

Item Title: Public Hearing on Proposed Ordinance Amendment OA-04-25 to Amend the Wake County Unified Development Ordinance related to Subdivisions and Land Use

Specific Action Requested:
That the Board of Commissioners:

- 1. Holds a public hearing and adopts the draft statement, finding that Ordinance Amendment OA-04-25 is consistent with the Wake County Comprehensive Plan and Wake County Unified Development Ordinance and is reasonable and in the public interest; and adopts the attached resolution;**

and by a separate motion;

- 2. Adopts the attached resolution to approve the proposed amendment to the Wake County Unified Development Ordinance as presented in Ordinance Amendment OA-04-25.**

Item Summary:

Purpose: In accordance with N.C. General Statute, the Board of Commissioners must approve amendments to the Wake County Unified Development Ordinance (UDO).

Background: This proposed amendment to the Wake County UDO is initiated by staff. The amendment reflects various changes that address the following: extending the period for which certain permits are valid; clarifying the definition between “building” and “structure”; removing requirements for care homes that are no longer relevant; and introducing a new use titled “Youth Care Home” that addresses current trends and community needs for youth care facilities.

The proposed amendment does not impact any existing land use, development, or permit.

The Planning Board recommended, by unanimous vote, that the Board of Commissioners adopt the amendment request. County staff concur with this recommendation.

Strategic Plan: This action aligns with the Board of Commissioners’ land use and development regulatory authority under North Carolina General Statutes and does not relate to a specific Strategic Plan goal.

Fiscal Impact: There is no fiscal impact related to this amendment.

Additional Information:

Amend Section 19-34-6 *Effect of Preliminary Plan Approval; Lapse of Approval* and Section 19-23-14 *Validity of Permit* to extend the period for which a Preliminary Subdivision Plan and Special Use Permit are valid.

The Wake County UDO requires certain permits to be completed within a specified time frame. The reason for this is that if development related to a permit lingers indefinitely, the standards and requirements may change, rendering the development out of compliance. In the case of Preliminary Subdivision Plans and Special Use Permits, staff recognize that the UDO does not allow enough time for the applicant to complete the work related to the permit. This is evident from recent trends where staff have worked with applicants on needed extensions. Therefore, staff proposes to extend the time period for executing Preliminary Subdivision Plans and Special Use Permits as follows: 1) extend the period for which a Preliminary Subdivision Plan is valid from two years to three years; and clarify that only one twelve-month extension may be granted; and 2) extend the period for which a Special Use permit is valid from two years to three years; increase the period for an extension from six months to twelve months; clarify that only one extension may be granted; and that all remaining phases of a phased development are completed within seven years. These proposed changes align with other jurisdictions.

Amend Section 21-11 *Definitions* to amend the definition of “Building” and “Structure”.

The UDO provides a definition for both “Building” and “Structure”. However, the two definitions need minor amendments regarding open air buildings/structures. For example, a carport may or may not have walls. If it does, is it a building or structure? Staff proposes to amend each definition by adding language that says a building constitutes an enclosure that is more than 50% enclosed. This aligns with the NC State Building Code, specifically pertaining to carports. Additionally, the distinction between a building and structure is important because residential lots are limited to three accessory “buildings” whereas the number of “structures” (walls, fences, etc.) are unlimited.

Amend Article 4 *Use Regulations* related to care homes.

The UDO provides regulations and standards for a variety of care homes including Family Care Homes and Group Homes. These homes provide temporary or permanent care for adults that suffer from physical or mental disability, or developmental disability. Staff recognize that several permitting requirements for these uses are no longer relevant and proposed to eliminate them. The requirements proposed to be eliminated include the following:

- 1) Section 4-38 *Family Care Homes*: “the owner or operator must provide documentation of the closest licensed family care home and its proximity to the proposed family care home.”
 - a. This requirement no longer needs to be codified since staff are doing the search for family care homes in the vicinity of the proposed family care

home. Note that, pursuant to State law, Wake County prohibits Family Care Homes from being located within a half-mile radius of another care home.

- 2) Section 4-43 *Group Homes*: “the lot has a minimum land area equal to or greater than that required under the applicable zoning district; and the home fronts upon a road, street, or highway that meets or exceeds minimum standards for roads established by this ordinance.”
 - a. Eliminating the minimum land area allows Group Homes to be located in an Open Space subdivision where the lot size can be reduced up to 50%.
 - b. The requirement regarding the home front a road that meets minimum UDO standards does not need to be codified here. This requirement is codified in other parts of the UDO and addressed through other review processes.

Lastly, staff are proposing to add a new land use, Section 4-66 *Youth Care Home*. The new use will address current trends and community needs for youth care facilities that the current care homes do not. The proposed definition of Youth Care Homes shall be as follows:

“Youth Care Homes may not be located within a half-mile radius of an existing Family Care Home, Group Home, Youth Care Home, or other such care facility. It shall be defined as a public or private health facility, establishment, or institution, however styled, where non-related individuals under the age of 18 reside to receive care under adult supervision.” When located in a residential district, establishments that house 1-6 youths will only require staff approval. Those with 7 or more youths will require a special use permit from the Board of Adjustment.

Stakeholder Feedback

Staff met with the Raleigh/Wake County Homebuilders Association (HBA) on this amendment. They suggested minor adjustments which have been incorporated into the amendment.

Overview of Changes:

1. Amend Section 19-34-6 *Effect of Preliminary Plan Approval; Lapse of Approval* to extend the period for which a preliminary subdivision plan is valid from two years to three years; and clarify that only one twelve-month extension may be granted.
2. Amend Section 19-23-14 *Validity of Permit* to extend the period for which a Special Use permit is valid from two years to three years; increase the period for an extension from six months to twelve months; clarify that only one extension may be granted; and that all remaining phases of a phased development are completed within seven years.
3. Amend Section 21-11 *Definitions* to amend the definition of *Structure* and *Building* that clarifies the difference between the two. More specifically, that a building constitutes an enclosure that is more than 50% enclosed.
4. Amend Article 4 *Use Regulations* as follows:
 - a. Remove the requirement from Section 4-38 *Family Care Homes* that the owner or operator must provide documentation of the closest licensed family care home and its proximity to the proposed family care home.

- b. Remove the following requirements from Section 4-43 *Group Homes*: 1) that the lot has a minimum land area equal to or greater than that required under the applicable zoning district; and 2) the home fronts upon a road, street, or highway that meets or exceeds minimum standards for roads established by this ordinance.
- c. Add a new use in Section 4-66 for *Youth Care Home* to address current trends and community needs for youth care facilities.

Staff Findings:

The proposed amendment:

1. Removes development requirements for care homes that are no longer relevant.
2. Provides more time and flexibility to developers/builders as it relates to the subdivision process and Special Use Permits.
3. Incorporates a new use that addresses a trend and community need for youth care facilities.
4. It is consistent with the intent and purpose of the Wake County Unified Development Ordinance.

Recommendations:

Planning Staff: Staff recommends approval of the proposed text amendment as presented.

Planning Board: The Planning Board recommended, by a unanimous vote at their September 3, 2025, meeting, that the Board of Commissioners finds that the proposed text amendment OA-04-25 is consistent with the Comprehensive Plan and Unified Development Ordinance, is reasonable and in the public interest, and approves the amendment as presented.

Attachments:

1. Presentation
2. Staff Report
3. Planning Board Minutes
4. Statement of Consistency Resolution
5. Ordinance Amendment Resolution
6. Motions Page
7. Text Amendment