAX VALUATION

You may want to check with the Tax Office in Warrenton to see if your property qualifies for the present use tax valuation. This valuation is used on tracts of timber, over 20 acres that are being managed in a responsible manner. This classification could greatly reduce your tax burden. YOU are responsible for taking this plan to the tax office.

Thank you for your interest in responsible forest management. If you have any questions, please feel free to call me at 252-462-1626 ext.222, or if you need an urgent response, contact the Warren County Rangers Office at 252-257-5960.

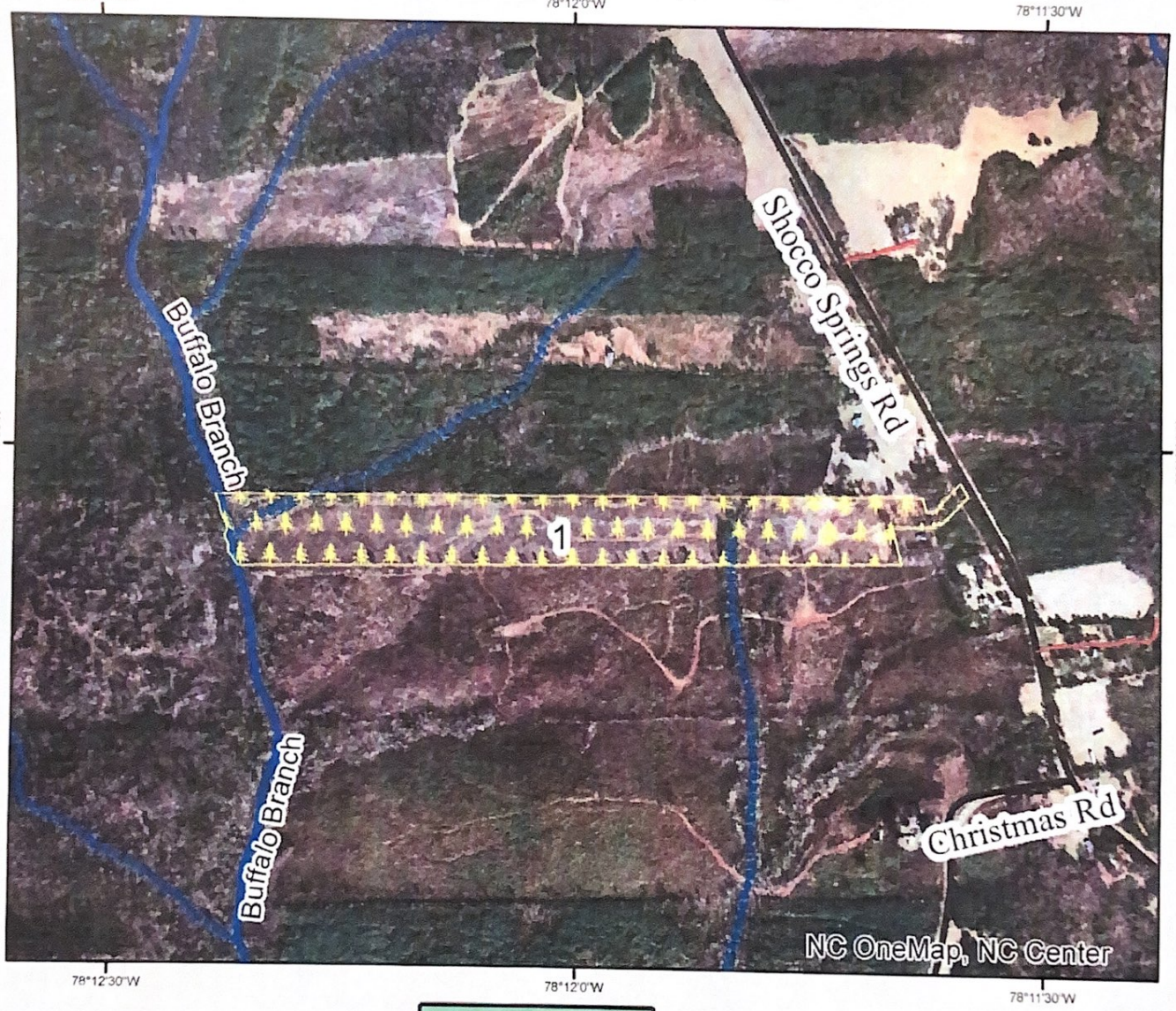
Sincerely,

Jonathan Murray
Service Forester
NCRF #1750

CC: Warren County Ranger

North Carolina Forest Service
Forest Management Map

(Boundaries and Acres are Approximate)



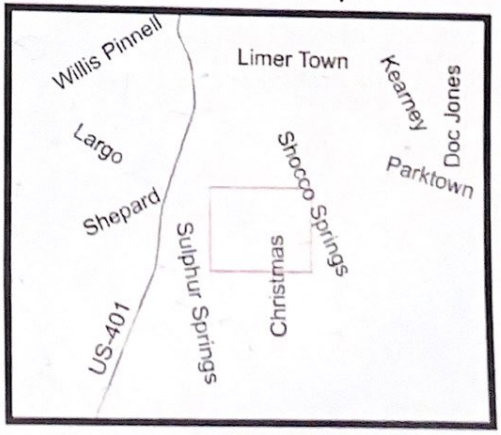
1 inch = 800 feet

Legend

- Area 1 +/- 30 acres
- Small Streams
- Large Streams

Owner: Parken LLC
Lat: 36-18.43
Long: -78-12.00
County: Warren
Date: January 28, 2016
Drawn By: Murray

Location Map



4203-1A (7/14) NCFS FIELD DATA SHEET Address shown is for **Agent**

Project #: **8503**

Business Name		County:	Warren		
Agent	Frank Bowman	Lat:	36 18.430	Long:	78 12.000
Address	547 South Main St.	Phone:	919-291-8354	Phone:	
City, State, Zip:	Wake Forest, NC , 27587	Email:			
Exam By:	Kearney, Murray			Date:	1-19-16
Objectives:	Forest present use value (PUV), Forest Products (Timber), Soil / Water / Air Protection,				

	Area	1	Acres	30	Area		Acres	
Stand Description: (species, origin, cutting history, etc.)	Release sprayed 2014 CC 2012 planted w/ Lob.							
Age & Growth Rate	4yrs. old							
Diameter Range	<1"							
Hgt of Dominants	4-10'							
Site Index (species/ base age)	81 base 50yrs. Lob. pine							
Basal Area Range	Pulpwood	Sawtimber	Unmktable	Pulpwood	Sawtimber	Unmktable		
Pine								
Hardwood								

Recommended Treatments, or Notes, Remarks: (harvest schedule, B/A to cut or leave, reforestation, TSI, burning, etc)

Area: 1

Check for 1st thin in 10yrs.

Measurement Map for Parker LLC
Previous owner Bill Lock

Volume Range	Pulpwood	Sawtimber	Pulpwood	Sawtimber
Pine				
Hardwood				
Stand Quality: (damage, insects, disease, defects, etc.)	Release worked good success on HW control			
Mid & Understory Description	NA			
Reproduction (species, amount)	honeysuckle, grape, grasses, RM, SG,			
Site Description: (soil, slope, aspect, drainage, etc.)	sandy loam 3-12% CeB - PhE -			
BMP's, Special Concerns And Notes	Days since logging completed_____ Compliance? FPG NA Buffer Rule_____		Days since logging completed_____ Compliance? FPG_____ Buffer Rule_____	

Area:

4220-1C

PROJECT NUMBER: 8503

NC DEPARTMENT OF AGRICULTURE & CONSUMER SERVICES,
NC FOREST SERVICE

Tract Location: Warren County
Lat. 36 18.430 Long. 78 12.000

AGREEMENT FOR WOODLAND PLAN SERVICES

This agreement is made and entered into this 19th day of January, 2016, by and between:
Parken LLC; represented by Frank Bowman; of 547 South Main St., Wake Forest, NC 27587, Telephone: 919-291-8354
herein called the "Landowner" and the North Carolina Department of Agriculture and Consumer Services, North Carolina Forest Service, herein called "NC Forest Service".

WITNESSETH THAT: The NC Forest Service hereby agrees to provide the said Landowner services for the purpose of preparing a FM Plan subject to the following terms and conditions:

A THE LANDOWNER AGREES TO:

1. Pay the NC Forest Service the base charge of $45.00 plus $3.00 per acre for approximately 30 acres. Total estimated amount due will be $135.00. This acreage figure is only an estimate. For purposes of calculating the final invoice, acreage will be determined by the NC Forest Service as outlined in section B.3 below and may vary from this estimate.
2. Make full payment payable to "NC Forest Service" upon receipt of the woodland plan invoice.
3. Advise the NC Forest Service of property boundaries; property improvements (i.e. ditches, fences, outbuildings, etc.) that may warrant special consideration; and known or potential hazards.
4. Provide the NC Forest Service access to the property in order to gather field data.
5. Advise the NC Forest Service of any known threatened or endangered species located within the perimeter of the property.
6. Advise the NC Forest Service of short and long-term management objectives.

B THE NC FOREST SERVICE AGREES TO:

1. Present the landowner with a completed woodland plan and map tailored to the Landowner's management objectives.
2. Address, as appropriate, the following elements within the woodland plan:
   a. Summary of landowner objectives
   b. Description of areas addressed by the woodland plan and their condition. Information will be based on measurements and observations noted during the field exam.
   c. Management recommendations for each area addressed, including:
      - recommended forestry practices and activities
      - timeline to conduct practices and activities
      - estimated costs
      - available cost-share programs
      - lists of applicable service providers and contractors
   d. Multiple-use or non-timber benefits
      - will consider recreation, wildlife, aesthetics, cultural, and archeological resources as appropriate
   e. Environmental protection measures
      - related to silvicultural recommendations
      - address concerns related to soil, water quality, fire control, smoke management, threatened & endangered species, cultural resources, etc.
   f. Financial analysis and tax information
      - financial analysis may be used to identify the most cost effective option based upon the Landowner's management objectives
      - tax information to include North Carolina's Forestry Present Use Value (PUV) tax program and other possible tax-saving options
   g. Woodland plan map
      - indicates applicable stand/tract boundaries, north orientation, scale, timber types, mapping method, water resources, access roads, and other important features
3. Determine the number of acres addressed by the woodland plan. NC Forest Service will utilize geographic information system (GIS) software, county GIS tax parcel data, or other available resources to determine acres addressed within the woodland plan. This does not mean these woodland plan acres have been measured "on the ground". This acreage figure should <u>not</u> be considered "survey grade". It is intended to be utilized for woodland plan invoicing as well as general planning purposes. Acreages on NC Forest Service woodland plan contracts and invoices may or may not match later measurements associated with practices that have been or may be implemented (ex. areas planted with trees).
4. Invoice the Landowner when the completed woodland plan is sent to the Landowner.

C THE LANDOWNER AND NC FOREST SERVICE AGREE THAT:

1. If fieldwork on the agreed-upon project has not commenced, then either party may cancel this agreement by giving two weeks written notice to the other party
2. Woodland plans written by the NC Forest Service will not contain "timber cruise data" that provides an inventory of timber on the property, nor will they contain specific financial values related to existing timber or non-timber products. Landowners seeking this type of information for harvesting purposes will likely need to coordinate with private service providers.
3. The NC Forest Service will not represent the Landowner or Landowner's agent in the sale or marketing of timber or non-timber products.
4. The decision of the NC Forest Service's designated representative will be final in all disputed matters arising from this agreement.
5. Terms of payment: **PAYMENT IS DUE UPON RECEIPT OF INVOICE.** Charges not paid by the Landowner within 30 days of the invoice date will incur an interest charge at the rate set by the Secretary of the Department of Revenue and a 10% late penalty against the unpaid balance. Charges not paid within ninety (90) days of the invoice date will be referred to the Attorney General's Office for collection.

Landowner/Agent Name: (printed) PARKEWS, LLC

Landowner/Agent Name: (signature) By FRANK Bowman

Title (if applicable): MANAGER

Date: 1/19/16

NC Forest Service Rep. Name: (printed) R. Reginald Stevens

NC Forest Service Rep. Name: (signature) R. Reginald Stevens

Title: Assist County Ranger

Date: 1/19/2016

Warren County Tax Office

Real Property Tax Data

Identification Information

Owner Name:	PARKEN LLC
Account Number:	39623-300
Parcel #:	D9-56
Description:	LUMPKIN LD PLAT 21/44 SHOCCO SPRINGS RD
Deed Book / Page:	965 / 212

Values

Acreage:	30.50
Building Value:	$0
Land Value:	$43,790
Personal Value:	$0
Deferments:	$35,450
Exemptions:	$0
Taxable Value:	$8,340

Tax Information

District: All

Status: PAID

Total Due:	$0.00
Total Original Due:	$74.22
Due Date:	9/1/2022
Date Paid:	12/17/2022

Tax History

Total Original Due:	$74.22
Total Interest:	$0.00
Total Other Charges:	$0.00
Total Paid:	$-74.22

Bill Information

Bill Number:	01246
Bill Year:	2022
Class:	300

Add to Cart

New Search | Print Record
View Replica Bill | Save
E-Billing | Address Change

*Recent Transfers May Not Be Reflected

Closest Address: 436 Shocco Springs Rd
Warrenton, NC

• File an Annual Report/Amend an Annual Report • Upload a PDF Filing • Order a Document Online • Add Entity to My Email Notification List • View Filings • Print a Pre-Populated Annual Report form • Print an Amended a Annual Report form

Limited Liability Company

Legal Name
ParKen, LLC

Information

SosId: 1282630
Status: Current-Active ⓘ
Date Formed: 10/12/2012
Citizenship: Domestic
Annual Report Due Date: April 15th
Current**Annual Report Status:**
Registered Agent: Bowman, Frank

Addresses

Reg Office
547 S. Main St
Wake Forest, NC 27587-2803

Reg Mailing
547 S. Main St
Wake Forest, NC 27587-2803

Mailing
547 South Main Street
Wake Forest, NC 27587-2803

Principal Office
547 South Main Street
Wake Forest, NC 27587-2803

Company Officials

All LLCs are managed by their managers pursuant to N.C.G.S. 57D-3-20.

Member
Elizabeth Bowman
547 S Main St
Wake Forest NC 27587

Manager
Frank Bowman
547 South Main Street
Wake Forest NC 27587

Warren County Tax Office
P.O. BOX 240
Warrenton, NC 27589

PARKEN LLC
547 S MAIN ST
WAKE FOREST, NC 27587

2022
PROPERTY TAX NOTICE

PROPERTY SOLD: Real property bills are sent to the owner as of January 1. If you have sold this property since January 1 you may need to forward this bill to the new owner.

ESCROW/MORTGAGE ACCOUNTS: The property owner is responsible for ensuring full payment of this obligation. If funds are held in escrow to pay this notice, forward to the appropriate mortgage holder.

PERSONAL PROPERTY: A taxpayer may appeal the value, situs, or taxability of the personal property 30 days from the initial notice of value.

FAILURE TO PAY: Delinquent taxes are subject to garnishment of wages, attachment of monies on deposit or rents received, levy on personal property, and foreclosure proceeding AFTER 01-05-2023

INTEREST accrues at the rate of 2% for January and 3/4% the first day of each month thereafter until paid.

Account Number	Bill Number	Due Date	Delinquent After
39623-300	01246	09-01-2022	01-05-2023

Map #: D9-56
Location: SHOCCO SPRINGS RD
Acreage: 30.50
Building Value: $0.00
Land Value: $43,790.00

Real estate value: $43,790.00
Real estate exemption: $0.00
Real estate exclusion: $0.00
Real estate deferred: $35,450.00 – PUV
Personal property value: $0.00
Personal property exemption: $0.00
Total Taxable: $8,340.00

Description	Rate per $100 value	Amount Due
WARREN COUNTY	0.8100	$67.55
AFTON ELBERON FIRE	0.0800	$6.67
Original Levy	--	*$74.22*
Releases/Adjustments	--	$0.00
Payments	--	$-74.22
TOTAL DUE		$0.00

NORTH CAROLINA GENERAL STATUTE 105-357 PROVIDES A PENALTY OF $25.00 OR 10% OF THE AMOUNT OF THE CHECK, WHICH EVER IS HIGHER, ON CHECKS RETURNED BY THE BANK BECAUSE OF INSUFFICIENT FUNDS OR NONEXISTENCE OF AN ACCOUNT. TAX RECEIPTS ARE NULL AND VOID IF PAYMENT FAILS TO CLEAR THE BANK.

Questions concerning property values - Contact Assessor's Office
Payment Questions - Contact Tax Collector's Office
Office Hours 8:30 a.m. - 5:00 p.m. Phone number: (252) 257-3337

Credit/debit card payments are accepted at the tax office and online at or call (252) 257-3337. A convenience fee will be charged. Payments are not posted until data is received, usually the next business day.

An * next to "District Tax" indicates more than one(1) district.

PLEASE RETAIN ABOVE PORTION FOR YOUR RECORDS

Account Number	Bill Number	Due Date	Delinquent After	Total Amount Due
39623-300	01246	09-01-2022	01-05-2023	$0.00

Map #: D9-56
Location: SHOCCO SPRINGS RD

PLEASE RETURN THIS PORTION WITH PAYMENT

2022 PROPERTY TAX NOTICE

TO CHANGE YOUR MAILING ADDRESS, PLEASE FILL IN YOUR NEW ADDRESS BELOW

NAME:
ADDRESS:
CITY: STATE: ZIP:
PHONE NO:
EMPLOYER:

MAKE CHECK PAYABLE AND REMIT TO:

Warren County Tax Office
P.O. BOX 240
Warrenton, NC 27589

OWNERSHIP 03172023 39623 300
PARKEN LLC

547 S MAIN ST
WAKE FOREST NC 27587
DEED: 965 212D03282014 33500-22

PROPERTY DESCRIPTION
LUMPKIN LD
PLAT 21/44

SHOCCO SPRINGS RD

TAX SUBDIVISIONS
SHOCCO TOWNSHIP

AFTON ELBERON FIRE

MAP NUMBER D9 56 CARD NO 1
RECORD NUMBER: 1246
ROUTE
LISTER: JLM050216
REVIEW: JLM050216

TOPO	STREET	UTILITY	ZONING	NBHD
ROLLING	NONE	ELECTRIC	30.50 ACRES	0900

NOTES:
PROPERTY GATED

#	LAND CLASS	SIZE	BASERATE	FRNT	DPTH	ADJ	ADJRATE	UNITS	LND-VALUE
2	13HREAR/WD	30.50AC	800.00		1.00ACF		800.00	30.50	24400

LAND VALUE: 24400

#	OTHER FEAT	SIZE	BASERATE	COND	ADJRATE	UNITS	OFB-VALUE

OTHER VALUE: 0

FNDATION	XTRFNISH	ROOFTYPE	ROOFMTRL	SIZE/QTY
				1.00STHT

WALLFNSH	FLOORS	HEAT&AIR	HEATFUEL

VACANT 0

#	STRUCTURE	SKTCH-SF	STHT	AREA	RATE	GRDF	HEAT	EXWL	WLHT	ADJRAT	AREA	RPCN	DEPF	CNDF	STR-VALUE

STRUCTURE VALUE: 0

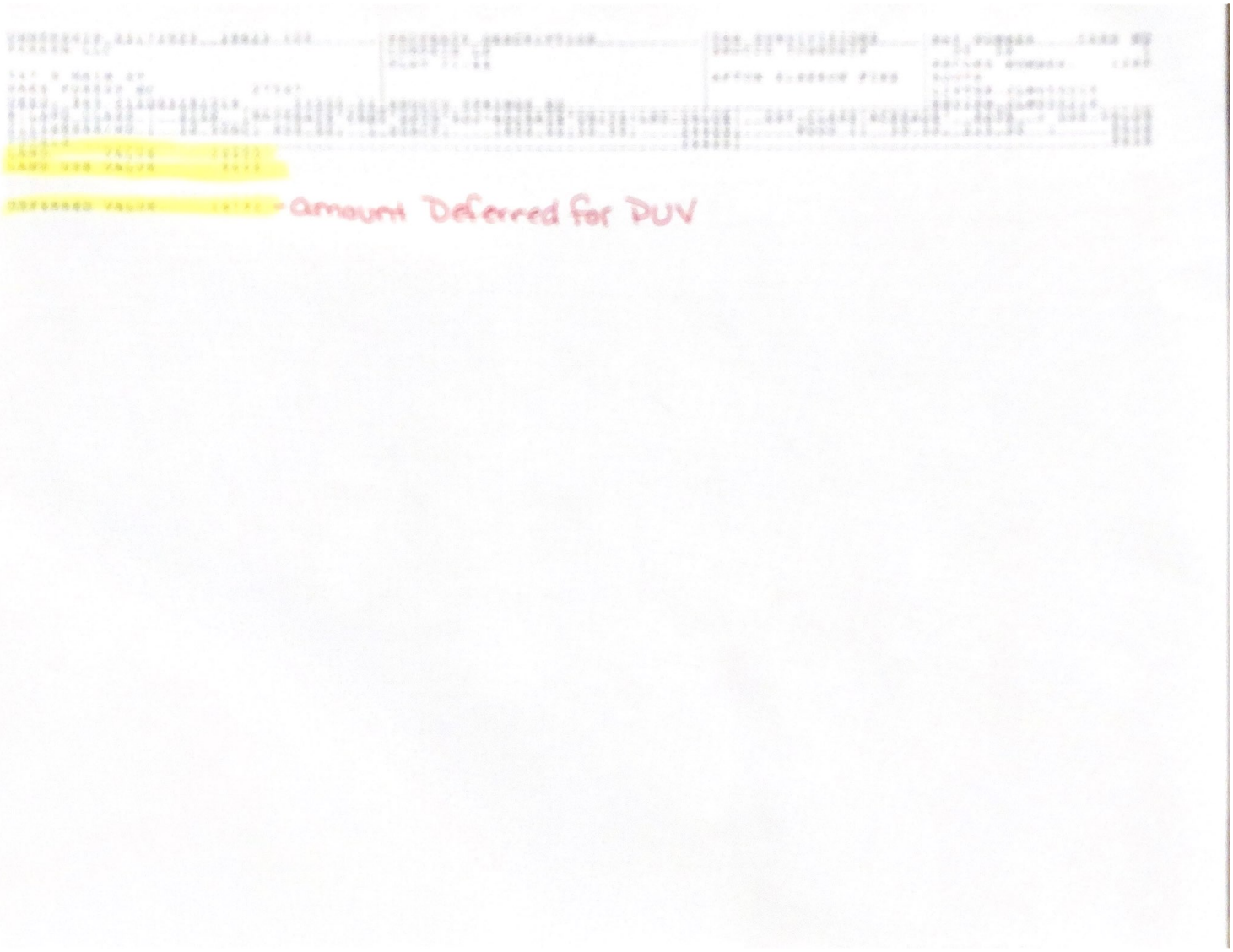
VALUATION	VALUE	PREV-VAL.	P-N%	SALE	S-N%
LAND	24400	48800	50%	DEED	
OTHERFEAT	0			03282014	
STRUCTURE	0			965-212	
TOTAL	24400	48800	50%	33500	72%

800LV/AC

TOTAL VALUE 24400

GEOGRAPHIC-ADJUSTMENT-NBHD: 900 CAVB: 0 * 0.85 = 0

TOTAL APPRAISED-VALUE: 24400


amount Deferred for DUV

SCHEDULE F (Form 1040)

Department of the Treasury
Internal Revenue Service

Profit or Loss From Farming

Attach to Form 1040, Form 1040-SR, Form 1040-NR, Form 1041, or Form 1065.
Go to www.irs.gov/ScheduleF for instructions and the latest information.

OMB No. 1545-0074

2022

Attachment Sequence No. 14

Name of proprietor: Francis Joseph Bowman III

Social security number (SSN): 2[redacted]

A Principal crop or activity: Honey

B Enter code from Part IV: 1 1 2 9 0 0

C Accounting method: ☒ Cash ☐ Accrual

D Employer ID number (EIN) (see instr.)

E Did you "materially participate" in the operation of this business during 2022? If "No," see instructions for limit on passive losses ☒ Yes ☐ No

F Did you make any payments in 2022 that would require you to file Form(s) 1099? See instructions ☐ Yes ☒ No

G If "Yes," did you or will you file required Form(s) 1099? ☐ Yes ☐ No

Part I **Farm Income—Cash Method.** Complete Parts I and II. (Accrual method. Complete Parts II and III, and Part I, line 9.)

1a	Sales of purchased livestock and other resale items (see instructions)			1a	0		
b	Cost or other basis of purchased livestock or other items reported on line 1a			1b	0		
c	Subtract line 1b from line 1a					1c	0
2	Sales of livestock, produce, grains, and other products you raised					2	20,264.00
3a	Cooperative distributions (Form(s) 1099-PATR)	3a	0	3b	Taxable amount	3b	0
4a	Agricultural program payments (see instructions)	4a	0	4b	Taxable amount	4b	0
5a	Commodity Credit Corporation (CCC) loans reported under election					5a	0
b	CCC loans forfeited	5b	0	5c	Taxable amount	5c	0
6	Crop insurance proceeds and federal crop disaster payments (see instructions):						
a	Amount received in 2022	6a	0	6b	Taxable amount	6b	0
c	If election to defer to 2023 is attached, check here ☐			6d	Amount deferred from 2021	6d	0
7	Custom hire (machine work) income					7	0
8	Other income, including federal and state gasoline or fuel tax credit or refund (see instructions)					8	0
9	**Gross income.** Add amounts in the right column (lines 1c, 2, 3b, 4b, 5a, 5c, 6b, 6d, 7, and 8). If you use the accrual method, enter the amount from Part III, line 50. See instructions					9	20,264.00

Part II **Farm Expenses—Cash and Accrual Method.** Do not include personal or living expenses. See instructions.

10	Car and truck expenses (see instructions). Also attach **Form 4562**	10	5372.00	23	Pension and profit-sharing plans	23	0
11	Chemicals	11	896.00	24	Rent or lease (see instructions):		
12	Conservation expenses (see instructions)	12	0	a	Vehicles, machinery, equipment	24a	0
13	Custom hire (machine work)	13	0	b	Other (land, animals, etc.)	24b	0
14	Depreciation and section 179 expense (see instructions)	14	272.00	25	Repairs and maintenance	25	2227.00
				26	Seeds and plants	26	1162.00
				27	Storage and warehousing	27	0
15	Employee benefit programs other than on line 23	15	0	28	Supplies	28	
				29	Taxes	29	0
16	Feed	16	2812.00	30	Utilities	30	0
17	Fertilizers and lime	17	1103.00	31	Veterinary, breeding, and medicine	31	0
18	Freight and trucking	18	1014.00	32	Other expenses (specify):		
19	Gasoline, fuel, and oil	19	1459.00	a		32a	
20	Insurance (other than health)	20	341.00	b		32b	
21	Interest (see instructions):			c		32c	
a	Mortgage (paid to banks, etc.)	21a	0	d		32d	
b	Other	21b	0	e		32e	
22	Labor hired (less employment credits)	22	0	f		32f	

33	**Total expenses.** Add lines 10 through 32f. If line 32f is negative, see instructions	33	16317.00
34	**Net farm profit or (loss).** Subtract line 33 from line 9	34	3947.00

If a profit, stop here and see instructions for where to report. If a loss, complete line 36.

35 Reserved for future use.

36 Check the box that describes your investment in this activity and see instructions for where to report your loss:

a ☒ All investment is at risk. b ☐ Some investment is not at risk.

For Paperwork Reduction Act Notice, see the separate instructions. Cat. No. 11346H **Schedule F (Form 1040) 2022**

Part III Farm Income—Accrual Method (see instructions)

37	Sales of livestock, produce, grains, and other products (see instructions)					37	
38a	Cooperative distributions (Form(s) 1099-PATR)	38a		38b	Taxable amount	38b	
39a	Agricultural program payments	39a		39b	Taxable amount	39b	
40	Commodity Credit Corporation (CCC) loans:						
a	CCC loans reported under election					40a	
b	CCC loans forfeited	40b		40c	Taxable amount	40c	
41	Crop insurance proceeds					41	
42	Custom hire (machine work) income					42	
43	Other income (see instructions)					43	
44	Add amounts in the right column for lines 37 through 43 (lines 37, 38b, 39b, 40a, 40c, 41, 42, and 43)					44	
45	Inventory of livestock, produce, grains, and other products at beginning of the year. Do not include sales reported on Form 4797		45				
46	Cost of livestock, produce, grains, and other products purchased during the year		46				
47	Add lines 45 and 46		47				
48	Inventory of livestock, produce, grains, and other products at end of year		48				
49	Cost of livestock, produce, grains, and other products sold. Subtract line 48 from line 47*					49	
50	**Gross income.** Subtract line 49 from line 44. Enter the result here and on Part I, line 9					50	

*If you use the unit-livestock-price method or the farm-price method of valuing inventory and the amount on line 48 is larger than the amount on line 47, subtract line 47 from line 48. Enter the result on line 49. Add lines 44 and 49. Enter the total on line 50 and on Part I, line 9.

Part IV Principal Agricultural Activity Codes

CAUTION

Do not file Schedule F (Form 1040) to report the following.

- *Income from providing agricultural services such as soil preparation, veterinary, farm labor, horticultural services if your principal source of income is from providing such services. Instead, see instructions for Schedule C (Form 1040).*
- *Income from breeding, raising, or caring for dogs, cats, or other pet animals. Instead, see instructions for Schedule C (Form 1040).*
- *Income from managing a farm for a fee or on a contract basis. Instead, see instructions for Schedule C (Form 1040).*
- *Sales of livestock held for draft, breeding, sport, or dairy purposes. Instead, see instructions for Form 4797.*

These codes for the Principal Agricultural Activity classify farms by their primary activity to facilitate the administration of the Internal Revenue Code. These six-digit codes are based on the North American Industry Classification System (NAICS).

Select the code that best identifies your primary farming activity and enter the six-digit number on line B.

Crop Production

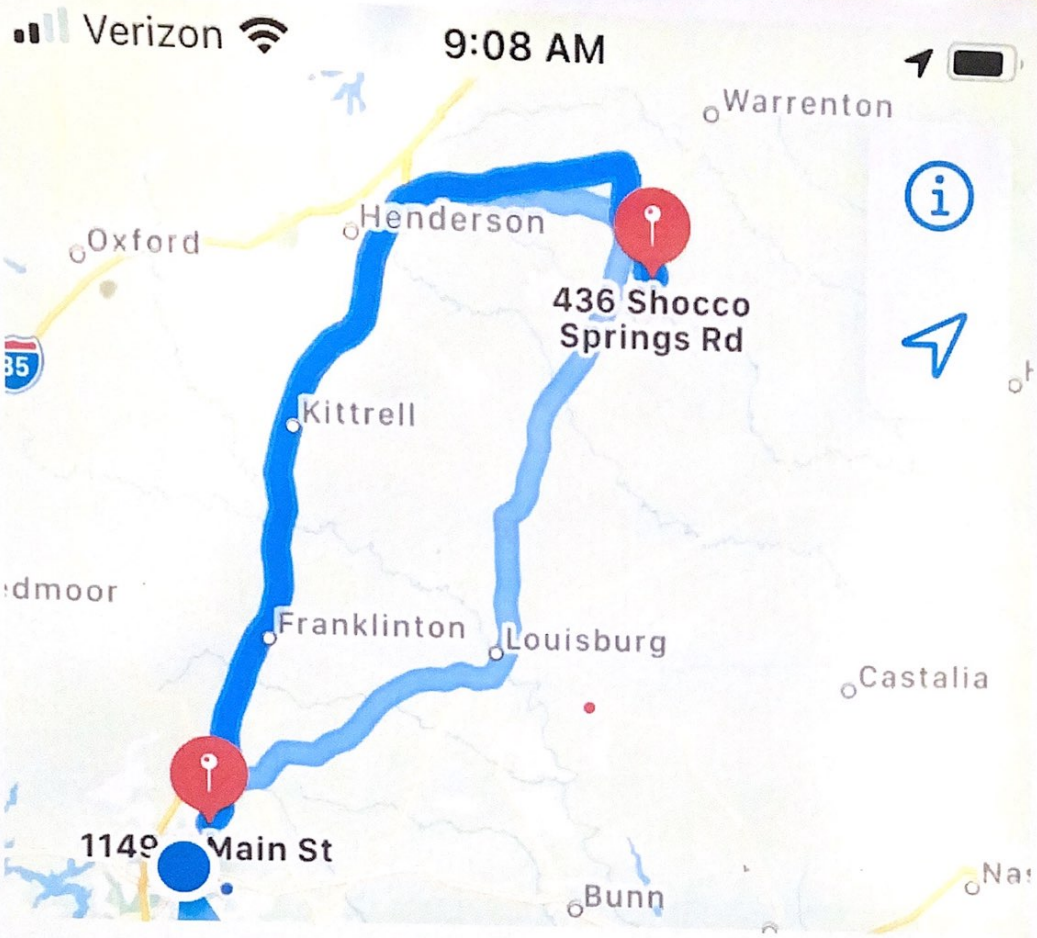
111100 Oilseed and grain farming
111210 Vegetable and melon farming
111300 Fruit and tree nut farming
111400 Greenhouse, nursery, and floriculture production
111900 Other crop farming

Animal Production

112111 Beef cattle ranching and farming
112112 Cattle feedlots
112120 Dairy cattle and milk production
112210 Hog and pig farming
112300 Poultry and egg production
112400 Sheep and goat farming
112510 Aquaculture
112900 Other animal production

Forestry and Logging

113000 Forestry and logging (including forest nurseries and timber tracts)
113110 Timber tract operations
113210 Forest nurseries and gathering of forest products
113310 Logging



To 436 Shocco Springs Rd

From 1149 N Main St

47 min

41 mi · Fastest route

GO

@ 30 miles away

NC Department of Revenue

Conditional Farmer Exemption

Exemption ID: 810175

Double B Apiary & Farm, LLC
547 S Main St
Wake Forest, NC 27587

Expires: 12/31/2025

AV-5
Web
3-18

Application for Agriculture, Horticulture, and Forestry Present-Use Value Assessment

(G.S. 105-277.2 through G.S. 105-277.7)

County of WAKE **, NC** **Tax Year** 2023

Full Name of Owner(s): Francis Bowman III, Elizabeth Bowman

Mailing Address of Owner: 547 S. MAIN ST

City: WAKE FOREST State: NC Zip Code: 27587

Home Telephone Number: 919-291-8354 Work Telephone Number: — Ext.: — Cell Phone Number: —

Instructions

Application Deadline: This application must be filed during the regular listing period, or within 30 days of a notice of a change in valuation, or within 60 days of a transfer of the land.

Where to Submit Application: Submit this application to the county tax assessor where this property is located. County tax assessor addresses and telephone numbers can be found online at: https://www.ncdor.gov/documents/north-carolina-county-assessors-list. **DO NOT submit this application to the North Carolina Department of Revenue.**

- Office Use Only:

This application is for: (check all that apply)

[X] AGRICULTURE (includes Aquaculture) [ ] HORTICULTURE [ ] FORESTRY

Enter the Parcel Identification Number, acreage breakdown, and acreage total for each tax parcel included in this application:

PARCEL ID	OPEN LAND in Production	OPEN LAND not in Production	WOOD LAND	WASTE LAND	CRP LAND	HOME SITE	OTHER (Describe in Comments)	TOTAL ACRES
0070776/1841882981	1.32		1.24					2.56

Comments: Portion Being USED is part of a larger tract

[X] Yes [ ] No ➡ Does the applicant own property in other counties that is also in present-use value and is within 50 miles of this property? If **YES**, list the county or counties and parcel identification number(s):

County: WARREN Parcel ID: D9-56

County: Parcel ID:

IMPORTANT!

AGRICULTURE and HORTICULTURE applications with LESS than 20 acres of woodland generally need to complete PARTS 1, 2, and 4.

AGRICULTURE and HORTICULTURE applications with MORE than 20 acres of woodland generally need to complete PARTS 1, 2, 3, and 4.

FORESTRY applications need to complete PARTS 1, 3, and 4.

ADDITIONALLY, applications for CONTINUED USE of existing present-use value classification need to complete PART 5.

Please contact the Tax Assessor's office if you have questions about which parts should be completed.

Part 1. Ownership

On what date did the applicant become the owner of the property? **DATE:** 3/5/2004

If owned less than four full years on January 1, provide: **Name of Previous Owner:** —

How the Applicant is Related to the Previous Owner: NONE

☐ Yes ☒ No ➡ Did one of the applicants reside on the property on January 1 of the year for which this application is made?

If **YES**, provide name of resident:

☐ Yes ☒ No ➡ Are any of the acres leased out to a farmer? If **YES**, indicate: Number of acres leased out:

Name of farmer leasing the land: Phone:

Choose the legal form of ownership from "a - e" below, and answer the questions, if any, for that ownership:

a. **One Individual**

(b.) **Husband and Wife** (as tenants by the entirety)

c. **Business Entity. (Circle one: Corporation, Limited Liability Company, Partnership)** List all the direct shareholders, members, or partners of the business entity and their farming activities:

Member: Farming Activities:

Member: Farming Activities:

Member: Farming Activities:

Member: Farming Activities:

☐ Yes ☒ No ➡ Are any of the direct shareholders, members, or partners either a business entity or trust (i.e. not an individual)? If YES, you must attach a breakdown of those business entities or trusts until you reach the individual level of ownership interest and you must describe those individuals' farming activities.

☒ Yes ☐ No ➡ Once you have reached the individual level of ownership interest, are all of the individuals relatives of each other? (See G.S. 105-277.2(5a) for the definition of relative.)

State the principal business of the business entity:

d. **Trust.** List the trustee(s), name of the trust, and all of the beneficiaries:

Trustee(s): Name of trust:

Beneficiary: Farming Activities:

Beneficiary: Farming Activities:

Beneficiary: Farming Activities:

Beneficiary: Farming Activities:

☐ Yes ☒ No ➡ Are any of the beneficiaries either a business entity or trust (i.e. not an individual)? If YES, you must attach a breakdown of those business entities or trusts until you reach the individual level of ownership interest and you must describe those individual's farming activities.

☒ Yes ☐ No ➡ Once you have reached the individual level of ownership interest, are all of the beneficiaries either the trust's creator or relatives of the creator? (See G.S. 105-277.2(5a) for the definition of relative.)

e. **Tenants in common.** List the tenants and their percentage of ownership (round to the nearest 0.1%):

Owner % Owner %

Owner % Owner %

☐ Yes ☒ No ➡ Are any of the tenants either a business entity or trust? If YES, you must make a copy of this page for each business entity or trust. You must complete the business entity section only or trust section only for each tenant, as appropriate, labeling each copy with the name of the business entity or trust.

The Tax Assessor may contact you for additional information after reviewing this application.

Part 2. Agriculture and Horticulture

For the past three years and for each tax parcel within the farm unit, enter the agricultural or horticultural products actually produced on the land and the gross income from the sale of the products, including livestock, poultry, and aquatic species. **INCOME INFORMATION IS SUBJECT TO VERIFICATION.**

If payments are received from any governmental soil conservation or land retirement program, indicate the acres and amount of income in the table below. Provide the name of the program in the Product column.

Do not include income received from the rental of the land. Income must be from the sale of the product.

	ONE YEAR AGO 20			TWO YEARS AGO 20			THREE YEARS AGO 20		
Parcel ID	Product	Acres	Income	Product	Acres	Income	Product	Acres	Income
D9-56	Timber	30	0		30	0		30	0
	Totals	30	0	Totals	30	0	Totals	30	0
	Totals			Totals			Totals		
	Totals			Totals			Totals		
	Totals			Totals			Totals		
	Totals			Totals			Totals		

☐ Yes ☐ No ➡ If this application covers a horticultural tract used to grow **Christmas trees**, has a written management plan been prepared? If **YES**, attach a copy. If **NO**, attach a full explanation of your operation that contains at least the following: year each tract was planted, gross income from each tract, site management practices, number of trees per acre, and expected date of harvesting for each tract.

If this application covers an aquatic species farming operation, enter the total pounds produced for commercial sale annually for the last three years: Year 20 ____ ____ lbs, Year 20 ____ ____ lbs, Year 20 ____ ____ lbs

Part 3. Forestry

Attach a complete copy of your forest management plan. Indicate below who prepared the plan:

(N.C. Division of Forest Resources) Consulting Forester Owner Other

Note: The property must be actively engaged in the commercial growing of trees under a sound management program as of January 1 of the year for which application is made.

Key elements in a written plan for a sound forestland management program are listed below:

1. Management and Landowner Objectives Statement—Long range and short range objectives of owner(s) as appropriate.
2. Location--Include a map or aerial photograph that locates the property described and also delineates each stand referenced in the "Forest Stand(s) Description/Inventory and Stand Management Recommendations" (item 3 below).
3. Forest Stand(s) Description/Inventory and Stand Management Recommendations -- Include a detailed description of various stands within the forestry unit. Each stand description should detail the acreage, species, age, size (tree diameter, basal area, heights), condition (quality and vigor), topography, soils and site index or productivity information. Stand-specific forest management practices needed to sustain productivity, health and vigor must be included with proposed timetable for implementation.
4. Regeneration-Harvest Methods and Dates--For each stand, establish a target timetable for harvest of crop trees, specifying the type of regeneration-harvest (clear cut, seed tree, shelter wood, or selection regeneration systems as applicable).
5. Regeneration Technique--Should include a sound proposed regeneration plan for each stand when harvest of final crop trees is done. Specify intent to naturally regenerate or plant trees.

NOTE: Forest management plans can and should be updated as forest conditions significantly change (e.g. change in product class mix as the stand ages and grows, storm damage, insect or disease attack, timber harvest, thinning, wildfire). The county will audit plans periodically and, to remain eligible for use-value treatment, the plan must be implemented.

Part 4. Affirmation

AFFIRMATION OF APPLICANT – I (we) the undersigned declare under penalties of law that this application and any attachments hereto have been examined by me (us) and to the best of my (our) knowledge and belief are true and correct. In addition, I (we) fully understand that an ineligible transfer of the property or failure to keep the property actively engaged in commercial production under a sound management program will result in the loss of eligibility. I (we) fully understand that loss of eligibility will result in removal from the program and the immediate billing of deferred taxes.

Signature of Owner (All tenants of a tenancy in common must sign.)	Title	Date
[signature]	M Owner	2/3/23
Elizabeth Barnes	Owner	2/3/23

Part 5. Continued Use *(Complete only if the property is currently in Present-Use Value and you are applying for immediate eligibility under the Continued Use exception. See G.S. 105-277.3(b2)(1) for full details.)*

I certify:
1. **The property is currently in Present-Use Value.**
2. **I intend to continue the current use of the land under which it currently qualifies.**
3. **I understand I will be responsible for all deferred taxes due because of any disqualification.**
4. **I ACCEPT FULL LIABILITY FOR ANY EXISTING DEFERRED TAXES.**

Note: If the property is currently in Present-Use Value and liability is not accepted, the full amount of the deferred taxes will typically be due in the name of the grantor immediately. Liability need not be accepted and no deferred taxes are due for qualifying transfers pursuant to G.S. 105-277.3(b) and (b1). For example, liability does not need to be accepted for qualifying transfers to relatives. However, any deferred taxes existing at the time of transfer will remain a lien on the property. Owners already receiving Present-Use Value on properties not included in this application may wish to review the alternative provisions of G.S. 105-277.3(b2)(2).

Signature of Owner (All tenants of a tenancy in common must sign.)	Title	Date

FOR OFFICE USE ONLY: ☐ APPROVED ☐ DENIED BY: _____ REASON FOR DENIAL: _____

Board of Adjustment Agenda Item Report

Agenda Item No.: 2023-255-
Submitted by: Jennifer Currin
Submitting Department: Planning
Meeting Date: September 21, 2023

SUBJECT
Consideration of an Appeal of an Administrative Decision related to the issuance of the Planning Director's June 30, 2023 wall sign interpretation for the property located at 1839 S Main St., being Wake County PIN 1840012345.

Recommendation:

Item Summary:

ATTACHMENTS
- BOA-23-03 STAFF REPORT.pdf
- Attachment A-Application.pdf
- Attachment B-Maps.pdf
- Attachment C-June 30, 2023 Administrative Decision.pdf
- Attachment D-September 2022 Sign Permit Submittal.pdf
- Attachment E-Gas Station Canopy Email and Size.pdf
- Attachment F-UDO Chapter 11, Sections 15.6.1 and 17.4.pdf

Staff Report
Case BOA-23-03: Appeal of Administrative Decision

Meeting Date	September 21, 2023
Requested Actions	Consideration of an Appeal of an Administrative Decision related to the issuance of a June 30, 2023 Planning Director Wall Sign Interpretation
Case Manager	Jennifer Currin, Assistant Planning Director

CASE INFORMATION

Applicant	Samuel Morris Longleaf Law Partners 2235 Gateway Access Point, Suite 201 Raleigh, NC 27607
Project Attorney	Michael Birch Longleaf Law Partners 4509 Creedmoor Road, Suite 302 Raleigh, NC 27612
Property Owner	The Macsydney Company II, LLC Phylesther II, LLC 125 E 26th Street New York, NY 10010
Address	1839 S Main Street
Wake County Tax PIN(s)	1840012345
Acreage	18.73± acres
Zoning	Highway Business (HB)
Corporate Limits	This parcel is in the corporate limits.
See Attachment A for a copy of the application.	

Surrounding Land Uses and Zoning

	Land Use	Zoning
North	Commercial	Highway Business (HB), Conditional Use Highway Business (CU HB)
South	Commercial	Highway Business (HB), Conditional Use Highway Business (CU HB)
East	Recreational	Highway Business (HB)
West	S Main St., Institutional (Wake Forest Middle School), & Residential	Conditional Use General Residential 5 (CU GR5)

See Attachment B for aerial photograph and zoning map.

Appeal Request

Samuel Morris, Longleaf Law Partners is appealing the Wake Forest Planning Director's Wall Sign Interpretation (The Factory), Attachment C, dated 6/30/23, that The Factory's proposed main entrance sign does not qualify as a wall sign under UDO Section 11.10.17.

See page 2 of Attachment A for the Applicant's Description of Request.

Administrative Review of Appeal Request

Unified Development Ordinance (UDO) Section 15.6.1, Development Permit, states that a development permit shall be required for any signage requiring a permit a permit (Chapter 11).

11.8, Permanent Signage Standards, of the UDO states which permanent sign types require a permit and performance criteria, including but not limited to permitted sign area, sign heights, number of signs.

Sign permits are required for signs including but not limited to Awnings/Canopy Signs, Gas Station Canopies, and Wall Signs.

Per UDO Section 11.8, Awning/Canopy Signs have a maximum sign area of 50% of the awning area and Wall Signs in the Highway Business zoning district are permitted a maximum area of 1.5 sq. ft. per linear foot of storefront for the front face. The wall signs are limited to a maximum sign area of 1 square foot per linear foot of building wall for the side and rear facades. Gas Station Canopies are permitted a maximum of 1 square foot per canopy linear foot.

UDO Chapter 17 provides the following definitions:

> Awning/Canopy Sign: Signs integrated into traditional storefront awnings that project over a sidewalk from the building façade.
>
> Wall Sign: Flat signs or lettering which are painted or attached to the wall of a building or structure.

In September 2022, ASI submitted a permanent sign permit application to the Town Wake Forest to be reviewed. Staff provided comments in September 2022 that additional information was needed for staff to review the wall signs (Attachment D).

A new permanent sign permit application was submitted to Planning Department in October 2022, which still did not address staff comments and meet the Unified Development Ordinance. When ASI submitted a revised sign permit application in November 2022, Staff offered the applicant an option to submit the Main Entrance sign as a Gas Station Canopy since the Awning/Canopy Sign requirements as defined in UDO Section 11.8 are intended for fabric, not metal awnings/canopies, and this was the closest equivalent sign option in the UDO (Attachment E). This would have allowed an approximately 20 square foot Main Entrance sign to be placed on the canopy.

The applicant opted not to comply with the Gas Canopy Sign standards or relocate the sign to the wall and comply with the Wall Sign ordinance, since they desired to affix a larger sign to the canopy than what the ordinance would allow under Awning/Canopy Signs or Gas Canopy Signs.

On March 22, 2023, Longleaf Law Partners requested an official determination from the Town of Wake Forest regarding the Main Entrance sign.

Courtney Tanner, Wake Forest Planning Director provided Longleaf Law Partners an Administrative Decision on June 30, 2023 (Attachment C).The decision found:

1. Chapter 17, Definitions, of the UDO is used to define terms in the UDO.
2. Section 11.10.17 of the UDO is not used to define terms in the UDO.
3. Exhibit A is an Awning/Canopy Sign since the proposed sign is integrated into a traditional storefront awning that projects over a sidewalk from the building façade.
4. Exhibit A is not a Wall Sign per Section 17.4 since the proposed sign not painted or attached to the wall of a building or structure, rather the proposed sign is affixed to an awning/canopy sign.
5. Section 11.10.17 contains a description, not the definition, of a Wall Sign. Further, the description states the sign can be located above an awning, not affixed thereto, since a building with an awning/canopy is permitted to have both a Wall Sign and an Awning/Canopy sing in the same general vicinity.

The applicant submitted an Appeal of Administrative Decision on July 26, 2023.

STAFF RECOMMENDATION

Staff recommends that the Board of Adjustment concur that the proposed sign is not a Wall Sign as defined in the Town's Unified Development Ordinance and uphold the Administrative Decision dated June 30, 2023.

ATTACHMENT

Attachment A:	Application
Attachment B:	Maps
Attachment C:	June 30, 2023 Administrative Decision
Attachment D:	September 2022 Sign Permit Submittal
Attachment E:	Gas Station Canopy Email and Size
Attachment F:	UDO Chapter 11, Sections 15.6.1 and 17.4

Appeal of Administrative Decision Application

(Appeal of Administrative Decision Workflow)

Town of Wake Forest, NC
301 S. Brooks St.
Wake Forest, NC 27587-2932
TEL (919) 435-9510 | FAX (919) 435-9539

Project Overview #1069030

Project Title: The Factory - Signage
Application Type: Appeal of Administrative Decision
Workflow: Appeal of Administrative Decision

Jurisdiction: Town of Wake Forest (Wake County)
State: NC
County: Wake

Address & Basic Site Information

Please Note:
In some cases, a parcel address may not verify. In the event that our system is unable to verify the address you enter, please submit the project as an *Unverified Parcel* and provide zoning and land use information as requested below. For verified addresses, the zoning and land use information will be added to the application automatically (you do not need to provide it below).

Project Address or PIN:
- 1839 S Main St STE 112 (1840012345)
- 1839 S Main St STE 112 (1840012345)

Tax PIN:
- 1840012345
- 1840012345

Acreage: 18.73

Name of Existing Development/Subdivision (if applicable--for reference only): The Factory

For unverified addresses/parcels only, please provide below 1) the current use of the parcel, 2) the zoning district(s) it is in, and 3) any overlay districts that apply. Reference the zoning map and the overlay districts map on the town's website.

Current Use & Zoning (required only if address/parcel is unverified):

*Note: Projects falling outside the limits of the Town or ETJ will be required to submit an annexation petition in conjunction with their project submittal. In this case, please return to the home screen and select **Annexation Petition** from the application type drop down.*

GIS Site Information (Automatically Generated - Not Available for Unverified Addresses)

Parcel Area: GIS Acreage
- 1839 S Main St STE 112: 18.73
- 1839 S Main St STE 112: 18.73

Current Use: Land Use Development
- 1839 S Main St STE 112: Commercial
- 1839 S Main St STE 112: Commercial

Wake Forest (WF): Town Limits
- 1839 S Main St STE 112: WF
- 1839 S Main St STE 112: WF

Planning and Zoning: Jurisdiction
- 1839 S Main St STE 112: WAKE FOREST
- 1839 S Main St STE 112: WAKE FOREST

Base District: Zoning
- 1839 S Main St STE 112: HB
- 1839 S Main St STE 112: HB

In SH1-O Overlay:

In SH2-O Overlay:

In Water Supply Watershed Protection Overlay:

In TND Overlay:

In SF Overlay:

In HL-O Overlay:

In MVCP-O Overlay:

In National Register of Historic Places:

In Flood Hazard Area:

Additional Zoning Information

Currently a Conditional District?: No

Currently a Conditional Use?: No

Is there an existing Special Use Permit for the Property?: No

Related Town of Wake Forest Case Numbers: 972424 (The Factory - Signage Variance)

Project Contacts

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
Samuel Morris
Longleaf Law Partners
2235 Gateway Access Point, Suite 201
Raleigh, NC 27607
P:919.645.4317
smorris@longleaflp.com

Project Contact - Attorney
Michael Birch
Longleaf Law Partners
4509 Creedmoor Road, Suite 302
Raleigh , NC 27612
P:919-645-4317
mbirch@longleaflp.com

Project Contact - Property Owner
Richard Robbins
THE MACSYDNEY COMPANY II, LLC & PHYLESTHER II, LLC
125 E 26th St
New York, NY 10010
P:(919) 867-1640
rlrny@msn.com

Appeal of Administrative Decision

Have you received an official determination?: Yes

Description of Request:
Appeal of Wake Forest Planning Director's June 30, 2023 interpretation that The Factory's proposed Main Entrance sign does not qualify as a "wall sign" under UDO Section 11.10.17.

Please upload relevant information as may reasonably allow the Board of Adjustment to understand the basis for the applicant's appeal.

TOWN of WAKE FOREST

Agent Authortization Form

The Wake Forest Unified Development Ordinance (UDO) states that applications for development approvals may only be made by the landowner, a lessee or person holding an option or contract to purchase or lease the land, or an authorized agent of the landowner (see Sec. 15.2.5.C). This agent authorization form must be signed by the landowner and included with any application not submitted by the landowner or lessee as specified above. If more than one landowner is involved, a separate agent authorization form must be submitted by each landowner.

Address(es) and Tax PIN(s) for which authorization is granted: 1839 S Main Street (PIN 1840012345)

Landowner's name*: Phylesther II, LLC

Application(s) for which authorization is granted (e.g., Rezoning, Special Use Permit): The Factory - Appeal of Adminstrative Decision

Person authorized to submit application(s) as landowner's agent *(must be the same person listed as the applicant on the application form)*: Samuel Morris, Longleaf Law Partners

Landowner's Signature:

Date: 7/24/23

Please provide below the name, address, and other information of the person signing this form.

Name: Richard Robbins

Address: 125 E 26th St., New York, NY 10010

Telephone number: 917 545 5193

Email address: rlrny@mns.com

If signing for a corporation or other entity, please specify title and/or relationship to the corporation or other entity *(e.g., Member, Executive Officer)*: Manager

**Owner of record as shown on the latest equalized assessment rolls of Wake County, or, if ownership has recently been transferred, the grantee shown on the recorded deed (a copy of the deed must accompany this form).*

TOWN of WAKE FOREST

Agent Authortization Form

The Wake Forest Unified Development Ordinance (UDO) states that applications for development approvals may only be made by the landowner, a lessee or person holding an option or contract to purchase or lease the land, or an authorized agent of the landowner (see Sec. 15.2.5.C). This agent authorization form must be signed by the landowner and included with any application not submitted by the landowner or lessee as specified above. If more than one landowner is involved, a separate agent authorization form must be submitted by each landowner.

Address(es) and Tax PIN(s) for which authorization is granted: 1839 S Main Street (PIN 1840012345)

Landowner's name*: The Macsydney Company II, LLC

Application(s) for which authorization is granted (e.g., Rezoning, Special Use Permit): The Factory - Appeal of Administrative Decision

Person authorized to submit application(s) as landowner's agent *(must be the same person listed as the applicant on the application form)*: Samuel Morris, Longleaf Law Partners

Landowner's Signature:

Date: 7/24/23

Please provide below the name, address, and other information of the person signing this form.

Name: Richard Robbins

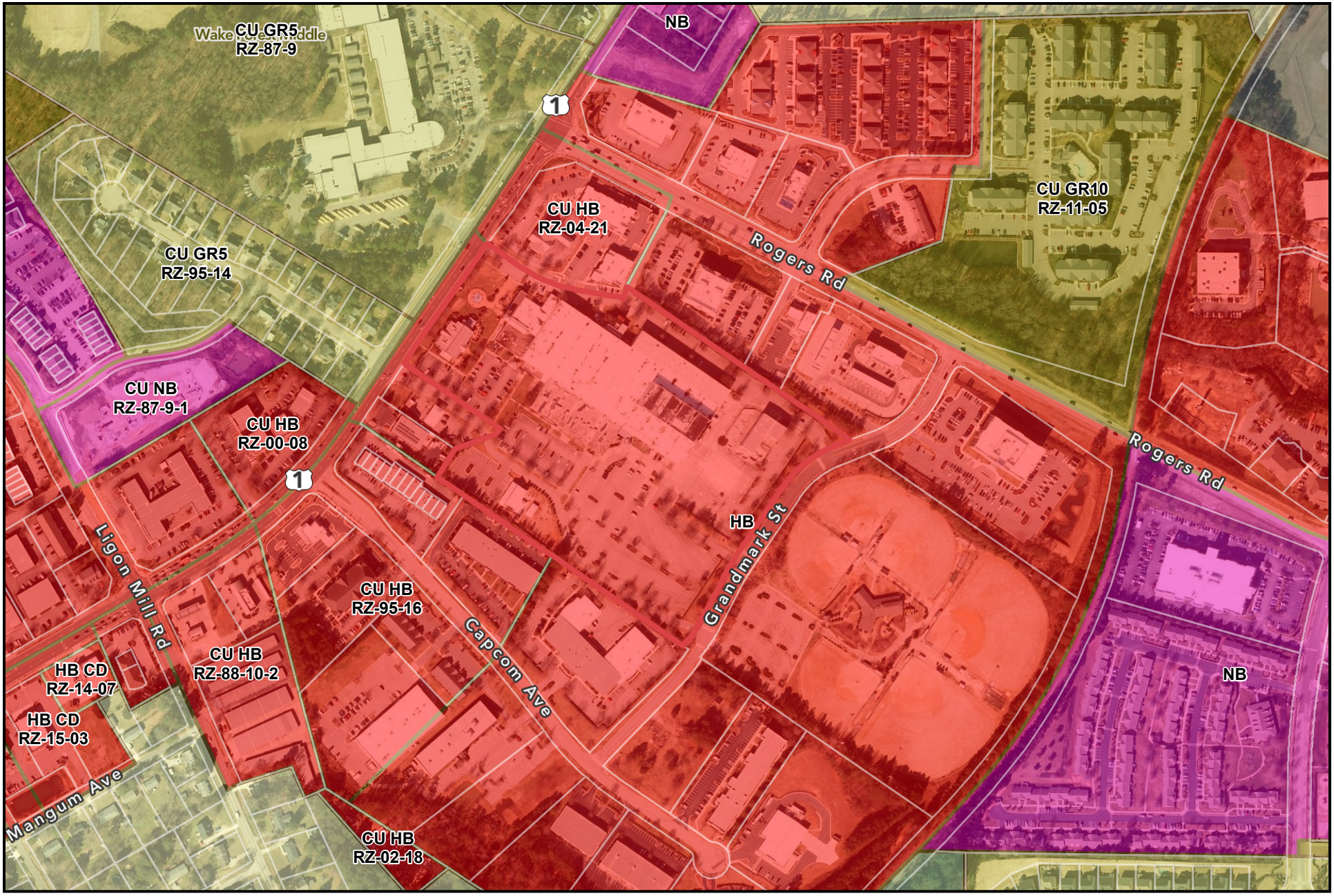
Address: 125 E 26th St., New York, NY 10010

Telephone number: 917 545 5193

Email address: rlrny@mns.com

If signing for a corporation or other entity, please specify title and/or relationship to the corporation or other entity *(e.g., Member, Executive Officer)*: Manager

**Owner of record as shown on the latest equalized assessment rolls of Wake County, or, if ownership has recently been transferred, the grantee shown on the recorded deed (a copy of the deed must accompany this form).*



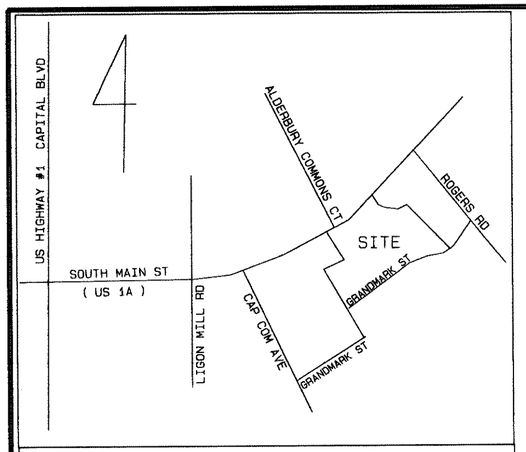
N

0 200 400 800 ft

1 inch equals 400 feet

Disclaimer

*iMaps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are **NOT** surveys. No warranties, expressed or implied ,are provided for the data therein, its use,or its interpretation.*



VICINITY MAP NTS

STATE OF NORTH CAROLINA WAKE COUNTY

I, SCOTT WILSON, DO HEREBY CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK SEE, PAGE REF; THAT THE RATIO OF PRECISION AS CALCULATED IS 1: 10,000; THAT THE BOUNDARY LINES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN REFERENCE CITED; THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 1st DAY OF DEC 2005.

SIGNED: PLS3 L-2601

NORTH CAROLINA PROFESSIONAL SEAL L-2601 LAND SURVEYOR SCOTT WILSON

I, SCOTT WILSON, PROFESSIONAL LAND SURVEYOR NO. L-2601 CERTIFY THAT THIS PLAT IS A RECOMBINATION SURVEY OF AN EXISTING PARCEL OR PARCELS OF LAND.

SCOTT WILSON, P.L.S. L-2601

NOTES:
1) PROPERTY SUBJECT TO UTILITY EASEMENTS OF RECORD.
2) AREA COMPUTED BY COORDINATE GEOMETRY.
3) THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND MAY BE SUBJECT TO ANY MATTERS THAT A FULL TITLE SEARCH WOULD DISCLOSE.
4) NO FEMA DESIGNATED FLOOD HAZARD AREAS ON SITE. FEMA FIRM PANELS 3718301 60 E & 3718301 76 E, ZONE X EFFECTIVE DATE MARCH 3, 1992 AND THE UNOFFICIAL REVISED WAKE COUNTY FLOOD MAPS PANEL 3720184000J. EFFECTIVE DATE TO BE DETERMINED.
5) ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES.
6) LOT 1 ZONED: I
   LOT 3 ZONED: HB-CU
   LOT #3 CASE #RZ-04-21
7) PROJECT APPROVED THROUGH CASE NOS. SU-03-06 & SU-03-06(A).
8) ALL LOTS SUBJECT TO A 10' UTILITY EASEMENT ENVELOPE.
9) IRON PIPES SET ALL PROPERTY CORNERS. COTTON SPINDLES SET AT CORNERS THAT FALL IN ASPHALT AREAS.
10) MAINTENANCE OF PUBLIC DRAINAGE EASEMENT TERMINATES AT END OF PIPE/STRUCTURE. THE REMAINDER OF THE EASEMENT IS PRIVATE.
11) ALL EASEMENTS ARE CENTERED ON PIPE/FACILITY UNLESS OTHERWISE NOTED.

LEGEND
EIP = EXISTING IRON PIPE
ECM = EXISTING CONCRETE MONUMENT
NIP = NEW IRON PIPE
NCM = NEW CONCRETE MONUMENT
MH = MANHOLE
PP = POWER POLE

CERTIFICATE OF OWNERSHIP AND DEDICATION

I hereby certify that I am the owner of the property shown and described hereon, which is located in the subdivision jurisdiction of Wake Forest, and that I hereby adopt this plan of subdivision with my free consent, establish minimum building setback lines, and dedicate all streets, alleys, walks, parks, and other sites and easements to public or private use as noted. Furthermore, I hereby dedicate all sanitary sewer, storm and water lines to the Town of Wake Forest or other public agency as note on this plat.

12-9-05 DATE — FACTORY, LLC. BY OWNER

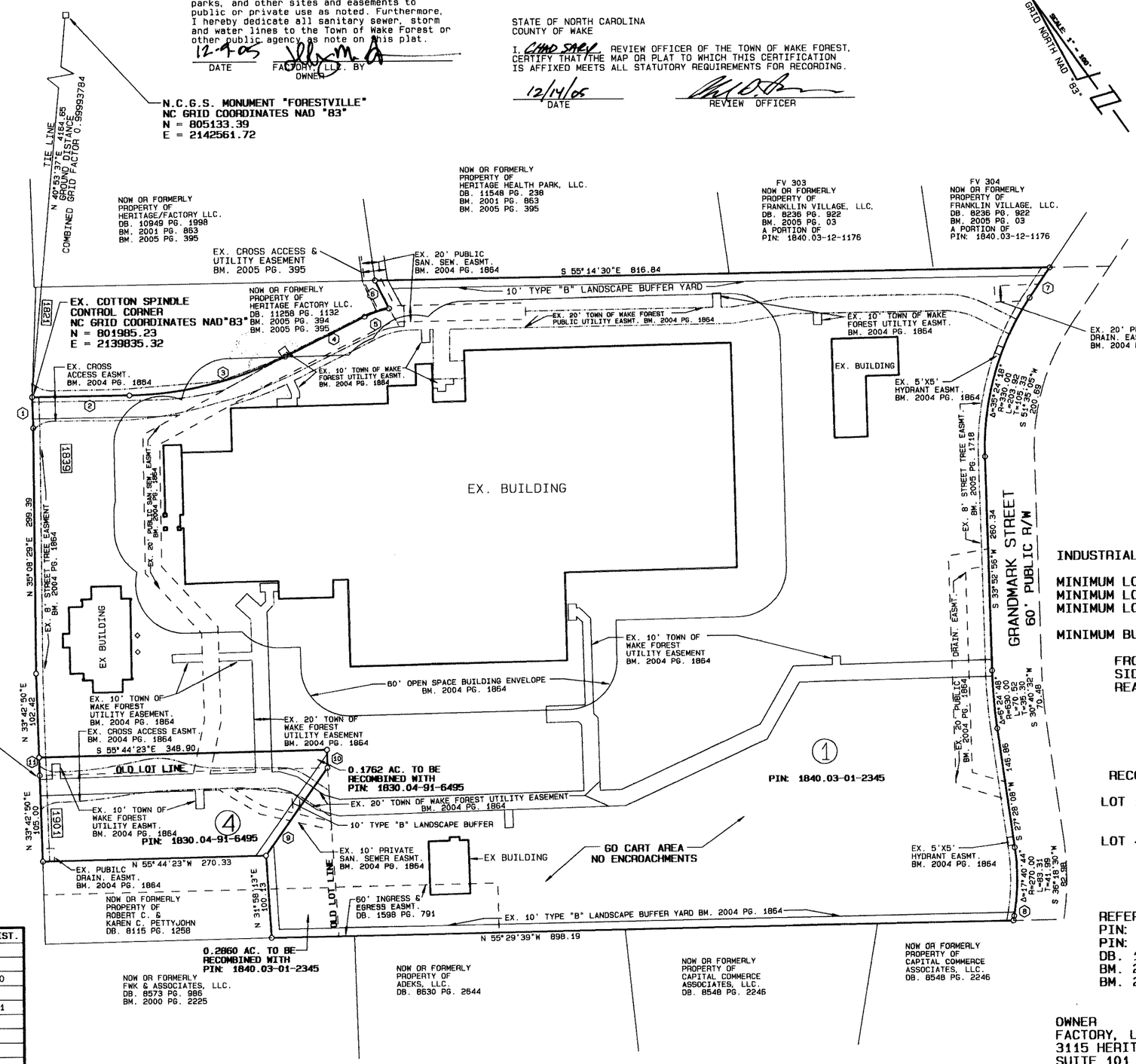
Approved for recording by the Town of Wake Forest.

12-15-2005 Date — Town Clerk

STATE OF NORTH CAROLINA
COUNTY OF WAKE

I, CHAD SAEVA, REVIEW OFFICER OF THE TOWN OF WAKE FOREST, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

12/14/05 DATE — REVIEW OFFICER



INDUSTRIAL DISTRICT

MINIMUM LOT SIZE = 40,000 SF.
MINIMUM LOT WIDTH = 100 FEET
MINIMUM LOT DEPTH = 150 FEET

MINIMUM BUILDING SETBACKS

FRONT YARD = 30 FEET
SIDE YARD = 15 FEET
REAR YARD = 20 FEET

RECOMBINED AREAS

LOT 1 = 18.7290 AC.
= 815834 SF.

LOT 4 = 0.9222 AC.
= 40172 SF.

REFERENCES
PIN: 1840.03-01-2345
PIN: 1830.04-91-6495
DB. 10420 PG. 1796
BM. 2004 PG. 1864
BM. 2005 PG. 394

OWNER
FACTORY, LLC.
3115 HERITAGE TRADE DRIVE
SUITE 101
WAKE FOREST, N.C. 27587

DATA

	DELTA/BEARING	RADIUS	LEN./DIST.	TANGENT	CHORD BEARING	CHORD DIST.
1	N 33°59'33"E		37.67			
2	S 55°14'30"E		117.70			
3	25°34'41"	438.87	195.92	99.62	S 68°01'51"E	194.30
4	S 80°49'11"E		107.91			
5	16°17'56"	111.13	31.61	15.91	S 72°40'13"E	31.51
6	N 09°10'40"E		38.06			
7	S 69°17'14"W		44.47			
8	S 45°08'52"W		5.64			
9	S 70°38'37"W		130.42			
10	S 34°15'37"W		22.00			
11	N 33°42'50"E		22.00			

RECORDED IN BOOK OF MAPS 2005, PAGE 2465, WAKE COUNTY REGISTRY.

WAKE COUNTY, NC 376
LAURA M RIDDICK
REGISTER OF DEEDS
PRESENTED & RECORDED ON
12/15/2005 AT 14:39:16

BOOK:BM2005 PAGE:02465

REV.	DATE	DESCRIPTION

BASS, NIXON & KENNEDY, INC.
CONSULTING ENGINEERS
6310 CHAPEL HILL ROAD
SUITE 250
RALEIGH, NORTH CAROLINA 27607
919-851-4422 FAX 919-851-8968

SURVEYED BY JGS
DRAWN BY TGP
CHECKED BY GSW
DATE 10/12/2005

RECOMBINATION PLAT
FOR
LOTS 1 & 4
FACTORY, LLC.
WAKE FOREST, WAKE CO., N.C.

SHEET OF

LOTS 1 & 4 RECOMBINATION PLAT - 38[0,743]PF: 02621 1150 29-Nov-05 01:02 PM / S02621000-1

TOWN *of*
WAKE FOREST

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

www.wakeforestnc.gov

June 30, 2023

Samuel Morris, Esquire
45809 Creedmoor Rad, Shite 302
Raleigh, North Carolina 27612

RE: Wall Sign Interpretation (The Factory)

Dear Mr. Morris,

This letter provides you an interpretation on your request from the Planning Director to determine if the proposed main entrance sign qualifies as a wall sign under UDO Section 11.10.17.

Request

The applicant is requesting an interpretation on behalf of the property owner, The MacSydney Company II, LLC & Phylesther II, LLC, as described in Attachment 1. Specifically, the applicant is requesting a formal decision on the main entrance sign (Exhibit A) and if said sign qualifies as a wall sign under Unified Development Ordinance (UDO) Section 11.10.17.

Definitions

Section 17.4 of the UDO (July 19, 2022 version) provides the following definitions.

- An Awning/Canopy Sign is defined as signs integrated into traditional storefront awnings that project over a sidewalk from the building façade.
- A Wall Sign is defined as flat signs or lettering which are painted or attached to the wall of a building or structure.

Section 17.1 states that for the purpose of interpreting the UDO, certain words, concepts, and ideas are defined and when not defined all other words used shall have their everyday meaning as determined by their dictionary definition. Merriam-Webster provides the following definitions.

- An awning is defined as a rooflike cover extending over or in front of a place (as over the deck or in front of a door or window) as a shelter.
- A canopy is defined as a raised covering over something for decoration or protection.

Dimensional Standards

The UDO (July 19, 2022 version) provides the following dimensional standards for signs.

- Awning/Canopy Signs shall be 50% or less of the awning area per Table 11.8. Further, Section 11.10.2 provides an illustrative example of a fabric awning complying with this standard. Illustrative example provided below:

- Walls Signs in the Highway Business (HB) District allow up to 1.5 sq ft per linear ft of storefront for the front facade and up to 1 sq ft per linear ft of building wall for the side and rear facades. In addition, wall signs shall protrude no more than 12 inches.

Background

ASI North Carolina, on behalf of the property owner, submitted a monument and wall sign application package in October of 2022. As part of the initial review, staff stated the proposed sign (Exhibit A) did not comply with the UDO standards, specifically the Awning/Canopy Sign standards, and the applicant either needed to revise the proposed location or size to comply. After listening to the applicant's concerns, Town staff offered to allow the applicant to submit Exhibit A as gas station canopy since the Awning/Canopy sign requirements as defined on page 1 of this determination are intended for fabric, not metal awnings/canopies, and this was the closest equivalent sign option in the UDO. The applicant opted not to comply with these standards since a larger sign affixed to the canopy was desired than what was permitted under the gas station canopy standards.

Section 11.10.17, Wall Signs, of the UDO describes wall signs as flat signs, channel lettering, or three-dimensional signs which are painted or attached (parallel) to the wall of a building or structure, including located above a flat awning. This description varies from the definition, and wording variation between definitions in Section 17.4 and Section 11.10 is standard for many sign types. For example, there is similar wording variation for Window/Door Signs and Marque Signs. For the Wall Sign description, the intent is to illustrate that a single entrance can have both a Wall Sign and an Awning/Canopy Sign at the same building entrance. More specifically, this description states a Wall Sign can be located above, not affixed to, a flat awning.

Determination

In review of the foregoing, I find the following:

1. Section 17, Definitions, of the UDO is used to define terms in the UDO.
2. Section 11.10.17 of the UDO is not used to define terms in the UDO.
3. Exhibit A is an Awning/Canopy Sign since the proposed sign is integrated into a traditional storefront awning that projects over a sidewalk from the building façade.
4. Exhibit A is not a Wall Sign per Section 17.4 since the proposed sign is not painted or attached to the wall of a building or structure, rather the proposed sign is affixed to an awning/canopy.
5. Section 11.10.17 contains a description, not the definition, of a Wall Sign. Further, the description states the sign can be located above an awning, not affixed thereto, since a building with an awning/canopy is permitted to have both a Wall Sign and an Awning/Canopy Sign in the same general vicinity.

This interpretation is binding on subsequent decisions by the Planning Director in applying the same provisions of the UDO, unless the interpretation is reversed or modified by the Board of Adjustment or a court of law or the Board of Commissioners adopts subsequent modifications to UDO cited in this letter.

Any party aggrieved by this interpretation may appeal the interpretation to the Board of Adjustment by submitting an Appeal application to the Planning Director in accordance with Section 15.12, Appeals of Administrative Decisions, in the UDO. If afforded the right in under state law, the aforementioned appeal step may not be required. Please do not hesitate to contact me at ctanner@wakeforestnc.gov or 919-435-9536 if you have any questions.

Sincerely,

Courtney Tanner

Courtney Tanner, AICP, CZO
Planning Director

Cc: Emma Linn, Planner II – Long Range Planning
Jennifer Currin, Assistant Planning Director
Hassan Kingsberry, Town Attorney
Wake Forest Current Planning Division

Attachments: Attachment 1 - Letter from Samuel Morris with Exhibits A to C

Emma,

The owners of The Factory at 1839 S Main St, Wake Forest, NC 27587 (Wake County PIN 1840012345) ("The Factory") would like to request a formal determination that The Factory's proposed Main Entrance sign qualifies as a Wall Sign under UDO Section 11.10.17.

Do not feel that you need to render a formal decision prior to our meeting next week. We are happy to discuss any questions you have about this interpretation request during our meeting.

Background
The Factory is in the process of redesigning the signage plan on its property in order to make the property more functional for its patrons and attractive to people travelling in the right-of-way. This new signage plan includes new entry monuments, directional signs, directory kiosks, and building entrance signs. Having adequate and effectively located signage is extremely important for The Factory because it is a re-purposed building that was not originally designed for the current multi-tenant use and is located on a very large lot that has only a small amount of public road frontage. These locational challenges call for creative signage solutions on The Factory property. Part of the new signage plan at The Factory includes a new Main Entrance sign. Please see Exhibit A attached for reference.

Analysis
The Factory's proposed Main Entrance sign qualifies as a Wall Sign under UDO Section 11.10.17.

Zoning ordinances are strictly construed in favor of the free use of property. *See City of Sanford v. Dandy Signs, Inc.*, 62 N.C. App. 568, 569, 303 S.E.2d 228, 230 (1983). "When statutory language is clear and unambiguous, `words in a statute must be construed in accordance with their plain meaning unless the statute provides an alternative meaning.'" *Procter v. City of Raleigh Bd. of Adjust.*, 140 N.C. App. 784, 785-86, 538 S.E.2d 621, 622 (2000). UDO Section 11.10.17 says that "Wall Signs" are defined as "[f]lat signs, channel lettering, or three-dimensional signs which are painted or attached (parallel) to the wall of a building or structure, including located above a flat awning." The Wake Forest UDO's definition of Wall Signs is not limited to only those that are immediately attached to the exterior wall/façade of the building. Rather, it states that Walls Signs also include signs that are attached "to a structure, including above a flat awning."

The Factory's proposed Main Entrance sign is the type of sign "located above a flat awning" that is explicitly contemplated by the UDO's definition of Wall Sign. The plain meaning of the ordinance makes clear that wall signs can either be attached to a "[a] wall or [b] structure" associated with a building. Moreover, the ordinance specifically identifies type of sign that is permitted under subcategory [b] (signs "attached to a structure") – signs that are "*located above a flat awning*" (emphasis added). This makes sense because signs that are attached to and located above an awning structure are extremely common and ought to be treated the same as signs that attached directly to the wall. Please see Exhibit B attached for examples of signs that are located above a flat awning structure. This is the type of sign being described when the definition of Wall Sign says language says "or to a structure, including above a flat awning."
The proposed Main Entrance sign does not meet the definition of "Awning/Canopy Sign" under UDO Section 11.10.2, which includes "[s]igns integrated into traditional storefront awnings that project over a sidewalk from the building façade." The proposed Main Entrance sign is not integrated into a traditional storefront awning and it does not project over a sidewalk from the building façade. See Exhibit C for examples of "traditional storefront awnings" including the example included in the Wake Forest

EXHIBIT A

EXHIBIT B

MEN'S WEARHOUSE

HOMEWOOD SUITES

NOW LEASING
CHROMA

Fresh Fields
WHOLE FOODS MARKET
STARBUCKS COFFEE

EXHIBIT C

11.10.2. Awning/Canopy Signs

11. Signs

11.1. General Purpose And Intent

It is the purpose of this chapter to authorize the use of signs whose size, type, and location are compatible with their surroundings; to ensure signs do not become a public hazard, traffic hazard, or nuisance; to preserve the characteristics of each district; and to protect and enhance the overall appearance of the community. It is not the intent of this chapter to prohibit any sign, display, or device containing any lawful, noncommercial message.

11.2. Applicability

All signs within the Town of Wake Forest's jurisdiction area shall be covered by these regulations and be erected, constructed, or maintained in accordance with the provisions of this section.

11.2.1. Permits Required

A. Except as provided otherwise in Sections 11.8 and 11.9 or elsewhere in this chapter, it shall be unlawful for any person to erect, construct, enlarge, move, or replace any sign without first obtaining a sign permit, in accordance with the Development Permit process in Section 15.6.1, from the Administrator to ensure compliance with the provisions of this ordinance.

B. Additional permits may be necessary pursuant to the regulations in the state building code or other sections of this ordinance.

11.2.2. Alteration of Sign Face

Cleaning, electrical repair, resurfacing, and other maintenance of a sign shall not require a permit. The changing of tenant name panels on multiple-tenant development signage and the change of copy on other signs specifically designed for changeable copy shall not require a permit.

11.2.3. Master Sign Plan

A master sign plan shall be required for Planned Unit Development Districts. The master sign plan is used for establishing the parameters for the size, location, and design of signs for a large, single development.

11.3. Computation of Signage Measurements

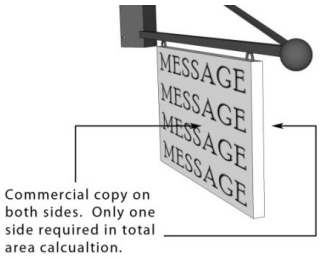
11.3.1. Computation of Sign Area

A. The area of a sign face shall be deemed to be the entire area within the smallest polygon that will encompass the extreme limits of the writing, representation, emblem, or other display on the sign that can be reasonably calculated.

B. The area shall also include any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed.

C. Frames or structural members not bearing informational or representational matter shall not be included in computation of the area of a sign face.

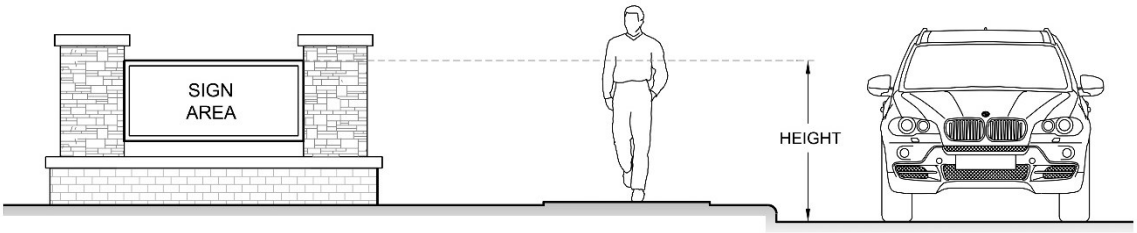
D. All sides of a multi-sided sign shall be included in the computation of area, except that the total area of a 2-sided back-to-back to sign shall only be calculated as the area of one of the sides as illustrated at right.



11.3.2. Computation of Height

A. **Attached Signs:** The sign height for attached signs shall be computed as the distance from the finished grade at the base of the building to which the sign is attached to the top of the highest component of the sign.

~~B.~~ **Freestanding Signs:** The maximum height shall be as measured from street grade or the sidewalk (where one exists), whichever is lower.



11.4. General Provisions

11.4.1. Location and Encroachment

A. Permitted signs shall be located outside of the street right-of-way, behind sidewalk areas, and outside of required site triangles, except where encroachments are specifically permitted by the provisions of this chapter.

B. If an encroachment into the public right-of-way is proposed, an encroachment agreement must be granted by the Town or NCDOT prior to applying for a permit; or placing a sign if a permit is not required.

C. All attached signs shall be mounted and attached to buildings in a secure manner, shall not include wire or turnbuckle guy, and shall be maintained in good repair for safety and appearance.

D. Non-governmental signs shall not be attached to or painted on power poles, light poles, telephone poles, traffic signs, or other objects not intended to support a sign. Utility pole banners require a permit per Section 11.11.1.

11.4.2. Materials, Structural, and Placement Requirements

A. All attached signs and sign support frames shall be mounted and attached to building in a secure manner, shall not include wire or turnbuckle guy, and shall be maintained in good repair for safety and appearance.

B. All permanently installed signs shall be able to resist normal loads from positive and negative wind pressure, snow, and other conditions as required by the current edition of the North Carolina version of the International Building Code.

C. The Administrator and/or the Building Inspector reserves the right to require sign load calculations and attachment design from a state licensed structural engineer, and to require same engineer to certify the sign installation in writing.

D. All attached signs shall be placed on buildings with care as to not cover or cause damage to any architectural feature on the subject building, including windows or any part of a window.

11.5. Nonconforming Signs

11.5.1. Limitation On Non-Conforming Signs

Signs erected after the passage of this section shall conform to the standards set forth herein. All legal nonconforming signs in existence as of the effective date of this chapter may be continued and shall be maintained in good condition. Nothing in this ordinance shall prevent the normal maintenance of an existing non-conforming sign. However, a nonconforming sign shall not be:

A. Changed to another type or shape of nonconforming sign; however, the copy, content, or message of the sign may be changed so long as the shape or size of the sign is not altered.

B. Structurally altered, except for normal maintenance.

C. Physically expanded, enlarged, or extended in any manner.

D. Reestablished after discontinuance for 30 days unless such sign is designated as a local landmark.

E. Reestablished after the sign is removed, except for normal maintenance; unless such sign designated as a local landmark.

F. Reestablished after damage or destruction where the estimated expense of reconstruction exceeds 33% of the appraised replacement cost of the sign in its entirety.

11.6. Sign Illumination

A. **Prohibited Lighting:** No flashing or intermittent illumination shall be permitted on any advertising sign or structure. No internal illumination shall occur within a National Register Historic District.

B. **Shielding Required:** Any indirect lighting or spot lighting shall require complete shielding of all light sources so as to illuminate only the face of the sign and prevent glare from off-site.

C. **Lighting to Comply with Chapter 10:** All sign illumination shall be in conformance with Chapter 10, Lighting.

11.7. Maintenance And Inspection Of Signs

Signs shall be kept in proper repair. The following maintenance requirements must be observed for all signs visible from any public street or highway within the jurisdiction of the Town of Wake Forest.

11.7.1. Damaged Signs

A. **Surface Appearance:** No sign shall have more than 20% of its surface area covered with disfigured, cracked, ripped, or peeling paint or poster paper for a period of more than 30 successive days.

B. **Broken Displays:** No sign shall remain with a bent or broken display area, broken supports, loose appendages, or struts or stand more than 15 degrees from the perpendicular for a period of more than 30 successive days.

C. **Illuminated Signs:** No indirect or internally illuminated sign shall have only partial illumination for a period of more than 30 successive days.

11.7.2. Inspections

All signs for which a permit is required shall be subject to inspection by the town. A representative of the town shall be authorized to enter at all reasonable times upon any property or premises to ascertain whether the provisions of the code are being obeyed.

The town may order the removal of any sign that is not in accordance with the provisions of the code.

11.7.3. Enforcement

A. **Substandard Signs:** The owners of any sign judged substandard by the Town of Wake Forest Zoning and Code Enforcement Officer shall be notified in writing and the said owner shall have 30 days in which to make repairs. If the said order is not complied with within 30 days, the Zoning Enforcement Officer shall remove such sign at the expense of the owner or lessee thereof plus administrative fees.

B. **Signs on Public Property:** Any sign installed or placed on public property or within a public right-of-way shall be forfeited to the public and is subject to confiscation and disposal. In addition to other remedies hereunder, the Administrator shall have the right to recover from the property owner, business owner, or person placing such a sign the full costs of removal and disposal of such sign.

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	11.10.6	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	-	-	-	-	-	-
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 pricer, 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

Sign Type	Conditions	Permitted Location	Max. Area	Maximum. Height	Permit Required	Max. Number	Illumination
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 11.10.10.B	External Only
Murals/Wall Art	11.10.11	HB, NB, NMX, LI, HI, RA-HC, 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 1st 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

Sign Type	Conditions	Permitted Location	Max. Area	Maximum. Height	Permit Required	Max. Number	Illumination
Vending Machine/Automatic Teller & Gasoline Pump Signs	11.10.16	Located on machine only	n/a	n/a	No	1 per machine	Not allowed
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				

11.9. Temporary Signage Standards

Sign Type	Conditions	Permitted Location	Max. Area	Maximum Height	Permit Required	Max. Number	Illumination
Banners	11.11.1	-	-	-	-	-	-
A. Special Event	11.11.1	All Districts	32 sq ft	4 ft	Yes	1 banner per street frontage	Not allowed
B. Grand Opening	11.11.1	All Districts	32 sq ft	4 ft	Yes	1 banner per street frontage	Not allowed

Sign Type	Conditions	Permitted Location	Max. Area	Maximum Height	Permit Required	Max. Number	Illumination
C. Utility Pole	11.11.1	All Districts	a. 3'x8' or; b. 3' 1/2 "x 5'1/2" * All utility pole signs placed within a development shall be same dimensions.	To be determined by utility provider	Yes	Single Light Pole: 1 banner Double Light Pole: 2 banners	Streetlight is only illumination allowed
Construction Project Signs	11.11.2	-	-	-	-	-	-
A. Non-Residential	11.11.2	All Commercial Districts	New Construction 32 sq ft	New Construction 8 ft	Yes	New Project 1 per street frontage	External Only
			Renovation Project 16 sq ft	Renovations 6 ft		Renovation 1 per project.	
B. Residential	11.11.2	All Residential Districts	New Construction 32 sq ft	New Construction 8 ft	Yes	New Construction 1 per main entrance of each phase (applicable for new subdivisions only)	External Only
			Renovation Project 16 sq ft	Renovations 6 ft		Renovation One per project.	
Flags	11.11.3	All Districts	15 sq ft	n/a	No	See 11.11.3	External Only
Holiday Decorations	11.11.4	All Districts	n/a	n/a	No	n/a	Internal or External
Model Homes/Sales Office Signs	11.11.5	All Districts: Only on model homes and lots used as sales offices for single-family residential subdivisions	Model Home 16 sq ft Sales Office 32 sq ft	8 ft	Yes	One per lot	Not allowed
Political Signs	11.11.6	All Districts	4 sq ft	4 ft	No	n/a	Not allowed
Portable / A-Frame Signs	11.11.7	All Districts	12 sq ft per side	4.5 ft	No	1 per tenant	Not allowed
Public Event Signs	11.11.8	All Districts	n/a	n/a	Yes	n/a	External Only
Real Estate Signs	11.11.9	All Districts	See 11.11.9	See 11.11.9	No	1 per street frontage	Not allowed

Sign Type	Conditions	Permitted Location	Max. Area	Maximum Height	Permit Required	Max. Number	Illumination
Residential Temporary Signage	11.11.10	-	-	-	-	-	-
Marketing	11.11.10	New Subdivisions, TNDs, or multi-family developments	12 sq ft	6 ft	Yes	4 per development	External Only
Directional	11.11.10	New Subdivisions, TNDs, or multi-family developments	4 sq ft	4 ft	Yes	4 per development	External Only
Yard Sale Signs	11.11.11	All districts	4 sq ft	4 ft	No	1 per street frontage	Not allowed

11.10. Permanent Signage Additional Standards

11.10.1. Address/Tenant Identification Signs

Incidental signs that list tenants, unit numbers, address, contact information, hours of operation, and similar non-commercial characteristics, in a multi-tenant building with common entry.

11.10.2. Awning/Canopy Signs

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

11.10.3. Directional Signs On Private Property

A. All such signs shall be permitted on non-residential property only.

B. Directional signs must be located on the premises to which directions are indicated.

C. Such signs may contain no copy (i.e., company name or logo) other than directional information.

D. Shall be a minimum of five (5) feet from right-of-way.

11.10.4. Drive-Thru Menu Boards

A. **Location/Placement:** Menu boards shall be allowed only as an accessory use to a restaurant having a drive-through window.

11.10.5. Electronic Message Boards

A. **Message Variation:** The electronic message shall not change in increments of less than 2 minutes and shall not scroll. New messages shall be timed to fade in and out slowly.

B. **Message and Background Color:** The background color shall be black with no illumination; text and graphics shall be of red or amber color only. Only one color may be displayed.

11.10.6. Gas Station Pricing

A. Canopy Signs

1. Canopy signs shall not extend beyond the ends or extremities of the canopy to which they are attached.

2. Sign shall only have changeable pricing and company name and logo.

B. Monument Signs

1. The LED pricing portion of the monument sign must be incorporated into a monument sign regulated under Section 11.10.10.

C. Wall Signs

1. An LED pricing sign is exempt from the requirements of 11.10.5. The maximum size allowed for the wall pricing sign is 16 square feet counts towards the total allowable wall signage.

11.10.7. Governmental Signs

A. Signs posted by various local, state, and federal agencies in the performance of their duties such as regulatory signs, welcome signs, and traffic signs.

B. Signs installed under governmental authority which note the donation of buildings, structures, or streetscape materials (such as, but not limited to benches, park facilities, etc.).

11.10.8. Incidental Signs

A. Signs posted upon private property containing information necessary or convenient for persons coming on a premise shall be located on the premises to which the information pertains. Examples include private parking, warning the public against trespassing, against danger from animals or other dangers or dangerous conditions.

B. Signs that indicate towing shall be no smaller than 24” x 24” and be prominently displayed at the entrance thereto, displaying the name and phone number of the towing and storage company, and, if individually owned or leased, the parking lot or spaces within the lot are clearly marked by signs setting forth the name of each individual lessee or owner.

C. No advertising, including names or logos, may be affixed to such a sign.

D. Such signs must be single faced only and wholly attached to a building (may be located on windows or doors) or on posts throughout the site.

11.10.9. Legal and Warning Signs

A. Signs erected to warn of danger or hazardous conditions such as signs erected by public utility companies or construction companies.

B. Signs required for or specifically authorized for a public purpose by any law, statute, or ordinance.

C. Signs that display information pertinent to the safety or legal responsibilities of the general public regarding a particular piece of property shall be located on the premises to which the information pertains. No advertising may be affixed to such a sign.

11.10.10. Monument Signs

A sign supported permanently upon the ground by a continuous base or two (2) or more support posts at the outside edge, not attached to any building, and meets the conditions below.

A. Non-Residential Development Signage:

1. Requirements vary by commercial zoning district, for specific requirements please refer to Table-11.8.

B. Residential Development Signage:

1. Each subdivision, traditional neighborhood development, or multi-family development is permitted a maximum of 2 permanent monument signs to be located at each major entrance to the residential development.
2. Where a subdivision, traditional neighborhood development, or multi-family development contains defined neighborhoods, 1 monument sign is permitted for each entrance indicating that neighborhood's name only.
3. Signs are permitted on decorative or retaining walls at entrances to residential developments without limitation to size of the wall.
4. Monument signs shall have a maximum surface area of 12 square feet.

C. Landscaping Requirements:

1. All freestanding signs shall be provided with a landscaped area at least equal to the sign surface area of the sign. Such landscaping may include any size or variety of annuals, perennials, ornamental grasses, hedge plants, or trees.
2. This plant material shall not count towards any other required landscaping.

D. Additional Requirements:

1. All monument signs must be set back a minimum of five (5) feet from the right-of-way.
2. All freestanding signs shall include a support or base (minimum two feet in height and its width shall be at least 20% more than the width of the sign) constructed of stone, brick, or other deemed acceptable masonry material.
3. The maximum height of sign copy for all monument signs shall be one foot less than the maximum sign height. The purpose of this provision is to allow decorative borders or sign toppers to extend an additional foot beyond the height of the sign face.

11.10.11. Murals/Wall Art

A hand-produced work of visual art which is painted or affixed directly upon to an exterior wall of a building. A mural is primarily intended to serve as a work of public art.

A. Mural Criteria

All murals shall be subject to the following regulations:

1. No mural shall be added to the primary façade of a building unless the proposed mural has been approved by the Public Art Commission (PAC).
2. Murals shall not be placed on primary residential structures.
3. The mural shall not extend more than twelve (12) inches from the plane of the wall upon which it is tiled or painted or to which it is affixed.
4. If the name of the business to which the mural is painted or affixed, it will be counted as a sign and must meet the regulations for attached signage.
5. The mural shall not advertise an off-premise business, only the business contained within the structure.
6. If proposed for a Locally Designated Historic Landmark or within a Local Historic District, an application for a Certificate of Appropriateness must be submitted to the Historic Preservation Planner prior to any paint or other material being added to the building to review for appropriateness. Buildings located in a National Register Historic District shall be required to submit a minor architectural review application which must be approved prior to any paint or other material being added to the building.

B. Prohibited Murals

1. Mechanically produced or computer-generated prints or images, including but not limited to digitally printed vinyl, unless a proposed mural is affixed to a metal or wooden frame.
2. Murals containing electrical or mechanical components.
3. Changing image murals.

11.10.12. Occupant/Street Number Signs

Signs bearing property numbers, post office box numbers, names of occupants, or other identification of premises not having commercial connotations.

A. All such signs must be placed in such a manner as to be visible from the street.

B. Unit identification numbers shall be located on the front wall within 18 inches of the entrance or, if not feasible architecturally, prominently displayed on the building.

C. Unit numbers, for single-family dwellings only, may in lieu of being located on the front wall, be located on the mailboxes or similar-sized surface attached thereto.

D. Group housing developments which are comprised of courts or units not fronting a public street must be located on identification signs containing the name of the court, street, or way and the unit numbers on each private entrance.

11.10.13. Post and Arm Signs

Minor or secondary signs which are used to identify the address of a building, or to identify the profession, family, organization, business, etc., occupying the building.

A. Such signs shall be limited to one (1) per tenant and cannot be on the same lot as a monument sign.

B. All post and arm signs must be set back a minimum of five (5) feet from the right-of-way.

11.10.14. Projecting/Suspended Signs

Pedestrian-scaled signs on the first floor of the building mounted to the side of the building or underside of a balcony or arcade which can be read from both sides. Such signage is subject to the following standards:

A. Such signs shall project perpendicular to the wall not more than three (3) feet.

B. All lettering and graphics shall be permanent.

C. The minimum clearance from such signage shall be seven (7) feet.

11.10.15. Theatre Marquee Signs

Three-dimensional signs projecting from the side of a building which may extend above the roof line and/or incorporate changeable type. Such signs must be perpendicular to the façade of the building or at a forty-five (45) degree from the corner of the building.

11.10.16. Vending Machine/Automatic Teller/ and Gasoline Pump Signs

Signs attached to and made an integral part of a vending machine, automatic teller machine, or gasoline pump if advertising or giving information about the products or services dispensed or vended by that machine. Such signage does not include signage advertising other products located on-site of inside the building.

11.10.17. Wall Signs

Flat signs, channel lettering, or three-dimensional signs which are painted or attached (parallel) to the wall of a building or structure, including located above a flat awning.

A. Such signs will be limited to a maximum of a twelve (12) inch protrusion.

11.10.18. Window/Door Signs

Flat signs or lettering which are painted or attached to the window of a building or structure. Such signs shall not be separately illuminated.

11.11. Temporary Signs Additional Standards

11.11.1. Banners

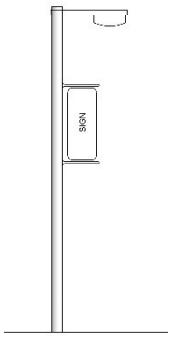
A. **Special Event Banners:** Signs may be erected by public, civic, or non-profit organizations such as schools and churches for promoting special events as follows:

1. Signs for public events such as fund drives, fairs, festivals, sporting events, etc. may be displayed for a period of 30 days and shall be placed on-premises only. Such signs shall be removed within 48 hours of the end of the special event.
2. May not be placed within any public right-of-way or sight-distance triangle.
3. Such signage shall only be erected, placed, or located up to four (4) times per calendar year.

B. **Grand Opening Banners:** All banners shall follow all temporary special event banner regulations listed above, however; they may only be erected in connection with a grand opening of a business in the jurisdiction

1. Such signs shall not be displayed for a period longer than thirty (30 days).
2. Banners must be securely staked into the ground or firmly affixed to the building wall.

C. **Utility Pole Banners:** Decorative banners may be erected on city utility poles provided the banners are installed and removed by the applicant. Installation must be approved by the Administrator and the banners must be removed by an agreed upon date. Such banners may also be erected on buildings subject to the approval from the Administrator and are subject to the following criteria:



1. All utility pole banners must receive written approval from the electrical provider.
2. Must be mounted to poles with upper and lower horizontal supports.
3. All utility pole signs placed on a lot shall be of the same dimensions.
4. Shall be placed at the same relative height and location on all poles.
5. No pole shall contain more than two (2) pole signs, provided that such signs are located immediately across from each other.
6. Electrical provider may remove banner at any time under their discretion.
7. A renewable temporary sign permit to allow such banners shall only be valid for 180 days.

11.11.2. Construction Project Signs

A. NON-RESIDENTIAL

1. **Permitted Districts:** All Commercial Districts

2. **Type Allowed:** Signage must be associated with new construction or a renovation project.
   a. Freestanding: Shall not be located within any public right-of-way, sight-distance triangle, or easement.
   b. Wall: Shall be attached tautly to the façade of the building or tenant space.
3. **Time Limit:** These signs are intended to be temporary and must be removed prior to the issuance of the 1st Certificate of Occupancy in each approved phase of permitted construction.

B. RESIDENTIAL

1. **Permitted Districts**: All Residential Districts.
2. **Type Allowed**: Signage must be associated with new construction or a renovation project.
   a. Freestanding: Shall not be located within any public right-of-way, sight-distance triangle, or easement. Signage must be on subject lot, off-premise signage is not permitted.
   b. Wall (On multifamily mixed-use buildings only): Shall be attached tautly to the façade of the building.
3. **Time Limit**: These signs are intended to be temporary and must be removed after completion of construction and/or prior to the acceptance of maintenance for any roads by the Town.

11.11.3. Flags, Etc.

A. Flags or insignia of any nation, organization of nations, state, county, or municipality, any religious, civic, or fraternal organization, or any educational or cultural facility and/or any one corporate flag per lot provided the height of any pole shall not exceed the maximum building height for the district. Refer also to the United States Flag Code for usage of the United States Flag.

B. Flags with commercial messages, on a traditional pole or building mounted pole, are allowed without a permit at the rate of one 3-foot by 5-foot flag per lot. Any such commercial flags beyond this allowance must receive approval as an attached or freestanding sign according to the provisions of this chapter.

11.11.4. Holiday Decorations

Temporary decorations or displays, when such are clearly incidental to and are customarily and commonly associated with any national, local, or religious holiday/celebration.

11.11.5. Model Home/Sales Office Signs

~~A.~~ **Time Limit:** Remove sign when sales office/model home ceases to exist.

B. One (1) Portable/A-frame sign is allowed at each sales office lot, pursuant to all conditions set forth in Section 11.11.7.

11.11.6. Political Signs

A. Political signs shall not be located on any trees, utility poles, publicly owned property, or within a public street right-of-way, except within NCDOT right-of-way according to the standards of NCGS 136-32.

B. Political signs may be displayed during a period beginning with the established filing date for an election and concluding 10 days after the election. In the event of a runoff election, political signs for the candidates involved may remain on display until 10 days after the runoff election.

11.11.7. Portable/A-Frame Signs

Pedestrian-scaled, non-permanent signs which are used to display menus, daily specials, sale announcements, and similar messages. Such signage shall meet the following criteria:

A. Signs must be removed at the close of business each day.

B. Rough-cut plywood is not an acceptable sign material.

C. Decorative trim or molding shall surround the message area.

D. Lettering shall be professionally painted or applied; however, chalkboard signs shall be permitted. Only chalkboard signs shall provide for changeable copy.

E. Signs shall be located within 10 feet from the customer entrance and within the boundaries of the tenant space.

F. All signs placed on a sidewalk shall maintain a minimum sidewalk clearance of 48 inches.

11.11.8. Public Event Signs

A. Such signs or banners shall be permitted only for public event proclaimed/sponsored/endorsed by the Town Council or designee.

B. Such signs may be located within the public right-of-way but outside of sight distance triangles.

C. Such signs shall be removed within forty-eight (48) hours after the end of the event.

11.11.9. Real Estate Signs

A. Such signs may be no greater than 4 square feet in area (all types of signs) and 4 feet in height (if freestanding) when located on a residential property less than 2 acres.

B. Such signs may be no greater than 16 square feet in area (all types of signs) and 8 feet in height (if freestanding) for non-residential properties or residential properties exceeding 2 acres.

C. Real estate signs shall be removed within 1 day after the closing of the sale, rental, or lease of the property.

D. Such signs shall only be located on property for sale or lease.

11.11.10. Residential Temporary Signage

A. Marketing Signage

1. All signage shall be affixed to decorative poles.
2. Signs shall not be located within the public right-of-way or sight distance triangle.
3. Such signs may only advertise elements relating specifically to the subject residential development such as amenities and housing types.
4. All such signage must be removed at the termination of all sales offices in such neighborhood or development.
5. Banners shall not be allowed as marketing signage.

B. Directional Signage

1. Temporary directional signs shall be directing potential residents to sales centers and/or amenities.
2. All signs must be affixed to decorative poles.
3. Signs shall not be located within any public right-of-way or sight distance triangle.

4. All such signage must be removed at the termination of all sales offices in such neighborhood or development.

11.11.11. Yard Sale Signs

A. Such signs may be located on-premises only and shall not be located within a public right-of-way nor placed on a tree, street sign, or utility pole.

B. Such signs must be removed within 7 days of erection and no more than 24 hours after the conclusion of the yard sale.

11.12. Prohibited Signs

11.12.1. Abandoned Signs or Sign Structures

A. Signs that advertise an activity or business no longer conducted on the property on which the sign is located are prohibited. Conforming signs designed for changeable copy may be covered instead of removed.

B. Sign structures on which no sign is erected are prohibited.

C. Such signs or sign structures must be removed within 30 days of becoming an abandoned sign or sign structure.

11.12.2. Animated/Flashing Signs or Signs of Illusion

Except for otherwise approved time and temperature signs, signs displaying blinking, flashing or intermittent lights, animation, and moving parts or signs giving the illusion of movement are prohibited. Time and temperature signs that rotate or move are not permitted.

11.12.3. Billboards

Sign structure and/or sign utilized to display a commercial message, provide commercial message, or provide commercial advertising for an establishment, an activity, a product, service, or entertainment, which is sold, produced, manufactured, available, or furnished at a place other than the property on which said sign and/or sign structure is located.

11.12.4. Handheld Signs

Signs which are not affixed to any structure, posts, or supports, but instead are aided by humans, this includes, but not limited to any spinning, directing, flipping, or holding.

11.12.5. Lighter-Than-Air Signs

Sign devices consisting of balloons (inflated or plastic), blimps, or similar types of lighter-than-air objects shall be prohibited, except those which are subject to Federal Aviation Administration (FAA) regulations.

11.12.6. Neon Exterior Signs

Any electronic discharge tubing manufactured into shapes that form letters, parts of letter, skeleton tubing, or other decorative elements or logos and filled with various inert gases that are affixed to the exterior of the building.

11.12.7. Off Premises Signs

All off-premises signs unless specifically allowed elsewhere in this chapter are prohibited.

11.12.8. Pole Signs

Any sign which is mounted on a freestanding pole or poles.

11.12.9. Signs Resembling Official Signs

Any sign that imitates an official governmental sign or violates the Law of the State relating to outdoor advertising is prohibited.

11.12.10. Signs Resembling Traffic Signals

A. Any sign which by color, location, or nature may be confused with official highway signs, warning signs, traffic signals, or other regulatory devices are prohibited.

B. Any sign that uses the word "STOP", "SLOW", "CAUTION", "DANGER", or any other word which is likely to be confused with traffic, directional, and regulatory signs is prohibited.

C. Any sign located in a manner or place which might constitute a traffic hazard is prohibited.

11.12.11. Signs Obstructing Access

Any sign that obstructs free ingress or egress from a driveway or a required window, door, fire escape, stairway, ladder, or other required opening is prohibited.

11.12.12. Signs On Public Property

Any sign installed or placed on public property or within a public right-of-way, including any sign held by or otherwise displayed upon a person. Such sign shall be forfeited to the public and is subject to confiscation and disposal. In addition to other remedies hereunder, the Administrator shall have the right to recover from the property owner, business owner, or person placing such a sign the full costs of removal and disposal of such sign.

11.12.13. Signs On Roadside Appurtenances

Signs attached to or painted on utility poles, telephone poles, trees, parking meters, bridges and overpasses, rocks, other signs, benches, fences, refuse containers, etc. are prohibited unless specifically allowed elsewhere in this chapter.

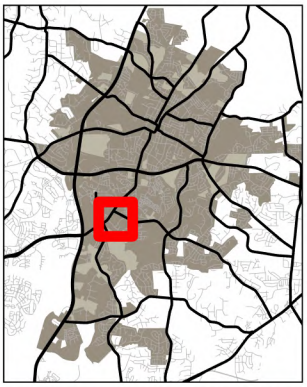
11.12.14. Signs With Exposed Electrical Wiring

All wiring shall be contained in conduit or enclosed in poles or raceways. In no case shall the wiring be exposed to the public.

11.12.15. Windblown Devices, Etc.

Signage containing or consisting of streamers, pennants, windblown propellers, string light bulbs, flutter/feather flags, sun blades, and similar installations.

All other signs not expressly permitted in this ordinance shall be considered prohibited.



Aerial

9/15/2023

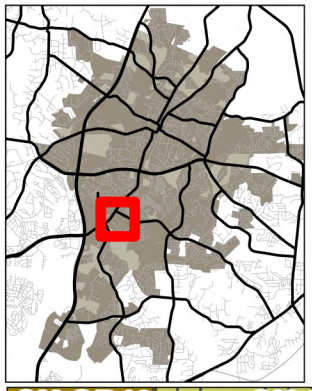
TOWN of WAKE FOREST

BOA-23-03
1839 S Main St
PIN: 1840012345

Please note that this map is intended for illustrative purposes only.
For specific inquiries regarding zoning boundaries, contact the
Town Wake Forest Planning Department at 919-435-9510.

0 500 1,000 Feet

N W E

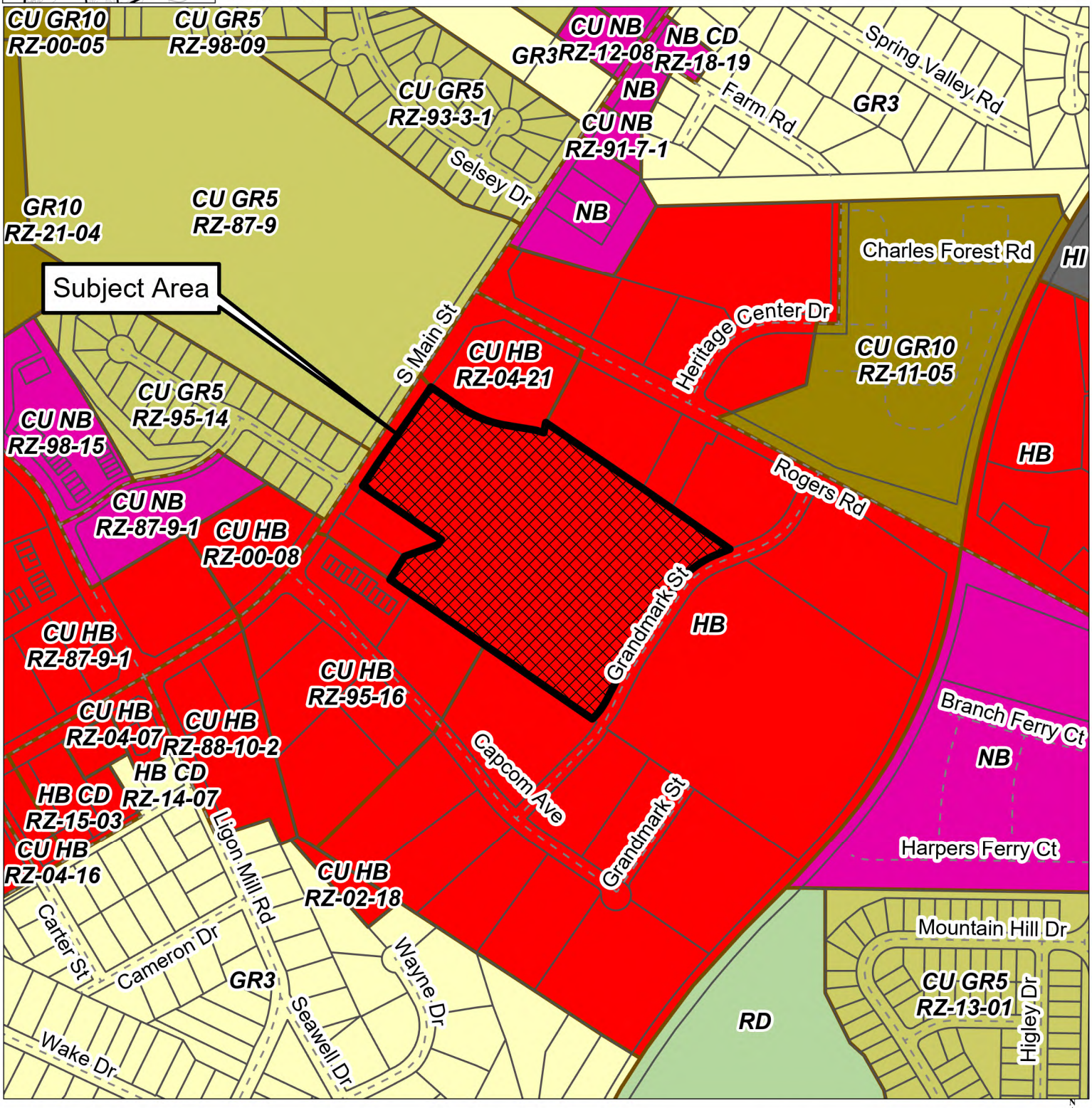


Zoning

TOWN of WAKE FOREST

BOA-23-03
1839 S Main St
PIN: 1840012345

9/15/2023



Please note that this map is intended for illustrative purposes only.
For specific inquiries regarding zoning boundaries, contact the
Town Wake Forest Planning Department at 919-435-9510.

0 500 1,000 Feet

TOWN *of*
WAKE FOREST

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

www.wakeforestnc.gov

June 30, 2023

Samuel Morris, Esquire
45809 Creedmoor Rad, Shite 302
Raleigh, North Carolina 27612

RE: Wall Sign Interpretation (The Factory)

Dear Mr. Morris,

This letter provides you an interpretation on your request from the Planning Director to determine if the proposed main entrance sign qualifies as a wall sign under UDO Section 11.10.17.

Request

The applicant is requesting an interpretation on behalf of the property owner, The MacSydney Company II, LLC & Phylesther II, LLC, as described in Attachment 1. Specifically, the applicant is requesting a formal decision on the main entrance sign (Exhibit A) and if said sign qualifies as a wall sign under Unified Development Ordinance (UDO) Section 11.10.17.

Definitions

Section 17.4 of the UDO (July 19, 2022 version) provides the following definitions.

- An Awning/Canopy Sign is defined as signs integrated into traditional storefront awnings that project over a sidewalk from the building façade.
- A Wall Sign is defined as flat signs or lettering which are painted or attached to the wall of a building or structure.

Section 17.1 states that for the purpose of interpreting the UDO, certain words, concepts, and ideas are defined and when not defined all other words used shall have their everyday meaning as determined by their dictionary definition. Merriam-Webster provides the following definitions.

- An awning is defined as a rooflike cover extending over or in front of a place (as over the deck or in front of a door or window) as a shelter.
- A canopy is defined as a raised covering over something for decoration or protection.

Dimensional Standards

The UDO (July 19, 2022 version) provides the following dimensional standards for signs.

- Awning/Canopy Signs shall be 50% or less of the awning area per Table 11.8. Further, Section 11.10.2 provides an illustrative example of a fabric awning complying with this standard. Illustrative example provided below:

- Walls Signs in the Highway Business (HB) District allow up to 1.5 sq ft per linear ft of storefront for the front facade and up to 1 sq ft per linear ft of building wall for the side and rear facades. In addition, wall signs shall protrude no more than 12 inches.

Background

ASI North Carolina, on behalf of the property owner, submitted a monument and wall sign application package in October of 2022. As part of the initial review, staff stated the proposed sign (Exhibit A) did not comply with the UDO standards, specifically the Awning/Canopy Sign standards, and the applicant either needed to revise the proposed location or size to comply. After listening to the applicant's concerns, Town staff offered to allow the applicant to submit Exhibit A as gas station canopy since the Awning/Canopy sign requirements as defined on page 1 of this determination are intended for fabric, not metal awnings/canopies, and this was the closest equivalent sign option in the UDO. The applicant opted not to comply with these standards since a larger sign affixed to the canopy was desired than what was permitted under the gas station canopy standards.

Section 11.10.17, Wall Signs, of the UDO describes wall signs as flat signs, channel lettering, or three-dimensional signs which are painted or attached (parallel) to the wall of a building or structure, including located above a flat awning. This description varies from the definition, and wording variation between definitions in Section 17.4 and Section 11.10 is standard for many sign types. For example, there is similar wording variation for Window/Door Signs and Marque Signs. For the Wall Sign description, the intent is to illustrate that a single entrance can have both a Wall Sign and an Awning/Canopy Sign at the same building entrance. More specifically, this description states a Wall Sign can be located above, not affixed to, a flat awning.

Determination

In review of the foregoing, I find the following:

1. Section 17, Definitions, of the UDO is used to define terms in the UDO.
2. Section 11.10.17 of the UDO is not used to define terms in the UDO.
3. Exhibit A is an Awning/Canopy Sign since the proposed sign is integrated into a traditional storefront awning that projects over a sidewalk from the building façade.
4. Exhibit A is not a Wall Sign per Section 17.4 since the proposed sign is not painted or attached to the wall of a building or structure, rather the proposed sign is affixed to an awning/canopy.
5. Section 11.10.17 contains a description, not the definition, of a Wall Sign. Further, the description states the sign can be located above an awning, not affixed thereto, since a building with an awning/canopy is permitted to have both a Wall Sign and an Awning/Canopy Sign in the same general vicinity.

This interpretation is binding on subsequent decisions by the Planning Director in applying the same provisions of the UDO, unless the interpretation is reversed or modified by the Board of Adjustment or a court of law or the Board of Commissioners adopts subsequent modifications to UDO cited in this letter.

Any party aggrieved by this interpretation may appeal the interpretation to the Board of Adjustment by submitting an Appeal application to the Planning Director in accordance with Section 15.12, Appeals of Administrative Decisions, in the UDO. If afforded the right in under state law, the aforementioned appeal step may not be required. Please do not hesitate to contact me at ctanner@wakeforestnc.gov or 919-435-9536 if you have any questions.

Sincerely,

Courtney Tanner

Courtney Tanner, AICP, CZO
Planning Director

Cc: Emma Linn, Planner II – Long Range Planning
Jennifer Currin, Assistant Planning Director
Hassan Kingsberry, Town Attorney
Wake Forest Current Planning Division

Attachments: Attachment 1 - Letter from Samuel Morris with Exhibits A to C

Emma,

The owners of The Factory at 1839 S Main St, Wake Forest, NC 27587 (Wake County PIN 1840012345) ("The Factory") would like to request a formal determination that The Factory's proposed Main Entrance sign qualifies as a Wall Sign under UDO Section 11.10.17.

Do not feel that you need to render a formal decision prior to our meeting next week. We are happy to discuss any questions you have about this interpretation request during our meeting.

Background
The Factory is in the process of redesigning the signage plan on its property in order to make the property more functional for its patrons and attractive to people travelling in the right-of-way. This new signage plan includes new entry monuments, directional signs, directory kiosks, and building entrance signs. Having adequate and effectively located signage is extremely important for The Factory because it is a re-purposed building that was not originally designed for the current multi-tenant use and is located on a very large lot that has only a small amount of public road frontage. These locational challenges call for creative signage solutions on The Factory property. Part of the new signage plan at The Factory includes a new Main Entrance sign. Please see Exhibit A attached for reference.

Analysis
The Factory's proposed Main Entrance sign qualifies as a Wall Sign under UDO Section 11.10.17.

Zoning ordinances are strictly construed in favor of the free use of property. *See City of Sanford v. Dandy Signs, Inc.*, 62 N.C. App. 568, 569, 303 S.E.2d 228, 230 (1983). "When statutory language is clear and unambiguous, `words in a statute must be construed in accordance with their plain meaning unless the statute provides an alternative meaning.'" *Procter v. City of Raleigh Bd. of Adjust.*, 140 N.C. App. 784, 785-86, 538 S.E.2d 621, 622 (2000). UDO Section 11.10.17 says that "Wall Signs" are defined as "[f]lat signs, channel lettering, or three-dimensional signs which are painted or attached (parallel) to the wall of a building or structure, including located above a flat awning." The Wake Forest UDO's definition of Wall Signs is not limited to only those that are immediately attached to the exterior wall/façade of the building. Rather, it states that Walls Signs also include signs that are attached "to a structure, including above a flat awning."

The Factory's proposed Main Entrance sign is the type of sign "located above a flat awning" that is explicitly contemplated by the UDO's definition of Wall Sign. The plain meaning of the ordinance makes clear that wall signs can either be attached to a "[a] wall or [b] structure" associated with a building. Moreover, the ordinance specifically identifies type of sign that is permitted under subcategory [b] (signs "attached to a structure") – signs that are "*located above a flat awning*" (emphasis added). This makes sense because signs that are attached to and located above an awning structure are extremely common and ought to be treated the same as signs that attached directly to the wall. Please see Exhibit B attached for examples of signs that are located above a flat awning structure. This is the type of sign being described when the definition of Wall Sign says language says "or to a structure, including above a flat awning."
The proposed Main Entrance sign does not meet the definition of "Awning/Canopy Sign" under UDO Section 11.10.2, which includes "[s]igns integrated into traditional storefront awnings that project over a sidewalk from the building façade." The proposed Main Entrance sign is not integrated into a traditional storefront awning and it does not project over a sidewalk from the building façade. See Exhibit C for examples of "traditional storefront awnings" including the example included in the Wake Forest

EXHIBIT A

EXHIBIT B

MEN'S WEARHOUSE

HOMEWOOD SUITES

NOW LEASING
CHROMA

Fresh Fields
WHOLE FOODS MARKET
STARBUCKS COFFEE

EXHIBIT C

11.10.2. Awning/Canopy Signs

Sign Permit-Permanent Application

(Sign Permit - Permanent Workflow)

Town of Wake Forest, NC
301 S. Brooks St.
Wake Forest, NC 27587-2932
TEL (919) 435-9510 | FAX (919) 435-9539

Project Overview #848278

Project Title: The Factory
Application Type: Sign Permit-Permanent
Workflow: Sign Permit - Permanent

Jurisdiction: Town of Wake Forest (Wake County)
State: NC
County: Wake

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

VIEW SIGN PERMIT 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

Project Information

Development/Subdivision (optional - for reference only): The Factory

Project Address or PIN: 1839 S MAIN ST (1840012345)

Tax PIN: 1840012345

Zoning: Zoning

- 1839 S MAIN ST: HB

Current Zoning Overlay: NA, Not Applicable to this Project

Town Limits: In ETJ

Projects falling outside the limits of the Town or ETJ will be required to submit an annexation petition in conjunction with their project submittal. Please return to the home screen and select **Annexation Petition** from the application type drop down.

Land Use: Land Use Development

- 1839 S MAIN ST: Commercial

Acreage: 18.73

GIS Acreage: Parcel

- 1839 S MAIN ST: 18.73

Project Contact - Applicant/Owner/Tenant

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
Elizabeth Martinez
ASI Signage
600 Irving Pkwy
Holly Springs, NC 27540
P:9193464299
liz.martinez@asisignage.com

Project Contact - Property Owner
RICHARD ROBBINS
THE MACSYDNEY COMPANY llc
125 E 26th St
New York, NY 10010
P:917 545-5193
RLRNY@msn.com

Permanent Sign Type

Sign Type Proposed: Permanent: Free Standing/Ground

In order to for the correct fees to populate, please provide the total number of signs per sign type. Please enter 0 for sign types not included in your request.

Permanent: Attached Sign Types

Number of Wall Signs:
Number of Theater Marquee Signs :
Number of Gas Station Pricing Canopy Signs:
Number of Murals/Wall Art Signs:
Number of Awning/Canopy Signs :
Number of Projecting/Suspending Signs:
Number of Gas Station Pricing Wall Signs :

Permanent: Free Standing/Ground Sign Types

Number of Monument Signs: 2
Number of Directional Signs : 9
Number of Gas Station Pricing Monument Signs : 0
Number of Post & Arm Signs: 0
Number of Drive-Thru Menu Boards Signs: 0

Attached Sign Details

Total Number of Attached Signs Proposed: 4 or more

If your project includes more than four (4) signs provide a detailed dimensional sheet for all signs in addition to filling out the fields provided below. Fees associated with the additional signs will be added during intake review and are required to be paid prior to initiating review.

Attached Sign #1.

Attached Sign Type: Wall
Sign Height: 2.6
Linear Footage of Wall : 265
Sign Length: 14
Sign Area: 36.4
Sign Illumination Type: Internal

Attached Sign #2.

Attached Sign Type: Wall
Sign Height: 2.6
Linear Footage of Wall : 277
Sign Length: 14
Sign Area : 36.4
Sign Illumination Type: Internal

Attached Sign #3.

Attached Sign Type: Wall
Sign Length: 14
Sign Height: 2.6
Sign Area: 36.4
Linear Footage of Wall : 330
Sign Illumination Type: Internal

Attached Sign #4.

Attached Sign Type: Awning/Canopy
Sign Length: 14
Sign Height: 2.6
Sign Area: 36.4
Linear Footage of Wall : 20
Sign Illumination Type: Internal

Free Standing/Ground Sign Details

Total Number of Free Standing/Ground Signs Proposed: 4 or more

If your project includes more than four signs, provide in the "Description of Request" field above, the same information required in the fields below for the fifth and subsequent signs. Fees associated with the additional signs will be added during intake review and are required to be paid prior to initiating review.

Freestanding Sign #1.

Free Standing/Ground Sign Type: Monument
Sign Length : 4
Sign Height: 16.3
Sign Area: 50
Height Above Grade: 12.6
Sign Illumination Type: Internal
Sign Height Off Ground: 2

Freestanding Sign #2.

Free Standing/Ground Sign Type: Monument
Sign Length: 6.6
Sign Height: 6.4
Sign Area: 25
Height Above Grade: 6
Sign Illumination Type: Internal
Sign Height Off Ground: 2

Freestanding Sign #3.

Free Standing/Ground Sign Type: Directional
Sign Length: 2
Sign Height: 5.25
Sign Area: 8
Height Above Grade: 4
Sign Illumination Type: Not Illuminated
Sign Height Off Ground: 0

Freestanding Sign #4.

Free Standing/Ground Sign Type: Directional, Drive-Thru Menu Boards
Sign Length: 4
Sign Height: 4.5
Sign Area: 12
Height Above Grade: 3
Sign Illumination Type: Not Illuminated
Sign Height Off Ground: 0

SITE WAYFINDING STRATEGY

Proposed Signage Locations

It appears that there are two types of directionals proposed OR are these the "Entry Monuments"? Please clarify and/or update site map

O2 Fitness YELLOW PANEL
Epic Axe GREEN PANEL
Camp Bow Wow GREEN PANEL
Capital Sportsplex BLUE PANEL
Indoor Soccer GREEN PANEL
Polar Ice House BLUE PANEL

all directionals must be represented as being at least 5' from right of way per UDO 11.10.3.d

Only ONE monument sign allowed per street frontage.

Text: MAIN ENTRANCE

LEGEND

- PRIMARY ENTRY MONUMENT
- SECONDARY ENTRY MONUMENT
- VEHICULAR DIRECTIONAL SIGN — 4 Double Sided, 5 Single Sided
- PEDESTRIAN DIRECTIONAL SIGN
- SITE DIRECTORY & MAP SIGN
- BUILDING ENTRANCE SIGNAGE
- NEW BUILDING DIRECTORY KIOSK
- VEHICULAR SIGNAGE - PARKING # AND BANNER
- POTENTIAL MURAL OR ENVIRONMENTAL GRAPHICS INSTALLATION

NOTE: Existing signs to remain include new building-mounted tenants signage.

Sign shall be placed on Factory premise. Otherwise please provide landowner approval to place sign on adjacent lot.

Sign Type A: Primary Entry Monument

Custom aluminum sign cabinet with perforated panel accent blade, face lit and halo lit attached elements.

Pan type aluminum panel will be halo lit with blue LED lighting, mounted with spacers. "The Factory" logo will be back lit push through acrylic with black day/night vinyl on letter faces.

Center of gear will be internally face lit with blue LED halo lighting behind gear teeth.

Decorative elements include 1" diameter aluminum buttons.

Caution stripes are engineer grade reflective Yellow.

Fonts: New Kansas (logo), Farm New Medium
Colors: As shown to match primary signage colors
Base is finished with faux "Classic" brick panels and drip cap.

Primary Signage Colors

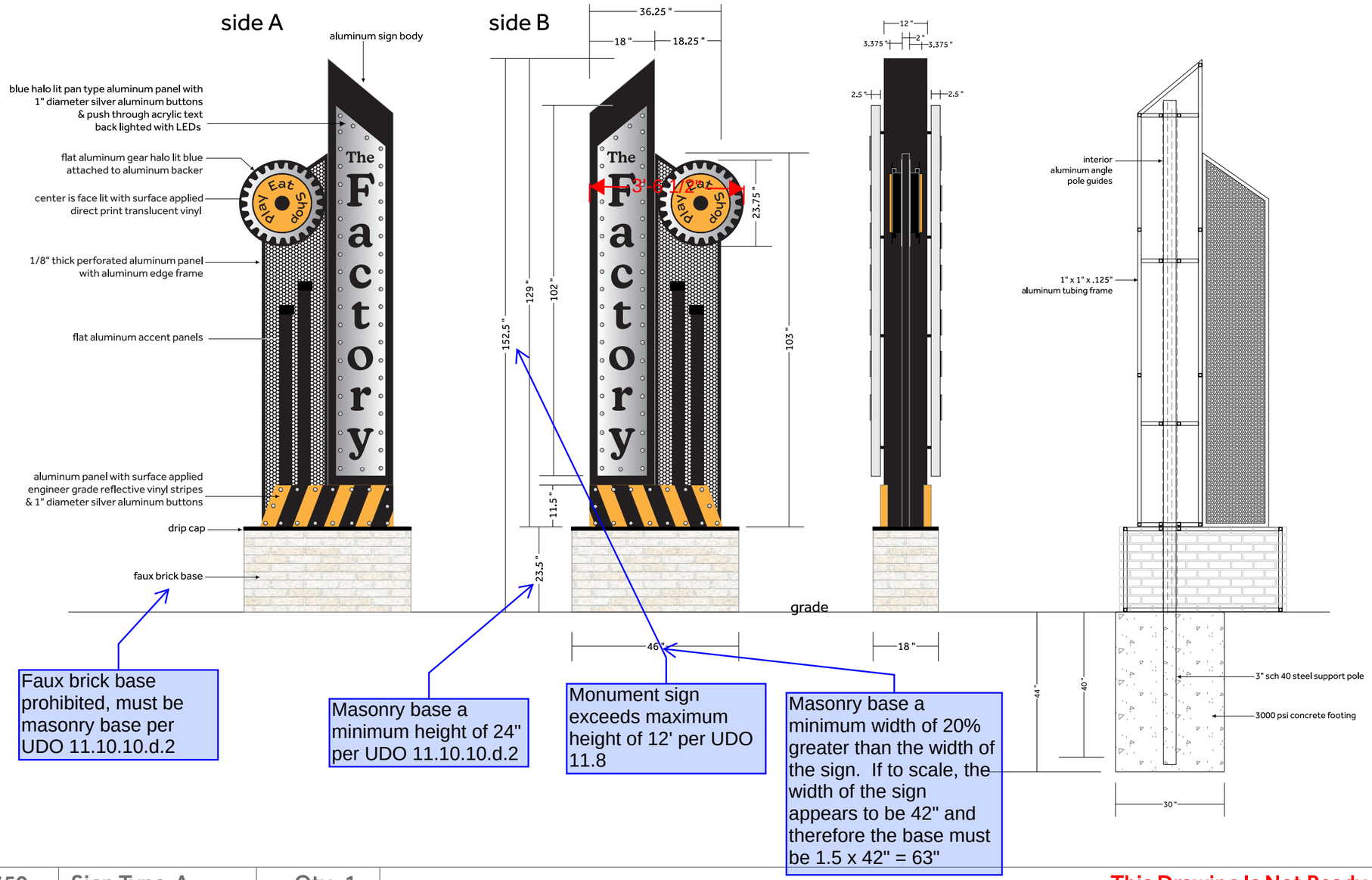
Silverstone Metallic
MP18091

Rodin Patina Metallic
MP19962
(may be substituted ASI SC-905 Black where applicable)

Digital: Pantone Yellow 136 C

Paint: Mower Yellow
MP04944

Please be aware by choosing a monument sign that exceeds 6ft you are choosing option 1 per UDO 11.8 regarding monument signs for multiple non-residential building site. This allows for 1 monument sign per street frontage with a maximum area of 70 sq ft with a height of 12'



Quote # Q	Order # R24350	Sign Type A	Qty. 1

This Drawing Is Not Ready For Production

ASI North Carolina
600 Irving Parkway, Holly Springs, NC 27540
ph: 919.362.9669 fx: 919.387.9204

Client The Macsydney Company II, LLC
Project The Factory - 1839 South Main Street Wake Forest, NC 27587
Client Contact
Account Executive Nic Mayo

Designer KS
Date 06/10/22
Revision

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Sign Type B: Secondary Entry Monument

Custom aluminum sign cabinet with perforated panel accent blade, face lit and halo lit attached elements.

Pan type aluminum panel will be halo lit with blue LED lighting, mounted with spacers. "The Factory" logo will be back lit push- through acrylic with black day/night vinyl on letter faces.

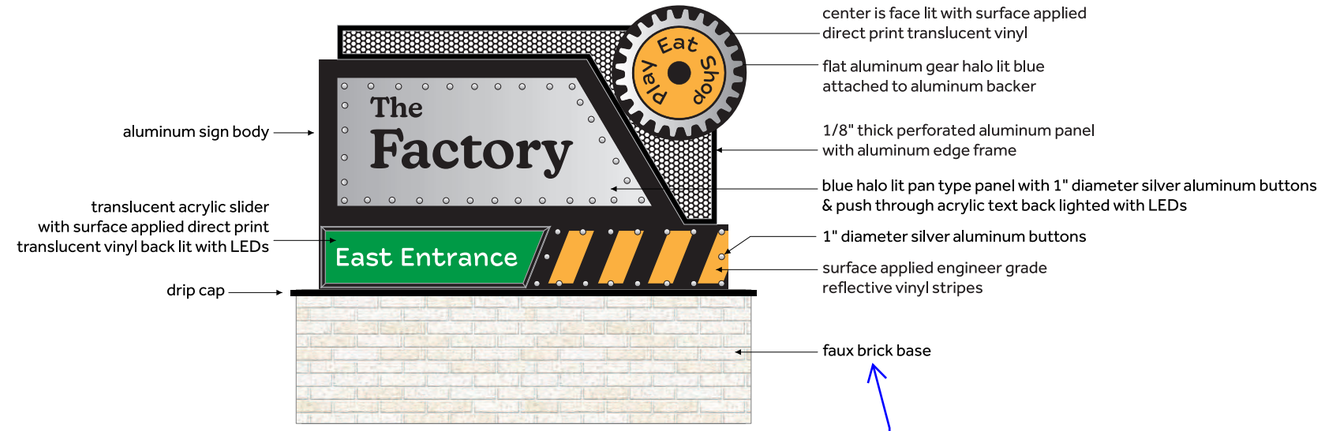
Center of gear will be internally face lit with blue LED halo lighting behind gear teeth.

Decorative elements include 1" diameter aluminum buttons.

Translucent acrylic slider with entrance Info will be internally back lit.

Caution stripes are engineer grade reflective Yellow.

Fonts: New Kansas (logo), Farm New Medium
Colors: As shown to match primary signage colors
Base is finished with faux "Classic" brick panels and drip cap.



side A

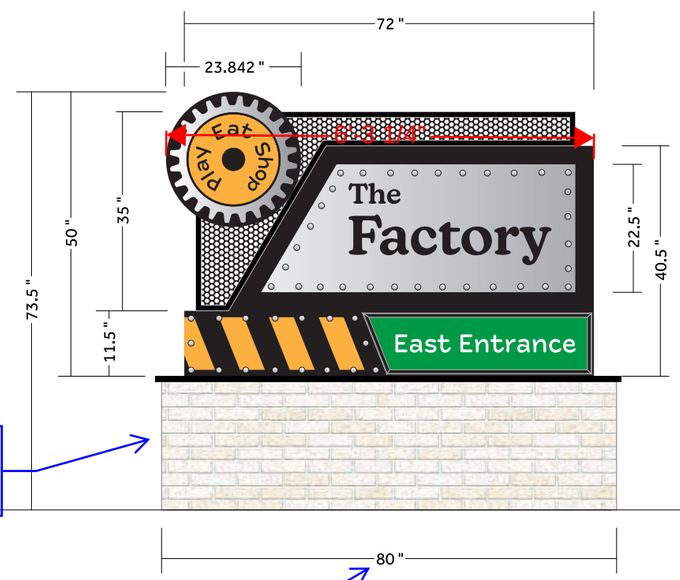
Faux brick prohibited in base

Per Unified Development Ordinance Section 11.8, for multiple non-residential building sites, one monument sign is permitted per street frontage. This site fronts two public streets, S Main and Grandmark St.

Individual entrance monuments exceeds maximum quantity.

Primary Signage Colors

- Silverstone Metallic MP18091
- Rodin Patina Metallic MP19962 (may be substituted ASI SC-905 Black where applicable)
- Digital: Pantone Yellow 136 C — Paint: Mower Yellow MP04944
- Digital: Pantone 2424 C — Paint: Lime Lollipop MP00468
- Digital: Pantone 2194 C — Paint: Nautical Blue SC-601
- Digital: Pantone 1585 C — Paint: Aranciata Orange MP01229

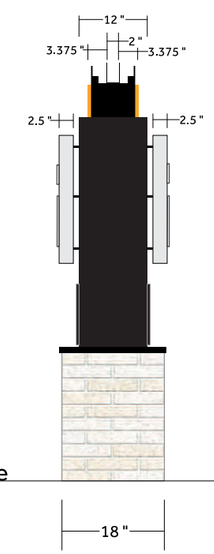


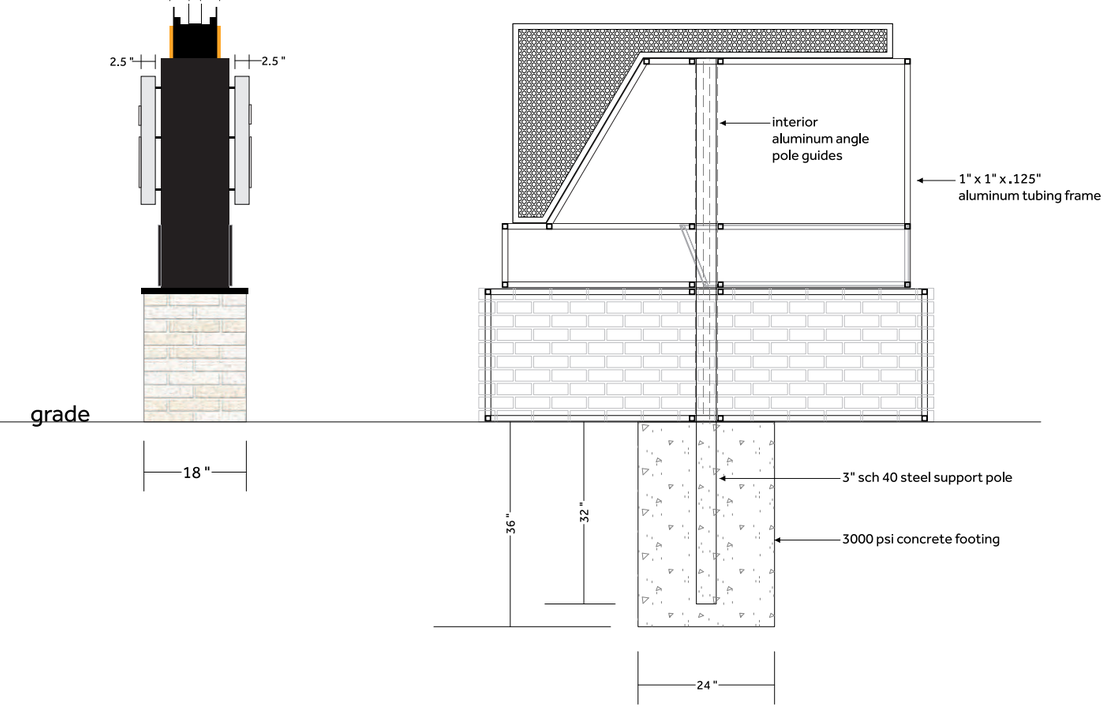
side B

Masonry base must be equal or greater than 24" tall

Masonry base width must be at least 20% greater than width of sign. If to scale, the sign is 75" wide which would require a base of 90" width

side view





Quote # Q	Order # R24350	Sign Type B	Qty. see layout sheet	This Drawing Is Not Ready For Production

ASI North Carolina
600 Irving Parkway, Holly Springs, NC 27540
ph: 919.362.9669 fx: 919.387.9204

Client The Macsydney Company II, LLC
Project The Factory - 1839 South Main Street Wake Forest, NC 27587
Client Contact
Account Executive Nic Mayo

Designer KS
Date 06/10/22
Revision

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Sign Type B: Secondary Entry Monument

Alternate Layouts

Colors: As shown to match primary signage colors

Primary Signage Colors

Silverstone Metallic
MP18091

Rodin Patina Metallic
MP19962
(may be substituted ASI SC-905 Black where applicable)

Digital: Pantone Yellow 136 C

Paint: Mower Yellow
MP04944

Digital: Pantone 2424 C

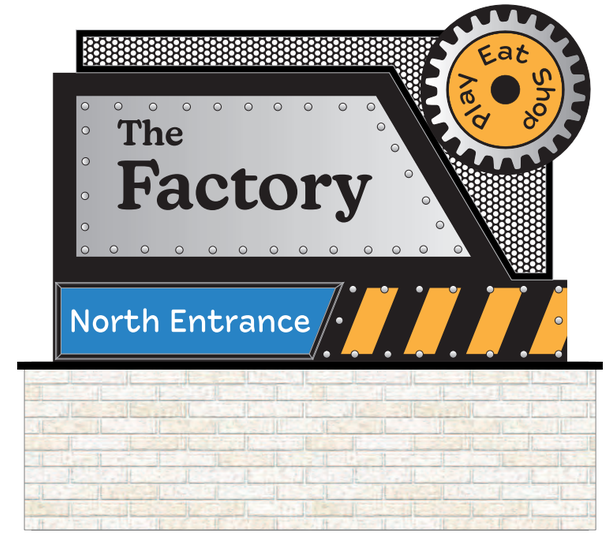
Paint: Lime Lollipop
MP00468

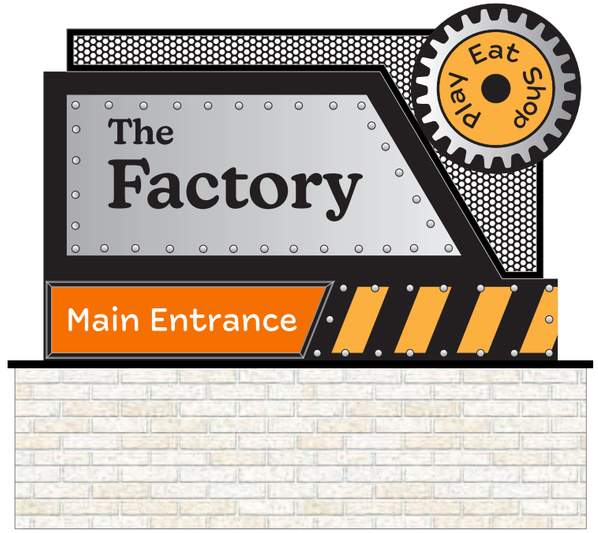
Digital: Pantone 2194 C

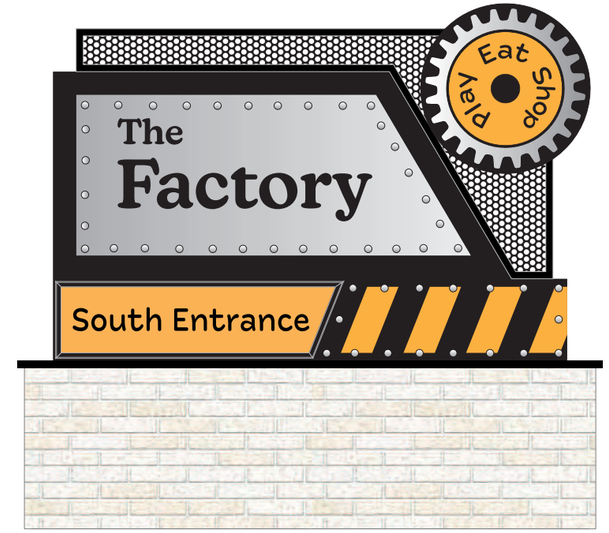
Paint: Nautical Blue
SC-601

Digital: Pantone 1585 C

Paint: Aranciata Orange
MP01229







Quote # Q	Order # R24350	Sign Type B	Qty. 1 Each	This Drawing Is Not Ready For Production

ASI North Carolina
600 Irving Parkway, Holly Springs, NC 27540
ph: 919.362.9669 fx: 919.387.9204

Client	The Macsydney Company II, LLC
Project	The Factory - 1839 South Main Street Wake Forest, NC 27587
Client Contact	
Account Executive	Nic Mayo
Designer	KS
Date	06/10/22
Revision	

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Sign Type C: Wayfinding Signs

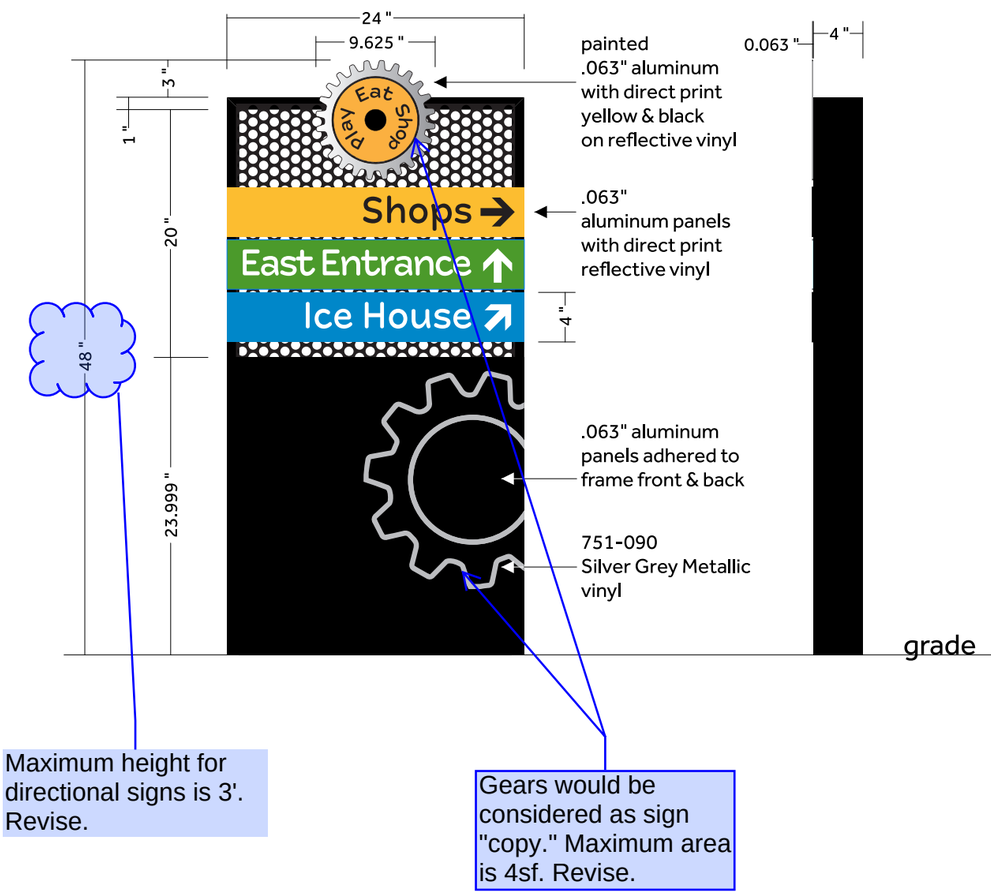
Custom single-sided painted aluminum sign with perforated panel insert, aluminum gear logo and aluminum wayfinding panels.

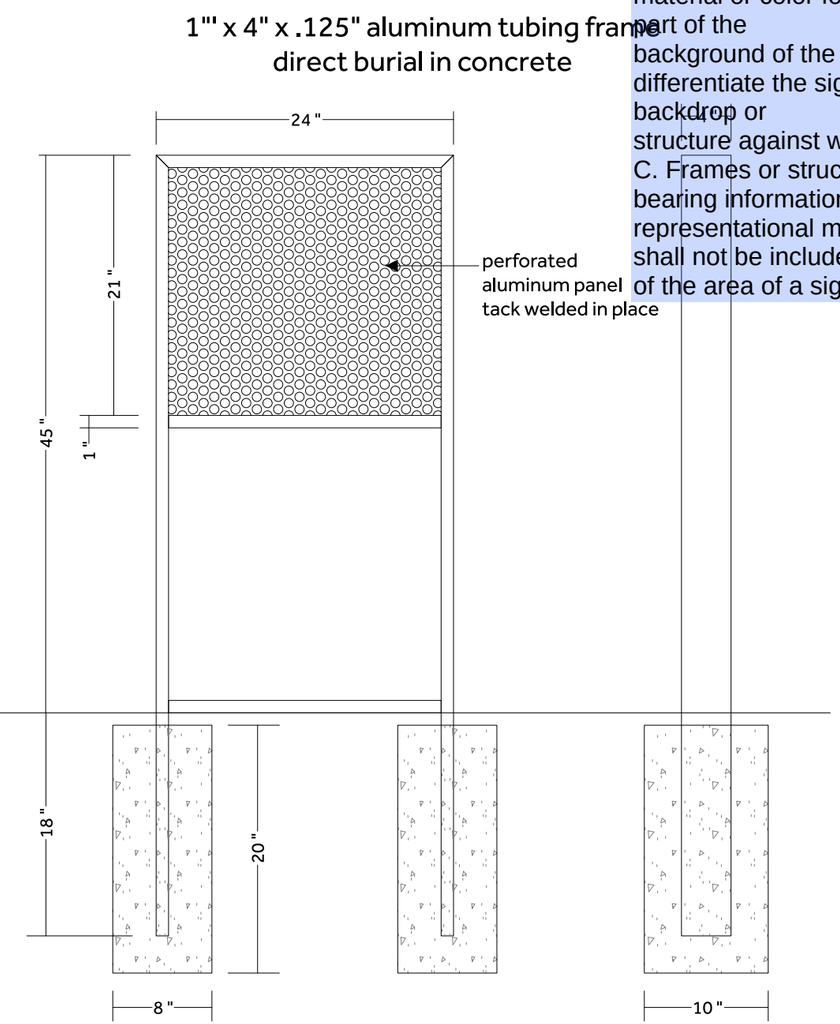
Changeable aluminum wayfinding panels with direct print color on reflective vinyl.
Gear is painted aluminum with direct print yellow & black on reflective vinyl.

Fonts: New Kansas (logo), Farm New Medium.
Changeable Panel Verbiage & Colors: TBD
Painted Colors: As shown to match primary signage colors.
Wayfinding panel colors and graphics TBD.

Final Height TBD by quantity of wayfinding panels.

11.3.1. Computation of Sign Area
A. The area of a sign face shall be deemed to be the entire area within the smallest
polygon that will encompass the extreme limits of the writing, representation,
emblem, or other display on the sign that can be reasonably calculated.
B. The area shall also include any material or color forming an integral part of the
background of the display or used to differentiate the sign from the backdrop or
structure against which it is placed.
C. Frames or structural members not bearing informational or representational matter
shall not be included in computation of the area of a sign face.





Primary Signage Colors

- Silverstone Metallic MP18091 Oracal 751-090 Silver Grey Metallic Vinyl
- Rodin Patina Metallic MP19962 (may be substituted ASI SC-905 Black where applicable)
- Digital: Pantone Yellow 136 C Paint: Mower Yellow MP04944
- Digital: Pantone 2424 C Paint: Lime Lollipop MP00468
- Digital: Pantone 2194 C Paint: Nautical Blue SC-601
- Digital: Pantone 1585 C Paint: Aranciata Orange MP01229

Quote # Q	Order # R24350	Sign Type C	Qty. TBD per message schedule	This Drawing Is Not Ready For Production

ASI North Carolina
600 Irving Parkway, Holly Springs, NC 27540
ph: 919.362.9669 fx: 919.387.9204

Client The Macsydney Company II, LLC
Project The Factory - 1839 South Main Street Wake Forest, NC 27587
Client Contact
Account Executive Nic Mayo

Designer KS
Date 06/10/22
Revision

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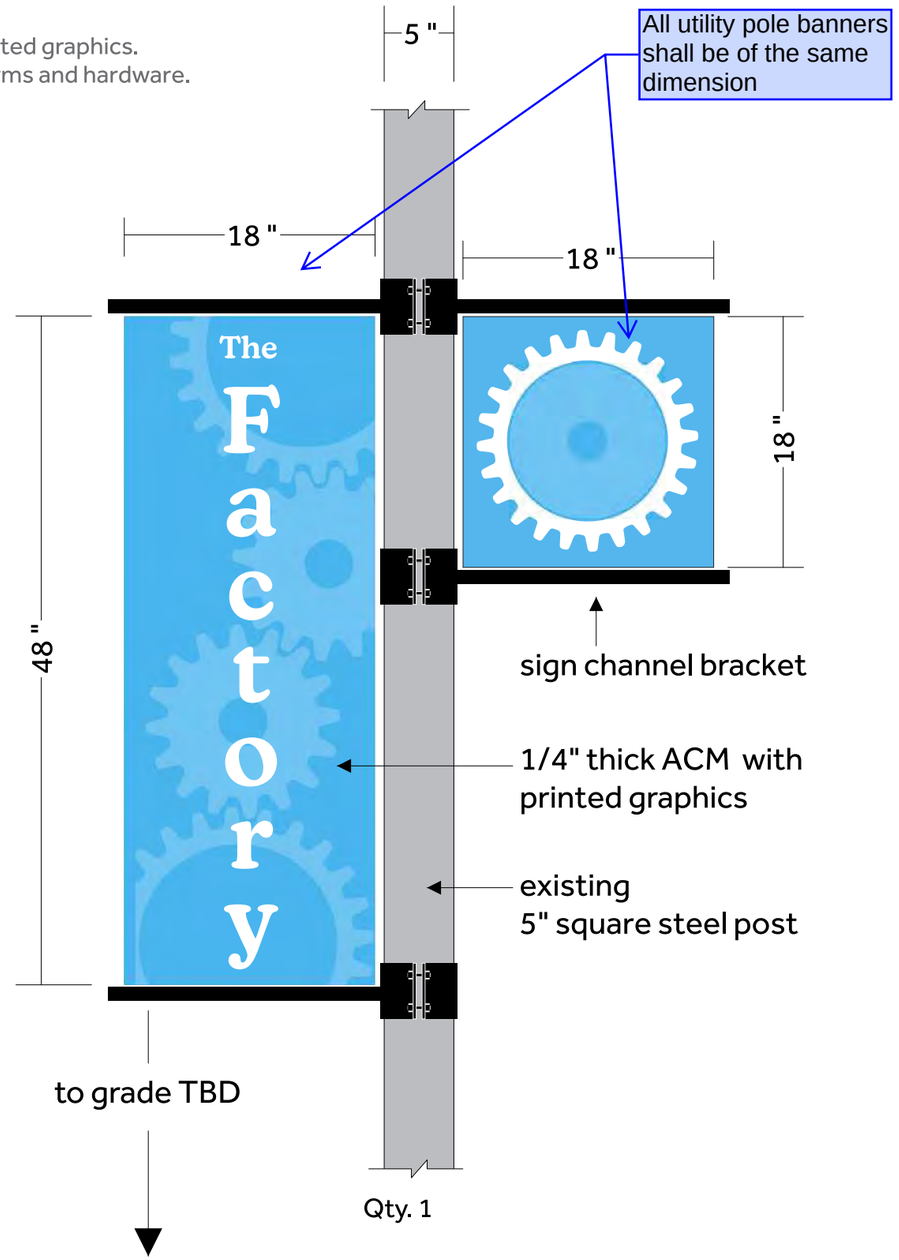
Sign Type D: Light Pole Banner and Parking Lot ID

Double-sided 6mm thick ACM panels with printed graphics.
Flag mounted to existing poles with support arms and hardware.

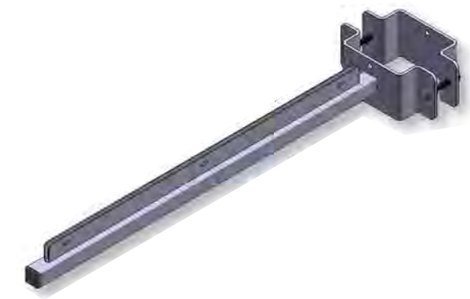
Font: New Kansas (logo)
Colors as shown to match flag signage colors
Pole Heights TBD

Flag Signage Colors

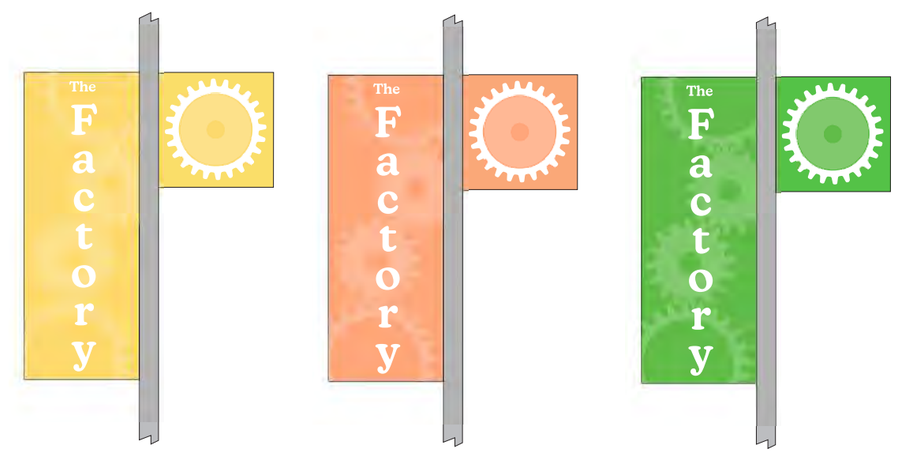
- Digital: Pantone 121 C
- Digital: Pantone 360 C
- Digital: Pantone 2190 C
- Digital: Pantone 1565 C



sign channel bracket for 5" square pole accepts 1/4" thick material



alternate color suggestions



Qty. 2 Qty. 2 Qty. 4

Quote # Q	Order # R24350	Sign Type D	Qty. as shown	This Drawing Is Not Ready For Production

ASI North Carolina
600 Irving Parkway, Holly Springs, NC 27540
ph: 919.362.9669 fx: 919.387.9204

Client The Macsydney Company II, LLC
Project The Factory - 1839 South Main Street Wake Forest, NC 27587
Client Contact
Account Executive Nic Mayo

Designer KS
Date 06/10/22
Revision

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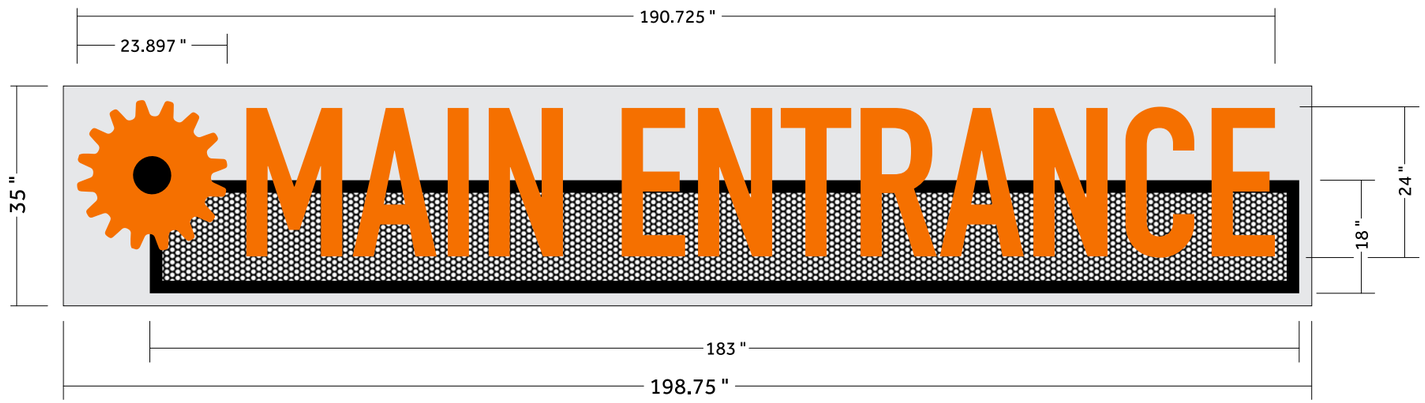
Sign Type H: Building Entrance Sign

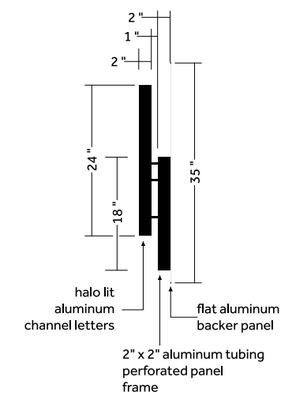
1" Deep fabricated metal letters with painted colored faces and black returns mounted with spacers to framed perforated aluminum panel.
Flat aluminum attached to back of frame for halo light reflection.
Letters are halo lit with blue LED lighting.

Font: Din Condensed Bold
Colors as shown to match primary signage colors.
Mounting: Mechanically to main entrance awning.

Provide building wall lengths (for each subject wall where a sign is proposed) and existing quantity on the building.



side view - dimensions



Primary Signage Colors

Silverstone Metallic
MP18091

Rodin Patina Metallic
MP19962
(may be substituted ASI SC-905 Black where applicable)

Digital: Pantone Yellow 136 C

Paint: Mower Yellow
MP04944

Digital: Pantone 2424 C

Paint: Lime Lollipop
MP00468

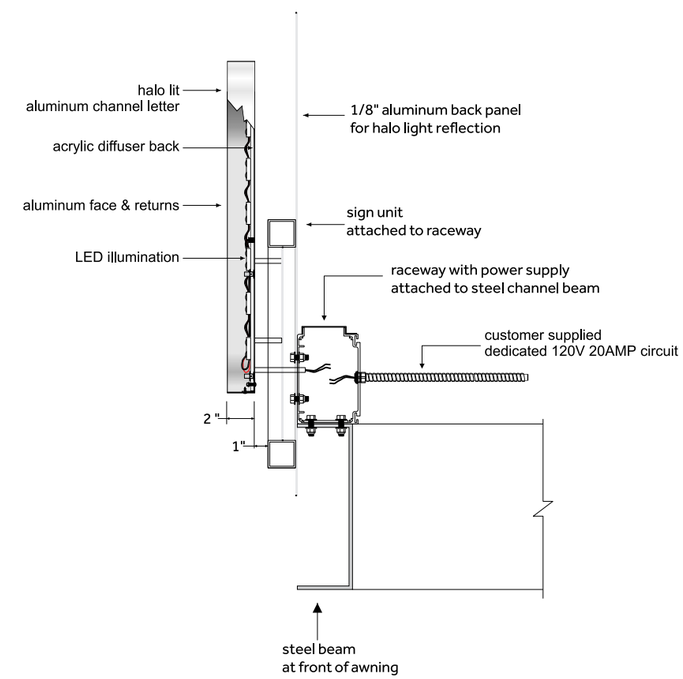
Digital: Pantone 2194 C

Paint: Nautical Blue
SC-601

Digital: Pantone 1585 C

Paint: Aranciata Orange
MP01229

side view



Quote # Q	Order # R24350	Sign Type H.1	Qty. 1	This Drawing Is Not Ready For Production

ASI North Carolina
600 Irving Parkway, Holly Springs, NC 27540
ph: 919.362.9669 fx: 919.387.9204

Client The Macsydney Company II, LLC
Project The Factory - 1839 South Main Street Wake Forest, NC 27587
Client Contact
Account Executive Nic Mayo

Designer KS
Date 06/09/22
Revision

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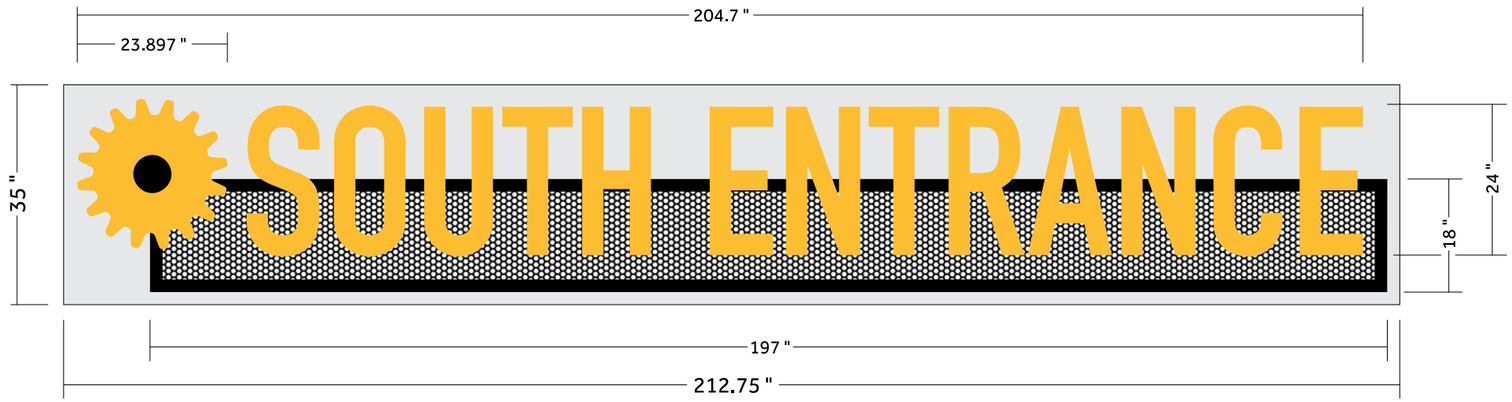
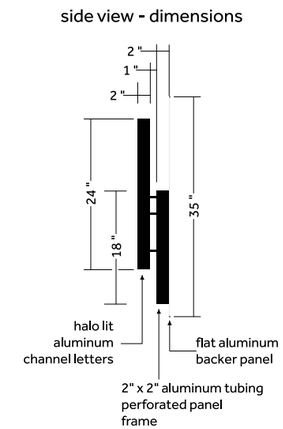
Sign Type H: Building Entrance Sign

1" Deep fabricated metal letters with painted colored faces and black returns mounted with spacers to framed perforated aluminum panel.
Flat aluminum attached to back of frame for halo light reflection.
Letters are halo lit with blue LED lighting.

Font: Din Condensed Bold
Colors as shown to match primary signage colors.
Mounting: Mechanically, flush to exterior wall





Primary Signage Colors

Silverstone Metallic
MP18091

Rodin Patina Metallic
MP19962
(may be substituted ASI SC-905 Black where applicable)

Digital: Pantone Yellow 136 C

Paint: Mower Yellow
MP04944

Digital: Pantone 2424 C

Paint: Lime Lollipop
MP00468

Digital: Pantone 2194 C

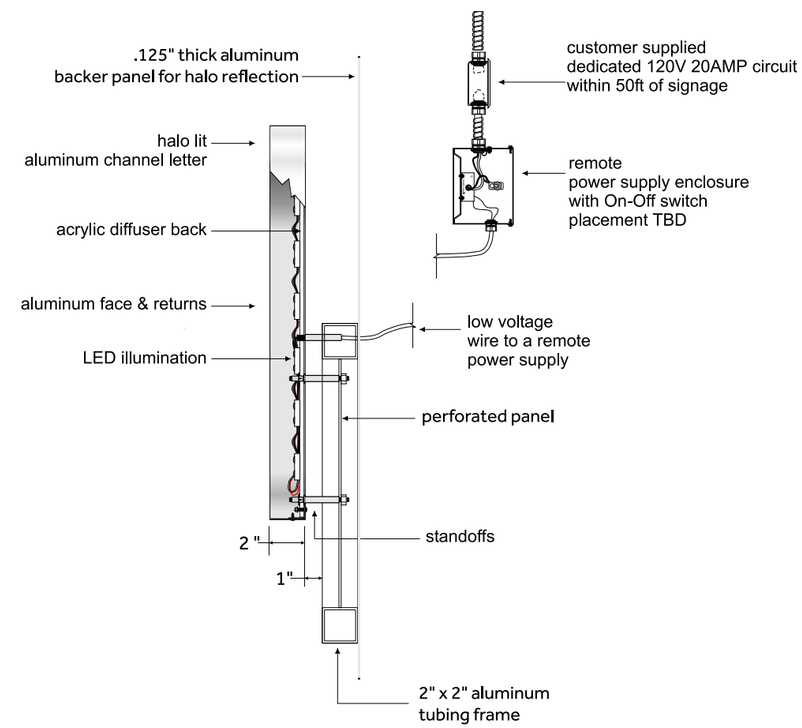
Paint: Nautical Blue
SC-601

Digital: Pantone 1585 C

Paint: Aranciata Orange
MP01229

Will this wall sign replace existing "south entrance" sign or be in addition?

side view



Quote # Q	Order # R24350	Sign Type H.2	Qty. 1	This Drawing Is Not Ready For Production

ASI North Carolina
600 Irving Parkway, Holly Springs, NC 27540
ph: 919.362.9669 fx: 919.387.9204

Client The Macsydney Company II, LLC
Project The Factory - 1839 South Main Street Wake Forest, NC 27587
Client Contact
Account Executive Nic Mayo

Designer KS
Date 06/09/22
Revision

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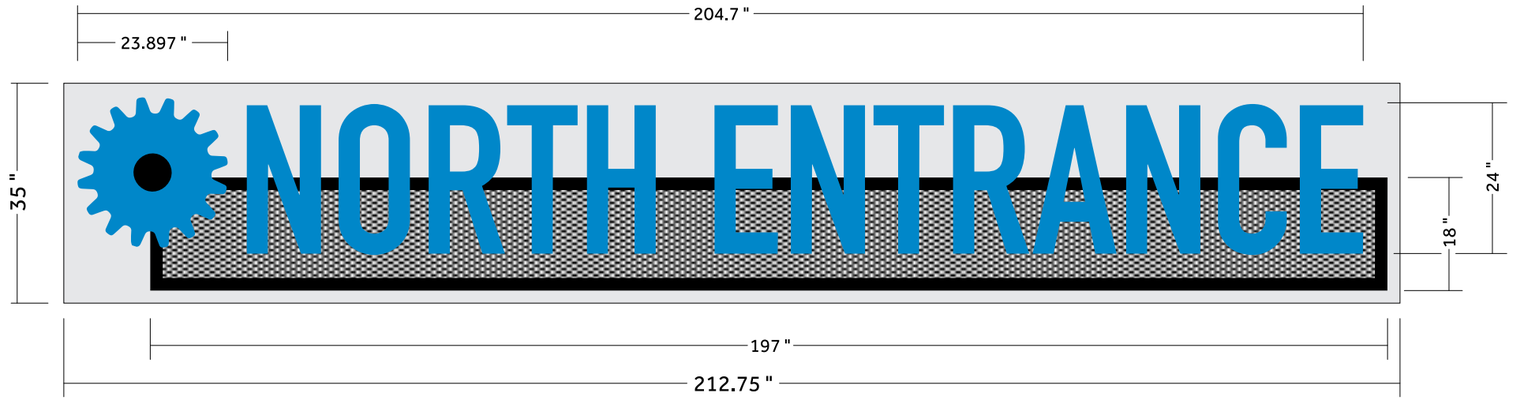
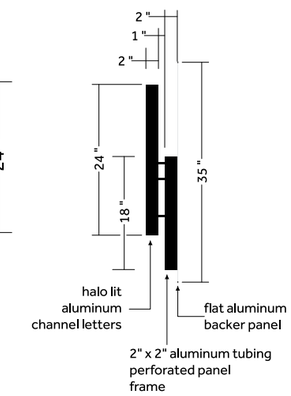
Sign Type H: Building Entrance Sign

1" Deep fabricated metal letters with painted colored faces and black returns mounted with spacers to framed perforated aluminum panel.
Flat aluminum attached to back of frame for halo light reflection.
Letters are halo lit with blue LED lighting.

Font: Din Condensed Bold
Colors as shown to match primary signage colors.
Mounting: Mechanically, flush to exterior wall



side view - dimensions



Primary Signage Colors

Silverstone Metallic
MP18091

Rodin Patina Metallic
MP19962
(may be substituted ASI SC-905 Black where applicable)

Digital: Pantone Yellow 136 C

Paint: Mower Yellow
MP04944

Digital: Pantone 2424 C

Paint: Lime Lollipop
MP00468

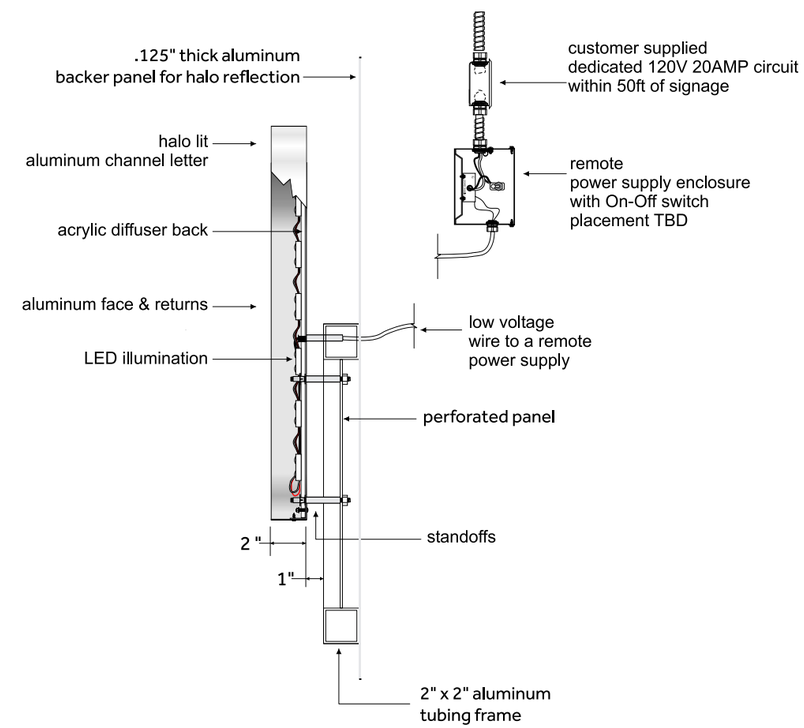
Digital: Pantone 2194 C

Paint: Nautical Blue
SC-601

Digital: Pantone 1585 C

Paint: Aranciata Orange
MP01229

side view



Quote # Q	Order # R24350	Sign Type H.3	Qty. 1	This Drawing Is Not Ready For Production

ASI North Carolina
600 Irving Parkway, Holly Springs, NC 27540
ph: 919.362.9669 fx: 919.387.9204

Client The Macsydney Company II, LLC
Project The Factory - 1839 South Main Street Wake Forest, NC 27587
Client Contact
Account Executive Nic Mayo

Designer KS
Date 06/09/22
Revision 06/17/22

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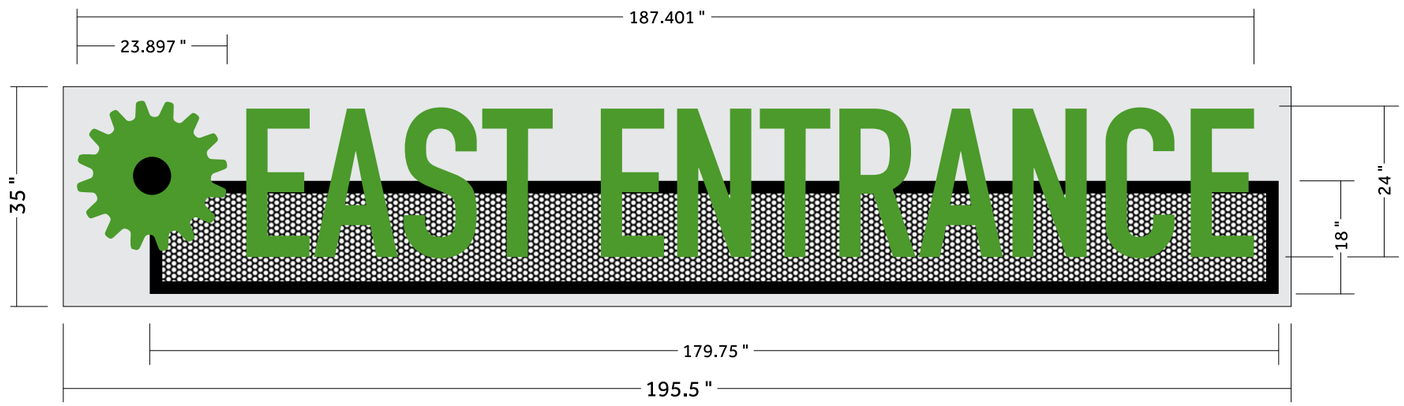
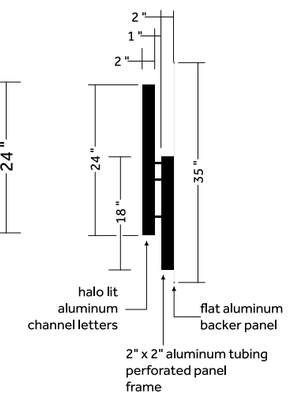
Sign Type H: Building Entrance Sign

1" Deep fabricated metal letters with painted colored faces and black returns mounted with spacers to framed perforated aluminum panel.
Flat aluminum attached to back of frame for halo light reflection.
Letters are halo lit with blue LED lighting.

Font: Din Condensed Bold
Colors as shown to match primary signage colors.
Mounting: Mechanically, flush to exterior wall



side view - dimensions



Primary Signage Colors

Silverstone Metallic
MP18091

Rodin Patina Metallic
MP19962
(may be substituted ASI SC-905 Black where applicable)

Digital: Pantone Yellow 136 C

Paint: Mower Yellow
MP04944

Digital: Pantone 2424 C

Paint: Lime Lollipop
MP00468

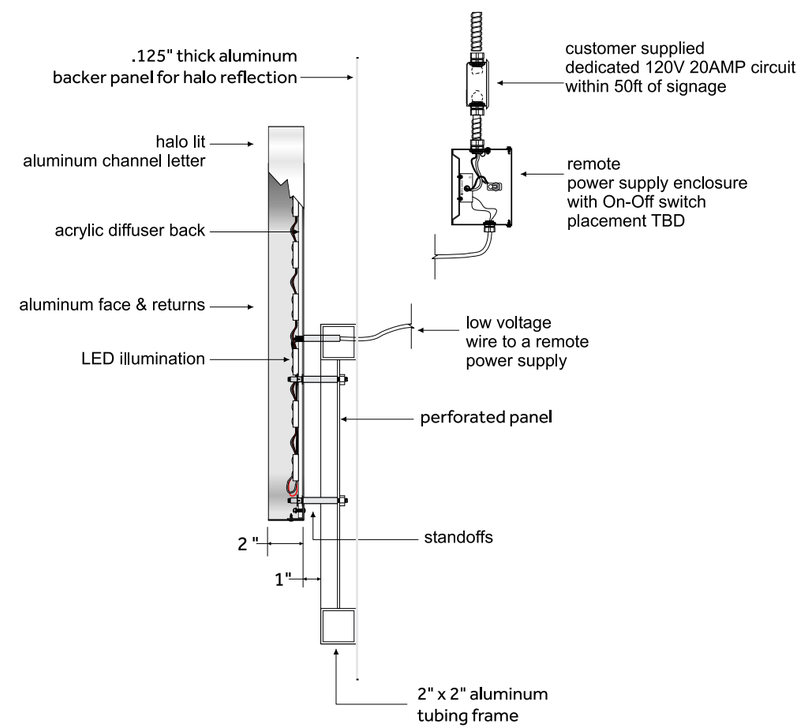
Digital: Pantone 2194 C

Paint: Nautical Blue
SC-601

Digital: Pantone 1585 C

Paint: Aranciata Orange
MP01229

side view



Quote # Q	Order # R24350	Sign Type H.4	Qty. 1	This Drawing Is Not Ready For Production

ASI North Carolina
600 Irving Parkway, Holly Springs, NC 27540
ph: 919.362.9669 fx: 919.387.9204

Client The Macsydney Company II, LLC
Project The Factory - 1839 South Main Street Wake Forest, NC 27587
Client Contact
Account Executive Nic Mayo

Designer KS
Date 06/09/22
Revision 06/17/22

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Sign Type I: Interior Kiosk

Square construction aluminum wayfinding kiosk with perforated aluminum panels on all 4 sides.

"The Factory" logos are applied vinyl, clear over.

Directory front/back map and directory list is a direct print inserted into a snap frame with a clear non-glare lens. Inserts are changeable. Advertising sides include changeable inserts. Map graphics supplied by customer.

Surface painted gear with direct print reflective yellow/black details.

Fonts: New Kansas (logo), Farm New Medium
Colors as shown to match primary signage colors

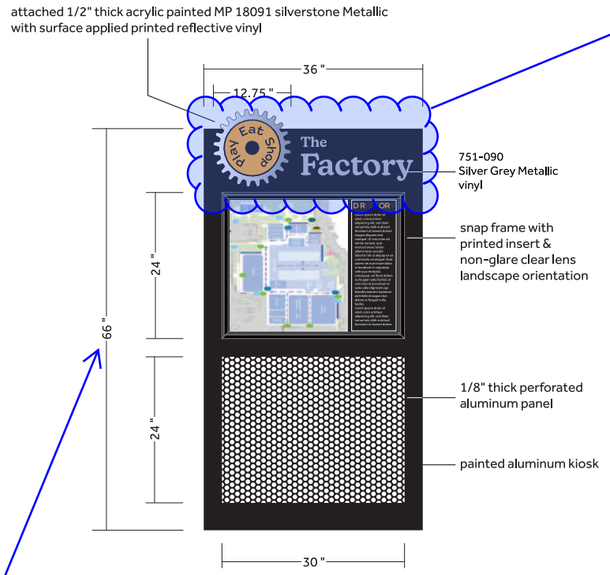
Kiosk has 2 detachable casters for mobilization.

Primary Signage Colors

- Silverstone Metallic MP18091
- Rodin Patina Metallic MP19962 (may be substituted ASI SC-905 Black where applicable)
- Digital: Pantone Yellow 136 C
  Paint: Mower Yellow MP04944
- Digital: Pantone 2424 C
  Paint: Lime Lollipop MP00468
- Digital: Pantone 2194 C
  Paint: Nautical Blue SC-601
- Digital: Pantone 1585 C
  Paint: Aranciata Orange MP01229

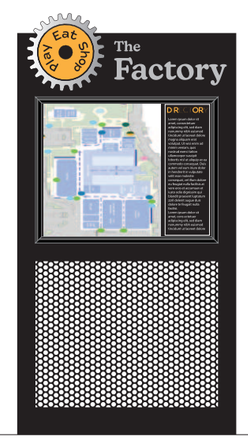
No advertising or logos allowed on incidental signs.

Incidental signs shall not exceed 4ft tall or 4sf in area.



front

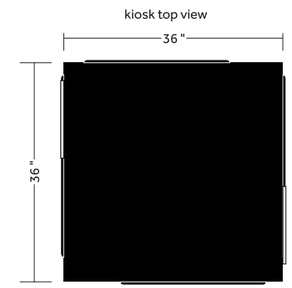
side 1

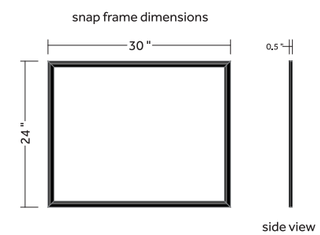


back

side 2

Confirm if these be stand alone or attached to a building wall?





11.10.8. Incidental Signs
A. Signs posted upon private property containing information necessary or convenient
for persons coming on a premise shall be located on the premises to which the information pertains. Examples include private parking, warning the public against
trespassing, against danger from animals or other dangers or dangerous conditions.
B. Signs that indicate towing shall be no smaller than 24" x 24" and be prominently displayed at the entrance thereto, displaying the name and phone number of the towing and storage company, and, if individually owned or leased, the parking lot or spaces within the lot are clearly marked by signs setting forth the name of each individual lessee or owner.
C. No advertising, including names or logos, may be affixed to such a sign.
D. Such signs must be single faced only and wholly attached to a building (may be located
on windows or doors) or on posts throughout the site.

Quote # Q	Order # R24350	Sign Type I	Qty. 3	This Drawing Is Not Ready For Production

ASI North Carolina
600 Irving Parkway, Holly Springs, NC 27540
ph: 919.362.9669 fx: 919.387.9204

Client	The Macsydney Company II, LLC	Designer	KS
Project	The Factory - 1839 South Main Street Wake Forest, NC 27587	Date	06/10/22
Client Contact		Revision	
Account Executive	Nic Mayo		

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See previous note *002 Entry Monument* Page 2.

Sign Type B: Secondary Entry Monument

Custom aluminum sign cabinet with perforated panel accent blade, face lit and halo lit attached elements.

Pan type aluminum panel will be halo lit with blue LED lighting, mounted with spacers. "The Factory" logo will be back lit push- through acrylic with black day/night vinyl on letter faces.

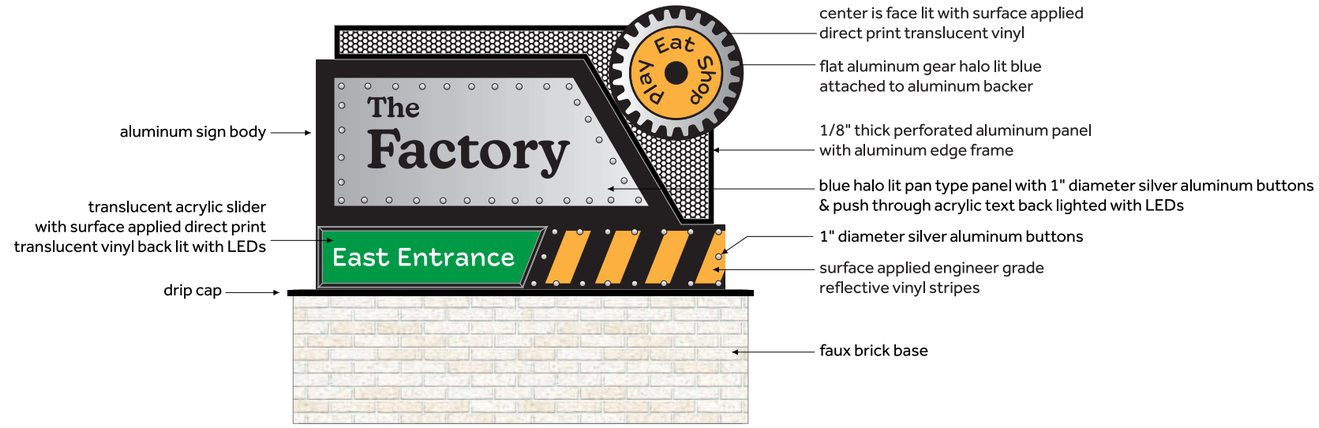
Center of gear will be internally face lit with blue LED halo lighting behind gear teeth.

Decorative elements include 1" diameter aluminum buttons.

Translucent acrylic slider with entrance Info will be internally back lit.

Caution stripes are engineer grade reflective Yellow.

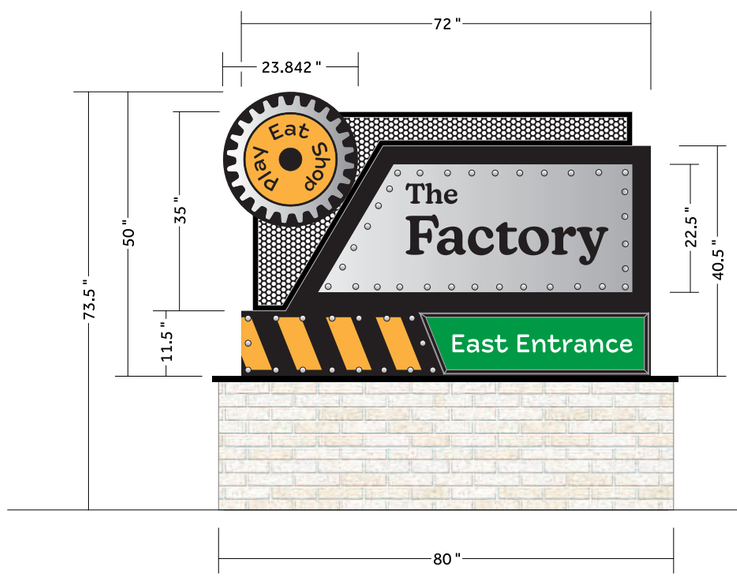
Fonts: New Kansas (logo), Farm New Medium
Colors: As shown to match primary signage colors
Base is finished with faux "Classic" brick panels and drip cap.



side A

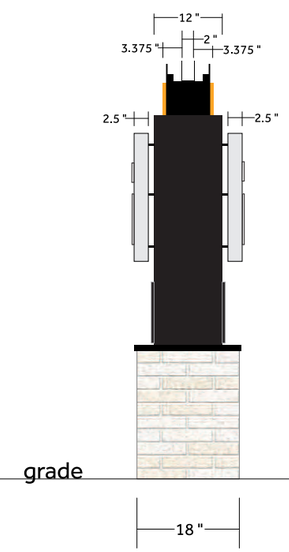
Primary Signage Colors

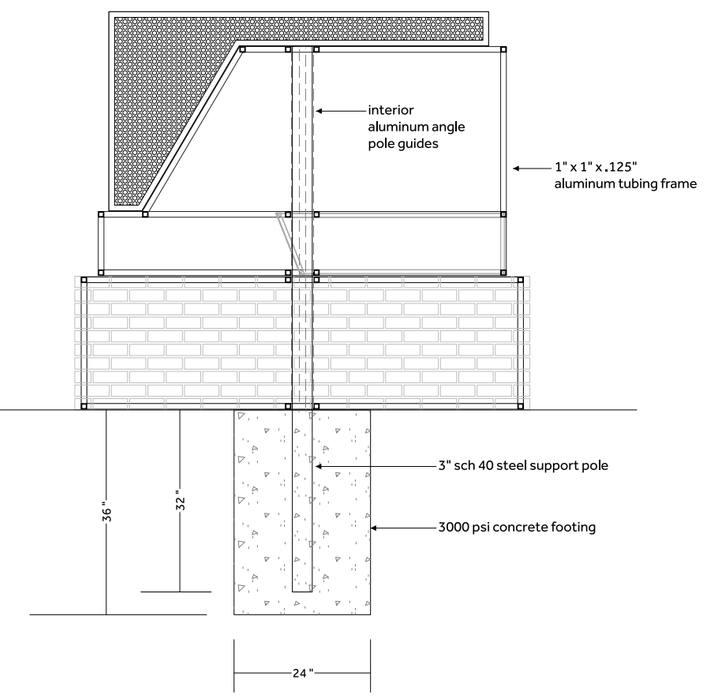
- Silverstone Metallic MP18091
- Rodin Patina Metallic MP19962 (may be substituted ASI SC-905 Black where applicable)
- Digital: Pantone Yellow 136 C
  Paint: Mower Yellow MP04944
- Digital: Pantone 2424 C
  Paint: Lime Lollipop MP00468
- Digital: Pantone 2194 C
  Paint: Nautical Blue SC-601
- Digital: Pantone 1585 C
  Paint: Aranciata Orange MP01229



side B

side view





Quote # Q	Order # R24350	Sign Type B	Qty. see layout sheet	This Drawing Is Not Ready For Production

ASI North Carolina
600 Irving Parkway, Holly Springs, NC 27540
ph: 919.362.9669 fx: 919.387.9204

Client The Macsydney Company II, LLC
Project The Factory - 1839 South Main Street Wake Forest, NC 27587
Client Contact
Account Executive Nic Mayo

Designer KS
Date 06/10/22
Revision

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Sign Type C: Wayfinding Signs

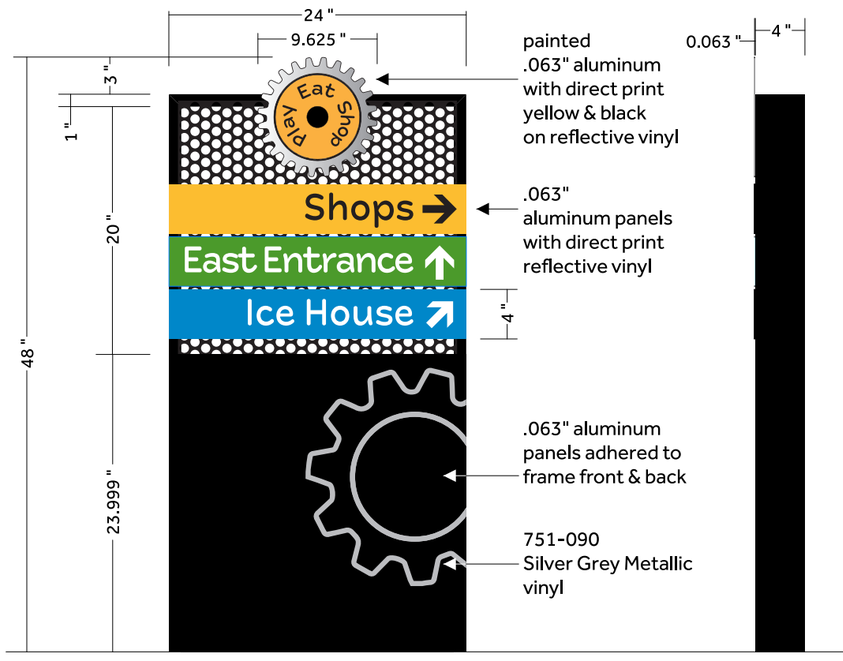
Custom single-sided painted aluminum sign with perforated panel insert, aluminum gear logo and aluminum wayfinding panels.

Changeable aluminum wayfinding panels with direct print color on reflective vinyl.
Gear is painted aluminum with direct print yellow & black on reflective vinyl.

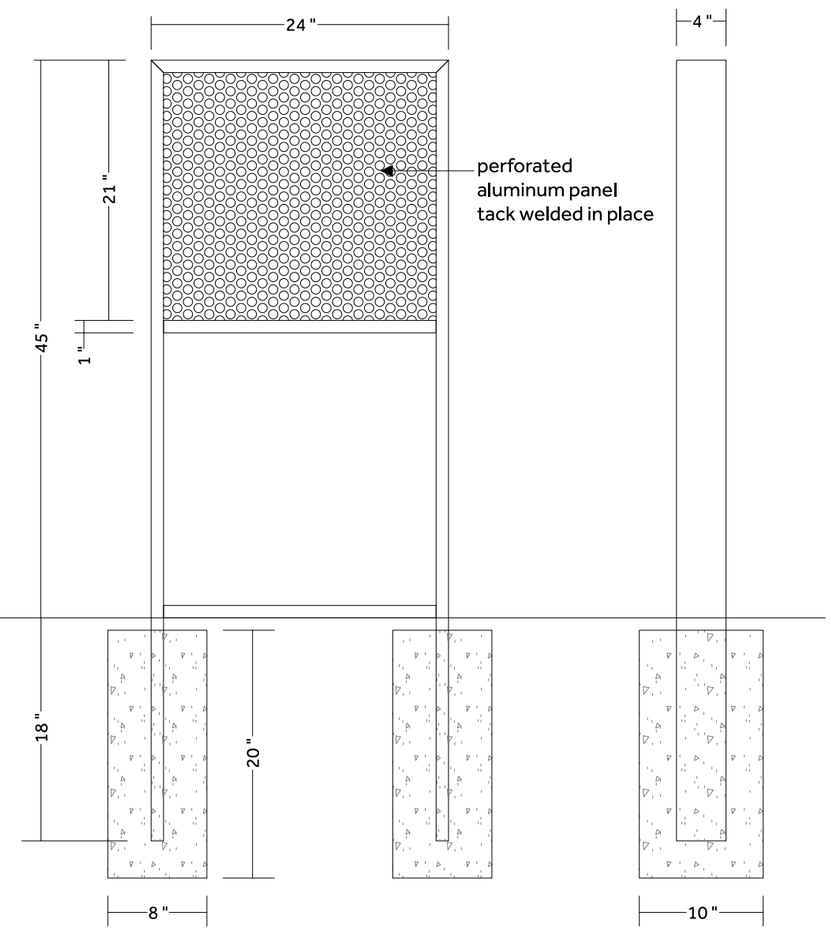
Fonts: New Kansas (logo), Farm New Medium.
Changeable Panel Verbiage & Colors: TBD
Painted Colors: As shown to match primary signage colors.
Wayfinding panel colors and graphics TBD.

Final Height TBD by quantity of wayfinding panels.

see comments on 002



side view



1"' x 4" x .125" aluminum tubing frame direct burial in concrete

Primary Signage Colors

- Silverstone Metallic MP18091 / Oracal 751-090 Silver Grey Metallic Vinyl
- Rodin Patina Metallic MP19962 (may be substituted ASI SC-905 Black where applicable)
- Digital: Pantone Yellow 136 C / Paint: Mower Yellow MP04944
- Digital: Pantone 2424 C / Paint: Lime Lollipop MP00468
- Digital: Pantone 2194 C / Paint: Nautical Blue SC-601
- Digital: Pantone 186 C

Quote # Q	Order # R24350	Sign Type C	Qty. TBD per message schedule	This Drawing Is Not Ready For Production

ASI North Carolina
600 Irving Parkway, Holly Springs, NC 27540
ph: 919.362.9669 fx: 919.387.9204

Client The Macsydney Company II, LLC
Project The Factory - 1839 South Main Street Wake Forest, NC 27587
Client Contact
Account Executive Nic Mayo

Designer KS
Date 06/10/22
Revision 07/20/22 ks

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Sign Type D: Light Pole Banners

Double-sided banners with direct printed graphics.
Flag mounted to existing poles with spring loaded bend away brackets stainless steel banding to match pole color.

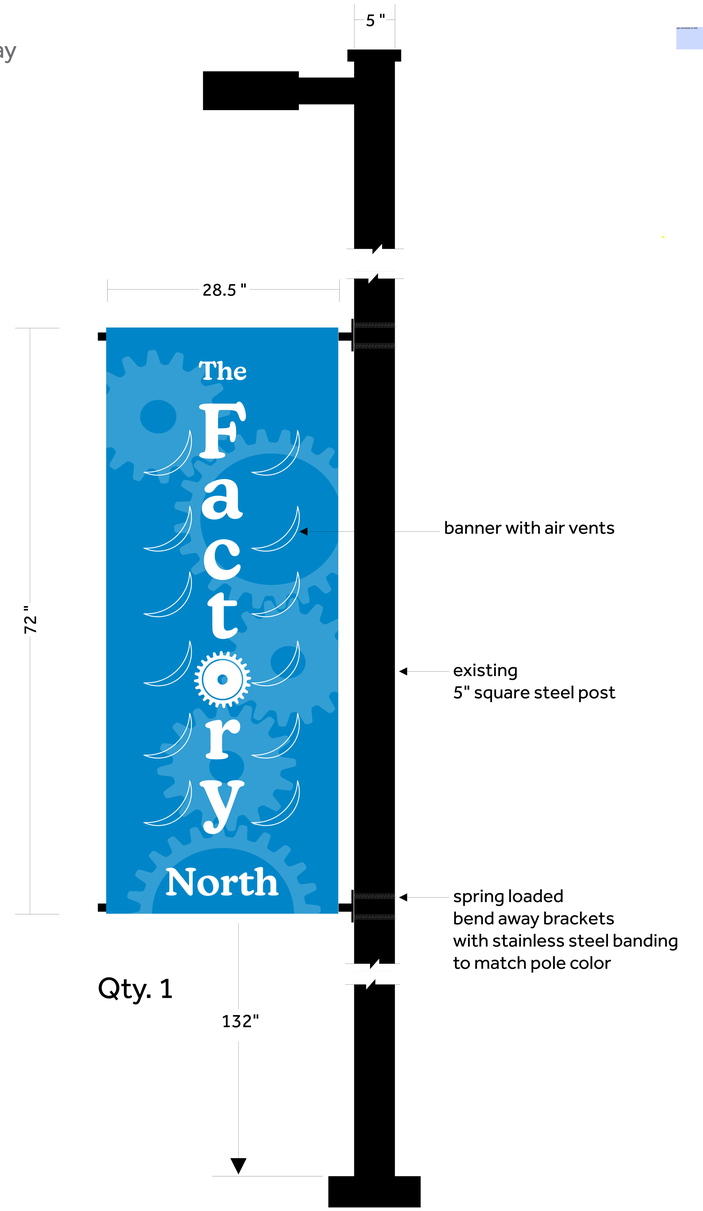
Font: New Kansas (logo)
Banner Colors: to match PMS colors shown
Bracket Color: CN 10400703 Black

Digital: Pantone Yellow 136 C
Paint: Mower Yellow MP04944

Digital: Pantone 2424 C
Paint: Lime Lollipop MP00468

Digital: Pantone 2194 C
Paint: Nautical Blue SC-601

Digital: Pantone 186 C



Qty. 1

Banner Design, application and locations approved by

Tony Ferguson

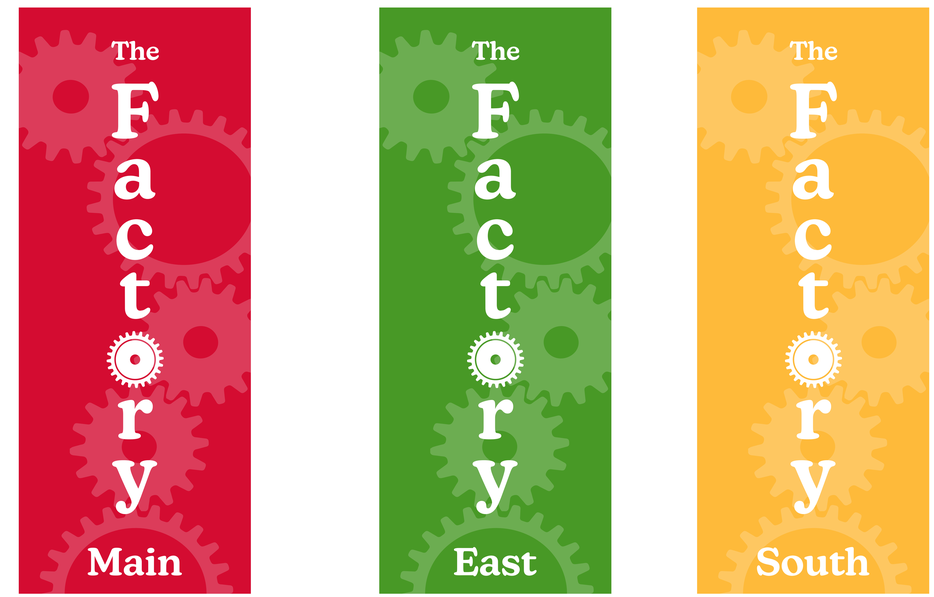
Outdoor Lighting Program Manager

Duke Energy Progress

Tony.Ferguson@duke-energy.com

919-761-3001

alternate colors



Qty. 2 Qty. 4 Qty. 2

Quote # Q	Order # R24350	Sign Type D	Qty. as shown	This Drawing Is Not Ready For Production

ASI North Carolina
600 Irving Parkway, Holly Springs, NC 27540
ph: 919.362.9669 fx: 919.387.9204

Client The Macsydney Company II, LLC
Project The Factory - 1839 South Main Street Wake Forest, NC 27587
Client Contact
Account Executive Nic Mayo

Designer KS
Date 06/10/22
Revision 07/20/22 ks
08/04/22 Jn

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MAIN
NORTH
SOUTH
EAST
Existing per survey 2017 Alta Survey
Existing per current Aerial
S Main St
Alberbury Commons Ct
Capcom Ave
Grandmark St
Heritage Center Dr
Rogers Rd
Gonza Tacos Y Tequila
Mexican · $$
Five Hole Sports - The Factory
Hockey supply store
O2 Fitness Wake Forest - The Factory
The Factory
Polar Ice Wake Forest
Epic Axe Of Wake Forest
Gladwell Orthodontics
Prime Time Hockey
House of Sports NC
Carlisle's Complete 7 Multi Sport
Dunkin'
Sams Express
Sam's Xpress® Car Wash Wake Forest
NC Inspection Center at the Factory
Ivory Cleaners & Laundromat Wake Forest
Lonerider at Wake Forest
Mane Event Studio
Fifth Third Bank & ATM
Prestige Lending
Gustavo Vidal, PT
Utility Plant Solutions
Hoh Jena E
Associated Urologists of North Carolina
Huguette Curah
Kevin Khoudary
Google

Regarding Landscaping:

Emma did some research and contacted our contact in Town of Wake Forest Planning department and he confirmed that we only need to submit the plan with our landscaping as-is. On the submission please state that "we are using well established on-site landscaping consisting of grass, trees, evergreen bushes / hedge plants to meet the stated requirement."
We do not want to put in additional plantings, trees, irrigation, etc., unless the town requires it during plan review.
Karen
Karen Ruoff Brown, CPM
Sr. Vice President of Property Management
YORK PROPERTIES, INC.
2108 Clark Avenue I Raleigh NC 27605
d 919 863 8066 I o 919 821 1350 I f 919 828 9240

Staff recognized that there was a large amount of mature, existing landscaping and that depending on placement, the existing landscaping could be recognized as being dedicated to the sign per phone conversation depending on area of the landscaping and if it would fall within the requirements of 11.10.10.c.1

Electrician info:
Jimmy Pruitt with Waco Electric
919-291-9493
jimmy@waconc.com

mail History

Number of Recipients: 1

Sent: 09/19/2022 3:17:19 PM

Sent by: Emma Linn

To: liz.martinez@asisignage.com

Cc:

Bcc:

Subject: Resubmittal Required - The Factory

Attachments: Development Permit Denial_01.pdf

TOWN of WAKE FOREST

Town of Wake Forest

301 S. Brooks Street | Wake Forest, NC 27587
Inspections Tel.: 919.435.9530 | Fax: 919.435.9538
Planning Tel.: 919.435.9510 | Fax: 919.435.9539

Hello ELizabeth Martinez,

Thank you for submitting your project to Town of Wake Forest (Wake County). Unfortunately your Sign Permit-Permanent application for The Factory located at 1839 S MAIN ST requires a resubmittal. Once the project is revised, log into your online portal account and submit revised plans that fully address all comments along with a written response for each comment.

Please note that if a revised application is not submitted within 6 months, the application will be considered withdrawn, all review fees will be forfeited, and a new application, including review fees, will be required. Any changes to the plans, other than those associated with the review comments provided, must be clearly marked on the plans and referenced in your responses. Failing to notify staff of the aforementioned changes can result in additional review fees, a longer review schedule, stop work orders, revocation of issued permits and/or development application approvals. You may begin the resubmittal process by clicking the link below:
https://wakeforest.idtplans.com/secure/project/permits/?projectid=848278&step=resubmit

Application Type: Sign Permit-Permanent
Workflow: Sign Permit - Permanent
Project: The Factory

Open Issues: 32
Document Redlines: 31

You can view the list of open issues and document redlines here:
https://wakeforest.idtplans.com/secure/project/?projectid=848278

Once you have made your corrections, you can begin the resubmittal process here:
https://wakeforest.idtplans.com/secure/project/permits/?projectid=848278&step=resubmit

Back Close

Planning Department
Wake Forest Town Hall – 3rd Floor
301 S Brooks Street
Wake Forest, NC 27587
P: 919-435-9510 | F: 919-435-9539
www.wakeforestnc.gov

Project Title: The Factory
Project Address: 1839 S MAIN ST (1840012345)

Date: Monday, September 19, 2022
Dear ELizabeth Martinez,

Please review the attached comments from the Town of Wake Forest. When responding to comments, please make sure to state how you have addressed the comment in your revisions, or the comment may remain open on the next review. You can access any open issues directly on the project application page.

WHEN RE-SUBMITTING PLEASE RE-SUBMIT A FULL SET OF PLANS FOR RE-REVIEW
Sincerely,

Emma Linn | elinn@wakeforestnc.gov
Planner I
919-435-9514

Open Issues: 32

Inspections

General Issues

1. Plan Review

Tim Edwards tedwards@wakeforestnc.gov	Once Planning is approved you will need to submit engineered drawings for signs that are over 6' above grade. We will issue a building and electrical permit for the installation of signs

Planning

001 SITE Plan.pdf (Page 1)

2. Planning B

Emma Linn elinn@wakeforestnc.gov	It appears that there are two types of directionals proposed OR are these the "Entry Monuments"? Please clarify and/or update site map

3. Planning B

Emma Linn elinn@wakeforestnc.gov	Only ONE monument sign allowed per street frontage.

4. Planning B

Emma Linn elinn@wakeforestnc.gov	Sign shall be placed on Factory premise. Otherwise please provide landowner approval to place sign on adjacent lot.

5. Planning B

Benjamin Coleman bcoleman@wakeforestnc.gov	all directionals must be represented as being at least 5' from right of way per UDO 11.10.3.d

002 Entry Monument.pdf (Page 1)

6. Planning B

Benjamin Coleman bcoleman@wakeforestnc.gov	Faux brick base prohibited, must be masonry base per UDO 11.10.10.d.2

7. Planning B

Benjamin Coleman bcoleman@wakeforestnc.gov	Masonry base a minimum height of 24" per UDO 11.10.10.d.2

8. Planning B

Benjamin Coleman bcoleman@wakeforestnc.gov	Please be aware by choosing a monument sign that exceeds 6ft you are choosing option 1 per UDO 11.8 regarding monument signs for multiple non-residential building site. This allows for 1 monument sign per street frontage with a maximum area of 70 sq ft with a height of 12'

9. Planning B

Benjamin Coleman bcoleman@wakeforestnc.gov	Monument sign exceeds maximum height of 12' per UDO 11.8

10. Planning B

Benjamin Coleman bcoleman@wakeforestnc.gov	Masonry base a minimum width of 20% greater than the width of the sign. If to scale, the width of the sign appears to be 42" and therefore the base must be 1.5 x 42" = 63"

002 Entry Monument.pdf (Page 2)

11. Planning B

Emma Linn elinn@wakeforestnc.gov	Per Unified Development Ordinance Section 11.8, for multiple non-residential building sites, one monument sign is permitted per street frontage. This site fronts two public streets, S Main and Grandmark St. Individual entrance monuments exceeds maximum quantity. [Edited By Emma Linn]

12. Planning B

Benjamin Coleman bcoleman@wakeforestnc.gov	Masonry base width must be at least 20% greater than width of sign. If to scale, the sign is 75" wide which would require a base of 90" width

13. Planning B

Benjamin Coleman bcoleman@wakeforestnc.gov	Masonry base must be equal or greater than 24" tall

14. Planning B

Benjamin Coleman bcoleman@wakeforestnc.gov	Faux brick prohibited in base

002 Entry Monument.pdf (Page 4)

15. Planning B

Emma Linn elinn@wakeforestnc.gov	Maximum height for directional signs is 3'. Revise.

16. Planning B

Emma Linn elinn@wakeforestnc.gov	Gears would be considered as sign "copy." Maximum area is 4sf. Revise.

17. Planning B

Emma Linn elinn@wakeforestnc.gov	11.3.1. Computation of Sign Area A. The area of a sign face shall be deemed to be the entire area within the smallest polygon that will encompass the extreme limits of the writing, representation, emblem, or other display on the sign that can be reasonably calculated. B. The area shall also include any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. C. Frames or structural members not bearing informational or representational matter shall not be included in computation of the area of a sign face.

002 Entry Monument.pdf (Page 5)

18. Planning B

Emma Linn elinn@wakeforestnc.gov	All utility pole banners shall be of the same dimension

002 Entry Monument.pdf (Page 6)

19. Planning B

Emma Linn elinn@wakeforestnc.gov	Provide building wall lengths (for each subject wall where a sign is proposed) and existing quantity on the building.

002 Entry Monument.pdf (Page 7)

20. Planning B

Benjamin Coleman bcoleman@wakeforestnc.gov	Will this wall sign replace existing "south entrance" sign or be in addition?

002 Entry Monument.pdf (Page 10)

21. Planning B

Emma Linn elinn@wakeforestnc.gov	Confirm if these be stand alone or attached to a building wall?

22. Planning B

Emma Linn elinn@wakeforestnc.gov	11.10.8. Incidental Signs A. Signs posted upon private property containing information necessary or convenient for persons coming on a premise shall be located on the premises to which the information pertains. Examples include private parking, warning the public against trespassing, against danger from animals or other dangers or dangerous conditions. B. Signs that indicate towing shall be no smaller than 24 x 24 and be prominently displayed at the entrance thereto, displaying the name and phone number of the towing and storage company, and, if individually owned or leased, the parking lot or spaces within the lot are clearly marked by signs setting forth the name of each individual lessee or owner. C. No advertising, including names or logos, may be affixed to such a sign. D. Such signs must be single faced only and wholly attached to a building (may be located on windows or doors) or on posts throughout the site.

23. Planning B

Emma Linn elinn@wakeforestnc.gov	No advertising or logos allowed on incidental signs.

24. Planning B

Emma Linn elinn@wakeforestnc.gov	Incidental signs shall not exceed 4ft tall or 4sf in area.

003 secondary entry monument (East).pdf (Page 1)

25. Planning B

Emma Linn elinn@wakeforestnc.gov	See previous note 002 Entry Monument Page 2. [Edited By Emma Linn]

004 Wayfinding Directional Sign Type C.pdf (Page 1)

26. Planning B

Benjamin Coleman bcoleman@wakeforestnc.gov	see comments on 002

005 Banner location and specs.pdf (Page 1)

27. Planning B

Benjamin Coleman bcoleman@wakeforestnc.gov	see comments on 002

007 Additional Info.pdf (Page 1)

28. Planning B

Benjamin Coleman bcoleman@wakeforestnc.gov	Staff recognized that there was a large amount of mature, existing landscaping and that depending on placement, the existing landscaping could be recognized as being dedicated to the sign per phone conversation depending on area of the landscaping and if it would fall within the requirements of 11.10.10.c.1

Planning Department

General Issues

29. Utility Pole Banners

Emma Linn elinn@wakeforestnc.gov	All utility pole banners must receive written approval from the electrical provider. [Edited By Emma Linn]

30. Landlord Approval

Emma Linn elinn@wakeforestnc.gov	Please provide landlord approval for signage plan.

31. Utility Pole Banners

Emma Linn elinn@wakeforestnc.gov	There are two types of utility pole signs. Please differentiate.

32. Utility Pole Banners

Benjamin Coleman bcoleman@wakeforestnc.gov	Additional standards: C. Utility Pole Banners: Decorative banners may be erected on city utility poles provided the banners are installed and removed by the applicant. Installation must be approved by the Administrator and the banners must be removed by an agreed upon date. Such banners may also be erected on buildings subject to the approval from the Administrator and are subject to the following criteria: 1. All utility pole banners must receive written approval from the electrical provider. 2. Must be mounted to poles with upper and lower horizontal supports. 3. All utility pole signs placed on a lot shall be of the same dimensions. 4. Shall be placed at the same relative height and location on all poles. 5. No pole shall contain more than two (2) pole signs, provided that such signs are located immediately across from each other. 6. Electrical provider may remove banner at any time under their discretion. 7. A renewable temporary sign permit to allow such banners shall only be valid for 180 days.

Currin, Jennifer

From: Linn, Emma
Sent: Thursday, September 14, 2023 12:39 PM
To: Currin, Jennifer
Subject: FW: wall signs

Hi Jen,

Please see requested email sent on 11/23/22.

TOWN of WAKE FOREST

Emma Linn, CZO
Planner II - Long Range Planning
PLANNING

Office: 919-435-9510 | Direct: 919-435-9514 | Mobile: 919-356-9336
301 S. Brooks Street | Wake Forest, NC 27587
wakeforestnc.gov

Where Innovation Meets Opportunity

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

From: Linn, Emma <elinn@wakeforestnc.gov>
Sent: Wednesday, November 23, 2022 2:03 PM
To: Nic Mayo <nic.mayo@asisignage.com>
Cc: Jennifer Miller <jennifer.miller@asisignage.com>; Liz Martinez <liz.martinez@asisignage.com>; Terry Patsel <terry.patsel@asisignage.com>
Subject: RE: wall signs

Good afternoon,

Staff have reached a decision about the “Main Entrance” wall sign. As it is currently proposed, it would fall under the requirements of an “awning/canopy” sign. The ordinance states that the maximum area allowed for an "awning/canopy" sign is 50% of awning area. Staff realizes that this calculation would be too small for what is being proposed thus, prohibiting the sign.

However, staff have agreed that under these circumstances we would review the “Main Entrance” sign area using the area calculation for "Gas Station Pricing: Canopy" signs. The area calculation for this type of sign is 1 sq. ft. per canopy linear foot (maximum area).

I will decline the current package. When you resubmit please provide revised sign documents. It is important that the length of the canopy is included with the "Main Entrance" sign drawing.

If you have any questions please let staff know. When you are ready, please resubmit. Staff will expedite the review.

I hope you all have a Happy Thanksgiving.

All the best,
Emma

Emma Linn, CZO
Planner I - Development Services
PLANNING
Office: 919-435-9510 | Direct: 919-435-9514 | Mobile: 919-356-9336
301 S. Brooks Street | Wake Forest, NC 27587
wakeforestnc.gov
Where Innovation Meets Opportunity

From: Linn, Emma <elinn@wakeforestnc.gov>
Sent: Monday, November 21, 2022 5:02 PM
To: Nic Mayo <nic.mayo@asisignage.com>
Cc: Jennifer Miller <jennifer.miller@asisignage.com>; Liz Martinez <liz.martinez@asisignage.com>; Terry Patsel <terry.patsel@asisignage.com>
Subject: RE: wall signs

Hi, Nic et. All –

I wanted to email you to let you know were still looking into the mounting of the "Main Entrance" wall sign. This is sort of an unusual façade, so we're seeing how it can be compliant with the ordinance standards.

Thank you for your patience.

Enjoy your evening,

From: Nic Mayo <nic.mayo@asisignage.com>
Sent: Thursday, November 17, 2022 9:48 AM
To: Linn, Emma <elinn@wakeforestnc.gov>
Cc: Jennifer Miller <jennifer.miller@asisignage.com>; Liz Martinez <liz.martinez@asisignage.com>; Terry Patsel <terry.patsel@asisignage.com>
Subject: Re: wall signs

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Can it be mounted to the tower itself then?

On Thu, Nov 17, 2022 at 9:30 AM Linn, Emma <elinn@wakeforestnc.gov> wrote:

> Thank you for sending those along, Liz.

The only concern I see at this time after reviewing the monument and wall signs is the location of the “Main Entrance” sign. It is proposed to be installed on the front canopy. We have separate ordinance requirements for awning/canopy signs. If you’d like to keep it as a wall sign, you would need to move it to the building façade (outlined in red below). We’d also need to ensure that the maximum of 4 wall signs is not being exceeded.

Feel free to give me a ring to chat! I am happy to discuss and work with you to get these approved.

MAIN ENTRANCE

From: Liz Martinez <liz.martinez@asisignage.com>
Sent: Tuesday, November 15, 2022 6:47 PM
To: Linn, Emma <elinn@wakeforestnc.gov>; Nic Mayo <nic.mayo@asisignage.com>; Jennifer Miller <jennifer.miller@asisignage.com>; Terry Patsel <terry.patsel@asisignage.com>
Subject: wall signs

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

Hi Emma,

Attached are the drawings for the wall signs only.

Previously I clarified their location, the length of the walls they will be attached to, and that the existing signage on the building will be removed.

Let me know if you need any other info.

Thanks!

Liz

Liz Martinez
ASI | Signage Innovations
E. Liz.Martinez@asisignage.com
asisignage.com
600 Irving Pkwy, Holly Springs, NC

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

--
Nic Mayo
Signage Consultant

ASI North Carolina
600 Irving Parkway
Holly Springs, NC 27540

Direct: 252-269-5211
nic.mayo@asisignage.com

www.asisignage.com

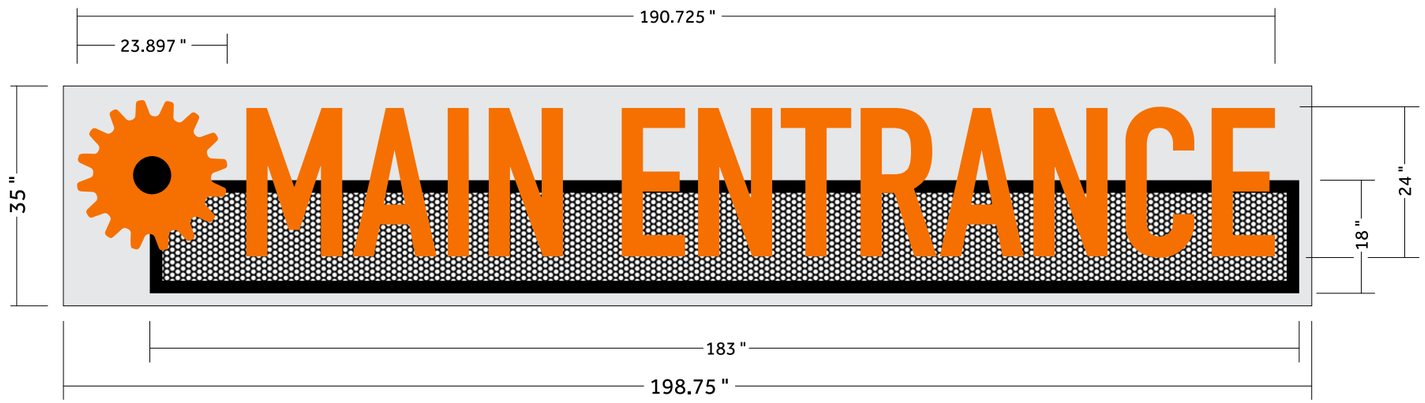
Inline image

Sign Type H: Building Entrance Sign

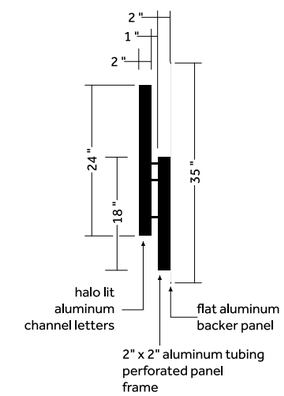
1" Deep fabricated metal letters with painted colored faces and black returns mounted with spacers to framed perforated aluminum panel.
Flat aluminum attached to back of frame for halo light reflection.
Letters are halo lit with blue LED lighting.

Font: Din Condensed Bold
Colors as shown to match primary signage colors.
Mounting: Mechanically to main entrance awning.

Provide building wall lengths (for each subject wall where a sign is proposed) and existing quantity on the building.



side view - dimensions



Primary Signage Colors

Silverstone Metallic
MP18091

Rodin Patina Metallic
MP19962
(may be substituted ASI SC-905 Black where applicable)

Digital: Pantone Yellow 136 C

Paint: Mower Yellow
MP04944

Digital: Pantone 2424 C

Paint: Lime Lollipop
MP00468

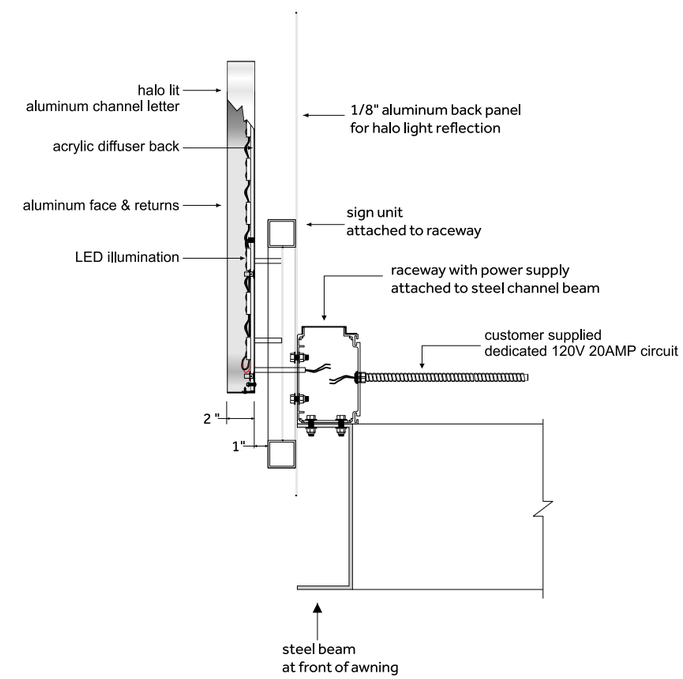
Digital: Pantone 2194 C

Paint: Nautical Blue
SC-601

Digital: Pantone 1585 C

Paint: Aranciata Orange
MP01229

side view



Quote # Q	Order # R24350	Sign Type H.1	Qty. 1	This Drawing Is Not Ready For Production

ASI North Carolina
Signage Innovations
600 Irving Parkway, Holly Springs, NC 27540
ph: 919.362.9669 fx: 919.387.9204

Client The Macsydney Company II, LLC
Project The Factory - 1839 South Main Street Wake Forest, NC 27587
Client Contact
Account Executive Nic Mayo

Designer KS
Date 06/09/22
Revision

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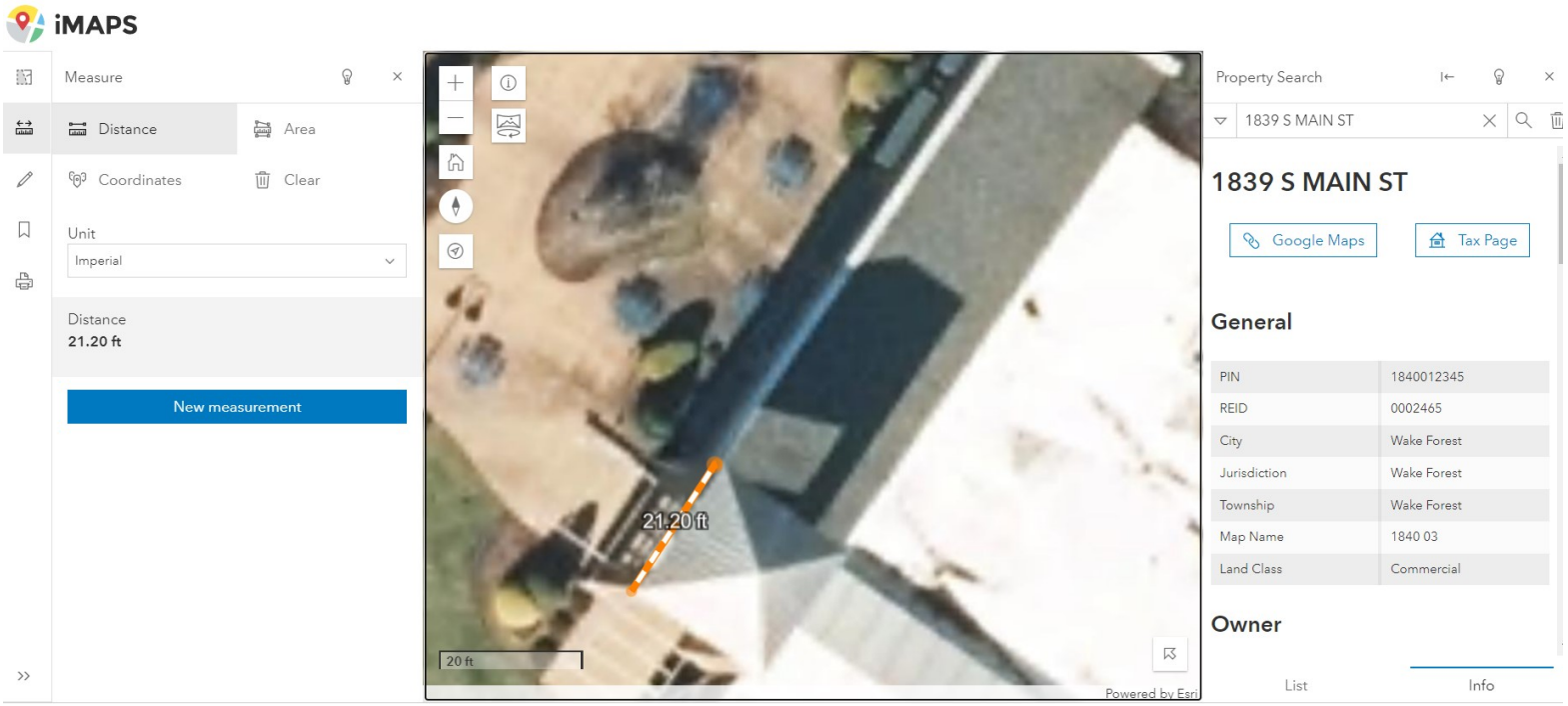
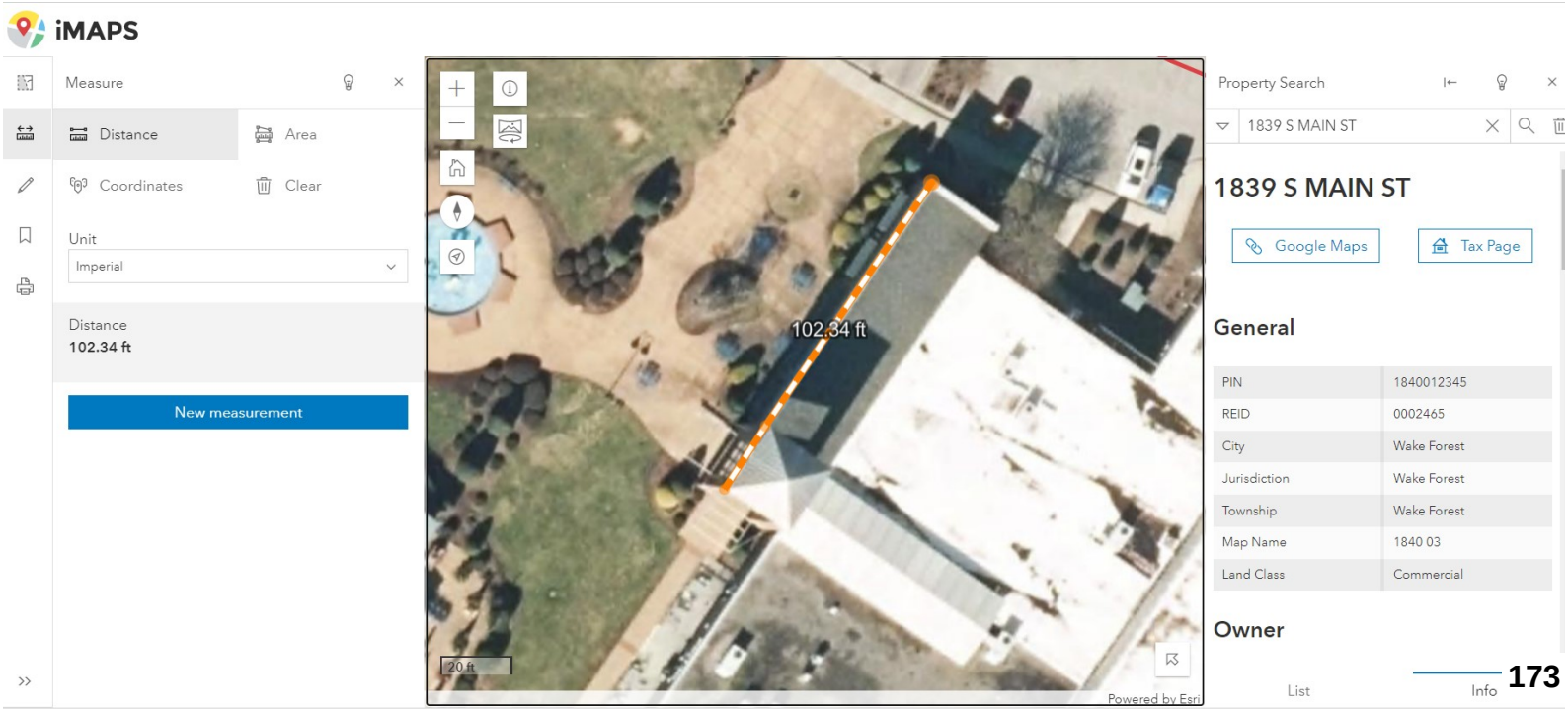
Calvin Gaunce
Street View - Jun 2018
Culver's
Rogers Rd
Google


iMAPS
Measure
Distance
Area
Coordinates
Clear
Unit
Imperial
Distance
21.20 ft
New measurement
21.20 ft
20 ft
Powered by Esri
Property Search
1839 S MAIN ST
1839 S MAIN ST
Google Maps
Tax Page
General
PIN 1840012345
REID 0002465
City Wake Forest
Jurisdiction Wake Forest
Township Wake Forest
Map Name 1840 03
Land Class Commercial
Owner
List
Info


iMAPS
Measure
Distance
Area
Coordinates
Clear
Unit
Imperial
Distance
102.34 ft
New measurement
102.34 ft
20 ft
Powered by Esri
Property Search
1839 S MAIN ST
1839 S MAIN ST
Google Maps
Tax Page
General
PIN 1840012345
REID 0002465
City Wake Forest
Jurisdiction Wake Forest
Township Wake Forest
Map Name 1840 03
Land Class Commercial
Owner
List
Info

11. Signs

11.1. General Purpose And Intent

It is the purpose of this chapter to authorize the use of signs whose size, type, and location are compatible with their surroundings; to ensure signs do not become a public hazard, traffic hazard, or nuisance; to preserve the characteristics of each district; and to protect and enhance the overall appearance of the community. It is not the intent of this chapter to prohibit any sign, display, or device containing any lawful, noncommercial message.

11.2. Applicability

All signs within the Town of Wake Forest's jurisdiction area shall be covered by these regulations and be erected, constructed, or maintained in accordance with the provisions of this section.

11.2.1. Permits Required

A. Except as provided otherwise in Sections 11.8 and 11.9 or elsewhere in this chapter, it shall be unlawful for any person to erect, construct, enlarge, move, or replace any sign without first obtaining a sign permit, in accordance with the Development Permit process in Section 15.6.1, from the Administrator to ensure compliance with the provisions of this ordinance.

B. Additional permits may be necessary pursuant to the regulations in the state building code or other sections of this ordinance.

11.2.2. Alteration of Sign Face

Cleaning, electrical repair, resurfacing, and other maintenance of a sign shall not require a permit. The changing of tenant name panels on multiple-tenant development signage and the change of copy on other signs specifically designed for changeable copy shall not require a permit.

11.2.3. Master Sign Plan

A master sign plan shall be required for Planned Unit Development Districts. The master sign plan is used for establishing the parameters for the size, location, and design of signs for a large, single development.

11.3. Computation of Signage Measurements

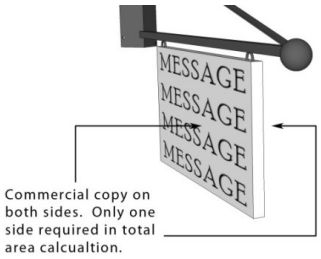
11.3.1. Computation of Sign Area

A. The area of a sign face shall be deemed to be the entire area within the smallest polygon that will encompass the extreme limits of the writing, representation, emblem, or other display on the sign that can be reasonably calculated.

B. The area shall also include any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed.

C. Frames or structural members not bearing informational or representational matter shall not be included in computation of the area of a sign face.

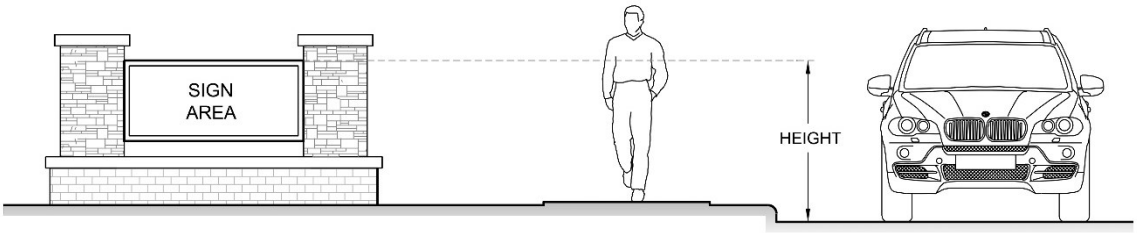
D. All sides of a multi-sided sign shall be included in the computation of area, except that the total area of a 2-sided back-to-back to sign shall only be calculated as the area of one of the sides as illustrated at right.



11.3.2. Computation of Height

A. **Attached Signs:** The sign height for attached signs shall be computed as the distance from the finished grade at the base of the building to which the sign is attached to the top of the highest component of the sign.

~~B.~~ **Freestanding Signs:** The maximum height shall be as measured from street grade or the sidewalk (where one exists), whichever is lower.



11.4. General Provisions

11.4.1. Location and Encroachment

A. Permitted signs shall be located outside of the street right-of-way, behind sidewalk areas, and outside of required site triangles, except where encroachments are specifically permitted by the provisions of this chapter.

B. If an encroachment into the public right-of-way is proposed, an encroachment agreement must be granted by the Town or NCDOT prior to applying for a permit; or placing a sign if a permit is not required.

C. All attached signs shall be mounted and attached to buildings in a secure manner, shall not include wire or turnbuckle guy, and shall be maintained in good repair for safety and appearance.

D. Non-governmental signs shall not be attached to or painted on power poles, light poles, telephone poles, traffic signs, or other objects not intended to support a sign. Utility pole banners require a permit per Section 11.11.1.

11.4.2. Materials, Structural, and Placement Requirements

A. All attached signs and sign support frames shall be mounted and attached to building in a secure manner, shall not include wire or turnbuckle guy, and shall be maintained in good repair for safety and appearance.

B. All permanently installed signs shall be able to resist normal loads from positive and negative wind pressure, snow, and other conditions as required by the current edition of the North Carolina version of the International Building Code.

C. The Administrator and/or the Building Inspector reserves the right to require sign load calculations and attachment design from a state licensed structural engineer, and to require same engineer to certify the sign installation in writing.

D. All attached signs shall be placed on buildings with care as to not cover or cause damage to any architectural feature on the subject building, including windows or any part of a window.

11.5. Nonconforming Signs

11.5.1. Limitation On Non-Conforming Signs

Signs erected after the passage of this section shall conform to the standards set forth herein. All legal nonconforming signs in existence as of the effective date of this chapter may be continued and shall be maintained in good condition. Nothing in this ordinance shall prevent the normal maintenance of an existing non-conforming sign. However, a nonconforming sign shall not be:

A. Changed to another type or shape of nonconforming sign; however, the copy, content, or message of the sign may be changed so long as the shape or size of the sign is not altered.

B. Structurally altered, except for normal maintenance.

C. Physically expanded, enlarged, or extended in any manner.

D. Reestablished after discontinuance for 30 days unless such sign is designated as a local landmark.

E. Reestablished after the sign is removed, except for normal maintenance; unless such sign designated as a local landmark.

F. Reestablished after damage or destruction where the estimated expense of reconstruction exceeds 33% of the appraised replacement cost of the sign in its entirety.

11.6. Sign Illumination

A. **Prohibited Lighting:** No flashing or intermittent illumination shall be permitted on any advertising sign or structure. No internal illumination shall occur within a National Register Historic District.

B. **Shielding Required:** Any indirect lighting or spot lighting shall require complete shielding of all light sources so as to illuminate only the face of the sign and prevent glare from off-site.

C. **Lighting to Comply with Chapter 10:** All sign illumination shall be in conformance with Chapter 10, Lighting.

11.7. Maintenance And Inspection Of Signs

Signs shall be kept in proper repair. The following maintenance requirements must be observed for all signs visible from any public street or highway within the jurisdiction of the Town of Wake Forest.

11.7.1. Damaged Signs

A. **Surface Appearance:** No sign shall have more than 20% of its surface area covered with disfigured, cracked, ripped, or peeling paint or poster paper for a period of more than 30 successive days.

B. **Broken Displays:** No sign shall remain with a bent or broken display area, broken supports, loose appendages, or struts or stand more than 15 degrees from the perpendicular for a period of more than 30 successive days.

C. **Illuminated Signs:** No indirect or internally illuminated sign shall have only partial illumination for a period of more than 30 successive days.

11.7.2. Inspections

All signs for which a permit is required shall be subject to inspection by the town. A representative of the town shall be authorized to enter at all reasonable times upon any property or premises to ascertain whether the provisions of the code are being obeyed.

The town may order the removal of any sign that is not in accordance with the provisions of the code.

11.7.3. Enforcement

A. **Substandard Signs:** The owners of any sign judged substandard by the Town of Wake Forest Zoning and Code Enforcement Officer shall be notified in writing and the said owner shall have 30 days in which to make repairs. If the said order is not complied with within 30 days, the Zoning Enforcement Officer shall remove such sign at the expense of the owner or lessee thereof plus administrative fees.

B. **Signs on Public Property:** Any sign installed or placed on public property or within a public right-of-way shall be forfeited to the public and is subject to confiscation and disposal. In addition to other remedies hereunder, the Administrator shall have the right to recover from the property owner, business owner, or person placing such a sign the full costs of removal and disposal of such sign.

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	11.10.6	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	-	-	-	-	-	-
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 pricer, 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

Sign Type	Conditions	Permitted Location	Max. Area	Maximum. Height	Permit Required	Max. Number	Illumination
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 11.10.10.B	External Only
Murals/Wall Art	11.10.11	HB, NB, NMX, LI, HI, RA-HC, 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 1st 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

Sign Type	Conditions	Permitted Location	Max. Area	Maximum. Height	Permit Required	Max. Number	Illumination
Vending Machine/Automatic Teller & Gasoline Pump Signs	11.10.16	Located on machine only	n/a	n/a	No	1 per machine	Not allowed
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				

11.9. Temporary Signage Standards

Sign Type	Conditions	Permitted Location	Max. Area	Maximum Height	Permit Required	Max. Number	Illumination
Banners	11.11.1	-	-	-	-	-	-
A. Special Event	11.11.1	All Districts	32 sq ft	4 ft	Yes	1 banner per street frontage	Not allowed
B. Grand Opening	11.11.1	All Districts	32 sq ft	4 ft	Yes	1 banner per street frontage	Not allowed

Sign Type	Conditions	Permitted Location	Max. Area	Maximum Height	Permit Required	Max. Number	Illumination
C. Utility Pole	11.11.1	All Districts	a. 3'x8' or; b. 3' 1/2 "x 5'1/2" * All utility pole signs placed within a development shall be same dimensions.	To be determined by utility provider	Yes	Single Light Pole: 1 banner Double Light Pole: 2 banners	Streetlight is only illumination allowed
Construction Project Signs	11.11.2	-	-	-	-	-	-
A. Non-Residential	11.11.2	All Commercial Districts	New Construction 32 sq ft	New Construction 8 ft	Yes	New Project 1 per street frontage	External Only
			Renovation Project 16 sq ft	Renovations 6 ft		Renovation 1 per project.	
B. Residential	11.11.2	All Residential Districts	New Construction 32 sq ft	New Construction 8 ft	Yes	New Construction 1 per main entrance of each phase (applicable for new subdivisions only)	External Only
			Renovation Project 16 sq ft	Renovations 6 ft		Renovation One per project.	
Flags	11.11.3	All Districts	15 sq ft	n/a	No	See 11.11.3	External Only
Holiday Decorations	11.11.4	All Districts	n/a	n/a	No	n/a	Internal or External
Model Homes/Sales Office Signs	11.11.5	All Districts: Only on model homes and lots used as sales offices for single-family residential subdivisions	Model Home 16 sq ft Sales Office 32 sq ft	8 ft	Yes	One per lot	Not allowed
Political Signs	11.11.6	All Districts	4 sq ft	4 ft	No	n/a	Not allowed
Portable / A-Frame Signs	11.11.7	All Districts	12 sq ft per side	4.5 ft	No	1 per tenant	Not allowed
Public Event Signs	11.11.8	All Districts	n/a	n/a	Yes	n/a	External Only
Real Estate Signs	11.11.9	All Districts	See 11.11.9	See 11.11.9	No	1 per street frontage	Not allowed

Sign Type	Conditions	Permitted Location	Max. Area	Maximum Height	Permit Required	Max. Number	Illumination
Residential Temporary Signage	11.11.10	-	-	-	-	-	-
Marketing	11.11.10	New Subdivisions, TNDs, or multi-family developments	12 sq ft	6 ft	Yes	4 per developme nt	External Only
Directional	11.11.10	New Subdivisions, TNDs, or multi-family developments	4 sq ft	4 ft	Yes	4 per developme nt	External Only
Yard Sale Signs	11.11.11	All districts	4 sq ft	4 ft	No	1 per street frontage	Not allowed

11.10. Permanent Signage Additional Standards

11.10.1. Address/Tenant Identification Signs

Incidental signs that list tenants, unit numbers, address, contact information, hours of operation, and similar non-commercial characteristics, in a multi-tenant building with common entry.

11.10.2. Awning/Canopy Signs

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

11.10.3. Directional Signs On Private Property

A. All such signs shall be permitted on non-residential property only.

B. Directional signs must be located on the premises to which directions are indicated.

C. Such signs may contain no copy (i.e., company name or logo) other than directional information.

D. Shall be a minimum of five (5) feet from right-of-way.

11.10.4. Drive-Thru Menu Boards

A. **Location/Placement:** Menu boards shall be allowed only as an accessory use to a restaurant having a drive-through window.

11.10.5. Electronic Message Boards

A. **Message Variation:** The electronic message shall not change in increments of less than 2 minutes and shall not scroll. New messages shall be timed to fade in and out slowly.

B. **Message and Background Color:** The background color shall be black with no illumination; text and graphics shall be of red or amber color only. Only one color may be displayed.

11.10.6. Gas Station Pricing

A. Canopy Signs

1. Canopy signs shall not extend beyond the ends or extremities of the canopy to which they are attached.

2. Sign shall only have changeable pricing and company name and logo.

B. Monument Signs

1. The LED pricing portion of the monument sign must be incorporated into a monument sign regulated under Section 11.10.10.

C. Wall Signs

1. An LED pricing sign is exempt from the requirements of 11.10.5. The maximum size allowed for the wall pricing sign is 16 square feet counts towards the total allowable wall signage.

11.10.7. Governmental Signs

A. Signs posted by various local, state, and federal agencies in the performance of their duties such as regulatory signs, welcome signs, and traffic signs.

B. Signs installed under governmental authority which note the donation of buildings, structures, or streetscape materials (such as, but not limited to benches, park facilities, etc.).

11.10.8. Incidental Signs

A. Signs posted upon private property containing information necessary or convenient for persons coming on a premise shall be located on the premises to which the information pertains. Examples include private parking, warning the public against trespassing, against danger from animals or other dangers or dangerous conditions.

B. Signs that indicate towing shall be no smaller than 24” x 24” and be prominently displayed at the entrance thereto, displaying the name and phone number of the towing and storage company, and, if individually owned or leased, the parking lot or spaces within the lot are clearly marked by signs setting forth the name of each individual lessee or owner.

C. No advertising, including names or logos, may be affixed to such a sign.

D. Such signs must be single faced only and wholly attached to a building (may be located on windows or doors) or on posts throughout the site.

11.10.9. Legal and Warning Signs

A. Signs erected to warn of danger or hazardous conditions such as signs erected by public utility companies or construction companies.

B. Signs required for or specifically authorized for a public purpose by any law, statute, or ordinance.

C. Signs that display information pertinent to the safety or legal responsibilities of the general public regarding a particular piece of property shall be located on the premises to which the information pertains. No advertising may be affixed to such a sign.

11.10.10. Monument Signs

A sign supported permanently upon the ground by a continuous base or two (2) or more support posts at the outside edge, not attached to any building, and meets the conditions below.

A. Non-Residential Development Signage:

1. Requirements vary by commercial zoning district, for specific requirements please refer to Table-11.8.

B. Residential Development Signage:

1. Each subdivision, traditional neighborhood development, or multi-family development is permitted a maximum of 2 permanent monument signs to be located at each major entrance to the residential development.
2. Where a subdivision, traditional neighborhood development, or multi-family development contains defined neighborhoods, 1 monument sign is permitted for each entrance indicating that neighborhood's name only.
3. Signs are permitted on decorative or retaining walls at entrances to residential developments without limitation to size of the wall.
4. Monument signs shall have a maximum surface area of 12 square feet.

C. Landscaping Requirements:

1. All freestanding signs shall be provided with a landscaped area at least equal to the sign surface area of the sign. Such landscaping may include any size or variety of annuals, perennials, ornamental grasses, hedge plants, or trees.
2. This plant material shall not count towards any other required landscaping.

D. Additional Requirements:

1. All monument signs must be set back a minimum of five (5) feet from the right-of-way.
2. All freestanding signs shall include a support or base (minimum two feet in height and its width shall be at least 20% more than the width of the sign) constructed of stone, brick, or other deemed acceptable masonry material.
3. The maximum height of sign copy for all monument signs shall be one foot less than the maximum sign height. The purpose of this provision is to allow decorative borders or sign toppers to extend an additional foot beyond the height of the sign face.

11.10.11. Murals/Wall Art

A hand-produced work of visual art which is painted or affixed directly upon to an exterior wall of a building. A mural is primarily intended to serve as a work of public art.

A. Mural Criteria

All murals shall be subject to the following regulations:

1. No mural shall be added to the primary façade of a building unless the proposed mural has been approved by the Public Art Commission (PAC).
2. Murals shall not be placed on primary residential structures.
3. The mural shall not extend more than twelve (12) inches from the plane of the wall upon which it is tiled or painted or to which it is affixed.
4. If the name of the business to which the mural is painted or affixed, it will be counted as a sign and must meet the regulations for attached signage.
5. The mural shall not advertise an off-premise business, only the business contained within the structure.
6. If proposed for a Locally Designated Historic Landmark or within a Local Historic District, an application for a Certificate of Appropriateness must be submitted to the Historic Preservation Planner prior to any paint or other material being added to the building to review for appropriateness. Buildings located in a National Register Historic District shall be required to submit a minor architectural review application which must be approved prior to any paint or other material being added to the building.

B. Prohibited Murals

1. Mechanically produced or computer-generated prints or images, including but not limited to digitally printed vinyl, unless a proposed mural is affixed to a metal or wooden frame.
2. Murals containing electrical or mechanical components.
3. Changing image murals.

11.10.12. Occupant/Street Number Signs

Signs bearing property numbers, post office box numbers, names of occupants, or other identification of premises not having commercial connotations.

A. All such signs must be placed in such a manner as to be visible from the street.

B. Unit identification numbers shall be located on the front wall within 18 inches of the entrance or, if not feasible architecturally, prominently displayed on the building.

C. Unit numbers, for single-family dwellings only, may in lieu of being located on the front wall, be located on the mailboxes or similar-sized surface attached thereto.

D. Group housing developments which are comprised of courts or units not fronting a public street must be located on identification signs containing the name of the court, street, or way and the unit numbers on each private entrance.

11.10.13. Post and Arm Signs

Minor or secondary signs which are used to identify the address of a building, or to identify the profession, family, organization, business, etc., occupying the building.

A. Such signs shall be limited to one (1) per tenant and cannot be on the same lot as a monument sign.

B. All post and arm signs must be set back a minimum of five (5) feet from the right-of-way.

11.10.14. Projecting/Suspended Signs

Pedestrian-scaled signs on the first floor of the building mounted to the side of the building or underside of a balcony or arcade which can be read from both sides. Such signage is subject to the following standards:

A. Such signs shall project perpendicular to the wall not more than three (3) feet.

B. All lettering and graphics shall be permanent.

C. The minimum clearance from such signage shall be seven (7) feet.

11.10.15. Theatre Marquee Signs

Three-dimensional signs projecting from the side of a building which may extend above the roof line and/or incorporate changeable type. Such signs must be perpendicular to the façade of the building or at a forty-five (45) degree from the corner of the building.

11.10.16. Vending Machine/Automatic Teller/ and Gasoline Pump Signs

Signs attached to and made an integral part of a vending machine, automatic teller machine, or gasoline pump if advertising or giving information about the products or services dispensed or vended by that machine. Such signage does not include signage advertising other products located on-site of inside the building.

11.10.17. Wall Signs

Flat signs, channel lettering, or three-dimensional signs which are painted or attached (parallel) to the wall of a building or structure, including located above a flat awning.

A. Such signs will be limited to a maximum of a twelve (12) inch protrusion.

11.10.18. Window/Door Signs

Flat signs or lettering which are painted or attached to the window of a building or structure. Such signs shall not be separately illuminated.

11.11. Temporary Signs Additional Standards

11.11.1. Banners

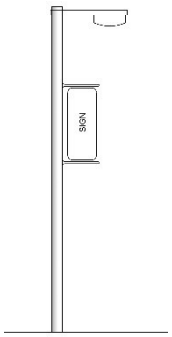
A. **Special Event Banners:** Signs may be erected by public, civic, or non-profit organizations such as schools and churches for promoting special events as follows:

1. Signs for public events such as fund drives, fairs, festivals, sporting events, etc. may be displayed for a period of 30 days and shall be placed on-premises only. Such signs shall be removed within 48 hours of the end of the special event.
2. May not be placed within any public right-of-way or sight-distance triangle.
3. Such signage shall only be erected, placed, or located up to four (4) times per calendar year.

B. **Grand Opening Banners:** All banners shall follow all temporary special event banner regulations listed above, however; they may only be erected in connection with a grand opening of a business in the jurisdiction

1. Such signs shall not be displayed for a period longer than thirty (30 days).
2. Banners must be securely staked into the ground or firmly affixed to the building wall.

C. **Utility Pole Banners:** Decorative banners may be erected on city utility poles provided the banners are installed and removed by the applicant. Installation must be approved by the Administrator and the banners must be removed by an agreed upon date. Such banners may also be erected on buildings subject to the approval from the Administrator and are subject to the following criteria:



1. All utility pole banners must receive written approval from the electrical provider.
2. Must be mounted to poles with upper and lower horizontal supports.
3. All utility pole signs placed on a lot shall be of the same dimensions.
4. Shall be placed at the same relative height and location on all poles.
5. No pole shall contain more than two (2) pole signs, provided that such signs are located immediately across from each other.
6. Electrical provider may remove banner at any time under their discretion.
7. A renewable temporary sign permit to allow such banners shall only be valid for 180 days.

11.11.2. Construction Project Signs

A. NON-RESIDENTIAL

1. **Permitted Districts:** All Commercial Districts

2. **Type Allowed:** Signage must be associated with new construction or a renovation project.
   a. Freestanding: Shall not be located within any public right-of-way, sight-distance triangle, or easement.
   b. Wall: Shall be attached tautly to the façade of the building or tenant space.
3. **Time Limit:** These signs are intended to be temporary and must be removed prior to the issuance of the 1st Certificate of Occupancy in each approved phase of permitted construction.

B. RESIDENTIAL

1. **Permitted Districts**: All Residential Districts.
2. **Type Allowed**: Signage must be associated with new construction or a renovation project.
   a. Freestanding: Shall not be located within any public right-of-way, sight-distance triangle, or easement. Signage must be on subject lot, off-premise signage is not permitted.
   b. Wall (On multifamily mixed-use buildings only): Shall be attached tautly to the façade of the building.
3. **Time Limit**: These signs are intended to be temporary and must be removed after completion of construction and/or prior to the acceptance of maintenance for any roads by the Town.

11.11.3. Flags, Etc.

A. Flags or insignia of any nation, organization of nations, state, county, or municipality, any religious, civic, or fraternal organization, or any educational or cultural facility and/or any one corporate flag per lot provided the height of any pole shall not exceed the maximum building height for the district. Refer also to the United States Flag Code for usage of the United States Flag.

B. Flags with commercial messages, on a traditional pole or building mounted pole, are allowed without a permit at the rate of one 3-foot by 5-foot flag per lot. Any such commercial flags beyond this allowance must receive approval as an attached or freestanding sign according to the provisions of this chapter.

11.11.4. Holiday Decorations

Temporary decorations or displays, when such are clearly incidental to and are customarily and commonly associated with any national, local, or religious holiday/celebration.

11.11.5. Model Home/Sales Office Signs

~~A.~~ **Time Limit:** Remove sign when sales office/model home ceases to exist.

B. One (1) Portable/A-frame sign is allowed at each sales office lot, pursuant to all conditions set forth in Section 11.11.7.

11.11.6. Political Signs

A. Political signs shall not be located on any trees, utility poles, publicly owned property, or within a public street right-of-way, except within NCDOT right-of-way according to the standards of NCGS 136-32.

B. Political signs may be displayed during a period beginning with the established filing date for an election and concluding 10 days after the election. In the event of a runoff election, political signs for the candidates involved may remain on display until 10 days after the runoff election.

11.11.7. Portable/A-Frame Signs

Pedestrian-scaled, non-permanent signs which are used to display menus, daily specials, sale announcements, and similar messages. Such signage shall meet the following criteria:

A. Signs must be removed at the close of business each day.

B. Rough-cut plywood is not an acceptable sign material.

C. Decorative trim or molding shall surround the message area.

D. Lettering shall be professionally painted or applied; however, chalkboard signs shall be permitted. Only chalkboard signs shall provide for changeable copy.

E. Signs shall be located within 10 feet from the customer entrance and within the boundaries of the tenant space.

F. All signs placed on a sidewalk shall maintain a minimum sidewalk clearance of 48 inches.

11.11.8. Public Event Signs

A. Such signs or banners shall be permitted only for public event proclaimed/sponsored/endorsed by the Town Council or designee.

B. Such signs may be located within the public right-of-way but outside of sight distance triangles.

C. Such signs shall be removed within forty-eight (48) hours after the end of the event.

11.11.9. Real Estate Signs

A. Such signs may be no greater than 4 square feet in area (all types of signs) and 4 feet in height (if freestanding) when located on a residential property less than 2 acres.

B. Such signs may be no greater than 16 square feet in area (all types of signs) and 8 feet in height (if freestanding) for non-residential properties or residential properties exceeding 2 acres.

C. Real estate signs shall be removed within 1 day after the closing of the sale, rental, or lease of the property.

D. Such signs shall only be located on property for sale or lease.

11.11.10. Residential Temporary Signage

A. Marketing Signage

1. All signage shall be affixed to decorative poles.
2. Signs shall not be located within the public right-of-way or sight distance triangle.
3. Such signs may only advertise elements relating specifically to the subject residential development such as amenities and housing types.
4. All such signage must be removed at the termination of all sales offices in such neighborhood or development.
5. Banners shall not be allowed as marketing signage.

B. Directional Signage

1. Temporary directional signs shall be directing potential residents to sales centers and/or amenities.
2. All signs must be affixed to decorative poles.
3. Signs shall not be located within any public right-of-way or sight distance triangle.

4. All such signage must be removed at the termination of all sales offices in such neighborhood or development.

11.11.11. Yard Sale Signs

A. Such signs may be located on-premises only and shall not be located within a public right-of-way nor placed on a tree, street sign, or utility pole.

B. Such signs must be removed within 7 days of erection and no more than 24 hours after the conclusion of the yard sale.

11.12. Prohibited Signs

11.12.1. Abandoned Signs or Sign Structures

A. Signs that advertise an activity or business no longer conducted on the property on which the sign is located are prohibited. Conforming signs designed for changeable copy may be covered instead of removed.

B. Sign structures on which no sign is erected are prohibited.

C. Such signs or sign structures must be removed within 30 days of becoming an abandoned sign or sign structure.

11.12.2. Animated/Flashing Signs or Signs of Illusion

Except for otherwise approved time and temperature signs, signs displaying blinking, flashing or intermittent lights, animation, and moving parts or signs giving the illusion of movement are prohibited. Time and temperature signs that rotate or move are not permitted.

11.12.3. Billboards

Sign structure and/or sign utilized to display a commercial message, provide commercial message, or provide commercial advertising for an establishment, an activity, a product, service, or entertainment, which is sold, produced, manufactured, available, or furnished at a place other than the property on which said sign and/or sign structure is located.

11.12.4. Handheld Signs

Signs which are not affixed to any structure, posts, or supports, but instead are aided by humans, this includes, but not limited to any spinning, directing, flipping, or holding.

11.12.5. Lighter-Than-Air Signs

Sign devices consisting of balloons (inflated or plastic), blimps, or similar types of lighter-than-air objects shall be prohibited, except those which are subject to Federal Aviation Administration (FAA) regulations.

11.12.6. Neon Exterior Signs

Any electronic discharge tubing manufactured into shapes that form letters, parts of letter, skeleton tubing, or other decorative elements or logos and filled with various inert gases that are affixed to the exterior of the building.

11.12.7. Off Premises Signs

All off-premises signs unless specifically allowed elsewhere in this chapter are prohibited.

11.12.8. Pole Signs

Any sign which is mounted on a freestanding pole or poles.

11.12.9. Signs Resembling Official Signs

Any sign that imitates an official governmental sign or violates the Law of the State relating to outdoor advertising is prohibited.

11.12.10. Signs Resembling Traffic Signals

A. Any sign which by color, location, or nature may be confused with official highway signs, warning signs, traffic signals, or other regulatory devices are prohibited.

B. Any sign that uses the word "STOP", "SLOW", "CAUTION", "DANGER", or any other word which is likely to be confused with traffic, directional, and regulatory signs is prohibited.

C. Any sign located in a manner or place which might constitute a traffic hazard is prohibited.

11.12.11. Signs Obstructing Access

Any sign that obstructs free ingress or egress from a driveway or a required window, door, fire escape, stairway, ladder, or other required opening is prohibited.

11.12.12. Signs On Public Property

Any sign installed or placed on public property or within a public right-of-way, including any sign held by or otherwise displayed upon a person. Such sign shall be forfeited to the public and is subject to confiscation and disposal. In addition to other remedies hereunder, the Administrator shall have the right to recover from the property owner, business owner, or person placing such a sign the full costs of removal and disposal of such sign.

11.12.13. Signs On Roadside Appurtenances

Signs attached to or painted on utility poles, telephone poles, trees, parking meters, bridges and overpasses, rocks, other signs, benches, fences, refuse containers, etc. are prohibited unless specifically allowed elsewhere in this chapter.

11.12.14. Signs With Exposed Electrical Wiring

All wiring shall be contained in conduit or enclosed in poles or raceways. In no case shall the wiring be exposed to the public.

11.12.15. Windblown Devices, Etc.

Signage containing or consisting of streamers, pennants, windblown propellers, string light bulbs, flutter/feather flags, sun blades, and similar installations.

All other signs not expressly permitted in this ordinance shall be considered prohibited.

A. In violation of constitutional provisions, including those protecting procedural due process rights.

B. In excess of the statutory authority conferred upon the town or the authority conferred upon the decision-making board by ordinance.

C. Inconsistent with applicable procedures specified by statute or ordinance.

D. Affected by other error of law.

E. Unsupported by substantial competent and material evidence in view of the entire record.

F. Arbitrary and capricious.

15.5.3. Record of Decision

A. The following shall become part of the official record of decision:

1. Documents and exhibits submitted to the decision-making board
2. Meeting minutes

B. **Transcript of Audio/Video of Meetings:** Any party may request, at their expense, a transcript of the proceedings from any recorded audio/video.

15.6. Administrative Permits

15.6.1. Development Permit

A development permit indicates compliance with the provisions of the Unified Development Ordinance and shall be required for the construction or development of any new use within the land development jurisdiction of the Town of Wake Forest, and any other site improvement as indicated in the UDO. In addition to new uses, a development permit shall be required for expansions of existing uses, changes of use, any uses permitted with special conditions (Chapter 3) and any signage requiring a permit (Chapter 11).

A. **Process Type:** Administrative

B. **Pre-Application Procedure:** No meeting is required but applicants are encouraged to call or visit the Administrator prior to requesting a Development Permit to determine what information is required for the application.

C. **Required Application Information:** Sketch Plan (15.4.2) and any other relevant information to show compliance (may be waived by Administrator as appropriate)

D. **Determination of Compliance:** Once an application containing all needed elements is submitted, the Administrator shall review the application and approve or deny it based on compliance with the land development standards contained in this ordinance. All decisions shall be in writing and delivered via electronic mail, personal delivery, or first class mail to the property owner and parking seeking determination, if different from the owner.

E. **Public Notification:** N/A

F. **Appeals:** Appeals of the decisions of the Administrator shall be heard by the Board of Adjustment in accordance with Section 15.12 within 30 days after receipt of written notice of decision.

G. **Permit Validity:** Upon the approval of the Development Permit, the applicant shall have one year to obtain a building permit or otherwise begin the permitted use. Failure to secure building permits for the permitted work within this time shall render the compliance void. Upon issuance of a building permit, the Development Permit shall remain valid as long as a valid building permit exists for the project. Any change

to the approved plans that has not been authorized by the Administrator shall invalidate the Development Permit and any subsequent building permits.

H. **Permit Extension:** The Administrator may grant 2 extensions of this time period of up to 6 months upon submittal by the applicant of sufficient justification for the extension. Sufficient justification may include, but is not limited to, delays in other outside agency permits, financing institution delays, or other similar reasons beyond the control of the applicant.

I. **Limitation on Administrative Discretion:** The Administrator has no discretion to modify any requirements found in Chapter 3.

15.6.2. Temporary Use Permit

A Temporary Use Permit is required for uses permitted in accordance with Section 4.7 prior to the commencement of any use or activity.

A. **Process Types:** Administrative

B. **Pre-Application Procedure:** No meeting is required but applicants are encouraged to call or visit the Administrator prior to requesting a Temporary Use Permit to determine what information is required for the application.

C. **Required Application Information:** Sketch Plan (15.4.2) and any other relevant information to show compliance (may be waived by Administrator as appropriate)

D. **Determination of Compliance:** Once an application containing all needed elements is submitted, the Administrator shall review the application and approve it, approve it with conditions, or deny it based on compliance with the land development standards contained in this ordinance. All decisions shall be in writing and delivered via electronic mail, personal delivery, or first class mail to the property owner and party seeking determination, if different from the owner.

E. **Public Notification:** N/A

F. **Appeals:** Appeals of the decisions of the Administrator shall be heard by the Board of Adjustment in accordance with Section 15.12 within 30 days after receipt of written notice of decision.

G. **Permit Validity:** See Section 4.7

H. **Permit Extension:** See Section 4.7

15.6.3. Certificate of Completion

Issuance of a certificate of completion shall be required prior to the occupancy or use of any new construction and re-occupancy or re-use of any renovation/rehabilitation in the Town of Wake Forest. Certificates of completion ensure that a completed development project has complied with all the applicable requirements of this ordinance and all other applicable federal, state and local regulations. Certificates of completion must be signed by the Administrator to certify compliance with applicable regulations.

A. **Process Type:** Administrative

B. **Pre-Application Procedure:** Not required

C. **Required Application Information:** None

D. **Determination of Compliance:** Upon receipt of the request for a certificate of completion, the Administrator shall inspect the project site for compliance with the approved site plan or subdivision plan and the applicable standards of this ordinance. The applicant shall be notified of any deficiencies in the building(s) or site that prevents the issuance of the certificate of completion or the certificate shall be issued. All decisions shall be in writing and delivered via electronic mail, personal delivery, or

17.4. Definitions Generally*

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

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

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

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

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

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

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

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

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

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

AFFILIATE A person that directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control of another person.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

BUILDING COVERAGE A percentage figure referring to that portion of a lot covered with principal and accessory buildings or structures as measured by dividing the total area of building and structure footprints by the gross area of the lot.

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

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

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

CAMOUFLAGE See "Stealth."

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

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

CEASE ORDER See "Stop Work Order"

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

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

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

CERTIFICATE OF COMPLIANCE FOR PRELIMINARY SOIL EROSION AND SEDIMENTATION CONTROL A certificate issued by the Town of Wake Forest Engineering Department indicating that the erosion control devices shown on the approved plan have been constructed correctly and are operating correctly.

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

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

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

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

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

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

COMPLETED APPLICATION *(WTF)* An application that contains all necessary and required information and/or data necessary to enable an informed decision to be made with respect to an Application.

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

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

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

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

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

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

CONSTRUCTION PROJECT SIGN A sign identifying the architects, engineers, contractors and other individuals or firms involved with the construction of a building. The name of the building, the purpose of the building, and the expected completion date may be specified.

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

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

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

CURRENT CONDITIONS HYDROLOGY *(FLOODPLAIN DEVELOPMENT)* The flood discharges associated with the land-use conditions existing within the drainage area of a watercourse at the time a flood study of the watercourse was conducted. Current conditions flood discharges and historical flood study information are published in the Flood Insurance Study.

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

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

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

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

Demolition by neglect shall also include the failure of such owner, or other responsible person to repair, upon written notice of violation of this Ordinance by the Town, such exterior features as are found to be deteriorating, or to correct any condition contributing to deterioration, including but not limited to the following defects:

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

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

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

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

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

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

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

DEVELOPMENT *(FLOODPLAIN DEVELOPMENT)* Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

DEVELOPMENT APPROVAL A written, administrative, or quasi-judicial approval that is required prior to commencing development or undertaking a specific activity, project, or development proposal. Development approvals include, but are not limited to, administrative permits, sit master plan approvals, construction plan approvals, special use permits, and certificates of appropriateness. The perm also includes all other regulatory approvals required by regulations adopted pursuant to this ordinance, including plat approvals and permits issued.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

EPHEMERAL STREAM A feature that carries only stormwater in direct response to precipitation with water flowing only during and shortly after large precipitation events. An ephemeral stream may or may not have a well-defined channel, the aquatic bed is always above the perched or seasonal high water table, and stormwater runoff is the primary source of water. An ephemeral stream typically lacks the biological, hydrological, and physical characteristics commonly associated with continuous or intermittent conveyance of water. (15A NCAC 02B.0610(14)).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Flood Hazard Soil Identification	Map Symbol
Altavista fine sandy loam, 0% to 4% slopes	AfA
Buncombe, 0 to 2% slopes	Bu
Chewacla, 0 to 2% slopes	Cm
Colfax fine sand loam, 0 to 6% slopes	Cn
Manatachie soils, 0 to 4% slopes	Me
Wahee fine sandy loam, 0 to 2% slopes	Wh
Wehadkee silt loam, 0 to 2% slopes	Wn
Wehandkee and Bibb soils	Wo
Worsham sandy loam, 0 to 4% slopes	Wy

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

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

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

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

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

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

FLOODPLAIN MANAGEMENT REGULATIONS *(FLOODPLAIN DEVELOPMENT)* Any ordinances, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

FLOODPROOFING *(FLOODPLAIN DEVELOPMENT)* Any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents. Any combination of structural and nonstructural features, additions, changes or adjustments to properties and structures in accordance with or comparable to guidelines set forth in "Floodproofing Regulations" June 1972 edition, published by the Office of the Chief Engineers U.S. Army, Washington, D.C. for an essentially dry floodproof class (W2).

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

FLOOD ZONE *(FLOODPLAIN DEVELOPMENT)* A geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

FREEBOARD *(FLOODPLAIN DEVELOPMENT)* The height added to the Base Flood Elevation (BFE) or the Future Conditions Flood Elevation to account for the many unknown factors that could contribute to flood heights greater that the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization on the watershed. The Base Flood Elevation plus the freeboard establishes the "Regulatory Flood Protection Elevation".

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

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

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

FUTURE CONDITIONS FLOOD ELEVATION *(FLOODPLAIN DEVELOPMENT)* A determination of the water surface elevations of the 1% annual chance flood based on future conditions hydrology as published in the Flood Insurance Study. This elevation, when combined with the freeboard, establishes the "Regulatory Flood Protection Elevation" in Future Conditions Flood Hazard Areas.

FUTURE CONDITIONS FLOOD HAZARD AREA *(FLOODPLAIN DEVELOPMENT)* The land area that would be inundated by the 1% annual chance flood based on future conditions hydrology.

FUTURE CONDITIONS HYDROLOGY *(FLOODPLAIN DEVELOPMENT)* The flood discharges associated with projected land-use conditions based on Wake Forest's Land Use Management Plan and without consideration of projected future construction of flood detention structures or projected future hydraulic modifications within a stream or other waterway such as bridge and culvert construction, fill, and excavation. Future conditions flood discharges are published in the Flood Insurance Study.

FUNCTIONALLY DEPENDENT FACILITY *(FLOODPLAIN DEVELOPMENT)* A facility which cannot be used for its intended purpose unless it is located in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers,

shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

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

Type 1: Sensitive natural area with no formal greenway or trail development.
Type 2: Greenway corridors in a primarily natural state with gravel or dirt trails intended for use by pedestrians only.
Type 3: Corridors located outside floodplains with unpaved multi-use trails that are intended for use by pedestrians and bicyclists.
Type 4: High capacity off-road corridors and/or corridors located within floodplains that are paved for use by a wide variety of user groups including pedestrians, bicyclists, joggers, wheelchairs users, strollers and rollerbladers.

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

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

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

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

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

HEIGHT When referring to a Tower or wireless support structure for a Wireless Telecommunications Facility, "height" includes the distance measured from the pre-existing grade level to the highest point on the tower or structure, even if said highest point is an antenna or lightening protection device extending above the support structure. For all other structures and uses, see Section 4.5 – Measurement of Height.

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

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

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

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

HISTORIC STRUCTURE *(FLOODPLAIN DEVELOPMENT)* Any structure that is:

- Listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
- Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- Individually listed on a local inventory of historic landmarks in communities with a "Certified Local Government (CLG) Program"; or
- Certified as contributing to the historical significance of a historic district designated by a community with a "Certified Local Government (CLG) Program.

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

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

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

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

LAKE OR NATURAL WATERCOURSE Any stream, river, brook, swamp, sound, bay, creek, run, branch, canal, waterway, estuary, and any reservoir, lake, or pond, natural or impounded, in which sediment may be moved or carried in suspension, and which could be damaged by accumulation of sediment.

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

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

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

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

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

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

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

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

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

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

LOT LINE A line forming a boundary of a lot.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

NEW CONSTRUCTION *(FLOODPLAIN DEVELOPMENT)* Structures for which the "start of construction" commenced on or after the effective date of the original version of the community's Flood Damage Prevention Ordinance (May 16, 2006) and includes any subsequent improvements to such structures.

NIER Non-Ionizing Electromagnetic Radiation.

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

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

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

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

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

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

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

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

PE Professional Engineer License.

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

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

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

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

PERSON RESPONSIBLE FOR THE VIOLATION Examples of this include:

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

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

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

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

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

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

POST-FIRM *(FLOODPLAIN DEVELOPMENT)* Construction or other development for which the "start of construction" occurred on or after the effective date of the initial Flood Insurance Rate Map for the area.

PRE-FIRM *(FLOODPLAIN DEVELOPMENT)* Construction or other development for which the "start of construction" occurred before the effective date of the initial Flood Insurance Rate Map for the area.

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

PRELIMINARY FLOOD INSURANCE STUDY (PFIS) A narrative report released by the Federal Emergency Management Agency for public comment prior to the effective date. Information contained in the PFIS includes a description of past flooding and studies, the study area, engineering methods, community and FEMA base flood elevations, other community and FEMA flood data. The flood insurance rate maps are also included as part of the flood insurance study. The data and maps are subject to change prior to the effective date.

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

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

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

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

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

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

PUBLIC OR COMMUNITY WATER SUPPLY SYSTEM A system serving 10 or more residences or businesses or combination of residences and businesses, including municipal and sanitary district water systems as well as water systems designed to serve particular subdivisions at full development constructed to specifications approved by the Division of Health Services, North Carolina Department of Human Resources.

PUBLIC SAFETY AND/OR NUISANCE *(FLOODPLAIN DEVELOPMENT)* Anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the

customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

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

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

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

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

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

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

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

REGULATORY FLOOD PROTECTION ELEVATION ***(FLOODPLAIN DEVELOPMENT)*** The elevation above mean sea level to which the reference level of all structures and other development located within Special Flood Hazard Areas and Future Conditions Flood Hazard Areas must be protected.

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

REMEDY A VIOLATION ***(FLOODPLAIN DEVELOPMENT)*** To bring the structure or other development into compliance with State and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development

REPAIRS AND MAINTENANCE ***(WTF)*** The replacement or repair of any components of a wireless Facility or Complex where the replacement is identical to the component being replaced, or for any matters that involve the normal repair and maintenance of a wireless Facility or Complex without the addition, removal or change of any of the physical or visually discernible components or aspects of a wireless Facility or Complex that will impose new visible burdens of the Facility or Complex as originally permitted.

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

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

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

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

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

SALVAGE YARD *(FLOODPLAIN DEVELOPMENT)* Any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances, and related machinery.

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

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

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

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

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

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

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

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

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

SETBACK, SECONDARY FRONT OR STREET SIDE The shortest horizontal distance from the secondary front or street side lot line of a lot to the nearest point of a structure on the lot.

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

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

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

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

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

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

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

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

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

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

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

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

STORMWATER MANUAL The Stormwater Design Manual approved for use in Phase II jurisdictions by the N.C. Division of Environmental Quality and certified by this jurisdiction is at least as stringent as the Stormwater Design Manual approved for use in Phase II jurisdictions the proper implementation of the requirements of the federal Phase II stormwater program. All references herein to the Stormwater Design Manual are to the latest published edition or revision.

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

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

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

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

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

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

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

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

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

SOLID WASTE DISPOSAL SITE *(FLOODPLAIN DEVELOPMENT)* As defined in (NCGS 130A-290(a) (36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

SPECIAL FLOOD HAZARD AREA (SFHA) *(FLOODPLAIN DEVELOPMENT)* The land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year based on current conditions hydrology.

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

STEALTH OR STEALTH DESIGN A design or treatment such as a Distributed Antenna System or its equivalent that minimizes adverse aesthetic and visual impacts on the land, property and buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such Wireless Telecommunications Facilities, which shall mean using the least visually and physically intrusive facility that is not technologically or commercially impracticable under the facts and circumstances.

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

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

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

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

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

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

improvement". Substantial damage also means flood-related damage sustained by a structure on 2 separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25% of the market value of the structure before the damage occurred.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

WINDOW SIGN Flat signs or lettering which are painted or attached to the window of a building or structure. These signs also include retail window displays which are intended to showcase/advertise goods and products to pedestrians on the sidewalk.**WORKING DAYS** Days exclusive of Saturday, Sunday, Federal and State holidays during which weather conditions or soil conditions permit land-disturbing activity to be undertaken under the Land Disturbance Permit.

WIRELESS CARRIER See "Carrier"

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

Board of Adjustment Agenda Item Report

Agenda Item No.: 2023-256-
Submitted by: Jennifer Currin
Submitting Department: Planning
Meeting Date: September 21, 2023

SUBJECT
Consideration of a Variance submitted by Samuel Morris, Longleaf Law Partners on behalf of The Macsydney Company II, LLC and Physlesther II, LLC, for several sections in UDO Chapter 11-Signs for the property located at 1839 S Main St., being Wake County PIN 1840012345.

Recommendation:

Item Summary:

ATTACHMENTS
- BOA-23-04 STAFF REPORT.pdf
- Exhibit A-Application.pdf
- Exhibit B-Maps.pdf
- Exhibit C-Gas Station Canopy Email and Size.pdf
- Exhibit D-Entrance Signs.pdf
- Exhibit E-Monument Sign.pdf
- Exhibit F-UDO Chapter 11 and Section 17.4.pdf

Staff Report
Case BOA-23-04: The Factory Variance Application

Meeting Date	September 21, 2023
Requested Actions	Consideration of the following items related to Variance application for 1839 S Main Street (PIN 1840012345): 1. Request to allow an awning/canopy sign to exceed 50% of the awning area for the Main Entrance Sign. 2. Request to allow for additional height for the directional signs. 3. Request to exceed the maximum number of monument signs.
Case Manager	Jennifer Currin, Assistant Planning Director

CASE INFORMATION

Applicant	Samuel Morris Longleaf Law Partners 2235 Gateway Access Point, Suite 201 Raleigh, NC 27607
Project Attorney	Michael Birch Longleaf Law Partners 4508 Creedmoor Road, Suite 302 Raleigh, NC 27612
Property Owner	The Macsydney Company II, LLC Phylesther II, LLC 125 E 26th St New York, NY 10010
Address	1839 S Main Street
Wake County Tax PIN	1840012345
Acreage	18.73± acres
Zoning	Highway Business (HB)
Land Use	Commercial
Community Plan (2022)	Commercial Corridor & within an Activity Center

Corporate Limits	This application is in the Town's corporate limits.
Book of Maps/ Page Number	Book BM 2005, Page 2465 – Recorded December 15, 2005
See Exhibit A for a copy of the application and Exhibit B for an aerial photograph and zoning map.	

SURROUNDING LAND USES AND ZONING

	Land Use	Zoning
North	Commercial	Highway Business (HB), Conditional Use Highway Business (CU HB)
South	Commercial	Highway Business (HB), Conditional Use Highway Business (CU HB)
East	Recreational	Highway Business (HB)
West	S Main St., Institutional (Wake Forest Middle School), & Residential	Conditional Use General Residential 5 (CU GR5)

See Exhibit B for aerial and zoning maps.

VARIANCE REQUEST

The applicant is requesting relief from Section 11.8, Permanent Signage Standards, of the Wake Forest Unified Development Ordinance (UDO).

Variance Request #1

Section 11.8 of the UDO specifies that the maximum sign area for Awning/Canopy Signs is 50% of the awning area. The applicant is requesting a variance to allow for an awning/canopy sign to exceed 50% of the awning area, see Exhibit C. The sign would not exceed 37.77 square feet in size.

Variance Request #2

Section 11.8 of the UDO limits the maximum height of Directional Signs to 3 feet. The applicant is requesting a variance to allow for the maximum height of Directional Signs to be 4 feet.

Variance Request #3

Section 11.8 of the UDO regulates that the maximum number of Monument Signs (Multiple Non-Residential Building Site) to 1 per street frontage for Option 1. Option 1 allows for a monument sign up to 70 square feet in sign area and 12 feet in height. Option 2 permits 1 monument sign per street frontage and 1 per outparcel. Option 2's Monument Sign could be up to 32 square feet in area and 6 feet in height. The applicant is requesting one primary monument sign and two secondary monument signs. See page 8 "Primary Entrance Monument" and page 9 "Secondary Entry Monument" of Exhibit A.

FINDINGS REQUIRED TO GRANT VARIANCE

In granting any variance, the Board of Adjustment must have a concurring vote of four-fifths of its members in accordance with Section 15.13.3 of the Wake Forest Unified Development Ordinance and N.C.G.S. § 160D-406. The Board shall not grant a variance unless and until written findings are made based on all the following conclusions and findings of fact in Section 15.13.3.B of the UDO.

Variance Request #1: Section 11.8, Awning/Canopy Signs		
15.13.3.B.1	Finding of Fact:	Carrying out the strict letter of the ordinance would result in an unnecessary hardship. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
	Staff Analysis:	The proposed Main Entrance sign could be relocated and affixed to the building wall. This would be considered a Wall Sign and the maximum sign area permitted for a Wall Sign is 1.5 square feet per linear foot of storefront. The storefront length is approximately 102'. No variance for the sign area would be required in this scenario, and this is consistent with how wall signs were approved and installed at other entrances in the development. See Exhibit D. Furthermore, staff offered the applicant an option to submit the Main Entrance sign as Gas Station Canopy sign since the Awning/Canopy Sign requirements as defined in UDO Section 11.8 are intended for fabric, not metal awnings/canopies, and this was the closest equivalent sign option in the UDO. UDO Section 11.8 states that the maximum sign area for Gas Station Canopy signs is 1 square foot per canopy linear foot. This option would allow the Main Entrance Sign to be approximately 21 square feet (Exhibit C). The applicant may provide additional information at the meeting demonstrating how carrying out the strict letter of the ordinance would result in an unnecessary hardship.
15.13.3.B.2	Finding of Fact:	The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
	Staff Analysis:	The parcel is approximately 18.7 acres and has frontage along two public streets, S Main Streets and Grandmark Street. The largest building on the parcel is the commercial development known as the Factory. The building is approximately 170,000 sq. ft. in size. The building has long, visible walls from S Main St., the internal drive aisles, and Grandmark Street. The topography of the parcel is fairly flat.

		Canopies or other architectural features are provided at building entrances which are typical building design features on commercial buildings. The South Elevation building façade also features a canopy over the entrance and the applicant chose not to place the sign on the canopy but on the building wall. On the north and east elevations, differing architectural features were present over the main point of pedestrian ingress and egress and the sign was placed on the building wall to the side of the entrance (Exhibit D).
15.13.3.B.3	Finding of Fact:	The hardship did not result from actions taken by the applicant of the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
	Staff Analysis:	The property owner is proposing to locate their sign on the canopy as shown in Exhibit A. The applicant has chosen to design the sign larger than what staff indicated would be permitted. The applicant has the option to reduce the sign size so that it is no larger than 1 square foot per canopy linear foot or they may relocate the sign to the building wall.
15.13.3.B.4	Finding of Fact:	The requested variance is consistent with the spirit, purpose, and intent of this ordinance, such that the public safety is secured, and substantial justice is achieved.
	Staff Analysis:	The UDO Section 11.1 states that the purpose of the sign ordinance is to ensure that the size, type, and location of signs are compatible with their surroundings. The UDO allowances for number of and square footages for Wall Signs are sufficient and allow businesses to effectively communicate their messages while ensuring the aesthetics of the community are protected. Staff also recognized during the sign permit review process that the Awning/Canopy Sign area ordinance appeared to be written for fabric awnings, not metal awnings/canopies. Staff offered the applicant the closest equivalent ordinance, which was the Gas Station Canopy, 1 square foot per canopy linear foot if the applicant desired to place the sign on the canopy versus the wall. The alternative solution we provided would allow for a canopy sign that was scaled appropriately based on the existing canopy size.

Variance Request #2: Section 11.8, Directional Signs		
15.13.3.B.1	Finding of Fact:	Carrying out the strict letter of the ordinance would result in an unnecessary hardship. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
	Staff Analysis:	The parcel is currently developed with several commercial buildings: The Factory, The Hideout, and Gonzas/Village Deli. Directional signs may be located internal to the site but are limited to 3 feet in height per the Unified Development Ordinance. It is a preference of the applicant that the signs be 4 feet in height.
15.13.3.B.2	Finding of Fact:	The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
	Staff Analysis:	The parcel is approximately 18.7 acres and has frontage along two public streets, S Main Streets and Grandmark Street. The largest building on the parcel is the commercial development known as the Factory. The Factory and the building containing Gonzas/Village Deli is visible from S Main Street. The Factory is visible from Grandmark Street and the internal drives. The Hideout (LoneRider) is visible from the internal drives. The topography of the parcel is fairly flat.
15.13.3.B.3	Finding of Fact:	The hardship did not result from actions taken by the applicant of the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
	Staff Analysis:	The applicant is permitted directional signs up to 3 feet in height and a maximum of 2 signs per entrance or exit. It is a preference of the applicant that the signs be 4 feet in height.
15.13.3.B.4	Finding of Fact:	The requested variance is consistent with the spirit, purpose, and intent of this ordinance, such that the public safety is secured, and substantial justice is achieved.
	Staff Analysis:	UDO Section 11.1 states that the purpose of the sign ordinance is to ensure that the size, type, and location of signs are compatible with their surroundings and to enhance and protect the overall appearance of the community. Directional signs are intended to provide guidance and help ease navigation. They help supplement other signs such as wall signs, monument signs, etc. and therefore, do not need to as much sign area or height to be effective.

Variance Request #3: Section 11.8, Monument Signs		
15.13.3.B.1	Finding of Fact:	Carrying out the strict letter of the ordinance would result in an unnecessary hardship. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
	Staff Analysis:	The parcel is currently developed with several commercial buildings: The Factory, The Hideout, and Gonzas/Village Deli. For sites containing multiple buildings in the HB zoning district, there are two monument sign options. Option 1 allows for monument signs up to 12 feet in height, 70 square feet in area, and 1 sign per street frontage. Option 2 allows for monument signs up to 6 feet in height, 32 square feet in area, and 1 per street frontage and 1 per outparcel. The applicant selected Option 1 for their monument signage. The Unified Development Ordinance does not regulated text on monument signs. The applicant opted not to place the additional information (entrance location) on the monument sign. This information is also included on the proposed directional signs. UDO Section 11.1 states that the purpose of the sign ordinance is to ensure that the size, type, and location of signs are compatible with their surroundings; ensure signs do not become a public hazard, traffic hazard, or nuisance; and to enhance and protect the overall appearance of the community. The UDO limits number of signs along street frontages to ensure public safety and aesthetics. The applicant could provide information about entrances by modifying their existing monument signs or installing directional signs consistent with the UDO requirements.
15.13.3.B.2	Finding of Fact:	The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
	Staff Analysis:	The parcel is approximately 18.7 acres and has frontage along two public streets, S Main Streets and Grandmark Street. The largest building on the parcel is the commercial development known as the Factory. The Factory and the building containing Gonzas/Village Deli is visible from S Main Street. The Factory is visible from Grandmark Street and the internal drives. The Hideout (LoneRider) is visible from the internal drives. The topography of the parcel is fairly flat. The applicant received a permit and has installed a new monument sign on S Main Street (Exhibit E). The ordinance does allow a monument sign per street frontage. Since no monument sign exists on Grandmark Street, a monument sign could be applied for and permitted on Grandmark Street if it met the UDO requirements.

15.13.3.B.3	Finding of Fact:	The hardship did not result from actions taken by the applicant of the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
	Staff Analysis:	The applicant received a permit for a monument sign on S Main St., which has been installed. The Town does not regulate the text included on a sign. The applicant chose not to include the "Main Entrance" on their monument sign.
15.13.3.B.4	Finding of Fact:	The requested variance is consistent with the spirit, purpose, and intent of this ordinance, such that the public safety is secured, and substantial justice is achieved.
	Staff Analysis:	UDO Section 11.8, Monument Signs Option 1 allows for up to 70 square feet in area and 12 feet in height. This generous allotment of square footage and height allows property owners to convey the necessary information about their site on one sign without the need for two. By limiting the number of monument signs along street frontages to 1, it furthers the purpose stated in UDO Section 11.1 which is to ensure community appearance and ensure signs do not become nuisances.

STAFF RECOMMENDATION

Staff recommends that the Board of Adjustment conduct an evidentiary hearing in accordance with Section 15.13.3 of the UDO. The Board of Adjustment should determine each variance separately, starting with variance request #1, and determine if each required findings of fact has been met and grant or deny a variance in accordance with the standards of review in Section 15.13.3 (see required findings above). If the Board of Adjustment denies a variance, the motion shall include the specific finding(s) that were not met.

EXHIBITS

Exhibit A: Variance Application
Exhibit B: Maps
Exhibit C: Gas Station Canopy Email and Size
Exhibit D: Entrance Signs
Exhibit E: Monument Sign
Exhibit F: UDO Chapter 11 and Section 17.4

Variance Request Application

(Variance Workflow)

Town of Wake Forest, NC
301 S. Brooks St.
Wake Forest, NC 27587-2932
TEL (919) 435-9510 | FAX (919) 435-9539

Project Overview #986603

Project Title: The Factory - Signage
Application Type: Variance Request
Workflow: Variance
Jurisdiction: Town of Wake Forest (Wake County)
State: NC
County: Wake

Checklist - Variance

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

VIEW VARIANCE 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

*Note: This type of project requires a pre-application conference be completed prior to official submittal. If this has not been completed, 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: 03/27/2023
Staff Member Met With: Jennifer Currin and Emma Linn
IDT Project Number: 972424

Address & Basic Site Information

Please Note:
In some cases, a parcel address may not verify. In the event that our system is unable to verify the address you enter, please submit the project as an *Unverified Parcel* and provide zoning and land use information as requested below. For verified addresses, the zoning and land use information will be added to the application automatically (you do not need to provide it below).

Project Address or PIN: 1839 S Main St STE 112 (1840012345)
Tax PIN: 1840012345
Acreage: 18.73
Name of Existing Development/Subdivision (if applicable--

for reference only): The Factory

For unverified addresses/parcels only, please provide below 1) the current use of the parcel, 2) the zoning district(s) it is in, and 3) any overlay districts that apply. Reference the zoning map and the overlay districts map on the town's website.

Current Use & Zoning (required only if address/parcel is unverified):

*Note: Projects falling outside the limits of the Town or ETJ will be required to submit an annexation petition in conjunction with their project submittal. In this case, please return to the home screen and select **Annexation Petition** from the application type drop down.*

GIS Site Information (Automatically Generated - Not Available for Unverified Addresses)

Parcel Area: GIS Acreage
- 1839 S Main St STE 112: 18.73

Current Use: Land Use Development
- 1839 S Main St STE 112: Commercial

Wake Forest (WF): Town Limits
- 1839 S Main St STE 112: WF

Planning and Zoning: Jurisdiction
- 1839 S Main St STE 112: WAKE FOREST

Base District: Zoning
- 1839 S Main St STE 112: HB

In SH1-O Overlay:

In SH2-O Overlay:

In Water Supply Watershed Protection Overlay:

In TND Overlay:

In SF Overlay:

In HL-O Overlay:

In MVCP-O Overlay:

In National Register of Historic Places:

In Flood Hazard Area:

Project Contacts

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
Samuel Morris
Longleaf Law Partners
2235 Gateway Access Point, Suite 201
Raleigh, NC 27607
P:919.645.4317
smorris@longleaflp.com

Project Contact - Property Owner
Richard Robbins
THE MACSYDNEY COMPANY II, LLC & PHYLESTHER II, LLC
125 E 26th St
New York, NY 10010
P:(919) 867-1640
rlrny@msn.com

Project Contact - Attorney
Michael Birch
Longleaf Law Partners
4509 Creedmoor Road, Suite 302
Raleigh , NC 27612
P:919-645-4317
mbirch@longleaflp.com

Variance

Lot Number(s): 1

Subdivision : Recombination Plat for Lots 1 and 4 Factory LLC

Name of Existing Development/Subdivision (if applicable--for reference only): The Factory

Deed Book: 16118

Page: 441

Number of Variance Requests: 3

UDO Section(s) From Which Applicant is Requesting Relief:
11.10.2.

Description of Request:
Variance from UDO Section 11.10.2. (Awning/Canopy Signs) to allow the "Main Entrance Sign" depicted on Attachment A.

UDO Section(s) From Which Applicant is Requesting Relief:
11.10.3

Description of Request:
Variance from UDO Section 11.10.3. (Directional Signs) to allow 4-foot tall directional signs on the property.

UDO Section(s) From Which Applicant is Requesting Relief:
11.10.10

Description of Request:
Variance from UDO Section 11.10.10, (Monument Signs) to allow one primary monument sign and two secondary monument signs as depicted on Attachment B.

UDO Section(s) From Which Applicant is Requesting Relief:

Description of Request:

Variance Findings

The Board of Adjustment shall not grant a variance unless and until it makes all of the following findings. **Please address compliance with the Findings of Fact:**

Carrying out the strict letter of the ordinance would result in an unnecessary hardship. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property:
See Attachment C.

The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance:
See Attachment C.

The hardship did not result from actions taken by the applicant of the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship:
See Attachment C.

The requested variance is consistent with the spirit, purpose, and intent of this ordinance, such that the public safety is secured, and substantial justice is achieved:
See Attachment C.

Variance Findings for Floodplain, Watershed and Stormwater Regulation

Is the variance request related to standards for Floodplain, Watershed and Stormwater Regulation?: No

Variances from the standards set forth in this ordinance for flood damage prevention, watershed protection and stormwater regulation may be granted subject to the following additional provisions. **Please address compliance with the Findings of Fact:**

Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result or when the variance will make the structure in violation of other federal, state or local laws:

Variances shall only be issued upon:

a. A determination that the variance is the minimum

b. A showing of good and sufficient cause:

necessary, considering the flood hazard, to afford relief:

c. A determination that failure to grant the variance would result in exceptional hardship; and:

d. A determination that the granting of a variance will not result in a substantial increase in flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing laws or ordinances:

In passing upon variances, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter and:

a. The danger that material may be swept onto other lands to the injury of others:

b. The danger to life and property due to flooding or erosion damage:

c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner:

d. The importance of the services provided by the proposed facility to the community:

e.The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use:

f. The compatibility of the proposed use with existing and anticipated development:

g.The relationship of the proposed use to the land development plan and flood damage prevention program for that area:

h. The safety of access to the property in times of flood for ordinary and emergency vehicles:

i. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site:

j. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges:

Agent Authortization Form

TOWN *of* WAKE FOREST

The Wake Forest Unified Development Ordinance (UDO) states that applications for development approvals may only be made by the landowner, a lessee or person holding an option or contract to purchase or lease the land, or an authorized agent of the landowner (see Sec. 15.2.5.C). This agent authorization form must be signed by the landowner and included with any application not submitted by the landowner or lessee as specified above. If more than one landowner is involved, a separate agent authorization form must be submitted by each landowner.

Address(es) and Tax PIN(s) for which authorization is granted: 1839 S Main Street (PIN 1840012345)

Landowner's name*: Phylesther II, LLC

Application(s) for which authorization is granted (e.g., Rezoning, Special Use Permit): The Factory - Signage Variances

Person authorized to submit application(s) as landowner's agent *(must be the same person listed as the applicant on the application form)*: Samuel Morris, Longleaf Law Partners

Landowner's Signature: _____

Date: 4/11/23

Please provide below the name, address, and other information of the person signing this form.

Name: Richard Robbins

Address: 125 E 26th St., New York, NY 10010

Telephone number: 917 545 5793

Email address: rlrny@mns.com

If signing for a corporation or other entity, please specify title and/or relationship to the corporation or other entity *(e.g., Member, Executive Officer)*: Manager

**Owner of record as shown on the latest equalized assessment rolls of Wake County, or, if ownership has recently been transferred, the grantee shown on the recorded deed (a copy of the deed must accompany this form).*

Agent Authortization Form

TOWN of WAKE FOREST

The Wake Forest Unified Development Ordinance (UDO) states that applications for development approvals may only be made by the landowner, a lessee or person holding an option or contract to purchase or lease the land, or an authorized agent of the landowner (see Sec. 15.2.5.C). This agent authorization form must be signed by the landowner and included with any application not submitted by the landowner or lessee as specified above. If more than one landowner is involved, a separate agent authorization form must be submitted by each landowner.

Address(es) and Tax PIN(s) for which authorization is granted: 1839 S Main Street (PIN 1840012345)

Landowner's name*: The Macsydney Company II, LLC

Application(s) for which authorization is granted (e.g., Rezoning, Special Use Permit): The Factory - Signage Variances

Person authorized to submit application(s) as landowner's agent *(must be the same person listed as the applicant on the application form)*: Samuel Morris, Longleaf Law Partners

Landowner's Signature: _____

Date: 4/25/23

Please provide below the name, address, and other information of the person signing this form.

Name: Richard Robbins

Address: 125 E 26th St., New York, NY 10010

Telephone number: 917 545-5193

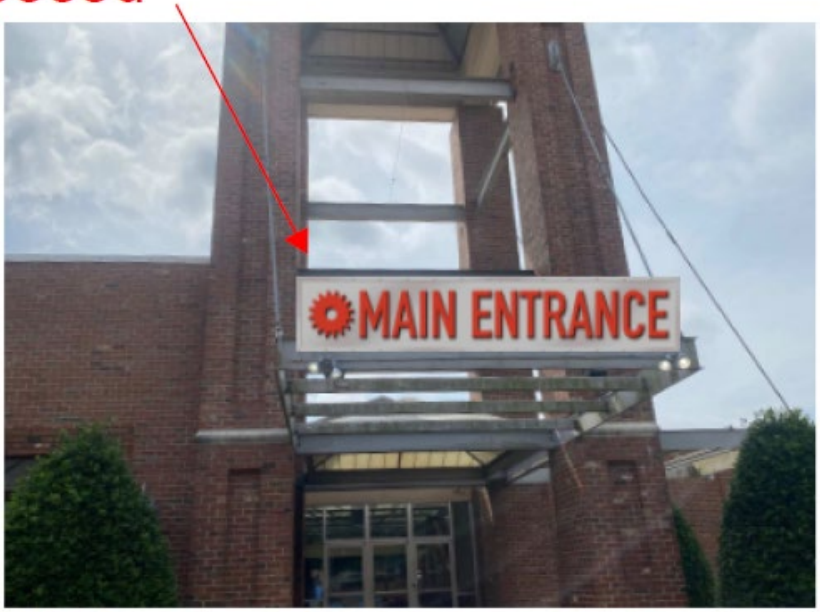
Email address: rlrny@mns.com

If signing for a corporation or other entity, please specify title and/or relationship to the corporation or other entity *(e.g., Member, Executive Officer)*: Manager

**Owner of record as shown on the latest equalized assessment rolls of Wake County, or, if ownership has recently been transferred, the grantee shown on the recorded deed (a copy of the deed must accompany this form).*

Attachment A

Proposed



daytime view

nighttime view

Attachment B

Sign Type A: Primary Entry Monument

Custom aluminum sign cabinet with perforated panel accent blade, face lit and halo lit attached elements.

Pan type aluminum panel will be halo lit with blue LED lighting, mounted with spacers. The Factory logo will be back lit push through acrylic with black day/night vinyl on letter faces.

Center of gear will be internally face lit with blue LED halo lighting behind gear teeth.

Decorative elements include 1 diameter aluminum buttons.

Caution stripes are engineer grade reflective Yellow.

Fonts: New Kansas (logo), Farm New Medium
Colors: As shown to match primary signage colors

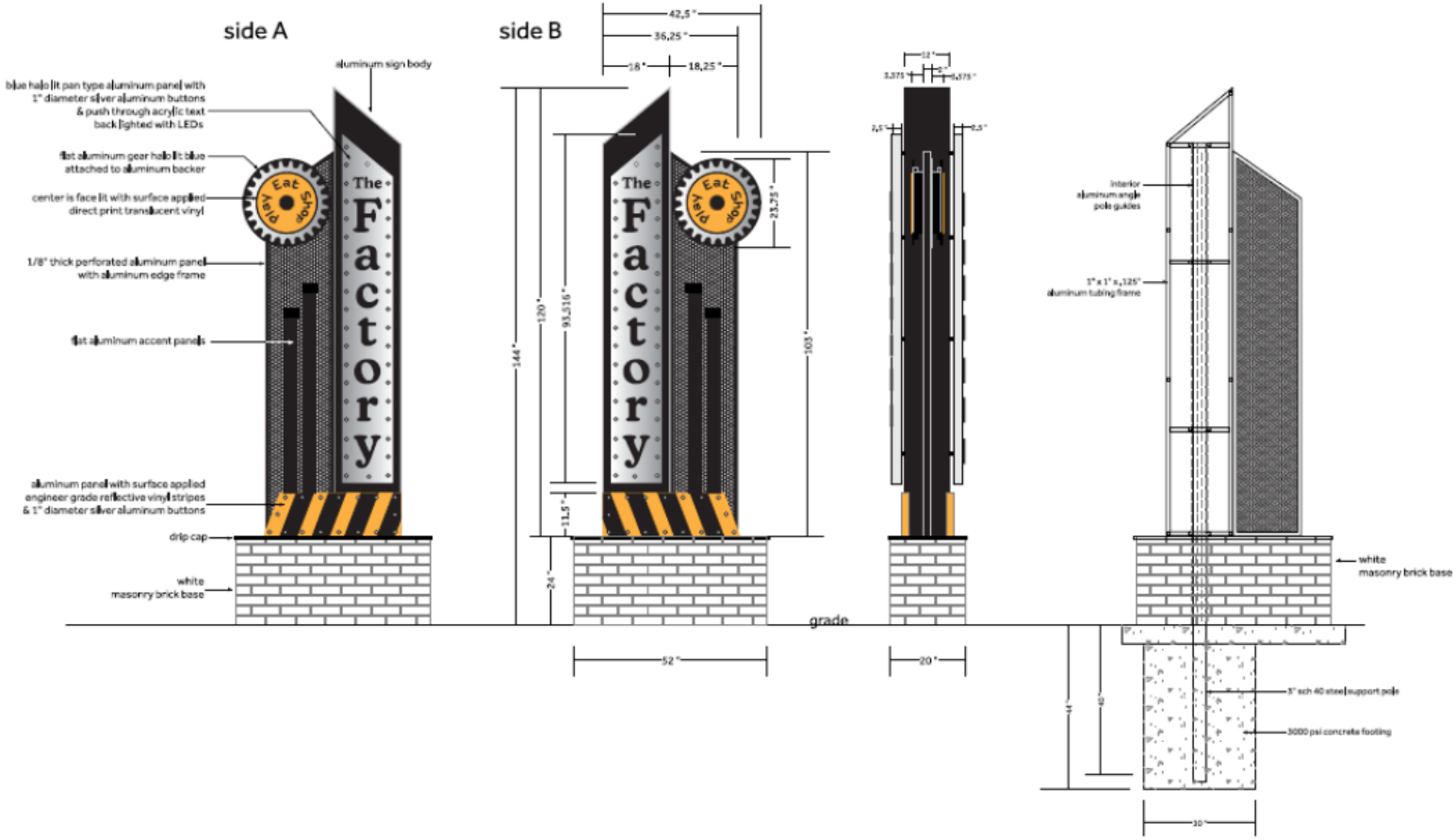
Primary Signage Colors

Silverstone Metallic
MP18091

Rodin Patina Metallic
MP19962
(may be substituted AR SG-005 Black where applicable)

Digital Pantone Yellow 136 C

Paint: Mower Yellow
MP04944



Sign Type B: Secondary Entry Monument

Custom aluminum sign cabinet with perforated panel accent blade, face lit and halo lit attached elements.

Pan type aluminum panel will be halo lit with blue LED lighting, mounted with spacers. The Factory logo will be back lit push- through acrylic with black day/night vinyl on letter faces.

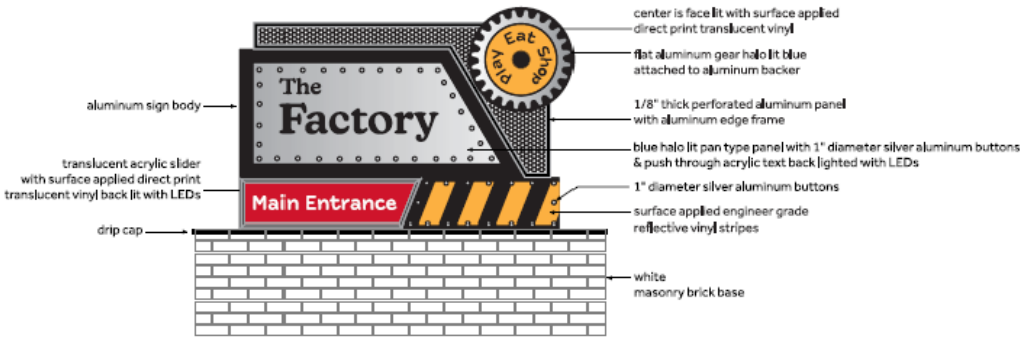
Center of gear will be internally face lit with blue LED halo lighting behind gear teeth.

Decorative elements include 1"diameter aluminum buttons.

Translucent acrylic slider with entrance Info will be internally back lit.

Caution stripes are engineer grade reflective Yellow.

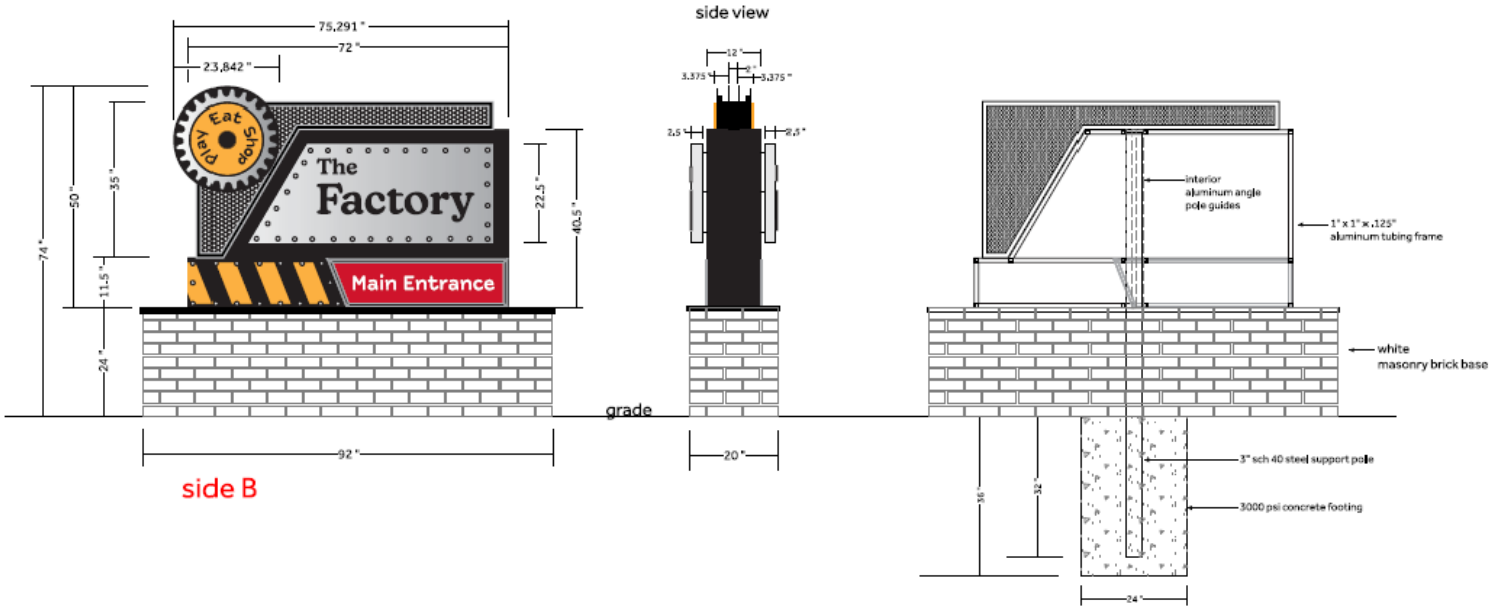
Fonts: New Kansas (logo), Farm New Medium
Colors: As shown to match primary signage colors



side A

Primary Signage Colors

- Silverstone Metallic MP18091
- Rodin Patina Metallic MP19962 (may be substituted ASI SC-905 Black where applicable)
- Digital: Pantone Yellow 136 C
  Paint: Mower Yellow MP04944
- Digital: Pantone 2424 C
  Paint: Lime Lollipop MP00468
- Digital: Pantone 2194 C
  Paint: Nautical Blue SC-601
- Digital: Pantone 186 C



side B

Attachment C

Variance from Section 11.10.2. (Awning/Canopy Signs)

1. *Carrying out the strict letter of the ordinance would result in an unnecessary hardship. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.*

The Factory property faces categorical hardships related to adequate signage, visibility, and an internal navigability. This parcel is particularly large and has very little primary street frontage relative to the size of the property. The Factory is an adaptive re-use of an old factory building that was not designed for the existing sports/shopping center that has become a beloved destination in Wake County. The property owner seeks to continue the unique story of Factory and requests these variances to overcome the signage-related challenges on this property.

The "Main Entrance" sign is the single most important entrance sign of the building and has been deemed by staff to be an "Awning/Canopy Sign." The Factory has consistently delt with patrons struggling to distinguish between entrances, and specifically locating the Main Entrance. Strict compliance with the maximum sign area under UDO Section 11.10.2. ("50% of the awning area") makes it effectively impossible to place a meaningful entrance sign at this key building entrance. Neither an extremely small sign located on the flat awning element, nor a misplaced sign located on the primary building façade would adequately remedy the signage-related hardship posed at this unique property and building. Therefore, carrying out the strict letter of UDO Section 11.10.2. would result in an unnecessary hardship.

2. *The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.*

The hardship results directly from the unique circumstances on the property. Specifically, The Factory sits on a particularly large parcel of land that has very little primary street frontage relative to the size of the property. The Factory is an adaptive re-use of an old factory building that was not designed for the existing sports/shopping center use. None of the unique signage-related issues and hardships that The Factory property faces exist on nearby properties. Rather, this is a highly unique hardship that is specific to The Factory property and building.

3. *The hardship did not result from actions taken by the applicant of the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.*

The hardship does not result from actions taken by the applicant or the property owner, and instead, result from the size and shape of the subject parcel and the existing building, both of which existed when the owner/applicant purchased the property.

4. *The requested variance is consistent with the spirit, purpose, and intent of this ordinance, such that the public safety is secured, and substantial justice is achieved.*

This request is consistent with the spirit, purpose, and intent of the ordinance because the signage regulations are designed to provide adequate and effective signage, prevent driver confusion, and allow for flexibility to meet individual needs for business identification. Granting of the requested variance would achieve substantial justice by acknowledging the unique conditions of this property and encouraging continued sustainable adaptive re-use of this unique building rather than full-scale redevelopment.

Variance from Section 11.10.3. (Directional Signs)

1. *Carrying out the strict letter of the ordinance would result in an unnecessary hardship. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.*

The Factory property faces categorical hardships related to adequate signage, visibility, and an internal navigability. This parcel is particularly large and has very little primary street frontage relative to the size of the property. The Factory is an adaptive re-use of an old factory building that was not designed for the existing sports/shopping center that has become a beloved destination in Wake County. The property owner seeks to continue the unique story of Factory and requests these variances to overcome the signage-related challenges on this property.

Adequately visible directional signs extremely important to the future of The Factory. First, the property has a large surface parking area, meaning that people mostly navigate the property in their vehicles, rather than on-foot. Second, there are multiple entrance points, bringing patrons in from potentially all four sides of the property. Finally, The Factory is a large, re-used factory building that was not initially designed to host multiple retail/commercial tenants. UDO Section 11.10.3. limits the height of directional signs to 3 feet, which is geared towards pedestrian traffic. Industry standards for directional signs geared towards vehicular traffic would be at least 4 feet so that drivers can adequately see the sign over the hood of their cars. Therefore, because of the unique conditions of the property, The Factory's directional signs must be geared towards vehicular traffic and strict application of the 3-foot height limit for pedestrian-focused directional signs would cause an undue hardship, understanding the challenges of adequately guiding patrons throughout this unique property/building.

2. *The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.*

The hardship results directly from the unique circumstances on the property. Specifically, The Factory sits on a particularly large parcel of land that has very little primary street frontage relative to the size of the property. The Factory is an adaptive re-use of an old factory building

that was not designed for the existing sports/shopping center use. None of the unique signage-related issues and hardships that The Factory property faces exist on nearby properties. Rather, this is a highly unique hardship that is specific to The Factory property and building.

3. *The hardship did not result from actions taken by the applicant of the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.*

The hardship does not result from actions taken by the applicant or the property owner, and instead, result from the size and shape of the subject parcel and the existing building, both of which existed when the owner/applicant purchased the property.

4. *The requested variance is consistent with the spirit, purpose, and intent of this ordinance, such that the public safety is secured, and substantial justice is achieved.*

This request is consistent with the spirit, purpose, and intent of the ordinance because the signage regulations are designed to provide adequate and effective signage, prevent driver confusion, and allow for flexibility to meet individual needs for business identification. Granting of the requested variance would achieve substantial justice by acknowledging the unique conditions of this property and encouraging continued sustainable adaptive re-use of this unique building rather than full-scale redevelopment.

Variance from Section 11.10.10. (Monument Signs)

1. *Carrying out the strict letter of the ordinance would result in an unnecessary hardship. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.*

The Factory property faces categorical hardships related to adequate signage, visibility, and an internal navigability. This parcel is particularly large and has very little primary street frontage relative to the size of the property. The Factory is an adaptive re-use of an old factory building that was not designed for the existing sports/shopping center that has become a beloved destination in Wake County. The property owner seeks to continue the unique story of Factory and requests these variances to overcome the signage-related challenges on this property.

Strict application of UDO Section 11.10.10 would not allow The Factory to provide the single Primary Entrance Monument (located along Main Street) and two Secondary Entrance Monuments shown on Attachment B (one located along Main Street and one located along Grandmark Street), and instead would limit either the size or number of the proposed signs. Such a limitation on the property's monument signs would cause an unnecessary hardship in light of the fact that it is an almost 19-acre parcel with only a limited amount of frontage along Main Street. Despite the limited frontage, there are multiple entrance points to the property, bringing patrons in from potentially all four sides. The Factory is a large, re-used factory building that was not initially designed to host multiple retail/commercial tenants and has consistently delt with

patrons struggling to distinguish between entrances. The three proposed monument signs are essential to adequately direct and orient its patrons, and strict application with UDO Section 11.10.10. would cause and undue hardship bit preventing the proposed monument signs.

2. *The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.*

The hardship results directly from the unique circumstances on the property. Specifically, The Factory sits on a particularly large parcel of land that has very little primary street frontage relative to the size of the property. The Factory is an adaptive re-use of an old factory building that was not designed for the existing sports/shopping center use. None of the unique signage-related issues and hardships that The Factory property faces exist on nearby properties. Rather, this is a highly unique hardship that is specific to The Factory property and building.

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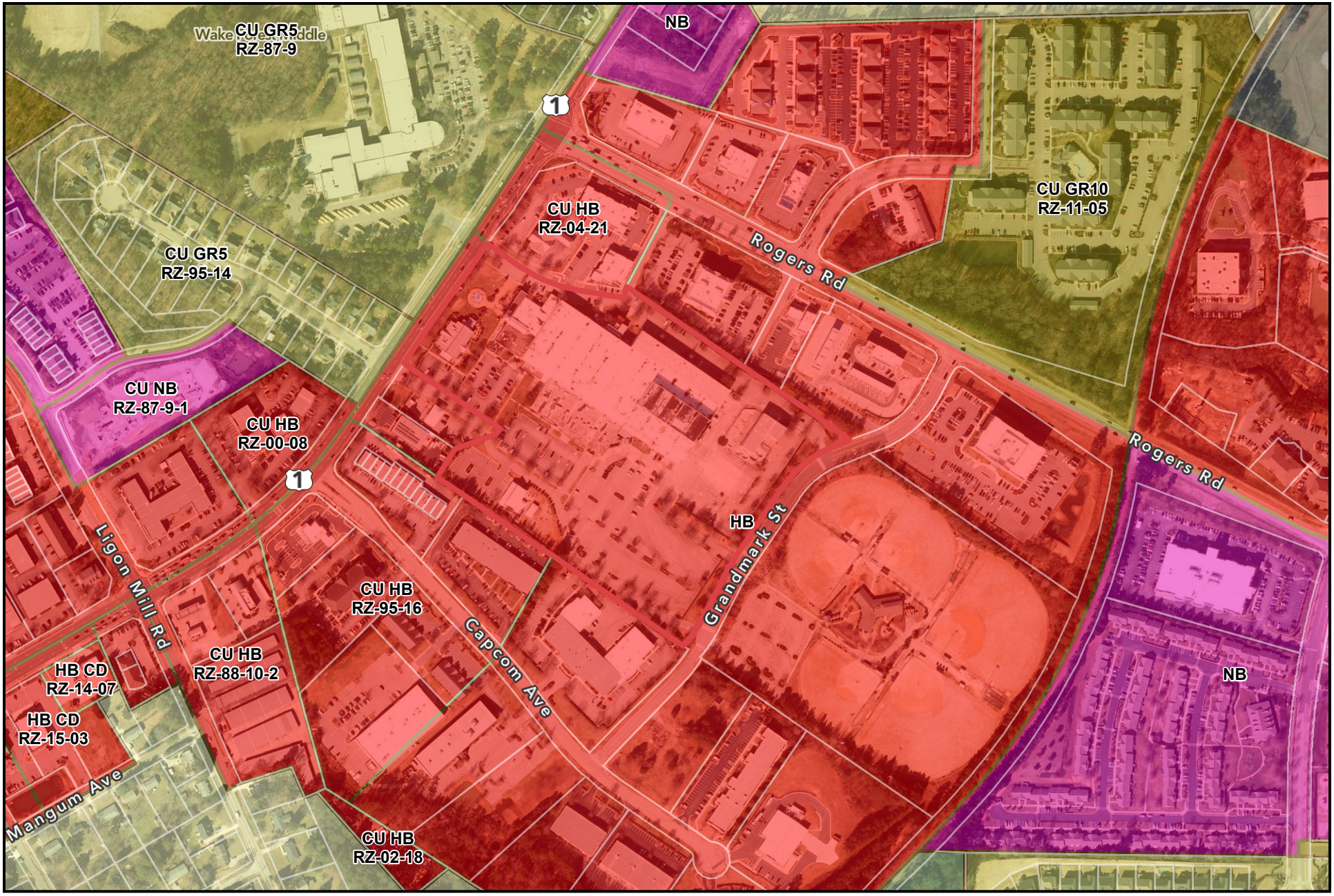
This request is consistent with the spirit, purpose, and intent of the ordinance because the signage regulations are designed to provide adequate and effective signage, prevent driver confusion, and allow for flexibility to meet individual needs for business identification. Granting of the requested variance would achieve substantial justice by acknowledging the unique conditions of this property and encouraging continued sustainable adaptive re-use of this unique building rather than full-scale redevelopment.



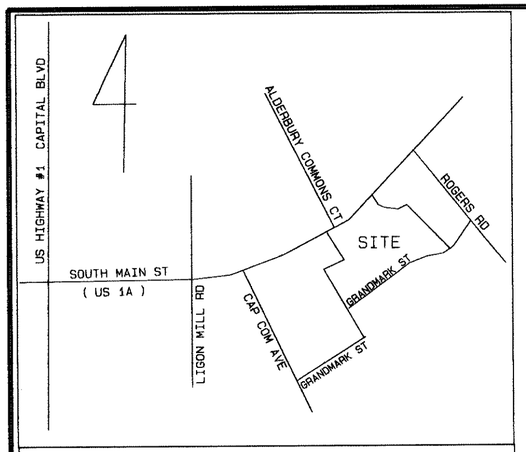
N

0 200 400 800 ft

1 inch equals 400 feet

Disclaimer

*iMaps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are **NOT** surveys. No warranties, expressed or implied ,are provided for the data therein, its use,or its interpretation.*



VICINITY MAP NTS

STATE OF NORTH CAROLINA WAKE COUNTY

I, SCOTT WILSON, DO HEREBY CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK SEE, PAGE REF; THAT THE RATIO OF PRECISION AS CALCULATED IS 1: 10,000; THAT THE BOUNDARY LINES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN REFERENCE CITED; THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 1st DAY OF DEC 2005.

SIGNED: PLS3 L-2601

NORTH CAROLINA PROFESSIONAL SEAL L-2601 LAND SURVEYOR SCOTT WILSON

I, SCOTT WILSON, PROFESSIONAL LAND SURVEYOR NO. L-2601 CERTIFY THAT THIS PLAT IS A RECOMBINATION SURVEY OF AN EXISTING PARCEL OR PARCELS OF LAND.

SCOTT WILSON, P.L.S. L-2601

NOTES:
1) PROPERTY SUBJECT TO UTILITY EASEMENTS OF RECORD.
2) AREA COMPUTED BY COORDINATE GEOMETRY.
3) THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND MAY BE SUBJECT TO ANY MATTERS THAT A FULL TITLE SEARCH WOULD DISCLOSE.
4) NO FEMA DESIGNATED FLOOD HAZARD AREAS ON SITE. FEMA FIRM PANELS 3718301 60 E & 3718301 76 E, ZONE X EFFECTIVE DATE MARCH 3, 1992 AND THE UNOFFICIAL REVISED WAKE COUNTY FLOOD MAPS PANEL 3720184000J. EFFECTIVE DATE TO BE DETERMINED.
5) ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES.
6) LOT 1 ZONED: I
   LOT 3 ZONED: HB-CU
   LOT #3 CASE #RZ-04-21
7) PROJECT APPROVED THROUGH CASE NOS. SU-03-06 & SU-03-06(A).
8) ALL LOTS SUBJECT TO A 10' UTILITY EASEMENT ENVELOPE.
9) IRON PIPES SET ALL PROPERTY CORNERS. COTTON SPINDLES SET AT CORNERS THAT FALL IN ASPHALT AREAS.
10) MAINTENANCE OF PUBLIC DRAINAGE EASEMENT TERMINATES AT END OF PIPE/STRUCTURE. THE REMAINDER OF THE EASEMENT IS PRIVATE.
11) ALL EASEMENTS ARE CENTERED ON PIPE/FACILITY UNLESS OTHERWISE NOTED.

SCALE: 1" = 100'

0 50 100 200 300 400

DATA

	DELTA/BEARING	RADIUS	LEN./DIST.	TANGENT	CHORD BEARING	CHORD DIST.
1	N 33°59'33"E		37.67			
2	S 55°14'30"E		117.70			
3	25°34'41"	438.87	195.92	99.62	S 68°01'51"E	194.30
4	S 80°49'11"E		107.91			
5	16°17'56"	111.13	31.61	15.91	S 72°40'13"E	31.51
6	N 09°10'40"E		38.06			
7	S 69°17'14"W		44.47			
8	S 45°08'52"W		5.64			
9	S 70°38'37"W		130.42			
10	S 34°15'37"W		22.00			
11	N 33°42'50"E		22.00			

LEGEND
EIP = EXISTING IRON PIPE
ECM = EXISTING CONCRETE MONUMENT
NIP = NEW IRON PIPE
NCM = NEW CONCRETE MONUMENT
MH = MANHOLE
PP = POWER POLE

CERTIFICATE OF OWNERSHIP AND DEDICATION

I hereby certify that I am the owner of the property shown and described hereon, which is located in the subdivision jurisdiction of Wake Forest, and that I hereby adopt this plan of subdivision with my free consent, establish minimum building setback lines, and dedicate all streets, alleys, walks, parks, and other sites and easements to public or private use as noted. Furthermore, I hereby dedicate all sanitary sewer, storm and water lines to the Town of Wake Forest or other public agency as note on this plat.

12-9-05 DATE — FACTORY, LLC. BY OWNER

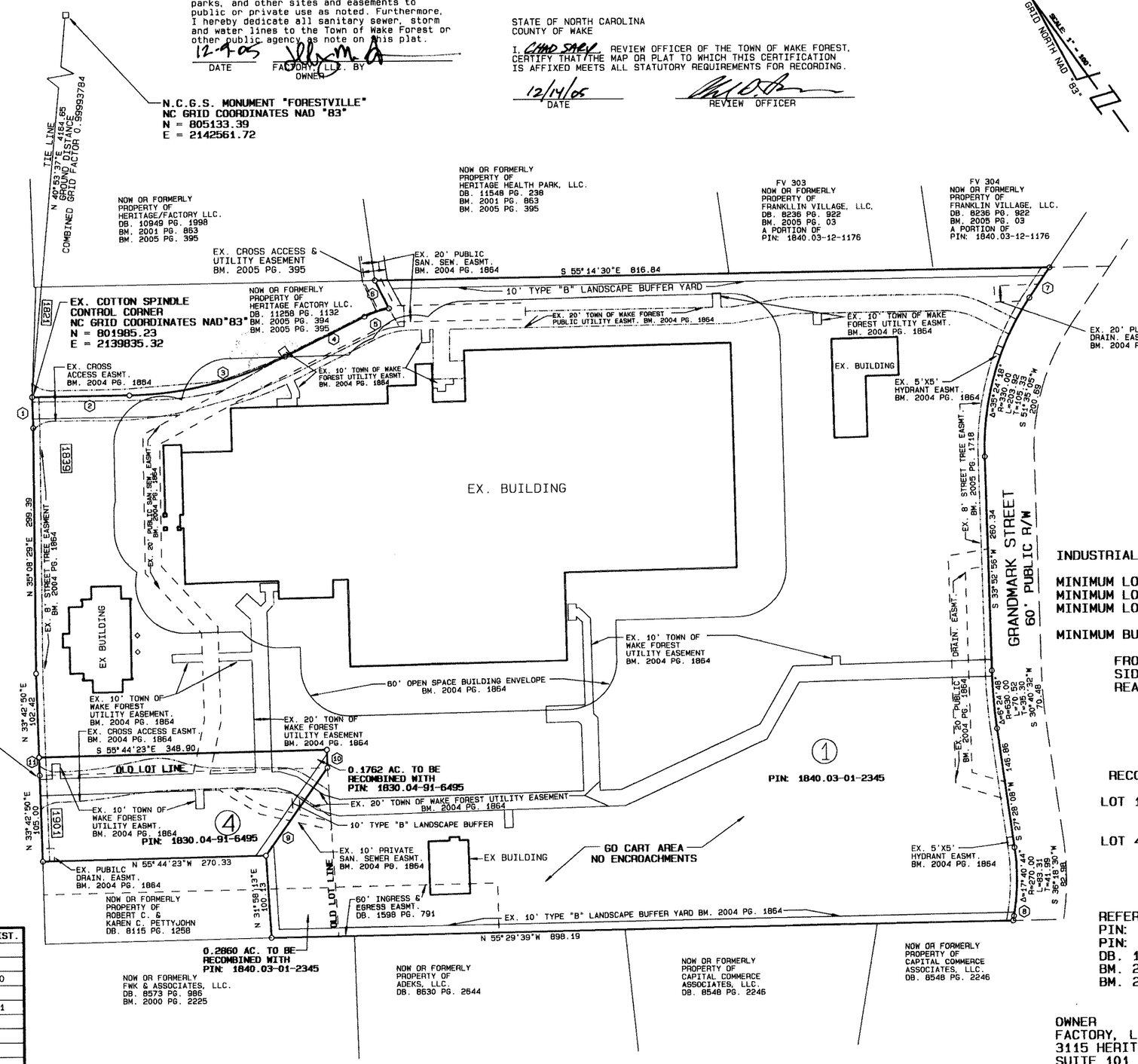
Approved for recording by the Town of Wake Forest.

12-15-2005 Date — Town Clerk

STATE OF NORTH CAROLINA
COUNTY OF WAKE

I, CHAD SAEVI, REVIEW OFFICER OF THE TOWN OF WAKE FOREST, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

12/14/05 DATE — REVIEW OFFICER



INDUSTRIAL DISTRICT

MINIMUM LOT SIZE = 40,000 SF.
MINIMUM LOT WIDTH = 100 FEET
MINIMUM LOT DEPTH = 150 FEET

MINIMUM BUILDING SETBACKS

FRONT YARD = 30 FEET
SIDE YARD = 15 FEET
REAR YARD = 20 FEET

RECOMBINED AREAS

LOT 1 = 18.7290 AC.
= 815834 SF.

LOT 4 = 0.9222 AC.
= 40172 SF.

REFERENCES
PIN: 1840.03-01-2345
PIN: 1830.04-91-6495
DB. 10420 PG. 1796
BM. 2004 PG. 1864
BM. 2005 PG. 394

OWNER
FACTORY, LLC.
3115 HERITAGE TRADE DRIVE
SUITE 101
WAKE FOREST, N.C. 27587

RECORDED IN BOOK OF MAPS 2005, PAGE 2465, WAKE COUNTY REGISTRY.

WAKE COUNTY, NC 376
LAURA M RIDDICK
REGISTER OF DEEDS
PRESENTED & RECORDED ON
12/15/2005 AT 14:39:16

BOOK:BM2005 PAGE:02465

REV.	DATE	DESCRIPTION

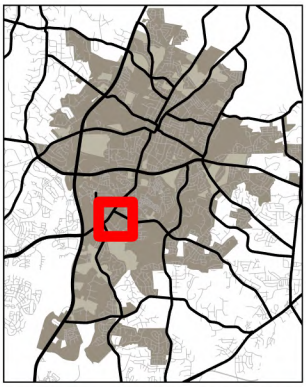
BASS, NIXON & KENNEDY, INC.
CONSULTING ENGINEERS
6310 CHAPEL HILL ROAD
SUITE 250
RALEIGH, NORTH CAROLINA 27607
919-851-4422 FAX 919-851-8968

SURVEYED BY	JGS
DRAWN BY	TGP
CHECKED BY	GSW
DATE	10/12/2005

RECOMBINATION PLAT
FOR
LOTS 1 & 4
FACTORY, LLC.
WAKE FOREST, WAKE CO., N.C.

SHEET OF

LOTS 1 & 4 RECOMBINATION PLAT - 38[0,743]PF: 02621 1150 29-Nov-05 01:02 PM / S02621000-1



TOWN of WAKE FOREST

BOA-23-04
1839 S Main St
PIN: 1840012345

9/7/2023

Please note that this map is intended for illustrative purposes only.
For specific inquiries regarding zoning boundaries, contact the
Town Wake Forest Planning Department at 919-435-9510.

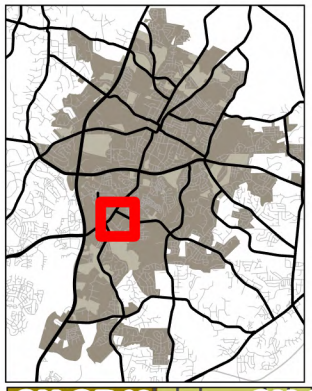
0 500 1,000 Feet

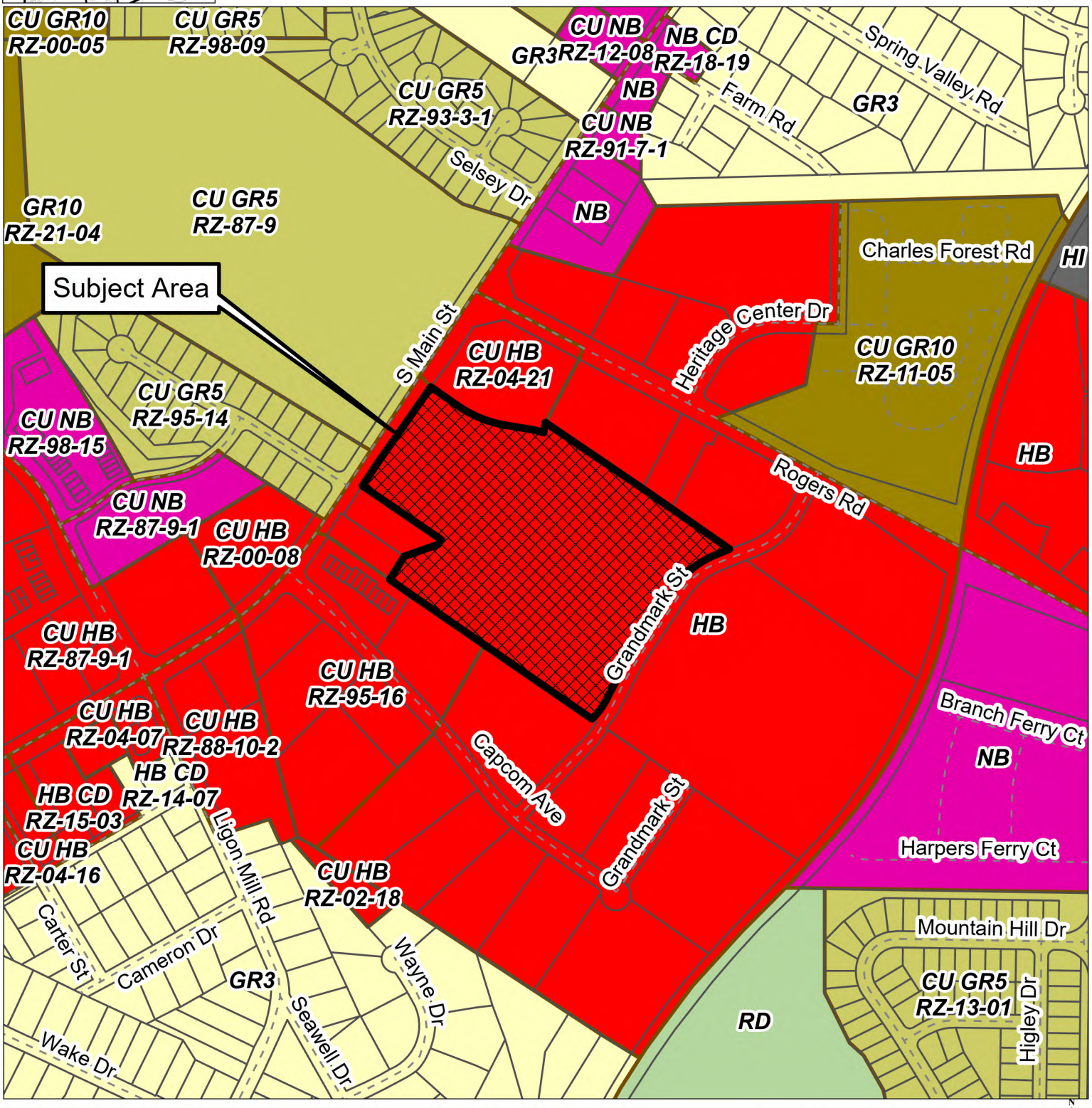
N W E

TOWN of WAKE FOREST

BOA-23-04
1839 S Main St
PIN: 1840012345

9/7/2023





Please note that this map is intended for illustrative purposes only.
For specific inquiries regarding zoning boundaries, contact the
Town Wake Forest Planning Department at 919-435-9510.

0 500 1,000 Feet

N W E

Currin, Jennifer

From: Linn, Emma
Sent: Thursday, September 14, 2023 12:39 PM
To: Currin, Jennifer
Subject: FW: wall signs

Hi Jen,

Please see requested email sent on 11/23/22.

TOWN of WAKE FOREST

Emma Linn, CZO
Planner II - Long Range Planning
PLANNING

Office: 919-435-9510 | Direct: 919-435-9514 | Mobile: 919-356-9336
301 S. Brooks Street | Wake Forest, NC 27587
wakeforestnc.gov

Where Innovation Meets Opportunity

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

From: Linn, Emma <elinn@wakeforestnc.gov>
Sent: Wednesday, November 23, 2022 2:03 PM
To: Nic Mayo <nic.mayo@asisignage.com>
Cc: Jennifer Miller <jennifer.miller@asisignage.com>; Liz Martinez <liz.martinez@asisignage.com>; Terry Patsel <terry.patsel@asisignage.com>
Subject: RE: wall signs

Good afternoon,

Staff have reached a decision about the “Main Entrance” wall sign. As it is currently proposed, it would fall under the requirements of an “awning/canopy” sign. The ordinance states that the maximum area allowed for an "awning/canopy" sign is 50% of awning area. Staff realizes that this calculation would be too small for what is being proposed thus, prohibiting the sign.

However, staff have agreed that under these circumstances we would review the “Main Entrance” sign area using the area calculation for "Gas Station Pricing: Canopy" signs. The area calculation for this type of sign is 1 sq. ft. per canopy linear foot (maximum area).

I will decline the current package. When you resubmit please provide revised sign documents. It is important that the length of the canopy is included with the "Main Entrance" sign drawing.

If you have any questions please let staff know. When you are ready, please resubmit. Staff will expedite the review.

I hope you all have a Happy Thanksgiving.

All the best,
Emma

Emma Linn, CZO
Planner I - Development Services
PLANNING
Office: 919-435-9510 | Direct: 919-435-9514 | Mobile: 919-356-9336
301 S. Brooks Street | Wake Forest, NC 27587
wakeforestnc.gov
Where Innovation Meets Opportunity

From: Linn, Emma <elinn@wakeforestnc.gov>
Sent: Monday, November 21, 2022 5:02 PM
To: Nic Mayo <nic.mayo@asisignage.com>
Cc: Jennifer Miller <jennifer.miller@asisignage.com>; Liz Martinez <liz.martinez@asisignage.com>; Terry Patsel <terry.patsel@asisignage.com>
Subject: RE: wall signs

Hi, Nic et. All –

I wanted to email you to let you know were still looking into the mounting of the "Main Entrance" wall sign. This is sort of an unusual façade, so we're seeing how it can be compliant with the ordinance standards.

Thank you for your patience.

Enjoy your evening,

From: Nic Mayo <nic.mayo@asisignage.com>
Sent: Thursday, November 17, 2022 9:48 AM
To: Linn, Emma <elinn@wakeforestnc.gov>
Cc: Jennifer Miller <jennifer.miller@asisignage.com>; Liz Martinez <liz.martinez@asisignage.com>; Terry Patsel <terry.patsel@asisignage.com>
Subject: Re: wall signs

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Can it be mounted to the tower itself then?

On Thu, Nov 17, 2022 at 9:30 AM Linn, Emma <elinn@wakeforestnc.gov> wrote:

> Thank you for sending those along, Liz.

The only concern I see at this time after reviewing the monument and wall signs is the location of the “Main Entrance” sign. It is proposed to be installed on the front canopy. We have separate ordinance requirements for awning/canopy signs. If you’d like to keep it as a wall sign, you would need to move it to the building façade (outlined in red below). We’d also need to ensure that the maximum of 4 wall signs is not being exceeded.

Feel free to give me a ring to chat! I am happy to discuss and work with you to get these approved.

MAIN ENTRANCE

From: Liz Martinez <liz.martinez@asisignage.com>
Sent: Tuesday, November 15, 2022 6:47 PM
To: Linn, Emma <elinn@wakeforestnc.gov>; Nic Mayo <nic.mayo@asisignage.com>; Jennifer Miller <jennifer.miller@asisignage.com>; Terry Patsel <terry.patsel@asisignage.com>
Subject: wall signs

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Hi Emma,

Attached are the drawings for the wall signs only.

Previously I clarified their location, the length of the walls they will be attached to, and that the existing signage on the building will be removed.

Let me know if you need any other info.

Thanks!

Liz

Liz Martinez
ASI | Signage Innovations
E. Liz.Martinez@asisignage.com
asisignage.com
600 Irving Pkwy, Holly Springs, NC

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--
Nic Mayo
Signage Consultant

ASI North Carolina
600 Irving Parkway
Holly Springs, NC 27540

Direct: 252-269-5211
nic.mayo@asisignage.com

www.asisignage.com

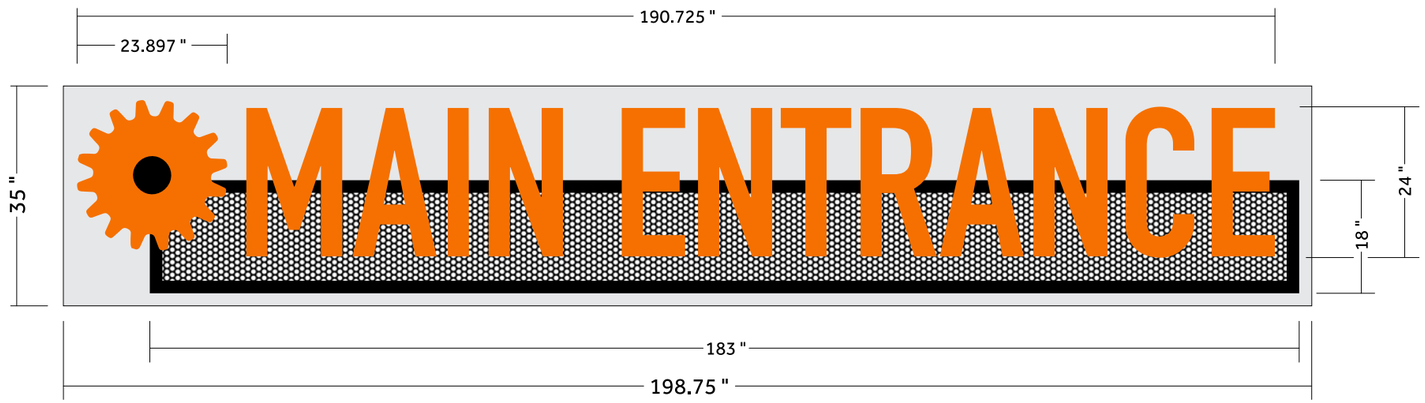
Inline image

Sign Type H: Building Entrance Sign

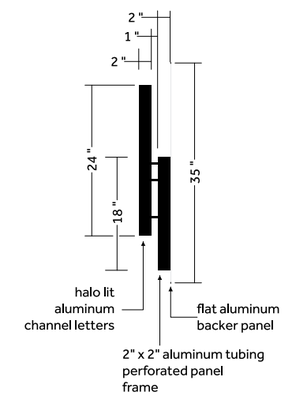
1" Deep fabricated metal letters with painted colored faces and black returns mounted with spacers to framed perforated aluminum panel.
Flat aluminum attached to back of frame for halo light reflection.
Letters are halo lit with blue LED lighting.

Font: Din Condensed Bold
Colors as shown to match primary signage colors.
Mounting: Mechanically to main entrance awning.

Provide building wall lengths (for each subject wall where a sign is proposed) and existing quantity on the building.



side view - dimensions



Primary Signage Colors

Silverstone Metallic
MP18091

Rodin Patina Metallic
MP19962
(may be substituted ASI SC-905 Black where applicable)

Digital: Pantone Yellow 136 C

Paint: Mower Yellow
MP04944

Digital: Pantone 2424 C

Paint: Lime Lollipop
MP00468

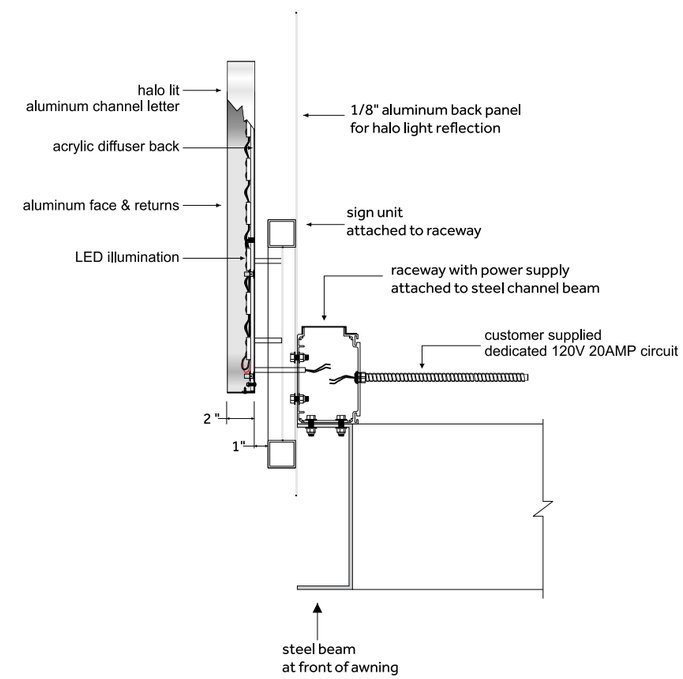
Digital: Pantone 2194 C

Paint: Nautical Blue
SC-601

Digital: Pantone 1585 C

Paint: Aranciata Orange
MP01229

side view



Quote # Q	Order # R24350	Sign Type H.1	Qty. 1	This Drawing Is Not Ready For Production

ASI North Carolina
600 Irving Parkway, Holly Springs, NC 27540
ph: 919.362.9669 fx: 919.387.9204

Client The Macsydney Company II, LLC
Project The Factory - 1839 South Main Street Wake Forest, NC 27587
Client Contact
Account Executive Nic Mayo

Designer KS
Date 06/09/22
Revision

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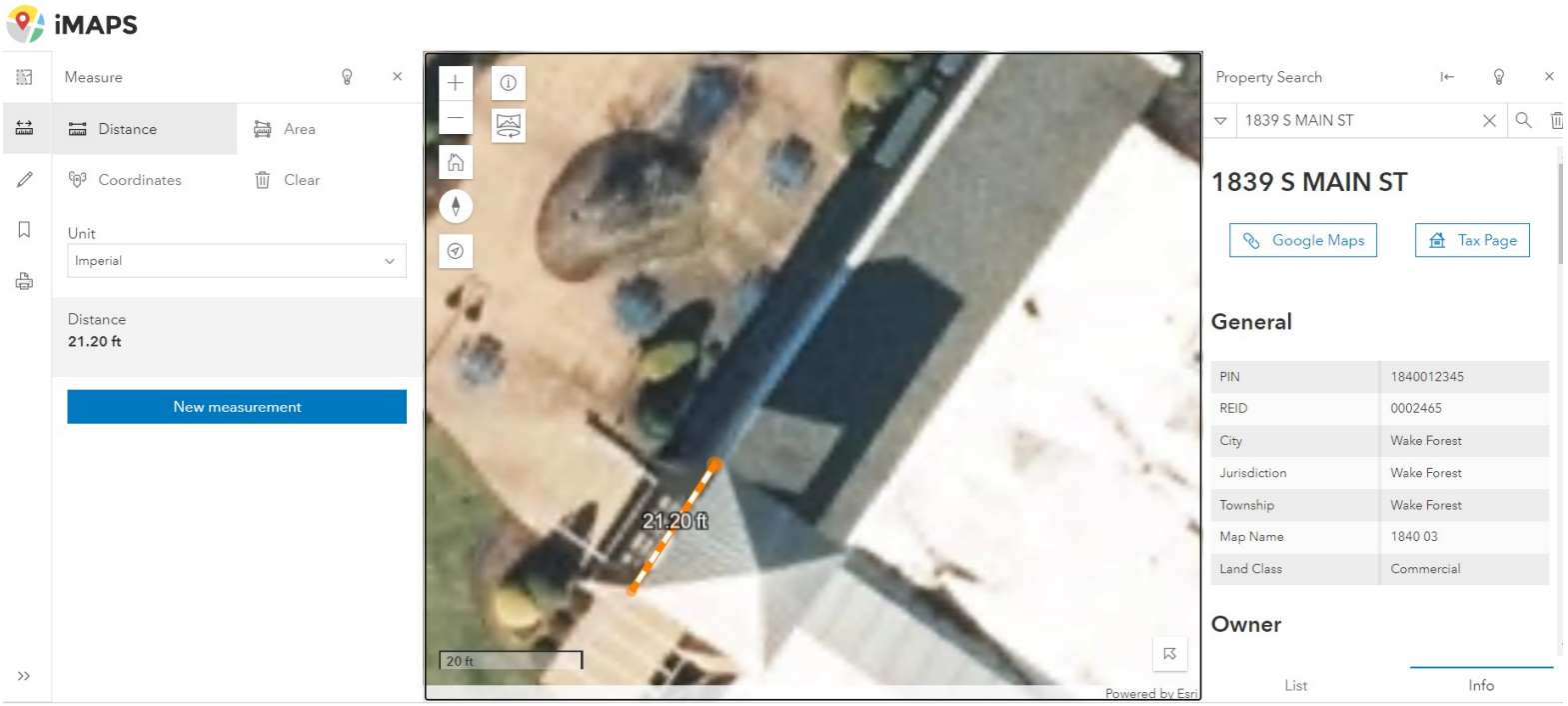
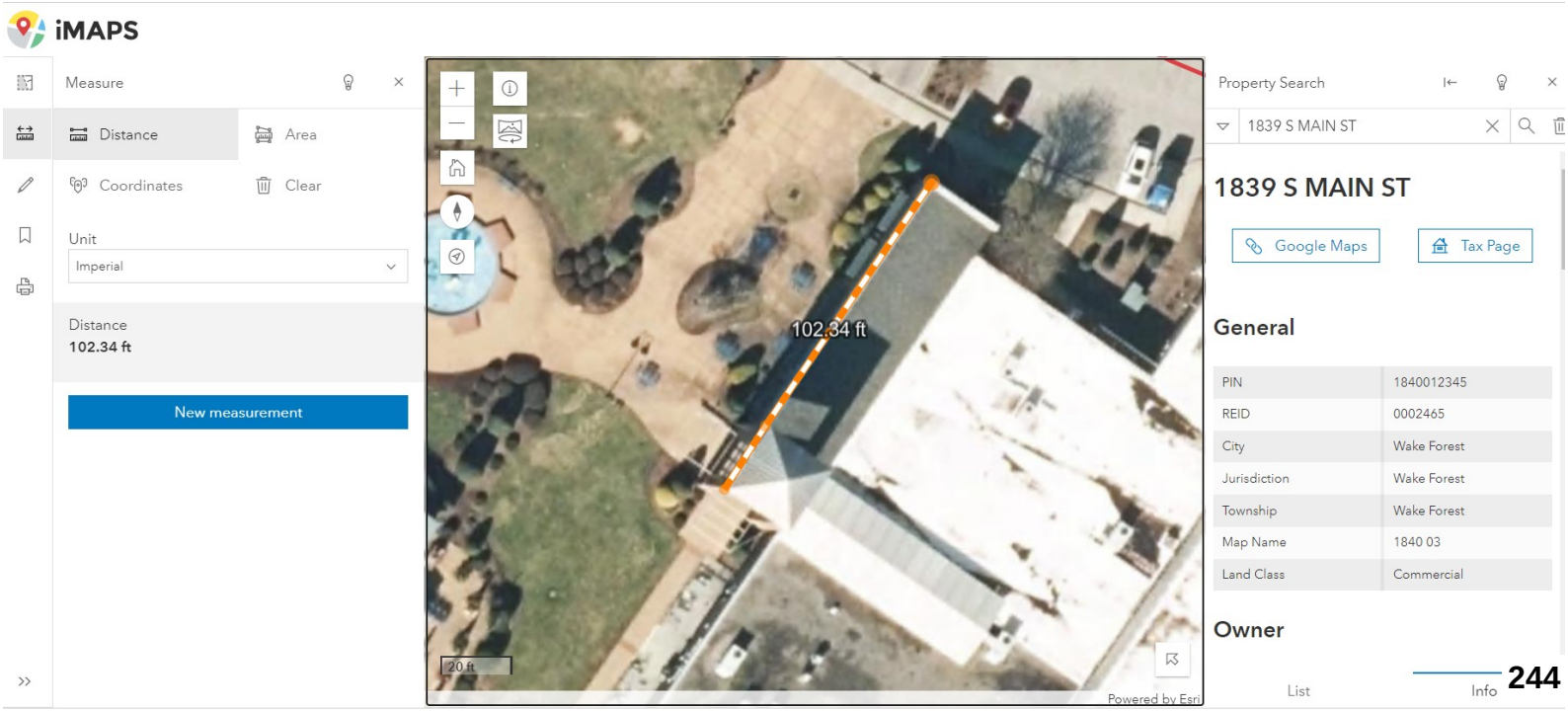
Calvin Gaunce
Street View - Jun 2018
Culver's
Rogers Rd
Google

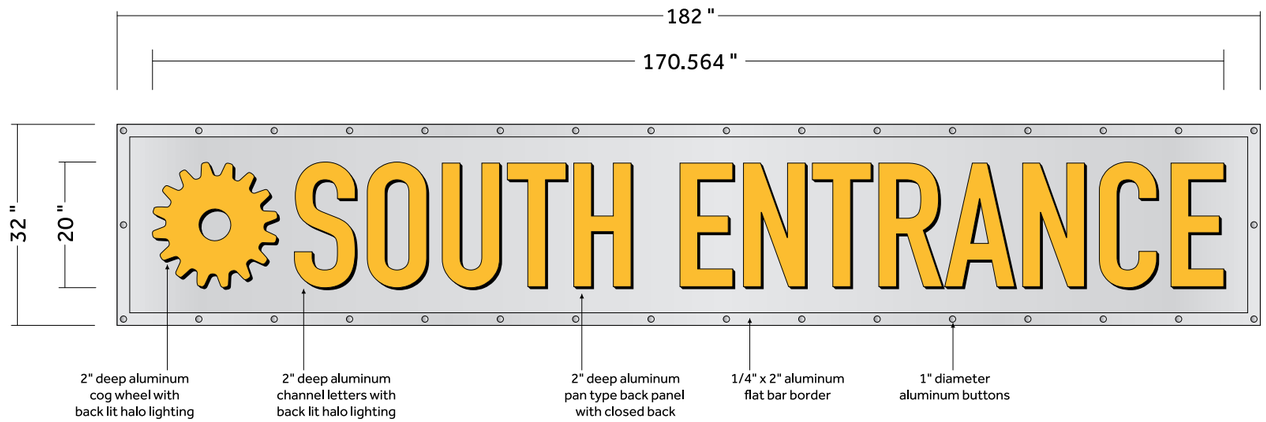

iMAPS
Measure
Distance
Area
Coordinates
Clear
Unit
Imperial
Distance
21.20 ft
New measurement
21.20 ft
20 ft
Powered by Esri
Property Search
1839 S MAIN ST
1839 S MAIN ST
Google Maps
Tax Page
General
PIN 1840012345
REID 0002465
City Wake Forest
Jurisdiction Wake Forest
Township Wake Forest
Map Name 1840 03
Land Class Commercial
Owner
List
Info

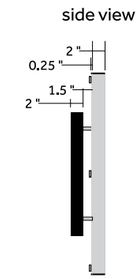

iMAPS
Measure
Distance
Area
Coordinates
Clear
Unit
Imperial
Distance
102.34 ft
New measurement
102.34 ft
20 ft
Powered by Esri
Property Search
1839 S MAIN ST
1839 S MAIN ST
Google Maps
Tax Page
General
PIN 1840012345
REID 0002465
City Wake Forest
Jurisdiction Wake Forest
Township Wake Forest
Map Name 1840 03
Land Class Commercial
Owner
List
Info

Sign Type H: Building Entrance Sign

2" Deep fabricated aluminum letters & cog wheel with painted colored faces and black returns mounted with spacers to a 2" deep pan type back panel with closed back.
Letters & cog wheel are halo lit with blue LED lighting.

Font: Din Condensed Bold
Colors as shown to match primary signage colors.
Mounting: Mechanically, flush to exterior wall.





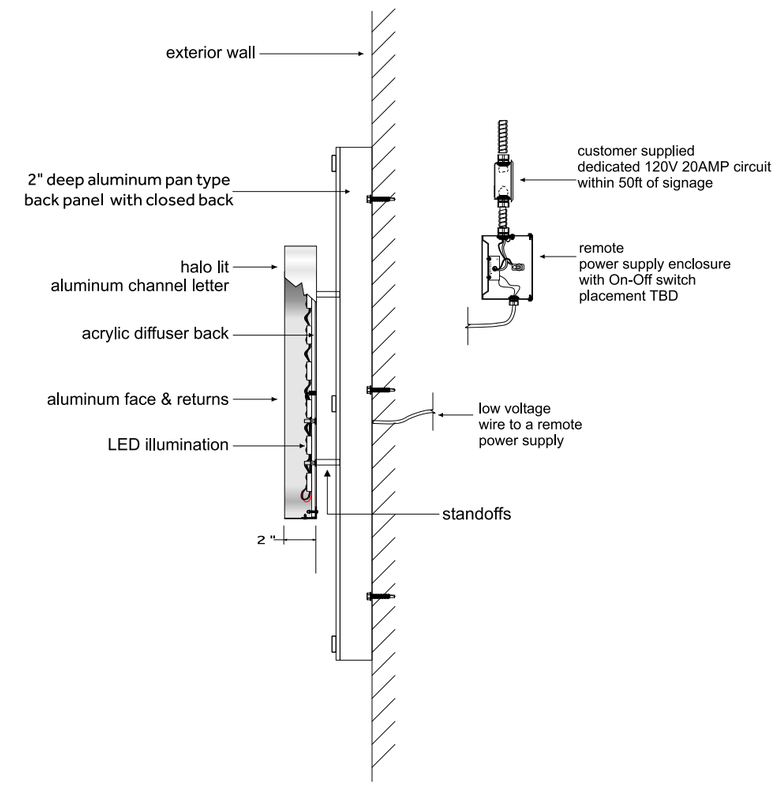
Primary Signage Colors

Silverstone Metallic
MP18091

Rodin Patina Metallic
MP19962
(may be substituted ASI SC-905 Black where applicable)

Digital: Pantone Yellow 136 C

Paint: Mower Yellow
MP04944



Town of Wake Forest
Planning Department
Approved: EL
02/22/2023
2:13:11 PM

Quote # Q	Order # R24350	Sign Type H.2	Qty. 1	This Drawing Is Not Ready For Production

ASI North Carolina
Signage Innovations
600 Irving Parkway, Holly Springs, NC 27540
ph: 919.362.9669 fx: 919.387.9204

Client The Macsydney Company II, LLC
Project The Factory - 1839 South Main Street Wake Forest, NC 27587
Client Contact
Account Executive Nic Mayo

Designer KS
Date 06/09/22
Revision 06/24/22

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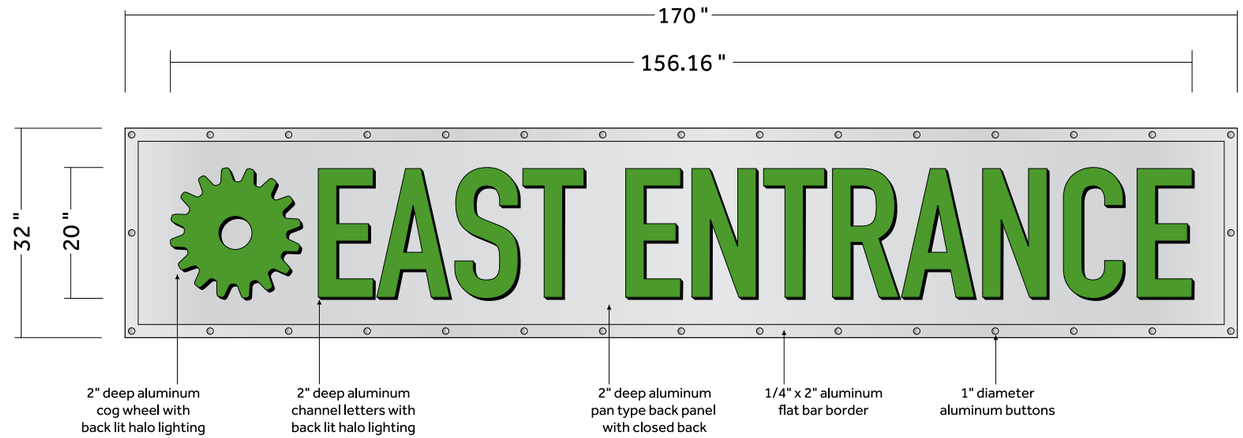
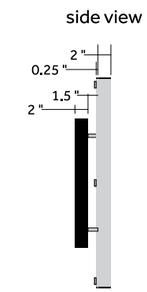
Sign Type H: Building Entrance Sign

2" Deep fabricated aluminum letters & cog wheel with painted colored faces and black returns mounted with spacers to a 2" deep pan type back panel with closed back.
Letters & cog wheel are halo lit with blue LED lighting.

Font: Din Condensed Bold
Colors as shown to match primary signage colors.
Mounting: Mechanically, flush to exterior wall.





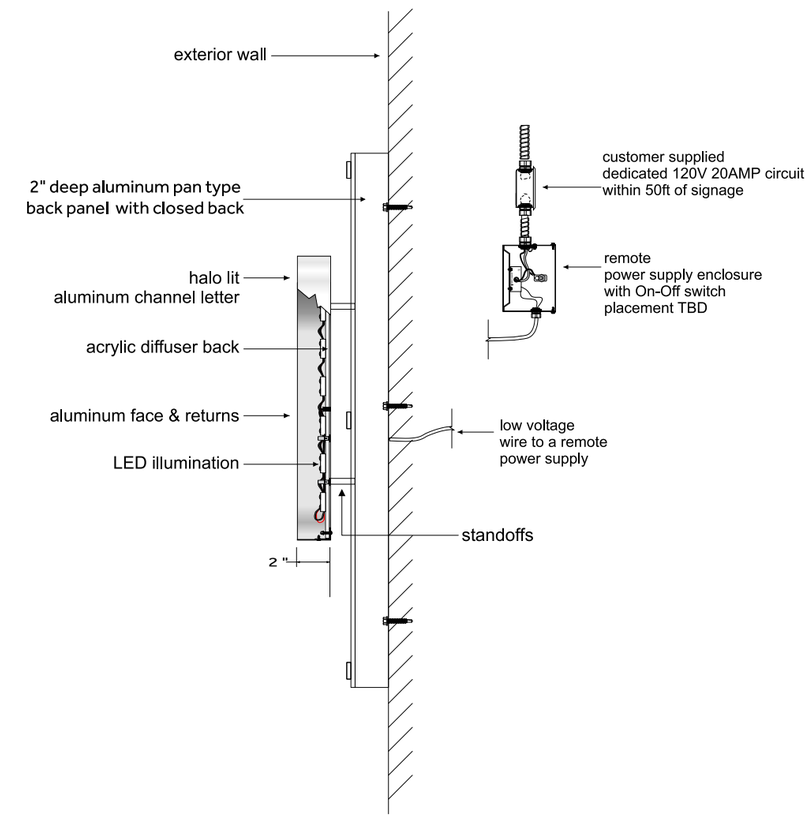
Primary Signage Colors

Silverstone Metallic
MP18091

Rodin Patina Metallic
MP19962
(may be substituted ASI SC-905 Black where applicable)

Digital: Pantone 2424 C

Paint: Lime Lollipop
MP00468



Town of Wake Forest
Planning Department
Approved: EL
02/22/2023
2:04:18 PM

Quote # Q	Order # R24350	Sign Type H.4	Qty. 1	This Drawing Is Not Ready For Production

ASI North Carolina
600 Irving Parkway, Holly Springs, NC 27540
ph: 919.362.9669 fx: 919.387.9204

Client The Macsydney Company II, LLC
Project The Factory - 1839 South Main Street Wake Forest, NC 27587
Client Contact
Account Executive Nic Mayo

Designer KS
Date 06/09/22
Revision 06/17/22

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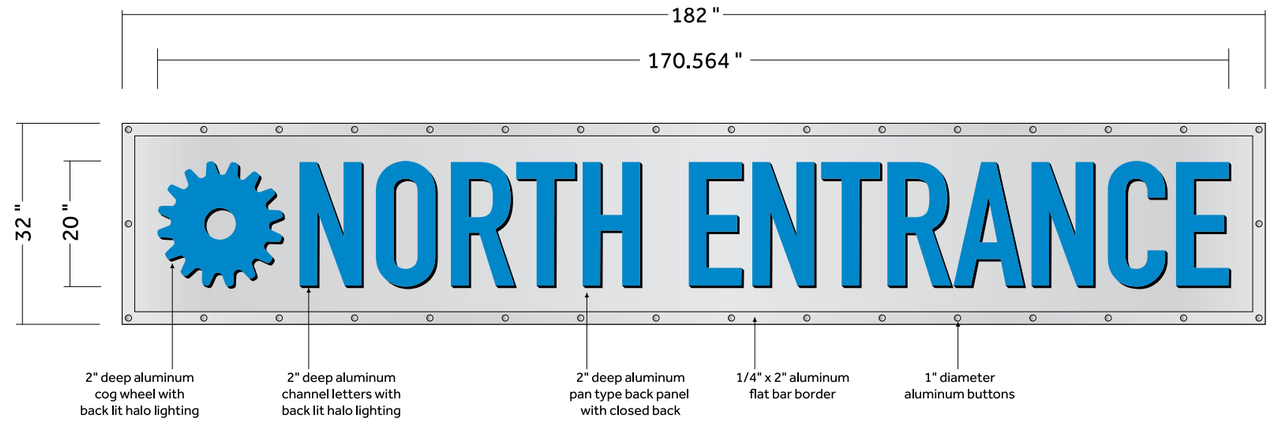
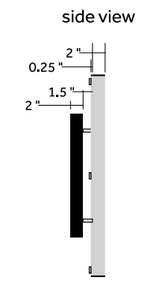
Sign Type H: Building Entrance Sign

2" Deep fabricated aluminum letters & cog wheel with painted colored faces and black returns mounted with spacers to a 2" deep pan type back panel with closed back.
Letters & cog wheel are halo lit with blue LED lighting.

Font: Din Condensed Bold
Colors as shown to match primary signage colors.
Mounting: Mechanically, flush to exterior wall.





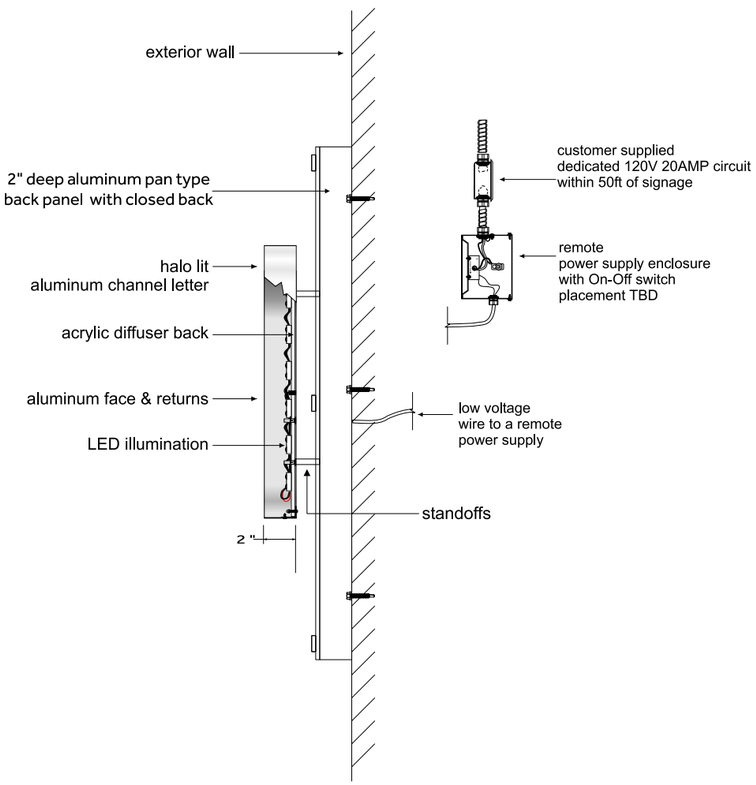
Primary Signage Colors

Silverstone Metallic
MP18091

Rodin Patina Metallic
MP19962
(may be substituted ASI SC-905 Black where applicable)

Digital: Pantone 2194 C

Paint: Nautical Blue
SC-601



Town of Wake Forest
Planning Department
Approved: EL
02/22/2023
2:10:41 PM

Quote # Q	Order # R24350	Sign Type H.3	Qty. 1	This Drawing Is Not Ready For Production

ASI North Carolina
600 Irving Parkway, Holly Springs, NC 27540
ph: 919.362.9669 fx: 919.387.9204

Client The Macsydney Company II, LLC
Project The Factory - 1839 South Main Street Wake Forest, NC 27587
Client Contact
Account Executive Nic Mayo

Designer KS
Date 06/09/22
Revision 06/24/22

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Sign Type A: Primary Entry Monument

Custom aluminum sign cabinet with perforated panel accent blade, face lit and halo lit attached elements.

Pan type aluminum panel will be halo lit with blue LED lighting, mounted with spacers. The Factory logo will be back lit push through acrylic with black day/night vinyl on letter faces.

Center of gear will be internally face lit with blue LED halo lighting behind gear teeth.

Decorative elements include 1 diameter aluminum buttons.

Caution stripes are engineer grade reflective Yellow.

Fonts: New Kansas (logo), Farm New Medium
Colors: As shown to match primary signage colors

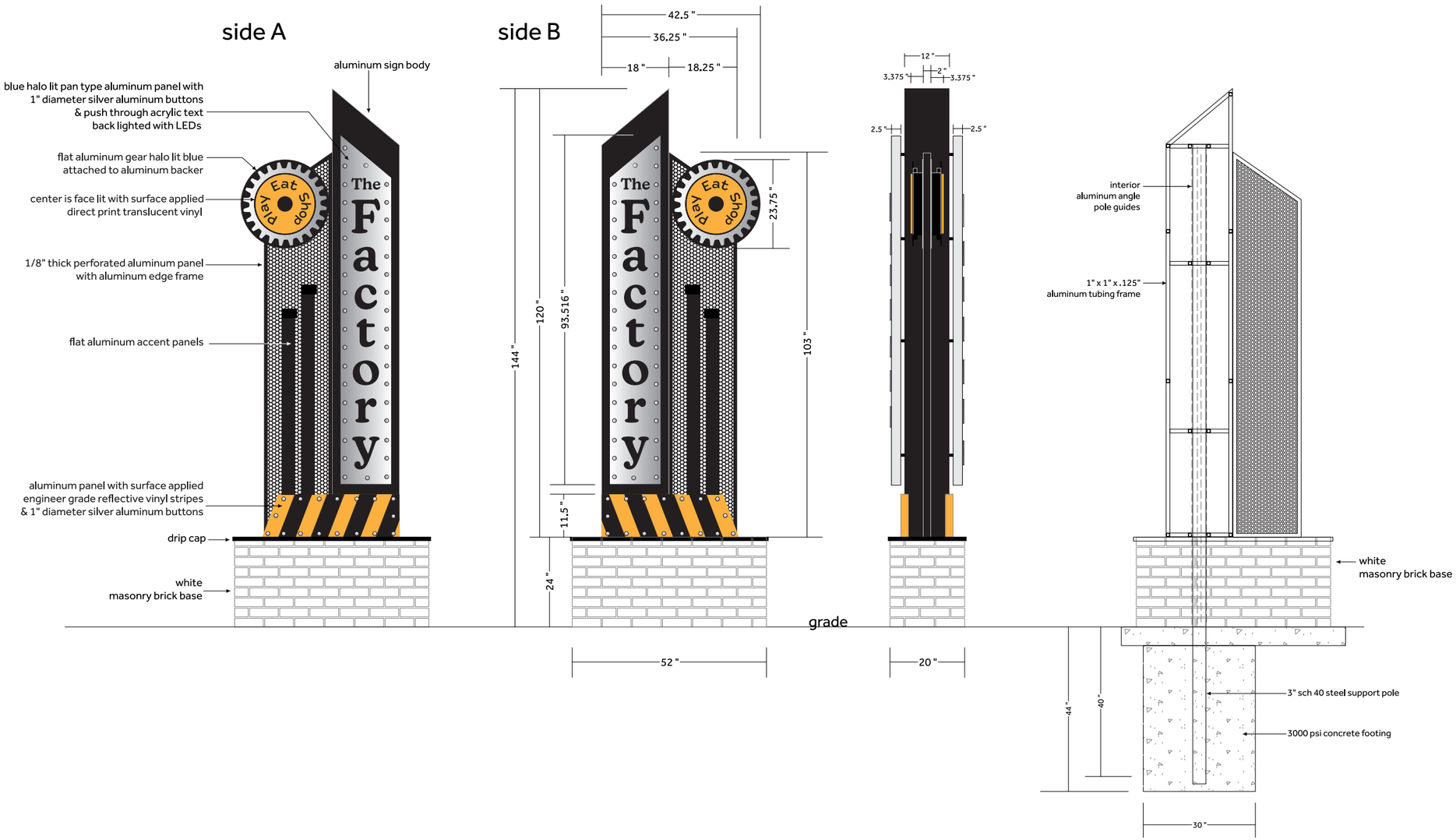
Primary Signage Colors

Silverstone Metallic
MP18091

Rodin Patina Metallic
MP19962
(may be substituted ASI SC-905 Black where applicable)

Digital: Pantone Yellow 136 C

Paint: Mower Yellow
MP04944



Town of Wake Forest
Planning Department
Approved: EL
02/22/2023
2:27:31 PM

Quote # Q	Order # R24350	Sign Type A	Qty. 1

This Drawing Is Not Ready For Production

ASI North Carolina
600 Irving Parkway, Holly Springs, NC 27540
ph: 919.362.9669 fx: 919.387.9204

Client The Macsydney Company II, LLC
Project The Factory - 1839 South Main Street Wake Forest, NC 27587
Client Contact
Account Executive Nic Mayo

Designer KS
Date 06/10/22
Revision 09/27/22 ks

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11. Signs

11.1. General Purpose And Intent

It is the purpose of this chapter to authorize the use of signs whose size, type, and location are compatible with their surroundings; to ensure signs do not become a public hazard, traffic hazard, or nuisance; to preserve the characteristics of each district; and to protect and enhance the overall appearance of the community. It is not the intent of this chapter to prohibit any sign, display, or device containing any lawful, noncommercial message.

11.2. Applicability

All signs within the Town of Wake Forest's jurisdiction area shall be covered by these regulations and be erected, constructed, or maintained in accordance with the provisions of this section.

11.2.1. Permits Required

A. Except as provided otherwise in Sections 11.8 and 11.9 or elsewhere in this chapter, it shall be unlawful for any person to erect, construct, enlarge, move, or replace any sign without first obtaining a sign permit, in accordance with the Development Permit process in Section 15.6.1, from the Administrator to ensure compliance with the provisions of this ordinance.

B. Additional permits may be necessary pursuant to the regulations in the state building code or other sections of this ordinance.

11.2.2. Alteration of Sign Face

Cleaning, electrical repair, resurfacing, and other maintenance of a sign shall not require a permit. The changing of tenant name panels on multiple-tenant development signage and the change of copy on other signs specifically designed for changeable copy shall not require a permit.

11.2.3. Master Sign Plan

A master sign plan shall be required for Planned Unit Development Districts. The master sign plan is used for establishing the parameters for the size, location, and design of signs for a large, single development.

11.3. Computation of Signage Measurements

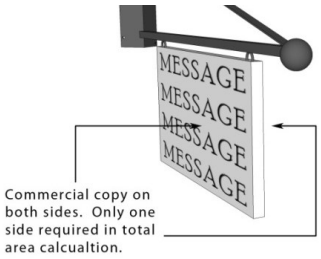
11.3.1. Computation of Sign Area

A. The area of a sign face shall be deemed to be the entire area within the smallest polygon that will encompass the extreme limits of the writing, representation, emblem, or other display on the sign that can be reasonably calculated.

B. The area shall also include any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed.

C. Frames or structural members not bearing informational or representational matter shall not be included in computation of the area of a sign face.

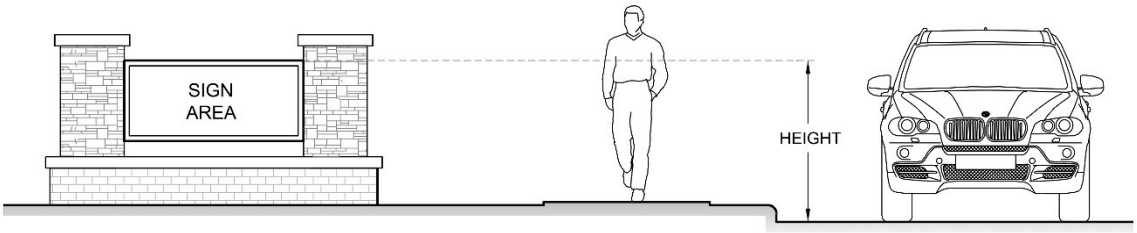
D. All sides of a multi-sided sign shall be included in the computation of area, except that the total area of a 2-sided back-to-back to sign shall only be calculated as the area of one of the sides as illustrated at right.



11.3.2. Computation of Height

A. **Attached Signs:** The sign height for attached signs shall be computed as the distance from the finished grade at the base of the building to which the sign is attached to the top of the highest component of the sign.

~~B.~~ **Freestanding Signs:** The maximum height shall be as measured from street grade or the sidewalk (where one exists), whichever is lower.



11.4. General Provisions

11.4.1. Location and Encroachment

A. Permitted signs shall be located outside of the street right-of-way, behind sidewalk areas, and outside of required site triangles, except where encroachments are specifically permitted by the provisions of this chapter.

B. If an encroachment into the public right-of-way is proposed, an encroachment agreement must be granted by the Town or NCDOT prior to applying for a permit; or placing a sign if a permit is not required.

C. All attached signs shall be mounted and attached to buildings in a secure manner, shall not include wire or turnbuckle guy, and shall be maintained in good repair for safety and appearance.

D. Non-governmental signs shall not be attached to or painted on power poles, light poles, telephone poles, traffic signs, or other objects not intended to support a sign. Utility pole banners require a permit per Section 11.11.1.

11.4.2. Materials, Structural, and Placement Requirements

A. All attached signs and sign support frames shall be mounted and attached to building in a secure manner, shall not include wire or turnbuckle guy, and shall be maintained in good repair for safety and appearance.

B. All permanently installed signs shall be able to resist normal loads from positive and negative wind pressure, snow, and other conditions as required by the current edition of the North Carolina version of the International Building Code.

C. The Administrator and/or the Building Inspector reserves the right to require sign load calculations and attachment design from a state licensed structural engineer, and to require same engineer to certify the sign installation in writing.

D. All attached signs shall be placed on buildings with care as to not cover or cause damage to any architectural feature on the subject building, including windows or any part of a window.

11.5. Nonconforming Signs

11.5.1. Limitation On Non-Conforming Signs

Signs erected after the passage of this section shall conform to the standards set forth herein. All legal nonconforming signs in existence as of the effective date of this chapter may be continued and shall be maintained in good condition. Nothing in this ordinance shall prevent the normal maintenance of an existing non-conforming sign. However, a nonconforming sign shall not be:

A. Changed to another type or shape of nonconforming sign; however, the copy, content, or message of the sign may be changed so long as the shape or size of the sign is not altered.

B. Structurally altered, except for normal maintenance.

C. Physically expanded, enlarged, or extended in any manner.

D. Reestablished after discontinuance for 30 days unless such sign is designated as a local landmark.

E. Reestablished after the sign is removed, except for normal maintenance; unless such sign designated as a local landmark.

F. Reestablished after damage or destruction where the estimated expense of reconstruction exceeds 33% of the appraised replacement cost of the sign in its entirety.

11.6. Sign Illumination

A. **Prohibited Lighting:** No flashing or intermittent illumination shall be permitted on any advertising sign or structure. No internal illumination shall occur within a National Register Historic District.

B. **Shielding Required:** Any indirect lighting or spot lighting shall require complete shielding of all light sources so as to illuminate only the face of the sign and prevent glare from off-site.

C. **Lighting to Comply with Chapter 10:** All sign illumination shall be in conformance with Chapter 10, Lighting.

11.7. Maintenance And Inspection Of Signs

Signs shall be kept in proper repair. The following maintenance requirements must be observed for all signs visible from any public street or highway within the jurisdiction of the Town of Wake Forest.

11.7.1. Damaged Signs

A. **Surface Appearance:** No sign shall have more than 20% of its surface area covered with disfigured, cracked, ripped, or peeling paint or poster paper for a period of more than 30 successive days.

B. **Broken Displays:** No sign shall remain with a bent or broken display area, broken supports, loose appendages, or struts or stand more than 15 degrees from the perpendicular for a period of more than 30 successive days.

C. **Illuminated Signs:** No indirect or internally illuminated sign shall have only partial illumination for a period of more than 30 successive days.

11.7.2. Inspections

All signs for which a permit is required shall be subject to inspection by the town. A representative of the town shall be authorized to enter at all reasonable times upon any property or premises to ascertain whether the provisions of the code are being obeyed.

The town may order the removal of any sign that is not in accordance with the provisions of the code.

11.7.3. Enforcement

A. **Substandard Signs:** The owners of any sign judged substandard by the Town of Wake Forest Zoning and Code Enforcement Officer shall be notified in writing and the said owner shall have 30 days in which to make repairs. If the said order is not complied with within 30 days, the Zoning Enforcement Officer shall remove such sign at the expense of the owner or lessee thereof plus administrative fees.

B. **Signs on Public Property:** Any sign installed or placed on public property or within a public right-of-way shall be forfeited to the public and is subject to confiscation and disposal. In addition to other remedies hereunder, the Administrator shall have the right to recover from the property owner, business owner, or person placing such a sign the full costs of removal and disposal of such sign.

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	11.10.6	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	-	-	-	-	-	-
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 pricer, 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

Sign Type	Conditions	Permitted Location	Max. Area	Maximum. Height	Permit Required	Max. Number	Illumination
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 11.10.10.B	External Only
Murals/Wall Art	11.10.11	HB, NB, NMX, LI, HI, RA-HC, 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 1st 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

Sign Type	Conditions	Permitted Location	Max. Area	Maximum. Height	Permit Required	Max. Number	Illumination
Vending Machine/Automatic Teller & Gasoline Pump Signs	11.10.16	Located on machine only	n/a	n/a	No	1 per machine	Not allowed
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				

11.9. Temporary Signage Standards

Sign Type	Conditions	Permitted Location	Max. Area	Maximum Height	Permit Required	Max. Number	Illumination
Banners	11.11.1	-	-	-	-	-	-
A. Special Event	11.11.1	All Districts	32 sq ft	4 ft	Yes	1 banner per street frontage	Not allowed
B. Grand Opening	11.11.1	All Districts	32 sq ft	4 ft	Yes	1 banner per street frontage	Not allowed

Sign Type	Conditions	Permitted Location	Max. Area	Maximum Height	Permit Required	Max. Number	Illumination
C. Utility Pole	11.11.1	All Districts	a. 3'x8' or; b. 3' 1/2 "x 5'1/2" * All utility pole signs placed within a development shall be same dimensions.	To be determined by utility provider	Yes	Single Light Pole: 1 banner Double Light Pole: 2 banners	Streetlight is only illumination allowed
Construction Project Signs	11.11.2	-	-	-	-	-	-
A. Non-Residential	11.11.2	All Commercial Districts	New Construction 32 sq ft	New Construction 8 ft	Yes	New Project 1 per street frontage	External Only
			Renovation Project 16 sq ft	Renovations 6 ft		Renovation 1 per project.	
B. Residential	11.11.2	All Residential Districts	New Construction 32 sq ft	New Construction 8 ft	Yes	New Construction 1 per main entrance of each phase (applicable for new subdivisions only)	External Only
			Renovation Project 16 sq ft	Renovations 6 ft		Renovation One per project.	
Flags	11.11.3	All Districts	15 sq ft	n/a	No	See 11.11.3	External Only
Holiday Decorations	11.11.4	All Districts	n/a	n/a	No	n/a	Internal or External
Model Homes/Sales Office Signs	11.11.5	All Districts: Only on model homes and lots used as sales offices for single-family residential subdivisions	Model Home 16 sq ft Sales Office 32 sq ft	8 ft	Yes	One per lot	Not allowed
Political Signs	11.11.6	All Districts	4 sq ft	4 ft	No	n/a	Not allowed
Portable / A-Frame Signs	11.11.7	All Districts	12 sq ft per side	4.5 ft	No	1 per tenant	Not allowed
Public Event Signs	11.11.8	All Districts	n/a	n/a	Yes	n/a	External Only
Real Estate Signs	11.11.9	All Districts	See 11.11.9	See 11.11.9	No	1 per street frontage	Not allowed

Sign Type	Conditions	Permitted Location	Max. Area	Maximum Height	Permit Required	Max. Number	Illumination
Residential Temporary Signage	11.11.10	-	-	-	-	-	-
Marketing	11.11.10	New Subdivisions, TNDs, or multi-family developments	12 sq ft	6 ft	Yes	4 per developme nt	External Only
Directional	11.11.10	New Subdivisions, TNDs, or multi-family developments	4 sq ft	4 ft	Yes	4 per developme nt	External Only
Yard Sale Signs	11.11.11	All districts	4 sq ft	4 ft	No	1 per street frontage	Not allowed

11.10. Permanent Signage Additional Standards

11.10.1. Address/Tenant Identification Signs

Incidental signs that list tenants, unit numbers, address, contact information, hours of operation, and similar non-commercial characteristics, in a multi-tenant building with common entry.

11.10.2. Awning/Canopy Signs

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

11.10.3. Directional Signs On Private Property

A. All such signs shall be permitted on non-residential property only.

B. Directional signs must be located on the premises to which directions are indicated.

C. Such signs may contain no copy (i.e., company name or logo) other than directional information.

D. Shall be a minimum of five (5) feet from right-of-way.

11.10.4. Drive-Thru Menu Boards

A. **Location/Placement:** Menu boards shall be allowed only as an accessory use to a restaurant having a drive-through window.

11.10.5. Electronic Message Boards

A. **Message Variation:** The electronic message shall not change in increments of less than 2 minutes and shall not scroll. New messages shall be timed to fade in and out slowly.

B. **Message and Background Color:** The background color shall be black with no illumination; text and graphics shall be of red or amber color only. Only one color may be displayed.

11.10.6. Gas Station Pricing

A. Canopy Signs

1. Canopy signs shall not extend beyond the ends or extremities of the canopy to which they are attached.

2. Sign shall only have changeable pricing and company name and logo.

B. Monument Signs

1. The LED pricing portion of the monument sign must be incorporated into a monument sign regulated under Section 11.10.10.

C. Wall Signs

1. An LED pricing sign is exempt from the requirements of 11.10.5. The maximum size allowed for the wall pricing sign is 16 square feet counts towards the total allowable wall signage.

11.10.7. Governmental Signs

A. Signs posted by various local, state, and federal agencies in the performance of their duties such as regulatory signs, welcome signs, and traffic signs.

B. Signs installed under governmental authority which note the donation of buildings, structures, or streetscape materials (such as, but not limited to benches, park facilities, etc.).

11.10.8. Incidental Signs

A. Signs posted upon private property containing information necessary or convenient for persons coming on a premise shall be located on the premises to which the information pertains. Examples include private parking, warning the public against trespassing, against danger from animals or other dangers or dangerous conditions.

B. Signs that indicate towing shall be no smaller than 24” x 24” and be prominently displayed at the entrance thereto, displaying the name and phone number of the towing and storage company, and, if individually owned or leased, the parking lot or spaces within the lot are clearly marked by signs setting forth the name of each individual lessee or owner.

C. No advertising, including names or logos, may be affixed to such a sign.

D. Such signs must be single faced only and wholly attached to a building (may be located on windows or doors) or on posts throughout the site.

11.10.9. Legal and Warning Signs

A. Signs erected to warn of danger or hazardous conditions such as signs erected by public utility companies or construction companies.

B. Signs required for or specifically authorized for a public purpose by any law, statute, or ordinance.

C. Signs that display information pertinent to the safety or legal responsibilities of the general public regarding a particular piece of property shall be located on the premises to which the information pertains. No advertising may be affixed to such a sign.

11.10.10. Monument Signs

A sign supported permanently upon the ground by a continuous base or two (2) or more support posts at the outside edge, not attached to any building, and meets the conditions below.

A. Non-Residential Development Signage:

1. Requirements vary by commercial zoning district, for specific requirements please refer to Table-11.8.

B. Residential Development Signage:

1. Each subdivision, traditional neighborhood development, or multi-family development is permitted a maximum of 2 permanent monument signs to be located at each major entrance to the residential development.
2. Where a subdivision, traditional neighborhood development, or multi-family development contains defined neighborhoods, 1 monument sign is permitted for each entrance indicating that neighborhood's name only.
3. Signs are permitted on decorative or retaining walls at entrances to residential developments without limitation to size of the wall.
4. Monument signs shall have a maximum surface area of 12 square feet.

C. Landscaping Requirements:

1. All freestanding signs shall be provided with a landscaped area at least equal to the sign surface area of the sign. Such landscaping may include any size or variety of annuals, perennials, ornamental grasses, hedge plants, or trees.
2. This plant material shall not count towards any other required landscaping.

D. Additional Requirements:

1. All monument signs must be set back a minimum of five (5) feet from the right-of-way.
2. All freestanding signs shall include a support or base (minimum two feet in height and its width shall be at least 20% more than the width of the sign) constructed of stone, brick, or other deemed acceptable masonry material.
3. The maximum height of sign copy for all monument signs shall be one foot less than the maximum sign height. The purpose of this provision is to allow decorative borders or sign toppers to extend an additional foot beyond the height of the sign face.

11.10.11. Murals/Wall Art

A hand-produced work of visual art which is painted or affixed directly upon to an exterior wall of a building. A mural is primarily intended to serve as a work of public art.

A. Mural Criteria

All murals shall be subject to the following regulations:

1. No mural shall be added to the primary façade of a building unless the proposed mural has been approved by the Public Art Commission (PAC).
2. Murals shall not be placed on primary residential structures.
3. The mural shall not extend more than twelve (12) inches from the plane of the wall upon which it is tiled or painted or to which it is affixed.
4. If the name of the business to which the mural is painted or affixed, it will be counted as a sign and must meet the regulations for attached signage.
5. The mural shall not advertise an off-premise business, only the business contained within the structure.
6. If proposed for a Locally Designated Historic Landmark or within a Local Historic District, an application for a Certificate of Appropriateness must be submitted to the Historic Preservation Planner prior to any paint or other material being added to the building to review for appropriateness. Buildings located in a National Register Historic District shall be required to submit a minor architectural review application which must be approved prior to any paint or other material being added to the building.

B. Prohibited Murals

1. Mechanically produced or computer-generated prints or images, including but not limited to digitally printed vinyl, unless a proposed mural is affixed to a metal or wooden frame.
2. Murals containing electrical or mechanical components.
3. Changing image murals.

11.10.12. Occupant/Street Number Signs

Signs bearing property numbers, post office box numbers, names of occupants, or other identification of premises not having commercial connotations.

A. All such signs must be placed in such a manner as to be visible from the street.

B. Unit identification numbers shall be located on the front wall within 18 inches of the entrance or, if not feasible architecturally, prominently displayed on the building.

C. Unit numbers, for single-family dwellings only, may in lieu of being located on the front wall, be located on the mailboxes or similar-sized surface attached thereto.

D. Group housing developments which are comprised of courts or units not fronting a public street must be located on identification signs containing the name of the court, street, or way and the unit numbers on each private entrance.

11.10.13. Post and Arm Signs

Minor or secondary signs which are used to identify the address of a building, or to identify the profession, family, organization, business, etc., occupying the building.

A. Such signs shall be limited to one (1) per tenant and cannot be on the same lot as a monument sign.

B. All post and arm signs must be set back a minimum of five (5) feet from the right-of-way.

11.10.14. Projecting/Suspended Signs

Pedestrian-scaled signs on the first floor of the building mounted to the side of the building or underside of a balcony or arcade which can be read from both sides. Such signage is subject to the following standards:

A. Such signs shall project perpendicular to the wall not more than three (3) feet.

B. All lettering and graphics shall be permanent.

C. The minimum clearance from such signage shall be seven (7) feet.

11.10.15. Theatre Marquee Signs

Three-dimensional signs projecting from the side of a building which may extend above the roof line and/or incorporate changeable type. Such signs must be perpendicular to the façade of the building or at a forty-five (45) degree from the corner of the building.

11.10.16. Vending Machine/Automatic Teller/ and Gasoline Pump Signs

Signs attached to and made an integral part of a vending machine, automatic teller machine, or gasoline pump if advertising or giving information about the products or services dispensed or vended by that machine. Such signage does not include signage advertising other products located on-site of inside the building.

11.10.17. Wall Signs

Flat signs, channel lettering, or three-dimensional signs which are painted or attached (parallel) to the wall of a building or structure, including located above a flat awning.

A. Such signs will be limited to a maximum of a twelve (12) inch protrusion.

11.10.18. Window/Door Signs

Flat signs or lettering which are painted or attached to the window of a building or structure. Such signs shall not be separately illuminated.

11.11. Temporary Signs Additional Standards

11.11.1. Banners

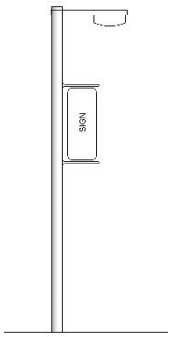
A. **Special Event Banners:** Signs may be erected by public, civic, or non-profit organizations such as schools and churches for promoting special events as follows:

1. Signs for public events such as fund drives, fairs, festivals, sporting events, etc. may be displayed for a period of 30 days and shall be placed on-premises only. Such signs shall be removed within 48 hours of the end of the special event.
2. May not be placed within any public right-of-way or sight-distance triangle.
3. Such signage shall only be erected, placed, or located up to four (4) times per calendar year.

B. **Grand Opening Banners:** All banners shall follow all temporary special event banner regulations listed above, however; they may only be erected in connection with a grand opening of a business in the jurisdiction

1. Such signs shall not be displayed for a period longer than thirty (30 days).
2. Banners must be securely staked into the ground or firmly affixed to the building wall.

C. **Utility Pole Banners:** Decorative banners may be erected on city utility poles provided the banners are installed and removed by the applicant. Installation must be approved by the Administrator and the banners must be removed by an agreed upon date. Such banners may also be erected on buildings subject to the approval from the Administrator and are subject to the following criteria:



1. All utility pole banners must receive written approval from the electrical provider.
2. Must be mounted to poles with upper and lower horizontal supports.
3. All utility pole signs placed on a lot shall be of the same dimensions.
4. Shall be placed at the same relative height and location on all poles.
5. No pole shall contain more than two (2) pole signs, provided that such signs are located immediately across from each other.
6. Electrical provider may remove banner at any time under their discretion.
7. A renewable temporary sign permit to allow such banners shall only be valid for 180 days.

11.11.2. Construction Project Signs

A. NON-RESIDENTIAL

1. **Permitted Districts:** All Commercial Districts

2. **Type Allowed:** Signage must be associated with new construction or a renovation project.
   a. Freestanding: Shall not be located within any public right-of-way, sight-distance triangle, or easement.
   b. Wall: Shall be attached tautly to the façade of the building or tenant space.
3. **Time Limit:** These signs are intended to be temporary and must be removed prior to the issuance of the 1st Certificate of Occupancy in each approved phase of permitted construction.

B. RESIDENTIAL

1. **Permitted Districts**: All Residential Districts.
2. **Type Allowed**: Signage must be associated with new construction or a renovation project.
   a. Freestanding: Shall not be located within any public right-of-way, sight-distance triangle, or easement. Signage must be on subject lot, off-premise signage is not permitted.
   b. Wall (On multifamily mixed-use buildings only): Shall be attached tautly to the façade of the building.
3. **Time Limit**: These signs are intended to be temporary and must be removed after completion of construction and/or prior to the acceptance of maintenance for any roads by the Town.

11.11.3. Flags, Etc.

A. Flags or insignia of any nation, organization of nations, state, county, or municipality, any religious, civic, or fraternal organization, or any educational or cultural facility and/or any one corporate flag per lot provided the height of any pole shall not exceed the maximum building height for the district. Refer also to the United States Flag Code for usage of the United States Flag.

B. Flags with commercial messages, on a traditional pole or building mounted pole, are allowed without a permit at the rate of one 3-foot by 5-foot flag per lot. Any such commercial flags beyond this allowance must receive approval as an attached or freestanding sign according to the provisions of this chapter.

11.11.4. Holiday Decorations

Temporary decorations or displays, when such are clearly incidental to and are customarily and commonly associated with any national, local, or religious holiday/celebration.

11.11.5. Model Home/Sales Office Signs

~~A.~~ **Time Limit:** Remove sign when sales office/model home ceases to exist.

B. One (1) Portable/A-frame sign is allowed at each sales office lot, pursuant to all conditions set forth in Section 11.11.7.

11.11.6. Political Signs

A. Political signs shall not be located on any trees, utility poles, publicly owned property, or within a public street right-of-way, except within NCDOT right-of-way according to the standards of NCGS 136-32.

B. Political signs may be displayed during a period beginning with the established filing date for an election and concluding 10 days after the election. In the event of a runoff election, political signs for the candidates involved may remain on display until 10 days after the runoff election.

11.11.7. Portable/A-Frame Signs

Pedestrian-scaled, non-permanent signs which are used to display menus, daily specials, sale announcements, and similar messages. Such signage shall meet the following criteria:

A. Signs must be removed at the close of business each day.

B. Rough-cut plywood is not an acceptable sign material.

C. Decorative trim or molding shall surround the message area.

D. Lettering shall be professionally painted or applied; however, chalkboard signs shall be permitted. Only chalkboard signs shall provide for changeable copy.

E. Signs shall be located within 10 feet from the customer entrance and within the boundaries of the tenant space.

F. All signs placed on a sidewalk shall maintain a minimum sidewalk clearance of 48 inches.

11.11.8. Public Event Signs

A. Such signs or banners shall be permitted only for public event proclaimed/sponsored/endorsed by the Town Council or designee.

B. Such signs may be located within the public right-of-way but outside of sight distance triangles.

C. Such signs shall be removed within forty-eight (48) hours after the end of the event.

11.11.9. Real Estate Signs

A. Such signs may be no greater than 4 square feet in area (all types of signs) and 4 feet in height (if freestanding) when located on a residential property less than 2 acres.

B. Such signs may be no greater than 16 square feet in area (all types of signs) and 8 feet in height (if freestanding) for non-residential properties or residential properties exceeding 2 acres.

C. Real estate signs shall be removed within 1 day after the closing of the sale, rental, or lease of the property.

D. Such signs shall only be located on property for sale or lease.

11.11.10. Residential Temporary Signage

A. Marketing Signage

1. All signage shall be affixed to decorative poles.
2. Signs shall not be located within the public right-of-way or sight distance triangle.
3. Such signs may only advertise elements relating specifically to the subject residential development such as amenities and housing types.
4. All such signage must be removed at the termination of all sales offices in such neighborhood or development.
5. Banners shall not be allowed as marketing signage.

B. Directional Signage

1. Temporary directional signs shall be directing potential residents to sales centers and/or amenities.
2. All signs must be affixed to decorative poles.
3. Signs shall not be located within any public right-of-way or sight distance triangle.

4. All such signage must be removed at the termination of all sales offices in such neighborhood or development.

11.11.11. Yard Sale Signs

A. Such signs may be located on-premises only and shall not be located within a public right-of-way nor placed on a tree, street sign, or utility pole.

B. Such signs must be removed within 7 days of erection and no more than 24 hours after the conclusion of the yard sale.

11.12. Prohibited Signs

11.12.1. Abandoned Signs or Sign Structures

A. Signs that advertise an activity or business no longer conducted on the property on which the sign is located are prohibited. Conforming signs designed for changeable copy may be covered instead of removed.

B. Sign structures on which no sign is erected are prohibited.

C. Such signs or sign structures must be removed within 30 days of becoming an abandoned sign or sign structure.

11.12.2. Animated/Flashing Signs or Signs of Illusion

Except for otherwise approved time and temperature signs, signs displaying blinking, flashing or intermittent lights, animation, and moving parts or signs giving the illusion of movement are prohibited. Time and temperature signs that rotate or move are not permitted.

11.12.3. Billboards

Sign structure and/or sign utilized to display a commercial message, provide commercial message, or provide commercial advertising for an establishment, an activity, a product, service, or entertainment, which is sold, produced, manufactured, available, or furnished at a place other than the property on which said sign and/or sign structure is located.

11.12.4. Handheld Signs

Signs which are not affixed to any structure, posts, or supports, but instead are aided by humans, this includes, but not limited to any spinning, directing, flipping, or holding.

11.12.5. Lighter-Than-Air Signs

Sign devices consisting of balloons (inflated or plastic), blimps, or similar types of lighter-than-air objects shall be prohibited, except those which are subject to Federal Aviation Administration (FAA) regulations.

11.12.6. Neon Exterior Signs

Any electronic discharge tubing manufactured into shapes that form letters, parts of letter, skeleton tubing, or other decorative elements or logos and filled with various inert gases that are affixed to the exterior of the building.

11.12.7. Off Premises Signs

All off-premises signs unless specifically allowed elsewhere in this chapter are prohibited.

11.12.8. Pole Signs

Any sign which is mounted on a freestanding pole or poles.

11.12.9. Signs Resembling Official Signs

Any sign that imitates an official governmental sign or violates the Law of the State relating to outdoor advertising is prohibited.

11.12.10. Signs Resembling Traffic Signals

A. Any sign which by color, location, or nature may be confused with official highway signs, warning signs, traffic signals, or other regulatory devices are prohibited.

B. Any sign that uses the word "STOP", "SLOW", "CAUTION", "DANGER", or any other word which is likely to be confused with traffic, directional, and regulatory signs is prohibited.

C. Any sign located in a manner or place which might constitute a traffic hazard is prohibited.

11.12.11. Signs Obstructing Access

Any sign that obstructs free ingress or egress from a driveway or a required window, door, fire escape, stairway, ladder, or other required opening is prohibited.

11.12.12. Signs On Public Property

Any sign installed or placed on public property or within a public right-of-way, including any sign held by or otherwise displayed upon a person. Such sign shall be forfeited to the public and is subject to confiscation and disposal. In addition to other remedies hereunder, the Administrator shall have the right to recover from the property owner, business owner, or person placing such a sign the full costs of removal and disposal of such sign.

11.12.13. Signs On Roadside Appurtenances

Signs attached to or painted on utility poles, telephone poles, trees, parking meters, bridges and overpasses, rocks, other signs, benches, fences, refuse containers, etc. are prohibited unless specifically allowed elsewhere in this chapter.

11.12.14. Signs With Exposed Electrical Wiring

All wiring shall be contained in conduit or enclosed in poles or raceways. In no case shall the wiring be exposed to the public.

11.12.15. Windblown Devices, Etc.

Signage containing or consisting of streamers, pennants, windblown propellers, string light bulbs, flutter/feather flags, sun blades, and similar installations.

All other signs not expressly permitted in this ordinance shall be considered prohibited.

17.4. Definitions Generally*

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

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

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

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

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

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

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

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

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

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

AFFILIATE A person that directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control of another person.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

BUILDING COVERAGE A percentage figure referring to that portion of a lot covered with principal and accessory buildings or structures as measured by dividing the total area of building and structure footprints by the gross area of the lot.

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

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

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

CAMOUFLAGE See "Stealth."

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

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

CEASE ORDER See "Stop Work Order"

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

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

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

CERTIFICATE OF COMPLIANCE FOR PRELIMINARY SOIL EROSION AND SEDIMENTATION CONTROL A certificate issued by the Town of Wake Forest Engineering Department indicating that the erosion control devices shown on the approved plan have been constructed correctly and are operating correctly.

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

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

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

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

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

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

COMPLETED APPLICATION *(WTF)* An application that contains all necessary and required information and/or data necessary to enable an informed decision to be made with respect to an Application.

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

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

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

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

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

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

CONSTRUCTION PROJECT SIGN A sign identifying the architects, engineers, contractors and other individuals or firms involved with the construction of a building. The name of the building, the purpose of the building, and the expected completion date may be specified.

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

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

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

CURRENT CONDITIONS HYDROLOGY *(FLOODPLAIN DEVELOPMENT)* The flood discharges associated with the land-use conditions existing within the drainage area of a watercourse at the time a flood study of the watercourse was conducted. Current conditions flood discharges and historical flood study information are published in the Flood Insurance Study.

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

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

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

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

Demolition by neglect shall also include the failure of such owner, or other responsible person to repair, upon written notice of violation of this Ordinance by the Town, such exterior features as are found to be deteriorating, or to correct any condition contributing to deterioration, including but not limited to the following defects:

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

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

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

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

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

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

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

DEVELOPMENT *(FLOODPLAIN DEVELOPMENT)* Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

DEVELOPMENT APPROVAL A written, administrative, or quasi-judicial approval that is required prior to commencing development or undertaking a specific activity, project, or development proposal. Development approvals include, but are not limited to, administrative permits, sit master plan approvals, construction plan approvals, special use permits, and certificates of appropriateness. The perm also includes all other regulatory approvals required by regulations adopted pursuant to this ordinance, including plat approvals and permits issued.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

EPHEMERAL STREAM A feature that carries only stormwater in direct response to precipitation with water flowing only during and shortly after large precipitation events. An ephemeral stream may or may not have a well-defined channel, the aquatic bed is always above the perched or seasonal high water table, and stormwater runoff is the primary source of water. An ephemeral stream typically lacks the biological, hydrological, and physical characteristics commonly associated with continuous or intermittent conveyance of water. (15A NCAC 02B.0610(14)).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Flood Hazard Soil Identification	Map Symbol
Altavista fine sandy loam, 0% to 4% slopes	AfA
Buncombe, 0 to 2% slopes	Bu
Chewacla, 0 to 2% slopes	Cm
Colfax fine sand loam, 0 to 6% slopes	Cn
Manatachie soils, 0 to 4% slopes	Me
Wahee fine sandy loam, 0 to 2% slopes	Wh
Wehadkee silt loam, 0 to 2% slopes	Wn
Wehandkee and Bibb soils	Wo
Worsham sandy loam, 0 to 4% slopes	Wy

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

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

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

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

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

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

FLOODPLAIN MANAGEMENT REGULATIONS *(FLOODPLAIN DEVELOPMENT)* Any ordinances, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

FLOODPROOFING *(FLOODPLAIN DEVELOPMENT)* Any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents. Any combination of structural and nonstructural features, additions, changes or adjustments to properties and structures in accordance with or comparable to guidelines set forth in "Floodproofing Regulations" June 1972 edition, published by the Office of the Chief Engineers U.S. Army, Washington, D.C. for an essentially dry floodproof class (W2).

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

FLOOD ZONE *(FLOODPLAIN DEVELOPMENT)* A geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

FREEBOARD *(FLOODPLAIN DEVELOPMENT)* The height added to the Base Flood Elevation (BFE) or the Future Conditions Flood Elevation to account for the many unknown factors that could contribute to flood heights greater that the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization on the watershed. The Base Flood Elevation plus the freeboard establishes the "Regulatory Flood Protection Elevation".

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

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

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

FUTURE CONDITIONS FLOOD ELEVATION *(FLOODPLAIN DEVELOPMENT)* A determination of the water surface elevations of the 1% annual chance flood based on future conditions hydrology as published in the Flood Insurance Study. This elevation, when combined with the freeboard, establishes the "Regulatory Flood Protection Elevation" in Future Conditions Flood Hazard Areas.

FUTURE CONDITIONS FLOOD HAZARD AREA *(FLOODPLAIN DEVELOPMENT)* The land area that would be inundated by the 1% annual chance flood based on future conditions hydrology.

FUTURE CONDITIONS HYDROLOGY *(FLOODPLAIN DEVELOPMENT)* The flood discharges associated with projected land-use conditions based on Wake Forest's Land Use Management Plan and without consideration of projected future construction of flood detention structures or projected future hydraulic modifications within a stream or other waterway such as bridge and culvert construction, fill, and excavation. Future conditions flood discharges are published in the Flood Insurance Study.

FUNCTIONALLY DEPENDENT FACILITY *(FLOODPLAIN DEVELOPMENT)* A facility which cannot be used for its intended purpose unless it is located in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers,

shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

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

Type 1: Sensitive natural area with no formal greenway or trail development.
Type 2: Greenway corridors in a primarily natural state with gravel or dirt trails intended for use by pedestrians only.
Type 3: Corridors located outside floodplains with unpaved multi-use trails that are intended for use by pedestrians and bicyclists.
Type 4: High capacity off-road corridors and/or corridors located within floodplains that are paved for use by a wide variety of user groups including pedestrians, bicyclists, joggers, wheelchairs users, strollers and rollerbladers.

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

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

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

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

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

HEIGHT When referring to a Tower or wireless support structure for a Wireless Telecommunications Facility, "height" includes the distance measured from the pre-existing grade level to the highest point on the tower or structure, even if said highest point is an antenna or lightening protection device extending above the support structure. For all other structures and uses, see Section 4.5 – Measurement of Height.

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

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

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

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

HISTORIC STRUCTURE *(FLOODPLAIN DEVELOPMENT)* Any structure that is:

- Listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
- Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- Individually listed on a local inventory of historic landmarks in communities with a "Certified Local Government (CLG) Program"; or
- Certified as contributing to the historical significance of a historic district designated by a community with a "Certified Local Government (CLG) Program.

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

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

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

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

LAKE OR NATURAL WATERCOURSE Any stream, river, brook, swamp, sound, bay, creek, run, branch, canal, waterway, estuary, and any reservoir, lake, or pond, natural or impounded, in which sediment may be moved or carried in suspension, and which could be damaged by accumulation of sediment.

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

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

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

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

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

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

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

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

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

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

LOT LINE A line forming a boundary of a lot.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

NEW CONSTRUCTION *(FLOODPLAIN DEVELOPMENT)* Structures for which the "start of construction" commenced on or after the effective date of the original version of the community's Flood Damage Prevention Ordinance (May 16, 2006) and includes any subsequent improvements to such structures.

NIER Non-Ionizing Electromagnetic Radiation.

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

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

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

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

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

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

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

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

PE Professional Engineer License.

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

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

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

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

PERSON RESPONSIBLE FOR THE VIOLATION Examples of this include:

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

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

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

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

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

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

POST-FIRM *(FLOODPLAIN DEVELOPMENT)* Construction or other development for which the "start of construction" occurred on or after the effective date of the initial Flood Insurance Rate Map for the area.

PRE-FIRM *(FLOODPLAIN DEVELOPMENT)* Construction or other development for which the "start of construction" occurred before the effective date of the initial Flood Insurance Rate Map for the area.

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

PRELIMINARY FLOOD INSURANCE STUDY (PFIS) A narrative report released by the Federal Emergency Management Agency for public comment prior to the effective date. Information contained in the PFIS includes a description of past flooding and studies, the study area, engineering methods, community and FEMA base flood elevations, other community and FEMA flood data. The flood insurance rate maps are also included as part of the flood insurance study. The data and maps are subject to change prior to the effective date.

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

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

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

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

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

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

PUBLIC OR COMMUNITY WATER SUPPLY SYSTEM A system serving 10 or more residences or businesses or combination of residences and businesses, including municipal and sanitary district water systems as well as water systems designed to serve particular subdivisions at full development constructed to specifications approved by the Division of Health Services, North Carolina Department of Human Resources.

PUBLIC SAFETY AND/OR NUISANCE *(FLOODPLAIN DEVELOPMENT)* Anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the

customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

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

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

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

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

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

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

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

REGULATORY FLOOD PROTECTION ELEVATION ***(FLOODPLAIN DEVELOPMENT)*** The elevation above mean sea level to which the reference level of all structures and other development located within Special Flood Hazard Areas and Future Conditions Flood Hazard Areas must be protected.

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

REMEDY A VIOLATION ***(FLOODPLAIN DEVELOPMENT)*** To bring the structure or other development into compliance with State and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development

REPAIRS AND MAINTENANCE ***(WTF)*** The replacement or repair of any components of a wireless Facility or Complex where the replacement is identical to the component being replaced, or for any matters that involve the normal repair and maintenance of a wireless Facility or Complex without the addition, removal or change of any of the physical or visually discernible components or aspects of a wireless Facility or Complex that will impose new visible burdens of the Facility or Complex as originally permitted.

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

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

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

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

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

SALVAGE YARD *(FLOODPLAIN DEVELOPMENT)* Any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances, and related machinery.

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

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

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

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

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

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

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

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

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

SETBACK, SECONDARY FRONT OR STREET SIDE The shortest horizontal distance from the secondary front or street side lot line of a lot to the nearest point of a structure on the lot.

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

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

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

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

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

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

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

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

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

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

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

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

STORMWATER MANUAL The Stormwater Design Manual approved for use in Phase II jurisdictions by the N.C. Division of Environmental Quality and certified by this jurisdiction is at least as stringent as the Stormwater Design Manual approved for use in Phase II jurisdictions the proper implementation of the requirements of the federal Phase II stormwater program. All references herein to the Stormwater Design Manual are to the latest published edition or revision.

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

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

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

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

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

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

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

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

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

SOLID WASTE DISPOSAL SITE *(FLOODPLAIN DEVELOPMENT)* As defined in (NCGS 130A-290(a) (36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

SPECIAL FLOOD HAZARD AREA (SFHA) *(FLOODPLAIN DEVELOPMENT)* The land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year based on current conditions hydrology.

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

STEALTH OR STEALTH DESIGN A design or treatment such as a Distributed Antenna System or its equivalent that minimizes adverse aesthetic and visual impacts on the land, property and buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such Wireless Telecommunications Facilities, which shall mean using the least visually and physically intrusive facility that is not technologically or commercially impracticable under the facts and circumstances.

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

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

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

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

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

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

improvement". Substantial damage also means flood-related damage sustained by a structure on 2 separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25% of the market value of the structure before the damage occurred.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

WINDOW SIGN Flat signs or lettering which are painted or attached to the window of a building or structure. These signs also include retail window displays which are intended to showcase/advertise goods and products to pedestrians on the sidewalk.**WORKING DAYS** Days exclusive of Saturday, Sunday, Federal and State holidays during which weather conditions or soil conditions permit land-disturbing activity to be undertaken under the Land Disturbance Permit.

WIRELESS CARRIER See "Carrier"

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