



Planning, Development & Inspections

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To: Wake County Board of Commissioners
From: Celena Everette, Planner III
Subject: Unified Development Ordinance Amendment OA-01-21
Date: June 7, 2021

Request

Amend the Wake County Unified Development Ordinance (UDO) to be consistent with Chapter 160D of the N.C. General Statutes.

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 (now in 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 clarifying amendments and consensus reforms 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.

In order 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 term "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.

Staff Findings: The proposed amendment will:

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 proposed amendments do not change any current regulations and standards for development.

Staff Recommendation:

That the Board recommends **APPROVAL** of the proposed ordinance amendment OA-01-21 as presented.