

**Item Title:** Public Hearing to Consider Ordinance Amendment 02-22 to amend Various Articles of the Wake County Unified Development Ordinance

**Specific Action Requested:**  
That the Board of Commissioners:

1. Holds a public hearing and finds that Ordinance Amendment 02-22 is consistent with the Wake County Comprehensive Plan and the 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 02-22.

**Item Summary:**

**Purpose:** In accordance with North Carolina General Statute, the Board of Commissioners must approve amendments to the Wake County Unified Development Ordinance.

**Background:** On March 22, 2021, the Wake County Board of Commissioners adopted the Wake County Comprehensive Plan (PLANWake). 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) that align with PLANWake and advance its goals. This initiative prompted staff to analyze the entire UDO and determine where amendments need to be made. Given there are many areas to address, the UDO amendments presented herein are the first group of several, with more to come later.

**Board Goal:** This action supports Growth and Sustainability Goal 1: Preserve and enhance the County residents' quality of life through coordinated land use and transportation planning. Specifically, this supports key strategic action GS 1.1: Identify and consider amendments to the Wake County Unified Development Ordinance to integrate with PLANWake.

**Fiscal Impact:** This action has no fiscal impact to the County budget.

## **Additional Information:**

The proposed amendments are as follows:

- 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 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%

*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.
- 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)**

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.
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)***

### 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.
- 4. 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.

The following table highlights 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. Aligns the UDO with the new Comprehensive Plan.
2. Addresses the community's concern about the loss of natural areas (PLANWake).
3. Under certain circumstances, increase in open space requirements and trail easement requirements may result in the loss of new lots, impacting the cost of housing in that community.
4. Gives agricultural uses (and natural, cultural and historic resources) due consideration during the development review process.
5. Provides a farmland protection incentive as an initial step toward developing further tools for farmland protection.
6. Plans for future trails that are identified on County and municipal greenway plans

#### Recommendations

PLANNING STAFF: 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: At the October 5, 2022, Wake County Planning Board meeting, the 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, voted 7-0 to recommended that the Board of Commissioners adopt Ordinance Amendment 02-22 as presented.

**Attachments:**

1. Presentation
2. Staff Report
3. Ordinance Amendments - Attachments A thru D
4. Planning Board Minutes
5. Statement of Consistency Resolution
6. Ordinance Amendment Resolution
7. Motions Page