

**5-12 Cluster and Open Space Development.**

5-12-1 **Purpose.** The regulations of this section are intended to encourage subdivision design that is more efficient and provides greater protection of open space and natural resources than conventional subdivision designs. ~~Cluster and open~~ Open space subdivision designs allows more compact and less costly networks of roads and utilities. They also help reduce stormwater run-off and non-point source pollutant loading rates and may help to preserve an area's rural character. ~~Cluster and open~~ Open space subdivisions are intended to encourage the provision of needed open space and recreational amenities for residents, while also helping to retain an area's character and preserve natural, environmentally sensitive, agricultural, and historic resources.

5-12-2 **General Description.**

- (A) The ~~cluster and~~ open space development standards of this section require that a specified portion of each subdivision be set aside and permanently preserved as open space. ~~The primary difference between cluster developments and open space developments is the amount of open space that must be preserved. Cluster developments are required to set aside a modest amount of open space, while open space developments are required to set aside a far greater amount.~~
- (B) The required open space area within ~~cluster or~~ open space developments can be used to provide recreational opportunities for the subdivision's residents, to conserve and protect significant natural resources, or to conserve productive farming and forestry uses.

5-12-3 **Minimum Subdivision Site Size.**

- (A) **~~Cluster~~ Open Space Development.** The minimum required land area for an ~~an cluster open space~~ development is ten acres.
- ~~(B) **Open Space Development.** The minimum required land area for an open space development is 25 acres.~~

5-12-4 **Minimum Open Space**

- (A) **~~Cluster~~ Open Space Development.**
  - (1) At least ~~ten twenty-five~~ percent of the land area within ~~an an cluster open space~~ development must be set aside and permanently preserved as open space ~~if the development is located within an Urban Services Area or Urban Services Area/Water Supply Watershed.~~
  - (2) The Planning director may allow proposed developments that provide open space directly adjacent to agricultural uses designated as Voluntary Agricultural District, Enhanced Voluntary Agricultural District, or recorded with a permanent farming conservation easement, a reduction of the open space requirement to fifteen percent of the land area.

~~Cluster developments located in a Non-Urban Area, and Non-Urban Area/Water Supply Watershed must set aside and permanently preserve at least 25 percent of the subdivision's total land area as open space.~~
- ~~(B) **Open Space Development.**
  - (1) ~~At least 30 percent of the land area within an open space development must be set aside and permanently preserved as open space if the development is located within an Urban Services Area or Urban Services Area/Water Supply Watershed.~~
  - (2) ~~Open space developments located within Non-Urban Services Areas or Non-Urban Services Areas/Water Supply Watershed must set aside and permanently preserve at least 40 percent of the subdivision's total land area as open space.~~~~

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[Amended on 8/1/2011 by OA 02-11.]

### 5-12-5 Density and Lot Size.

(A) **Cluster-Open Space Development.** The following density and lot size standards apply to all cluster-open space developments without community wastewater. (See Part 3 of this Article for rules governing measurement of and exceptions to these standards):

District	Cluster-Open Space Development		
	Maximum Density (units/acre) <sup>[1]</sup>	Minimum Lot Size	
		Area (square feet) <small>[1][2][3]</small>	Width (feet)
R-80W	0.50	40,000	110
R-80	0.50	40,000	110
R-40W	1.00	20,000	75
R-40	1.00	20,000	75
R-30	1.45	12,000	60
R-20	2.17	6,000	50
R-15	2.90	5,000	45
R-10	4.35	3,000	40
R-5	8.70	3,000	40
HD	1.45	12,000	60
GB	2.17	6,000	50
O&I	1.45	12,000	60

<sup>[1]</sup> More restrictive standards may apply to lots within the Swift Creek, Little River and Smith Creek Water Supply Watersheds. See Article 11, Part 3

<sup>[2]</sup> Minimum lot area per dwelling unit. For example, duplex in R-80 district requires minimum lot area of 80,000 square feet.

<sup>[3]</sup> Residential uses in the GB and O&I districts must comply with the requirements of the R-20 and the R-30 districts, respectively.

~~(B) **Open Space Development without Community Water and Wastewater Service.** The following density and lot size standards apply to all open space developments that are not served by community water and sewer facilities. (See Part 3 of this Article for rules governing measurement of and exceptions to these standards):~~

District	Open Space Development		
	—Maximum Density (units/acre) <sup>[1]</sup>	Minimum Lot Size	
		Area (square feet) <small>[1][2][3]</small>	Width (feet)
R-80W	0.50	30,000 if ≥40% open space	90
R-80	0.50	35,000 if ≥30% open space	90
		32,500 if ≥35% open space	
		30,000 if ≥40% open space	
R-40W	1.00	14,000 if ≥40% open space	60
R-40	1.00	16,000 if ≥30% open space	60
		15,000 if ≥35% open space	
		14,000 if ≥40% open space	
R-30	1.45	10,000 if ≥30% open space	50

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		9,500 if ≥35% open space	
		9,000 if ≥40% open space	
R-20	2.17	6,000	50
R-15	2.90	5,000	45
R-10	4.35	3,000	40
R-5	8.70	3,000	40
HD	1.45	10,000 if ≥ 30% open space	50
		9,500 if ≥ 35% open space	
		9,000 if ≥ 40% open space	
GB	2.17	6,000	50
O&I	1.45	10,000	50

<sup>[1]</sup> ~~More restrictive standards may apply to lots within the Swift Creek, Little River and Smith Creek Water Supply Watersheds. See Article 11, Part 3.~~

<sup>[2]</sup> ~~Minimum lot area per dwelling unit. For example, duplex in R-80W district requires minimum lot area of 60,000 square feet.~~

<sup>[3]</sup> ~~Residential uses in the GB and O&I districts must comply with the requirements of the R-20 and the R-30 districts, respectively.~~

- (C) **Open Space Development With Community Water and Wastewater Service.** The following density and lot size standards apply to all open space developments that are served by both community water and sewer facilities. (See Part 3 of this Article for rules governing measurement of and exceptions to these standards):

District	Open Space Development		
	Maximum Density (units/acre) <sup>[1]</sup>	Minimum Lot Size	
		Area (square feet) <sup>[1][2][3]</sup>	Width (feet)
R-80W	0.50	20,000	75
R-80	0.50	20,000	75
R-40W	1.00	10,000	60
R-40	1.00	10,000	60
R-30	1.45	6,000	50
R-20	2.17	6,000	45
R-15	2.90	5,000	45
R-10	4.35	3,000	40
R-5	8.70	3,000	40
HD	1.45	6,000	50
GB	2.17	6,000	45
O&I	1.45	6,000	50

<sup>[1]</sup> More restrictive standards may apply to lots within the Swift Creek, Little River and Smith Creek Water Supply Watersheds. See Article 11, Part 3.

<sup>[2]</sup> Minimum lot area per dwelling unit. For example, duplex in R-80 district requires minimum lot area of 40,000 square feet.

<sup>[3]</sup> Residential uses in the GB and O&I districts must comply with the requirements of the R-20 and the R-30 districts, respectively.

[Amended on 1/22/2008 by OA-04-07; Amended on 1/3/2022 by OA-03-21 ]

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5-12-6 **Additional Lot and Building Standards.** The following additional lot and building standards apply to ~~cluster and~~ open space developments. (See Part 3 of this Article for rules governing measurement of and exceptions to these standards):

	R-80W R-80	R-40W R-40	R-30	R-20	R-15	R-10	R-5	HD	GB	O&I
Minimum Lot Frontage (feet)	30	30	30	30	30	30	30	30	30	30
Min. Perimeter Setback (feet) <sup>[1]</sup>	30	30	30	30	30	30	30	30	30	30
<b>Minimum Required Setbacks (ft.) Cluster Subdivisions<sup>[2]</sup></b>										
Front	20	15	15	15	10	10	10	15	10	10
Corner	20	15	15	15	10	10	10	15	10	10
Side	10	7.5	5	5	5	5	5	5	5	5
Rear	15	15	15	15	15	15	15	15	15	15
<b>Minimum Required Setbacks (ft.) Open Space Subdivisions<sup>[2]</sup></b>										
Front	20	15	15	15	10	10	10	15	10	10
Corner	20	15	15	15	10	10	10	15	10	10
Side	10	7.5	5	5	5	5	5	5	5	5
Rear	15	15	15	15	15	15	15	15	15	15

<sup>[1]</sup> Minimum perimeter setback applies only around the perimeter of the ~~cluster or~~ open space subdivision. Minimum perimeter setback standards apply to principal buildings. No additional perimeter setback is required for cluster or open space subdivisions abutting other cluster or open space subdivisions that have already provided the required perimeter setback.

<sup>[2]</sup> Minimum required front yard and corner yard setbacks on a corner lot cannot be reduced.

### 5-12-7 General Requirements

#### (A) Maximum Density.

- (1) The maximum number of dwelling units allowed within a ~~n cluster or~~ open space development is equal to the site's total land area (developable area + open space) multiplied by the maximum density standard shown in Section 5-12-5.
- (2) If the ~~cluster or~~ open space development site (subdivision) is located in more than one zoning district, the maximum number of dwelling units allowed must be determined separately for each portion of the site lying within a different zoning district. Density may be transferred from one portion of the site to another, provided that such transfers do not result in an increase in the number of dwelling units allowed on the overall site.

(B) **Lot Design.** Each lot must be regularly shaped and meet or exceed the minimum lot area and lot width standards in this section. Side lot lines extending from a road must be approximately perpendicular or radial to the road's right-of-way boundary.

#### (C) Open Space.

- (1) **Required Open Space.** The amount of open space within a ~~n cluster or~~ open space development must equal or exceed the minimum open space requirements of Section 5-12-4. Open space provided to meet minimum open space requirements must be in one or more parcels dedicated or otherwise protected as permanent, active or passive open space.

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### (2) Use, Location, and Design.

- (a) Open space must be dedicated or reserved for one or more of the following uses:
- i. Conservation of, and avoidance of development in, any readily identifiable natural hazard areas, i.e., areas that potentially pose a significant hazard to people or property (e.g., designated floodways, other perennially wetlands, and lands whose slope and/or soils make them particularly susceptible to erosion when disturbed by development activities);
  - ii. Conservation and protection of any identified significant natural areas (e.g., rare plant communities, important wildlife habitat) or other environmentally sensitive areas where development might threaten water quality or ecosystems (e.g., watershed buffers, groundwater recharge areas);
  - iii. Conservation and protection of any identified important historic resources (e.g., homesteads, mills, barns, archeological sites);
  - iv. Provision of active and/or passive outdoor recreation opportunities (e.g., ballfields, playgrounds, tennis courts, swimming pools, basketball courts, golf courses, bikeways, walking trails, nature trails, and picnic areas), either for the general public or for the subdivision's residents or employees and their guests (Note: this does not preclude a membership requirement or monetary charge for use of recreation facilities such as a golf, swim or tennis club, as long as subdivision residents or employees have an opportunity to join the club or pay to use club facilities; or
  - v. Retention of productive farmland or forestland for continued agricultural and/or forestry use or areas adjacent to farmlands designated as a voluntary agricultural district or enhanced voluntary agricultural district.
- (b) Highest priority for the location, design, and use of open space must be given to conserving, and avoiding development in, any natural hazard areas on the subdivision site.
- (c) Open space may contain only such buildings, structures, accessways, and parking facilities as are necessary and accessory to its principal uses (e.g., pedestrian path, recreational club house, utility lines, driveway, small parking area, barns and other farm storage and processing facilities). Open space areas may be utilized for irrigation of reclaimed water meeting the standards set forth in 15A NCAC 02H.0219(k) of the North Carolina Administrative Code. Open space areas may not contain sewage treatment ponds that are utilized as the primary means of wastewater treatment or be utilized for irrigation of wastewater that does not meet reclaimed water standards as specified above.
- (d) Open space may contain individual water supply wells or subsurface sewage disposal fields serving dwelling units on adjacent lots, or community wells, provided they do not conflict with the principal uses of the open space. Open space areas may not contain sewage treatment ponds that are used as the primary means of treatment of wastewater and the spray application of wastewater that does not meet applicable water reuse standards.
- (e) The location, size, character, and shape of required open space must be appropriate to its intended use(s). (e.g., open space proposed to be used for recreation, particularly active recreation, should be located and designed so that it can be accessed conveniently and safely by intended users, and open space to be used for ballfields, playing fields, or other active recreational facilities should be located on land that is relatively flat and dry.)

### (D) Open Space Dedication or Reservation.

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- (1) Subdivision occupants must be ensured direct access to and use of an amount of the subdivision's open space equal to a minimum of ten percent of the area of the development site, by conveying that portion of open space to a property owners association or similar legal entity meeting the provisions of Section 8-23, or to a public agency or nonprofit organization that is organized for, capable of, and willing to accept responsibility for managing the open space for its intended purpose, and that will ensure subdivision occupants direct access to and use of the open space. Any other open space provided may be conveyed to such organizations as listed above or to any agency, organization, person, or other legal entity that is organized for, capable of, and willing to accept responsibility for managing the open space for its intended purpose, provided such conveyance is restricted to ensure continued maintenance and preservation of the open space.
  - (2) Each dedicated or reserved open space parcel must be shown on all subdivision plans and on a record plat recorded with the Wake County Register of Deeds, with a notation of its area and its intended open space use (subparagraph 5-12-7(C)(2)). The owner of an open space parcel may re-dedicate or re-reserve the parcel for another open space use allowed under this subsection by recording a record plat showing the parcel and its new intended open space use.
- (E) **Maintenance.**
- (1) The owner of the open space is responsible for maintaining the open space so that it continues to effectively function for its intended use, and any dedication or conveyance of an open space parcel must provide for such responsibility.
  - (2) Where the ~~cluster or~~ open space development is located within a R-40W, R-80W, WSO-2NC, WSO-3CA, WSO-3NC, or WSO-4P district, retention of undeveloped open space in a vegetated or natural state (as required in subsection 5-12-9) must be ensured by maintenance provisions filed with the Wake County Register of Deeds, either as part of recorded documentation providing for establishment of an appropriate legal entity (e.g. homeowners association, property owners association or land conservation organization) that is to be responsible for maintenance and control of open space (as provided for in Section 8-23), or in a maintenance agreement recorded with the property deeds.

### 5-12-8 Potential Future Development Sites.

- (A) When an ~~an cluster or~~ open space development is located within ~~an Urban Services Area or Urban Services Area/Water Supply Watershed areas designated as Community, Community Reserve, or Walkable Center on the County's Development Framework Map~~ Municipal Transition Area and the maximum allowed density under the site's current zoning is less than the density called for in the ~~Land Use Comprehensive~~ Plan, the ~~cluster or~~ open space development may contain one or more parcels designated as reserved for potential future development. Such a parcel does not count as part of the development's required open space or in calculating allowed density or impervious surface coverage.
- (B) A parcel reserved for potential future development may not be developed, other than for open space uses or as a community well or septic field site serving the ~~cluster or~~ open space development, until the development site, or part thereof, is rezoned to a classification allowing higher densities (so that the parcel's land area is no longer needed to maintain the subdivision's compliance with applicable density standards).

~~Commentary: The provisions of Section 5-12-8 support the Land Use Plan's Transitional Urban Development (TUD) policies by accommodating higher density urban development within short range urban service areas.~~

5-12-9 **Water Supply Watersheds.** When an ~~an cluster or~~ open space development is located within an R-40W, R-80W, WSO-2NC, WSO-3CA, WSO-3NC, or WSO-4P district, it must be designed so that:

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- (A) Lots and development sites are concentrated in upland areas and to the maximum extent practicable away from surface waters and drainageways, and the remainder of the site, i.e., undeveloped open space dedicated or reserved for one of the natural area conservation purposes authorized in 5-12-7(C)(2), is retained in a vegetated or natural state; and;
- (B) Built-upon (impervious) areas are, to the maximum extent practicable, as approved by Wake County Environmental Services, sited and designed to minimize stormwater runoff impact to the watershed's receiving waters by minimizing concentrated stormwater flow, breaking up or disconnecting large areas of impervious surface into smaller areas, maximizing the use of sheet flow through vegetated areas, and maximizing the flow length through vegetated areas. (See also Section 8-43 and subsection 8-32-18 for standards applicable in Water Supply Watersheds.)

[OA 04/11 January 18, 2005; Amended on 1/22/2008 by OA 04-07; Amended on 6/4/2012 by OA 02-12; Amended on 1/3/2022 by OA-03-21 .]

**8-30 Natural, Agricultural and Historic/Cultural Resources.**

In the layout and design of a subdivision, due consideration should be given to preserving natural features (e.g., woodlands, steep slopes, rock outcroppings, ponds, streams, rivers, and lakes), agricultural resources, as well as the preservation of historic and cultural resources (e.g., homesteads, mills, barns, archeological sites) that are of value to the county as a whole. In identifying and making determinations regarding agricultural resources, the county and the applicant should identify existing voluntary agricultural districts, enhanced voluntary agricultural districts, and permanent conservation easements adjacent to the proposed subdivision. In identifying and making determinations regarding the presence of cultural and historic resources, the county and the applicant should consult the most current editions of sources such as the Wake County Survey of Historic Properties, the Wake County Historic Landmarks, properties listed in the National Register of Historic Places and properties listed in the North Carolina State Historic Preservation Study List. The Planning Director may require the subdivision design to include the preservation and protection of natural, agricultural, and historic resources as part of the overall subdivision design.



**8-33 Pedestrian, Bicycle and Off- Road Trails.**

8-33-1 **Purpose.** The regulations of this section are intended to implement county planning objectives by promoting pedestrian and bicycle mobility, as well as recreational opportunities for county residents. ~~Different requirements and standards apply in Short-Range Urban Services Areas, Long-Range Urban Services Areas, and Non-Urban Areas in recognition of the different physical and built environments that exist throughout Wake County.~~

**8-33-2 ~~Short-Range Urban Services Area~~ Pedestrian Improvements**

~~(A)~~ **Pedestrian Improvements.**

~~(1A)~~ **When Required.** ~~Within the Short-Range Urban Services Area,~~ pedestrian improvements ~~must~~ may be provided within the right-of-way of collector and thoroughfare roads whenever:

- ~~(a1)~~ Such improvements are shown on or otherwise required by the Wake County Transportation Plan or applicable Wake County Area Plan;
- ~~(b2)~~ The subject subdivision is located within one and one-half miles of an existing or proposed school;
- ~~(c3)~~ The subject subdivision is located within one mile of a ~~an activity center~~ multi-use district designated on the Land-Use Wake Comprehensive Plan;
- ~~(d4)~~ The subject subdivision is located within one-half mile of an existing or proposed park, library or other public facility that can be reasonably expected to generate pedestrian traffic; or
- ~~(e5)~~ The subject subdivision is adjacent to another subdivision or development with pedestrian routes that could be readily connected to similar improvements within the subject subdivision.

~~(2B)~~ **Design Standards.** ~~Within the Short-Range Urban Services Area,~~ pedestrian improvements must be designed and constructed in accordance with applicable municipal standards (i.e., the standards of the municipality within whose growth area the subject subdivision is located). If no municipal standards exist, the design, location and construction of pedestrian improvements must comply with applicable county policies and plans for pedestrian improvements, including those of the Wake County Transportation Plan, the Wake County Greenway System Plan, and the Consolidated Open Space Plan. In all cases, required pedestrian improvements within state road rights-of-way must ~~at least~~ meet NCDOT guidelines and standards, as applicable.

~~(B)~~ **8-33-3 Bicycle Improvements.**

~~(1A)~~ **When Required.** ~~Within the Short-Range Urban Services area,~~ bicycle improvements—in the form of wide outside travel lanes or dedicated bike lanes within the right-of-way of collector and thoroughfare roads—~~must~~ may be provided whenever such improvements are shown on or otherwise required by the Wake County Transportation Plan or applicable Wake County Area Plan.

~~(2B)~~ **Design Standards.** ~~Within the Short-Range Urban Services Area,~~ required ~~B~~ bicycle improvements must be located on the main road surface of collector and thoroughfare roads (as wide outside travel lanes or approved bike lanes) and designed and constructed in accordance with applicable municipal standards (i.e., the standards of the municipality within whose growth area the subject subdivision is located). If no municipal standards exist, the design, location and construction of required bicycle improvements must comply with applicable county policies and plans for bicycle improvements, including those of the Wake County Transportation Plan, the Wake County Greenways System Plan,

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and the Consolidated Open Space Plan. In all cases, required bicycle improvements within state road rights-of-way must ~~at least~~ meet NCDOT guidelines and standards.

~~(C8-33-4)~~ **Off-Road Trail Easements and Construction Improvements.**

~~(A1)~~ **When Required Designated Off-Road Trail Easements**. Within the Short Range Urban Services Area Designated, off-road trail and greenway easements improvements must may be provided required whenever:

- ~~(a1)~~ Such improvements are shown on or otherwise ~~required-proposed~~ by the Wake County Transportation Plan, the Wake County Greenway System Plan, and/or the Consolidated Open Space Plan; or
- ~~(b2)~~ Such improvements are shown on the adjacent municipality's adopted transportation, greenway or trails plan. The subject subdivision has access to or is adjacent to existing or designated greenway corridors, in which case, access to such corridors must be incorporated into the overall subdivision design; or
- ~~(c)~~ The subject subdivision is adjacent to another subdivision or development that includes off-road trail improvements that could be readily connected to similar improvements within the subject subdivision.

~~(2B)~~ **Design Standards Designated Off-Road Trail Easement Standards**.

- ~~(a1)~~ The Designated Off-Road Trail Easement shall run from one property edge to the other property edge along the path shown on the relevant adopted plan. Within the Short Range Urban Services Area, off-road trail improvements must be designed and constructed in accordance with applicable municipal standards (i.e., the standards of the municipality within whose growth area the subject subdivision is located).
- ~~(b2)~~ The Designated Off-Road Trail Easement shall be 40 foot wide on level ground and 50 foot wide on slopes over 8% or in low lying areas. The Planning Director may allow a narrower easement if the trail is designed and graded, including a drainage swale on the upslope side, or in unique circumstances. If no municipal standards exist, the design, location and construction of off-road trail improvements must comply with applicable county policies and plans for off-road trails, including those of the Consolidated Open Space Plan, the Transportation Plan and NCDOT guidelines and standards, as applicable.
- ~~(e3)~~ The Designated Off-Road Trail Easement shall be dedicated to the adjacent municipality and Wake County and should provide access for maintenance of way to the adjacent municipality and Wake County. Off-road trails should incorporate safe and efficient connections to pedestrian and bicycle improvements located within road rights-of-way, but may not be used as service roads.
- ~~(e4)~~ The Designated Off-Road Trail Easement shall not cross any stormwater facility dams or similar features. Off-road trails must be designed to maximize the safety of users and the security of adjoining properties with respect to location and visibility.
- ~~(5)~~ The Designated Off-Road Trail Easement may run parallel to requested utility easements.
- ~~(6)~~ The Designated Off-Road Trail Easement shall be shown on the plat and recorded with a metes and bounds dedication.

~~(C)~~ **Connection to Off-Road Trail and Greenway Easements**. Connection to off-road trail and greenway easements may be required whenever:

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- (1) The subject subdivision has access to or is directly adjacent to existing or designated greenway corridors, in which case, access to such corridors must be incorporated into the overall subdivision design; or
- (2) The subject subdivision is directly adjacent to another subdivision or development that includes off-road trail improvements that could be readily connected to similar improvements within the subject subdivision.

### (D) Connection to Off-Road Trail and Greenway Easement Standards.

- (1) Connection to Off-Road Trail and Greenway Easements shall run from a proposed dedicated public right of way within the subdivision to an existing trail, a dedicated easement for connection to an off-road trail, a dedicated easement for a designated off-road trail, or to an alignment of a designated off-road trail. At least one Connection to Off-Road Trail or Greenway Easement should be recorded to connect to each adjacent trail.
- (2) Connection to Off-Road Trail and Greenway Easements shall be 20 foot wide on level ground and 30 foot wide on slopes over 8% or in low lying areas. The Planning Director may allow a narrower easement if the trail is designed and graded or in unique circumstances.
- (3) Connection to Off-Road Trail and Greenway Easements shall be deeded to the HOA and noted as "maintained by the HOA" and "shall be open to the public".
- (4) Connection to Off-Road Trail and Greenway Easements may run parallel to requested utility easements.

### (E) Developer Option to Construct Trails. Where off-road trail easements are required by 8-33-4 (A) or 8-33-4 (C) and no existing improved trails are located nearby, the developer has the option to construct trails in the easement locations. All construction shall conform to the requirements of the adjacent municipality or the latest edition of AASHTO Guide for the Development of Bicycle Facilities, Section 405 of 2009 ANSI A117.1., or the Shared Use Path Accessibility Guidelines as published by the United States Access Board.

- (1) Maintenance of Designated Off-Road Trails. Trails constructed under 8-33-4 (E) must be maintained by the Homeowners Association.

### ~~8-33-3 Long Range Urban Services Area.~~

#### ~~(A) Pedestrian Improvements.~~

- ~~(1) **When Improvements May Be Required.** Within the Long Range Urban Services Area, the Planning Director is authorized to require that developers provide pedestrian improvements within the right of way of collector and thoroughfare roads whenever:~~
  - ~~(a) Such improvements are shown on or otherwise required by the Transportation Plan;~~
  - ~~(b) The subject subdivision is located within 1.5 miles of an existing or proposed school;~~
  - ~~(c) The subject subdivision is located within one mile of an activity center designated on the Land Use Plan;~~
  - ~~(d) The subject subdivision is located within one half mile of an existing or proposed park, library or other public facility that can be reasonably expected to generate pedestrian traffic; or~~
  - ~~(e) The subject subdivision is adjacent to another subdivision or development with pedestrian routes that could be readily connected to similar improvements within the subject subdivision.~~

~~(2) When Improvements May Not Be Required.~~

~~(a) Within the Long-Range Urban Services Area, bicycle improvements within the right-of-way of collector or thoroughfare roads may not be required if the Planning Director determines that the provision of such improvements will not provide needed linkages or connections to existing or planned bicycle improvements.~~

~~(b) The Planning Director may not require any combination of pedestrian, bicycle or off-road trail improvements that would constitute more than ten percent of the allowable impervious coverage of the subject subdivision, calculated on the basis of the impervious surface area allowed without provision of stormwater management devices.~~

~~(3) Design Standards. Within the Long-Range Urban Services Area, the design, location and construction of pedestrian improvements must comply with applicable county policies and plans for pedestrian improvements, including those of the Transportation Plan and the Consolidated Open Space Plan. In all cases, required pedestrian improvements within state road rights-of-way must at least meet NCDOT guidelines and standards.~~

~~(B) Bicycle Improvements.~~

~~(1) When Improvements May Be Required. Within the Long-Range Urban Services Area, the Planning Director or Planning Board are authorized to require that developers provide bicycle improvements within the right-of-way of collector and thoroughfare roads whenever such improvements are shown on or otherwise required by the Transportation Plan.~~

~~(2) When Improvements May Not Be Required.~~

~~(a) Within the Long-Range Urban Services Area, bicycle improvements within the right-of-way of collector or thoroughfare roads may not be required if the Planning Director or Planning Board determine that the provision of such improvements will not provide needed linkages or connections to existing or planned bicycle improvements.~~

~~(b) The Planning Director or Planning Board may not require any combination of pedestrian, bicycle or off-road trail improvements that would constitute more than ten percent of the allowable impervious coverage of the subject subdivision, calculated on the basis of the impervious surface area allowed without provision of stormwater management devices.~~

~~(3) Design Standards. Within the Long-Range Urban Services Area, required bicycle improvements must be located on the main road surface of collector and thoroughfare roads (as wide outside travel lanes or other approved bike lanes) and designed and constructed in accordance with all applicable design standards and policies for bicycle routes, including those of the Transportation Plan. In all cases, required bicycle improvements within state road rights-of-way must at least meet NCDOT standards and guidelines.~~

~~(C) Off-Road Trail Improvements.~~

~~(1) When Improvements May Be Required. Within the Long-Range Urban Services Area, the Planning Director is authorized to require that developers provide off-road trail improvements whenever:~~

~~(a) Such improvements are shown on or otherwise required by the Transportation Plan and/or the Consolidated Open Space Plan;~~

~~(b) The subject subdivision has access to or is adjacent to existing or designated greenway corridors, in which case, access to such corridors must be incorporated into the overall subdivision design; or~~

~~(c) The subject subdivision is adjacent to another subdivision or development that includes off-road trail improvements that could be readily connected to similar improvements within the subject subdivision.~~

~~(2) **When Improvements May Not Be Required.**~~

~~(a) Within the Long-Range Urban Services Area, off-road trail improvements may not be required if the Planning Director determines that the provision of such improvements will not provide needed linkages or connections to existing or planned trail improvements.~~

~~(b) The Planning Director may not require any combination of pedestrian, bicycle or off-road trail improvements that would constitute more than ten percent of the allowable impervious coverage for the subject subdivision, calculated on the basis of the impervious surface area allowed without provision of stormwater management devices.~~

~~(c) Off-road trail improvements may not be required in combination with pedestrian improvements within the right-of-way of collector and thoroughfare roads.~~

~~(3) **Design Standards.**~~

~~(a) Within the Long-Range Urban Services Area, the design, location, and construction of required off-road trail improvements must comply with applicable county policies and plans for off-road trails, including those of the Consolidated Open Space Plan, the Transportation Plan and NCDOT guidelines and standards, as applicable.~~

~~(b) Off-road trails should incorporate safe and efficient connections to pedestrian and bicycle improvements located within road rights-of-way, but may not be used as service roads.~~

~~(c) Off-road trails must be designed to maximize the safety of users and the security of adjoining properties with respect to location and visibility.~~

~~8-33-4 **Non-Urban Areas.**~~

~~(A) **Pedestrian Improvements Not Required.** Pedestrian improvements within the right-of-way of collector and thoroughfare roads are not required within Non-Urban Areas.~~

~~(B) **Bicycle Improvements.**~~

~~(1) **When Improvements May Be Required.** Within the Non-Urban Area, the Planning Director is authorized to require that developers provide bicycle improvements within the right-of-way of collector and thoroughfare roads whenever such improvements are shown on or otherwise required by the Transportation Plan.~~

~~(2) **When Improvements May Not Be Required.** Within the Non-Urban Area, the Planning Director may not require any combination of pedestrian, bicycle or off-road trail improvements that would constitute more than ten percent of the allowable impervious coverage for the subject subdivision, calculated on the basis of the impervious surface area allowed without provision of stormwater management devices.~~

~~(3) **Design Standards.** Within the Non-Urban Area, required bicycle improvements must be located on the main road surface of collector and thoroughfare roads (as wide outside travel lanes or approved bike lanes) and designed and constructed in accordance with applicable county policies and plans for bicycle improvements, including those of the Transportation Plan and the Consolidated Open Space Plan. In all cases, required bicycle improvements within state road rights-of-way must at least meet NCDOT guidelines and standards.~~

~~(C) **Off-Road Trail Improvements.**~~

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- ~~(1) **When Improvements May Be Required.** Within the Non-Urban Area, the Planning Director is authorized to require that developers provide off-road trail improvements whenever:~~
- ~~(a) Such improvements are shown on or otherwise required by the Transportation Plan and/or the Consolidated Open Space Plan;~~
  - ~~(b) The subject subdivision has access to or is adjacent to existing or designated greenway corridors, in which case, access to such corridors must be incorporated into the overall subdivision design; or~~
  - ~~(c) The subject subdivision is adjacent to another subdivision or development that includes off-road trail improvements that could be readily connected to similar improvements within the subject subdivision.~~
- ~~(2) **When Improvements May Not Be Required.**~~
- ~~(a) Within the Non-Urban Area, off-road trail improvements may not be required if the Planning Director determines that the provision of such improvements will not provide needed linkages or connections to existing or planned trail improvements.~~
  - ~~(b) The Planning Director may not require any combination of pedestrian, bicycle or off-road trail improvements that would constitute more than ten percent of the allowable impervious coverage for the subject subdivision, calculated on the basis of the impervious surface area allowed without provision of stormwater management devices.~~
- ~~(3) **Design Standards.**~~
- ~~(a) Within the Non-Urban Area, the design, location, and construction of required off-road trail improvements must comply with applicable county policies and plans for off-road trails, including those of the Consolidated Open Space Plan, the Transportation Plan and NCDOT guidelines and standards, as applicable.~~
  - ~~(b) Off-road trails should incorporate safe and efficient connections to pedestrian and bicycle improvements located within road rights-of-way, but may not be used as service roads.~~
  - ~~(c) Off-road trails must be designed to maximize the safety of users and the security of adjoining properties with respect to location and visibility.~~

[OA 04/09 January 18, 2005; Amended on 8/1/2011 by OA 02-11]

### 1-12 Intent.

It is intended that decisions made pursuant to this Ordinance will be consistent with both the express terms of this ordinance and with the spirit and intent of the ~~Land Use~~ Comprehensive Plan, Transportation Plan, and the Consolidated Open Space Plan.

### 3-20 Residential Watershed Districts.

#### 3-20-1 Description.

- (A) The R-80W and R-40W zoning districts are known as residential watershed districts. These districts allow very-low-density residential development in the form of single-family detached dwellings and duplexes. A limited number of nonresidential uses are also allowed, but generally only if the Board of Adjustment first reviews and approves a site plan and Special Use Permit for such use.
- (B) Those proposing residential development in the residential watershed districts may elect to comply with the conventional development standards of Sec. 5-11 or the ~~cluster~~, open space ~~or conservation development~~ standards of Sec. 5-12.

### 3-21 Non-Watershed Residential Districts.

3-21-1 **Description.** The R-80, R-40, R-30, R-20, R-15, R-10, and R-5 districts are known as non-watershed residential districts. These districts allow a range of very-low to moderate-density residential development and various building forms, depending on the specific district. A limited number of nonresidential uses are also allowed. Some nonresidential uses are permitted by-right; others are allowed only within designated ~~activity centers~~ multi-use districts and then only if the Board of Adjustment first reviews and approves a site plan and Special Use Permit for such use.

#### 3-21-2 Application.

- (A) The R-80 districts are intended to be applied outside of water supply watersheds in areas designated in the Land Use Comprehensive Plan for residential development at densities of less than one dwelling unit per acre.
- (B) The R-40, R-30, R-20 and R-15 districts are intended to be applied outside of water supply watersheds in areas designated in the Land Use Comprehensive Plan for residential development at densities of one—four units per acre.
- (C) The R-10 district is intended to be applied outside of water supply watersheds in areas designated in the Land Use Comprehensive Plan for residential development at densities of four—eight units per acre.
- (D) The R-5 district is intended to be applied outside of water supply watersheds in areas designated in the Land Use Comprehensive Plan for residential development at densities of more than eight units per acre.

### 3-23 HD, Highway District.

#### 3-23-5 Other District-Specific Regulations.

- (A) **Impervious Surface Coverage.**
  - (1) For residential uses, the total impervious surface coverage of any lot or parcel may not exceed 30 percent of the area of that lot or parcel except for lots within ~~cluster and~~ open space subdivisions, where this impervious surface coverage limit must be increased by a percentage

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equal to the percentage of the subdivision site dedicated or reserved as permanent open space.  
NOTE: other state and/or county regulations may impose stricter limits.

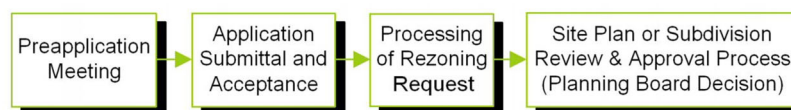
- (2) For nonresidential uses, the total impervious surface coverage of any lot or parcel may exceed 30 percent of the area of that lot or parcel only if on-site detention of storm water is provided for the runoff in excess of that which would occur with 30 percent impervious surface coverage.  
NOTE: other state and/or county regulations may impose stricter limits.

### 3-53 CMU and RMU, Mixed-Use Districts.

#### 3-53-1 Purpose.

- (A) There are two types of Mixed-Use zoning districts—the Classic Mixed-Use district, which must be located within ~~an activity-center a multi-use district~~ as designated on the Wake County ~~Land-Use Comprehensive Plan~~ and the Residential Mixed-Use district, which is not required to be within a designated ~~activity-center-multi-use district~~. The Classic Mixed-Use Development zoning district is intended to help implement the Wake County ~~Land-Use Comprehensive Plan~~ in ~~Urban Services Areas (USAs) Municipal Transition Areas~~ by encouraging a mixture of residential and commercial uses in a single development, while the Residential Mixed-Use district is intended to encourage residential developments with a mix of housing types and unit sizes.
- (B) Classic Mixed-Use districts (CMU) are intended to provide a rich mix of residential, shopping, employment and recreational uses and be surrounded by residential areas adequate in size and population to help support the nonresidential uses within designated ~~activity-centers multi-use districts~~. A design feature that helps ensure ~~activity-centers multi-use districts~~ and residential support areas are compatible in terms of land use type and density is transitional development. Design guidelines for ~~activity-centers multi-use districts~~ place an emphasis on achieving safe and efficient access to thoroughfares, highly connected roads and paths, and visual compatibility of development within the ~~activity-centers multi-use districts~~ with surrounding residential areas.
- (C) Residential Mixed-Use districts (RMU) are intended to encourage unified residential developments that offer a mix of housing types such as apartments, condominiums, townhouses and/or single-family detached homes. This will provide a range of housing opportunities to a diversified economic group while creating a sense of a unified neighborhood.

#### 3-53-2 Approval Procedure.



- (A) **Process Generally.** Requests to establish a Classic Mixed-Use district (CMU) or a Residential Mixed-use district (RMU) must first be determined to be consistent with the Wake County ~~Land-Use Comprehensive Plan~~. Once a consistency determination has been made, the application to establish a Mixed-Use district or a Residential Mixed-Use district must include the following:
- (1) An application for rezoning to the CMU or RMU district; and
  - (2) A Concept Plan for the subject property, which must be processed concurrently with the rezoning application.
- (B) **Pre-Application Meeting.** Before filing an application for CMU or RMU zoning, applicants must schedule and attend a pre-application conference with Planning Department staff.
- (C) **Required Contents of a Concept Plan.** Concept Plans must address the general density, mix of uses (or housing types), and the development patterns within the proposed development. The intent is to



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provide sufficient information to determine consistency with the spirit and intent of the ~~activity-center multi-use district~~ objectives, policies and design guidelines in the Wake County ~~Land-Use Comprehensive~~ Plan. Minimum requirements for Concept Plans include:

- (1) Location and size of the property proposed for development;
  - (2) Proposed gross density of the mixed-use development, including the maximum number of dwelling units and gross floor area of nonresidential uses;
  - (3) A general concept plan showing major and minor transportation corridors and pedestrian linkages throughout the area proposed for development, including appropriate linkages within the project and between the proposed project and adjacent areas;
  - (4) Generalized categories of land uses proposed including approximate total percentages of land area and general locations devoted to residential, office, commercial, and institutional uses;
  - (5) Specifications for the buffering/screening around the perimeter of the mixed-use development, as well as between internal components of the mixed-use development;
  - (6) A written report on how the plan complies with the ~~Land-Use Comprehensive~~ Plan's design guidelines;
  - (7) Plans for providing centralized water and wastewater service, or public water and sewer service, to the property; and
  - (8) A traffic impact analysis, if required pursuant to Sec. 15-12.
- (D) **Approval Criteria for Concept Plans.** Proposed Concept Plans must be reviewed for compliance with the following approval criteria:
- (1) CMUs and RMUs must be consistent with the requirements of this section;
  - (2) CMUs must include an appropriate mix of land uses for the overall ~~activity-center multi-use district~~, based on the ~~activity-center multi-use district~~ polices of the ~~Land-Use Comprehensive~~ Plan;
  - (3) CMUs must be consistent with ~~activity-center multi-use district~~ design guidelines of the ~~Land-Use Comprehensive~~ Plan;
  - (4) RMUs are encouraged to include a mix of housing types, including moderate- or higher-density housing;
  - (5) RMUs must comply with the allowable densities as defined in the relevant Area Land Use Plans.
  - (6) CMUs and RMUs must provide some outdoor open space for public use, such as a park, village green, or plaza.
  - (7) CMUs and RMUs must be compatible with the use and value of adjoining properties.
- (E) **Effect of Approval.**
- (1) Once CMU (or RMU) zoning and the accompanying Concept Plan have been approved by the Board of County Commissioners, all subsequent site and/or subdivision plans submitted within the boundaries of the subject mixed-use district must be consistent with the terms of the approved Concept Plan for that district.
  - (2) Except as expressly approved as part of the Concept Plan, all development within the CMU (or RMU) district is subject to compliance with all applicable standards of this ordinance.

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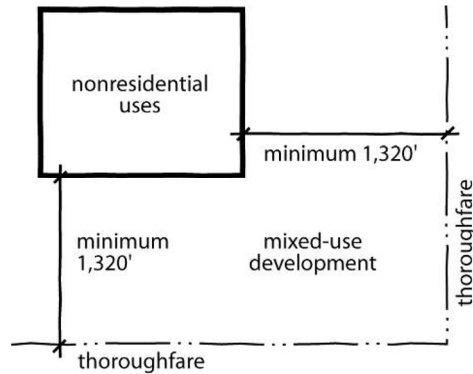
- (3) The approval of a Concept Plan will not become effective until the applicant has submitted a copy of the final Concept Plan incorporating all changes that were required as conditions of the Board of County Commissioners' approval.
- (4) Upon receipt of the revised Concept Plan, the Planning Director must verify the incorporation of the changes, sign the plan "approved" and provide a signed copy of the plan to the applicant. The original must be retained for the records of the Planning Department. The County may require additional copies of the approved Concept Plan to aid other County Departments or outside agencies in their review of the subsequent site and/or subdivision plans.
- (F) **Concurrent Processing of Plans.** An application for Concept Plan approval and any application for site and/or subdivision plan approval may be filed and processed simultaneously, provided that review and decision-making bodies must render separate recommendations and decisions on each application.
- (G) **Changes to Approved CMU or RMU Districts.** The boundaries of a CMU or RMU district may be amended by following the same procedure required for establishment of CMU or RMU zoning. Major modifications of approved Concept Plans will also be processed in the same manner as new applications for CMU or RMU zoning. Minor technical modifications that pose no potential for adverse impacts on surrounding properties or developed portions of a CMU or RMU district may be approved at the time of site plan or subdivision plan review.
- (H) **Duration of Approved CMU or RMU Districts.** There is no expiration date for CMU or RMU districts once the rezoning has been approved by the Board of Commissioners, however, any subsequent site and/or subdivision approvals are subject to the time limitations established elsewhere in this ordinance.

3-53-3 **Minimum Land Area.** The minimum land area for a CMU or a RMU district is 25 acres, or 25 percent of the land area of the designated ~~activity-center multi-use district~~, whichever is less.

3-53-4 **Allowed Uses.**

- (A) The uses allowed in a CMU district must be established at the time of Concept Plan approval.
- (B) Allowed uses must be consistent with the ~~activity-center multi-use district~~ policies of the Wake County ~~Land Use Comprehensive~~ Plan.
- (C) A CMU district must include a mix of residential and nonresidential uses. Residential uses must occupy at least 25 percent of the gross floor area or gross acreage of the project. Higher density residential development is encouraged, such as multi-family, traditional neighborhood development, or dwellings over shops. Building permits may not be issued for more than 50 percent of the commercial floor area until Certificates of Occupancy have been issued for at least 25 percent of the residential units, unless the entire development is comprised of one building.
- (D) The residential mix of housing types, general size ranges of residential units, and overall density and its dispersal pattern throughout the development must be established at the time of Concept Plan approval in an RMU district.
- (E) An RMU district, that is located outside of ~~an activity-center a multi-use district~~, may contain up to 20,000 square feet of nonresidential building space that will be used for neighborhood supporting functions such as, but not limited to, a convenience store, restaurant, or other low-impact uses. To help ensure that these facilities serve only the immediate neighborhood, they must comply with the following criteria:
  - (1) Be located at least one-quarter of a mile (1,320 feet) from the thoroughfare(s) adjacent to the perimeter of the mixed-use development;

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- (2) Prohibit the posting of any signage along the thoroughfare(s) adjacent to the perimeter of the mixed-use development;
- (3) Provide only one-half of the number of parking spaces that would normally be required for the specific use(s) in an effort to encourage pedestrian or bicycle usage.

3-53-5 **Lot and Building Standards.** The following lot and building standards apply in CMU and RMU districts:

- (A) **Urban Areas.** Within areas of the county designated as "[urban services areas](#)" [Municipal Transition Areas](#) by the Wake County [Land Use Comprehensive Plan](#) [Development Framework Map](#), residential development within a CMU or an RMU district may be approved at densities not to exceed the density levels allowed in the Residential-5 (R-5) zoning classification. The lot and building standards applicable to the Heavy Commercial (HC) district apply in such areas unless otherwise specified at the time of Concept Plan approval. Furthermore, the Concept Plan must specify, at a minimum, the following regulatory standards:
- (1) The maximum height, number of stories, and size of buildings and other structures;
  - (2) The maximum percentage of individual lots and the site as a whole that may be covered with impervious surfaces (as determined by all state and local-watershed and stormwater regulations);
  - (3) The minimum size and dimensions of yards and open spaces;
  - (4) The maximum density allowed/proposed;
  - (5) The location and use of all buildings, structures, and land;
  - (6) The proposed number and location of parking spaces;
  - (7) The proposed internal screening between uses (external screening must comply with the applicable general ordinance provisions); and
  - (8) Any additional information deemed appropriate by the Planning Director, Planning Board and/or the Board of Commissioners.

3-53-6 **Design Guidelines.** The design guidelines of this section are to be used in evaluating Concept Plans:

- (A) **Access to Thoroughfares.**
- (1) Access points onto thoroughfares should have sight distances that are adequate to permit safe stopping of vehicles. Minimum sight-distances are as established by the American Association of State Highway Traffic Officials (AASHTO), or as otherwise approved by the North Carolina Department of Transportation:

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- (2) Access points should be located adequate distances (at least 400 feet) from thoroughfare intersections and from other access points to permit safe and efficient traffic flows. Where this separation is unachievable due to parcel dimensions or natural constraints, access points should be as far away as practicable from intersections and other access points. Vehicular full access turning motions will be considered on a case-by-case basis.
  - (3) Each lot should be limited to one point of access to an adjacent thoroughfare, for each 400 feet of lot frontage. Access points should be combined to serve multiple lots or uses whenever practicable.
  - (4) Turning lanes or deceleration lanes to NCDOT standards should be installed along abutting thoroughfares.
  - (5) All thoroughfare improvements must conform to the requirements of the Transportation Plan, any required Traffic Impact Analysis, and/or NCDOT.
- (B) **Connectivity.**
- (1) The site design should, to the maximum extent practicable, conform to the following activity center design criteria:
    - (a) Provide parking areas to the side or rear of buildings out of view of roadways and residential areas;
    - (b) Maximize the connection of interior access drives or streets within the project with surrounding streets, projects, or subdivisions;
    - (c) Encourage the use of alleys;
    - (d) Include pedestrian access that connects the project with residential areas within, or adjacent to, the project; and
    - (e) Provide connections to any existing or planned greenway within or adjacent to the project.
- (C) **Building Architecture and Materials.**
- (1) Buildings should include windows or doors for each story (upper story windows may be real or faux) visible from a residential district or public right-of-way.
  - (2) A residential scale and proportion is encouraged in neighborhood ~~activity centers~~ multi-use districts. The mass of buildings may be de-emphasized in a variety of ways including varied facades or projecting or recessed sections to reduce apparent bulk. Such breaks in facades should occur at least every 50 feet of building length.
  - (3) There should be solid screening for all mechanical equipment, electrical equipment, plumbing vents, ducts or other utility structures that will be visible from a public road or residential district.
  - (4) The county's historic preservation ordinance and guidelines supersede these guidelines where applicable.
- (D) **Landscaping.**
- (1) Existing trees and vegetation should be saved whenever practicable. Isolated stands of trees should be preserved and incorporated into the site design.
  - (2) Foundation landscaping, including grass and trees or shrubs/hedge plants, should be provided along building fronts and sides.
- (E) **Signs.**

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- (1) A unified sign plan must be developed and approved by the Planning Department that identifies the locations, common or coordinated themes, colors, and materials for all proposed signage.
- (2) Lighting impacts of signs should be minimized. Signs legible from residential districts or public roads should not include flashing lights, strings of lights, or beacons. Signs cannot be internally illuminated.
- (3) Freestanding ground signs should not exceed eight feet in height and 32 square feet in area per side. Smaller signs (four feet in height and eight square feet in area per side) are preferred where they can accommodate the sign's message. No pole signs are allowed. Only one sign is allowed per road frontage of the development.
- (4) Building signs (including wall and projection signs) should be no taller than the lower eave line or roofline, and should project from the building no more than four feet. Their surface area should not exceed five percent of the total area of the building facade(s) on which the signs are located.

### 3-71 SHOD, Special Highway Overlay District.

#### 3-71-1 Purpose; ~~Locational Criteria and Intent.~~

- (A) The SHOD, Special Highway Overlay district is intended to ensure that lands adjacent to Special Highways are developed in a manner that maintains or enhances the natural scenic beauty and wooded character viewed by travelers on the Special Highway. Further, it is intended to mitigate potential adverse impacts of the Special Highway on adjacent land uses.

~~(B) The SHOD overlay district is intended to be applied to areas identified as Special Transportation Corridors in the Wake County Land Use Plan.~~

### 3-73 RCOD-2, Resource Conservation Overlay District 2.

#### 3-73-1 Purpose and Intent.

- (A) The RCOD-2 overlay district is intended to protect and preserve the water quality of special watersheds while allowing the orderly development of land in the watersheds of these sensitive areas. The purpose of these regulations is consistent with the Wake County [Land Use Comprehensive Plan](#) and otherwise advance the public health, safety, and general welfare.

### 3-74 WSO, Water Supply Watershed Overlay District.

#### 3-74-3 Applicability.

- (A) **WSO-2NC Designated Area.** Land in a water supply watershed classified WS-II (e.g., the Little River watershed) that is outside of the watershed's critical area and that:
  - (1) Is already located in an underlying district that does not apply appropriate watershed protection standards; or
  - (2) Is located within an [Urban Services Municipal Transition Area/Water Supply Watershed](#) ~~(as designated in the Land Use Plan)~~ and is being rezoned, in accordance with an adopted joint land use plan, to an underlying district that does not apply appropriate watershed protection standards.
- (B) **WSO-3NC, Designated Area.** Land in a water supply watershed classified WS-III (e.g., the Swift Creek watershed) that is outside of the watershed's critical area and that:
  - (1) Is already located in an underlying district that does not apply appropriate watershed protection standards; or

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- (2) Is located within an Urban Services Municipal Transition Area/Water Supply Watershed ~~(as designated in the Land Use Plan)~~ and is being rezoned, in accordance with an adopted joint land use plan, to an underlying district that does not apply appropriate watershed protection standards.
- (C) **WSO-3CA, Designated Area.** Land in the critical area of a water supply watershed classified WS-III (e.g., the Swift Creek watershed) that:
- (1) Is already located in an underlying district that does not apply appropriate watershed protection standards; or
  - (2) Is located within an Urban Services Municipal Transition Area/Water Supply Watershed ~~(as designated in the Land Use Plan)~~ and is being rezoned, in accordance with an adopted joint land use plan, to an underlying district that does not apply appropriate watershed protection standards.
- (D) **WSO-4P, Designated Area.**
- (1) **WSO-4P-1.** The WSO-4P-1 subdistrict includes land in the protected area of a water supply watershed classified WS-IV—other than the Falls Lake watershed (e.g., the Jordan Lake, Cape Fear (Lillington), Cape Fear (Sanford) and Upper Neuse River/Richland Creek watersheds)—that:
    - (a) Is located in an underlying district that does not apply appropriate watershed protection standards; or
    - (b) Is located within an Urban Services Municipal Transition Area/Water Supply Watershed ~~(as designated in the Land Use Plan)~~ and is being rezoned, in accordance with an adopted joint land use plan, to an underlying district that does not apply appropriate watershed protection standards.
  - (2) **WSO-4P-2.** The WSO-4P-2 subdistrict includes land in the protected area of a water supply watershed classified WS-IV—other than the Falls Lake watershed (e.g., the Jordan Lake, Cape Fear (Lillington), Cape Fear (Sanford) and Upper Neuse River/Richland Creek watersheds)—that:
    - (a) Has been, or is committed to being, developed with basin-wide or other large-area stormwater management systems with lakes and detention facilities that provide protection of water quality beyond that provided by limiting the impervious surface coverage of individual developments; and
    - (b) Makes up no more than ten percent of the total land area of that portion of the watershed outside of its critical area and within the county's zoning jurisdiction as of July 1, 1995.

### 3-74-7 Lot and Building Standards.

- (A) **General.** The use and development of land or structures within all WSO overlay districts must comply with the use and development regulations applicable to the underlying zoning district, except that the standards of this subsection apply whenever they are more restrictive than those of the underlying zoning district.
- (B) **WSO-2NC, WSO-3CA and WSO-3NC Districts.** Development within WSO-2NC, WSO-3CA and WSO-3NC overlay districts must comply with the following standards whenever they are more restrictive than those of the underlying zoning district.

Overlay District	Minimum Lot Area (sq. ft.)	Maximum Density (lots/acre)	Max. Impervious Surface
WSO-2NC [1]	40,000	1	12 percent
WSO-3CA [1]	40,000	1	12 percent

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WSO-3NC [2]	20,000	2	24 percent
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[1] In WSO-2NC and WSO-3CA districts, residential lots of at least 40,000 square feet in area and residential lots in an ~~an cluster subdivision~~, open space subdivision or existing Cluster and Consolidated Open Space Developments with an overall lot density no more than one lot per acre are not subject to impervious surface coverage limits except as required by the underlying zoning. For all other residential lots and for nonresidential developments in those districts, impervious surface coverage may not exceed 12 percent of the total area of the site, as designated on the site plan.

[2] In WSO-3NC districts, residential lots of at least 20,000 square feet in area and residential lots in an ~~an cluster subdivision~~, open space subdivision or existing Cluster and Consolidated Open Space Developments with an overall lot density of no more than two lots per acre are not subject to impervious surface coverage limits except as required by the underlying zoning. For all other residential lots and for nonresidential developments in those districts, impervious surface coverage may not exceed 24 percent of the total area of the site, as designated on the site plan.

- (C) **WSO-4P Districts.** Development within WSO-4P districts must comply with the following standards whenever they are more restrictive than those of the underlying zoning district.
- (1) **With Curb and Gutter.** In a development served by a curb and gutter system, residential lots of at least 20,000 square feet in area and residential lots in an ~~an cluster subdivision~~, open space development or existing cluster and consolidated open space developments with an overall lot density no more than two lots per acre, are not subject to impervious surface coverage limits except as required by the underlying zoning. For all other residential lots and for nonresidential developments, the following standards apply:
- (a) **WSO-4P1.** In the WSO-4P1 district, impervious surface coverage may not exceed 24 percent of the total area of the site, as designated on the site plan.
- (b) **WSO-4P2.** In the WSO-4P2 district, impervious surface coverage may not exceed 30 percent of the total area of the site, as designated on the site plan.

Commentary: Curb and gutter are limited in water supply watersheds. See Sec. 8-32-18.

- (2) **Without Curb and Gutter.** In a development not served by a curb and gutter system, residential lots of at least 15,000 square feet in area and residential lots in an ~~an cluster subdivision~~, open space development or existing cluster and consolidated open space developments with an overall lot density no more than two lots per acre, are not subject to impervious surface coverage limits except as required by the underlying zoning. For all other residential lots and for nonresidential developments, impervious surface coverage may not exceed 30 percent of the total area of the site, as designated on the site plan.

### 4-10 Explanation of use table.

4-10-1 **Use Classification System.** The first column of the use table lists the use groups, use categories and specific use types allowed in Residential, Commercial and Industrial zoning districts. This use classification system is further described in Sec. 4-11.

4-10-2 **Permitted Uses.** Uses identified with a "P" are permitted as of right in the subject zoning district, subject to compliance with all other applicable regulations of this ordinance.

4-10-3 **Special Uses.** Uses identified with an "S" are allowed only if reviewed and approved in accordance with the Special Use Permit procedures of Sec. 19-23. Uses identified with an "S\*" must be located within an ~~activity-center multi-use district~~ in accordance with the Wake County Land Use Comprehensive Plan and reviewed and approved in accordance with the Special Use Permit procedures of Sec. 19-23.

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Commentary: Special Use Permits are required to meet the conclusions required for approval found in Sec. 19-23-8 including consistency with the Wake County [Land Use Comprehensive Plan](#). To be consistent with the [Land Use Comprehensive Plan](#), some special uses must be located within a designated [activity-center multi-use district](#).

### 4-11 Use Table.

Uses are allowed in zoning districts in accordance with the use table of this section (continues on the following page).

**P=Permitted use (as-of-right)    S=Special use approval req'd (19-23)**  
**S\*=Special use approval req'd (in [AC MUD](#) and 19-23)    - =Prohibited**

### 4-41 Golf Course.

4-41-1 **~~Cluster and~~ Open Space Subdivisions.** Golf courses within ~~cluster or~~ open space subdivisions must be located on an open space parcel reserved or dedicated for active recreation on a record plat for the ~~cluster or~~ open space subdivision, except in water supply watersheds. No direct glare from lights may be visible at any adjoining property lines.

4-41-4 **Outside of ~~Cluster or~~ Open Space Subdivisions and Residential Watershed Districts.**

Golf courses outside of ~~cluster or~~ open space subdivisions (with or without country clubs) are permitted where indicated in the use table, except that driving ranges and miniature golf courses are not permitted as part of golf courses. Country clubs may include driving ranges for daytime use of club members. Golf courses may be allowed in water supply watersheds only after review and approval of a Special Use Permit by the Board of Adjustment (See 19-23).

### 4-48 Mining.

4-48-2 **General.**

- (C) Mining may occur in any Wake County zoning district except R-80W, R-40W, WSO-2NC, WSO-3CA, WSO-3NC, and WSO-4P districts, where this use is prohibited, subject to the terms and conditions of this section and Sec. 19-23. This does not apply to the continuing operations and expansion of existing legally permitted facilities. Mining for special materials, however, may occur as a temporary special use in R-80W, R-40W, WSO-2NC, WSO-3CA, WSO-3NC, and WSO-4P districts subject to the terms and conditions of Sec. 19-23-8. To aid in the interpretation of the word "harmony" in Sec. 19-23-8(D), the following guidelines must be used:
- (1) The operation will not constitute a substantial physical hazard to a neighboring residence, school, church, hospital, commercial, or industrial building, public road, or public property;
  - (2) The operation will not have a significantly adverse effect on the purposes of a publicly owned park, forest, or recreation area;
  - (3) The operation will not have an adverse effect on public, community, or private water supplies, surface or ground waters, including but not limited to water supply watershed areas as designated in the Wake County [Land Use Comprehensive Plan](#); and
  - (4) A Special Use Permit will automatically expire if, at any time after its issuance, the State mining permit is revoked or terminated.

### 4-52 Security Sales and Service Businesses.

Security sales and service businesses must comply with the following standards:



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4-52-1 Security sales and service businesses may not be located within a watershed area, but are permissible within ~~activity centers multi-use districts and residential support areas~~ as identified in the Wake County ~~Land Use Comprehensive~~ Plan, which are zoned R-80 or R-40.

### 4-55 Swimming Pools and Tennis Clubs.

4-55-1 Swimming pools and tennis clubs within an ~~cluster or~~ open space subdivision must be located on an open space parcel reserved or dedicated for active recreation on a record plat for the ~~cluster or~~ open space subdivision. No direct glare from lights may be visible at any adjoining property lines.

4-55-2 Swimming pools and tennis clubs are allowed outside of ~~cluster and~~ open space subdivisions, provided no direct glare from any light source is visible at any adjacent property line.

Commentary: There may be additional regulations regarding pools in addition to zoning. The North Carolina Rules Governing Public Swimming Pools and/or the Wake County Pool Rules administered by Wake County Environmental Services may apply when instruction or commercial activities are involved.

### 4-59 Elimination and Redevelopment of Nonconforming Use.

4-59-3 **Standards.** All uses authorized under this Section 4-59 must comply with the following standards:

- (A) **Location of Commercial Uses Limited.** All uses included within the Commercial Use Group (as defined in subsection 4-23 et seq. of this ordinance) authorized under this 4-59 must be located within an ~~Activity Center multi-use district~~ designated in the Wake County ~~Land Use Comprehensive~~ Plan. Subject to approval by the Board of Adjustment, open space, utility lines, wastewater systems, and stormwater detention, retention and treatment facilities associated with any such use may extend beyond the boundaries of an ~~Activity Center multi-use district~~.

### 5-10 General.

Residential development must comply with the conventional development standards of Section 5-11 or the ~~cluster or~~ open space development standards of 5-12.

### 5-11 Conventional Development.

5-11-1 **Residential Watershed Districts.** The following standards apply in the residential watershed districts unless otherwise expressly stated. Special standards apply, for example, to approved ~~cluster or~~ open space developments, attached houses and lot line houses. See Part 3 of this Article for rules governing measurement of and exceptions to these standards.

5-11-2 **Non-Watershed Residential Districts.** The following standards apply in the non-watershed residential watershed districts unless otherwise expressly stated. Special standards apply, for example, to approved ~~cluster or~~ open space developments, attached houses and lot line houses. See Part 3 of this Article for rules governing measurement of and exceptions to these standards.

### 5-13 Lot Line (single-family) Houses.

5-13-2 All lot line houses must comply with the lot and building standards that apply to the type of development (conventional, ~~cluster~~ or open space) in which such houses are located, except when those standards are expressly modified by the lot line house standards of this section.

**5-14 Attached (single-family) Houses.**

5-14-1 **General.** Attached (single-family) houses are allowed in accordance with the use table of Section 4-11.

- (A) All attached houses must comply with the lot and building standards that apply to the type of development (conventional, ~~cluster~~ or open space) in which such houses are located, except when those standards are expressly modified by the attached house standards of this section.

**5-20 Conventional Development.**

The following standards apply to all lots other than those located in approved ~~cluster or~~ open space developments (See Part 3 of this Article for rules governing measurement of and exceptions to these standards):

	O&I	GB	HC	I-1 and I-2
Minimum Lot Area (square feet) <sup>[1]</sup>	None			
Minimum Required Setbacks (feet)				
Front and Corner	40	50	50	50
Side	20	25; none when abutting railroad		25; none when abutting railroad
Rear	25	25; none when abutting railroad; 50 from right-of-way		25; none when abutting railroad; 50 from right-of-way
Maximum Impervious Coverage <sup>[1] [2] [3]</sup>	None			
Maximum Building Height (feet)	None			

**6-11 General Bonus Limits.**

Unless otherwise expressly stated, the bonuses listed in this Article may be combined, provided that the total cumulative density bonus may not exceed the maximum density allowed in the underlying zoning district by more than 35 percent. Bonuses that are in direct conflict with the density guidelines of the ~~Land Use Comprehensive~~ Plan are prohibited.

**6-22 ~~Activity Center Multi-Use District~~ Design.**

6-22-1 Mixed-use projects (developments that include residential and nonresidential land uses) within designated ~~activity center multi-use district~~ locations are eligible for density bonuses of up to 20 percent, subject to compliance with the standards of this section.

6-22-2 Projects for which ~~activity center multi-use district~~ design density bonuses are requested must be located with a mixed-use district and reviewed and approved as a mixed-use development, in accordance with Sec. 3-53.

6-22-3 In order to approve requested density bonuses, review and approval bodies must determine that the proposed project complies with the ~~activity center multi-use district~~ guidelines from ~~Chapter III of the Wake County Land Use the Comprehensive~~ Plan. This determination must be based on whether the project is in strict compliance with the following plan guidelines:

- ~~(A) Proper access to thoroughfares;~~
- ~~(B)(A) Connectivity;~~
- ~~(C) Building architecture and materials;~~

~~(D) Signs; and~~

~~(E)(B) Activity center Multi-use district size and spacing; and~~

~~(C) Collaborative Design Process if the project is proposed in a future municipal multi-use district.~~

## 8-14 Compliance with Plans and Other Applicable Regulations.

8-14-1 It is intended that subdivisions will be designed to be consistent with the spirit and intent of the Land Use Comprehensive Plan, the Transportation Plan, Greenway System Plan, and the Consolidated Open Space Plan.

## 8-31 Lots.

8-31-1 **Development Options.** Lots may be designed and laid out to comply with the conventional development standards of Sec. 5-1 or the ~~cluster and~~ open space development standards of Sec. 5-12.

## 8-32 Roads.

### 8-32-4 Public Roads.

- (A) Public roads must be designed in accordance with the Minimum Construction Standards for Subdivision Roads established by the North Carolina Department of Transportation, Division of Highways. When other Wake County regulations impose higher or more restrictive standards, the higher or more restrictive standard governs.
- (B) Within the ~~Short Range Urban Services Area~~ Walkable, Community, and Community Reserve areas identified on the Comprehensive Plan Development Framework Map, the Planning Director ~~is authorized to may~~ require that roads serving 12 or more lots be designed and constructed in accordance with applicable municipal standards.
- (C) Designation of any road on a plat as public will be conclusively presumed to be an offer of dedication to the public.

### 8-32-5 Private Roads.

- (C) **Class A and Class B Private Roads.** Two types of private roads are allowed, depending on the number of lots to be served.
  - (1) "Class A" private roads are allowed only when the proposed private road will provide or have the potential to provide access to an area with an ultimate development potential of seven or more lots.
  - (2) "Class B" private roads are allowed only when the proposed road will provide or have the potential to provide access to an area with an ultimate development potential of six or fewer lots. No extension of a "Class B" private road will be allowed if such extension will provide or have the potential to provide access to an area with an ultimate development potential of more than six lots. Extensions of such roads that will result in the provision of more than six lots may be allowed only if the entire length of the road is brought up to applicable "Class A" private or public road standards (depending on the number of lots to be served).
  - (3) For the purpose of determining "ultimate development potential," the Planning Director must consider the number of lots within the subject subdivision that will have access to the proposed road and to the likelihood that the proposed road will or could be extended to adjoining property.

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- (4) No subdivision plat that shows lots served by private roads may be recorded unless the record plat contains the following notation: "further subdivision of any lot shown on this plat may be prohibited unless the private road is improved in accordance with applicable standards."
- (5) Within the ~~Short Range Urban Services Area~~ **Walkable, Community, and Community Reserve areas identified on the Comprehensive Plan Development Framework Map**, the Planning Director ~~is authorized to may~~ require that all roads be designed and constructed in accordance with applicable municipal standards.

### 8-32-17 Cul-de-Sacs.

#### (A) Length.

- (2) The Planning Director is authorized to increase the cul-de-sac length limit of paragraph 8-32-17(A)(1) by up to 35 percent if they determine, based on evidence submitted by the subdivider, that:
  - (a) It is impracticable to provide the area proposed to be served by the cul-de-sac a second means of access that would avoid the cul-de-sac or allow the cul-de-sac to meet the cul-de-sac length limit because:
    - i. Intervening floodplains, wetlands, steep slopes or other natural features make it impracticable to provide the area a second means of access that would avoid the cul-de-sac or allow the cul-de-sac to meet the cul-de-sac length limit (e.g., by providing a loop road into the area of the cul-de-sac, or extending the cul-de-sac to connect to another road in the subdivision); and
    - ii. Other properties adjoining the area have already been subdivided or developed in a manner that precludes connecting the cul-de-sac to an existing or potential road system, or the area is so separated from adjoining properties by existing or proposed public parks or conservation areas or by floodplains, wetlands, steep slopes or other natural features that make it impossible or impracticable to extend or connect the cul-de-sac to the adjoining properties.
  - (b) Use of ~~cluster or~~ open space subdivision provisions would not reasonably allow both compliance with the cul-de-sac length limit of paragraph 8-32-17(A) and realization of at least 80 percent of the maximum density allowed by the site's zoning and physical characteristics; and

### 9-20 Maximum Curve Number after Development.

#### 9-20-3 Stormwater Credits.

- (D) ~~Cluster and~~ **Open Space Subdivisions.** ~~Cluster and~~ Open space subdivisions are encouraged. In applying curve number calculations to such developments, the county may not penalize such subdivisions. Calculations must take into account the lots' proportionate share of right-of-way and permanent open space.

### 11-25 Density and Impervious Surface Calculations.

11-25-1 The land area included within conservation easements and reserved conservation parcels will be included in calculating the allowable density for a ~~cluster or~~ open space subdivision.

### 12-11 Connections to Public or Community Systems.

#### 12-11-2 Public Systems.

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- (E) Municipal water/wastewater systems may not be extended into ~~Non-Urban Rural~~ (as designated on the Comprehensive Plan Development Framework Map) Area Water Supply Watersheds except when deemed necessary by the Planning Director or Planning Commission to provide water or wastewater service when on-site systems (e.g., wells, septic systems) have failed.
- (F) All extensions of an adjacent county, water and/or sewer district or water and/or sewer authority, or the sale of "bulk water" by a public utility must be approved by the Board of Commissioners. These extensions may only be approved through a planned water and/or sewer interlocal extension agreement, which is identified by an approved Service Boundary Map by Wake County, the applicable municipality, and the service provider's governing body.
- (G) Wake County will allow an extension if it finds after a public meeting that all of the following conditions are met:
  - (1) The residents of the area will benefit from the extension of the services.
  - (2) The extension of the service is consistent with the Wake County Land-Use Comprehensive Plan, unless the extension is necessary to replace a failing water or wastewater system that constitutes a public health threat, as described in 12-11-2(E).
  - (3) There is an interlocal agreement that includes the future ownership and maintenance of the provided services, between the service provider and the relevant municipality for the extension of services (water and sewer).
  - (4) There is not an adopted plan to provide water and/or sewer services to the proposed area by the relevant municipality within the next five years. If an adopted plan already exists, then that plan must first be amended before allowing the proposed water and/or sewer extension.
- (H) The extension of a municipal water or sewer system within another municipality's Urban-Services Transition Area is allowed, provided that each municipality's governing boards have approved an interlocal agreement (including provisions for future ownership and maintenance) for those extensions.
- (I) ~~Within Long-Range Urban-Services Areas as designated on the Wake County Land-Use Plan General Classifications Map,~~ The extension of adjacent county, water and/or sewer district or water and/or sewer authority within Wake County Planning Jurisdiction must be designed and constructed in accordance with the applicable municipal standards. If no municipal standard exist, water and sewer systems must be designed and constructed in accordance with those standards established in 12-11-3(B) and 12-11-3(C).

### 19-14 Timely Processing of Applications.

The Planning Director, Planning Board, Board of Adjustment, Board of Commissioners and all other authorized review and decision-making bodies must make every reasonable effort to process, review, and act on applications in a timely manner, consistent with the need to fully consider the application's proposed impact and ensure that it is consistent with the spirit and intent of the Wake County Land-Use Comprehensive Plan and otherwise advances the public health, safety, and general welfare.

### 19-20 Unified Development Ordinance Text Amendments.

19-20-1 **Purpose.** The text amendment procedures of this section are intended to accommodate substantive changes to this ordinance's text that are consistent with the Wake County Land-Use Comprehensive Plan and otherwise advance the public health, safety, and general welfare.

19-20-4 **Staff Review.** After accepting an application as complete, the Planning Director must review the application and analyze the proposed amendment's consistency with the Land-Use Comprehensive Plan and

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the county's other development-related policies. The Planning Director must notify the applicant of all findings and, on determining that revisions to the application could constructively address the staff findings, invite the applicant to revise the application to address those findings. If a revised application is submitted, the Planning Director must review and analyze it in the same manner as the original application. The Planning Director must prepare a staff report that summarizes the analysis and recommends approval or denial of the proposed amendment.

### 19-20-5 Planning Board Review.

- (C) **Board Review and Action.** After hearing presentations, the Planning Board must review the amendment application, the staff report, and additional information and comments submitted or presented to the Planning Board, and must recommend approval or denial of the proposed amendment in writing and within 30 days of the public hearing. Before completing its review and making its recommendation, the Planning Board may refer the application to a committee for further consideration. In deciding whether to recommend approval or denial of an amendment application, the Planning Board must consider whether the proposed amendment is consistent with the Wake County [Land Use Comprehensive](#) Plan and otherwise advances the public health, safety, and general welfare. When a recommendation is not made within the time periods established in this section, the Board of County Commissioners may process the request without a Planning Board recommendation.

### 19-20-6 Board of Commissioners Public Hearing and Review.

- (E) **Board Review and Action.** Following the public hearing, the Board of Commissioners must review the amendment application, recommendations of the Planning Director and Planning Board, and other information and comments submitted or presented at the hearing, and must approve the proposed amendment, deny the amendment application, or approve a modified amendment that is within the scope of matters considered at the public hearing. Before completing its review and making its final decision, the Board of Commissioners may postpone its discussion and/or action to a later meeting, or refer the application to a committee or back to the Planning Director and Planning Board for further consideration. In deciding whether to approve or deny an amendment application, the Board of Commissioners must adopt a statement describing whether the proposed amendment is consistent with the Wake County [Land Use Comprehensive](#) Plan and otherwise advances the public health, safety, and general welfare. The Board of Commissioners may adopt the statement furnished by staff or agencies or it may formulate its own statement.

## 19-21 Zoning Map Amendments (Rezoning).

19-21-1 **Purpose.** The zoning map amendment (rezoning) procedures of this section set forth the required review and approval procedures for changes to the zoning map that are consistent with the Wake County [Land Use Comprehensive](#) Plan and otherwise advance the public health, safety, and general welfare. They are not intended to relieve particular hardships or to confer special rights or privileges.

### 19-21-3 Contents of Application.

- (B) **Applications for Conditional Zoning District Rezoning.**
- (2) **Proposed Rezoning Conditions.**
- (a) A landowner requesting to rezone land to a Conditional Zoning district may propose conditions to be placed on the requested rezoning. The application must specify any proposed conditions, either in writing or with maps, plans, or drawings. Conditions and site-specific standards imposed in a Conditional Zoning district are limited to those that address conformance of the development to county ordinance standards and the [Land Use](#)

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Comprehensive Plan and those that address the impacts reasonably expected to be generated by the development or use of the site.

19-21-5 **Staff Review.** After accepting an application as complete, the Planning Director must review the application and analyze the proposed amendment's consistency with the Land-Use Comprehensive Plan and the county's other development-related policies. The Planning Director must notify the applicant of all findings and, on determining that revisions to the application could constructively address the staff findings, invite the applicant to revise the application to address those findings. If a revised application is submitted, the Planning Director must review and analyze it in the same manner as the original application. The Planning Director must prepare a staff report that summarizes the analysis and recommends approval or denial of the proposed amendment.

19-21-6 **Planning Board Review.**

- (C) **Board Review and Action.** After hearing presentations, the Planning Board must review the amendment application, the staff report, and additional information and comments submitted or presented to the Planning Board, and must recommend approval or denial of the proposed amendment in writing and within 30 days of the public hearing. Before completing its review and making its recommendation, the Planning Board may refer the application to a committee for further consideration. In deciding whether to recommend approval or denial of an amendment application, the Planning Board must consider whether the proposed amendment is consistent with the Wake County Land-Use Comprehensive Plan and otherwise advances the public health, safety, and general welfare. When a recommendation is not made within the time periods established in this section, the Board of County Commissioners may process the request without a Planning Board recommendation.

19-21-7 **Board of Commissioners Public Hearing and Review.**

- (E) **Board Review and Action.** Following the public hearing, the Board of Commissioners must review the amendment application, recommendations of the Planning Director and Planning Board, and other information and comments submitted or presented at the hearing, and must approve the proposed amendment, deny the amendment application, or approve a modified amendment that is within the scope of matters considered at the public hearing. Before completing its review and making its final decision, the Board of Commissioners may postpone its discussion and/or action to a later meeting, or refer the application to a committee or back to the Planning Director and Planning Board for further consideration. In deciding whether to approve or deny an amendment application, the Board of Commissioners must adopt a statement describing whether the proposed amendment is consistent with the Wake County Land-Use Comprehensive Plan and otherwise advances the public health, safety, and general welfare. The Board of Commissioners may adopt the statement furnished by staff or agencies or it may formulate its own statement.

### 19-23 Special Use.

19-23-8 **Conclusions Required for Approval.** The Board of Adjustment may not approve an application for a Special Use Permit unless it first reaches each of the following conclusions based on findings of fact supported by competent, substantial, and material evidence presented at the hearing. The considerations listed below each required conclusion are intended to suggest some of the primary concerns pertinent to reaching the conclusion, but are not intended to be all-inclusive.

- (E) The proposed development will be consistent with the Wake County Land-Use Comprehensive Plan. Considerations:

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- Unified Development Ordinance  
Article 21. Definitions and Measurement

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- (1) Consistency with the Plan's goals, objectives for the various planning areas, its definitions of the various land use classifications and ~~activity centers~~ multi-use districts, and its locational standards; and
- (2) Consistency with the municipal and joint land use plans incorporated in the Plan.

### Article 21. Definitions and Measurement

#### 21-11 Definitions.

~~*Cluster or Open Space Subdivision* means a subdivision in which lots are grouped or "clustered" on a subdivision site to allow the open space use of other parts of the site, as designed and approved in accordance with the cluster and open space subdivision standards of this ordinance. The two terms are primarily distinguished by the proportion of the total gross site area that is set aside and permanently protected as open space.~~

~~*Comprehensive Plan* means the Wake County Comprehensive Plan, including any area plans, or subsequent amendments thereof.~~

~~*Development Framework Map* means map of the Wake County Comprehensive Plan framework classifications consisting of Transit Focus, Walkable Center, Community, Community Reserve and Rural areas.~~

~~*Land Use Plan* means the Wake County Land Use Plan, including any area plans, or subsequent amendments thereof.~~

~~*Municipal Transition Area* means areas of the Wake County Comprehensive Plan Development Framework Map intended to support municipal annexation and growth consisting of Transit Focus, Walkable Center, Community, and Community Reserve.~~

~~*Open Space Subdivision* means a subdivision in which lots are grouped or "clustered" on a subdivision site to allow the open space use of other parts of the site, as designed and approved in accordance with the open space subdivision standards of this ordinance.~~

~~*Water Supply Watershed* means those lands classified as Urban Services Municipal Transition Area/Water Supply Watershed or Non-Urban Rural Area/Water Supply Watershed on the Wake County Land Use Comprehensive Plan Development Framework Map, as amended.~~