



## TOWN OF WENDELL CONDITIONAL DISTRICT PACKET



Town of Wendell Planning Department  
15 E. Fourth St.  
Wendell, NC 27591

Phone: 919.365.4448  
Fax: 919.366.1462  
[www.townofwendell.com](http://www.townofwendell.com)

### ACKNOWLEDGEMENT OF CONDITIONAL DISTRICT INFORMATION

I, \_\_\_\_\_, acknowledge the receipt of the following  
items pertaining to the Conditional District rezoning of the property located at

\_\_\_\_\_.

\_\_\_\_\_ Application  
\_\_\_\_\_ Submittal Schedule  
\_\_\_\_\_ Framework Plan Map  
\_\_\_\_\_ District Use Regulations Table  
\_\_\_\_\_ Conditional District Procedures

Submittal Deadline Date: \_\_\_\_\_

\_\_\_\_\_  
Applicant

\_\_\_\_\_  
Date



## TOWN OF WENDELL CONDITIONAL DISTRICT APPLICATION

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Date of Application: \_\_\_\_\_ Application Number: \_\_\_\_\_

Project Name: \_\_\_\_\_

Location of Property: \_\_\_\_\_

Current Zoning District: \_\_\_\_\_ Wake Co. PIN: \_\_\_\_\_

Requested Zoning District: \_\_\_\_\_

Applicant's Name: \_\_\_\_\_

Applicant's Mailing Address: \_\_\_\_\_

City/State/ZIP: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Property Owner's Name: \_\_\_\_\_

Property Owner's Address: \_\_\_\_\_

City/State/ZIP: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Intended use of property, building or structure as a Conditional District (describe below):

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The following information MUST be included before the application will be accepted and processed:

- ☐ Attachment A – Legal Description of Property: Include on a sheet of paper the property survey, Wake County Tax Map PIN Number, block or lot numbers with metes and bounds description of the area, or any other legal information available.
- ☐ Attachment B – A list of adjacent property owners (including across public right-of-ways) and their mailing and physical addresses.

☐ Attachment C – Proposed Conditions and Why Property Should Be a Conditional District: Include on a sheet of a paper the proposed conditions (with UDO sections referenced) and an explanation in detail of why you feel the property should be rezoned as a conditional district. The explanation should include if the rezoning coincides with the Comprehensive Land Use Plan and if the impact of the proposed rezoning affects adjacent or surrounding properties. Also within this attachment should be the impact on governmental services (utilities, schools, police protection, streets, etc.), that the uses permitted within the requested district would create.

*The undersigned property owner hereby authorizes the filing of this application and any subsequent revisions thereto. The filing of this application authorizes the Town of Wendell staff to enter upon the site to conduct relevant site inspections as deemed necessary to process the application.*

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

*After completing the attachments listed above, I certify that I am the owner or have the consent of the owner and act on his or her behalf in making this petition for an amendment to the zoning map. It is further understood that if the Conditional District as requested herein is not started within twelve (12) months from the date of approval, that the district shall become invalid. Fees are nonrefundable. The applicant is responsible for presenting their case to the town.*

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**OFFICE USE ONLY**

Fee Paid: \_\_\_\_\_ Check # \_\_\_\_\_ Recvd By: \_\_\_\_\_ Date: \_\_\_\_\_

Planning Board Meeting : \_\_\_\_\_

Planning Board Recommendation ☐ Approval ☐ Approval with Conditions ☐ Denial

The decision was consistent with the Comprehensive Plan: ☐ Yes ☐ No

BOARD OF COMMISSIONERS Date of Public Hearing: \_\_\_\_\_ Date Sign Erected: \_\_\_\_\_

Dates Public Hearing Advertised (#1) \_\_\_\_\_ in \_\_\_\_\_ (#2) \_\_\_\_\_ in \_\_\_\_\_

Town Board Recommendation ☐ Approval ☐ Approval with Conditions ☐ Denial

Conditions \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Town Clerk Signature Date

\_\_\_\_\_  
Mayor's Signature Date

# TOWN OF WENDELL 2020 CONDITIONAL DISTRICT SUBMITTAL SCHEDULE



## PLANNING DEPARTMENT

15 E. Fourth St.  
Wendell, NC 27591  
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## MASTER DEVELOPMENT PLAN

### Items Due at Time of Submittal

- Completed Conditional District Application
- Legal Description of Property
- List of Adjacent Property Owners
- Proposed Conditions and Why Property Should Be a Conditional District
- Master Development Plan with Proposed Conditions Listed on the Plan

### Fees Due at Time of Submittal

- Zoning Map Amendment: **\$550**
- Engineering Fees: **\$1,000**
- Site Plan Review Fees
  - Commercial Site Plan Review/Preliminary Plat: **\$400**
  - Major Subdivision Preliminary Plat: **\$400 + \$5 per lot**
  - Resubmittal Fee (if applicable): **½ original site plan review fee**

### Submittal Timeline for Conditional District Application & Master Development Plan

Pre-Submittal Review Deadline	Submittal Deadline	Comments Sent to Applicant	TRC Meeting 9:30 am	Planning Board Informational Meeting 7:00 pm	Revisions Due for Planning Board Action Meeting	Planning Board Action Meeting 7:00 pm	Submittal Deadline of TRC Approved Plan to Commissioners	Commissioners Meeting 7:00 pm
November 21, 2019	December 5, 2019	January 6, 2020	January 9, 2020	January 20, 2020	February 3, 2020	February 17, 2020	February 24, 2020	March 9, 2020
December 19, 2019	January 2, 2020	February 10, 2020	February 13, 2020	February 17, 2020	March 2, 2020	March 16, 2020	March 23, 2020	April 13, 2020
January 23, 2020	February 6, 2020	March 9, 2020	March 12, 2020	March 16, 2020	March 30, 2020	April 13, 2020	April 20, 2020	May 11, 2020
February 20, 2020	March 5, 2020	April 6, 2020	April 9, 2020	April 20, 2020	May 4, 2020	May 18, 2020	May 25, 2020	June 8, 2020
March 19, 2020	April 2, 2020	May 11, 2020	May 14, 2020	May 18, 2020	June 1, 2020	June 15, 2020	June 22, 2020	July 13, 2020
April 23, 2020	May 7, 2020	June 8, 2020	June 11, 2020	June 15, 2020	June 29, 2020	July 13, 2020	July 20, 2020	August 10, 2020
May 21, 2020	June 4, 2020	July 6, 2020	July 9, 2020	July 20, 2020	August 3, 2020	August 17, 2020	August 24, 2020	September 14, 2020
June 18, 2020	July 2, 2020	August 10, 2020	August 13, 2020	August 17, 2020	August 31, 2020	September 14, 2020	September 21, 2020	October 12, 2020
July 23, 2020	August 6, 2020	September 7, 2020	September 10, 2020	September 21, 2020	October 5, 2020	October 19, 2020	October 26, 2020	November 9, 2020
August 20, 2020	September 3, 2020	October 5, 2020	October 8, 2020	October 19, 2020	November 2, 2020	November 16, 2020	November 23, 2020	December 14, 2020
September 17, 2020	October 1, 2020	November 9, 2020	November 12, 2020	November 16, 2020	November 30, 2020	December 14, 2020	December 21, 2020	January 11, 2021
October 22, 2020	November 5, 2020	December 7, 2020	December 10, 2020	December 21, 2020	January 4, 2021	January 18, 2021	January 25, 2021	February 8, 2021
November 19, 2020	December 3, 2020	January 11, 2021	January 14, 2021	January 18, 2021	February 1, 2021	February 15, 2021	February 22, 2021	March 8, 2021

1. The applicant is expected to attend all meetings listed in *italics*.
2. No action is sought at the Planning Board Informational Meeting. The meeting is intended as an opportunity for the applicant to receive Planning Board feedback to supplement feedback from the TRC. Action to recommend approval or denial of the CD to the Board of Commissioners is not sought until the Planning Board Action Meeting.
3. Unless otherwise requested by the TRC, all resubmissions will be reviewed digitally. Resubmissions are accepted every Monday and returned in two weeks.

# TOWN OF WENDELL 2020 CONDITIONAL DISTRICT SUBMITTAL SCHEDULE

## FINAL DEVELOPMENT PLAN

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### PLANNING DEPARTMENT

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- Final development plan submissions for the TRC are accepted every Monday. Comments are returned for first submittals in four weeks and resubmittal comments are returned in two weeks.
- Once a final development plan has been reviewed by the TRC and determined ready for Planning Board review by the Zoning Administrator, it may be submitted to the Planning Board.
- The Planning Board shall determine if the final development plan reflects the basic development concept of the CD.
- If in the judgement of the Planning Board, the final development plan alters the basic development concept of the CD, the Planning Board may require concurrent approval by the Board of Commissioners.
- The Planning Board can take action at the meeting listed below, but no action is required to be taken at the session. Action must be taken within 30 days of the Planning Board hearing the case.
- Copies may be submitted for signatures after approval by the Planning Board and all TRC members.

### Submittal Timeline for Planning Board Review After TRC Approval

<b>Submittal Deadline for Planning Board Review</b>	<b><i>Planning Board Review and Action 7:00 pm</i></b>
January 27, 2020	February 18, 2020
February 24, 2020	March 16, 2020
March 23, 2020	April 20, 2020
April 27, 2020	May 18, 2020
May 25, 2020	June 15, 2020
June 22, 2020	July 20, 2020
July 27, 2020	August 17, 2020
August 24, 2020	September 21, 2020
September 28, 2020	October 19, 2020
October 26, 2020	November 16, 2020
November 23, 2020	December 21, 2020

# Master Plan Components – UDO Section 16.5

## Cover Sheet

- Vicinity Map
  - Site & streets labeled w/i ½ mi
  - North arrow
  - Scale or labeled NTS
- Title Information
  - Development name & address
  - Owners' & designer's name, signature & address
  - Designer's seal
  - Graphic & numeric scale
  - North arrow
  - Date of plan
- Site Data Block & Calculations
  - Site & surrounding zone
  - Total site area & by use
  - Disturbed & impervious area
  - Number & size of lots
  - Number of housing units
  - Ft<sup>2</sup> of all non-res buildings
  - Gross density per acre
  - Linear feet of streets
  - Flood map & date
- Sheet index
- Certification statements
- Signature blocks

## Existing Conditions

- Boundary & street centerline bearings, curve data & distances
- Plat & deed book references
- Surrounding owner's names w/ references
- Locations & descriptions of all monuments, markers & controls
- Setback lines
- Zoning of site & adjacent parcels
- Building, parking area, driveway, street, R/W & sidewalk locations
- Demolition landfills
- Storage & refuse collection areas

- Location, size and description of easements.
- Original topography at 2' intervals
- Vegetation & natural features
- May use existing digital geographic data obtained from a public source. It should be field verified for accuracy.

## Proposed Site Plan

- Structures & improvements
- Limits of construction
- Impervious surface calculations
- Location, dimension & surface type of all parking, circulation areas, walkways & drives
- Location, name & dimension of all streets, alleys & R/W
- Curb & gutter location
- Detailed plans of parks, recreation & open space
- Future ownership dedications or reservations
- Lot lines, dimensions, numbers & building setbacks
- Block numbers
- Location of any building restriction areas (e.g. buffers)
- Traffic flow
- Location, size & description of easements
- Storage & refuse collection areas
- Phase lines
- Stormwater devise locations & descriptions

## Typical Street Cross Sections

- R/W & pavement widths
- Curb & gutter profile
- Widths & locations of planting strips, sidewalks & underground utilities
- Building setbacks

## Utility Plan

- Includes all public & private storm sewer, sanitary sewer & water distribution w/ irrigation & fire
- Location and size of utility lines, easements and R/W
- Connections to existing systems

## Landscape Plan

- Site Data Block & Calculations
  - Proposed & surrounding uses
  - Site & surrounding zone
  - Total site area
  - Building ft<sup>2</sup> total & by use
  - Required & provided parking
  - Landscape requirements
- Proposed Landscaping
  - Location of buildings, driveways, parking areas & walkways
  - Traffic patterns & sightlines
  - Location of all utilities
  - Existing vegetation
  - Areas to stay in natural state
  - Location & massing of proposed landscape material
- Plant Lists
  - Common & botanical name
  - Quantity & spacing
  - Size at time of landscaping

## Building Elevations

## Details

## Traffic Impact Analysis

- Typically, if generating 100 peak hour trips

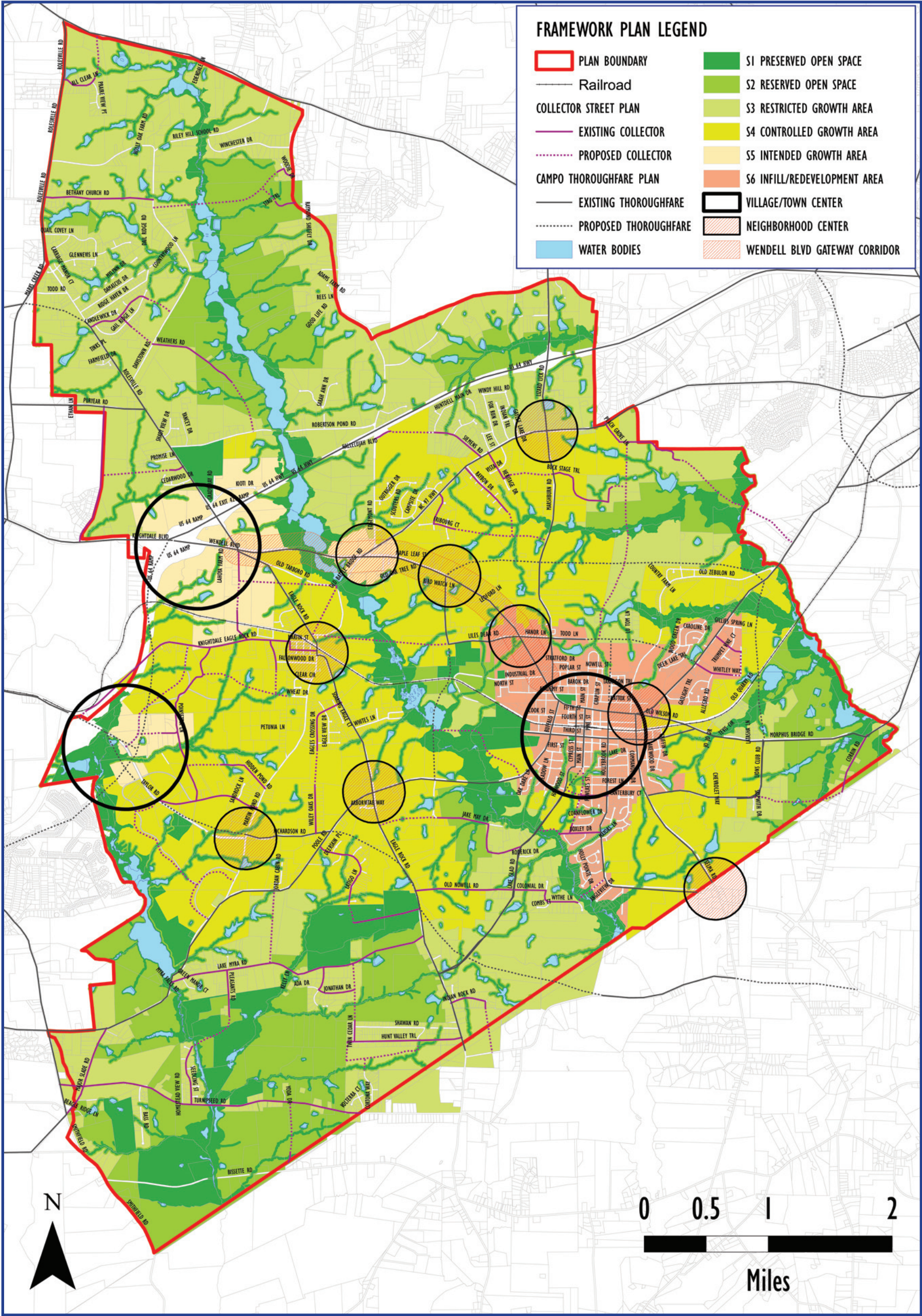
## Certificate of Appropriateness

- For historic properties only

## Floodplain Development Permit and Certification Application

- If developing in Special Flood Hazard Area







## C. Use Matrices

BASE DISTRICT	OSC	PUD	RA	RR	R2	R3	R4	R7	NC	CMX	CC	DMX	MH	CH	M&I	TND
<b>Residential</b>																
Dwelling-Single Family	P	P*	P	P	P	P	P	P	P	P	P	P	P	P	-	P
Dwelling-Multifamily	-	P*	-	-	-	-	-	SUP	SUP	SUP	SUP	SUP	-	SUP	-	SUP
Dwelling-Secondary	PS	P*	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	-	PS	-	PS
Family Care Home (6 or fewer residents)	PS	P*	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	-	PS
Home Occupation	-	P*	PS	PS	PS	PS	PS	PS	P	P	P	P	-	P	-	PS
Housing Service for the Elderly	-	P*	-	-	-	PS	PS	P	P	P	P	P	-	P	-	P
Live-Work Units	-	P*	-	-	-	-	-	-	PS	PS	PS	PS	-	PS	-	PS
Manufactured Housing	-	P*	PS	PS	-	PS	-	-	-	-	-	-	PS	-	-	-
<b>Lodging</b>																
Bed and Breakfast Inns	P	P*	P	P	P	P	P	P	P	P	P	P	-	P	-	P
Hotels/Motels/Inns	-	P*	-	-	-	-	-	-	-	P	P	P	-	P	-	P
Rooming or Boarding House	-	P*	-	-	-	-	-	PS	PS	PS	PS	PS	-	-	-	PS
<b>Office/Service</b>																
Animal Services	-	P*	PS	PS	PS	PS	PS	-	-	PS	PS	PS	-	PS	PS	-
ATM	-	P*	-	-	-	-	-	-	PS	P	P	P	-	P	P	P
Animal Services-Boarding as Primary		P*														
Banks, Credit Unions, Financial Services	-	P*	-	-	-	-	-	-	P	P	P	P	-	P	-	P
Business Support Services	-	P*	-	-	-	-	-	-	P	P	P	P	-	P	P	P
Child/Adult Day Care Home (8 or less persons)	-	P*	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	-	PS	-	PS
Child/Adult Day Care Center (More than 8 persons)	-	P*	-	-	-	-	-	-	SUP	PS	PS	PS	-	PS	PS	PS
Community Service Organization	-	P*	-	-	-	-	-	-	P	P	P	P	-	P	-	P
Continuing Care Retirement Community		P*														
Drive Thru Service	-	P*	-	-	-	-	-	-	PS	PS	PS	SUP	-	PS	-	SUP
Equipment Rental	-	P*	-	-	-	-	-	-	-	P	-	-	-	P	P	-
Funeral Homes	-	P*	-	-	-	-	-	-	P	P	P	P	-	P	-	P
Group Care Facility (More than 6 residents)	-	P*	PS	PS	-	-	SUP	SUP	PS	PS	PS	PS	-	PS	-	PS
Government Services	SUP	P*	P	P	P	P	P	P	P	P	P	P	-	P	P	P
Laundry Services	-	P*	-	-	-	-	-	-	P	P	P	P	-	P	-	P
Medical Services - Clinic, Urgent Care Center	-	P*	-	-	-	-	-	-	P	P	P	P	-	P	-	P
Medical Services – Doctor office	-	P*	-	-	-	-	-	-	P	P	P	P	-	P	-	P

P Permitted

PS Permitted subject to Additional Standards in Chapter 3

SUP Special Use Permit Required (See Chapter 3 and Chapter 15)

— Not permitted

P\* Permitted uses for PUD Zones will be determined in accordance with 2.19



BASE DISTRICT	OSC	PUD	RA	RR	R2	R3	R4	R7	NC	CMX	CC	DMX	MH	CH	M&I	TND
<b>Office/Service (cont)</b>																
Outdoor Kennels/Equine Facilities	-	P*	PS	PS	-	-	-	-	-	-	-	-	-	PS	PS	-
Post Office	-	P*	-	-	-	-	-	-	P	P	P	P	-	P	P	P
Personal Services	-	P*	-	-	-	-	-	-	P	P	P	P	-	P	P	P
Professional Services	-	P*	-	-	-	-	-	-	P	P	P	P	-	P	P	P
Residential Treatment Facility	-	P*	-	-	-	-	-	-	SUP	SUP	SUP	-	-	SUP	-	-
Studio – Art, Music	-	P*	-	-	-	-	-	-	P	P	P	PS	-	P	P	P
Studio – Dance, Martial Arts	-	P*	-	-	-	-	-	-	P	P	P	SUP	-	P	P	P
Tattoo Parlor	-	P*	-	-	-	-	-	-	-	-	-	-	-	PS	-	-
Vehicle Services – Minor Maintenance/Repair	-	P*	-	-	-	-	-	-	-	PS	PS	PS	-	PS	PS	-
Vehicle Services – Major Repair/Body Work	-	P*	-	-	-	-	-	-	-	PS	-	PS	-	PS	PS	-
<b>Retail/Restaurants</b>																
Alcoholic Beverage Sales Store	-	P*	-	-	-	-	-	-	SUP	PS	PS	PS	-	PS	-	PS
Auto Parts Sales	-	P*	-	-	-	-	-	-	P	P	P	P	-	P	-	-
Bar/Tavern/Night Club	-	P*	-	-	-	-	-	-	SUP	SUP	SUP	SUP	-	SUP	-	SUP
Car Wash – Stand Alone, Self Service	-	P*	-	-	-	-	-	-	-	PS	PS	-	-	PS	-	PS
Drive-Thru Retail/Restaurants	-	P*	-	-	-	-	-	-	-	PS	-	-	-	PS	-	-
Gas Station	-	P*	-	-	-	-	-	-	-	PS	PS	SUP	-	PS	-	PS
General Retail – 10,000 sf or less	-	P*	-	-	-	-	-	-	PS	P	P	P	-	P	P	P
General Retail – 10,001 – 50,000 sf	-	P*	-	-	-	-	-	-	SUP	P	P	P	-	P	-	P
General Retail – Greater than 50,000 sf	-	P*	-	-	-	-	-	-	-	PS	PS	PS	-	PS	-	PS
Restaurant	-	P*	-	-	-	-	-	-	P	P	P	P	-	P	P	P
Shopping Center – Neighborhood Center	-	P*	-	-	-	-	-	-	SUP	P	P	-	-	P	-	P
Shopping Center – Community Center	-	P*	-	-	-	-	-	-	-	P	P	-	-	P	-	-
Vehicle Sales	-	P*	-	-	-	-	-	-	-	PS	PS	PS	-	PS	PS	-
Heavy Equipment/RV Sales/Farm Equipment Sales /Mobile Home Sales	-	P*	-	-	-	-	-	-	-	-	PS	-	-	PS	PS	-
<b>Entertainment/Recreation</b>																
Adult Establishment	-	P*	-	-	-	-	-	-	-	-	-	-	-	-	PS	-
Amusements, Indoor	-	P*	-	-	-	-	-	-	-	PS	PS	PS	-	PS	-	-
Amusements, Outdoor	-	P*	PS	PS	-	-	-	-	-	PS	-	-	-	PS	-	-
Cultural or Community Facility	PS	P*	PS	PS	PS	PS	PS	PS	P	P	P	SUP	P	P	P	P
Event Venue, Outdoor	-	P*	SUP	-	-	-	-	-	SUP	SUP	SUP	SUP	-	SUP	SUP	SUP
Farmers Markets	-	P*	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Meeting Facility/Indoor Event Venue	PS	PS	PS	PS	PS	PS	PS	PS	PS	P	P	SUP	PS	P	P	P
Recreation Facilities, Indoor	PS	PS	PS	PS	PS	PS	PS	PS	P	P	P	SUP	P	P	P	P
Recreation Facilities, Outdoor	PS	PS	PS	PS	PS	PS	PS	PS	P	P	P	SUP	P	P	P	P

**P** Permitted  
**PS** Permitted subject to Additional Standards in Chapter 3

**SUP** Special Use Permit Required (See Chapter 3 and Chapter 15) — Not permitted  
**P\*** Permitted uses for PUD Zones will be determined in accordance with 2.19

## UNIFIED DEVELOPMENT ORDINANCE

## TOWN OF WENDELL, NC

BASE DISTRICT	OSC	PUD	RA	RR	R2	R3	R4	R7	NC	CMX	CC	DMX	MH	CH	M&I	TND
<b>Entertainment/Recreation (cont)</b>																
Shooting Range, Indoor	-	P*	-	-	-	-	-	-	-	SUP	SUP	-	-	SUP	SUP	-
Sports Training/Fitness Complex	-	P*	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Sweepstakes Center	-	P*	-	-	-	-	-	-	-	-	-	-	-	-	SUP	-
Theater, Live Performance, Indoor	-	P*	-	-	-	-	-	-	P	P	P	P	-	P	-	P
Theater, Live Performance, Outdoor	-	P*	-	-	-	-	-	-	-	SUP	SUP	-	-	SUP	SUP	-
Theater, Movie	-	P*	-	-	-	-	-	-	-	P	P	P	-	P	-	-
<b>Manufacturing/Wholesale/Storage</b>																
Agriculture	P	P*	P	P	-	-	-	-	-	-	-	-	-	-	P	-
Commissary Kitchen	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-
Laundry, dry cleaning plant	-	P*	-	-	-	-	-	-	-	-	-	-	-	P	P	-
Manufacturing, Light	-	P*	-	-	-	-	-	-	-	PS	-	SUP	-	PS	P	-
Manufacturing, Neighborhood	-	P*	-	-	-	-	-	-	PS	PS	PS	SUP	-	PS	P	PS
Manufacturing, Heavy	-	P*	-	-	-	-	-	-	-	-	-	-	-	-	P	-
Media production	-	P*	-	-	-	-	-	-	-	P	P	P	-	P	P	-
Metal products fabrication, machine or welding shop	-	P*	-	-	-	-	-	-	-	P	-	SUP	-	P	P	-
Micro-Distillery/Micro-Brewery/Micro-Winery	-	P*	-	-	-	-	-	-	PS	PS	PS	PS	-	PS	PS	PS
Mini-Warehouses	-	P*	-	-	-	-	-	-	-	PS	-	-	-	PS	PS	-
Research and development	-	P*	-	-	-	-	-	-	-	SUP	SUP	SUP	-	PS	P	P
Storage - Outdoor as a primary use	-	P*	P	-	-	-	-	-	-	-	-	-	-	P	P	-
Storage - Warehouse, indoor storage	-	P*	-	-	-	-	-	-	-	PS	-	PS	-	-	P	-
Wholesale Distribution	-	P*	-	-	-	-	-	-	-	-	-	-	-	P	P	-
<b>Civic/Institutional</b>																
Campground	P S	P*	PS	-	-	-	-	-	-	-	-	-	-	-	-	-
Cemetery	P S	P*	PS	-	PS	PS	-	-	-	PS	PS	-	PS	PS	PS	-
Colleges/Universities	-	P*	-	-	-	-	-	-	SUP	SUP	SUP	SUP	-	SUP	SUP	-
Hospital	-	P*	-	-	-	-	-	-	SUP	SUP	SUP	SUP	-	-	-	-
Public Safety Station	-	P*	SUP	SUP	SUP	SUP	SUP	SUP	P	P	P	P	-	P	P	P
Religious Institutions	-	P*	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	-	SUP	SUP	SUP	SUP
Schools – Elementary & Secondary	-	P*	P	P	P	P	P	P	P	P	P	-	-	-	-	P
Schools – Vocational/Technical	-	P*	-	-	-	-	-	-	P	P	P	P	-	P	P	P
<b>Infrastructure</b>																
Airport	-	P*	SUP	-	-	-	-	-	-	-	-	-	-	-	SUP	-
Transit Station - Passenger	-	P*	-	-	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS
Wireless Telecommunication Facility-Stealth	SUP	P*	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP

**P** Permitted  
**PS** Permitted subject to Additional Standards in Chapter 3

**SUP** Special Use Permit Required (See Chapter 3 and Chapter 15)  
**P\*** Permitted uses for PUD Zones will be determined in accordance with 2.19

— Not permitted

BASE DISTRICT	OSC	PUD	RA	RR	R2	R3	R4	R7	NC	CMX	CC	DMX	MH	CH	M&I	TND
<b>Infrastructure</b>																
Wireless Telecommunication Facility-Tower	SUP	P*	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP
Utilities-Class 1	PS	P*	PS	PS	PS	PS	PS	PS	PS	PS	PS	-	PS	PS	PS	PS
Utilities-Class 2	PS	P*	PS	PS	PS	PS	PS	PS	PS	PS	PS	-	PS	PS	PS	PS
Utilities-Class 3	-	P*	PS	PS	-	-	-	-	-	-	-	-	-	PS	PS	-
Parking Lot (Primary Use)	-	P*	-	-	-	-	-	-	-	-	P	P	-	-	-	P
Parking Structure (primary use)	-	P*	-	-	-	-	-	-	-	PS	PS	PS	-	-	-	PS

**P**  
**PS**

Permitted  
Permitted subject to Additional Standards in Chapter 3

**SUP**  
**P\***

Special Use Permit Required (See Chapter 3 and Chapter 15)  
Permitted uses for PUD Zones will be determined in accordance with 2.1

— Not permitted

- b. Pole-based light fixtures (not attached to buildings) shall be affixed to a decorative pole, which may be of metal, fiberglass, or concrete. No wooden poles shall be allowed.
- c. The maximum height of a light source (light bulb) not attached to a building or canopy shall be 20 feet.
- d. No light fixture shall be located within 20 feet of a residentially-zoned property.
- e. Light fixtures shall be served by underground wiring.

## 6. Signage

- a. Signage in the Gateway Overlay shall comply with the requirements for the underlying district as specified in Chapter 12, Signs.
- b. Pole signs shall be prohibited. Monument signs, attached signs or other signage allowed in the underlying district shall be the permitted signage types.
- c. Billboards and other off-premise signs shall be prohibited.

## 2.18 Conditional Districts (CD)

**A. Purpose and Intent:** Conditional Districts provides for orderly and flexible development under the general policies of this Ordinance without the constraints of some of the prescribed standards guiding by-right development. Because Conditional District developments are constructed in a comprehensive manner, they establish their own building, street, block, and lot pattern which may be unique from other surrounding blocks or neighborhoods. This Conditional District may be used in any district but is not intended to relieve hardships that would otherwise be handled using a variance procedure.

### **B. Applicability:**

Rural Agriculture (RA)  
 Rural Residential (RR)  
 Residential (R2, R3, R4, R7)  
 Neighborhood Center (NC)  
 Corridor Mixed Use (CMX)  
 Community Center (CC)  
 Downtown Mixed Use (DMX)  
 Manufactured Home Park (MH)  
 Highway Commercial (CH)  
 Manufacturing & Industrial (M&I)  
 Traditional Neighborhood Development (TND)



**C. Modifications to General Provisions:**

Within a Conditional District (CD), all permitted uses of the corresponding Base District must be met. However, petitioners requesting a zoning amendment to the Conditional District may place additional requirements and standards onto themselves and their property or ask that certain standards identified in the specific zoning category or provisions in Chapters 2-12 be decreased.

It shall be the Board of Commissioner's final decision to grant approval or denial of the zoning amendment in light of the revised development standards presented to the Town Board. If no specific request is made by the petitioner to the change in the development standards or if the petition is silent on the point, it shall be understood that the underlying zoning district guidelines and standards shall apply.

In addition the modification of specific district provisions (except use), the following General Provisions as detailed in Chapters 2-12 may be varied if specifically requested by the petitioner as part of a Conditional District application

CH	Title	Exception to modifications:
2	District Provisions	Uses permitted may not be varied unless the use proposed is not currently defined or contemplated by the Code. The manner of approval (i.e., permitted by right, special use permit required, etc.) may be modified as part of the Conditional District request.
3	Additional Use Standards	
4	General Provisions	
5	Building Types & Design Standards	
7	Open Space	May substitute required open space for payment-in-lieu. Amount required may not be reduced.
8	Tree Protection and Landscaping	No further modifications permitted. Alternate Methods of Compliance provided for.
9	Streets and Circulation	Variations permitted in Chapter 9. No further modifications permitted.
10	Parking	
11	Lighting	
12	Signs	

### 15.13 Conditional Districts

- A. Purpose:** The purpose of the Conditional Districts is to provide an alternative means of land development and an alternative zoning procedure that may be used to establish residential, commercial, and industrial Conditional Districts at appropriate locations and in accordance with the planning and development objectives of the Town.

A Conditional District (CD) established according to the provisions of this section may depart from the strict application of the requirements of the town's general zoning districts, as outlined in Section 2.18, Conditional Districts. The CD alternative may allow uses which are not specifically allowed in standard zoning districts. A primary purpose of this section is to provide standards by which such flexibility may be achieved while maintaining and protecting the public health, safety and welfare of the citizens.

A second purpose of this section is to establish a more complete living and working environment through the application of enlightened and imaginative approaches to community planning and property design. A CD should provide a variety of natural features and scenic areas, efficient and economical land use, improved amenities, orderly and economical development, and the protection of existing and future adjacent development.

**B. General Requirements:**

- 1. Applicant:** Conditional District classification shall only be considered upon the request of the owners and/or their representatives of all the property to be included. A CD shall consist of land under unified control which may be planned and developed as a single development or as an approved programmed series of development phases by multiple developers. "Unified control" means that all land to be included within a CD shall be owned or otherwise under the legal control of the person or legal entity which has applied for a Conditional District. Such person or entity shall be legally capable of providing a commitment to the town that the CD development will comply with all documents, plans, standards and conditions ultimately approved by the town.
- 2. Standards of District to be Met:** Within an approved Conditional District, no use shall be permitted except pursuant to the conditions imposed by the applicant on the Conditional District in the approval of the rezoning. The Board of Commissioners may impose additional reasonable and appropriate conditions or safeguards to serve the purpose and intent of this Section, and to preserve public welfare, and justice.
- 3. Content of Application:**
  - a.** A Conditional District shall consist of the CD Master Development Plan, individually, or in combination with a CD Final Development Plan; as well as any other plans, drawings,

renderings, elevations, maps and documents specifically included as development documents for approval by the Board of Commissioners. The Master Plan, as a site specific Conditional Zoning Plan, is itself a condition of the Conditional District rezoning.

- b. Master Development Plan:** The development concept of all land areas encompassed by a Conditional District shall be adequately described by a Master Development Plan comprised of scaled drawings and associated reports. At a minimum, the Master Development Plan shall adequately describe:

  - i.** The overall boundary and area of the district, including underlying zoning districts;
  - ii.** The general location, orientation and size of principal structures and associated parking areas; landscape and buffer areas; open space areas; the location, size and general treatment of environmentally sensitive areas; the general location and size of existing and proposed water mains and sewer trunk lines required to service the development; and general traffic routes (external and internal) to and from the development with major access points identified;
  - iii.** Tabular data, including the range and scope of proposed land uses, proposed densities, floor area ratios or impervious surface ratios as applicable to development type; and land areas devoted to each type of general land use and phase of development;
  - iv.** Full list of proposed uses consistent in character with the underlying zoning district;
  - v.** A proposed development schedule if the project is to be phased.
- c. Final Development Plan:** All Final Development Plans shall conform to the general development concept of an approved Master Development Plan. A final plan shall consist of a detailed set of construction plans that fully demonstrate compliance with all applicable construction regulations and provisions of the Town of Wendell and with all applicable performance criteria, conditions, and other requirements of the enacting Conditional District zoning ordinance.
- d.** In addition to the Master Plan, the applicant shall provide the exact land use classifications proposed for the Conditional District. Such use classifications may be selected from any of the uses, whether

permitted, by right or conditional, allowed in the general zoning district upon which the Conditional District is based. Uses not otherwise permitted within the general zoning district shall not be permitted within the Conditional District.

- 4. Fair and Reasonable Conditions:** The provisions of the CD Master Plan shall replace all conflicting development regulations set forth in this Ordinance which would otherwise apply to the development site. The Planning Board may recommend and the Board of Commissioners may attach reasonable and appropriate conditions including, but not limited to, the location, nature, hours of operation, and extent of the proposed use(s). Conditions and site-specific standards shall be limited to those that address conformance of the development and use of the site to this Ordinance and officially adopted plans and those standards and conditions that address the impacts reasonably expected to be generated by the development and use of the site. The applicant will have a reasonable opportunity to consider and respond to any additional requirements proposed by either the Planning Board or the Board of Commissioners prior to final action.
  - 5. Decisions:** Decisions by the Board of Commissioners shall be by majority vote, unless a valid Protest Petition in accordance with Section 15.19.C has been filed, in which case, a 3/4 majority vote of eligible members shall be required for approval.
- C. Ability to Proceed:** The applicant may proceed with development only after approval of the Conditional District Master Plan by Board of Commissioners. A simple majority vote of the Board of Commissioners is required when the Conditional District Master Plan receives a favorable recommendation from the Planning Board. When the Planning Board recommends against the Conditional District Master Plan, a supermajority, or four-fifths, vote from the Board of Commissioners is required for approval. A Conditional District Final Development Plan must also be approved by the Planning Board and the applicable plat must be recorded with the Wake County Register of Deeds. The development and use of all land within the Conditional District shall be in keeping with the approved Master Plan and all applicable provisions therein.



**D. Approval Process:**

1. The procedure for approval of the Master Plan shall follow the procedure outlined in the table in subsection H below and in Section 15.12, Map Amendments (Rezoning).
2. Following approval of the Conditional District rezoning and the Master Plan by the Board of Commissioners, the applicant shall submit a Final Development Plan to the Planning Board for approval. The Final Development Plan shall implement the Master Plan with any changes, additions and conditions required and approved by the Board of Commissioners. Following Final Development Plan approval, permits for the installation of infrastructure only (streets, utilities, etc.) may be issued for development of the site.

**E. Final Approval by Stages:** If so reflected on the Master Plan, the Board of Commissioners may allow the staging of final development. Each phase of development shall adhere to all applicable provisions and standards of this section and the applicable CD Master Plan.

**F. Substantial Changes:** Any substantial change to a Master Plan as noted below shall be reviewed by the Planning Board and approved or denied by the Board of Commissioners as an amended Conditional District.

1. The following changes to a CD Master Plan or subsequent Final Plan shall require approval by the Board of Commissioners:
  - a. Land area being added or removed from the Conditional District.
  - b. Modification of special performance criteria, design standards, or other requirements specified by the enacting ordinance.
  - c. A change in land use or development type beyond that permitted by the approved Master Plan.
  - d. When there is introduction of a new vehicular access point to an existing street, road or thoroughfare not previously designated for access.
  - e. When there is an increase in the total number of residential dwelling units originally authorized by the approved Master Plan.
  - f. When the total floor area of a commercial or industrial classification is increased more than 10 percent beyond the total floor area last approved by Board of Commissioners.
2. All other changes to a CD Master Plan or subsequent Final Plan shall receive approval by the Planning Board. However, if in the judgment of the

Planning Board, the requested changes alter the basic development concept of the CD, the Planning Board may require concurrent approval by the Board of Commissioners.

- G. Rescission of Conditional Districts:** The Applicant shall secure a valid building or construction permit(s) within a 12 month period from date of approval of the Conditional District unless otherwise specified. If such project is not complete and a valid building or construction permit is not in place at the end of the 12 month period, the Administrator shall notify the applicant of either such finding. Within 60 calendar days of notification, the Administrator shall make a recommendation concerning the rescission of the Conditional District to the Board of Commissioners. The Board of Commissioners may then rescind the Conditional District, or extend the life of the Conditional District for a specified period of time.

**H. Procedure:**

APPLICATION	REVIEWING AUTHORITY	ACTION TO BE TAKEN	APPEAL AUTHORITY
Conditional District: Rezoning w/Master Plan (16.5)	Administrator	Review submittal procedures and requirements. Review for completeness & code compliance. Issue Staff Report.	n/a
	Planning Board	Courtesy hearing, if requested	n/a
	Planning Board	Review and recommendation of Conditional District application	n/a
	Board of Commissioners	Public hearing	n/a
	Board of Commissioners	Grant Conditional District - <b>or</b> - Denial and Request for Rehearing	Superior Court
	Planning Board	Approve Final Development Plan	n/a

**15.14 Vested Rights****A. General Procedures/Establishment of Vesting:**

1. Pursuant to G.S.160A-385.1 and notwithstanding any other provision or amendment, a landowner may apply for approval of a site-specific development plan as defined in the statute that shall entitle said landowner to develop property in accordance with the previously approved plan.
2. The approval authority may approve a site specific development plan upon such terms and conditions as may reasonably be necessary to protect the public health, safety, and general welfare.
3. Approval of site specific development plan with the condition that a variance be obtained shall not confer a zoning vested right unless and until the necessary variance is obtained.
4. A site specific development plan shall be deemed approved upon the effective date of the approval authority's action ordinance relating thereto.
5. The establishment of a zoning vested right shall not preclude the application of overlay zoning that imposes additional requirements but does not affect the allowable type or intensity of use, or ordinances or regulations that are general in nature and are applicable to all property subject to land use regulation by the Town, including but not limited to, building, fire, plumbing, electrical, and mechanical codes. Otherwise, applicable new or amended regulations shall become effective with respect to property that is subject to a site specific development plan upon the expiration or termination of the vested right in accordance with this subchapter.