

## 2008

### Item #1: Quick Fixes – OA 04-07 – Approved by BOC January 20, 2008

- **Section 3-10** – Amend section to include Highway District (HD) \*
- **Section 3-22** – Amend section to include Highway District (HD) & remove Limited Use classification
- **Section 4-10-1** – Amend scrivener's error
- **Section 4-10-3&6** – Remove Limited Use classification
- **Section 4-11** – Update use table for Group Home in the HD, R40W & R80W districts.
- **Section 4-23-8** – Amend section to relocate 2 examples to Section 4-23-11.
- **Section 4-23-11** – Amend section to add 2 examples from Section 4-23-8.
- **Section 4-35** – Amend Day Care Facility for the Elderly to Adult Day Care Facility, pursuant to GSS 131D(6)(b).
- **Section 4-35-2(A)** – Eliminate entire sub-section A.
- **Section 4-35-2(B-C)** – Clean up resulting from elimination of sub-section A.
- **Section 4-43-4** – Correct scrivener's error. Missing word.
- **Section 4-57-1(B)7** – Clarify bufferyard requirements for Telecommunication towers.
- **Section 5-11** – Amend section to include Highway District (HD)
- **Section 5-20** – Amend side and rear setbacks in table for HC and GB districts. \*
- **Section 9-20** – Amend section to include Highway District (HD)
- **Section 12-11-1(C)** – Spelling correction.
- **Section 15-10**
  - (Contractor's Office, Landscaping, Grading Etc.) – Added parking requirement for Use.
  - (Day Care for Elderly) – Made consistent with amendment to Use.
  - (Outdoor Sales/Service) – Made consistent with amendment to Use.
  - (Self-Service Storage) – Amended parking requirement to be less restrictive.
- **Section 16-2** – Amend section to include Highway District (HD)
- **Section 16-10-2(C) 3** – Add section to clarify bufferyard requirements for Telecommunication towers.
- **Section 16-10-3(A-B)** – Relocate landscaping for signage to Sign section.
- **Section 16-12-1** – Clarification of Tree & Vegetative Protection zone.
- **Section 16-12-2(C)** – Clarification to eliminate inference that the Tree & Vegetative Protection zone is only required during a subdivision. \*
- **Section 16-12-4** – Eliminate 20 percent size limitation on Tree & Vegetative Protection zone. \*
- **Section 18-11** – Amend section to include Highway District (HD)
- **Section 18-12** – Amend section to allow district regulations the default.
- **Section 18-12-2(A)** – Clarification of residential sign section by braking into 4 subsections. \*
- **Section 21-10** – Consolidate similar word/term usage.
- **Section 21-11**
  - Add clarification statement for location of erosion control definitions
  - Add definition of Adult Day Care Facility.
  - Add definition of Contractor's office, landscaping, grading, etc...
  - Add definition of Garage, yard, or estate sale.
  - Add definition of Recreational Vehicle.
  - Add definition of Self-Service Storage facility.
  - Add definition of Structure.
  - Add definition of Tower Height
  - Amend definition of Accessory Structure.
  - Amend definition of Building.
  - Amend definition of Building Height.
  - Amend definition of Dwelling Unit.
  - Amend definition of Family Care home with GSS131D(2)(a)(5).
  - Amend definition of Flag Lot.
  - Amend definition of Outdoor Retail Sales/Service.

- Amend definition of Lot.
- Amend definition of Plat.
- Remove definition of Tract or Lot.
- Remove definition of Tract (originated in 10-12).

**Item #2: OA 01-08 Self Service Storage Facility Parking – Approved by BOC March 24, 2008**

- **Section 15-10** – Applicant requests to reduce the parking standards for Self-Service Storage Facilities.
  - 1 parking space per 2,000 square feet of non-office area plus 1 per 300 square feet of office area to 1 parking space per 5,000 square feet of non-office area plus 1 per 300 square feet of office area

**Item #3: Quick Fixes – OA 02-08 – Approved by BOC July 21, 2008**

- **Section 4-11** – Expand use from just Safety Services (police, fire, & emergency management services) to all Governmental uses.
- **Section 5-13-6** – Allow for visibility into the side yard of the adjacent lot on lot line houses, such as townhomes.
- **Section 5-13-7** – The creation of lot line houses is difficult to design and regulate on lots not designed for such of subdivision. Require at time of initial subdivision.
- **Section 8-32-11 (D)** – Acknowledge NCDOT sight visibility triangle requirements.
- **Section 15-10-4** – Reduce parking requirements for “Vehicle Sales and Service” use from lot size to display / storage area size.
- **Section 15-10-4** – Reduce parking requirements for “All Other Vehicle sales and service” use from lot size to display / storage area size.
- **Section 17-9-1** – Acknowledge NCDOT sight visibility triangle requirements.
- **Section 17-9-2** – Acknowledge NCDOT sight visibility triangle requirements.
- **Section 17-9-3** – Acknowledge NCDOT sight visibility triangle requirements.
- **Section 17-9-4** – Acknowledge NCDOT sight visibility triangle requirements.
- **Section 18-10-2 (M) 11** – Allow address numbers without a sign permit.
- **Section 18-10-2 (N) 2 (c)** – Require the address numbers to be placed on all non-residential freestanding signs.
- **Section 21-11** – Add definition of setback, rear frontage to establish the setback required between a building and the rear frontage property line.

**Item #4: Quick Fixes – OA 03-08 – Approved by BOC July 21, 2008**

- **Section 3-20-5** – To delete existing text and replace with text provided in the previous Zoning Ordinance.
- **Section 3-74-8 (B)** – Hazardous Materials Limitations. The site specific Emergency Contingency Plan is not administered or monitored by the Emergency Management Staff.

**Item #5: Quick Fixes – OA 04-08 – Approved by BOC July 21, 2008**

- **Section 16-10-2 (D)** – Reduce Day Care Center buffer yard requirements. Allows flexibility for an in-home daycare use when located within and accessory to a single-family dwelling.
- **Section 21-11** – Add definition of Child Care Center – Class “A”. Clarification of North Carolina Department of Health and Human Services.
- **Section 21-11** – Add definition of Child Care Center – Class “B”. Clarification of North Carolina Department of Health and Human Services.

**Item #6: Quick Fixes – OA 05-08 – Approved by BOC July 21, 2008**

- **Section 4-71** – Add temporary construction office provisions.

- **Section 4-71-1** – Required setbacks for temporary construction offices.
- **Section 4-71-2** – Underskirting to provide a clean appearance to single and doublewide trailers utilized as temporary construction offices.
- **Section 4-71-3** – Required parking requirements for temporary construction offices.
- **Section 4-71-4** – Signage requirements for temporary construction offices.
- **Section 4-71-5** – Required protection of existing trees and vegetation to buffer adjacent properties and streets from temporary construction trailers.
- **Section 4-71-6** - Required water, wastewater requirements for temporary construction offices.
- **Section 4-71-7** – Required wastewater holding tank requirements for temporary construction offices.

**Item #7: Administrative Changes to the UDO 06/30/2008:**

- **Section 3-20-5 (B)** added commentary for Appendix B
- **Section 11-20** added commentary for Appendix B
- **Section 16-11-2 (A) & (B):** changed the word “structure” to “building”
- **Section 18-12-2 (A)(2)** Reworded typo - added the word “Not”.
- **Section 18-12-2 (A)(6)** Added #6 that was left off of OA-04-07

**Item #8: Administrative Changes (packaged with OA-02-08) to the UDO 07/21/2008:**

- **Section 4-23-13** – Amend characteristics of Vehicle Sales and Services Use.
- **Section 4-57-1 (B) 11** – Update changes from Senate Bill 831.
- **Section 4-75** – Add Highway District provision.
- **Section 16-11-1** – Remove and relocate trash storage area.
- **Section 16-12-3 (C)** – Relocate commentary.
- **Section 17-11-1** – Relocation of 16-11-1 for trash storage area.
- **Section 18-11** - Add Highway District provision.
- **Section 18-11** – Amend table to correct scrivener’s error regarding pole signs.
- **Section 18-11** – Amend table to correct scrivener’s error regarding on premise identification signs.

**Item #9: Administrative Changes to the UDO 09/30/2008:**

- **Section 4-11 (table)** – Amend Bed and Breakfast to differentiate Homestay and Residence
- **Section 21-11** – Amend Definition of Bed and Breakfast Homestay

**Item #10: OA 06-08 – Commercial Vehicles – Currently Under Review to Code & Operations**

- **Section 15-10-11** – Amend conditions for allowing commercial vehicles to be parked/stored in residential zoning districts.
- **Section 4-62-4** – Amend standards for vehicles used in conjunction with home occupations.
- **Section 21-11** – Amend definition of commercial vehicle.

**Item #11: OA 07-08 – Environmental Service – Approved by BOC on November 17, 2008**

- **Section 10-30-9** - Amend Effect of Permit Issuance: Lapse of Approval
- **Section 10-20-11** - Standards for Landfills

**Item #12: Administrative Changes to the UDO 10/21/2008:**

- **Section 4-56-1** – Add Highway District to Freestanding Telecommunication facilities.

## 2009

### Item #1: OA 01-09 – Outdoor Temporary Events – Approved by BOC on April 6, 2009

- **Section 4-11** – Modify the Permissible Use table found in Section 4-11 of the Wake County Unified Development Ordinance by adding Special Events use category and standards.
- **Section 4-25-7** – Add table for Special Events.
- **Section 4-58** – Add general requirements for Special Events.
- **Section 4-74** – Modify “Outdoor Temporary Events” section to “Temporary Events” section with modified general requirements.
- **Section 21-11** – Add definitions for Indoor Recreation and Entertainment, Outdoor Recreation and Entertainment, Special Event, Conference Center/Retreat House, Temporary Event, and Temporary Use.

### Item #2: Administrative Changes to the UDO 12/11/2008:

- **Section 4-20-1 (C)** – Remove typographical error in punctuation from the word “development’s”.
- **Section 4-61-1** – Remove typographical error. The word “above” was carried over from the Zoning Ordinance in error.
- **Section 21-11** – Correct errant reference in definition of “lot” from 5-12-7 (B) to 5-12-8.

### Item #3: Administrative Change to the UDO 01/05/2009:

- **Section 5-11-2** – Remove typographical error in footnote #5. Section 3-22-5(A)(2) revised to 3-23-5(A)(2).

### Item #4: OA 02a-09, OA 02b-09, OA 02d-09 – Three Ordinance Amendments – Approved by the BOC on April 20, 2009

- Mining in Water Supply Watershed Overlay District, OA 02a-09
  - **Section 4-48-2 (C)** – Add language “This does not apply to the continuing operations and expansion of existing legally permitted facilities.”
- Telecom Bufferyard, OA 02b-09
  - **Section 4-56-1(B)(7)** – Add the word “inside” to clarify the required location of the bufferyard inside the perimeter of the lease area
- Incidental Sign, OA 02d-09
  - **Section 21-11** - To clarify the purpose and use of incidental signs.

### Item #5: OA 02c-09 – Definition of Lot Width – Currently Under Review

## 2010

### Item #1: OA 03-09 – Reuse – Approved by the BOC on April 5, 2010

#### (1) Section 4-11 Use Table.

Add this land use under “Other Use Group,”

“Elimination and Redevelopment of Nonconforming Use” and

Designate an “S” under R-40W and “- - -” under all other Zoning Districts to indicate that the new use is allowed only as a Special Use and only in the R-40W Zoning District.

(2) **Part 5 Use Standards**

Add a new Section 4-59, and subsequent subsections, as follows,

**4-59 Elimination and Redevelopment of Nonconforming Use**

**4-59-1 Intent**

It is the intent of this subsection to facilitate elimination and redevelopment of certain nonconforming uses (as defined in subsection 7-12-1 of this ordinance) and associated nonconforming development features within the R-40W Zoning District under conditions that result in conformity with the provisions of this UDO, reduce nutrients in runoff, and otherwise improve water quality.

**4-59-2 Uses Allowed**

- (A) Those uses included in the Residential Use Group (as defined in subsection 4-21 et seq of this ordinance) with the exception of Condominium or apartment, Mobile home subdivision/park, and Upper-story residence.
- (B) Those uses included in the Public and Civic Use Group (as defined in subsection 4-22 et seq of this ordinance) with the exception of Colleges and Universities, Detention and Correctional Facilities, Hospitals, and Lodge or Private Club.
- (C) Those uses included in the Commercial Use Group (as defined in subsection 4-23 et seq of this ordinance) with the exception of Bars and Nightclubs; Pawn Shop, currency exchange or payday loan; Kennel, commercial; Kennel, private; Body Art Service; Funeral and Interment Service; Gas Station, or any other business engaged in the sale of gasoline; Hotel/motel; Mobile home sales; Sexually Oriented Business; and Vehicle Sales and Service. A use within the Commercial Use Group shall not be allowed, however, unless a use within the Commercial or Industrial Use Groups existed prior to redevelopment within the area subject to the special use permit authorizing redevelopment.

**4-59-3 Standards**

All uses authorized under this Section 4-59 must comply with the following standards:

(A) **Location of Commercial Uses Limited**

All uses included within the Commercial Use Group (as defined in subsection 4-23 et seq of this ordinance) authorized under this Section 4-59 must be located within an Activity Center designated in the Wake County Land Use Plan. Subject to approval by the Board of Adjustment, open space, utility lines, wastewater systems, and stormwater detention, retention and treatment facilities associated with any such use may extend beyond the boundaries of an Activity Center.

(B) **Compliance with Watershed and Stormwater Regulations**

Following redevelopment, the property subject to the special use permit authorizing

redevelopment under this Section shall meet or exceed the impervious surface and other standards of the Wake County Watershed and Stormwater Regulations applicable to the watershed in which such property is located.

Commentary: By way of example, redevelopment pursuant to this Section 4-59 in the Falls Lake Watershed must provide stormwater management devices if impervious surface exceeds 12% of the area subject to the special use permit, and impervious surface cannot exceed 24% of such area.

**(C) Stormwater Management**

Any nonresidential development under this Section shall provide stormwater controls that obtain a minimum of 60% reduction in post-construction nitrogen loading rate and 60% reduction in post-construction phosphorous loading rate on-site. This requirement shall remain effective until permanent rules adopted by the North Carolina Environmental Management Commission take effect that apply to the watershed in which development under this Section 4-59 occurs and impose an equivalent or more restrictive nutrient management strategy with respect to redevelopment.

Commentary: These requirements reflect the on-site standards for the reduction of nitrogen and phosphorous set forth in the Draft Rules for the Falls Lake Watershed issued on March 1, 2010 by the Division of Water Quality of the North Carolina Department of the Environment and Natural Resources. The nutrient reduction standards of this subsection (C) apply to the redevelopment of nonconforming uses pursuant to this Section 4-59 in R-40W Districts throughout the County. They remain in effect for each respective watershed until EMC approved rules for redevelopment that are equivalent or more restrictive take effect for that watershed.

**(D) Floor Area; Area Subject to Special Use Permit**

- (1) The gross floor area of any building or buildings and the area subject to the special use permit authorizing redevelopment under this Section 4-59 shall be determined by the Board of Adjustment in its approval of the special use permit. The gross floor area of the building or buildings approved in such special use permit shall not exceed eighty-five percent (85%) of the gross floor area of all buildings existing prior to redevelopment upon the property subject to the special use permit.
- (2) Elimination and redevelopment of a nonconforming use and associated nonconforming development features hereunder must result in a reduction of at least twenty percent (20%) in the area of impervious surface which existed prior to redevelopment.

**(E) Road Access**

- (1) Access to the site must be designated and constructed in accordance with sound engineering principles and applicable standards of the North Carolina Department of Transportation.
- (2) All buildings must be located on a lot that abuts a road that is included in one or more of the following classifications:

- (a) NC-numbered highways classified as “Major Collectors” on the Functional Classification System of Highways, as amended from time to time by the North Carolina Department of Transportation;
- (b) US-numbered highways classified as “Major Collectors,” “Minor Arterials,” or “Principal Arterials” (except “Freeways”) on the Functional Classification System of Highways, as amended from time to time by the North Carolina Department of Transportation; or
- (c) State-maintained secondary roads (S.R.) that have a daily traffic volume of one thousand (1,000) vehicle trips per day according to the most recent traffic counts by North Carolina Department of Transportation, or are classified as “Major Collectors” on the Functional Classification System of Highways, as amended from time to time by the North Carolina Department of Transportation.

**(F) Parking**

All parking associated with the proposed use must be on the parcel, and all parking areas must be paved with an all-weather surface. When approved by the Board of Adjustment as part of a development with commonly utilized parking areas, parking associated with the proposed use also may be on an adjacent parcel or lot. All vehicles parked at any use must be officially registered and licensed for operation at all times.

**(G) Setbacks**

The minimum required building setbacks are as follows:

- (a) Front 30 feet
- (b) Corner 30 feet
- (c) Side 15 feet
- (d) Rear 30 feet

If approved by the Board of Adjustment, sidewalks and signage may be allowed in a setback.

**(H) Outside Storage**

In addition to the primary facility, outside storage may be permitted on a lot when it is determined by the Board of Adjustment to be necessary to the use permitted, provided that:

- (1) Type A screening/bufferyard (See 16-10-2) is established and maintained along the perimeter of the outside storage facility;
- (2) Landscaping and bufferyards are provided in accordance with Sec. 16-10; and

- (3) Refuse containers may be stored outside of the building, but they must be screened from view from any adjacent lot as provided in Sec. 16-11 and maintained in a sanitary and litter-free condition.

(I) **Exterior Lighting**

All exterior lighting must be shielded or directed away from any adjacent use or lot or any adjacent public street. No exterior lighting may cause illumination in excess of one foot candle at any lot line. After closing hours, all lighting, including signs, must be turned off except as necessary to illuminate the premises for security purposes.

(J) **Landscaping and Buffers**

Landscaping and bufferyards must be provided in accordance with Sec. 16-10. The Board of Adjustment is authorized to require additional landscaping and screening during the review and approval process if deemed necessary to ensure compatibility with surrounding uses and development.

(K) **Performance Standards; Regulations**

The use must comply with all applicable operational performance standards. The regulations and standards provided in this Section 4-59 shall be applicable to redevelopments and uses subject thereto notwithstanding any other provision of this UDO, including, but not limited to, subsection 1-19-2.

(L) **Site Maintenance**

All parts of the site including parking area and setbacks must be kept free of trash and litter and maintained in good appearance and condition.

(M) **Certificates of Occupancy**

No building may be occupied until a certificate of occupancy has been issued bearing the name of the chief building inspector certifying that all buildings and site improvements are in conformance with the approved site plan. In order to assure continued compliance with the terms of the special use permit, the certificate must be reviewed and an inspection of the site must be made no less frequently than once every 2 years.

(N) **Signs**

The number, type, height, and size of signs upon a site redeveloped pursuant to this Section 4-59 shall be determined by the Board of Adjustment in its approval of the special use permit authorizing redevelopment of the site.

(O) **Wastewater Treatment**

Redevelopment pursuant to this Section 4-59 shall not utilize any system for the treatment of wastewater that involves the spray of effluent on the surface of the ground.

## 2011

**Item #1: OA 01-10 – Parking, Park and Ride – Approved by the BOC on March 21, 2011**

- **Section 4-11** – Modify the Permissible Use table found in Section 4-11 of the Wake County Unified Development Ordinance by adding Parking, Park and Ride use category and standards.
- **Section 4-22-11** – Added Parking, Park and Ride characteristics, examples, and accessory uses table.
- **Section 4-23-9** – Modified Parking, Commercial characteristics to add text, “This does not include park and ride facilities for car pool, van pool, or transit-oriented park and ride lots. (See Parking, Park and Ride).”
- **Changed the numbering on the following sections to allow for new section 4-60:**

<u>Old Section Number</u>	<u>New Section Number</u>
Part 6	Part 7
4-60	4-70
4-61	4-71
4-62	4-72
4-63	4-73
4-64	4-74
Part 7	Part 8
4-70	4-80
4-71	4-81
4-72	4-82
4-73	4-83
4-74	4-84
4-75	4-85
4-76	4-86
4-77	4-87
4-78	4-88

- **New Section 4-60** – Added Parking, Park and Ride general requirements as new Section 4-60.
- **Section 21-11** – Added definition for Parking, Park and Ride.

**Item #2: OA 02-11 – Repeal of RLDO – Approved by the BOC on August 1, 2011**

- **Section 5-12-4 (B)(3)**: Deleted
- **Section 8-33-2 (C)(3)**: Deleted
- **Section 8-33-3 (C)(4)**: Deleted
- **Section 8-33-4 (C)(4)**: Deleted
- **Section 8-38**: Deleted

**Item #3: OA 03-11 – Temporary Outdoor Seasonal Sales – Approved by the BOC on September 6, 2011**

- **Section 4-83-1**: Changed 45 days to 90 days; added “except as provided by 4-83-1 (A)” language.
- **Added Section 4-83-1 (A)**
- **Section 21-11**: Modified definition of Outdoor Retail Sales/Service, Displays and/or Storage to add “or products grown on site as referred to in Sec. 4-85” language.

**Item #4: OA 04-11 – Commercial Recreation Uses – Approved by the BOC on September 6, 2011**

- Deleted Section 4-33-1 Minimum Lot Area provision.
- Renumbered subsequent 4-33 sections.

## 2012

### Item #1: OA 01-12 – Land-Clearing and Inert Debris Landfills, Construction and Demolition Landfills

- **Section 4-47-2 (A)** – Added Landfill Franchise section.
- **Section 4-47-2 (D)** – Added Special Use Permit section.