

Wake County Unified Development Ordinance Amendment OA-04-25

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Purpose/Overview

1. To extend the validity of Preliminary Subdivision Plans and Special Use Permits.
2. To amend the definition of *Building* and *Structure* to help differentiate between the two.
3. To amend various standards for care homes (Family Care Homes, Group Homes) and add a new use for residential Youth Care Home that aligns with current trends and community needs.

Preliminary Subdivision Plan

A Preliminary Subdivision Plan is the first of three steps in the process to subdivide land.

1. Preliminary Subdivision Plan

A detailed plan for the development of a subdivision, which must be reviewed and approved before any construction can begin.

2. Construction Plan

Authorizes development of roads, utilities, stormwater facilities, erosion and sedimentation control devices, consistent with the preliminary plan.

3. Record Plat

Authorizes recording of the record plat with the Register of Deeds, an action that effectuates the creation of lots and parcels.

Preliminary Subdivision Plan

1. Preliminary Subdivision Plans are currently valid for two years with a one-time option for one-year extension (3-years total).
2. During this period, the developer constructs the subdivision roads, stormwater devices and community utilities (water/sewer).
3. We are seeing more situations where developers are bumping up against these time limitations.
4. Staff is proposing to extend the validity from 2 years to 3 years and retain the option for a one-year extension (4-years total).

Special Use Permit

1. A Special Use Permit is required for certain types of developments or facilities that may have specific impacts on the community.
2. Examples include a childcare center or church in a residential zone.
3. Special Use Permits require a public hearing and approval from the Board of Adjustment.

Special Use Permit

1. Permits are currently valid for two years with an option for six-month extension (2.5-years total).
2. During this period, the applicant must obtain necessary building permits and/or proceed with due diligence and good faith to start the authorized use or development.
3. We are seeing more situations where developers are bumping up against these time limitations.
4. Staff is proposing to extend the validity from 2 years to 3 years and increase the option for a one-time extension from six months to one year (4-years total).

Building vs Structure

Building	Structure
Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.	Any object anchored to the ground, constructed or installed by humankind, including signs, buildings, parking lots, garages, carports, flagpoles, stoops and utility buildings. All buildings are structures, but not all structures are buildings.

Problem:

The current definitions lack clarity on what “enclosure” means.

Building vs Structure

Proposed Amendment

Building	Structure
Any structure having a roof supported by columns or walls, <u>where more than 50% of the building is enclosed</u> and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.	Any object anchored to the ground, <u>where 50% or less of the structure is enclosed, and</u> constructed or installed by humankind, including, <u>but not limited to:</u> signs, buildings, parking lots, garages, carports, flagpoles, <u>patios, and</u> stoops and utility buildings. All buildings are structures, but not all structures are buildings.

Family Care Homes

1. Remove the requirement that Family Care Home operators provide documentation of the closest licensed family care home and its proximity to the proposed family care home.

Group Homes

1. Remove the requirement that Group Homes must have a minimum land area equal to or greater than that required under the applicable zoning district.
2. Removal of this requirement allows Groups Homes to be located in Open Space Subdivisions that have smaller lots than the designated zoning district.

Youth Care Homes

1. The UDO currently defines/regulates several group living situations (family care home, group care facility, group home, etc.)
2. However, none specifically address homes/facilities for youth.
3. There is a growing trend for residential youth care homes/facilities.

Youth Care Homes

Proposed Amendment

Establish a new use called “Youth Care Homes”.

Youth care homes means a public or private health facility, establishment, or institution, however styled, where nonrelated individuals under the age of 18 reside to receive care under adult supervision.

Youth Care Homes

Standards

1. 1-6 youths permitted by right in all residential districts.
2. 7 or more youths requires Special Use Permit in residential districts.
3. May not be located within a one-half mile radius of an existing care home.

Stakeholder Engagement

1. Wake County Department of Behavioral Health supports the Youth Services land use category and development standards.
2. Staff met with the Raleigh/Wake County Homebuilders Association on this amendment. They suggested minor adjustments which have been incorporated into the amendment.
3. Staff shared the proposed amendments during the “Development Services Stakeholder Meeting” in July (a virtual meeting open to the public). No concerns were expressed.

Staff Findings

1. Introduces more flexibility to the preliminary subdivision and special use permit processes.
2. Provides clarification between what is a building and what is a structure.
3. Introduces a new use for youth care homes that aligns with recent trends and community needs.
4. Removes unnecessary requirements for Group Homes and Family Care Homes.
5. The amendments are consistent with the Wake County Comprehensive Plan and the Wake County Unified Development Ordinance.

Staff Recommendation

That the Board of Commissioners adopt OA-04-25 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