

**Item Title:** Public Hearing to Consider Text Amendment OA-01-21 to the Wake County Unified Development Ordinance to Incorporate Chapter 160D of the N.C. General Statutes.

**Specific Action Requested:**

**That the Board of Commissioners:**

- 1. Holds a public hearing and adopts the draft statement finding that Ordinance Amendment OA-01-21 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-01-21.**

**Item Summary**

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

**Background:** Chapter 160D, Session Law 2019-111, was adopted on July 11, 2019 by the N.C. General Assembly. The new law consolidates current city and county enabling statutes for development regulations (previously in N.C. General Statute Chapters 153A and 160A) into a single, unified chapter. While the new law does not make major policy changes or shifts in the scope of authority granted to local governments, it does provide minor changes that will need to be incorporated into the Wake County UDO.

The law's effective date was initially January 1, 2021. However, because of the Covid-19 pandemic, the effective date was postponed until July 1, 2021 for local ordinances to incorporate this new law.

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 goal.

**Fiscal Impact:** No fiscal impact to Wake County.

**Additional Information:**

This request is to amend the Wake County UDO to incorporate the changes adopted by Session Law 2019-111, Chapter 160D. The proposed ordinance amendment will:

1. Update references to the provisions in the new N.C. General Statute Chapter 160D.
2. Align terminology in the Wake County UDO with the new N.C. General Statute Chapter 160D as it relates to “conditional zoning” and “dwelling”.
3. Remove the terms “special exception” and “conditional use district zoning”.
4. Clarify enforcement sections in the Wake County UDO to comply with the new N.C. General Statute Chapter 160D
5. Clarify permit exemptions and validity of permits

The proposed amendment to the Wake County UDO does not change any of our current regulations or requirements for development.

**Staff Findings:**

1. The amendment is consistent with and furthers the goals, policies, and objectives of the Wake County Comprehensive Plan and UDO.
2. The amendment furthers the purposes of the UDO and other actions designed to implement the Comprehensive Plan.
3. The amendment aligns with the requirements of Session Law 2019-111, Chapter 160D.
4. The amendment does not change any current regulations or requirements for development.

**Recommendations:**

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

Planning Board: The Planning Board recommended, by unanimous vote at their May 5, 2021 meeting, that the Board of Commissioners approve the amendment as presented.

**Attachments:**

1. OA-01-21 Presentation
2. OA-01-21 Staff Report
3. OA-01-21 Planning Board Minutes
4. OA-01-21 Statement of Consistency Resolution
5. OA-01-21 Ordinance Amendment Resolution
6. OA-01-21 Motions Page