

2020 TOWN OF WENDELL ZONING TEXT AMENDMENT PACKET



Town of Wendell Planning Department 15 E. Fourth St. Wendell, NC 27591 Phone: 919.365.4448 Fax: 919.366.1462 www.townofwendell.com

Acknowledgement of Zoning Text Amendment Information

I,	, acknowledge	the receipt of the following
items for the Zoning	Text Amendment request to amend s	ection of the
Wendell Unified Dev	relopment Ordinance pertaining to	
		·
	Application	
	Submittal Schedule	
	Amendment Procedures	
	District Use Matrices	
Submittal Deadline D	Oate:	
Applicant		Date

PETITION# ZT-Petition To Amend The Zoning Text To be reviewed by both the Planning Board and the Town Board of Commissioners Date: Phone: Applicant's Name: Fax: Mailing Address: This petition is a request to amend Section ______ of the Wendell Unified Development Ordinance to allow in the \Box RR – Rural Residential Zoning District \square DMX – Downtown Mixed Use Zoning District As a □ Permitted Use \square CH – Highway Commercial Zoning District □ RA – Residential Agricultural □ Special Use □ OSP – Open Space Preserve □ M&I – Manufacturing & Industrial Zoning District □ Permitted with □ R2 – Residential, (15,000 sq. ft min. lot size) ☐ MH – Manufactured Home Zoning District additional □ R3 - Residential (10,000 sq. ft min. lot size) \square CC – Community Center Zoning District Standards \square R4 – Residential (6,000 sq. ft min. lot size) ☐ CMX – Corridor Mixed Use Zoning District \square R7 – Residential (3,500 sq. ft min. lot size) $\ \ \, \square \ \, NC - \text{Neighborhood Center Zoning District}$ A brief description of the proposed text amendment is: The amendment is necessary because: Applicant's Signature Date OFFICE USE ONLY Fee Paid: Date Paid: PLANNING BOARD Date Petition Was Reviewed: _____ Recommendation: _ Approval _ Denial The decision was consistent with the Comprehensive Plan: Yes No The decision of the Planning Board was based on the following considerations: TOWN BOARD OF COMMISSIONERS Date Public Hearing Scheduled: Dates Public Hearing Advertised: (#1): ______ in ______ AND (#2): ______ in _____ Town Board Recommendation: □ Approval □ Denial The decision was consistent with the Comprehensive Plan: Yes No Town Clerk's Signature Date Date Mayor's Signature



TOWN OF WENDELL 2020 ZONING TEXT AMENDMENT SUBMITTAL SCHEDULE



PLANNING DEPARTMENT

15 E. Fourth St. Wendell, NC 27591 Phone: 919.365.4448 Fax: 919.366.1462

			Planning			
Zoning Text	Zoning Text	Planning Board	Board	Board of	Public Hearing	Board of
Amendment Submittal	Amendment Submittal	Courtesy Review	Review and	Commissioners	Ву ВОС	Commissioners
Deadline [A]*	Deadline [B]*	(If Requested)	Action	Review Session	(BOC Action**)	Action**
(\$550 Fee Due)	(\$550 Fee Due)	[C]				
15-Nov-19	20-Dec-19	16-Dec-19	20-Jan-20	27-Jan-20	10-Feb-20	9-Mar-20
20-Dec-19	17-Jan-20	20-Jan-20	17-Feb-20	24-Feb-20	9-Mar-20	13-Apr-20
17-Jan-20	14-Feb-20	17-Feb-20	16-Mar-20	23-Mar-20	13-Apr-20	11-May-20
14-Feb-20	20-Mar-20	16-Mar-20	20-Apr-20	27-Apr-20	11-May-20	8-Jun-20
20-Mar-20	17-Apr-20	20-Apr-20	18-May-20	26-May-20	8-Jun-20	13-Jul-20
17-Apr-20	15-May-20	18-May-20	15-Jun-20	22-Jun-20	13-Jul-20	10-Aug-20
15-May-20	19-Jun-20	15-Jun-20	20-Jul-20	27-Jul-20	10-Aug-20	14-Sep-20
19-Jun-20	17-Jul-20	20-Jul-20	17-Aug-20	24-Aug-20	14-Sep-20	12-Oct-20
17-Jul-20	21-Aug-20	17-Aug-20	21-Sep-20	28-Sep-20	12-Oct-20	9-Nov-20
21-Aug-20	18-Sep-20	21-Sep-20	19-Oct-20	26-Oct-20	9-Nov-20	14-Dec-20
18-Sep-20	16-Oct-20	19-Oct-20	16-Nov-20	23-Nov-20	14-Dec-20	11-Jan-21
16-Oct-20	20-Nov-20	16-Nov-20	21-Dec-20	28-Dec-20	11-Jan-21	8-Feb-21
20-Nov-20	18-Dec-20	21-Dec-20	18-Jan-21	25-Jan-21	8-Feb-21	8-Mar-21

- [A]: Submittal Deadline if the applicant **does** request a courtesy review by the Planning Board.
- [B]: Submittal Deadline if the applicant **does not** request a courtesy review by the Planning Board.
- [C]: The applicant may request the Planning Board hold a review session for the proposed amendment. No vote will be taken by the board at this session.
- * A Pre Application Submittal Meeting must be held at least 7 days prior to the applicable submittal deadline
- ** Applicant may submit written request to Board of Commissioners for action to be taken the same night as the public hearing.
- ***Meeting may be canceled or rescheduled due to holiday. Confirm date with Planning Dept. Staff

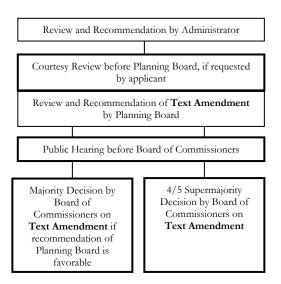
15.11 Text Amendments

- **A. Purpose:** The purpose of this Section is to establish uniform procedures for amending the text of the Ordinance.
- **B. Application Required:** An amendment to the text of this Ordinance may be initiated by the Board of Commissioners, the Planning Board, the Administrator, or any private citizen by filing an application with the Administrator.
- **C. Procedure:** All petitions to amend this Ordinance shall be directed to the Administrator, who shall transmit them to the Town Planning Board for review and recommendation.

APPLICATION	REVIEWING AUTHORITY	ACTION TO BE TAKEN	APPEAL AUTHORITY
Text Amendment: The Administrator must receive petitions 30 calendar days prior to the next regularly scheduled meeting of the Town Planning Board to be considered at that	Administrator	Review submittal procedures and requirements Review for completeness & code compliance Issue Staff Report	n/a
meeting. The petition shall state the nature of the	Planning Board	Courtesy review, if requested by applicant	n/a
proposed amendment, and if applicable, a description of the property involved, names and	Planning Board	Review and recommendation of Text Amendment application	n/a
address of the owners of the property, and a statement why the proposed amendment is	Board of Commissioners	Public hearing*	n/a
necessary to promote public health, safety, and general welfare.	Board of Commissioners	Text Amendment Adoption* - or – Denial and Request for Rehearing	Superior Court

^{*} Applicant can request that the Board of Commissioners adopt the Amendment at the same meeting as the public hearing.

Otherwise, decision to adopt will be made no sooner than the next Board meeting.



15.19 Legislative Procedures – General Provisions

A. Purpose: The purpose of this Section is to establish uniform procedures for processing matters requiring a legislative approval process.

B. Required Compliance with Comprehensive Plans:

- Text and Zoning Map amendments shall be made in accordance with the *Town Plan of Wendell* or other adopted comprehensive or related plan. Prior to adopting or rejecting any zoning amendment, the Board of Commissioners shall adopt a statement describing whether its action is consistent with the adopted comprehensive plan and explaining why the Board of Commissioners considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review.
- 2. The Planning Board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The Planning Board shall provide, within 30 calendar days of its decision, a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the Planning Board.
- A comment by the Planning Board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the Board of Commissioners. However, a four-fifths majority vote by the Board of Commissioners shall be required to amend this Ordinance when the Planning Board recommends against such amendments. A simple majority of the Board shall be required to amend the Ordinance when recommendation by the Planning Board is favorable.

C. Protest Petitions

- In the case of a protest against a rezoning (Zoning Map amendment) duly signed by the owners of 20 percent or more, either of the area of the lots included in the proposed change, or those immediately adjacent thereto, either in the rear thereof or on either side thereof, extending 100 feet from the street frontage of such opposite lots, the amendment shall not become effective except by favorable vote of three-fourths of all the members of the Board of Commissioners.
- 2. No protest against any proposed amendment shall be valid or effective unless it is on a form provided by the Town actually bearing the signatures of the required number of property owners and stating that the signers do protest the proposed change or amendment. All such petitions shall be filed

- in the office of the Town Clerk for validation at or before 12:00 noon not less than three working days prior to the date of the hearing.
- A person filing a protest against a proposed zoning amendment may withdraw the protest any time prior to the meeting at which the rezoning will be considered. Withdrawal with a refund of required fees is permitted if requested prior to the printing of the advertisement in the newspaper.
- **D. Town Board Decision:** Once the public hearing has been conducted the Town Board shall render a decision on the petition. All decisions shall be by simple majority vote unless a valid Protest Petition has been submitted in accordance with Section 15.19.C.
 - **1.** A decision concerning a petition for rezoning shall be as follows:
 - **a.** Grant the rezoning as requested; or,
 - **b.** Grant the rezoning with a reduction in the area requested; or,
 - **c.** Grant the rezoning to a more restrictive general zoning district; or,
 - **d.** Grant the rezoning with a combination of b and c above; or,
 - **e.** Deny the application.
 - **2.** A decision concerning the petition to amend the text of this Ordinance shall be as follows:
 - **a.** Adoption of the amendment as written; or,
 - **b.** Adoption of the amendment as revised; or,
 - **c.** Rejection of the amendment.

E. Rehearing

- An application for a rehearing shall be made in the same manner as provided for an original hearing within a period of 15 calendar days after the date of the Board of Commissioners decision.
- 2. Specific information to enable the Board of Commissioners to determine whether or not there has been a substantial change in facts, evidence, or conditions in the case, shall be presented in writing or graphically.
- **3.** A rehearing shall be denied by the Board of Commissioners, if, in its judgment, such change in facts, evidence or conditions have not been proven.

- 4. A public hearing shall not be required to be held by the Board of Commissioners to consider holding such a rehearing. Approval of said consideration shall, however, require an affirmative vote of at least four voting members. In the event that the Board of Commissioners finds that a rehearing is warranted, it shall then proceed as in the original hearing except that the application fee shall be waived.
- 5. Upon the denial of an original application, or upon the denial of an application from which a rehearing has been conducted, a similar application may not be filed for a period of one year after the date of denial of the original application.
- **F.** Appeals: Every legislative decision of the Board of Commissioners shall be subject to review by the Superior Court Division of the General Courts of Justice of the State of North Carolina by proceedings in the nature of certiorari. Any petition for review by the Superior Court shall be duly verified and filed with the Clerk of Superior Court within 30 calendar days after the decision of the Board is filed in the office of the Town Clerk, or after a written copy is delivered to every aggrieved party who has filed a written request for such copy with the Administrator at the time of the hearing of the case by the Board of Commissioners, whichever is later.

G. Application Withdrawal

- 1. The petitioner may withdraw his application before submission of the public notice to the newspaper announcing the public hearing.
- **2.** After submission of such notice, an application may be withdrawn at the discretion of the Planning Board or Board of Commissioners at the public hearing.
- 3. No more than two withdrawals may occur on the same parcel or portion of land within a one year period.
- 4. No application shall be filed on the same parcel or portion of land within a one year period after the date of the second withdrawal.

C. Use Matrices

BASE DISTRICT	osc	PUD	RA	RR	R2	R3	R4	R7	NC	CMX	СС	DMX	MH	СН	M&I	TND
Residential																
Dwelling-Single Family	Р	P*	Р	Р	Р	Р	Р	Р	Р	P	Р	Р	Р	Р	-	Р
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	Р	P	Р	Р	-	Р	-	PS
Housing Service for the Elderly	-	P*	-	-	-	PS	PS	Р	Р	P	Р	P	-	Р	-	Р
Live-Work Units	-	P*	-	-		-	-	-	PS	PS	PS	PS	-	PS	-	PS
Manufactured Housing	-	P*	PS	PS	-	PS	-	-	-	-	-	-	PS	-	-	-
Lodging																
Bed and Breakfast Inns	P	P*	Р	Р	Р	Р	P	Р	Р	Р	Р	Р	-	Р	-	Р
Hotels/Motels/Inns	-	P*	-	-	•	-	-	•	-	Р	Р	Р	-	Р	-	Р
Rooming or Boarding House	-	P*	-	-	-	-	-	PS	PS	PS	PS	PS	-	-	-	PS
Office/Service																
Animal Services	-	P*	PS	PS	PS	PS	PS	-	-	PS	PS	PS	-	PS	PS	-
ATM	-	P*	-	-	-	-	-	-	PS	P	Р	Р	-	Р	Р	Р
Animal Services – Boarding as Primary		P*														
Banks, Credit Unions, Financial Services	-	P*	-	-	•	-	-	-	Р	P	Р	P	-	Р	-	Р
Business Support Services	-	P*	-	-	•	-	-	•	Р	Р	Р	Р	-	Р	Р	Р
Child/Adult Day Care Home (8 or less	_		PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	_	PS	_	PS
persons)	_	P*	1.5	13	-	13	. 3	13	13	1.5	1.5	1.5	_	13	_	13
Child/Adult Day Care Center (More than	_	P*	_	_	_	_	_	_	SUP	PS	PS	PS	_	PS	PS	PS
8 persons)										_						
Community Service Organization	-	P*	-	-	-	-	-	-	Р	Р	Р	Р	-	Р	-	Р
Continuing Care Retirement Community		P*														
Drive Thru Service	-	P*	-	-	-	-	-	-	PS	PS	PS	SUP	-	PS	-	SUP
Equipment Rental	-	P*	-	-	-	-	-	-	-	Р	-	-	-	Р	Р	-
Funeral Homes	-	P*	-	-	-	-	-	-	P	P	P	Р	-	Р	-	P
Group Care Facility (More than 6 residents)	-	P*	PS	PS	1	-	SUP	SUP	PS	PS	PS	PS	-	PS	-	PS
Government Services	SUP	P*	P	P	Р	P	P	P	Р	Р	P	P	-	Р	Р	P
Laundry Services	-	P*	-	-	-	-	-	-	Р	Р	Р	Р	-	Р	-	Р
Medical Services - Clinic, Urgent Care Center	-	P*	-	-	-	-	-	-	Р	Р	Р	Р	-	Р	-	Р
Medical Services – Doctor office	-	P*	-	-	-	-	-	-	Р	P	Р	Р	-	Р	-	Р

P Permitted

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

PS Permitted subject to Additional Standards in Chapter 3

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

Not Permitted

UNIFIED DEVELOPMENT ORDINANCE

DISTRICT PROVISIONS

BASE DISTRICT	osc	PUD	RA	RR	R2	R3	R4	R7	NC	CMX	CC	DMX	MH	СН	M&I	TND
Office/Service (cont)																
Outdoor Kennels/Equine Facilities	-	P*	PS	PS	-	-	-	-	-	-	-	-	-	PS	PS	-
Post Office	-	P*	-	-	-	-	-	-	P	Р	Р	Р	-	Р	Р	Р
Personal Services	-	P*	-	-	-	-	-	-	P	Р	Р	Р	-	Р	Р	Р
Professional Services	-	P*	-	-	-	-	-	-	P	Р	Р	Р	-	Р	Р	Р
Residential Treatment Facility	-	P*	-	-	-	-	-	-	SUP	SUP	SUP	-	-	SUP	-	-
Studio – Art, Music	-	P*	-	-	-	-	-	-	P	P	Р	PS	-	Р	Р	Р
Studio – Dance, Martial Arts	-	P*	-	-	-	-	-	-	P	P	Р	SUP	-	Р	Р	Р
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	-
Retail/Restaurants																
Alcoholic Beverage Sales Store	-	P*	-	-	-	-	-	-	SUP	PS	PS	PS	-	PS	-	PS
Auto Parts Sales	-	P*	-	-	-	-	-	-	P	Р	Р	Р	-	Р	-	-
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	Р	Р	Р	-	Р	Р	Р
General Retail - 10,001 - 50,000 sf	-	P*	-	-	-	-	-	-	SUP	Р	Р	Р	-	Р	-	Р
General Retail – Greater than 50,000 sf	-	P*	-	-	-	-	-	-	-	PS	PS	PS	-	PS	-	PS
Restaurant	-	P*	-	-	-	-	-	-	P	P	Р	Р	-	Р	Р	Р
Shopping Center – Neighborhood Center	-	P*	-	-	-	-	-	-	SUP	P	Р	-	-	Р	-	Р
Shopping Center – Community Center	-	P*	-	-	-	-	-	-	-	Р	Р	-	-	Р	-	
Vehicle Sales	-	P*	-	-	-	-	-	-	-	PS	PS	PS	-	PS	PS	-
Heavy Equipment/RV Sales/Farm Equipment Sales /Mobile Home Sales	-	P*	-	-	-	-	-	-	-	-	PS	-	-	PS	PS	-

P Permitted

PS Permitted subject to Additional Standards in Chapter 3

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

Not Permitted

BASE DISTRICT	osc	PUD	RA	RR	R2	R3	R4	R7	NC	CMX	СС	DMX	MH	СН	M&I	TND
Entertainment/Recreation																
Adult Establishment	-	P*	-	-	-	-	-	-	-	-	-	-	-	-	PS	-
Amusements, Indoor	-	P*	-	-	-	-	-	-	-	PS	PS	PS	-	PS	-	-
Amusements, Outdoor	-	P*	PS	PS	-	-	-	-	-	PS	-	-	-	PS	-	-
Billiard/Pool Hall	-	P*	-	-	-	-	-	-	SUP	SUP	SUP	SUP	-	SUP	-	-
Cultural or Community Facility	PS	P*	PS	PS	PS	PS	PS	PS	Р	Р	Р	SUP	Р	Р	Р	Р
Farmers Markets	-	P*														
Meeting Facilities	PS	PS	PS	PS	PS	PS	PS	PS	Р	Р	Р	SUP	Р	Р	Р	Р
Recreation Facilities, Indoor	PS	PS	PS	PS	PS	PS	PS	PS	Р	Р	Р	SUP	Р	Р	Р	Р
Recreation Facilities, Outdoor	PS	PS	PS	PS	PS	PS	PS	PS	Р	Р	Р	SUP	Р	P	Р	Р
Shooting Range, Indoor	-	P*	-	-	-	-	-	-	-	SUP	SUP	-	-	SUP	SUP	-
Sports Training/Fitness Complex	-	P*														
Sweepstakes Center	-	P*	-	-	-	-	-	-	-	-	-	-	-	SUP	-	-
Theater, Live Performance, Indoor		P*														
Theater, Live Performance, Outdoor		P*														
Theater, Movie	-	P*	-	-	-	-	-	-	-	Р	Р	Р	-	Р	-	-

Manufacturing/Wholesale/Storage																
Agriculture	Р	P*	Р	Р	-	-	-	-	-	-	-	-	-	-	Р	-
Laundry, dry cleaning plant	-	P*	-	-	-	-	-	-	-	-	-	-	-	Р	Р	-
Manufacturing, Light	-	P*	-	-	-	-	-	-	-	PS	-	SUP	-	PS	Р	-
Manufacturing, Neighborhood	-	P*	-	-	-	-	-	-	PS	PS	PS	SUP	-	PS	Р	PS
Manufacturing, Heavy	-	P*	-	-	-	-	-	-	-	-	-	-	-	-	Р	-
Media production	-	P*	-	-	-	-	-	-	-	P	Р	P	-	Р	Р	-
Metal products fabrication, machine or welding shop	-	P*	-	-	-	-	-	-	-	Р	-	SUP	-	Р	Р	-
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	Р	Р
Storage - Outdoor as a primary use	-	P*	Р	-	-	-	-	-	-	-	-	-	-	Р	Р	-
Storage - Warehouse, indoor storage	-	P*	-	-	-	-	-	-	-	PS	-	PS	-	-	Р	-
Wholesale Distribution	-	P*	-	-	-	-	-	-	-	-	-	-	-	Р	Р	-

P Permitted

SUP :

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

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DISTRICT PROVISIONS

BASE DISTRICT	osc	PUD	RA	RR	R2	R3	R4	R7	NC	CMX	cc	DMX	MH	СН	M&I	TND
Civic/Institutional																
Campground	PS	P*	PS	-	-	-	-	-	-	-	-	-	-	-	-	-
Cemetery	PS	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	Р	P	Р	Р	-	Р	P	Р
Religious Institutions	-	P*	SUP	-	SUP	SUP	SUP	SUP								
Schools - Elementary & Secondary	-	P*	Р	Р	Р	Р	P	Р	Р	Р	Р	-	-	-	-	Р
Schools – Vocational/Technical	-	P*	-	-	-	-	-	-	Р	Р	Р	Р	-	Р	Р	Р
Infrastructure																
Airport	-	P*	SUP	-	-	-	-	-	-	•	-	-	-	-	SUP	-
Transit Station - Passenger	-	P*	-	-	PS											
Wireless Telecommunication Facility- Stealth	SUP	P*	SUP													
Wireless Telecommunication Facility- Tower	SUP	P*	SUP													
Utilities-Class I	PS	P*	PS	-	PS	PS	PS	PS								
Utilities-Class 2	PS	P*	PS	-	PS	PS	PS	PS								
Utilities-Class 3	-	P*	PS	PS	-	-	-	-	-	-	-	-	-	PS	PS	-
Parking Lot (primary use)	-	P*	-	-	-	-	-	-	-	-	Р	Р	-	-	-	Р
Parking Structure (primary use)	-	P*	-	-	-	-	-	-	-	PS	PS	PS	-	-	-	PS

P Permitted

S Permitted subject to Additional Standards in Chapter 3

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Not Permitted