

Wake County Unified Development Ordinance Amendment OA-05-25

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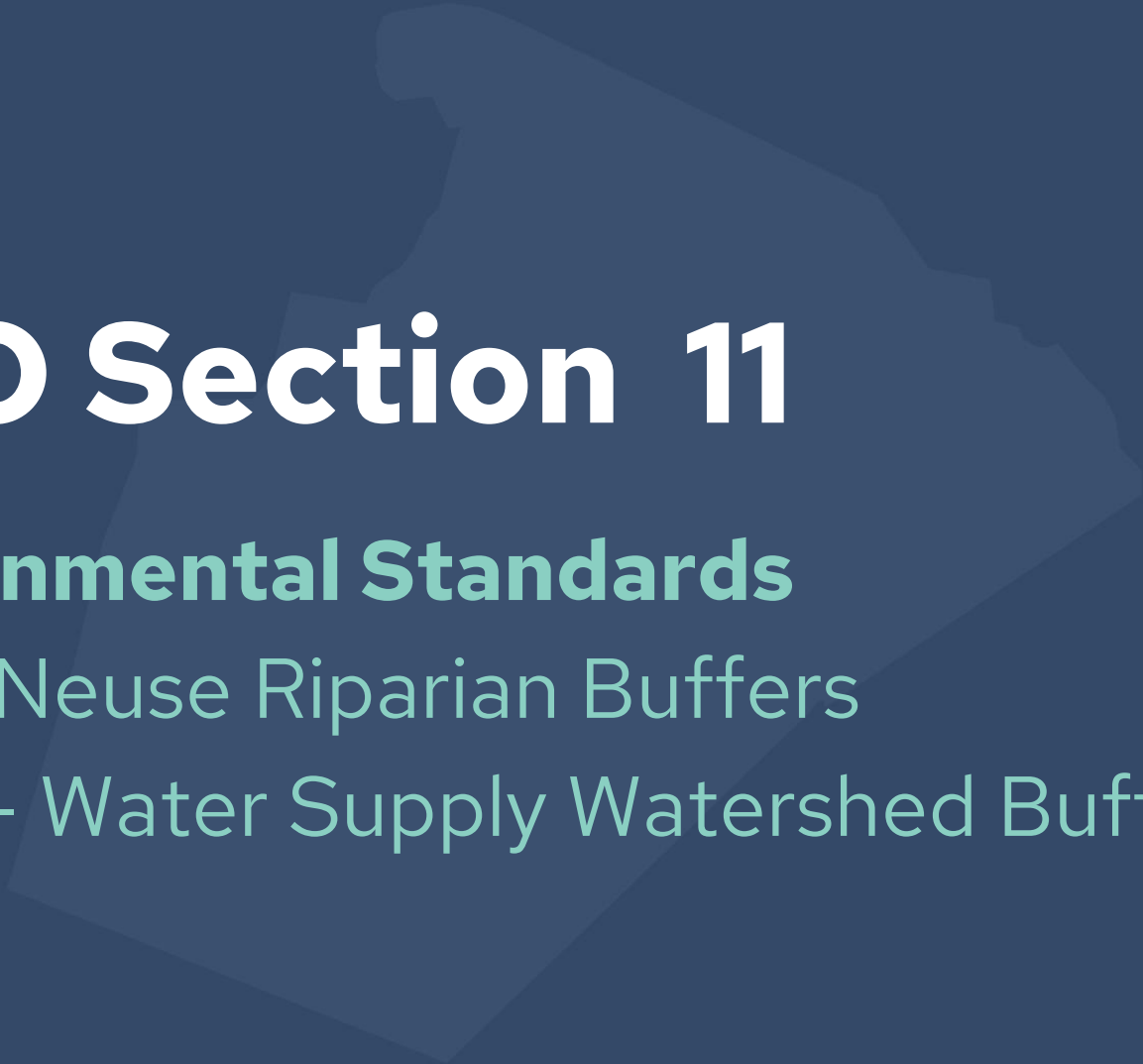
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Requested Amendments

The proposed amendments clarify buffer language and incorporate changes to state law.

1. Section 11 Part 2 Water Supply Watershed Buffers
2. Section 11-10 Applicability of Neuse Riparian Buffer Protection Rules
3. Section 10-30-2(B)(2)(b) Financial Responsibility and Ownership
4. Section 10-42-3(B) Notice of Civil Penalty Assessment
5. Section 10-42-4(B) Appeal of Civil Penalties



UDO Section 11

Environmental Standards

Part 1- Neuse Riparian Buffers

Part 2 – Water Supply Watershed Buffers

Purpose

1. To clarify that the County administers the Jordan Lake Buffer rules in addition to the Neuse Buffer rules.
2. To amend the definition of buffer to be consistent throughout the UDO and with the State definition.

Background – Jordan Lake Buffers

- **The State adopted the Jordan Lake Buffer Rules September 2011**
 - 15A NCAC 02B .0267 JORDAN WATER SUPPLY NUTRIENT STRATEGY: PROTECTION OF EXISTING RIPARIAN BUFFERS
- **Delegated to Local Governments**
 - Local governments shall establish programs to meet or exceed the minimum requirements of this Rule.

Analysis – Jordan Lake Buffers

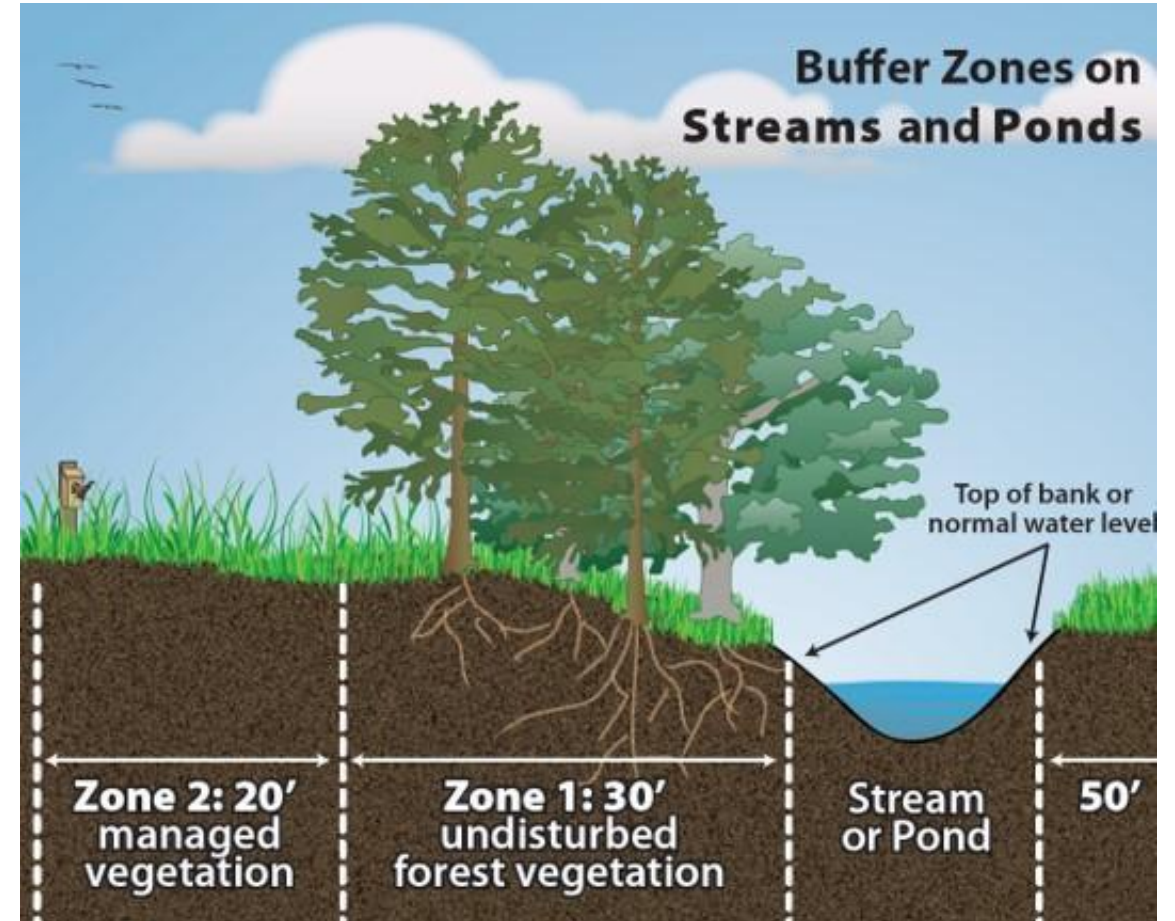
- **The County has been enforcing the Jordan Lake Buffer rule since 2012.**
 - Require protected riparian areas around Jordan Lake.
 - County staff field verifies buffer locations.
 - County staff processes requests for buffer impacts.
- **The text change clarifies that the County administers the rule by reference to the State rule.**

Background – Water Supply Buffers

Mandatory local program per NCGS 143-214.5

State mandated riparian buffers and water supply buffers are measured at the drainageway starting at the top of bank for a stream or normal water level for a pond.

The current County water supply buffers are measured from the centerline of the stream.



Analysis

- Staff proposes to modify our ordinance for consistency with State language.



UDO Section 10

Erosion and Sedimentation Control

Part 4- Enforcement and Penalties

Purpose

1. To amend Section 10-30-2(B)(2)(b) to be consistent with the State regulation.
 - To change the residency requirement for financially responsible party from Wake County to a resident of North Carolina.
2. To amend Section 10-42-3(B) to be consistent with the State regulation.
 - Changing the requirements for remission of a civil penalty from 60 days to 30 days.
3. To amend Section 10-42-4(B) to be consistent with the State regulation.
 - Changing the requirements for remission of a civil penalty from 60 days to 30 days.

Analysis

Response to 2024 State Audit of our Erosion Control Program

- Requires consistency with State regulations

Stakeholder Engagement

- Staff has reached out to the Homebuilders Association of Raleigh-Wake County.
- Members of the Homebuilders Association had questions and comments about the proposed amendments.

Staff Findings

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

Staff Recommendation

That the Board of Commissioner's adopt OA-05-25 as presented.

Planning Board Recommendation

- The Planning Board recommended, by a unanimous vote at their September 3, 2025 meeting, that the Wake County Board of Commissioners adopt the text amendment as presented.



Public Hearing