

**Item Title:** Public Hearing on the Proposed Ordinance Amendment 03-20 to amend the Wake County Unified Development Ordinance (UDO) Article 4 – *Use Regulations* to allow Hardware Stores and Veterinary Services as uses in the Residential-40 Watershed Zoning District

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

- 1. Holds a public hearing and adopts the draft statement finding that Ordinance Amendment 03-20 is consistent with the Wake County Land Use 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 03-20; and**
- 3. Directs county staff to continue receiving public comments on this item until January 20, 2021 at 5:00PM, and to place this item on the agenda of the February 1, 2021 Board meeting.**

**Item Summary:**

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

**Background:** Fox Rothschild, LLP initiated this request in order to allow hardware stores and veterinary services as uses in the Residential-40 Watershed (R-40W) zoning district. This proposal would add to the limited number of nonresidential uses currently allowed within the county's watershed districts. These proposed uses would be restricted to designated activity centers as defined by the Wake County Land Use Plan.

The county's watershed districts are in place to protect the quality of the local water supply by limiting the types of development (high-intensity and nonresidential) that have shown to cause runoff and pollution. These watershed regulations are classified by the state.

Activity Centers are areas designated by the Land Use Plan that can serve as mixed-use focal points for the surrounding neighborhoods. Nonresidential development is allowed in these centers in order to provide services and goods to residents. They vary in size depending on the size of the surrounding area it intends to serve.

Presently, while certain commercial uses are already allowed in water supply watersheds and are not required to be in activity centers, they are considered less intensive as it relates to their potential environmental impacts. These include schools, churches, convenience stores (no gas sales), daycares, kennels, telecommunication towers, solar farms, and parks.

The proposed uses would be subject to the same strict stormwater control measures and impervious surface limitations that are currently in place to minimize any impact to the water quality. Furthermore, the provisions included in the proposed text change specifically limit the associated outdoor activities for both uses, which will also minimize the risk to water quality. Veterinary Services must limit all related activities to inside the building, and hardware stores may not store bulk landscaping or building materials (mulch, fertilizers, stone) outside the main canopy of the building.

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

Board Goal: This action supports routine county operations and does not relate to a specific board initiative.

Fiscal Impact: No fiscal impact to Wake County.

**Additional Information:**

This request is to amend the Wake County Unified Development Ordinance (UDO) Article 4 - *Use Regulations* to allow Hardware Stores and Veterinary Services as uses allowed by a Special Use Permit in the R-40W zoning district within a designated Activity Center as defined by the Wake County Land Use Plan. The applicant is Ashley Terrazas with Fox Rothschild, LLP.

Article 4 of the UDO lays out the various uses which are allowed in each zoning district within the county. The applicant is looking to increase the allowable uses within the use table by proposing to allow Hardware Stores and Veterinary Services as a use that is allowed within the R-40W zoning district through the Special Use Permit process only within a designated Activity Center.

The R-40W zoning district, as defined in Article 3, allows a limited number of nonresidential uses through the approval of a Special Use Permit by the Board of Adjustment. These nonresidential uses are restricted to property within a designated Activity Center as defined in the Wake County Land Use Plan.

Article 4-50-2(C) specifically denotes the use of a hardware store as not being allowed within R- 40W zoning district as Neighborhood/Convenience-Oriented Retail. The applicant is requesting to amend the UDO, specifically Article 4, to allow these two proposed uses within designated Activity Centers in the R-40W zoning districts. The

applicant has stated in their application that these additional uses are encouraged and are consistent with the language of the Wake County Land Use Plan based Goals 3, 7, 8, and 9 which do encourage a range of different commercial uses.

The Planning Board considered the applicant's proposal over the course of several meetings. Planning Board members raised questions and concerns about the standards of such uses in the watershed districts. After directing staff to conduct further research on these to uses, staff was able to develop a set of standards that it felt was reasonable given their relative intensities in a residential watershed district.

For veterinary clinics, staff proposes these additional standards (4-45):

1. The prohibition of outside activity related to the use.
2. Medical treatment must be confined to an enclosed building.
3. The building must be adequately soundproofed.

For hardware stores, staff proposes these additional standards (4-50):

- (a) Outdoor display shall be limited to seasonal products, including, but not limited to live plants, pumpkins, and holiday trees, and shall be located under the main building canopy. The outdoor display area may include propane tanks.
- (b) The storage of landscaping and building products including, but not limited to fertilizers, lime, grass seed, mulch, stone, and lumber shall be located:
  - (i) Inside the main building; AND/OR
  - (ii) Under the main building canopy and located on an impervious surface to prevent runoff and enclosed with an opaque wall or fence in such a way that the stored materials are screened from any right-of-way, building, and adjacent lot.
- (c) The combined floor area of the main building and outdoor display/storage shall not exceed 15,000 S.F.

The new language makes clear the differences between outdoor storage and display, the allowable locations for storage of landscaping and building products, and the allowable floor area of such uses.

This text change applies to eleven activity centers spread across three different water supply watersheds. Because of this, staff reached out to partners of the Swift Creek and Little River Interlocal Agreements (ILAs) and shared the proposed amendment under consideration. The response has been supportive of staff's recommendations.

Staff Findings:

1. The standards proposed ensure that the community character is maintained and that the risk of environmental harm is minimized.
2. The standards proposed by staff are reasonable for hardware stores and veterinary clinics located in Wake County's watershed and watershed overlay districts.
3. The standards proposed by staff is in the best interest of the health, safety, and welfare of the public.

Recommendations:

PLANNING STAFF: Staff recommends approval of the proposed text changes as revised by staff and agreed to by the applicant.

PLANNING BOARD: The Planning Board recommended, by unanimous vote, that the Board of Commissioners approve the amendment as revised by staff and agreed to by the applicant.

**Attachments:**

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