



Planning, Development & Inspections

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Staff Report

To: Wake County Board of Commissioners
From: Terry Nolan, Planner III
Subject: Unified Development Ordinance Text Amendment OA-05-25
Date: October 20, 2025

Request

That the Planning Board recommend approval to the Wake County Board of Commissioners the following amendments to the Wake County UDO:

1. Amend Section 11 Part 2 *Water Supply Watershed Buffers* to consistently define a stream buffer width as measuring from the top of the stream bank and a pond buffer width as measuring from edge of the normal water level.
2. Amend Section 11-10 *Applicability of Neuse Riparian Buffer Protection Rules* to **add** text stating the County administers the Jordan Lake Buffer Rules.
3. Amend Section 10-30-2(B)(2)(b) *Financial Responsibility and Ownership* changes the residency requirement from a resident of Wake County to a resident of North Carolina.
4. Amend Section 10-42-3(B) *Notice of Civil Penalty Assessment* and 10-42-4(B) *Appeal of Civil Penalties* to correct the time to request remission of the penalty from 60 days to 30 days.

Applicant

Wake County Environmental Services

Background/Analysis

Definitions

Section 11 Part 2 *Water Supply Watershed Buffers* refers to how the buffer is measured. The current County water supply buffers are measured from the centerline of the stream. State mandated riparian buffers and water supply buffers are measured at the drainageway starting at the top of bank for a stream or at the normal water level of the pond, lake, or reservoir. The proposed amendment would make the definition consistent with the State rule 15A NCAC 02B .0714 8(a).

Jordan Lake

The State adopted Jordan Lake buffer rules in September 2011 and delegated authority to local governments to develop and implement programs to meet the buffer rules. Wake County staff carry out regulation of Jordan Lake buffers, including field verification and processing of requests for buffer impacts. The added text clarifies that the County administers the program by reference to the State rule 15A NCAC 02B .0267 15(b).

Financial Responsibility and Ownership Changes

The purpose of 10-30-2(B)(2)(b) is to ensure there is a financially responsible party on record to receive notices of compliance or non-compliance with the erosion and sedimentation control plan. Currently, the party or designated agent must be a Wake County resident. The amendment expands the residency requirement from the county to the State of North Carolina. This change is in response to a 2024 State Audit of the county Erosion Control Program that identified the need to make the language consistent with State regulations.

Civil Penalty

10-42-3(B) and 10-42-4(B) describe the process for civil penalties imposed in the event of a violation of erosion and sedimentation control regulations. The amendment changes deadlines from 60 days to 30 days in order to be consistent with State regulations.

Staff Findings

1. No impact on development rights.
2. The amendments provide clear, consistent definition of common terms.
3. The changes are consistent with State Statute.
4. It is consistent with the intent and purpose of the Wake County Unified Development Ordinance.

Staff Recommendation

Staff recommend that, in the matter of OA-05-25, the Board of Commissioners finds that adoption of these proposed text amendments are consistent with the Wake County Comprehensive Plan and Wake County Unified Development Ordinance and are reasonable and in the public interest and hereby make a motion to approve the amendments as presented.

Planning Board Recommendation

At the September 3, 2025, Planning Board meeting:

1. The Wake County Planning Board voted unanimously to recommend that the Board of Commissioners adopt the statement of consistency for Ordinance Amendment 05-25 as presented.

and by separate motion

The Wake County Planning Board voted unanimously to recommend that the Board of Commissioners adopt Ordinance Amendment 05-25 as presented

Attachments

1. OA-05-25 Text Amendment
2. Motions Page
3. Presentation