



Planning, Development & Inspections

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To: Wake County Board of Commissioners
From: Tim Maloney, Director
Subject: Unified Development Ordinance Text Amendment OA-02-22
Date: November 9, 2022

Introduction

On March 22, 2021, the Wake County Board of Commissioners adopted the Wake County Comprehensive Plan (PLANWake). PLANWake is the County's first comprehensive plan that embraces the many different community efforts and visions that will help guide growth and development over the next 10 years.

Upon adoption of the plan, staff prepared a work plan identifying key initiatives that implement the policies and goals stated in the plan. One of the key initiatives is to develop the necessary tools and strategies within the County's Unified Development Ordinance (UDO). This initiative is an attempt to look at several areas of the County's development regulations and determine where amendments need to be made that align with the goals of PLANWake. Given there are many areas to address, the amendments presented herein are the first group of several that will come forward later.

In developing the proposed amendments, staff worked collaboratively with community stakeholders and the Planning Board to find solutions that meet various interests. As a result, these amendments make a meaningful stride toward achieving several goals within PLANWake, but there's recognition that additional steps are needed and that the amendments may prompt further evolution of the regulations.

Request

That the Wake County Board of Commissioners adopt the following amendments to the Wake County UDO:

1. Amend Section 5-12 *Cluster and Open Space Development* to modify the subdivision open space requirements, provide incentive to locate open space adjacent to designated farms, and consolidate the subdivision options for development. (Attachment A)
2. Amend Section 8-30 *Natural and Historic/Cultural Resources* to incorporate the preservation and protection of "agricultural resources" when considering subdivision design. (Attachment B)
3. Amend Section 8-33 *Pedestrian, Bicycle and Trail* to incorporate standards for off-road trail easements and trail connections within new subdivisions. (Attachment C)
4. Amend various sections of the UDO to align references and language with the Wake County Comprehensive Plan (PLANWake). (Attachment D)

Amend Section 5-12 Cluster and Open Space Development to modify the subdivision open space requirements, provide incentive to locate open space adjacent to farms and consolidate the subdivision options for development. (Attachment A)

Background

The Wake County UDO provides three options to develop a regular residential subdivision (a subdivision of land resulting in more than three lots) in the County's planning jurisdiction. The three subdivision development options are Conventional, Cluster and Open Space.

A Conventional subdivision can be described as a traditional design with standards that accommodate large lots with no open space set aside. Developers tend to choose this option when the parent tract is relatively easy to build on and free from environmental features that can sometimes constrain development.

The Cluster and Open Space subdivision options are very similar in that they 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 Space subdivision designs allow for more compact and less costly networks of roads and utilities. They also require a specified portion of each subdivision be set aside and permanently preserved as open space. The primary difference between the two is that Open Space subdivisions require a connection to a community sewer system. This allows for much smaller lots since no on-site septic system is needed. More importantly, it provides the ability to set aside a greater amount of open space within the development. However, the Open Space option is rarely used because community wastewater systems, which are required for this option, are seldom used as a wastewater solution.

Analysis

Cluster and Open Space Subdivision Option:

Given that the Cluster and Open Space subdivision options are very similar, and the Open Space subdivision option as currently offered is rarely used, staff is proposing to consolidate these two options into one and call it Open Space subdivision. The standards for these two options, which allow for smaller lots and promote more efficient design and greater protection of open space and natural resources, will still be offered with the new consolidated option. This consolidation simplifies the subdivision options within the UDO.

Open Space Set Aside:

Both the Cluster and Open Space subdivision options require a specified portion of each subdivision be set aside and permanently preserved as open space. Currently, the required open space set aside in water supply watersheds is 25% and outside of water supply watersheds it's 10%. Staff is proposing to modify this requirement and make it 25% open space set aside in all unincorporated areas of Wake County. The Conventional option currently has no requirement for open set aside. Staff is not proposing any changes to that standard.

Open Space Set Aside Standards

Subdivision Option	Inside Watersheds		Outside Watersheds	
	Existing	Proposed	Existing	Proposed
Open Space (Cluster)	25%	25%	10%	25%
Conventional	0%	0%	0%	0%

It was clear through PLANWake public engagement efforts that the loss of natural areas was a key concern within our community. This amendment to modify the open space set aside requirement is a towards preserving more natural areas.

However, through conversations with the development community, there is concern that the increase in open space set aside, under certain circumstances, will result in a loss of new lots that may impact the cost of housing in that community.

Farmland Protection Incentive:

The impact of development adjacent to working farms continues to be a concern in the agricultural community. To address this, staff had conversations with several stakeholders, including Wake County Soil and Water, to discuss possible tools and strategies within the UDO. In lieu of requiring new development regulations, staff is proposing an incentive for developers who locate the open space set aside for their development adjacent to farms designated as a Voluntary Agricultural District, Enhanced Voluntary Agricultural District or a farm with a permanent conservation easement. In doing so, the open space set aside requirement could be reduced from 25% to 15%.

Overview of Changes

1. Amend Section 5-12 *Cluster and Open Space Development* to consolidate the Cluster and Open Space subdivision options into one option.
2. Amend Section 5-12 *Cluster and Open Space Development* to modify the subdivision open space set aside requirements for Open Space subdivision option.
3. Amend Section 5-12 *Cluster and Open Space Development* to provide incentive to locate open space adjacent to designated farms.

Staff Findings

1. Consolidation of the Cluster and Open Space subdivision options simplifies the residential development types offered within the UDO.
2. Modification of the open space set aside requirement (increase from 10% to 25%) outside of water supply watersheds for the Open Space (Cluster) subdivision option provides consistency across all areas of the County’s planning jurisdiction.
3. Modification of the open space set aside requirement addresses concerns over the loss of natural areas in our community.
4. Provision of the farmland protection incentive relative to open space is an initial step toward developing further tools for farmland protection.
5. The increase in open space set aside, under certain circumstances, may result in a loss of new lots that could impact the cost of housing in that community.

Amend Section 8-30 *Natural and Historic/Cultural Resources* to incorporate the preservation and protection of “agricultural resources” when considering subdivision design. (Attachment B)

Background

Wake County recognizes the importance of natural, cultural, historical and agricultural resources in our community. Preserving and protecting these resources is increasingly challenging given development pressures in our rapidly growing county.

Wake County UDO Section 8-30 currently requires due consideration be given to preserving natural features (e.g., woodlands, steep slopes, rock outcroppings, ponds, streams, rivers and lakes), as well as the preservation of historic and cultural resources (e.g., homesteads, mills, barns and archeological sites) that are of value to the County when developing a subdivision.

PLANWake also emphasizes the importance of these features while advocating for their identification and protection during the development process. The goal is to find the right tools and strategies to accomplish this.

Analysis

When reviewing UDO Section 8-30, staff recognized the need to incorporate agricultural resources as part of this standard. In doing so, staff is proposing to require new development to identify any Voluntary Agricultural Districts, Enhanced Voluntary Agricultural Districts or permanent conservation easements adjacent to the proposed subdivision. Additionally, it is proposed that the Planning Director would have the authority to require further measures that warrant the protection and preservation of natural, agricultural, cultural and historic resources as part of the overall subdivision design.

Overview of Changes

1. Amend UDO Section 8-30 to incorporate the identification of designated agricultural uses adjacent to proposed subdivision development.
2. Amend UDO Section 8-30 to include authorization for the Planning Director to require the implementation of further measures that preserve and protect natural, agricultural, cultural and historic resources as part of the overall subdivision design.

Staff Findings

1. Gives agricultural uses (and natural, cultural and historic resources) due consideration during the development review process.
 2. Incorporates a new strategy toward the preservation and protection of natural, agricultural, cultural and historic resources as part of the subdivision design.
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Amend Section 8-33 Pedestrian, Bicycle and Trail to incorporate standards for off-road trail easements and trail connections within new subdivisions. (Attachment C)

Background

Wake County UDO Section 8-33 includes regulations that are intended to implement County planning objectives that promote pedestrian and bicycle mobility, as well as recreational opportunities for county residents. These regulations encourage proposed developments to dedicate easements to accommodate future trails when opportunities arise.

A key element of PLANWake is connecting our communities and providing alternate mobility options for residents. Over the past decade, municipalities in Wake County have taken major strides in planning and implementing greenway systems within their jurisdictions. In 2017, Wake County adopted its first-ever Greenway System Plan. Together, these plans create an opportunity for many pedestrian trail connections across our community. Recognizing this trail planning has become critical in the development review process. Making sure the County has the right tools in place to make it happen is even more important.

Analysis

Prior to the adoption of the County's first greenway system plan in 2017, there were very few opportunities to consider trail connections or extensions within the County's development review process. Now, staff can refer to the Wake County Greenway System Plan, in addition to municipal plans, to help identify where trail connections/easements should be considered when proposed development projects are reviewed.

Amendments to this section propose that off-road trail (greenway) easements be provided within the proposed development when the Wake County Transportation Plan, Wake County Greenway System Plan, Wake County Consolidated Open Space Plan and/or the adjacent municipality's greenway plan indicates a trail improvement directly adjacent to the development. The proposed regulations include standards for trail easements to ensure the space required to build the trail at some point in the future is accommodating.

Overview of Changes

1. Amend UDO Section 8-33 to incorporate standards for proposed developments to dedicate off-road trail easements for future greenway trails.

Staff Findings

1. Accommodates for future off-road trails that are identified on County and municipal greenway plans.
 2. Establishes connections to existing off-road trails adjacent to the proposed development.
 3. Off-road trail easements may result in the loss of new lots that could impact the cost of housing in that community.
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Amend various sections of the UDO to align references and language with the Wake County Comprehensive Plan (PLANWake). (Attachment D)

Background

The Wake County UDO and Wake County Comprehensive Plan (PLANWake) are the two primary documents that guide growth and set standards for development in Wake County’s planning jurisdiction. Both documents work hand in hand with each other in providing that guidance. With the adoption of PLANWake in 2021, the former Land Use Plan was replaced. Throughout the UDO, there are references to the former Land Use Plan and other language that is no longer used or has changed. Now that PLANWake is in place, reference to the Land Use Plan and other out-of-date language needs to be amended in the UDO. This will align the UDO with PLANWake.

Analysis

Staff conducted a search of references and other language in the UDO that require alignment with PLANWake. The following is a list of those changes:

- “Activity Centers” have changed to “Multi-Use Districts”.
- “Urban Service Areas” are no longer used and are changed to “Municipal Transition Areas” and/or “Development Framework Map”.
- The “Land Use Plan” is replaced by the “Comprehensive Plan”.
- “Cluster” subdivisions are being combined with “Open Space” subdivisions.

Here are the sections in the UDO where these occur and are proposed for amendment.

Activity Centers	Urban Service Areas	Land Use Plan	Cluster
3-53	3-53	1-12	3-20-1B
4-10-3	3-74-3	3-21-2	3-23-5
4-11	8-32-4B	3-53	3-74-7
4-52	8-33	3-71-1	4-41
4-59-3	12-11-2	3-73-1	4-55
6-22	21-11	3-74-3	5-10
8-33		4-10-3	5-11
19-23		4-48	5-13-2
		4-52	5-14
		4-59-3	5-20
		6-11	8-31-1
		6-22-3	8-32
		8-14	9-20-3
		8-33	11-25
		12-11-2	21-11
		19-14	
		19-20	
		19-21	
		19-23	
		21-11	

Additionally, it is proposed to add four new definitions to section 21-11 as follows: “Comprehensive Plan”, “Development Framework Map”, “Municipal Transition Area” and “Open Space Subdivision”.

The proposed amendments are administrative and do not impact or change any existing permits/uses now or in the future.

Overview of Changes

1. Amend various sections of the UDO to align with PLANWake.
2. Add four new definitions in the UDO for “Comprehensive Plan”, “Development Framework Map”, “Municipal Transition Area” and “Open Space Subdivision”.

Staff Findings

1. The proposed amendments align the UDO with PLANWake
 2. The proposed amendments are administrative and do not impact or change any existing permits/uses now or in the future.
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Staff Recommendation

Staff recommends that, in the matter of OA-02-22, the Board of Commissioners finds that the proposed text amendments are consistent with the Wake County Comprehensive Plan and Wake County Unified Development Ordinance and are reasonable and in the public interest and adopt the text amendment as presented.

Planning Board Recommendation

At the October 5, 2022, Planning Board meeting:

1. The Wake County Planning Board voted 6-1 to recommend that the Board of Commissioners adopt the statement of consistency for Ordinance Amendment 02-22 as presented.

and by separate motion

2. The Wake County Planning Board voted 7-0 to recommended that the Board of Commissioners adopt Ordinance Amendment 02-22 as presented.