



PLANNING DEPARTMENT

UNIFIED DEVELOPMENT ORDINANCE

NEWSLETTER

Winter 2006

Note From Melanie Wilson, Wake County Planning Director

The Wake County Board of Commissioners directed the Planning Department to create a Unified Development Ordinance (UDO).

A principal objective of the UDO is to create a more user-friendly document. The document consolidates all of the various regulations that govern development in Wake County into one unified document that is supplemented with tables, charts and other graphics to help convey the meaning and intent of the ordinance provisions.

Through the collaboration with a variety of interested parties, the Planning Staff has completed the Subdivision Module of the Wake County UDO, which was approved by the Board of Commissioners on June 6, 2005.

The Planning Staff and the UDO Focus Group continue to work on additional ordinance amendments for the Wake County UDO Zoning Module to address the following items:

- Home occupations;
- Incorporation of the Department of Environmental Services' revised regulations regarding stormwater management;
- Balance of the Zoning Module.

The remainder of the UDO process involves an in-depth review of the Zoning Module by the Planning Staff, stakeholders and other interested parties over the next few months. Any substantive regulatory changes will be enacted through individual ordinance amendments.

The Zoning Module, including the incorporation of the County's stormwater man-

agement regulations that are being revised by a separate stormwater stakeholders group, is scheduled to be completed by March 2006. The following items have already been approved by the Board of Commissioners:

- OA 04/03 Two-Step Conditional Use
- OA 04/09 Pedestrian, Bicycle and Trail Improvements
- OA 04/10 Tree Protection
- OA 04/11 Open Space Subdivisions
- OA 04/12 Water and Sewer Connections
- OA 04/13 Misc. Road/Traffic Items
- OA 05/01 Residential Density Bonuses
- OA 05/02 Resource Conservation Overlay District-2
- OA 04/14 Miscellaneous Subdivision Administrative Items

Board of Commissioners Adopt Ordinance Amendments

The Board of Commissioners held public hearings during the last several months that resulted in the adoption of the following two ordinance amendments:

- OA 04/15 Water and Sewer from Other Counties, Water and Sewer Districts, Water and Sewer Authorities

Ordinance Amendment OA 04/15 establishes regulations for the extension of water and/or sewer systems (including the sale of bulk water) into Wake County from an adjacent county, Water and/or Sewer District, or Water and/or Sewer Authority. This ordinance also applies to the extension of municipal water and/or sewer lines from one municipality's Urban Service Area into another municipality's Urban Service Area. Extensions of water and/or sewer service must be approved by the Wake County Board of Commissioners and must comply with the following conditions:

- The residents of the area will benefit from the extension of services;
- The extension of the service is consistent with the Wake County Land Use Plan, unless the extension is necessary to replace a failing water or wastewater system that constitutes a public health issue;
- There is an interlocal agreement that includes the future ownership and maintenance of the provided services, between the service provider and the relevant municipality for the extension of services (water and/or sewer);
- There is not an adopted plan to provide water and/or sewer services to the proposed area by the relevant municipality within the next five (5) years. If an adopted plan already exists, then that plan shall first be amended before allowing the proposed water and/or sewer extension.

- OA 05/04 Landscaping and Bufferyard Regulations

Ordinance Amendment OA 05/04 revises the existing Wake County Zoning Ordinance provisions dealing with parking lot landscaping and bufferyards. The new regulations enhance the County's current regulations and allow for more flexibility by offering six different types of bufferyards. This will facilitate smoother transitions between disparate land uses. Additionally, the new Landscaping and Bufferyard Regulations encourage low-impact stormwater design. The parking lot standards recommend larger landscaping islands and medians that may be developed as bioretention areas and function as short-term stormwater management devices. Both enhancement of the landscaping and bufferyard requirements and encouragement of low-impact development are stated strategies of the Wake County Board of Commissioners Implementation Plan.

- OA 05/06 Repeal of the Economic Development District Regulations

The Planning Department has reviewed and evaluated the existing Wake County Zoning and Subdivision Ordinances both for accuracy and applicability and observed that the Economic Development (ED) District that is included in the current Zoning Ordinance is no longer applicable to any land in the County's jurisdiction. The ED District was created solely to accommodate a development proposal in the Wakefield area. The City of Raleigh and the Town of Wake Forest have annexed all of the land that comprised this district and staff does not envision using this district in the future. Therefore, there is no longer a need for these regulations in the new UDO and this ordinance amendment will eliminate the Economic Development District.

- OA 05/07 Mixed Use Development Regulations

This ordinance amendment creates two types of mixed-use zoning district regulations that will work in concert with the density bonus provisions. The first type is the Classic Mixed-Use (CMU) district that will encourage new developments containing a mixture of institutional, commercial, industrial and residential uses. The second type is the Residential Mixed-Use (RMU) district that will encourage new developments containing a mixture of residential housing types such as single-family detached homes, townhomes, condominiums, and apartments. CMUs are permissible at designated activity centers located within the Urban Services Areas (USAs) as identified on the Wake County Land Use Plan, whereas RMUs are not required to be within an activity center since they are residential in nature and would therefore fit into normal residential areas.

The process for mixed-use developments will require the following steps:

1. Pre-submittal meeting with the Planning Department staff to discuss the project and to confirm compliance with the Land Use Plan (CMUs);

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2. Application submittal for the CMU or RMU rezoning, including a Concept Plan;
 3. Review and recommendation by the Planning Board;
 4. Rezoning decision by the Board of Commissioners;
 5. Application for individual site plan and/or subdivision plan approvals for individual project components.

- OA 05/12 Repeal of the Special Highway District Regulations

The Special Highway (SH) district was established in 1984 to accommodate development along Interstate 40 in the RTP area. The goal was to protect the appearance of this important entranceway corridor to Wake County. Since this time, however, the Town of Cary has annexed all of the land that comprised this district. Additionally, these regulations have been superseded by the development of the Special Highway Overlay District (SHOD). Elimination of the Special Highway district will eradicate a zoning district no longer utilized and prevent any potential confusion with the SHOD regulations.

Ordinance Amendments Pending Approval of the Wake County Board Of Commissioners

The following items are pending review by the Planning Board and the Wake County Board of Commissioners:

- OA 05/10 Sedimentation and Erosion Control Ordinance

The Department of Environmental Services is proposing changes to the existing Sedimentation and Erosion Control Ordinance in an effort to reduce the amount sedimentation that reaches our rivers and streams. Many of the proposed changes were recommended, or required by the State's Division of Land Resources after a thorough review of the County's existing regulations and North Carolina General Statutes 133A-60, which establish the authority and

the minimum specifications for sedimentation and erosion control regulations. This ordinance amendment will bring the County's standards into compliance with those mandated by the State and will increase protection of the County's water resources.

- OA 05/11 Residential Highway Commercial District

In the past, there has been some confusion over the intent and purpose of the existing Highway District (HD) regulations. The district appears, on the surface, to be a commercial district; however, it is primarily a residential district comparable to the Residential-30 district. This proposed ordinance amendment will clarify the primary purpose of the district by renaming it as the Residential Highway Commercial (RHC) district. The language of the amendment also will provide more flexibility for development within the activity centers and the related residential support areas.

Please contact Keith Lankford, UDO Project Manager, at 856-7569 or by e-mail at keith.lankford@co.wake.nc.us for the schedule dates and times, and meeting places for the UDO Focus Group.

Newsletter by: Joe Mangum, Planner I

IN OTHER PLANNING NEWS

Welcome

Please join us in welcoming Stefan Hodinott and Joe Mangum to the Wake County Planning Department. Stefan began his assignment as Planner II in the subdivision section on August 1, 2005. He has five years of experience in planning and real estate and recently achieved American Institute of Certified Planners recognition. Stefan holds a Bachelor of Arts degree in Geography from Mount Allison University and a Master's of Urban and Rural Planning from Dalhousie University. Joe joined the Wake County Planning Department on July 18 as a Planner I, primarily working in zoning. He previously worked

part time with the Pitt County Planning Department and is currently completing a Master's degree in Geography from East Carolina University. Joe also has a Bachelor of Arts degree in Geography from UNC-Chapel Hill.

Southwest Wake County Area Land Use Plan Update

Adopted in 1997, The County Land Use Plan included a vision, goals, strategies, and maps: The maps showed those areas into which municipalities were expected to grow. Within those areas, however, the maps generally did not show activity centers, parks, residential densities, and other future uses. The Wake County Land Use Plan directed staff to develop more detailed area land use plans.

The County Commissioners decided those future uses would be "filled-in" on the more detailed area land use plans. They also decided, because of the County's size, the best way to fill in those uses would be one geographic area at a time. Staff chose the Southwest as the first area, for filling in the uses, mainly because of its rapid growth. The other Wake County Area Land Use Plans include East Raleigh/ Knightdale, Southeast, Northeast, and Fuquay-Varina/Garner.

Wake County is updating the Plan for Southwest Wake County for the following reasons.

- It has been five years since the plan was adopted in 1999, and the Land Use Plan calls for comprehensive reviews every five years
- New municipal comprehensive land use plans have been developed by the Towns of Cary, Apex, and Holly Springs whose Urban Services Areas comprise the Southwest study area
- Other County plans have been adopted since 1999--transportation, open space, watershed--that have a direct bearing on future land use in Southwest Wake County.

An Advisory Committee was created to help update the Plan. Significant public

participation is sought in defining how Southwest Wake County should grow over the next 25 years. The Committee includes residents of Southwest Wake County and has been meeting since January. The sixth Committee meeting was held on November 17, 2005. The next Advisory Committee meeting for the SWALUP will be January 24, 2006.

Holly Springs ETJ Request

On February 26, 2005, the Holly Springs Town Council adopted a resolution requesting that the Wake County Board of Commissioners consider expanding the Town's ETJ to include 4,358 acres of land. For the most part, the area includes land lying southwest of town.

An extensive review process began when the Board of Commissioners referred this matter to the Planning Board at its meeting on March 21, 2005. After its own Land Use Committee reviewed and made a recommendation on the request, the Planning Board considered Holly Springs' request for ETJ Extension on August 3, 2005. At that meeting the Planning Board concurred with staff's recommendation to grant Holly Springs 2,553 acres of ETJ, rather than the 4,358 acres requested by the Town.

A public hearing for this item was held on September 19, 2005. After hearing the request from the Town, comments from the public, and recommendations from both the Planning Board and staff, the Board followed the staff and Planning Board recommendation and granted the Town 2,553 acres of ETJ at its meeting on November 21, 2005.

For further information visit our web site <http://www.wakegov.com/county/planning/landuse> or contact Tim Clark at 919-856-6320.