



Planning, Development & Inspections

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To: Wake County Planning Board
From: Terry Nolan, Planner III
Subject: Unified Development Ordinance Amendment OA-01-24
Date: October 2, 2024

Request

Amend the Wake County Unified Development Ordinance (UDO) Article 4, and Article 21

Applicant

Wake County Planning, Development & Inspections

Background

After the adoption of PLANWake in 2021, staff identified the need to review regulations in the UDO related to non-residential uses. The 2022 PLANWake amendment related to Multi-Use Districts began the conversation about appropriate uses, standards, and definitions. Planning staff met throughout 2022 and 2023 to review and discuss the UDO with the following goals in mind:

- Align regulations with PLANWake.
- Support small business and entrepreneurship.
- Improve access to goods and services.
- Simplify, clarify, streamline.
- Modernize regulations to keep up with a changing economy.
- Promote Equity.

The draft amendments to Articles 4 and 21 are minor changes that address current issues and correct flaws, regulatory changes, and typos in the text. Staff continue to work on more comprehensive and complex revisions to the UDO.

Analysis

Staff recommend reading this report alongside the red-lined text amendments. Article 4 Use Regulations lay out the what, where, and how in the UDO with the Use Table (4-11) serving as the basic building block of the UDO. Specific uses are grouped into larger classifications (Commercial, civic, etc.) and assigned to zoning districts as permitted (P), special use (S), or special use in a Multi-Use District (S*).

Article 4-20 Use Classification System

The Use Classification System further defines the five major Use Groups (Residential, Public and Civic, Commercial, Industrial, Other) into more specific use categories. It is often called the “characteristics section” because it describes the typical functions, types, customers or residents, and site conditions.

Residential Use Group

The residential use group contains two sub-categories: Household living and group living. The group living category was reviewed to ensure the definition and characteristics were broad enough to include emerging or potential group housing models. Additionally, language has been added to define household in an inclusive manner instead of using the term “family”.

Public and Civic Use Group

The public/civic use group currently contains 11 sub-categories and includes a wide range of public and non-profit uses that serve the safety, recreation, religious, and civic needs of the community. Most changes to this section are minor; however, staff recommend moving Animal Shelter from the Commercial Use Group to the Public and Civic Use Group consistent with the proposed change to the Use Table.

Commercial Use Group

The commercial use group contains the largest number of sub-categories. A few notable changes:

- Deletes Animal Shelter because it moved to public/civic use group.
- Deletes Body Art Service in 4-23-2 and instead incorporates the use in retail sales and service (4-23-11).
- Adds crematory as an accessory use to a funeral home.

Other Use Group

- Expands Forestry to include agriculture and horticulture. Adds examples.

4-30 Use Standards

Use standards provide guidance and requirements for various uses. Not all uses have specific use standards.

Examples of changes to Use Standards

- Added standards for Event Venue.
- Eliminated Special Use Permit requirement for cemeteries and family burial grounds.
- Prohibited dry cleaning operations in water supply watershed districts.

Miscellaneous changes to 4-30 Use Standards

- Changed instances of the word church to religious assembly.
- Changed instances of the word mobile home to manufactured home.
- Changed day care to daycare, child care to childcare, camp ground to campground.
- Made changes to reflect county departmental reorganization that shifted some functions from Environmental Services to Health and Human Services.

Article 21 Definitions and Measurements

The review of the Definitions and Measurements Article yielded several instances in which a word or a use was not defined. Other definitions were outdated, confusing, or not consistent with state law.

Examples of changes to Definitions and Measurements

- Added a definition for Turkey Shoot.
- Added a definition for remote work.
- Revised the definition for manufactured home to align with state building code.
- Revised the definition for bona fide farm.
- Revised the definition for Sexually Oriented Business to reflect changes in state law.

Findings

1. The proposed amendment is consistent with the policies set forth within the Comprehensive Plan, PLANWake.
2. The proposed amendment aligns the non-residential provisions with best practices, current and emerging trends, North Carolina Building Code, and other internal regulations.

Recommendation

Planning staff recommends the Planning Board recommend the Board of Commissioners adopt Ordinance Amendment OA-01-24.

Attachments:

- Article 21 text amendment
- Article 4 text amendment

Article 4. Use Regulations

Part 1 Use Table

October 2 2024 PB Draft

4-1—4-9 Reserved for future use.

4-10 Explanation of use table.

4-10-1 Use Classification System. The first column of the use table lists the use groups, use categories and specific use types allowed in Residential, Commercial and Industrial zoning districts. This use classification system is further described in Sec. 4-11.

4-10-2 Permitted Uses. Uses identified with a "P" are permitted as of right in the subject zoning district, subject to compliance with all other applicable regulations of this ordinance.

4-10-3 Special Uses. Uses identified with an "S" are allowed only if reviewed and approved in accordance with the Special Use Permit procedures of Sec. 19-23. Uses identified with an "S*" must be located within a mixed-use district in accordance with the Wake County Comprehensive Plan and reviewed and approved in accordance with the Special Use Permit procedures of Sec. 19-23.

Commentary: Special Use Permits are required to meet the conclusions required for approval found in Sec. 19-23-8 including consistency with the Wake County Comprehensive Plan. To be consistent with the Comprehensive Plan, some special uses must be located within a designated multi-use district.

[Amended on 11/21/2022 by OA-02-22 .]

4-10-4 Uses Not Allowed. Uses identified with an "-" are not allowed in the respective zoning district, unless it is otherwise expressly allowed by other regulations of this ordinance.

4-10-5 Use Standards. The final column of the use table identifies use-specific standards and conditions that apply to some uses. Unless otherwise expressly stated in the text of the referenced use standard, these use-specific standards and conditions apply whether the use is allowed as a permitted (P) or special (S) use.

[Amended on 1/22/2008 by OA 04-07]

4-11 Use Table.

Uses are allowed in zoning districts in accordance with the use table of this section (continues on the following page).

[Amended on 1/22/2008 by OA 04-07; Amended on 7/21/2008 by OA 02-08; Amended on 4/6/2009 by OA 01-09; Amended on 4/5/2010 by OA 03-09; Amended on 3/21/2011 by OA 01-10; Amended on 10/1/2012 by OA 04-12; Amended on 4/21/2014 by OA 05-12; Amended on 10/6/2014 by OA 03-14; Amended on 2/2/2015 by OA 04-14; Amended on 1/17/2017 by OA 02-16; Amended on 1/19/2021 by OA-03-20 ; Amended on 1/3/2022 by OA-03-21 ; Amended on 11/21/2022 by OA-02-22 .]

4-12—4-19 Reserved for future use.

Part 2 Use Classifications

4-20 Use Classification System.

4-20-1 General.

- (A) **Use Groups.** For the purpose of interpreting the use table of Sec. 4-11, land uses are classified into five major groupings: "Residential," "Public and Civic," "Commercial," "Industrial," and "Other." These broad groupings are referred to as "use groups."
- (B) **Use Categories.** Each use group is further divided into more specific "use categories." Use categories classify land uses and activities based on common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered and site conditions. The use categories are intended to provide a systematic basis for assigning present and future land uses into appropriate zoning districts. Principal uses are assigned to the use category that most closely describes the nature of the principal use. The "characteristics" subsection of each use category describes the common characteristics of each principal use.
- (C) **Developments with Multiple Principal Uses.** When all principal uses of a development fall within one use category, the entire development is assigned to that use category. A development that contains a coffee shop, bookstore and bakery, for example, would be classified in the retail sales and service category because all of the development's principal uses are in that category. When the principal uses of a development fall within different use categories, each principal use is classified in the applicable category and each use is subject to all applicable regulations for that category.
 - (1) When there are two or more principal uses that require different types of permits (zoning, special use or planned compliance), then the development shall be reviewed using the most restrictive process from among the proposed uses.

If a proposed development includes a use that is permitted and a use that is a special use in the district then the entire development requires Special Use Permit review.
 - (2) Multiple **single-family** dwellings as principal uses on a single parcel shall be prohibited, except in cases of mobile homes located in RMH District.
- (D) **Business, Prima Facie.** Any use or activity that functions as a traditional business or commercial use, whether or not such use or activity is performed for profit or financial gain, is a business. An individual who repairs vehicles owned by other people will, for example, be deemed to be operating a prima facie business regardless of whether payment is received for such services.
- (E) **Use of Examples.** The "examples" subsection of each use category lists typical uses included in the respective use category, but is not intended to represent an exhaustive list. The names of these typical

uses are generic. They are based on common meanings and not on what a specific use may call itself. For example, a use that calls itself "wholesale warehouse" but that sells mostly to consumers is included in the retail sales and service category. This is because the actual activity on the site matches the description of the retail sales and service category.

(F) **Similar Use Interpretation Criteria.** When a specific use type cannot be classified into a use category or appears to fit into two or more use categories, the Planning Director is authorized to determine the most appropriate Use Category. The following considerations may be used in making similar use interpretations:

- (1) The actual or projected characteristics of the activity in relationship to the stated characteristics of each use category;
- (2) The relative amount of site area or floor space and equipment devoted to the activity;
- (3) Relative amounts of sales from each activity;
- (4) The customer type for each activity (retail or wholesale);
- (5) The relative number of employees in each activity;
- (6) Hours of operation;
- (7) Building and site arrangement;
- (8) Vehicles used with the activity;
- (9) The manner in which such uses are classified by commonly used business classification reference sources, such as the American Planning Association's Land-Based Classification Standards ~~North American Industrial Classification System (U.S. Census Bureau)~~;
- (10) The relative number of vehicle trips generated by the use; and
- (11) How the use advertises itself.

[Amended on 6/4/2012 by OA 02-12; Amended on 1/17/2017 by OA 03-16]

4-21 Residential Use Group.

The "Residential" use group includes uses that provide living accommodations to one or more persons. The residential use group includes two use categories: group living and household living.

4-21-1 Household Living.

Characteristics: Household living is characterized by the residential occupancy of a dwelling unit by a household. <u>A household is one or more individuals living as a single housekeeping unit.</u> Tenancy is arranged on a month-to-month or longer basis. Uses where tenancy may be arranged for a shorter period are not considered residential uses; they are considered to be a form of lodging.	
Examples	Accessory Uses
Examples of household living uses include living in houses, duplexes, multi-unit buildings (containing apartments or condominiums), or mobile-manufactured homes , or <u>Upper Story Residence.</u>	Accessory uses commonly associated with household living uses include recreational activities, <u>accessory dwelling unit</u> , hobbies and parking of the occupants' vehicles. Home occupations and licensed amateur radio antennas are accessory uses that are subject to additional

	regulations (see Sec. 4-72 and Sec. 4-73).
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4-21-2 Group Living.

Characteristics: Group living is characterized by the residential occupancy of a building by a group of people receiving care, training, or treatment onsite. who do not meet the definition of a "family." The size of the group may be larger than a family. Tenancy is arranged on monthly or longer basis. Uses where tenancy may be arranged for a shorter period are not considered residential uses; they are considered to be form of lodging. Group living arrangements typically have a common eating area for residents. The residents may receive care, training, or treatment as long as the care givers also reside at the site.	
Examples	Accessory Uses
Examples of group living uses include family care homes, group care facilities, group homes and personal (health) care facilities.	Typical accessory uses include associated offices, indoor storage, food preparation and dining, and recreational activities.

4-22 Public and Civic Use Group.

The public and civic use group includes uses that provide public or semi-public services. The public and civic use group includes the following use categories:

4-22-1 Animal Shelter

Characteristics: Animal shelter uses are characterized by their provision of adoption services and animal rescue, generally as a public, semi-public or non-profit enterprise.	
Examples	Accessory Uses
Examples of animal shelter uses include public, semi-public and non-profit animal shelters.	Typical accessory uses include limited veterinary services such as spaying and neutering or euthanasia, offices, indoor storage and parking.

4-22-1 Colleges and Universities.

Characteristics: The college and university use category includes institutions of higher learning that provide courses of general or specialized study leading to a degree, as well as business and technical schools leading to licensing or certification.	
Examples	Accessory Uses
Examples include colleges, universities, community colleges, conservatories, seminaries, business schools, trade schools and nursing or medical schools not accessory to hospitals.	Typical accessory uses include offices, housing for students, food service, laboratories, health clinics, sports facilities, theaters, meeting areas, parking, maintenance facilities, support services and incidental commercial uses.

4-22-2 Cultural Exhibits and Libraries.

Characteristics: Cultural exhibits and libraries are characterized by the preservation, archiving or exhibition of objects in the arts or sciences, or the collection of books, manuscripts and other materials for reading and study.	
Examples	Accessory Uses
Examples include public libraries, art museums, science museums, and history museums.	Typical accessory uses include offices, limited retail sales, meeting areas and concessions. Art galleries, where objects are displayed for purpose of sale, are "retail" uses.

4-22-3 ~~Day-Care~~ Daycare.

Characteristics: Day care uses provide care and supervision for children and adults away from their primary residence on a regular basis and for less than 24 hours per day.	
Examples	Accessory Uses
Examples of day-care <u>daycare</u> uses include child care - <u>childcare</u> homes, child-care <u>childcare</u> centers, and day-care <u>daycare</u> for the elderly.	Typical accessory uses include parking, offices and recreational activities.

4-22-4 Detention and Correctional Facilities.

Characteristics: Detention and correctional facilities provide for the confinement, rehabilitation and treatment of persons awaiting trial or persons serving a sentence after being found guilty of a criminal offense.	
Examples	Accessory Uses
Examples of detention and correctional facilities include jails, prisons, juvenile detention centers and probation centers.	Typical accessory uses include offices, recreation and health facilities, therapy facilities and hobby and manufacturing facilities.

4-22-5 Hospitals.

Characteristics: Hospitals include uses providing medical or surgical care to patients and offering inpatient (overnight) care.	
Examples	Accessory Uses
Examples include hospitals and inpatient medical centers.	Typical accessory uses include outpatient clinics, offices, laboratories, teaching facilities, meeting areas, cafeterias, parking, maintenance facilities and staff or trainee housing. Outpatient medical clinics and <u>doctors'</u> offices are classified as office uses.

4-22-6 **Lodge or Private Club.**

Characteristics: Lodges and private clubs are nonprofit associations of annual dues-paying members , which own, lease, or rent a building or portion thereof for the exclusive use of their members.	
Examples	Accessory Uses
Examples include civic, social and professional clubs.	Typical accessory uses include offices, limited retail sales, meeting areas and concessions.

4-22-7 **Parks and Recreation.**

Characteristics: Parks and recreation uses are characterized by the provision of open spaces and buildings for organized or informal recreation.	
Examples	Accessory Uses
Examples of parks and recreation uses include parks, play fields, playgrounds, recreation buildings, <u>community centers</u> , gymnasiums, and athletic fields.	Typical accessory uses include clubhouses, maintenance facilities, concessions, caretaker's quarters and parking.

4-22-8 **Religious Assembly.**

Characteristics: Religious assembly uses primarily provide meeting areas for religious activities.	
Examples	Accessory Uses
Examples of religious assembly uses include churches, mosques, synagogues and temples.	Typical accessory uses include classroom facilities, <u>kitchen facilities</u> , <u>cemetery</u> , parking, caretaker's housing, and group living facilities such as convents.

4-22-9 **Safety Service.**

Characteristics: Safety service uses are those that provide services for the protection of health and personal safety.	
Examples	Accessory Uses
Examples include police stations, fire stations and ambulance services.	Typical accessory uses include <u>training facilities</u> , <u>kitchen facilities</u> , <u>parking</u> , <u>sleeping quarters for personnel</u> , and the storage and maintenance of necessary vehicles.

4-22-10 **School.**

Characteristics: Schools are institutions that provide state-mandated basic education.	
Examples	Accessory Uses
Examples include public and private primary, elementary, <u>middle junior high</u> and high schools.	Typical accessory uses include play areas, cafeterias, recreational and sports facilities,

	parking , auditoriums, and before- and after-school day care.
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4-22-11 Parking, Park and Ride.


Characteristics: Park and Ride parking facilities are characterized by public, semi-public, private , or nonprofit short-term parking areas where commuters park their vehicles and ride to their destination with other commuters.	
Examples	Accessory Uses
Examples include carpool lots, van pool lots, and park and ride lots.	Bus stop, bicycle parking

[Added on 3/21/2011 by OA 01-10]

4-23 Commercial Use Group.

The commercial use group includes uses that provide a business service or involve the selling, leasing or renting of merchandise to the general public.

4-23-1 Animal Service.

Characteristics: Animal service uses are characterized by their provision of medical services, training, boarding, showing or raising of animals, either for profit or for humane purposes.	
Examples	Accessory Uses
Examples of animal service uses include veterinary services such as animal hospitals, pet clinics, commercial kennels, and private kennels and animal shelters. 	Typical accessory uses include offices, indoor storage and parking.

~~4-23-2 Animal Shelter~~

Characteristics: Animal shelter uses are characterized by their provision of adoption services and animal rescue, generally as a public, semi-public or non-profit enterprise.	
Examples	Accessory Uses
Examples of animal shelter uses include public, semi-public and non-profit animal shelters.	Typical accessory uses include limited veterinary services such as spaying and neutering or euthanasia, offices, indoor storage and parking.

~~4-23-2 Body Art Service.~~



Characteristics: Body art services perform procedures such as body piercing, tattooing, cosmetic tattooing, branding or scarification, but not including practices that are considered medical procedures by the North Carolina Medical Board (such medical procedures may not be performed in a body art establishment)	
Examples	Accessory Uses
Examples of body art services include tattoo parlors and body piercing businesses.	Typical accessory uses include offices and parking.

4-23-3 Eating and Drinking Establishment.

Characteristics: Eating and drinking establishments are characterized by the provision of prepared food or beverages for consumption either on or off the premises.	
Examples	Accessory Uses
Examples of eating and drinking establishments include restaurants, fast-food restaurants, taverns, cocktail lounges and coffee shops.	Typical accessory uses include offices, patios for outdoor dining, drive-through facilities and parking.

4-23-4 Event Venue

Characteristics: Event Venues are characterized by the provision of accommodations and services for special events and private gatherings. This category does not include the provision of overnight lodging.	
Examples	Accessory Uses
Examples of event venues include banquet halls, meeting spaces, and converted residential buildings.	Typical accessory uses include offices, storage and parking.

4-23-4 Financial Services.

Characteristics: Financial services uses are characterized by the provision of financial or brokerage services.	
Examples	Accessory Uses
Examples include banks, savings and loans, investment businesses, payday loan stores, check cashing services and pawn shops.	Typical accessory uses include cafeterias and other amenities for on-site employees, meeting rooms and parking.

4-23-5 Funeral and Interment Service.

Characteristics: Funeral and interment services provide for the preparation and burial of the dead.	
Examples	Accessory Uses

Examples include funeral homes, undertaking services, <u>crematories</u> , family burial grounds, cemeteries, mausoleums and columbaria.	Typical accessory uses include offices, storage of vehicles used by the firm and parking. <u>A crematory may be an accessory use to a funeral home.</u>
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4-23-6 Gasoline Station.

Characteristics: Gasoline stations are characterized by the retail sale to the public of fuel, oil and accessories for motor vehicles. This use category does not include the sale, rental or storage of any motor vehicle.	
Examples	Accessory Uses
Examples include gas stations with or without convenience stores.	Typical accessory uses include incidental repair services and car washing.

4-23-7 Lodging.

Characteristics: Lodging uses are characterized by the provision of temporary overnight or <u>short-term accommodations</u> and incidental sales and services for the convenience of guests such as food, drinks and other items.	
Examples	Accessory Uses
Examples of lodging uses include bed and breakfast establishments, hotels, motels, recreational vehicle parks and campgrounds. Day camps are classified as "recreation and entertainment uses."	Typical accessory uses include offices, meeting areas, food preparation and dining facilities, laundry facilities, swimming pools and other recreation facilities and parking.

4-23-8 Office.

Characteristics: Office uses are characterized by the provision of a place of work for professional and service occupations and agencies.	
Examples	Accessory Uses
Examples of office uses include offices for accountants, architects, artists, brokers, dentists, doctors, engineers, insurance adjusters, landscape architects, lawyers, realtors, chiropractors, osteopaths, masseurs, optometrist, secretarial agencies, finance and insurance agencies, mortgage companies, medical offices, laboratories and outpatient medical clinics. Broadcast and recording studios are also classified as office uses.	Typical accessory uses include cafeterias, health facilities, parking or other amenities primarily for the use of the employees in the firm or building.

4-23-9 Parking, Commercial.

Characteristics: Commercial parking facilities provide parking that is not accessory to a specific use. A fee may or may not be charged. A facility that provides both parking for a specific use and regular fee parking for people not connected to the use is also considered a commercial parking use. This does not include park and ride facilities for carpool, van pool, or transit-oriented park and ride lots. (See Parking, Park and Ride).	
Examples	Accessory Uses
Examples include short- and long-term fee parking facilities and mixed parking lots (partially accessory to a specific use and partially for rent to others).	

4-23-10 Recreation and Entertainment (Indoor and Outdoor).

Characteristics: Recreation and entertainment uses provide indoor or outdoor areas for athletic, recreational or entertainment activities.	
Examples	Accessory Uses
Examples include bowling alleys, billiard halls, physical fitness centers, botanical gardens, firearm ranges and clubs, fishing clubs, marinas, boat clubs, recreational farms or ranches, riding clubs, swimming pools, wildlife or game preserves, day camps, golf courses, swimming clubs and tennis clubs. Recreational vehicle parks and campgrounds are classified as "lodging" uses.	Typical accessory uses include restaurants, bars, concessions, parking and maintenance facilities.

4-23-11 Retail Sales and Service.

Characteristics: Retail sales and service establishments are characterized by (1) sales of new or used goods or products to the general public and (2) the provision of services related to the care of persons, apparel or small household appliances.	
Examples	Accessory Uses
Examples of retail sales establishments include bookstores, pharmacies, office supply stores, business machine companies, dental supply companies, clothing and shoe stores, department stores, discount stores, card and stationery shops. Examples of retail (personal) service establishments include apparel alteration and tailoring shops, shoe repair shops, dry cleaning and laundry pickup shops, coin-operated laundry facilities, barber shops, beauty salons, tattoo and piercing parlors , day spas, small household appliance repair, and security sales and service businesses.	Typical accessory uses include offices, indoor and outdoor storage of goods and parking.

4-23-12 Sexually Oriented Business.

Characteristics: A sexually oriented business is any place defined as an "adult establishment" by Section 14-202.10 of the North Carolina General Statutes, as such statutes are amended from time to time, except that the incorporated definition of "massage business" will not include a health club, exercise studio, hospital, physical therapy business, or other health related business—but will include any business where massages are rendered by persons exhibiting "specified anatomical areas" and/or where massages are performed on any client's "specified anatomical areas" (as those terms are defined in G.S. 14-202.10).

4-23-13 Vehicle Sales and Service.

Characteristics: Vehicle sales and services uses are characterized by the sale, lease, rental, storage, or display of motor vehicles, equipment and related accessories; and the provision of services related to motor vehicles and equipment.

Examples	Accessory Uses
Examples include car washes, detailing services, repair services, oil change services, gasoline sales , impound yards, towing services, fleet storage, and businesses engaged in the sale, lease, rental or storage /display of motor vehicles, construction equipment, aircraft, watercraft, tractor trailers or other equipment.	Typical accessory uses include offices, the sale of motor vehicle parts, temporary vehicle storage and parking.

[Amended 1/22/2008 by OA 04-07; Amended 3/21/2011 by OA 01-10]

4-24 Industrial Use Group.

The industrial use group includes uses that produce goods from raw, recycled or previously prepared materials, and uses that store and distribute large quantities of these goods.

4-24-1 Junk/Salvage Yard.

Characteristics: Junk and salvage yards are characterized by the buying, storage, handling, sale, exchange, packing or disassembly of scrap materials such as scrap metals, paper, rags, rubber tires or bottles.

Examples	Accessory Uses
Examples include auto salvage yards and junk and scrap yards.	Typical accessory uses include offices and parking.

4-24-2 Manufacturing, Production and Industrial Service.

Characteristics: Manufacturing, production and industrial service uses are characterized by use of land or buildings for manufacturing, production, processing, research, fabrication, assembly and similar operations.

Examples	Accessory Uses
Examples of manufacturing, production and industrial service uses include food processing plants, paper mills, glass factories, publishing businesses, manufacturing or assembly plants, welding shops or machine shops.	Typical accessory uses include offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets and caretaker's living quarters.

4-24-3 Mining/Excavation.

Characteristics: Mining/excavation uses are characterized by the extraction of mineral or aggregate resources for off-site use.	
Examples	Accessory Uses
Examples of mining/excavation uses include sand and gravel operations, extraction of other aggregate materials, mining, oil drilling and gas drilling.	Typical accessory uses include offices, parking, cafeterias, storage yards and caretaker's living quarters.

4-24-4 Self-Service Storage.

Characteristics: Self-service storage uses provide separate storage areas for individuals or businesses. The storage areas are typically designed to allow private access by the tenant for storing or removing property.	
Examples	Accessory Uses
Examples include self-storage facilities and mini warehouses.	Typical accessory uses include a caretaker's living quarters, security and leasing offices and parking. The use of self-storage facilities for sales, service, manufacturing and repair activities or for the rental of trucks or equipment is not considered accessory to a self-storage use.

4-24-5 Warehousing, Wholesaling and Freight Movement.

Characteristics: Warehousing, wholesaling and freight movement uses are characterized by the storage or movement of goods for themselves or for other firms; or are involved in the sale, lease or rental of products primarily to industrial, institutional or commercial uses.	
Examples	Accessory Uses
Examples include separate warehouses used by retail stores, household moving and storage businesses, cold storage plants, distribution centers, truck or freight terminals, parcel services, or the wholesale sale of machinery, tools, food, clothing, auto parts or other products.	Typical accessory uses include offices, product repair, warehouses, parking, minor fabrication services and repackaging of goods.

4-24-6 Waste-Related Use.

Characteristics: Waste-related uses are characterized by the receiving of solid or liquid wastes from others on the site for transfer to another location; by the collection of sanitary wastes, or other approved waste materials for on-site disposal; or by the manufacture or production of goods or energy from the composting of organic material.	
Examples	Accessory Uses
Examples include land-clearing and inert debris landfills, construction and demolition landfills, sanitary landfills, waste transfer stations, recycling collection stations, waste composting, energy recovery plants, sewage treatment plants and hazardous waste collection sites.	Typical accessory uses include recycling of materials, offices, repackaging and transshipment of by-products.

4-25 Other Use Groups.

4-25-1 Airfields and Landing Strips.

Characteristics: Airfields and landing strips provide areas or strips of land to launch and receive power-driven and non-power-driven aircraft.	
Examples	Accessory Uses
Typical uses in this category include airports, airfields, heliports, helipads and landing areas for gliders and balloons.	Typical accessory uses include freight handling areas, concessions, offices, parking and maintenance and fueling facilities.

4-25-4 Agriculture, Horticulture, Forestry.

Characteristics: <u>Agriculture, horticulture, and</u> forestry uses are characterized by the growing or harvesting of <u>crops, hay, ornamental plants</u> , and forest tree species used for commercial or related purposes.	
Examples	Accessory Uses
Examples of <u>agriculture, horticulture, and forestry uses include crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry</u> , landscaping tree farms and Christmas tree farms.	Typical accessory uses include equipment storage areas or buildings, offices and parking.

4-25-2 Farm Serving Uses, Class I.

Characteristics: Class I farm serving uses are characterized by the provision of farming-related equipment and supplies.	
Examples	Accessory Uses

Examples of Class I farm serving uses include farm hardware, feed, fertilizer and seed stores; and tractor or other agricultural equipment sales and service.	Typical accessory uses include storage of goods, offices and parking.
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4-25-3 Farm Serving Uses, Class II.

Characteristics: Class II farm serving uses are characterized by the intermediary storage of non-radioactive fuels intended for distribution to farmers, but not for direct sale.

4-25-5 Off-Premise Signs.

Characteristics: Off-premise signs direct attention to a business, commodity, service or entertainment that is conducted, sold or offered elsewhere than on the premises where the sign is located.	
Examples	Accessory Uses
Examples include billboards, freestanding signs and other signs not located on the same lot as the business it advertises.	

4-25-6 Telecommunication Facilities.

Characteristics: The site, structures, equipment, and appurtenances used to transmit radio frequency transmissions licensed by the Federal Communications Commission.	
Examples	Accessory Uses
Examples of telecommunication facilities include cellular antennas and towers and specialized mobile radio (SMR) antennas/towers.	Typical accessory uses include transmitter facility buildings.

4-25-7 Special Events.

Characteristics: infrequent in occurrence and limited in duration and intended to or likely to attract substantial crowds.	
Examples	Accessory Uses
Examples includes fairs, carnivals, festivals, tent revival, fundraising, grand openings, weddings, receptions or other types of special events.	Parking, tents.

4-25-8 Solar Energy Systems.

Characteristics: The components and subsystems required to convert solar energy into electric or thermal energy.	
Examples	Accessory Uses

Roof-mounted solar photovoltaic (PV) systems and/or solar hot water systems, building integrated solar (e.g., window, shingle, canopy), covering permanent parking lot; for public or private utility solar energy system	Parking and equipment shed
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4-25-9 Farmers Market.

Characteristics: The recurring selling of agricultural products directly to the public by a group of individual farmers and/or vendors.	
Examples	Accessory Uses
Farmers markets can have varying number of vendors - with at least three, can be seasonal or year-round, and can be operated within or without a structure.	Utility building, shed, greenhouse, composting

4-25-10 Local Agricultural Market.

Characteristics: The recurring selling of agricultural products directly to the public. Can sell off site grown agricultural products.	
Examples	Accessory Uses
Consumers may be individuals, restaurants, stores, and wholesalers. A local agricultural market can be the only use on a site or it may be on the same site as a house or farm.	Local Agricultural Markets can have outdoor growing operations, indoor growing operations, vertical farms, aquaponics, and aquaculture.

[Amended on 4/6/2009 by OA 01-09; Amended on 10/6/2014 by OA 03-14; Added on 1/17/2017 by OA 02-16]

4-26—4-29 Reserved for future use.

Part 3 Use Standards

4-30 Bed and Breakfast Residences.

Bed and breakfast residences are subject to the following standards:

- 4-30-1 The dwelling originally was constructed as a single-family detached dwelling, and contains at least 3,500 square feet of heated floor area;
- 4-30-2 The dwelling is listed, or eligible for listing, in the National Register of Historic Places, or is listed as a contributing structure within a local or National Register historic district, or is a locally designated historic landmark, or is listed on a State or local inventory of historic structures;
- 4-30-3 No substantial changes may be made to the exterior appearance of the structure or to the site that would alter the property's residential character;

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- 4-30-4 No interior changes may be made that would prevent the structure's conversion back to an exclusively single-family residential use;
- 4-30-5 Guest stays are limited to 14 consecutive days;
- 4-30-6 The operator of the bed and breakfast residence may be the owner of the dwelling or a resident manager, but must occupy the dwelling as a principal residence;
- 4-30-7 Meals may be provided to overnight guests only, and no cooking facilities may be provided in guest rooms; and
- 4-30-8 Accessory facilities for meetings or recreation may be provided, but only for use by overnight guests (not open to the general public).

Commentary: Homeowners associations may impose private restrictions on Bed and Breakfasts. Individuals interested in starting a Bed and Breakfast should contact their respective homeowner's association to inquire about additional limitations.

4-31 Caretaker Residence.

- 4-31-1 A one-family dwelling, as a residence for security personnel, is permitted as a special use by the Board of Adjustment, after approval of plans subject to the following requirements:
- (A) Only one such use may be permitted in association with any one establishment; and
 - (B) Any structural alterations of, or any change in the location, characteristics, use, or time and type of occupancy of, the unit must cause the permit to be voidable and require review and reapproval of the alterations or changes by the Board of Adjustment.
 - (C) Dwellings in business districts must be provided with yard space as necessary to satisfy the living and health requirements in the dwelling units;
 - (D) Where connections to public or community water and/or wastewater disposal systems are not available, the minimum lot area must be determined by the Board of Adjustment upon the recommendation of the Department of ~~Environmental Services~~ **Health and Human Services**. Other yard and space requirements must then be determined by the Board of Adjustment by reference to appropriate Residential district requirements as set forth in this ordinance;
 - (E) Where connections to public or community water and wastewater systems are available, setback and space requirements must conform to provisions of R-12 Districts.

[Amended 6/7/2021 by OA-01-21].

4-32 Cemeteries.

4-32-1 Cemeteries are subject to the following regulations:

- ~~4-32-1~~ **(A) Location and Plat Recordation.** The location of existing and designated graves ~~sites~~ must be **shown on the application plan. recorded with the Planning Director at the time that an application for a Special Use Permit is filed.** The applicant must record a ~~plat all permits issued for cemeteries~~ with the **Wake** County Register of Deeds **showing the location of all existing and designated graves** and return a copy to the Planning Director.
- ~~4-32-2~~ **(B) Setbacks.** Grave spaces ~~(existing and designated)~~ must be located a minimum of 50 feet from adjacent property lines. This provision does not apply when adjacent property is commonly owned and used for

cemetery purposes. Grave spaces (existing and/or designated) must be located a minimum of 20 feet from any road right-of-way or private road easement.

~~4-32-3 Grave spaces (existing and designated) must be located a minimum of 20 feet from any road right-of-way. This provision does not apply when property on the other side of the road right-of-way is commonly owned for cemetery purposes.~~

~~4-32-4 Every cemetery must be established in accordance with the Special Use Permit provisions of Sec. 19-23.~~

~~4-32-5 (C) Proximity to wells and septic systems.~~ The North Carolina Cemetery Commission regulates all perpetual care cemeteries. In addition, the Wake County Department of ~~Environmental Services~~ Health and Human Services regulates the location of water supply wells and septic systems relative to grave sites under rules of the NC Environmental Management Commission, NC Commission for Public Health, and Wake County Health and Human Services Board. ~~all grave sites relative to water supply.~~

4-33 Commercial Recreation Uses.

Uses subject to the use regulations of this section must comply with the following standards:

4-33-1 **Parking.** Paved or graveled parking areas of sufficient size to provide parking spaces on the premises for all persons using the premises must be provided. There may be no parking in any required setback. Parking areas must be designated and marked as such by curbs, borders, walls, or fences, and must be well drained and continuously maintained.

4-33-2 **Storage.** Outside storage is not permitted within any required setback. Storage areas must be screened or located where they will not be seen from any adjoining property.

4-33-3 **Utilities.** Approval of water supply and sewage disposal plans by the county or state agencies having jurisdiction is required before issuance of use or building permits.

[Amended on 9/6/2011 by OA 04-11]

4-34 Day Camps.

Day camps and similar facilities must be located at least 300 feet from adjoining property lines. Rifle ranges or other shooting facilities are not permitted.

4-35 Adult Day Care Facility.

Adult Day Care Facilities are subject to the following regulations:

4-35-1 The site plan must be an engineering drawing or a sketch plan drawn to scale, and must include the location, dimensions, and a rendering of the general appearance for each of the following:

- (A) The entire adult day care facility in relation to abutting properties and public thoroughfares;
- (B) Off-street parking areas and points of ingress and egress, in relation to abutting properties and connecting or adjoining streets;
- (C) The general landscape plan, including (but not limited to) the location of any proposed buildings, structures, recreation areas, parking facilities, fences, and vegetative screens;
- (D) Proposed utility designs, including (where applicable) water and wastewater lines and connectors, nitrification fields, water storage structures, etc.;
- (E) Projected day-time occupancy figures (including both staff and clientele); and

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- (F) Vehicular movement and parking capacity projections for nearby streets.

4-35-2 No permit may be issued for development of any adult day care facility for the elderly unless:

- (A) There is a minimum of 1,300 square feet of total land area per each enrolled elderly person in R-40, R-80, R-40W, and R-80W districts, 800 square feet of total land area per each enrolled elderly person in R-30 districts, and 300 square feet of total land area per enrolled elderly person in any other Residential districts;
- (B) The building housing the facility is similar in appearance to nearby dwellings and buildings and compatible with the character of the neighborhood; and
- (C) Adequate off-street parking spaces and means of ingress to and egress from the facility are provided based upon projected enrollment and on-street parking capacity of the nearby streets.

[Amended on 1/22/2008 by OA 04-07]

4-36 Duplex, Triplex and 4-plex Dwellings.

In all Residential districts, duplex, triplex and 4-plex dwellings must be located on a lot that contains at least two, three or four times respectively the land area required under the applicable minimum lot size standard in Article 5 of this ordinance.

4-37 Family Burial Grounds.

4-37-1 Family Burial Grounds are permitted in all zoning districts but must meet the following standards:

(A) Location and Plat Recordation. Family burial grounds are permitted provided the locations of all graves ~~sites are shown on the application plan. approved by the Planning Director and all grave sites are located at least 50 feet from any lake.~~ The applicant must record a plat showing the location of all existing and designated graves ~~the plan approved~~ for family burial grounds with the Register of Deeds and return a copy to the Planning Director.

~~4-37-2~~ (B) Setbacks. All graves must be located a minimum of 50 feet from adjacent property lines and a minimum of 20 feet from any road right-of-way or private road easement.

~~4-37-3~~ (C) Proximity to wells and septic systems. The North Carolina Cemetery Commission regulates all perpetual care cemeteries. In addition, the Wake County Department of ~~Environmental Services~~ Health and Human Services regulates the location of water supply wells and septic systems relative to grave sites under rules of the NC Environmental Management Commission, NC Commission for Public Health, and Wake County Health and Human Services Board. ~~all grave sites relative to water supply.~~

4-38 Family Care Homes.

Family care homes are permitted, provided no proposed family care home will be located within a one-half mile radius of an existing family care home. The owner or operator must provide documentation of the closest licensed family care home and its proximity to the proposed family care home.

4-39 Farm Serving Uses—Class II.

4-39-1 **Purpose.**

- (A) These regulations are intended to ensure that Class II Farm Serving Uses are located in a manner consistent with the public health, safety, and welfare, and that surface waters, population centers,

adjacent land uses, and Wake County in general will be protected from the potential injurious effects of a Class II use.

- (B) It is further intended to ensure that decisions pertaining to location of Class II uses are made according to objective criteria.

4-39-2 Special Uses.

- (A) Class II uses may be permitted as special uses within Residential districts, subject to the terms and conditions of this section and Sec. 19-23.
- (B) The following uses are prohibited in R-40W and R-80W districts:
- (1) Underground intermediary fuel storage facilities; and
 - (2) Storage, in quantities of greater than 250 gallons, of any fuel which is a liquid at atmospheric pressure and 40 degrees Fahrenheit temperature.

4-39-3 Standards.

- (A) Ingress to and egress from Class II uses is not permitted by roads that principally provide access to residential properties within subdivisions.
- (B) A 100-foot bufferyard is required around all sides of a Class II use in accordance with Sec. 16-10-2, in order to conserve the value of buildings on adjacent properties, reduce or eliminate the effects of noise, odor, dust, and vibrations, and protect adjacent land uses from any adverse or detrimental effects due to the presence of a Class II use.
- (C) Storage tanks may not exceed a maximum of 18,000 gallons water capacity each. The minimum land area per 18,000 gallons is one acre.
- (D) A security fence at least six feet in height, designed to discourage unauthorized entry, must be installed around all portions of Class II uses directly involved in the storage and handling of non-radioactive fuel.
- (E) The Board of Adjustment may impose monitoring requirements as a condition to special use authorization.
- (F) Special use approval will not become effective until all applicable permits for a Class II use have been issued by the appropriate State and federal agencies, and will expire automatically if, at any time after the issuance, required State or federal permits are revoked or lapse.

4-39-4 Application Submittal Requirements. Permit applications must include four copies of all documents required by any State or federal agency for a permit to operate a non-radioactive intermediary fuel storage facility.

Part 4 Use Standards (Cont'd)

4-40 Firearm Ranges and Clubs.

Ranges or clubs involving the use of firearms are subject to the following standards:

4-40-1 Ranges or clubs involving the use of firearms may not be interpreted to include the activity known as "turkey shoots;"

4-40-2 All shooting stations must be at least 1,000 feet distance from any adjacent property in different ownership, now or in the future. A 300 or more-foot wooded buffer, consisting primarily of evergreens must exist or be planned and propagated between the firing area and all adjacent property and adequate fencing, warning signs, or other safety measures must be provided and maintained around any danger area; and

4-40-3 The minimum required distance of 1,000 feet between any shooting station and all lot lines may be reduced if actual firing tests conducted by the applicant demonstrates that a lesser distance will be adequate to protect the public safety and reduce noise at the property lines. The results of such tests and the request to lessen the required distance must be submitted in writing along with the application for a permit. Firearm ranges must be designed and constructed under the supervision of a design professional or certified by the National Rifle Association following construction and before the range is used.

4-41 Golf Course.

4-41-1 **Open Space Subdivisions.** Golf courses within open space subdivisions must be located on an open space parcel reserved or dedicated for active recreation on a record plat for the open space subdivision, except in water supply watersheds. No direct glare from lights may be visible at any adjoining property lines.

[Amended on 11/21/2022 by OA-02-22 .]

4-41-2 **Residential Watershed Districts.** Golf course development and accessory activities in the R-80W and R-40W districts are subject to the following standards:

- (A) Golf course construction and operations may not be located in, and must avoid disturbance of, environmentally-sensitive natural areas including:
 - (1) Wetlands as designated by the U.S. Army Corps of Engineers;
 - (2) Slopes greater than 25 percent or soils with K values (erosion potential) of 0.3 or greater. K values for specific soils are located in Section 2 of the Soil Conservation Service Field Office Technical Guide;
 - (3) Ecologically significant natural areas as identified by the North Carolina Natural Heritage Program; and
 - (4) Floodways (See Article 14).
- (B) Golf course construction and operations must use and maintain watershed Best Management Practices (BMPs) including:
 - (1) Undisturbed watershed and drainageway buffers along lakes, streams, and drainageways; and
 - (2) Paired wet detention ponds designed to collect runoff from all golf course surfaces (fairways, tees, greens, roughs, and parking lots), eliminate direct discharge of pollutants into surface water, and serve as a source of irrigation water if desired. Detention ponds must be of adequate size to ensure that the peak discharge of stormwater runoff from the two and ten-year storm entering surface water does not exceed discharge at predevelopment conditions for the two year storm and does not exceed discharge at build out conditions, based on the zoning of the contributing watershed, for the ten-year storm. All detention ponds will provide spillways to adequately pass the 100-year storm peak.
 - (3) Golf course operations must use integrated pest and turf grass management in order to minimize herbicide, fertilizer, and pesticide usage and the adverse impacts of their use on water quality and environmentally sensitive areas. Integrated management means that instead of using highly toxic chemicals and maintenance-intensive plants and practices, the operator uses a combination of less toxic and less environmentally degrading alternatives to achieve acceptable playing surfaces. The application for a Special Use Permit must include (a) an Integrated Pest Management (IPM) Plan specifying pest control strategies which will be employed, and (b) an Integrated Turf Grass Management (ITM) Plan specifying strategies that will be used during golf course construction and operations to establish and maintain the course's playing surfaces. Both

of these plans must be designed to minimize herbicide, fertilizer, and pesticide usage and the adverse impacts of their use on water quality and environmentally sensitive areas. The plans must identify chemicals which will be used, specify effective frequency and concentrations at which they will be applied, and identify any potential environmental hazards that may arise from their proposed use. Approval of these plans by the Department of Environmental Services, [Health & Human Services](#), and/or any other applicable state or federal agency is required before a Special Use Permit may be issued. In considering approval of these plans, the Department of Environmental Services, [Health & Human Services](#), and/or any other applicable state or federal agency must consider if the plans minimize herbicide, fertilizer, and pesticide usage and the adverse impacts of their use on water quality and environmentally sensitive areas. Any changes to the approved plans must also be approved by the Department of Environmental Services, [Health & Human Services](#), and/or any other applicable state or federal agency before the changes are implemented. Golf course construction and operation activities must conform to the approved ITM and IPM Plans, or to any subsequently revised plans that have been approved by the Department of Environmental Services, [Health & Human Services](#), and/or any other applicable state or federal agency.

4-41-3 Golf course operations are required to include water quality monitoring necessary to ensure that downstream water quality is not degraded by golf course construction and operations, and that detention ponds continue to be effective in preventing the direct discharge of pollutants into downstream waters. Before any site preparation or construction, the golf course developer must: (a) arrange for an independent qualified testing establishment to sample downstream waters and determine baseline data for those parameters indicative of the water quality impacts of golf course construction and operations (including the management of turf grass and pests as proposed in the ITM and IPM Plans); (b) prepare a water quality monitoring program that specifies appropriate procedures and standards for quarterly sampling and analyses, by an independent qualified testing establishment, of detention pond waters and downstream waters in relation to the baseline data; and (c) obtain confirmation of the baseline data and the monitoring program from the Department of Environmental Services, [Health & Human Services](#), and/or any other applicable state or federal agency. The results of the quarterly analyses must be submitted to the Wake County Department of Environmental Services, [Health & Human Services](#), and/or any other applicable state or federal agency, which must compare the quarterly results to the baseline data and determine whether the requirements of the water quality monitoring provisions are met.

4-41-4 Outside of Open Space Subdivisions and Residential Watershed Districts.

Golf courses outside of open space subdivisions (with or without country clubs) are permitted where indicated in the use table, except that driving ranges and miniature golf courses are not permitted as part of golf courses. Country clubs may include driving ranges for daytime use of club members. Golf courses may be allowed in water supply watersheds only after review and approval of a Special Use Permit by the Board of Adjustment (See 19-23).

[Amended on 11/21/2022 by OA-02-22 .]

4-42 Group Care Facilities.

Group care facilities are subject to the following standards:

- 4-42-1 Each facility must have a minimum uncovered land area of 5,000 or more square feet for the first 12 residents, and 700 square feet for each additional resident;
- 4-42-2 Each facility must have a minimum heated floor area of 2,000 square feet for the first 12 residents, and 110 square feet for each additional resident;
- 4-42-3 Off-street parking must be provided as required in Article 15;

4-42-4 No group care facility may be located within one-half mile of another such facility, measured by a straight line, and not street distances, in order to prevent the creation of a de facto social service district and to avoid affecting the surround neighborhood. "Affecting" means the point at which the number of group care facilities or residents therein might become so large that it may alter the character of a neighborhood. This subsection is also intended to protect existing group care facilities from the possibility that an over-concentration of such facilities might inadvertently create an institutional setting and hinder or negate the purposes of such facilities; and

[Amended on 1/22/2008 by OA 04-07; Amended on 4/21/2014 by OA 07-12]

4-43 Group Homes.

Group homes are subject to the following standards:

4-43-1 Each home is located on a lot which has as minimum land area equal to or greater than that required under the applicable zoning district;

4-43-2 The home fronts upon a road, street, or highway that meets or exceeds minimum standards for roads established by this ordinance;

4-43-3 The proposed home is no less than one-half mile radius from an existing family care home or group home.

[Amended on 6/4/2012 by OA 02-12]

4-44 Hazardous and Low-Level Radioactive Waste Facilities.

4-44-1 **Purpose.** The purpose of these regulations is to:

- (A) Ensure that hazardous or low-level radioactive waste facilities are located in a manner consistent with the public health, safety, and welfare, and that surface waters, ground waters, population centers, adjacent land uses, and Wake County in general will be protected from the potential injurious effects of a hazardous or low-level radioactive waste facility;
- (B) Provide that decisions pertaining to location of hazardous or low-level radioactive waste facilities are made according to objective criteria;
- (C) Ensure that no hazardous or low-level radioactive waste facility will be located within Wake County's zoning jurisdiction unless a special use has been approved by the Board of Adjustment;
- (D) Ensure that all applicants requesting a hazardous or low-level radioactive waste permit must pay Wake County an application fee set by Wake County Commissioners; and
- (E) Provide that adequate money is available, through levy of a privilege license tax, to compensate Wake County for monitoring the effects of hazardous and low-level radioactive waste facilities in the county.

4-44-2 **Special Use Permits.**

- (A) Hazardous or low-level radioactive waste landfills may be permitted as a special use only in the Triassic Basin, subject to the terms and conditions of this section and Sec. 19-23.
- (B) Hazardous or low-level radioactive waste facilities other than hazardous or low-level radioactive waste landfills may be permitted as a special use only in Industrial districts and Airport districts subject to the terms and conditions of this section and Sec. 19-23.
- (C) Hazardous or low-level radioactive waste facilities are not permitted in those sections of the Triassic Basin or Industrial districts lying within a water supply watershed.

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- (D) Hazardous or low-level radioactive waste facilities are not permitted in floodway, floodway fringe, or flood hazard soil areas.
 - (E) Ingress to and egress from hazardous or low-level radioactive waste facilities must be permitted by roads to serve only the hazardous or low-level radioactive waste facilities. Such roads must be designed and constructed to North Carolina Secondary Road Standards, with roadway design to allow a weight limit of 19,000 pounds per axle, and must intersect directly with a State-maintained road. Approach and departure traffic routes for a hazardous or low-level radioactive waste facility are not permitted through a system of streets primarily intended to provide access to residences in a neighborhood.
 - (F) A 300-foot bufferyard, in accordance with Article 16, is required around all sides of a hazardous or low-level radioactive waste facility to fulfill the following purposes:
 - (1) To conserve the value of buildings on adjacent properties;
 - (2) To reduce or eliminate the effects of noise, odor, dust, and vibrations; and
 - (3) To protect adjacent land uses that would be particularly sensitive to the presence of hazardous or low-level radioactive waste facilities.
 - (G) A security fence designed to severely discourage unauthorized entry and at least six feet in height must be installed around all portions of hazardous or low-level radioactive waste facilities directly involved in the storage, handling, and disposal of hazardous waste.
 - (H) All storage, treatment, processing, recycling, collection, recovery, and disposal of hazardous or low-level radioactive waste must be located at least 500 feet from any exterior property line when such property line abuts a Residential district.
 - (I) Issuance of a Special Use Permit for a hazardous or low-level radioactive waste facility must provide Wake County the opportunity to monitor the facility as a condition of the permit.
 - (J) Special use approval will not become effective unless all applicable permits for hazardous or low-level radioactive waste facilities have been issued by the appropriate State and Federal agencies governing operation of the facility.
 - (K) Special Use Permits will automatically expire if at any time after the issuance, State or Federal permits are revoked or terminated.
 - (L) Wake County must be compensated for costs incurred as a result of the location of hazardous or low-level waste facilities by a privilege license tax, in accordance with the General Statutes of North Carolina, Section 153A-151, as amended. The hazardous or low-level radioactive waste facility operator must be assessed in accordance with a privilege license tax schedule to offset costs incurred by the county attributable to the facility.

4-44-3 Application Submittal Requirements. Special Use Permit applications for hazardous or low-level radioactive waste facilities must be submitted in accordance with Sec. 19-23. The application must include four copies of all documents required by any State of North Carolina agency or any Federal agency for a permit to operate a hazardous or low-level radioactive waste facility.

[Amended 6/7/2021 by OA-01-21].

4-45 Hospitals and Other Medical Institutions.

4-45-1 Hospitals ~~or sanatoria,~~ philanthropic or eleemosynary institutions are subject to the following standards:

- (A) All buildings must be set back at least 100 feet from any lot line or street line.
- (B) The exterior appearance of all buildings must be in harmony with the character of the area.

4-45-2 Veterinary clinics are subject to the following standards:

- (A) All buildings must be set back at least 100 feet from any lot line or street line.
- (B) The exterior appearance of all buildings must be in harmony with the character of the area.
- (C) No outside activity associated with the use shall be permitted.
- (D) Medical treatment or care shall be practiced only within an enclosed building or structure.
- (E) The building space shall be adequately soundproofed to assure that no noise will carry beyond the confines of the building or space that the use would occupy.

[Amended on 1/19/2021 by OA-03-20]

4-46 Kennels.

4-46-1 **Kennels.** Kennels must comply with the following standards:

- (A) **Purpose.** These provisions are intended to recognize that although kennels provide a service for owners of animals, the noise, odor, insects, and traffic associated with kennels are not in keeping with what is ordinarily desirable in developed areas. However, within the zoning jurisdiction of the county, kennels might be appropriate and conveniently located therein provided that sites are carefully selected and establishments are built and operated in compliance with all applicable standards. It is further intended that the Board of Adjustment must consider each proposed site with reference to the character of the immediate neighborhood, topography, natural vegetation (and other purposes of zoning as set forth in Section 160D-701 of the General Statutes), and determine whether a kennel would be a suitable land use thereon.
- (B) **Definition.** Any building, structure, or land area ~~used~~ **that is licensed** for the boarding, breeding, training, showing or raising of more than five dogs or five cats over the age of four months, where such animals are kept or maintained, whether or not for compensation and whether or not the dogs or cats are owned by the operator of the kennel.
- (C) **Separation and Screening.**
 - (1) All building and structures related to the care of animals must be located at least 50 feet from any property line;
 - (2) No outdoor kennel, exercise, training play area and/or run shall be located within 100 feet of any property line. All kennel areas are surrounded by an effective noise screen, in which case the setback requirement may be reduced to 50 feet. Where a noise screen is provided, it must comply with provisions of Article 16, and must consist of one of the following combinations:
 - (a) An earth berm covered by a combination of dense evergreen shrubs and evergreen trees. The minimum height of the entire noise screen must be eight feet, but the earth berm itself must be no less than five feet. The minimum width of the entire noise screen must be 25 feet.
 - (b) A masonry, stone, or block wall, augmented on one side by a combination of dense evergreen shrubs and evergreen trees. The minimum height of the entire noise screen must be eight feet, and the minimum width of the vegetation must be 25 feet.
 - (3) A minimum of a ~~six-foot-tall~~ **six-foot-tall** security fence must be installed and maintained between outdoor areas where animals are kept and any property line. Such fence may consist of a masonry wall, metal fence of solid appearance, or a chain link fence. The wall or fence must be screened in accordance with provisions of Section 16-10-3(C).

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- (4) All fences must have a height of six or more feet, and all screens must have a height of six or more feet within four growing seasons.
 - (5) Adequate parking facilities with safe and efficient pedestrian and vehicular access and egress must be provided; such parking facilities must be landscaped in accordance with provisions of Article 15.

[Amended on 4/21/2014 by OA 05-12; Amended 6/7/2021 by OA-01-21]

4-47 Land-Clearing and Inert Debris Landfills, Construction and Demolition Landfills.

4-47-1 Application of Section. Land-clearing and inert debris landfills, and construction and demolition landfills, are permitted as special uses in any zoning district in compliance with the terms and conditions of this section, except in R-80-W and WSO-3CA districts, where they are prohibited.

4-47-2 Procedural Requirements. Land-clearing and inert debris landfills, and construction and demolition landfills, may only be established as special uses approved in accordance with the Special Use Permit review procedures set forth in Sec. 19-23, as modified by the following:

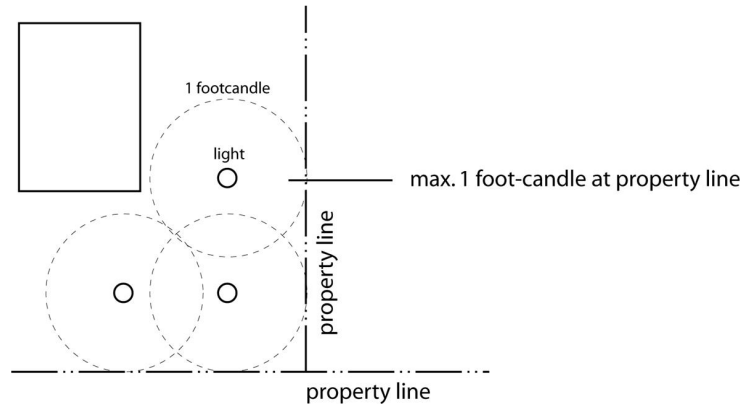
- (A) **Landfill Franchise.** Every operator of a land clearing and inert debris landfill or a construction and demolition landfill must obtain a franchise in accordance with the North Carolina General Statutes and Wake County's Solid Waste Ordinance.
- (B) **Preliminary Site Plan.** An application for a Special Use Permit for a land-clearing and inert debris landfill, or a construction and demolition landfill, must include a preliminary site plan that indicates the following: soils on the site according to the Wake County Soil Survey; location of water supplies within 1,000 feet of the site; drainage area upstream from the property; and proposed access to the site, including the intersection with a state maintained road. The application must also include a written report that includes the following: name of person or persons responsible for operation and maintenance of the site; proposed uses of the site after closing of the operations; population and area expected to be served by the site; anticipated type, quantity, and source of material to be disposed of at the site; anticipated lifetime of the project; and any other information pertinent to the proposed use.
- (C) **Final Site Development Plan.** If the Special Use Permit application is approved, the applicant must then submit a final site development plan to the Planning Director. The final site development plan must meet the requirements of paragraph 4-49-4 and indicates the methods by which the standards of paragraph 4-49-5 will be fulfilled, and must be consistent with the approval of the special use application and preliminary plan. It must be accompanied by evidence of approval of applicable plans and permits in accordance with State regulations. No Land Use Permit for the landfill may be issued, and no development of the landfill may begin, unless and until the Planning Director has approved the final site development plan as fully complying with the requirements of this section.
- (D) **Special Use Permit.** On request by the holder of a Special Use Permit for a land clearing and inert debris landfill or a construction and demolition landfill, the Planning Director may extend the date on which the Special Use Permit would otherwise expire under Sec. 19-23-14(B)(1)(a) and Sec. 19-23-14(B)(2)(b) by up to three years subject to the determinations set forth in Sec. 19-23-14(B)(2).

4-47-3 Site and Location Standards.

- (A) **Traffic and Access.** Land-clearing and inert debris landfills, and construction and demolition landfills, must be located where roads which will provide access to such landfills are constructed to NCDOT standards for the width and rated tonnage of the trucks that will be using the landfill. The additional truck traffic to the site may not cause roads providing access to the site to drop to a level of service

below "D" as defined by NCDOT. Ingress to and egress from the landfill must be along a road or driveway that intersects directly with a State-maintained road. Landfill traffic routed to and from such intersection may not be through a residential neighborhood where the streets are primarily intended to provide access to adjacent residences.

- (B) **Buffer Area.** A buffer area of undisturbed land around all sides of the landfill must be established to fulfill the following purposes: conserving the value of buildings and protecting groundwater supplies on adjacent properties; minimizing such operational effects of the landfill, including, but not limited to, noise, odor, dust, and vibrations; and protecting adjacent land uses that are particularly sensitive to the presence of a land-clearing and inert debris landfill or a construction and demolition landfill. A standard buffer area of undisturbed land of 50 feet must be established around all sides of the landfill. The standard buffer area may be increased where it is necessary to fulfill the purposes of buffering. Where a proposed land-clearing and inert debris landfill or a construction and demolition landfill is adjacent to an existing landfill that has been officially closed in accordance with appropriate governmental regulations, the required buffer area on the side adjacent to the existing landfill must be 30 feet in width.
- (C) **Locations in Noncritical Areas of Water Supply Watersheds.** Land-clearing and inert debris landfills or construction and demolition landfills may be located in R-40W, WSO-2NC, WSO-3NC, and WSO-4P districts if the applicant can demonstrate, through information and plans submitted during the review process, that there will be no adverse effects from the landfill on public water supplies.
- (D) **Visual Screen.** A visual screen of at least 50 percent opacity must be established around that portion of the landfill that is excavated or being filled for current operations. Such screening is required only when the excavated or filled area is visible at eye level at ground elevation from State-maintained thoroughfares, residences, and buildings, but not including accessory buildings on properties adjacent to the landfill. When in the course of landfill operations, excavated or filled areas are stabilized in accordance with the standards and specifications of the Wake County Soil Erosion and Sedimentation Control Ordinance, required artificial screening may be removed.
- (E) **Existing Vegetation.** The Planning Director may exempt the applicant from all or part of the visual screening requirements of subparagraph 4-47-3(D) when existing vegetative cover will fulfill these requirements. Such natural screening may consist of existing vegetative cover including but not limited to trees and shrubs having opacity of not less than 50 percent at all seasons of the year. Screening may also consist of earthen berms or other artificial screens used individually or in combination with each other and existing vegetation to achieve a screening effect of at least 50 percent opacity during all seasons of the year. Screening materials and vegetation may be located in required buffer areas.
- (F) **Waive Screen.** Screening requirements may be waived along those sides or portions of the landfill not visible from state maintained roads where the adjacent property owner entitled to screening by this section indicates in writing to the Board of Adjustment that such screening is not necessary or desirable.
- (G) **Storage Prohibited in Buffer Areas.** Notwithstanding any other provision of this ordinance, no storage of vehicles or machinery and no accessory buildings are permitted within any buffer area.
- (H) **Hours of Operation.** The hours of operation must be limited from 7:00 a.m. to 7:00 p.m. except that the hours of operation may be extended when the Director of Wake County Department of Environmental Services certifies that sanitation conditions require an extension of operating hours.
- (I) **Exterior Lighting.** Exterior lighting may not cause illumination in excess of one foot-candle at any property line; except that internally illuminated signs at the entrance to the landfill may exceed this standard where necessary.



- (J) **Bufferyards.** Bufferyards must be established and maintained in accordance with the standards of Sec. 16-10-2. Where width of the bufferyard required by Sec. 16-10-2 exceeds the setback depth required by Sec. 4-49, the bufferyard standards of Sec. 16-10-2 govern.

4-47-4 Site Development Plan Requirements. Site development plans must be at a scale appropriate to show and include the following information:

- (A) All of the information required by the "Solid Waste Management Rules" of the North Carolina Department of Human Resources, Division of Health Services, or successor agency;
- (B) Proposed access to the landfill including its location on the site, intersection with a State-maintained road, sight distances, and construction and maintenance standards;
- (C) Views from thoroughfares, residences, and other buildings enumerated in subparagraph 4-47-3(D) must be illustrated through graphics showing topographic sections in the affected areas and through photographs;
- (D) Proposed screening, where it is required in initial or subsequent phases, must be shown, and the plan must describe how these requirements will be fulfilled by specifically mentioning dimensions, varieties, timing, and other specifications;
- (E) Buffer areas must be indicated on site development plans;
- (F) Location of utilities, accessory buildings, and storage areas; and
- (G) Erosion control and final stabilization plans.

[Amended on 3/19/2012 by OA 01-12]

4-48 Mining.

4-48-1 Findings. Extraction of mineral resources is a basic and essential industry which plays an important part in the county's economy. While mining of crushed stone is presently the most important mining activity in the county, other mineral products can become important to the economy of the county. Mining is a peculiar land use in that the location of mineral deposits will, in part, be determined only after exploration and discovery in the future. Consequently, the precise location of zoning districts wherein mining may take place cannot always be predetermined. Mineral extraction involves several methods—quarrying, open-pit, drilling, tunneling, etc.—each of which would affect a neighborhood environment differently. Therefore, the Board of Commissioners concludes that extraction of mineral resources should be encouraged; that the fundamental purposes and procedures of zoning would be served best by adoption of general regulations governing mining, which apply to all use-specific districts; that the Board of Adjustment should consider each location

proposed to be mined to determine whether, and under what conditions or safeguards, they should authorize mining by the issuance of Special Use Permits.

4-48-2 General.

- (A) No mining may be commenced in the county's zoning jurisdictions until a Special Use Permit has been approved by the Board of Adjustment.
- (B) Special use approval granted by the Board of Adjustment will not become effective until a mining permit is issued by the North Carolina Department of Environment and Natural Resources, Division of Land Resources, Land Quality Section, or successor agency.
- (C) Mining may occur in any Wake County zoning district except R-80W, R-40W, WSO-2NC, WSO-3CA, WSO-3NC, and WSO-4P districts, where this use is prohibited, subject to the terms and conditions of this section and Sec. 19-23. This does not apply to the continuing operations and expansion of existing legally permitted facilities. Mining for special materials, however, may occur as a temporary special use in R-80W, R-40W, WSO-2NC, WSO-3CA, WSO-3NC, and WSO-4P districts subject to the terms and conditions of Sec. 19-23-8. To aid in the interpretation of the word "harmony" in Sec. 19-23-8(D), the following guidelines must be used:
 - (1) The operation will not constitute a substantial physical hazard to a neighboring residence, school, ~~church~~ **place of religious assembly**, hospital, commercial, or industrial building, public road, or public property;
 - (2) The operation will not have a significantly adverse effect on the purposes of a publicly owned park, forest, or recreation area;
 - (3) The operation will not have an adverse effect on public, community, or private water supplies, surface or ground waters, including, but not limited to, water supply watershed areas as designated in the Wake County Comprehensive Plan; and
 - (4) A Special Use Permit will automatically expire if, at any time after its issuance, the State mining permit is revoked or terminated.

[Amended on 11/21/2022 by OA-02-22 .]

4-48-3 Definitions. Definitions as listed in Article 7, Section 74-49 of the General Statutes of North Carolina, as amended, (North Carolina Mining Act of 1971), apply to this subsection.

4-48-4 Application Submittal Requirements. Special Use Permit applications must include two copies of all documents required by the State for a State mining permit. This must include, but not be limited to, the mining permit application, the reclamation plan, and any maps and charts accompanying these documents.

4-48-5 Traffic and Access. Mining operations must be located where roads which will provide access to such operations are constructed to NCDOT standards for the width and rated tonnage of the trucks that will be using the operation. The additional truck traffic to the site may not cause roads providing access to the site to drop to a level of service below "D" as defined by NCDOT. Ingress to and egress from the site must be along a road or driveway that intersects directly with a State-maintained road. Traffic routed to and from such intersection may not be through a residential neighborhood where the streets are primarily intended to provide access to adjacent residences.

4-48-6 Screening Standards.

- (A) **Required Screening.** A visual screen of at least 50 percent opacity must be established and maintained around that portion of the mining site that is being excavated or being used for the storage of minerals if required in writing by property owners adjacent to the mining site. A copy of said written request must be submitted to the permittee. Such screening is required only when such areas are visible at eye

level at ground elevation, at the time of permit issuance, from State-maintained thoroughfares, publicly owned areas which have been maintained essentially in their natural state of vegetation, residences, and other buildings, but not including accessory buildings or properties adjacent to the mining site. When excavated areas have been reclaimed in accordance with the North Carolina Mining Act of 1971, as amended, and Chapter 5 of the North Carolina Administrative Code, Title 15, as amended, required artificial screening may be removed.

(B) **Exemptions.** The visual screening requirements of subparagraph 4-48-6(A) may be exempted when:

- (1) The Planning Director determines that existing vegetative cover will fulfill these requirements. Such natural screening may consist of existing vegetative cover including, but not limited to, trees and shrubs having an opacity of not less than 50 percent at all seasons of the year. Screening may also consist of earthen berms or other artificial screens used individually or in combination with each other and existing vegetation to achieve a screening effect of at least 50 percent opacity during all seasons of the year. Screening materials and vegetation may be located in required buffer areas. All berms and other artificial screens requiring extensive land disturbance must comply with the Erosion and Sediment Control Ordinance; and
- (2) It is determined that, due to topographic or other circumstances where through no fault of the permittee, a 50 percent opacity cannot be provided.

4-48-7 **Vibration Standards.** All mining activities in the county must conform to the vibration policy adopted by the Land Quality Section of North Carolina Department of Environment and Natural Resources, or successor agency.

4-48-8 **Temporary Special Uses.** Temporary Special Use Permits for not more than two years may be approved subject to the requirements of this section and subsection 19-23-10 this ordinance.

4-48-9 **Prior Mining Operations.** Mining operations conducted in I-2 districts prior to November 17, 1980, will be allowed to continue as nonconforming uses after that date. "Mining operations," for purposes of this section, are defined as those in operation or for which an application for a mining permit has been made to the North Carolina Department of Environment and Natural Resources, or successor agency.

4-48-1 **Bufferyards.** Bufferyards must be established and maintained in accordance with the standards of Sec. 16-10-2. Where width of the bufferyard required by Sec. 16-10-2 exceeds the setback depth required by Sec. 4-47, the bufferyard standards of Sec. 16-10-2 govern.

[Amended on 4/20/2009 by OA 02a-09]

4-49 Municipal Solid Waste Landfills.

4-49-1 **Applicability.** Municipal solid waste landfills are permitted as special uses in any zoning district in compliance with the terms and conditions of this section and the Wake County Code, except in R-80W, R-40W, WSO-2NC, WSO-3CA, WSO-3NC, and WSO-4P districts, where these uses are prohibited.

4-49-2 **Approval Procedure.** Municipal solid waste landfills may only be established as special uses approved in accordance with the Special Use Permit review procedures set forth in Sec. 19-23, as modified by the following:

- (A) **Preliminary Site Plan.** An application for a Special Use Permit for a municipal solid waste landfill must include a preliminary site plan that indicates the following: soils on the site according to the Wake County Soil Survey; location of community water supplies within 1,000 feet of the site; drainage area upstream from the property; and proposed access to the site, including the intersection with a state maintained road. The application must also include a written report that includes the following: name of person or persons responsible for operation and maintenance of the site; proposed uses of the site

after closing of the operations; population and area expected to be served by the site; anticipated type, quantity, and source of material to be disposed of at the site; anticipated lifetime of the project; and any other information pertinent to the proposed use.

4-49-3 Final Site Development Plan. If the Special Use Permit application is approved, the applicant must then submit a final site development plan to the Planning Director. The final site development plan must meet the requirements of paragraph 4-49-4 and must indicate the methods by which the standards of paragraph 4-49-5 will be fulfilled, and must be consistent with the approval of the special use application and preliminary plan. It must be accompanied by evidence of approval of applicable plans and permits in accordance with State regulations. No Land Use Permit for the landfill may be issued, and no development of the landfill may begin, unless and until the Planning Director has approved the final site development plan as fully complying with the requirements of this section.

4-49-4 Site Development Plans. Site development plans must be at a scale appropriate to show and include the following information:

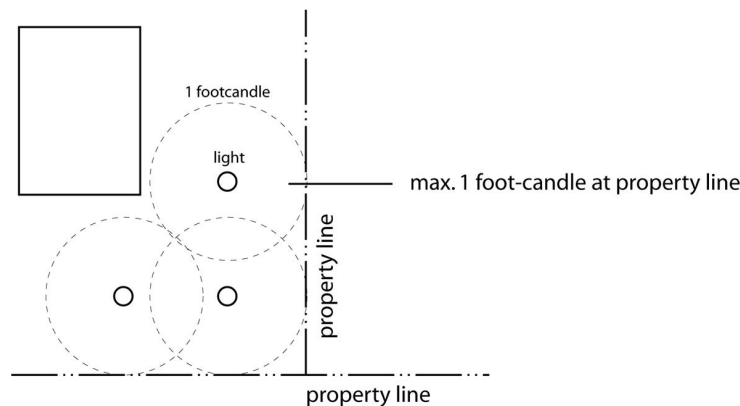
- (A) All of the information required by the "Solid Waste Management Rules" of the North Carolina Department of Human Resources, Division of Health Services, or successor agency;
- (B) Proposed access to the landfill including its location on the site, intersection with a State-maintained road, sight distances, and construction and maintenance standards;
- (C) Views from thoroughfares, residences, and other buildings enumerated in subparagraph 4-49-5(C) must be illustrated through graphics showing topographic sections in the affected areas and through photographs;
- (D) Proposed screening, where it is required in initial or subsequent phases, must be shown, and the plan must describe how these requirements must be fulfilled by specifically mentioning dimensions, varieties, timing, and other specifications;
- (E) Buffer areas must be indicated on site development plans;
- (F) Location of utilities, accessory buildings, and storage areas; and erosion control and final stabilization plans.

4-49-5 Siting and Location.

- (A) **Traffic and Access.** Ingress to and egress from the landfill must be along a road or driveway that is designed to serve only the landfill, and such road or driveway must intersect directly with a State-maintained road. Landfill traffic routed to and from such intersection may not be through a residential neighborhood where the streets are primarily intended to provide access to adjacent residences.
- (B) **Buffer Area.** A buffer area of undisturbed land around all sides of the landfill must be established to fulfill the following purposes: conserving the value of buildings and protecting groundwater supplies on adjacent properties; minimizing such operational effects of the landfill, including, but not limited to, noise, odor, dust, and vibrations; and protecting adjacent land uses that are particularly sensitive to the presence of a municipal solid waste landfill. A standard buffer area of undisturbed land of 50 feet must be established around all sides of the landfill. The standard buffer area may be increased where it is necessary to fulfill the purposes of buffering. Where a proposed municipal solid waste landfill is adjacent to an existing landfill that has been officially closed in accordance with appropriate governmental regulations, the required buffer area on the side adjacent to the existing landfill must be 30 feet in width.
- (C) **Visual Screen.** A visual screen of at least 50 percent opacity must be established around that portion of the landfill that is excavated or being filled for current operations. Such screening is required only when the excavated or filled area is visible at eye level at ground elevation from State-maintained thoroughfares, residences, and buildings, but not including accessory buildings on properties adjacent

to the landfill. When in the course of landfill operations, excavated or filled areas are stabilized in accordance with the standards and specifications of the Wake County Soil Erosion and Sedimentation Control Ordinance, required artificial screening may be removed.

- (D) **Existing Vegetation.** Community Services may exempt the applicant from all or part of the visual screening requirements of subparagraph 4-49-5(C) when existing vegetative cover will fulfill these requirements. Such natural screening may consist of existing vegetative cover including but not limited to trees and shrubs having an opacity of not less than 50 percent at all seasons of the year. Screening may also consist of earthen berms or other artificial screens used individually or in combination with each other and existing vegetation to achieve a screening effect of at least 50 percent opacity during all seasons of the year. Screening materials and vegetation may be located in required buffer areas.
- (E) **Modify Screen.** The Board of Adjustment may waive or modify the screening requirements where, due to topographic conditions, screening cannot provide a 50 percent opacity screening effect.
- (F) **Waive Screen.** Screening requirements may be waived along those sides or portions thereof of the landfill not visible from State-maintained roads where the adjacent property owner entitled to screening by this section indicates in writing to the Board of Adjustment that such screening is not necessary or desirable.
- (G) **Storage Prohibited in Buffer Areas.** Notwithstanding any other provision of this ordinance, no storage of vehicles or machinery and no accessory buildings are permitted within any buffer area.
- (H) **Hours of Operation.** The hours of operation must be limited from 7:00 a.m. to 7:00 p.m. except that the hours of operation may be extended when the Director of Wake County Department of Community Services certifies that sanitation conditions require an extension of operating hours.
- (I) **Cover, Stabilize.** Municipal solid waste landfills must be covered in accordance with the "Solid Waste Management Rules" of the North Carolina Department of Human Resources, Division of Health Services, or successor agency, 10 NCAC Subchapter 10G, as amended periodically. Municipal solid waste landfills must be stabilized in accordance with the standards and specifications of the Wake County Soil Erosion and Sedimentation Control Ordinance.
- (J) **Exterior Lighting.** Exterior lighting may not cause illumination in excess of one foot-candle at any property line; except that internally illuminated signs at the entrance to the landfill may exceed this standard where necessary.



- (K) **Bufferyards.** Bufferyards must be established and maintained in accordance with the standards of Sec. 16-10-2. Where width of the bufferyard required by Sec. 16-10-2 exceeds the setback depth required by Sec. 4-49, the bufferyard standards of Sec. 16-10-2 govern.

Part 5 Use Standards (Cont'd)

4-50 Neighborhood/Convenience-Oriented Retail.

4-50-1 **Intent.** It is the intent of this subsection to permit within certain residential districts, other than R-80W districts, certain low-intensity retail trade, finance, and service establishments that are accessible by pedestrians from the surrounding neighborhoods, serve the daily convenience and personal service needs of the surrounding neighborhoods, and are of such a nature as to minimize conflicts with existing or potential residential uses.

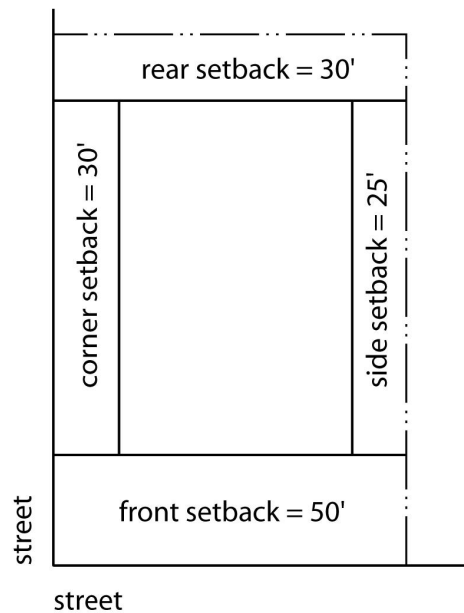
4-50-2 Uses Allowed.

- (A) Retail convenience stores selling beverages, groceries, patent drugs, and gasoline, including automatic bank teller machines, and hardware stores, provided, however, that stores that sell gasoline are not allowed in R-40W districts.
- (B) Auto service and vehicular repair stations, except that they are not allowed in R-40W districts.
- (C) Neighborhood indoor retail and service trade establishments including: banks, cafes, bookstores, antique shops, dry goods, and other similar indoor retail and service trade establishments, except that they are not allowed in R-40W districts.
- (D) Personal service establishments **except dry cleaning operations are not allowed in R-40W districts.**

4-50-3 **Standards.** All neighborhood/convenience-oriented retail uses, except personal service establishments, must comply with the following standards:

- (A) **Floor Area.** The gross floor area of any building may not exceed 15,000 square feet per building lot.
- (B) **Road Access.**
 - (1) Access to the site must be designed and constructed in accordance with sound engineering principles and applicable standards of the North Carolina Department of Transportation.
 - (2) All neighborhood/convenience-oriented retail uses, except personal service establishments, 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 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.

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- (3) All personal service establishments must be located on a lot that abuts a public or private road, except that such uses may not be located on roads local access roads.
- (C) **Hours of Operation.** Hours of operation are limited to 7:00 a.m. to 9:00 p.m. The Board of Adjustment may permit an extension of operating hours after making a finding that such extension would not be injurious to the public health and safety of the surrounding area by reason of noise, congestion, lighting, or other aspects of the operation.
- (D) **Parking.** All parking associated with the proposed use must be on the premises, and all parking areas must be paved with an all-weather surface. All vehicles parked at any use must be officially registered and licensed for operation at all times.
- (E) **Lot Area.** The lot must have a minimum area equal to or greater than the largest minimum lot area required for a residence in any adjacent residential zoning district.
- (F) **Setbacks.**
- (1) The minimum required building setbacks are as follows:
- (a) Front 50 feet;
 - (b) Corner 30 feet;
 - (c) Side 25 feet;
 - (d) Rear 30 feet.



- (2) If the district within which the use is located requires larger yards, the use must conform to the larger lot requirements.
 - (3) No required setback may be used for any use or parking.
- (G) **Outside Storage.** In addition to the primary facility, outside storage may be permitted subject to the following:
- (1) Type A screening/bufferyard (See 16-10-2) is established and maintained along the perimeter of the outside storage facility; and

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- (2) Landscaping and bufferyards are provided in accordance with Sec. 16-10.
 - (3) Refuse containers may be stored outside of the building, but they must be screened from view from any adjacent lot and maintained in a sanitary and litter-free condition.
 - (4) Watershed and Watershed Overlay Districts are subject to the additional following standards:
 - (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:
 - (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.
 - (H) **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 interior of the building for security purposes.
 - (I) **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.
 - (J) **Performance Standards.** The use must comply with all applicable operational performance standards.
 - (K) **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.
 - (L) **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 two years.

[Amended on 1/19/2021 by OA-03-20]

4-51 Recreational Vehicle Parks.

~~Camp-grounds~~ **Campgrounds** and trailer parks may be for vacation or tourist use only. Trailers or campers may not be used for permanent occupancy.

4-52 Security Sales and Service Businesses.

Security sales and service businesses must comply with the following standards:

4-52-1 Security sales and service businesses may not be located within a watershed area, but are permissible within multi-use districts as identified in the Wake County Comprehensive Plan, which are zoned R-80 or R-40.

[Amended on 11/21/2022 by OA-02-22 .]

4-52-2 The site must have a minimum size of 1.5 acres.

4-52-3 The structure cannot exceed 1,000 square feet in size and must have a residential appearance.

4-52-4 The use must comply with all relevant performance standards of Article 17.

4-52-5 The use must comply with all applicable building and fire codes.

4-52-6 The use must obtain any necessary well and/or wastewater permits from the Department of ~~Environmental Services~~ **Health and Human Services**.

4-52-7 Fifty-foot Type A buffers must be provided around the entire property perimeter; and

4-52-8 Buildings must comply with setback requirements of 50 feet along the front property line, 25 feet along the side property line, 30 feet along the corner and rear property lines.

4-53 Sexually Oriented Businesses.

Sexually oriented businesses must comply with the following standards:

4-53-1 The site of the establishment must be located at least 2,000 feet— measured in a straight line from property line to property line—from the site of any other sexually oriented business that exists or has been permitted at the time notice of the hearing on the Special Use Permit application is provided;

4-53-2 The site of the establishment must be located at least 2,000 feet—as measured in a straight line from property line to property line—from the site of any ~~church or other~~ place of ~~worship~~ **religious assembly**, elementary or secondary school, ~~child-care~~ **childcare** home, ~~child-care~~ **childcare** center, residence, other establishment with an on-premise North Carolina ABC license, or public park that exists or has been permitted at the time notice of the hearing on the Special Use Permit application is provided;

4-53-3 The site of the establishment must be located at least 1,000 feet—as measured in a straight line from property line to district boundary—from any Residential district or RMH district that exists or has been approved at the time notice of the hearing on the Special Use Permit application is provided;

4-53-4 No principal use other than the sexually oriented business may occupy the same building, structure, or property; and

4-53-5 Except for on-premise identification signs allowed under Article 15, no advertisements, displays or signs, or other promotional materials must be visible to the public from pedestrian sidewalks, walkways, driveways, or parking areas.

[Amended on 1/3/2022 by OA-03-21]

4-54 Static Transformer Stations.

Static transformer stations, transmission lines and supporting towers, telephone exchanges, and radio and television towers and transmitting or relay stations (other than telecommunication towers) must comply with the following standards:

4-54-1 Service and storage yards are not permitted; and

4-54-2 The exterior appearance of any building or structure permitted under this section must be in keeping with the character of the neighborhood in which it is located.

4-55 Swimming Pools and Tennis Clubs.

4-55-1 Swimming pools and tennis clubs within an open space subdivision must be located on an open space parcel reserved or dedicated for active recreation on a record plat for the open space subdivision. No direct glare from lights may be visible at any adjoining property lines.

[Amended on 11/21/2022 by OA-02-22 .]

4-55-2 Swimming pools and tennis clubs are allowed outside of open space subdivisions, provided no direct glare from any light source is visible at any adjacent property line.

Commentary: There may be additional regulations regarding pools in addition to zoning. The North Carolina Rules Governing Public Swimming Pools and/or the Wake County Pool Rules administered by Wake County ~~Environmental Services~~ **Health and Human Services** may apply when instruction or commercial activities are involved.

[Amended on 11/21/2022 by OA-02-22 .]

4-56 Telecommunication Facilities.

4-56-1 General Requirements.

- (A) **Collocated.** Telecommunication antenna units that are attached to structures constructed for purposes other than supporting telecommunication equipment may be no taller than 30 feet or 30 percent of the structure's height. Collocated towers must comply with all relevant standards of this section.
- (B) **Freestanding.** Freestanding telecommunication towers must comply with the following standards:
 - (1) The minimum distance between the tower and an adjoining parcel of land that is residentially developed or is vacant and zoned Residential, Residential Mobile Home or Highway District or from an adjoining local road separating the tower site from such a parcel, must be equal to the tower's height, but not less than 50 feet, nor less than the minimum setback depth applicable in the zoning district. This provision does not apply in relationship to any nonconforming residential use or the residence of a caretaker or watchman accessory to a permitted nonresidential use.
 - (2) The Planning Director or the Board of Adjustment may reduce the minimum distance required above on finding that a lesser distance will not be injurious to properties or improvements in the affected area, but in no case may the minimum distance be reduced to less than that equal to 50 percent of the tower's height, or 50 feet, nor less than the minimum required setback depth applicable in the zoning district in which the tower is located. The Board of Adjustment is authorized to reduce the minimum setback distance required in this paragraph if a qualified structural engineer (licensed by the State of North Carolina) certifies in writing that any collapse of the pole will occur within a lesser distance under all foreseeable circumstances.
 - (3) The minimum distance between the tower and any other adjoining parcel of land or road must be equal to the minimum setback depth applicable in the zoning district, plus any additional distance necessary to ensure that the tower, as designed, will fall within the tower site.
 - (4) The distances referred to above must be measured from the outside dimensions of the tower, not from the guy anchors.
 - (5) The minimum distance between two freestanding towers throughout all zoning districts shall be 1,500 feet; provided, however, that this separation requirement does not apply from a tower if the applicant submits sufficient evidence to demonstrate that a reasonable effort to co-locate on

that tower has been made, or that collocation on that tower will not technically satisfy the applicant's specific needs.

- (6) If the tower is more than 100 feet high, but less than 180 feet high, it must be engineered and constructed to accommodate at least two additional telecommunication users. If the tower is 180 feet or greater in height, it must be engineered and constructed to accommodate at least three additional telecommunication users. Provision of collocation sites on other towers is encouraged wherever feasible.
- (7) The base of the tower and each guy anchor must be surrounded by a fence or wall at least eight feet high, unless the tower and all guy anchors are mounted entirely on a structure over eight feet high. Except for its entrances, the fence or wall must be screened with plant material so that no more than two-thirds of its surface is visible, within three years after its installation, from a public street or from any adjoining parcel of land that is residentially developed or is vacant and zoned Residential or Residential Mobile Homes.
- (8) A 40-foot-type C bufferyard is required along the inside perimeter of a leased lot or parcel for the utilization of telecommunication towers. Existing vegetation located inside the leased lot area may be used toward satisfying the bufferyard requirement provided that such vegetation is clearly indicated on the submitted site plan.
- (9) Radio, television, or other electromagnetic transmission or reception on other properties may not be disturbed or diminished.
- (10) The tower must meet the standards of the Federal Aviation Administration (FAA) for avoiding obstruction of navigable airspace and approaches to public airports (see Federal Aviation Regulations Part 77, as amended), and for marking and lighting structures to promote aviation safety (see FAA Advisory Circular 70/7460, as amended). Specifically, tower lighting must meet applicable FAA standards for either red obstruction lighting systems or dual lighting systems (red lighting for nighttime and medium-intensity flashing white lighting for daytime). If a tower is proposed to be located within 1,000 feet of a private use airport, the application must so indicate.
- (11) Output from the tower's antennas must meet the minimum standards of the Federal Communications Commission (FCC) relating to the environmental effects of radio frequency emissions.

4-56-2 **Public Notification Process.**

- (A) **Purpose.** Since new freestanding telecommunication towers may have impacts on nearby properties neighboring property owners should have the opportunity to learn about the proposed facility and to furnish information on the permit application.
- (B) **Applicability of Notification.** Any application to permit a new freestanding telecommunication facility less than 200 feet in height is subject to the following notification process. Telecommunication antenna units that are collocated on existing facilities are exempt from the notification requirement.
- (C) **Notification Process.**
 - (1) The Planning Director shall mail a notice to all owners of property within 1,000 feet from the base of the tower.
 - (2) Any permit applicant shall be responsible for supplying the Planning Director with the notification letter and postage paid envelopes addressed to property owners as noted above as part of the permit submittal process.

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- (3) The Planning Director shall not render a decision on the application until 30 calendar days has elapsed following the date of the mailing of the notification letters. The 30-day notification period may be used by any interested party to discuss the proposed telecommunication facility with the permit applicant.

4-56-3 Standards for Specific Zoning Districts.

- (A) **R Districts.** Telecommunication towers in residential districts must comply with the following standards:
 - (1) Buildings associated with the tower may not be used as an employment center for any worker (This provision does not prohibit the periodic maintenance or monitoring of equipment and instruments).

4-56-4 Decommissioning.

- (A) A decommissioning plan, signed by the party responsible for decommissioning and the landowner (if different), addressing the following items shall be submitted with initial permit application.
 - (1) Defined conditions upon which decommissioning will be initiated (i.e. end of land lease, no signal being transmitted for 12 months);
 - (2) Removal of all non-utility owned equipment, conduit, structures, fencing, roads and foundations;
 - (3) Proper disposal of all materials from the site in accordance with local, state, and federal regulations.
 - (4) Restoration of property to condition prior to development of the telecommunication facility including stabilization or re-vegetation of the site as necessary to minimize erosion;
 - (5) The timeframe for completion of decommissioning activities;
 - (6) Description of any agreement (i.e. lease) with landowner regarding decommissioning;
 - (7) The party currently responsible for decommissioning; and
 - (8) Plans for updating this decommissioning plan.
- (B) Before all required final inspections, provide evidence that the decommissioning plan has been recorded with the Register of Deeds.

[Added on 3/7/2016 by OA 07-15; Added on 2/2/2015 by OA 04-14; Amended on 3/7/2016 by OA 01-15; Amended on 1/22/2008 by OA 04-07; Amended on 4/20/2009 by OA 02b-09; Amended on 1/3/2022 by OA-03-21]

4-57 Wildlife and Game Preserves.

Wildlife and game preserves must comply with the following standards:

- 4-57-1 No hunting is permitted within any required setback;
- 4-57-2 Fencing, warning signs, or other safety devices must be adequately provided and maintained; and
- 4-57-3 Hunting with rifles is prohibited.

4-58 Special Events.

- 4-58-1 General Requirements:

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- (A) Special Events are limited to no more than six events per calendar year per parcel. In no case may the cumulative total exceed 30 days per calendar year.
 - (B) A Land Use Permit will be required prior to each special event.
 - (C) The applicant must provide an original, signed letter from the landowner granting permission for the proposed event and acknowledging the landowner's liability for violations of this ordinance.
 - (D) The applicant must provide a signed agreement or contract for provision of on-site sanitary facilities.
 - (E) The applicant must provide a site plan showing: structures, adequate parking areas, lighting, speakers/amplified sound equipment, septic area, and noting the type of event(s) and duration of the event(s) and hours of operation.
 - (F)u
 - (G) No buildings, structures and parking associated with the special event shall be permitted in the building setback.
 - (H) Parking and event-related activities must be located outside the public right-of-way and buffers.
 - (I) Site must be restored to its previous condition within seven days after the conclusion of the special event.
 - (J) Special use approval may authorize a Special Event for a period of no more than two years.

[Amended on 4/6/2009 by OA 01-09]

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 manufactured~~ 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 manufactured~~ 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 4-59 must be located within a multi-use district designated in the Wake County Comprehensive 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 a multi-use district.

- (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 percent of the area subject to the Special Use Permit, and impervious surface cannot exceed 24 percent of such area.

- (C) **Stormwater Management.** Any nonresidential development under this Section shall provide stormwater controls that obtain a minimum of 60 percent reduction in post-construction nitrogen loading rate and 60 percent 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 85 percent 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 20 percent 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

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- (c) State-maintained secondary roads (S.R.) that have a daily traffic volume of 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 two years.

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- (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.

[Amended on 4/5/2010 by OA 03-09]; Amended on 11/21/2022 by OA-02-22 .]

Part 6 Use Standards (Cont'd)

4-60 Parking, Park and Ride.

4-60-1 General Requirements. Parking spaces must be located outside of the public right-of-way and all required setbacks of the zoning district in which the use is located.

Commentary: It is the intent of these standards to minimize conflict in residential areas. Park and Ride lots should generally have frontage on and be accessed by thoroughfares as designated by the Wake County Transportation Plan. However, the Board of Adjustment may approve site-specific development plans subject to Section 19-23.

[Added on 3/21/2011 by OA 01-10]

4-61 Alternative Energy Systems.

4-61-1 Solar Energy Systems.

- (A) **Intent.** It is the intent of this subsection to provide the opportunity for solar energy to serve as a viable form of energy generation while protecting public health, safety and general welfare. All regulations in this ordinance shall apply unless otherwise expressly stated in the standards below.
- (B) **Standards for Solar Energy Systems.** The following supplemental standards apply to Solar Energy Systems:
 - (1) **Aviation Notification:** Solar energy systems (SES) of more than one-half acre in panel area, as measured around the perimeter of the panels, and which are located within five miles of a public use airport must provide notification to airport operations.
 - (a) Before issuance of any permits, the applicant shall submit a copy of the FAA airspace determination letter confirming the proposal does not pose a hazard to flight navigation.

Commentary: The notification form for Obstruction Evaluation / Airport Airspace Analysis (OE/AAA) is available on the Federal Aviation Administration website.

(2) Decommissioning.

- (a) A decommissioning plan, signed by the party responsible for decommissioning and the landowner (if different), addressing the following items shall be submitted with permit application.
 - i. Defined conditions upon which decommissioning will be initiated (i.e. end of land lease, no power production for 12 months);
 - ii. Removal of all non-utility owned equipment, conduit, structures, fencing, roads and foundations;

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- iii. Proper disposal of all materials from the site in accordance with local, state, and federal regulations.
 - iv. Restoration of property to condition prior to development of the SES including stabilization or re-vegetation of the site as necessary to minimize erosion;
 - v. The timeframe for completion of decommissioning activities;
 - vi. Description of any agreement (i.e. lease) with landowner regarding decommissioning;
 - vii. The party currently responsible for decommissioning; and
 - viii. Plans for updating this decommissioning plan.

- (b) Before all required final inspections, provide evidence that the decommissioning plan has been recorded with the Register of Deeds.

[Amended on 10/6/2014 by OA 03-14]

4-62 Farmers Market.

4-62-1 Farmers Market.

- (A) **Intent.** It is the intent of this subsection to provide the opportunity for farmers markets to provide increased access to healthy, local food for all communities while protecting public health, safety and general welfare. All regulations in this ordinance shall apply unless otherwise expressly stated in the standards below.
- (B) **Standards for Farmers Market.** The following supplemental standards apply to Farmers Markets:
 - (1) Accessory structures such as storage or utility buildings, trellises, greenhouses, and composting shall be permitted subject to compliance with the requirements of the zoning district.
 - (2) Any structure shall be located at minimum ten feet from any property line.
 - (3) Hours of Operation are limited to 7:00 a.m. to 9:00 p.m.
 - (4) Farmers Markets need to meet all setbacks of the underlying zoning district.
 - (5) Farmers Markets must have contact information including name and telephone of market operator or manager posted on site.
 - (6) Parking and Loading notwithstanding any other provisions or standards contained in this ordinance, parking areas of sufficient size to provide parking for patrons, customers, suppliers, visitors, and employees shall be provided on the premise of each use. Loading areas for supplies and services shall be sufficient to meet requirements of each use. Documentation must be provided at each location even when using shared parking.
 - (7) Farmers Markets shall be limited to no more than three days a week.
 - (8) Road Access.
 - (a) Must be located on a lot that abuts a private or public road that is included in one or more of the following classifications unless on a site with an existing permitted non-residential use:
 - i. NC-numbered highways classified as "Major Collectors" on the Functional Classifications System of Highways, as amended from time to time by the North Carolina Department of Transportation;

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- ii. 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
 - iii. State-maintained secondary roads (S.R.) that have a daily traffic volume of 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.

4-62-2 **Farmers Market as part of Public-Civic Use Group.**

- (A) **Intent.** It is the intent of this subsection to provide the opportunity for farmers markets to provide Increase access to healthy, local food for all communities while protecting public health, safety and general welfare. All regulations in this ordinance shall apply unless otherwise expressly stated in the standards below.
- (B) **Standards for Farmers Market as part of Public-Civic Use Group.** The following supplemental standards apply to Farmers Markets as part of Public-Civic Use Group:
 - (1) Accessory structures such as storage or utility buildings, trellises, greenhouses, and composting shall be permitted subject to compliance with the requirements of the zoning district.
 - (2) Any structure shall be located at minimum ten feet from any property line.
 - (3) Hours of Operation are limited to 7:00 a.m. to 9:00 p.m.
 - (4) Farmers Markets need to meet all setbacks of the underlying zoning district.
 - (5) Farmers Markets must have contact information including name and telephone of market operator or manager posted on site.
 - (6) Parking and Loading notwithstanding any other provisions or standards contained in this ordinance, parking areas of sufficient size to provide parking for patrons, customers, suppliers, visitors, and employees shall be provided on the premise of each use. Loading areas for supplies and services shall be sufficient to meet requirements of each use. Documentation must be provided at each location even when using shared parking.
 - (7) Farmers Markets shall be limited to no more than three days a week.

[Added on 1/17/2017 by OA 02-16]

4-63 Local Agricultural Market.

4-63-1 **Local Agricultural Market.**

- (A) **Intent.** It is the intent of this subsection to provide the opportunity for individuals, group, businesses, and farmers to increase access to healthy, local food for all communities while protecting public health, safety and general welfare. All regulations in this ordinance shall apply unless otherwise expressly stated in the standards below.
- (B) **Standards for Local Agricultural Market.** The following supplemental standards apply to Local Agricultural Markets:
 - (1) Any structure shall be located at minimum ten feet from any property line.

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- (2) Sales of agricultural products not grown or produced on site should take up no more than 25 percent of the Local Agricultural Market retail area or not to exceed 500 sq. ft. Hours of Operation are limited to 7:00 a.m. to 9:00 p.m.
 - (3) Local Agricultural Markets need to meet all setbacks of the underlying zoning district.
 - (4) Road Access.
 - (a) Must be located on a lot that abuts a private road or a public road that is included in one or more of the following classifications:
 - i. NC-numbered highways classified as "Major Collectors" on the Functional Classifications System of Highways, as amended from time to time by the North Carolina Department of Transportation;
 - ii. 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
 - iii. State-maintained secondary roads (S.R.) that have a daily traffic volume of 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.

[Added on 1/17/2017 by OA 02-16]

4-64 – Tobacco and Hemp Retail

Tobacco and Hemp Retail must comply with the following standards:

- 4-64-1 The site of the establishment must be located at least 1,000 feet— measured in a straight line from property line to property line—from the site of any other Tobacco and Hemp Retail establishment that exists or has been permitted.
- 4-64-2 The site of the establishment must be located at least 1,000 feet—as measured in a straight line from property line to property line— from any of the following use types: elementary, middle, or high school, public park, greenway, or residence.
- 4-64-3 There shall not be more than one use subject to these standards on the same property or in the same building, structure, or portion thereof.

[Added on 10/16/23 by OA 02-23]

4-65 Event Venue

4-65-1 Event Venue Standards

- (A) **Hours of Operation. Events may take place between the hours of 7:00am and 11:00pm. Set up or break down may take place outside of these hours.**

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- (B) Parking. Paved or graveled parking areas of sufficient size to provide parking spaces on the premises for all persons using the premises must be provided. There may be no parking in any required setback. Parking areas must be designated and marked as such by curbs, borders, walls, or fences, and must be well drained and continuously maintained.
 - (C) Storage. Outside storage is not permitted within any required setback. Storage areas must be screened or located where they will not be seen from any adjoining property.
 - (D) Utilities. Approval of water supply and sewage disposal plans by the county or state agencies having jurisdiction is required before issuance of use or building permits.
 - (E) 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 interior of the building for security purposes.

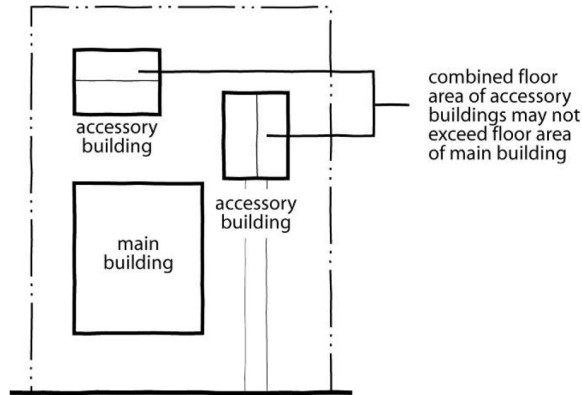
4-65 – 4-69 Reserved for future use.

Part 7 Accessory Uses and Structures

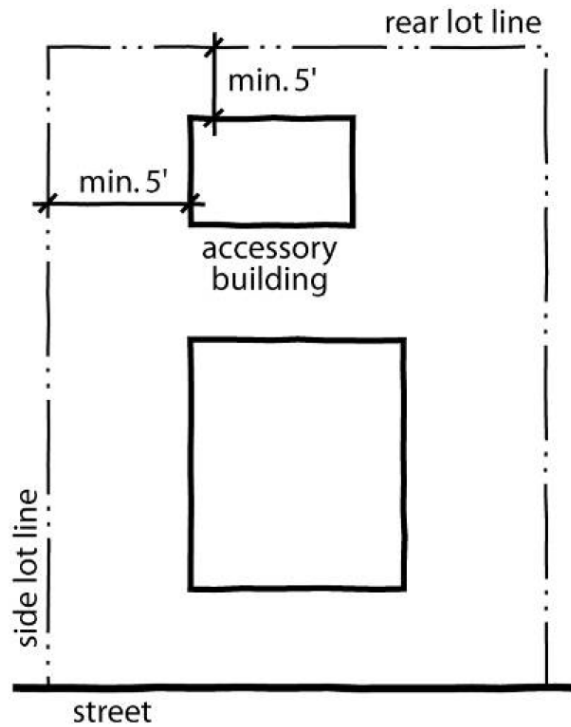
4-70 General.

4-70-1 **Accessory Buildings and Structures.** The accessory building and structures regulations of this subsection (4-70-1) apply to all accessory buildings and structures other than fences and signs. Accessory buildings are subject to the same standards as apply to main buildings except as expressly stated in this ordinance.

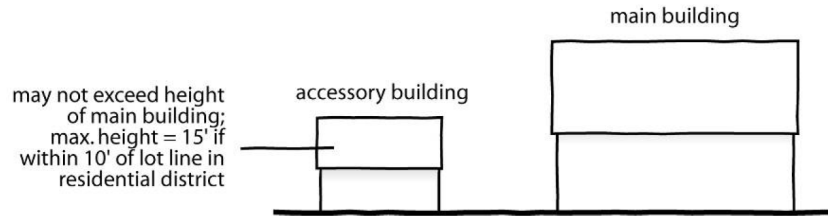
- (A) No accessory building or structure may be established on a lot prior to the issuance of all necessary permits and approvals for the main building on the lot.
- (B) No more than three accessory buildings may be located on a single lot in a residential district.
- (C) In all districts, the total floor area of all accessory buildings combined may not exceed the total floor area of the main building.



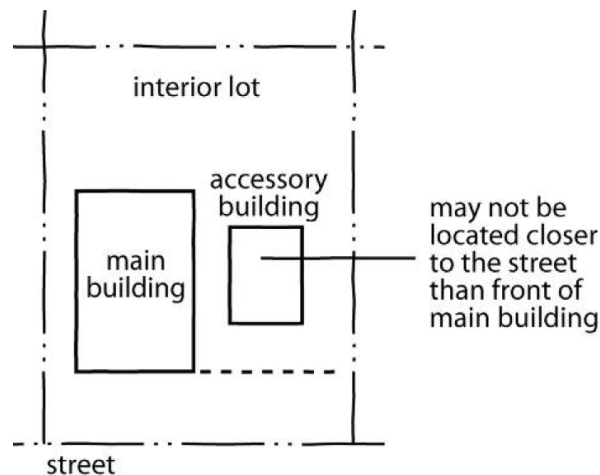
- (D) Accessory buildings and structures must be set back at least five feet from any side or rear lot line.



- (E) Accessory buildings and structures may not exceed the height of the main building or 24 feet in height, whichever is greater. Accessory buildings and structures located within ten feet of the lot line of property in a residential district may not exceed 15 feet or one story in height.



- (F) Accessory buildings and structures may not be located nearer the street than the main building or 50 feet whichever is less.



- (G) Accessory Buildings shall be considered a part of the principal building when the distance between buildings is covered solidly with a roof, using a breezeway, portico, or similar architectural device at least five feet in width and no longer than 15 feet.
- (H) Accessory solar energy systems shall be classified as:
- (1) Roof-mounted system on any code-compliant structure.
 - (2) Building integrated solar (i.e. shingle, window).
 - (3) Ground-mounted system or system covering permanent surface parking lot or other surface hardscape areas whose total panel area, as measured around the perimeter of the panel array, shall not exceed 30 percent of the footprint of the principal structure or one acre in panel area.

4-70-2 Accessory Dwelling Units. A second dwelling unit that is subordinate to the principal dwelling that is either (1) located within the principal dwelling, including an addition to the principal dwelling, or (2) is located in an accessory building on the same lot as the principal dwelling unit. An accessory dwelling unit is a complete, independent living facility equipped with a kitchen and with provisions for sanitation and sleeping. An accessory dwelling unit shall not exceed more than 50 percent of the gross floor area of the principal dwelling unit.

- (A) Only one accessory dwelling unit shall be permitted per lot.
- (B) A manufactured home is only permitted as an accessory dwelling unit on lots with a minimum of ten acres.

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- (C) The accessory dwelling unit shall not be served by a separate driveway from that of the principal dwelling.
 - (D) The accessory dwelling unit shall have at least one off-street parking space in addition to that required for the principal dwelling.

4-70-3 Accessory Uses. The accessory use regulations of this subsection (4-70-3) apply to all accessory uses.

- (A) Unless otherwise expressly stated, accessory uses are allowed in connection with any lawfully established general or special use.
- (B) Accessory uses may not be established on a lot prior to the issuance of all necessary permits and approvals for the general or special use on the lot. Accessory structures shall not be constructed prior to the main building.

[Amended on 6/4/2012 by OA 02-12; Amended on 10/6/2014 by OA 03-14; Amended on 9/15/2014 by OA 04-13]

4-71 Standards for Specific Zoning Districts.

4-71-1 RA District. Notwithstanding the general provisions of Sec. Article 4, maintenance and support uses permitted in paragraph 3-51-2(C) are permitted on any portion of a lot except within any required setback areas, and those structures allowed within required setback areas by Sec. 3-51-4(D) are permitted on any portion of the lot.

4-71-2 GB District.

- (A) Buildings and uses customarily accessory to an authorized use, when located on the same lot, are permitted.
- (B) Manufacturing for sale at retail and repair facilities incidental to principal use, when conducted entirely within a building.

4-71-3 HC District.

- (A) Buildings and uses customarily accessory to an authorized use, when located on the same lot, are permitted.
- (B) Manufacturing for sale at retail and repair facilities incidental to a principal use.

4-71-4 I District. Within any Industrial district, buildings and uses of land customarily accessory to the principal land use are permitted. Accessory buildings and structures may not be located in any required front, side, or rear setback.

4-72 Home Occupations.

4-72-1 General.

- (A) Home occupations must be clearly incidental and secondary to the use of the property for residential purposes.
- (B) Home occupations must be conducted without any significant adverse impact on the surrounding neighborhood.
- (C) Home occupations may not create any objectionable traffic, noise, fumes, odor, dust, or electrical interference.

(D) For the purpose of this ordinance, remote work is not considered a home occupation.

(E) The operator must obtain all other required permits applicable to the activity, such as septic permits.

Commentary: Many ~~homeowners~~ **homeowner's** associations impose private restrictions on home-based business activities. Individuals interested in starting a home occupation should contact their respective ~~homeowners~~ **homeowner's** association to inquire about additional limitations.

4-72-2 Allowed Uses

Allowed home occupations include, but are not limited to:

- (A) Dressmaking, sewing and tailoring;
- (B) Painting, sculpturing, photographer and writing;
- (C) Telephone answering service;
- (D) Home crafts, such as weaving, potting and canning;
- (E) Computer programming;
- (F) Teaching or tutoring of no more than four students at one time;
- (G) Barbershops and beauty parlors;
- (H) Tax consultant, real estate agent;
- (I) Lawyers, engineers, architects, accountants, bookkeepers, consultants or like professions; and
- (J) Catering.

4-72-3 Permits. A **General Land** Use Permit, which is issued administratively by the Planning staff, is required prior to commencing any home occupation.

4-72-4 Standards. Home occupations are subject to all of the following standards and limitations:

- (A) No more than one person may be employed in the business who is not a permanent, full-time resident of the subject dwelling unit.
- (B) Outdoor storage is prohibited.
- (C) On-premise retail sales are prohibited. **Customers are not permitted to come to the home to purchase goods.**
- (D) Displays of goods, **materials, equipment, stock-in-trade** or other commodities may not be visible from the street or from any abutting lot.
- (E) Home occupations may not exceed 50 percent of the floor area of the dwelling or 750 square feet, whichever is less.

Commentary: North Carolina building code may impose more stringent limits upon the allowable square footage of home-based business activities.

- (F) Vehicles used in conjunction with a home occupation may be no larger than a standard pick-up truck or sports utility vehicle (**light duty class 3 size per FHWA truck classification**). No more than two such vehicles may be parked at the site of a home occupation.
- (G) A maximum of one wall or ground sign is allowed. Such sign:
 - (1) May not exceed four square feet in area per side;
 - (2) May be no higher than eight feet above grade if wall-mounted or four feet above grade if ground-mounted or freestanding;
 - (3) May not exceed ten feet in width;

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- (4) May not be located in the right-of-way; and
 - (5) May not be illuminated.
 - (H) When home occupations are conducted in accessory buildings, a floor plan and site plan showing the dimensions and location of the accessory building in relation to the main building and property lines must be submitted with the application.

[Amended on 4/21/2014 by OA 06-12]

4-73 Licensed Amateur Radio Antennas.

4-73-1 FCC License.

- (A) The applicant must be the holder of a valid FCC amateur operator's license.
- (B) Antennas must comply with all applicable federal regulations, including those governing height, location and RF emissions. In the event of a conflict between federal law and the provisions of this section, federal law will govern.

4-73-2 Number. Not more than one ground-mounted antenna support structure for a licensed amateur radio antenna are permitted on each site, except that a second ground-mounted antenna support structure for a licensed amateur radio antenna may be allowed on sites of more than one acre in area if approved as a special use.

4-73-3 Location Requirements. Except as otherwise specified herein, antenna support structures may be roof- or ground-mounted, free-standing or supported by guy wires, buildings or other structures. A support structure will be considered ground-mounted if its base is mounted directly in the ground, even if the structure is supported by or attached to the wall of a building. All antennas and support structures must be located on a site in accordance with the following standards:

- (A) No antenna or support structure may be located within any required setback, except that guy wires and antenna arrays may extend into a required side or rear setback but may not extend over property lines or street lines;
- (B) No antenna support structure may be located closer to any property line or street line than a distance equal to one-half of the height of the antenna support structure; and
- (C) Ground-mounted antenna support structures must be located to the rear of the main building on the site, unless otherwise approved by the County based upon a finding that the alternative location will more effectively reduce the visual impact of the antenna and its support structure upon adjacent properties and public rights-of-way.

4-73-4 Height. Antenna height means the overall vertical length of the antenna support structure and the antenna mounted thereon, including any length to which the antenna support structure is capable of being raised, as measured from the peak of the roof with respect to a roof-mounted antenna, or from the natural grade or finished grade, whichever is lower, with respect to a ground-mounted antenna. All antennas must comply with the following height restrictions:

- (A) Roof-mounted antennas may not exceed 15 feet in height above the peak of the roof, except that a single vertical pole or whip antenna which is not supported by guy wires may be erected to a height of 30 feet above the peak of the roof; and
- (B) Ground-mounted antennas may be erected to a maximum height of 65 feet.

4-73-5 **Installation.** Every antenna and its support structure must be constructed, installed and maintained in accordance with the manufacturer's specifications, in compliance with building and electrical codes and in accordance with the following additional requirements:

- (A) The antenna support structure must be of noncombustible and corrosive-resistant material;
- (B) Whenever it is necessary to install an antenna near exposed utility lines, or where any property damage would be caused by the falling of the antenna support structure, a separate guy wire must be attached to the antenna or the support structure and secured in a direction opposite the potential hazard. Exposed antenna transmission lines and guy wires must be kept at a distance of at least six feet from any exposed utility lines; and
- (C) The antenna must be adequately grounded for protection against a direct strike of lightning.

4-73-6 **Mitigation of Visual Impact.** Antennas and their support structures, including guy wires and accessory equipment, must be located on the site and screened as much as possible by architectural features, fences or landscaping to minimize the visual impact of the antenna and its support structures upon adjacent properties and public rights-of-way. The materials used in constructing the antenna and its support structures may not be unnecessarily bright, shiny or reflective. Conditions may be imposed upon the issuance of a building or use permit to mitigate the anticipated visual impact of the proposed antenna installation.

4-74 Bed and Breakfast Homestays.

Bed and breakfast homestays are permitted as an accessory use to a residential dwelling, and subject to the following standards:

- 4-74-1 No substantial changes may be made to the exterior appearance of the structure or to the site that would alter the property's residential character;
- 4-74-2 Guest stays are limited to seven consecutive days;
- 4-74-3 The operator of the bed and breakfast homestay must occupy the dwelling as a principal residence; and
- 4-74-4 Meals may be provided to overnight guests only, and no cooking facilities may be provided in guest rooms.

4-75—4-79 Reserved for future use.

Part 8 Temporary Uses

4-80 Modular Sales Office.

A modular sales office is permitted as a temporary use in a subdivision, or an approved phase thereof, for four years beginning at the time of occupancy, and may be renewed every four years, provided that:

- 4-80-1 Underskirting is installed around the entire modular sales office;
- 4-80-2 The modular sales office is located on an approved lot, as shown on both preliminary and record plats, serving that subdivision only, and must conform to applicable setback requirements;
- 4-80-3 One off-street parking space is required for each employee plus two additional spaces for visitors, and all parking areas are paved with an all-weather surface and kept free of trash and litter and maintained in good appearance and condition;

4-80-4 Signs meet the requirements of Article 18; and

4-80-5 Landscaping is provided, meeting or exceeding the following requirements:

- (A) Existing vegetation will be retained whenever possible;
- (B) A minimum of two canopy trees and 12 shrubs, in accordance with the requirements of Sec. 16-10-3(B), must be planted;
- (C) Existing vegetation that remains on the lot must be included in the count of minimum lot landscaping; and
- (D) No less than 50 percent of the minimum landscaping must be visible from the front of the lot.

4-80-6 Approval is obtained from Department of ~~Environmental Services~~ **Health and Human Services** for any water and/or wastewater system.

4-80-7 The use of a temporary wastewater holding tank is allowed only when a lavatory and water closet are utilized and such use is conducted in accordance with the provisions of N.C.G.S. 130A-291.2.

[Amended on 6/4/2012 by OA 02-12]

4-81 Temporary Contractors Office.

A temporary contractors' office and/or construction sheds are permitted as a temporary use during construction period only while building permits are valid, provided that:

4-81-1 The contractor's office and/or construction sheds are located on an approved lot, serving that development only, and must conform to applicable setback requirements;

4-81-2 Underskirting is installed around the entire temporary contractors' office;

4-81-3 One off-street parking space is required for each employee plus two additional spaces for visitors, and all parking areas are paved with an all-weather surface and kept free of trash and litter and maintained in good appearance and condition;

4-81-4 Signs meet the requirements of Article 18; and

4-81-5 Existing trees and vegetation will be retained whenever possible to buffer adjacent properties and rights-of-way.

4-81-6 Approval is obtained from Department of ~~Environmental Services~~ **Health and Human Services** for any water and/or wastewater system.

4-81-7 The use of a temporary wastewater holding tank is allowed only when a lavatory and water closet are utilized and such use is conducted in accordance with the provisions of N.C.G.S. 130A-291.2.

[Amended on 7/21/2008 by OA 05-08]

4-82 Natural Disasters and Emergencies.

When an emergency or disaster affects the health, safety or welfare of the general public and compliance with otherwise applicable zoning regulations will delay remedial action, the County Manager is authorized to allow emergency or disaster response activities as a temporary use in any zoning district. In approving such temporary use, the County Manager may impose conditions deemed necessary to minimize any adverse impacts associated with the temporary use.

4-83 Outdoor Seasonal Sales.

Outdoor seasonal sales are permitted in all zoning districts subject to the standards of the underlying zoning district and the following conditions:

4-83-1 Such sales may not operate more than a total of 90 days per calendar year, except as provided in 4-83-1

(A). The owner of the seasonal sales lot is required to maintain an account of the days of sales operations and must make such records available upon request of the Planning Director;

(A) Christmas tree sales are allowed during the 46-day-period from November 15 through December 31. Christmas tree sales during this 46-day-period do not count against the aggregate per-calendar-year time limitation in 4-83-1 and are not included when calculating operating days per calendar year.

4-83-2 The use must abut a thoroughfare or collector road;

4-83-3 The use may not involve the construction of a building or permanent structure;

4-83-4 Any signage must be in accordance with the standards of the underlying zoning district;

4-83-5 Five off-street parking spaces must be provided for the use. Outdoor seasonal sales located on commercial properties may not utilize more than 20 percent of the required parking spaces on the site; and

4-83-6 All parking and sales must be located outside of the public right-of-way.

[Amended on 9/6/2011 by OA 03-11]

4-84 Temporary Events.

Temporary events are permitted in any zoning district that allows the type of use, event or gathering proposed. Such events are subject to the following standards:

4-84-1 General Requirements:

(A) Temporary events are limited to no more than two events per calendar year per parcel. In no case may the cumulative total exceed 14 days per calendar year.

(B) A Land Use Permit will be required prior to each temporary event.

(C) The applicant must provide an original, signed letter from the landowner granting permission for the proposed event and acknowledging the landowner's liability for violations of this ordinance;

(D) The applicant must provide a signed agreement or contract for provision of on-site sanitary facilities;

(E) The applicant must provide a site plan showing: structures, adequate parking areas, lighting, speakers/amplified sound equipment, septic area, and noting the type of event(s) and duration of the event(s) and hours of operation.

(F) The operator must obtain all other required permits applicable to the activity, such as septic permits.

(G) No buildings, structures and parking associated with the temporary event shall be permitted in the building setback.

(H) Parking and event-related activities must be located outside the public right-of-way and buffers.

(I) Site must be restored to its previous condition within seven days after the conclusion of the temporary event.

[Amended on 4/6/2009 by OA 01-09]

4-85 Roadside Stands.

Roadside stands offering the sales of agricultural products produced on the premises are permitted in Residential districts and in the Highway District on the site of a bona fide farm.

[Amended on 1/3/2022 by OA-03-21]

4-86 Temporary Second Dwellings.

4-86-1 In all zoning districts that allow residences as a permitted use, the Board of Adjustment may issue a temporary Special Use Permit for a second nonpermanent dwelling on a lot when the landowner or occupant, or a family member of the landowner or occupant, requires at-home custodial care because of advanced age or medical condition.

4-86-2 No temporary second dwelling may be established unless the Board of Adjustment has approved a Special Use Permit for such temporary use in accordance with Sec. 19-23. Special Use Permits may authorize the use of temporary second dwellings for a period of no more than two years. If the need for custodial care still exists after two years, the Planning Director may renew the Special Use Permit if the applicant demonstrates that the requirements of Sec. 4-86-3(A) and Sec. 4-86-3(B) continue to be met.

4-86-3 The following must be submitted as part of the application for the temporary Special Use Permit:

- (A) A recommendation from the Director of the Wake County Department of Human Services that the Special Use Permit must be considered based on the attending physician's written statement certifying medical need for custodial care because of advanced age or medical condition;
- (B) An improvements permit from the Department of ~~Environmental Services~~ **Health and Human Services** for a septic system for the second dwelling;
- (C) A floor plan showing that the existing dwelling is insufficient to provide independent private living space for both the needy individual and the custodian; and
- (D) An affidavit signed by the applicant declaring and acknowledging that the applicant will remove the second dwelling within 60 days after the medical necessity ceases to exist or after the temporary Special Use Permit expires, whichever occurs first.

4-86-4 If the (temporary) Special Use Permit is approved by the Board of Adjustment, adjacent property owners must be notified that the (temporary) Special Use Permit is for purposes of custodial care and is not permission to allow a permanent second dwelling unit on the property.

4-87 Temporary Development-Related Activities.

4-87-1 In all zoning districts except R-80W and R-40W Districts, the Board of Adjustment may issue a temporary Special Use Permit for the following development-related activities:

- (A) Asphalt plants;
- (B) Quarries;
- (C) Saw mills; and
- (D) Other types of uses which are necessary for development or redevelopment of the area, and which will not have an unduly injurious effect upon adjoining or nearby areas which are already developed.

4-87-2 No temporary development-related activity may be established unless the Board of Adjustment has approved a Special Use Permit for such temporary use in accordance with Sec. 19-23. Special Use Permits

may authorize temporary development-related activities for a period of no more than two years. Special Use Permits for temporary development-related activities may not be renewed unless the Board of Adjustment determines that the applicant has demonstrated a compelling need for such renewal.

4-88 Temporary Quarries in Watershed Districts.

4-88-1 In R-80 Watershed and R-40 Watershed Districts, the Board of Adjustment may issue a temporary Special Use Permit for temporary quarries for special materials not practicably available in other areas of the County.

4-88-2 No temporary quarries may be established unless the Board of Adjustment has approved a Special Use Permit for such temporary use in accordance with Sec. 19-23. Special Use Permits may authorize temporary quarries for a period of no more than two years. Special Use Permits for temporary quarries may not be renewed unless the Board of Adjustment determines that the applicant has demonstrated a compelling need for such renewal.

Article 21. Definitions and Measurement

DRAFT October 2, 2024

21-1—21-9 Reserved for future use.

21-10 Word Usage.

Words used in the present tense include the future, words in the singular number include the plural number, and words in the plural number include the singular number; the word "must" is mandatory and not directory; the word "building" includes the word "structure," the word "lot" includes the words "plot" and "tract."

21-11 Definitions.

For purposes of Erosion & Sediment Control (Article 10), definitions of 10-12 are included herein by reference.

For the purpose of this ordinance, certain terms and words are herein defined as follows:

Access Location means the intersection of a driveway or access road with a public or private thoroughfare

Access Point means a point of ingress and/or egress, which may be a driveway or an access road.

Access Road means a public or private one-way or two-way road for ingress and/or egress. Such access roads may be of various types, including frontage roads, rear access roads, roads with cul-de-sacs, and dead-end roads. This definition includes secondary roads but does not include driveways

Accessory Building means a building that: (1) is customarily present on a lot occupied by a main building but not attached to the main building by a roof or wall; (2) is incidental and physically smaller than the main building on the lot; (3) provides a necessary service or convenience function for occupants of the main building; and (4) complies with all applicable standards of this ordinance. Buildings or building additions attached to main buildings are considered part of the main building and, unless otherwise expressly stated, are subject to all zoning standards that apply to main buildings.

Accessory Dwelling Unit means a second dwelling unit that is subordinate to the principal dwelling that is either (1) located within the principal dwelling, including an addition to the principal dwelling, or (2) is located in an accessory building on the same lot as the principal dwelling unit. An accessory dwelling unit is a complete, independent living facility equipped with a kitchen and with provisions for sanitation and sleeping. An accessory dwelling unit shall not exceed more than 50 percent of the gross floor area of the principal dwelling unit.

Accessory Structure means a structure other than a building that: (1) is customarily present on a lot occupied by a main building; (2) is incidental and subordinate to the main building on the lot; (3) provides a necessary service or convenience function for occupants of the main building; and (4) complies with all applicable standards of this ordinance; (5) shall not exceed the maximum height of the main building; and (6) include: patios, above ground and inground swimming pools, decks, sidewalks, driveways, etc. Structures attached to main buildings are considered part of the main building and, unless otherwise expressly stated, are subject to all zoning standards that apply to main buildings.

Accessory Use means a use on the same lot or in the same building with the principal use of the lot or building, the nature and extent of which is clearly incidental or subordinate to that of the principal use

Active Open Space means see "open space, active."

Adjoining means one property that adjoins another or is immediately adjacent to or abutting it.

Adult Day Care Facility means adult day care facility means the provision of group care and supervision in a place other than their usual place of abode on a less than 24 hour basis to adults who may be physically or mentally disabled.

***Adult Day Care Home* means a day care program for up to 16 adults operated in a single-family dwelling.**

All-Weather Surface or Surfacing means see "pave or paving"

Alley means a strip of land, publicly or privately owned, set aside primarily for vehicular service access to the back or side of properties abutting on a road.

Amplitude means the maximum displacement of the surface of the earth from its normal resting position. Amplitude is generally measured in inches or miles.

***Animal Shelter* means a facility that provides a temporary home for dogs, cats, and other animals that are offered for adoption.**

Antenna means any system of wires, poles, rods, reflecting discs or similar devices used for the reception or transmission of electromagnetic waves which system is attached to an antenna support structure or attached to the exterior of any building or structure. The term includes devices having active elements extending in any direction, and directional beam-type arrays having elements carried by and disposed from a generally horizontal boom which may be mounted upon and rotated through a vertical mast, tower or other antenna support structure.

Antenna Support Structure means any mast, tower, tripod or other structure utilized for the purpose of supporting one or more antennas.

Applicant means any person who submits applications or plans for the purpose of obtaining approval under Article 19 of this ordinance.

Artisan Manufacturing means on-site production of goods by hand manufacturing, involving the use of hand tools and small-scale, light mechanical equipment. Typical uses include woodworking and cabinet shops, ceramic studios, jewelry manufacturing and similar types of arts and crafts or very small-scale manufacturing uses that have no negative external impacts on surrounding properties.

Banner means a sign, typically made of fabric or plastic, that must be fixed to a wall or other structure so that it experiences no significant motion under normal wind conditions.

Bed and Breakfast Homestay means the use of part of a dwelling to provide short-term (i.e. not more than seven days) lodging to guests for compensation, with or without the provision of meals to overnight guests, where no more than two guest rooms are involved. See Sec. 4-74 for regulations that apply to Bed and Breakfast Homestays.

Bed and Breakfast Residence means the use of part of a dwelling to provide short-term (i.e. not more than 14 consecutive days) lodging to guests for compensation, with or without the provision of breakfast to overnight guests, where no more than ten guest rooms are involved (but not including B&B homestays, and not including hotels or motels, where the provision of lodging is the principal use) See Sec. 4-30 for standards that apply to Bed and Breakfast Residences.

Best Management Practice (BMP) means a recognized method, activity, device, maintenance procedure, or other management practice used singularly or in combination to minimize the amount of nonpoint source pollution entering surface waters.

Board of Adjustment means the Board of Adjustment of Wake County, North Carolina.

Board of Commissioners means the Board of Commissioners of Wake County, North Carolina.

Body art service means procedures such as body piercing, tattooing, cosmetic tattooing, branding or scarification, but not practices that are considered medical procedures by the North Carolina Medical Board.

~~**Bona Fide Farm means the use of one or more tracts of land for farming, other than large swine farms (i.e., those that include more than 250 animal units). Large swine farms are not included in the definition of a "bona fide farm."**~~

Bona fide farm means the use of one or more tracts of land for bona fide farm purposes, which include the production and activities relating or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture, as defined in G.S. 106-581.1.

Breezeway means a covered passageway, which may be enclosed on the sides, whose function is to link two larger structural masses into one structure. Nothing in this ordinance shall preclude the use of an architectural design element to link two or more building elements into a single structure, so long as such connective architectural design element does not exceed 15 feet in length and is at least five feet in width.

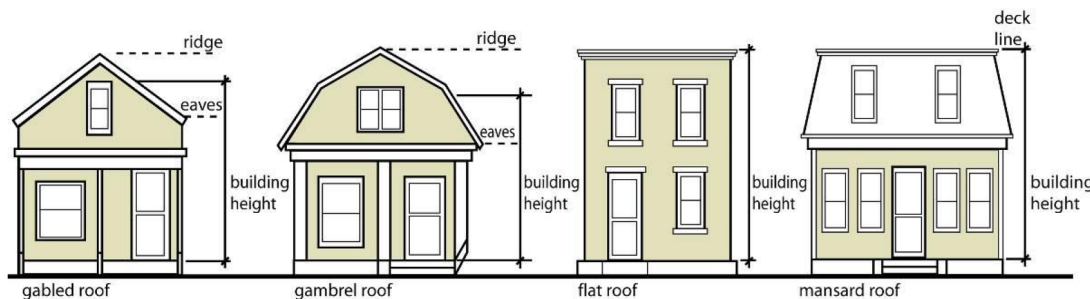
Bufferyard means an area of land having thereon specified dimensions, types, and amounts of vegetation or devices which may be required to reduce or eliminate adverse effects of land uses upon adjoining land uses or thoroughfares. Bufferyards must be located along the perimeter of a lot or parcel, extending to the lot or parcel boundary line, and are not permitted on any portion of an existing, dedicated or ultimate public street, private street, right-of-way or thoroughfare.

Building means building means any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

Editor's note(s)—[Amended on 1/22/2008 by OA 04-07. Old text read, "A structure having a roof supported by columns or walls for the shelter, support, or enclosure of persons, animals, or chattels. When separated by division walls from the ground up without openings, each portion of such building must be deemed a separate building."]

Building Canopy means a permanent roof-like structure that projects out from the face of the main building and whose structural support is an integral part of the main building.

Building Height means the vertical distance measured from the mean elevation of the finished floor at the front of the building to: (A) the highest point of the roof surface on a flat roof; (B) the deck line of a mansard roof; or (C) the mean height level between eaves and ridge for a gable, hip, or gambrel roof; and (D) For other building types, the vertical distance to the highest point of the structure.



[Added part (D) on 1/22/2008 by OA 04-07.]

Building Line means a line formed by the surface of the ground and the closing wall of a building or portion thereof. Where carports, terraces, patios, enclosed courts, balconies, or other projections or appurtenances are portions of a building and extend beyond the enclosing walls of the building, the building lines must be the outer face of such projections, including eaves, cantilevers, bay windows, and attached retaining walls.

Building Official means the county official or other designated authority charged with the administration and enforcement of the North Carolina State Building Code (State Building Code).

Building, Front of means the side of a building most nearly parallel with and adjacent to the front of the lot on which it is situated

Building, Main means a building in which is conducted the principal use of the lot on which it is situated. In any Residential district, any dwelling must be deemed to be a main building on the lot on which the same is situated

Build-Out Year means the year the proposed project (including all phases of construction) will be complete and open for operation.

Business, Prima Facie means any use or activity that functions as a traditional business or commercial use, whether or not such use or activity is performed for profit or financial gain. An individual who repairs vehicles owned by other people will, for example, be deemed to be operating a prima facie business regardless of whether payment is received for such services.

Caliper means the diameter of a tree trunk, measured 12 inches above the soil line or top of the tree's root ball.

Canopy Tree means any tree variety expected to reach a height in excess of 30 feet at maturity (such as oaks, pines, sycamores, some maples, etc.)

Cemetery means a commercially owned and operated graveyard, or a ~~church~~ burial ground **associated with a place of religious assembly**, used or designated for the interment of the deceased. This definition includes burial parks, mausoleums, and columbaria, but does not include family burial grounds.

Centerline of Street means the centerline of a street or highway, for the purpose of this ordinance, must be that which has been ascertained and determined by NCDOT.

Certificate of Occupancy means a statement signed by an administrative officer setting forth that a building, structure, or use complies with this ordinance and that the same may be used for the purposes stated therein

~~Child-care~~ **Childcare** means a program or arrangement where three or more unrelated children under 13 years of age receive care and supervision on a regular basis for more than four hours but less than 24 hours per day from persons other than their parents, relatives or full-time custodians.

~~Child-care~~ **Childcare** Home means a ~~child-care childcare~~ facility that provides care and supervision for children as an accessory use of a residence that must be licensed as a ~~child-care childcare~~ home by the North Carolina Department of Health and Human Services.

~~Child-care~~ **Childcare** Center means a ~~child-care childcare~~ facility that provides care and supervision for children that must be licensed as a ~~child-care childcare~~ center by the North Carolina Department of Health and Human Services.

~~Child-care Center—Class "A" means a facility that provides child-care services for more than five preschool age and three school-age children not located within a residence.~~

~~Child-care Center—Class "B" means child-care services that are provided as an accessory use within a residence and licensed for three—12 children.~~

Collector Road means a road designated by the Transportation Plan as any classification of "collector," or any road that functions as a collector road, as such function is defined in the Transportation Plan.

Commercial Vehicle means any vehicle that is used in conducting a business operation or that is required to have commercial license plates in North Carolina.

Comprehensive Plan means the Wake County Comprehensive Plan, including any area plans, or subsequent amendments thereof.

~~*Conference Center/Retreat House* means an establishment that is available to the general public for hosting weddings, receptions, conferences, parties, business meetings, social gatherings, and similar events. Such establishment includes the use of the property for outdoor events.~~

Connecting Access Roads means roads which provide access from a subdivision to a public road.

Construction Plan means a plan with supporting data for a proposed subdivision or nonresidential use, developed for the purpose of establishing the layout and provision of roads and utilities.

Contiguous means sharing the same property boundary.

Contractor's Office, Landscaping, Grading means an area where a construction contractor maintains its office, as well as storage for equipment and materials, for the construction and landscaping trades.

County Commissioners, County Commission means the Wake County Board of Commissioners.

Critical Area means the land in a water supply watershed which is adjacent and draining to the water source, where it is most important to filter out potential pollutants.

Dba means a unit for describing sound levels using an A-weighting network. This network modifies the measured sound pressure level at the various frequencies to account for differences in the sensitivity of the human ear to sounds of different frequency.

Decibel (db) means a unit which describes the sound pressure level or intensity of sound. The sound pressure level in decibels is 20 times the logarithm to the base ten of the ratio of the pressure of the sound to a reference pressure of 0.0002 microbar.

Department of Environmental Services means the Wake County Department of Environmental Services or its successor agency.

***Department of Health and Human Services* means the Wake County Department of Health and Human Services or its successor agency.**



Design Professional means a licensed professional engineer, surveyor, landscape architect, land planner or other member of a design profession that is authorized by the North Carolina General Statutes to perform work of a specific nature (e.g.—site design and layout, roadway design, stormwater or utility systems, etc...).

Detention means surface collection, storage, and distribution of stormwater runoff for the purposes of compensating for increased runoff volume and decreased travel time associated with an increase in impervious surfaces over the contributing catchment, and to allow for the settling-out of pollutants borne by the runoff.

Development means any land-disturbing activity or change that takes place on a piece of property that changes the amount of impervious surface or partially impervious surface coverage on the land, or that otherwise decreases the infiltration of precipitation into the soil.

Development Framework Map means map of the Wake County Comprehensive Plan framework classifications consisting of Transit Focus, Walkable Center, Community, Community Reserve and Rural areas.

Diameter at Breast Height (DBH) means the diameter of a tree trunk measured 4.5 feet above the ground beneath the tree.

Discrete Impulses means a ground transmitted vibration stemming from a source where specific impulses do not exceed 60 per minute or one per second.

Drainageway means any stream, watercourse, channel, ditch, or similar physiographic feature draining water from the land.

Drainageway Buffer means an area adjacent to a drainageway that must remain undisturbed except as may be necessary to accommodate specific uses as noted in the relevant section of this ordinance. Examples of such uses may include roads, driveways, utility lines, greenways, pedestrian paths, etc.... Specific limitations and performance criteria may further restrict these drainageway buffer crossings.

Note: Drainageway buffers must be measured perpendicular to the flow means the drainageway and from the edge of the drainageway banks, except when no drainageway banks exist, in which case the centerline of the drainageway swale must be used.

Driveway means a private way beginning at the property line of a lot abutting a public road, private road, easement, or private right-of-way, giving access from that public road, recorded easement, recorded private road, or private right-of-way, and leading to a building, use, or structure on that lot. A driveway may not serve more than a single lot unless it runs along a lot line shared by two lots and serves no more than those two lots and has an easement and maintenance agreement when shared.

Dwelling, 4-plex means a building designed, constructed, or reconstructed and used for four dwelling units that are located on a single common lot and that are connected to each other by a common structural or load-bearing wall, or by means of a floor to ceiling connection, of at least ten linear feet.

Dwelling, Multi-family means a building designed, constructed, or reconstructed and used for five or more dwelling units that are located on a single (common) lot, with each dwelling unit being connected by means of a common structural or load-bearing wall, or by means of a floor to ceiling connection, of at least ten linear feet, with any other dwelling unit in the same building. Multi-family dwellings include condominium and apartment buildings.

Dwelling, One-Family, Attached means a one-family dwelling that is connected by means of a common dividing structural or load-bearing wall, or by means of a floor-to-ceiling connection, of at least ten linear feet, to one or more other one-family dwellings.

Dwelling, One-Family, Detached means a one-family dwelling which is located on an individual lot and is not physically connected to another dwelling unit by a common structural or load-bearing wall of ten or more linear feet.

Dwelling, Triplex means a building designed, constructed, or reconstructed and used for three dwelling units that are located on a single common lot and that are connected to each other by a common structural or load-bearing wall, or by means of a floor to ceiling connection, of at least ten linear feet.

Dwelling, Two-Family or Duplex means a building designed, constructed, or reconstructed and used for two dwelling units that are located on a single common lot and that are connected to each other by a common structural or load-bearing wall, or by means of a floor to ceiling connection, of at least ten linear feet.

Dwelling Unit means a building or portion of a building providing independent living facilities for one **or more persons family** including **permanent** provisions for living, sleeping, and complete kitchen facilities. A dwelling unit located in any residential zoning district shall be used only for a residential use, unless otherwise specified. **Units in dormitories, hotels, motels, shelters for the homeless, or other structures designed for transient residents are not dwelling units.**

Note(s)—[Amended on 1/22/2008 by OA 04-07. Old text read, "An enclosure of one or more rooms and separate bathroom and kitchen facilities designed and constructed as a unit for permanent residential occupancy by one family."]

Easement means a legal right of use over the real property of another.

Emergency or Disaster means a sudden unexpected occurrence, either the result of human or natural forces, necessitating immediate action to prevent or mitigate significant loss or damage to life, health, property, essential public services, or the environment.

Emergency or Disaster Response Activities means any development, use, storage or other activity that must be undertaken immediately in order to protect the public health, safety and general welfare after an emergency or disaster.

Event Venue means an establishment that is available to the general public for hosting weddings, receptions, conferences, parties, business meetings, social gatherings, and similar events. Such establishment includes the use of the property for outdoor events.

~~Family~~ means:

- ~~• An individual or two or more persons related by blood, marriage or adoption living together in a dwelling unit.~~
- ~~• A group of not more than seven persons, who need not be related by blood, marriage, or adoption, living together in a dwelling unit. For the purposes of this ordinance "a family" may include five or fewer foster children placed in a family foster home licensed by the State of North Carolina, but may not include fraternities, sororities, rooming houses or boarding houses, rest homes, tourist homes, group care facilities, or family care homes.~~

Family means one or more persons living together and sharing common housekeeping facilities. Sororities, fraternities, and boarding houses are not considered family.

Family Burial Ground means a privately owned, noncommercial graveyard created and maintained for the interment of family members of the property owner and restricted to such use.

Family Care Home ~~means family care home~~ means an adult care home having two to six residents. The structure of a family care home may be no more than two stories high and none of the aged or physically disabled persons being served there may be housed in the upper story without provision for two direct exterior ground level accesses to the upper story.

Note(s)—[Amended on 1/22/2008 by OA 04-07. Old text read, "A facility with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment for not more than six resident handicapped persons."]

Farm, Bona Fide means see "Bona Fide Farm."

Farmers Market means the recurring selling of agricultural products directly to the public by a group of individual farmers and/or vendors. Products typically offered for sale include farm grown fruits, vegetables and meats and other animal-based products, and honey, plants, flowers, and shrubs. Value-added agricultural items such as locally produced packaged food products, fruit pies or jams and agricultural hand-made craft items may also be sold. Farmers markets can have varying number of vendors - with at least three, can be seasonal or year-round, and can be operated within or without a structure.

Farming means the active production of crops, fruits, vegetables, ornamental and flowering plants, dairy products, livestock, poultry, and all other forms of agricultural products having a domestic or foreign market. Farming includes buildings or structures that are customarily incidental or subordinate to the farming activities listed above, including buildings used for migrant labor or farm tenant housing but not including any other residential dwelling units. Livestock and poultry includes those animals that are customarily and traditionally raised on farms, such as beef and dairy cattle, hogs, sheep, goats, rabbits, horses, mules, ponies, chickens, and turkeys. Examples of activities that do not constitute "farming," include but are not limited to the following:

- ~~• The boarding of animals, including horses and dogs;~~
- Residential dwelling units other than migrant labor or farm tenant housing;
- Sale of agricultural products ~~from other owners/operators; not grown on site;~~
- Manufacturing, production or sales of nonagricultural products; and

-
- Storage of any equipment not being used for farm purposes. ~~to farm the land.~~

Farm Serving Use—Class 1 means any agri-business store or any such use whose primary activity is supplying farm hardware, feed, fertilizer, and seed and/or providing tractor or other agricultural equipment sales or services.

Farm Serving Use—Class 2 means any non-radioactive intermediary fuel distribution storage facility which is not involved in the direct sale of fuels, but functions as an intermediary storage site for the distribution of non-radioactive fuel to farmers.

Fencing means a wall or fence provided for the purpose of protecting adjacent uses from potential noise, glare, trash, odor, visual disorder, or other harmful or noxious effects.

Final Plat means a map of land subdivisions prepared in a form suitable for record filing with necessary affidavits, dedications, and acceptances appended showing complete public areas and other information required by this ordinance.

Flag Lot means a lot, created by a subdivision, with less lot width than is required for a conventional lot by Article 8 (Subdivision Design and Improvements) and composed of a narrow "flagpole" strip extending from the street and a much wider "flag" section lying immediately behind a lot or lots having the required street frontage for a conventional lot. In the case of a flag lot, the lot line at the end of the flagpole lying generally parallel to the street to which the flagpole connects shall be considered to be the front lot line for setback purposes. (See illustration under 8-31-4(C)).

Note(s)—[Amended on 1/22/2008 by OA 04-07. Old text read, "A lot that does not meet applicable minimum lot width standards along the lot's street frontage. A flag lot is composed of two distinct parts: The flag, which is located behind another lot and that represents the buildable portion of the lot; and The pole, which (a) connects the flag portion of the lot to the road; (b) provides the road frontage for the lot. (See also section 8-31-4.)"]

Flag, Official Governmental means any of the following:

- The flag of the United States of America.
- The flag of nations recognized by the United States of America.
- The flag of the State of North Carolina.
- The flag of any state or territory of the United States.
- The flag of a political subdivision of any state or territory of the United States.

Flood-related Definitions means flood and flooding-related definitions are in Article 14.

Floor Area means the sum of the enclosed areas on all floors of a building or buildings, measured from the outside of exterior walls, including halls, lobbies, arcades, stairways, elevator shafts, enclosed porches, garages and balconies, and any below ground floor areas used for access and storage. Open terraces, patios, atriums, or balconies, carports, breezeways, and screened porches are excluded from floor area calculations.

Floor Area Ratio means ratio of floor area to lot area.

Fourplex means a building designed, constructed, or reconstructed and used for four dwelling units that are located on a single common lot and that are connected to each other by a common structural or load-bearing wall, or by means of a floor to ceiling connection, of at least ten linear feet.

Frequency means the number of times that a displacement completely repeats itself in one second of time. Frequency must be expressed in cycles per second (cps) or hertz (Hz).

Garage means a building used for the storage or housing of motor-driven vehicles.

Garage, Private means a building intended for, and used to store, the private motor vehicles of the residents of the premises.

Garage, Public means any garage not included within the definition of a private garage.

Garage, Yard, or Estate Sale means a sale operating at a residence primarily for the sale of used household goods. Not to exceed six days per calendar year.

General Comprehensive Plan means the comprehensive plan for the Wake County Zoning Area as embodied in and reflected by this ordinance.

General Manufacturing means:

- Manufacturing of finished or unfinished products, primarily from extracted or raw materials, or recycled or secondary materials, or bulk storage and handling of such products and materials. Typical uses include: textile mills; textile product mills; apparel manufacturing; leather and allied product manufacturing; wood product manufacturing; paper manufacturing; chemical manufacturing; plastics and rubber products manufacturing; nonmetallic mineral product manufacturing; transportation equipment manufacturing; primary metal manufacturing; and fabricated metal product manufacturing.
- Industrial service firms engaged in the repair or servicing of industrial or commercial machinery, equipment, products or by-products. Typical uses include: welding shops; machine shops; industrial tool repair; fuel oil distributors; solid fuel yards; laundry, dry-cleaning, and carpet cleaning plants; and photofinishing laboratories.

Greenway means linear open space that is established along a corridor that can be used for connectivity (trails) or water quality protection.

Group Care Facility means a dwelling in which persons reside while receiving therapy or counseling to assist them in overcoming addiction to intemperate use of narcotics or alcohol, or in adjusting to society after or during imprisonment through such means as pre-release, work-release, or probationary programs.

Governmental Use means a building, use or structure owned or occupied by a federal, state, or local government agency and serving as an agency office, ~~police station, fire station,~~ post office, or similar facility, but not including Colleges, Universities, Cultural Exhibits, Libraries, ~~Safety Service,~~ Day Care, Detention/Correctional Facilities, Hospitals, Parks and Recreation, Schools.

Group Home means a public or private health facility, establishment, or institution, however styled, where seven or more nonrelated persons reside because of age, temporary or chronic physical or mental disability, or developmental disability.

Guest Room means a room which is designed or intended for occupancy by, or which is occupied by, one or more guests, but in which no provision is made for cooking, and not including dormitories for sleeping purposes.

Hazardous Material means any substance defined as a "hazardous substance" in Section 101 (Definitions) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA; 42 U.S.C. §9601 et seq.), as amended; or listed as a hazardous material in Section 302 (Extremely Hazardous Substances) of the Superfund Amendments and Reauthorization Act (SARA; 42 U.S.C. §11000 et seq.), as amended; or designated as a "hazardous substance" under Section 311 (Oil and Hazardous Substance Liability) of the Federal Water Pollution Control Act (FWPCA; 33 U.S.C. §1251 et seq.), as amended.

Hazardous Waste means:

- A waste or combination of wastes which because of quantity, concentration, or physical, chemical, or infectious characteristics may:
 - Cause or significantly contribute to an increase in mortality, or an increase in serious irreversible or incapacitating reversible illness; or

-
- Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
 - Hazardous wastes include, but are not limited to, those substances listed in 40 Code of Federal Regulations (CFR) 261.30 to 261.33.

Hazardous Waste Facility means a facility for the storage, collection, processing, treatment, recycling, recovery, or disposal of hazardous waste.

Hazardous Waste Storage means containment of hazardous waste, for a period of 90 days or more, in such manner as not to constitute disposal.

Hazardous Waste-Disposal means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any waste into or on any land so that such waste or any constituent thereof may enter the environment, or be emitted into the air, or discharged into any waters, including ground waters.

Hazardous Waste-Landfill means any facility or any portion of a facility for disposal of hazardous waste on or in land.

Health and Personal Care Facilities means public or private health facilities, establishments, or institutions, however styled, where aged or physically handicapped persons reside and are furnished with meals and health or personal care on a continuing basis. Health care facilities include, but are not limited to, convalescent homes, nursing homes, rest homes, sanatoria, or homes for the elderly.

Height, Building means see "Building Height"

Home Occupation means an occupation for gain or support that (1) is conducted within a dwelling unit or residential accessory building and (2) complies with the home occupation regulations of 4-72.

Impact (vibration-related) means an earthborne vibration generally produced by two or more objects striking each other that cause separate and distinct pulses.

Impervious Surface means any surface resulting from human activity that obstructs or prevents infiltration of water into soil. Impervious surface includes, but is not restricted to: buildings and rooftops; walkways, driveways, and parking areas that are paved or compacted by pedestrian or vehicular traffic; solid decks and patios; pavement; recreation facilities that are paved or compacted; and any other paved, compacted, or partially impervious surface. For purposes of calculating the percentage of impervious surface coverage, the area of the entire contiguous lot or parcel must be regarded as the actual area of the lot or parcel. The water surface of a lake, pond, or swimming pool is considered pervious. A wooden slatted deck is considered pervious.

Impulsive Noise means noises of relatively short duration generally produced by striking two or more objects that are heard as separate distinct noises.

Indoor Recreation and Entertainment means an establishment offering entertainment and/or recreation to the general public, where the activity takes place indoors. Such uses generally include, but are not limited to: physical fitness centers, indoor swimming pools, arcades/game rooms, indoor tennis facilities and bowling alleys.

Intensive Manufacturing means manufacturing of acetylene, cement, lime, gypsum or plaster-of-Paris, chlorine, corrosive acid or fertilizer, insecticides, disinfectants, poisons, explosives, paint, lacquer, varnish, petroleum products, coal products, plastic and synthetic resins and radioactive materials. This group also includes smelting, animal slaughtering and oil refining.

Interested Party means any officer or employee whose personal duties relate to the matter at issue, any person filing an application under Article 19, and any owner of property adjoining the property at issue, or affected by an interpretation of the location of the boundary of an area of special flood hazard.

Intermittent Streams means as identified by the "Soil Survey of Wake County, North Carolina," or the most recent edition of U.S.G.S. 1"24,000 (7.5 minute) scale topographic maps.

Internal Trip Capture Rate means the percentage reduction applicable to the trip generation estimates for individual land uses within a multi-use site.

Interstate Highway means any section of a highway that is part of the National System of Interstate and Defense Highways.

Kennel means any building, structure, or land area ~~licensed used~~ for the boarding, breeding, training, showing or raising of more than five dogs or five cats over the age of four months, where such animals are kept or maintained, whether or not for compensation and whether or not the animals are owned by the operator of the kennel. Pet shops and veterinary hospitals are exempt from the definition of kennel.

Land-Clearing and Inert Debris Landfill means a disposal facility that stores land-clearing and construction/demolition debris (solid waste that is generated from demolition, land-clearing or construction activities, such as stumps, trees, etc.), limbs, yard waste, inert debris (solid waste which consists of material that is virtually inert, such as brick, concrete, rock, clean soil, and used asphalt), and uncontaminated earth.

Land Use Intensity means unit of measure that indicates the degree of development on a lot. Land use intensity is a ratio and may be expressed in proportions such as floor area to lot area, covered lot area to uncovered lot area, and the like.

Landscape Plan means the design and specifications for the placement of all natural and man-made features (such as plantings, fencing, earth berms, buildings, parking, drives, walkways, pools, sculpture, etc.) within a specified exterior space, including the retention of existing features as well as the introduction of new or replacement features, for the purposes of enhancing the property and its appearance, minimizing the potential for negative impacts upon the public senses, and protecting the community's environment.

Licensed Amateur Radio Antenna means an antenna owned and utilized by a federally licensed amateur radio operator.

Limited Manufacturing means manufacturing of finished parts or products, primarily from previously prepared materials. Typical uses include: catering establishments, printing and related support activities; machinery manufacturing; food manufacturing; computer and electronic product manufacturing/assembly; electrical equipment, appliance, component manufacturing/assembly; furniture and related product manufacturing/assembly; and other manufacturing and production establishments that typically have very few, if any, negative external impacts on surrounding properties.

Linear Block means that property abutting on one side of a street between the two nearest intersecting or intercepting streets, natural barrier, or between such cross-street and the end of a dead-end street or cul-de-sac; provided, however, that where a street curves so that any two adjacent 100-foot chords thereof form an angle of 120 degrees or less, measured on the lot side, such curve must be constructed as an intersecting street.

Local Access Roads means routes that principally provide access to residential properties within subdivisions.

Local Agricultural Market means an area of land managed and maintained by an individual, group, or business to grow and harvest food or non-food crops to be sold for profit on-site, off-site, or both. Local Agricultural Markets are a principal use and can sell directly to consumers.

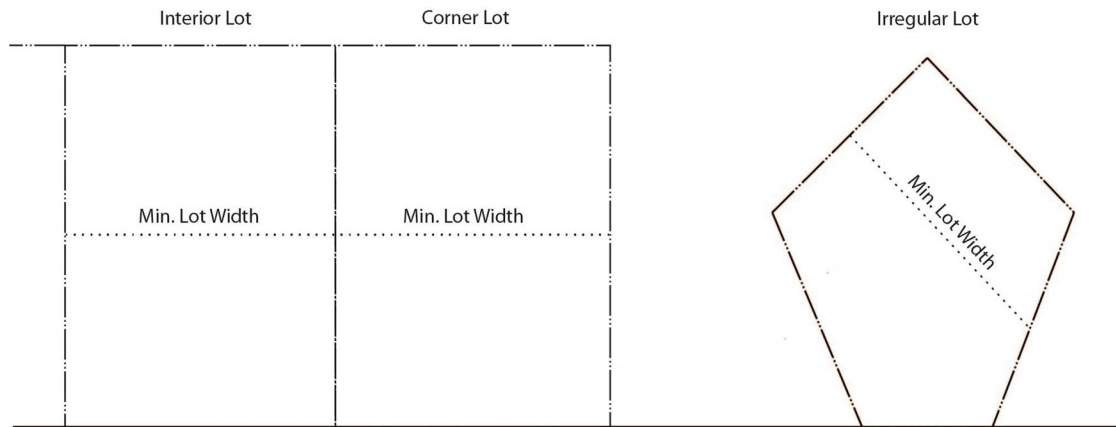
Local Collector Roads means routes that collect traffic from residential subdivisions and distribute that traffic to thoroughfares. Local collectors are roads not designated on the Transportation Plan, but which serve the function of a residential collector.

Lot means a portion of a subdivision or any other parcel of land and/or body of water intended as a unit for building development, or for transfer of ownership, or both. The term "lot" does not include parcels wholly dedicated or reserved as right-of-way or open space in accordance with the provisions of this ordinance, or parcels wholly dedicated as reserved for potential future development in accordance with 5-12-8.

Note(s)—[Added "and/or body of water" on 1/22/2008 by OA 04-07.]

Lot Area means the amount of land area contained within the boundaries of a lot, excluding road right-of-way and road easements.

Lot Width means the horizontal distance between the midpoints of the side lot lines. Lot width on corner lots is the horizontal distance between one of the front lot lines and the opposite interior lot line. Lot width for irregularly shaped lots is measured from the midway point of the shortest side lot line perpendicular to the other side property lot line.



Lot, Corner means a lot abutting on two or more streets at their intersection.

Lot, Double Frontage means a lot having frontage on two parallel or nearly parallel roads.

Lot Frontage means the horizontal distance between lot lines measured along the abutting road right-of-way. On lots with multiple frontages, lot frontage must be measured along the road right-of-way to which the lot has access.

Lot, Front of means the front of a lot is considered to be that side of the lot which fronts on a street. In case of a lot with multiple frontages, the front of the lot is determined by the road right-of-way to which the lot has its principal access. The principal access should be restricted to the road with the lower classification.

Lot, Interior means a lot that is flanked by other lots and that has frontage on a single street.

Low-Level Radioactive Waste means radioactive waste not classified as high-level radioactive waste or spent nuclear, as defined by the United States Nuclear Regulatory Commission, transuranic waste, or by-product material, as defined in Section 11(e)(2) of the Atomic Energy Act of 1954, as amended.

Low-Level Radioactive Waste Facility means a facility for the storage, collection processing, treatment, recycling, recovery, or disposal of low-level radioactive waste.

Low-Level Radioactive Waste-Landfill means any facility or any portion of a facility for disposal of low-level radioactive waste on or in land.

Low-Level Radioactive Waste-Storage means containment of low-level radioactive waste, either on a temporary basis or for a period of years, in such manner as not to constitute disposal.

Mining/Excavation means mining/Excavation means the process of extracting natural deposits of mineral resources, such as, ores, soils, stone and gravel, or other solid matter from their original location, not including any processing of such material beyond incidental mechanical consolidation or sorting to facilitate transportation off site.

~~*Mobile Home* means any vehicle or structure built on a chassis, designed to be transported, and intended for human occupancy for unlimited periods of time. Such vehicle must contain as an integral part of its construction, kitchen facilities and a completely equipped bathroom consisting of a flush toilet, lavatory, and bathtub or shower. Recreational vehicles are not mobile homes.~~

***Manufactured Home* means a manufactured building designed to be used as a single-family dwelling unit which has been constructed and labeled indicating compliance with the United States Department of Housing and Urban Development administered National Manufactured housing Construction and Safety Standard Act of 1974, as amended. Recreational vehicles are not manufactured homes for the purposes of this ordinance.**

***Mobile Manufactured Home Park* means any site or tract of land (except a subdivision developed pursuant to this ordinance) in contiguous ownership upon which two or more ~~mobile~~ **manufactured** home spaces are provided for lease or rental only to ~~mobile~~ **manufactured** home occupants.**

***Mobile Manufactured Home Space* means a plot of land within a mobile home park designed for the accommodation of a single ~~mobile~~ **manufactured** home in accordance with the requirements set forth in this ordinance.**

***Mobile Manufactured Home Stand or Pad* means that portion of a ~~mobile~~ **manufactured** home space designed for and used as the area occupied by a ~~mobile~~ **manufactured** home.**

Municipal Solid Waste Landfill means a planned method of disposing of solid waste on land in a sanitary manner, without creating nuisances or hazards to public health or safety, but utilizing the principles of engineering to confine the solid waste to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of compacted earth at the conclusion of each day's operation or at such more frequent intervals as may be necessary.

Municipal Transition Area means areas of the Wake County Comprehensive Plan Development Framework Map intended to support municipal annexation and growth consisting of Transit Focus, Walkable Center, Community, and Community Reserve.

Noise means a subjective description of an undesirable, unwanted, or un-warranted sound (see "Sound").

Non-Building Lot means a parcel created solely for the purpose of accommodating electrical substations, water towers, cell towers and similar structures used for public or quasi-public utility purposes.

Non-perennial Stream means a stream that does not flow continuously throughout the year. (Note: as indicated on the Soil Survey of Wake County, North Carolina or the most recent edition of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps. Also known as "intermittent" stream.

Nonpoint Source Pollution means pollution that enters waters from dispersed sources (such as surface runoff) rather than from a point source (i.e., pipe).

Official Plans means any plans officially adopted by the County Commissioners of Wake County as a guide for the development of the county consisting of maps, charts, and texts.

Open Space means areas of publicly or privately owned natural area that is protected for natural and cultural resources.

Open Space, Active means open space reserved for active recreation, such as a park that includes ball fields.

Open Space, Passive means open space where activity is limited due to the sensitivity of the natural resources on the site, including low impact trails; does not include typical park facilities such as sports fields, but restrooms, benches, water fountains, etc. are usually provided.

Open Space Subdivision means a subdivision in which lots are grouped or "clustered" on a subdivision site to allow the open space use of other parts of the site, as designed and approved in accordance with the open space subdivision standards of this ordinance.

Ordinance, This means the Wake County Unified Development Ordinance.

Outdoor Recreation and Entertainment means an establishment offering entertainment and/or recreation to the general public, wherein any portion of the activity takes place in the open. Such uses generally include, but are not limited to: botanical gardens, outdoor firing range, paintball facility and golf course.

Outdoor Retail Sales/Service, Displays and/or Storage means any use of property which involves the sale, leasing, display or storage of commodities, goods, materials or equipment in a location other than in an enclosed building, excluding vehicle sales or products grown on site as referred to in Section 4-85.

Parent Tract means a tract of land in existence on June 6, 2005. (Note: Parcels or tracts created as a result of the division or separation from a parent parcel or parent tract become parent parcels or parent tracts if they are not further divided for at least five years).

Parking, Park and Ride means designated parking areas where commuters park their vehicles and ride with other commuters who have a common destination. Ridesharing from Park and Ride areas may be by any means in which commuters ride together, including ~~car-pool~~, **carpool**, ~~van-pool~~ **vanpool**, and/or public transit.

Pass-by Trips means intermediate stops on the way from a trip origin to a primary trip destination without a route diversion. Pass-by trips are attracted from traffic that would otherwise be passing by a site on an adjacent street.

Passive Open Space means see "open space, passive."

Pave or Paving means to cover with concrete, asphalt, brick, stone slabs or blocks (such as cobblestones, gravel or crusher run), or other manufactured products (such as concrete blocks) having the characteristics of concrete, asphalt, brick, or stone.

Paved means covered with pavement.

Pavement means an artificial covering on a street, road, parking lot, driveway, walkway, patio, or other natural surface of the ground composed of a material listed under definition of "pave or paving"

Pavement, Pervious (or Permeable) means pavement that is designed to reduce surface runoff of water or to enhance recharge of groundwater by means of small openings, perforation, porosity, or similar techniques.

Perennial Stream means a stream that flows continuously throughout the year. (Note: perennial streams are indicated as "perennial" by a solid blue line on the most recent edition of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps.

Person means includes the words owner, agent of an owner, firm, association, partnership, trust, company, and corporation, as well as an individual.

Personal Services establishment means an establishment that primarily provides services generally involving the care of a person or apparel, such as seamstress shops, shoe repair shops, dry cleaning and laundry pickup facilities, ~~coin-operated self-serve~~ laundry and dry-cleaning facilities, barber shops, ~~and~~ beauty salons, ~~but not including facilities providing massage, spa treatments, body art services (e.g. tattooing and piercing), massage and bodywork therapy facilities providing "massage and bodywork therapy" as defined by Section 90-622(3) of the North Carolina General Statutes, but not including massages rendered by persons exhibiting "specified~~

anatomical areas” as defined by Section 14-202.10(10) of the North Carolina General Statutes and/or where any massages are performed on any client’s “specified anatomical areas,”



Pet means a domesticated animal which is part of a household, and which is kept primarily for pleasure and not profit. Incidental proceeds connected with the showing or breeding of pets do not render them subject to the permit process.

Planning Board means the Wake County Planning Board, the planning agency created by the Board of Commissioners pursuant to statutory authority now appearing as Section 160D-301 of the General Statutes of North Carolina or other applicable statutory authority.

Planning Director means the Wake County official charged with administration and enforcement of this ordinance, including the official's duly authorized agent or delegate.

Planting means vegetative plantings and related improvements retained or introduced for the purpose of beautifying and enhancing property, controlling soil erosion and air temperature, reducing glare or noise, and buffering adjoining uses.

Plat means a map or plan of a tract or parcel of land which is to be, or which has been subdivided, and includes the terms map, plan, or replat.

Note(s)—[Deleted words "plot" and "replot" on 1/22/2008 by OA 04-07.]

Preliminary Plan means a map with supporting data for a proposed subdivision, developed for the purpose of showing the general layout of lots and roads.

Principal Use means the primary use and chief purpose of a lot or building, as distinguished from an accessory use.

Private Drive or Driveway means any street or road not publicly maintained but utilized as access by residents, their guests, the public, and by public and private service vehicles.

Private Thoroughfare, Open to Public means a privately owned thoroughfare affording admittance to the general public.

Private Thoroughfare, Restricted means a privately owned thoroughfare intended for the use of one or more private individuals and not affording admittance to the general public.

Public Thoroughfare means any thoroughfare established and maintained, or accepted as a dedication by a governmental agency, for the general public, and over which every person has a right to travel.

Public Wastewater System means any wastewater system whether operated publicly or privately unless the wastewater source is located on a lot and serves only that lot in accordance with NCGS 130-166-64 and NCAC 10D Sec. .0702.

Public Water System means any water system whether operated publicly or privately unless the water source is located on a lot and serves only that lot in accordance with NCGS 130-166-64 and NCAC 10D, Sec. .0702.

Recreational Vehicle means a vehicle designed for recreational use (as in camping); also known as an RV or camper. Recreational Vehicles are not designed for permanent occupancy.

Register of Deeds means the Wake County Register of Deeds.

Remote work means a flexible work arrangement that allows employees to work outside of a traditional office environment.



Residuals means any solid or semisolid waste generated from a septic system, wastewater treatment plant, water treatment plant, or air pollution control facility permitted under the authority of the North Carolina Environmental Management Commission.

Retention means surface collection, storage, and reduction of stormwater runoff for the purpose of providing infiltration of the runoff into the soil.

Reverse Frontage Lot means a continuous lot which is accessible from only the minor of two roads upon which it fronts.

Road means a way for vehicular traffic whether designated as a street, highway, thoroughfare, parkway, freeway, road, avenue, boulevard, lane, place, court, easement, etc. and whether designated public or private.

Road Width means the horizontal distance between the side lines of a street, measured at right angles to the side lines.

Rooming House means any building or portion thereof which contains guest rooms which are designed or intended to be used, let, or hired out for occupancy by, or which are occupied by, five or more, but not exceeding nine, individuals for compensation, whether the compensation be paid directly or indirectly.

Runoff means that portion of rainfall or other precipitation that is not absorbed by the soil, but rather flows across the ground surface and drains to a water body.

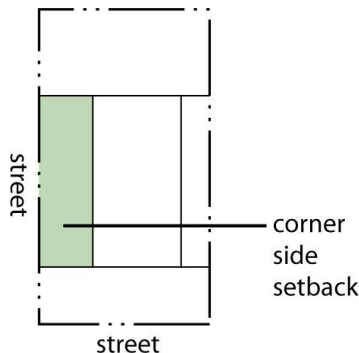
Screening means hedges, informal plantings, natural vegetative covers, berms, or fencing provided for the purpose of protecting adjacent uses from potential noise, glare, trash, odor, visual disorder, or other harmful or noxious effects.

Security Sales and Service Business means a business that engages in the sale, installation, and maintenance of alarm and security systems and/or provides monitoring and response to alarms and security systems.

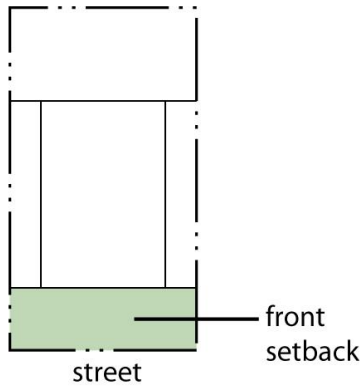
Self Service Storage means a building used for the storage of personal property where individual owners control individual storage spaces. Typical accessory uses include a caretaker's living quarters, security and leasing offices and parking. The use of self-storage facilities for sales, service, manufacturing and repair activities or for the rental of trucks or equipment is not considered accessory to a self-storage use.

Setback means an open, unobstructed area that is required by this ordinance to be provided from the furthestmost projection of a structure to the property line of the lot on which the building is located.

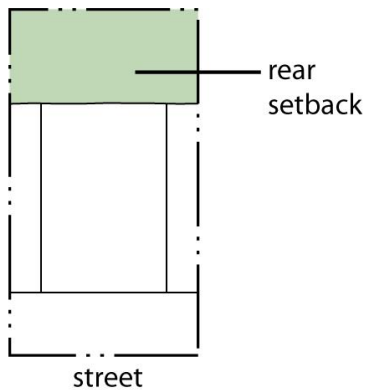
Setback, Corner means a side setback that is adjacent to a street.



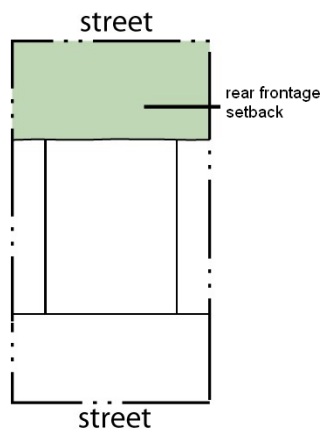
Setback, Front means the setback required between a building and the front property line of the lot on which the building is located. The front setback must be measured from the front property line unless the front property line does not meet the minimum lot width standard, in which case the front setback must be measured from a point on the lot, nearest the front line, that complies with the minimum lot width standard of the subject zoning district. The front setback line extends across the full width of the property line between the lot's side property lines.



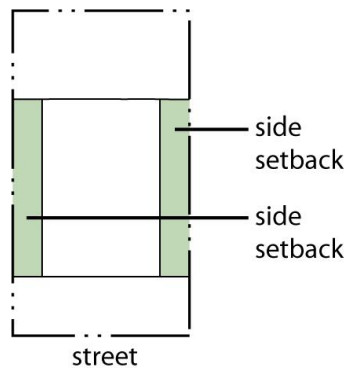
Setback, Rear means the setback required between a building and the rear property line of the lot on which the building is located, extending along the full length of the rear property line between the side property lines.



Setback, Rear Frontage means the setback required between a building and the rear frontage property line of the lot on which the building is located, extending along the full length of the rear property line between the side property lines. The rear frontage setback shall be the same as the front setback requirement of the corresponding Zoning District pursuant to Article 5.



Setback, Side means the setback required between a building and the side property line of the lot on which the building is located, extending along a side property line from the point of the minimum front setback to the point of the minimum rear setback.



Setback Line or Front Building Line means the distance between a street line and the building line of a main building or structure, projected to the side lines of the required lot or tract, and including driveways and parking areas, except where otherwise restricted by this ordinance.

Sewage Treatment Pond means an earthen basin, provided with either a natural material or synthetic liner, that is used as the primary means of treatment of domestic wastewater through sedimentation and aerobic and anaerobic biological processes.

Sexually Oriented Business means any place defined by Section 14-202.10 of the North Carolina General Statutes ~~except for "massage businesses" as set forth in paragraph (6) of Section 14-202.10.~~

Sign means any identification, description, animation, illustration, or device, illuminated or nonilluminated, which is visible from any thoroughfare or road and which directs attention to any realty, product, service, place, activity, person, institution, performance, commodity, firm, business, solicitation, idea, or concept, including permanently installed or situated merchandise or any emblem, painting, banner, poster, bulletin board, pennant, placard, or temporary sign designed to identify or convey information, with the exception of state, municipal, or national flags.

Sign Area means the sign or copy area is that surface area of a sign structure available for conveying a message, including the supporting trim or frame. Where the copy is mounted on or affixed to a solid structure such as a building wall, the sign area is that portion of the decoration. The sign area must be calculated by determining the smallest rectangle, triangle, circle, or combination of geometric figures which will enclose the copy and associated decoration. Where signs employ cut-outs, the area of such appurtenances must be included in the total sign area.

Sign, Awning means a sign constructed of fabric-like nonrigid material which is a part of a fabric or flexible plastic awning.

Sign Copy (permanent and temporary) means the words and pictorial graphics on a sign surface, either in permanent or removable form.

Sign, Cut-out means part of the copy of an outdoor advertising sign which extends beyond the edge or border of the sign; sometimes called a "top-out," "extension," or "pop-up."

Sign, Double-faced means sign structures placed back-to-back with a distance between the backs of the signs of not greater than three feet.

Sign, Electronic Changeable Message Sign (ECMS) means a sign, in whole or in part, that displays an electronic image or text, and that uses changing lights to form a message or messages or uses electronic means to change the sign message.

Sign, Fixed Banner Sign means a lightweight material mounted to a pole and fastened to a frame to limit movement.

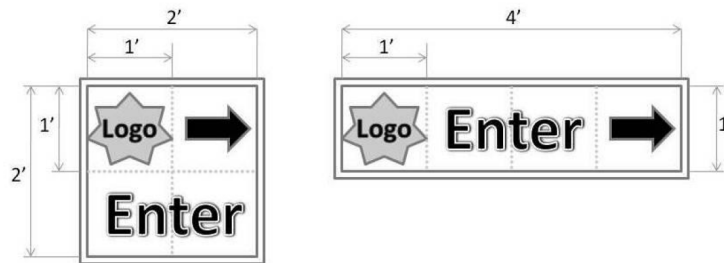
Sign, Flashing means any sign displaying flashing or intermittent lights or lights of varying intensity, except for signs indicating time and/or temperature which change at intervals of a least five seconds.

Sign, Ground means any sign, other than a pole sign, which is attached directly to the ground by means of one or more upright pillars, braces, or posts placed upon the ground, and not attached to any part of a building.

Sign, Height of means the height of a sign is the vertical distance measured from the top of the sign and supporting frame or trim, if any, to the ground at the base of the sign or street grade level, whichever may be the lower.

Sign, Improperly Maintained means any sign, together with its supports, braces, buoys, and anchors, which is not maintained in accordance with the State Building Code.

Sign, Incidental means an onsite directional and traffic control sign of no more than four square feet of sign face area provided that business logos or other non-traffic control text or symbols do not exceed 25 percent of the sign face.



Sign, Marquee means a sign affixed to a hood, canopy, or projecting roof structure over the entrance to a building, store, or place of public assembly.

Sign, Nonconforming means a sign that was lawfully constructed and erected, but which fails to comply with any of the provisions of this section by virtue of amendment to this ordinance.

Sign, Obsolete means a sign identifying business establishments no longer in existence, products no longer being sold, services no longer being rendered, or events which have already occurred.

Sign, Off-premise means any sign or structure, pictorial or otherwise, regardless of size or shape, which directs attention to a business, profession, commodity, attraction, service, entertainment, idea, or concept conducted, offered, sold, manufactures, existing, provided, or entertained at a location other than the premises where the sign is located or to which it is affixed.

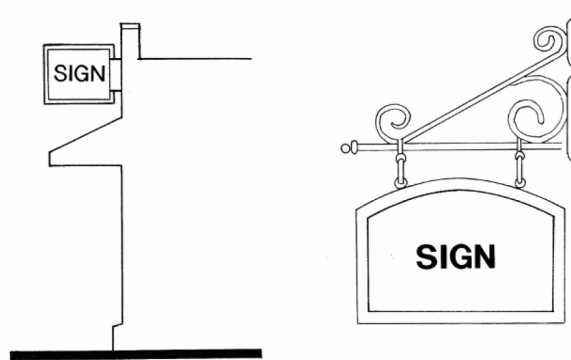
Sign, On-premise means any sign or structure, pictorial or otherwise, regardless of size or shape, which directs attention to a business, profession, commodity, attraction, service, entertainment, idea, or concept conducted, offered, sold, manufactured, existing, provided, or entertained at a location on the premises where the sign is located or to which it is affixed.

Sign, Pole means a sign more than 12 feet in height which is attached directly to the ground by one or more upright supports placed upon the ground and not attached to any part of a building.

Sign, Portable means a sign which rests on the ground or any other surface, and is not directly and permanently attached to such surface.

Sign, Poster means any sign made of a rigid or semi-rigid nondurable material, such as paper or cardboard, other than billboard copy. "Billboard copy" is defined as a temporary message applied to a permanent sign structure which message is changed periodically.

Sign, Projecting means a sign projecting out from, and attached to, the exterior wall of any building, and forming an angle of 30 degrees or more to said wall.



Sign, Roof means a sign which is painted or placed on or above the roof of any building to which it is attached.

Sign, Suspended means a sign which is suspended from the underside of a horizontal plane surface, such as a canopy or marquee, and is supported by such surface.

Sign, Temporary means any sign that is used only temporarily (i.e. 30 days or less) and is not permanently mounted. See Sec. 18-10-2(H) for temporary sign regulations.

Sign, Unlawful means any sign installed, erected, or constructed in violation of any of the provisions of this ordinance or State Building Code.

Sign, Unsafe means any sign which is structurally unsound or otherwise unsafe according to the provisions of the State Building Code.

Sign, V-Type means a sign structure constructed in the form of a "V" with an angle no greater than 45 degrees and at no point separated by a distance greater than five feet.

Sign, Wall means any sign, other than a projection sign, which is attached to or painted on any wall of any building.

Sign, Windblown means any banner, pennant, spinner, streamer, moored blimp, gas balloon, or flag (with the exception of state, municipal, or national flags).

Solar Energy System (SES) means a device or structural design feature to provide for the collection, storage and distribution of solar energy for space heating or cooling, electrically generation, or water heating. The area of the system includes all the land or roof area inside the perimeter of the system. The term applies, but is not limited, to solar photovoltaic (PV) systems, solar thermal systems and solar hot water systems.

Solar Energy System, Accessory (SES) means solar energy system (SES) that is incidental to the principal use on a property, as noted in 4-70-1(H).

Sound means rapid fluctuations of atmospheric pressure that are audible to the human ear.

Sound level meter means an instrument for measuring the overall sound pressure level that complies with the standards set forth in the "American Standard Specification for General Purpose Sound Level Meters," American National Standards Institute (ANSI S1. 4-1961).

Special Event means a temporary event that exceeds more than two events or 14 cumulative days per calendar year per parcel but does not exceed six events or 30 days per calendar year per parcel.

Special Highways means those highways, including interstate highways, which have been designated by the Wake County Commissioners as special highways providing vehicular transportation into and out of Wake County. Such Special Highways may include, but are not limited to, thoroughfares.

Special Water Impoundment means the water impoundment in a special watershed that provides a significant wildlife habitat, characteristics unique to Wake County, public recreation, or a potential for future public recreation, as designated by resolution of the Wake County Board of Commissioners.

Special Water Impoundment Buffer means the bufferyard area immediately surrounding a special water impoundment which is to be undisturbed by construction activities, except as allowed in this ordinance.

Special Watershed means a watershed area in the Wake County zoning jurisdiction that contains a special water impoundment or impoundments which provide a significant wildlife habitat, characteristics unique to Wake County, public recreation, or a potential for future public recreation.

State means the State of North Carolina.

Story means the vertical distance of a building included between the surface of any floor and the surface of the next floor above it, or, if there be no floor above it, then the space between such floor and ceiling next above it; provided that a cellar will not be considered a story.

Stream means any drainageway draining 25 or more acres of land. See also, "Non-perennial Stream" and "Perennial Stream."

Street means a right-of-way or easement containing, or intended to contain, a roadway used for passage or travel by motor vehicles, whether designated as a street, highway, thoroughfare, parkway, freeway, road, avenue, boulevard, lane, place, court, etc., but not including driveways, and whether dedicated to the public or retained solely in private ownership. Where title to land extends to the center of a roadway, easement, or right-of-way, the side lines of such roadway, easement, or right-of-way will be considered as the side lines of the street.

Structure means structure means any object anchored to the ground, constructed or installed by humankind, including signs, buildings, parking lots, garages, carports, flagpoles, stoops and utility buildings (Note: All buildings are structures, but not all structures are buildings).

Subdivider means any person who subdivides or develops any land deemed to be a subdivision as herein defined.

Subdivision means "Subdivision" means any division of a tract or parcel of land which creates one or more lots, building sites, or other divisions for the purpose of sale or building development, whether immediate or future, and includes any division of land involving the dedication of a new road or a change in an existing road.

Surface (Adj.) means roads, street, walkways, driveways, parking lots, or other natural surfaces of the ground covered by gravel, sand, crushed stone, shell, or other loose, noncohesive, uncemented conglomerate, as distinct from paved.

Swift Creek Land Management Plan means a land use plan developed jointly by residents of the Swift Creek area, Wake County, the City of Raleigh, and the Towns of Apex, Cary and Garner that was adopted by the North Carolina General Assembly on October 22, 1998 (Session Law 1998-192).

Telecommunication Tower means a structure designed to support antennas used to provide commercial mobile radio services or other personal wireless services (e.g., cellular telephone communications, personal communication service (PCS), paging, specialized mobile radio [SMR]), excluding satellite dish antennas and licensed amateur radio antennas.

Temporary Event means fairs, carnivals, festivals, weddings, receptions or other types of events that are (i) infrequent in occurrence and limited in duration and (ii) intended to or likely to attract substantial crowds, and is (iii) unlike the customary or usual activities generally associated with the property where the temporary event is located. Temporary events are intended to be commercial or a non-profit venture, and are distinguishable from the infrequent use of one's home for a wedding, party, reunion, etc. for family members and/or friends, which would normally be considered an accessory use of their home not requiring any permit.

Temporary Use means a land use established for a limited and fixed period of time with the intent to discontinue such use upon the expiration of the fixed time period.

Thoroughfare means a road designated as any classification of thoroughfare (as indicated by the plan's legend) on the Transportation Plan.

~~*Tourist Home* means a building in which board or lodging, or both, are offered to the traveling public for compensation, open to transient guests, in contradistinction to a boardinghouse or a lodginghouse. The term "tourist home" does not include a bed and breakfast homestay or bed and breakfast residence.~~

Tower Height means the vertical distance measured from existing grade to the highest point of the tower including any antenna, lighting protection, or other equipment affixed thereto.

[Definition of "Tract of Lot" deleted on 1/22/2008 by OA 04-07.]

Traffic Growth Rate means the annual growth rate used to project traffic volumes.

Trailer means any vehicle, house car, camp car, or any portable or moveable vehicle on wheels, skids, rollers, or blocks, either self-propelled or propelled by any other means, which is used or designed to be used for residential living, sleeping, commercial, or utility purposes, but not including those vehicles primarily designed for the transportation of goods. (See "Mobile Home" and "Mobile Home Park.")

Trailer Camp means any premise used or intended to be used or occupied by two or more trailers anchored in place or supported by a foundation or other stationary supports, together with automobile parking space, utility structures or trailers, and other required facilities incidental thereto. This definition does not include trailer sales lots on which unoccupied trailers are parked for purposes of inspection and sale. (See "Mobile Home" and "Mobile Home Park.")

Transportation Plan means the Wake County Transportation Plan.

Treatment means any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous or low-level radioactive waste to neutralize such waste or to make such waste nonhazardous, safer for transport, reduced in volume, suitable for storage, or for recovery.

Tree and Vegetation Protection Zone means an area in which the tree and vegetation protection standards of Sec. 16-12 apply. Such area extends the following distances from the outer perimeter of a site:

- Fifty feet from all public road right-of-way lines; and
- Twenty-five feet from all other property lines.

Commentary: As its name implies, the "tree and vegetation protection zone" is intended as an area in which tree and vegetation removal is prohibited or otherwise strictly limited. It is not intended as an additional building setback requirement in those instances in which tree and vegetation preservation is not required. The definition presented here must be read in conjunction with Sec. 16-12, which identifies certain exemptions—such as single-family-zoned parcels of two acres or less. In cases of express exemptions or when there are no existing trees or significant vegetation requiring preservation, development is subject only to compliance zoning district setback standards.

Triassic Basin means a shallow lowland containing a thick sequence of sedimentary rocks of the last Triassic Age, generally lying along the western one-fifth of Wake County and specifically shown on the geologic map of Wake County accompanying Geology and Mineral Resources of Wake County, by John M. Parker, III, (Raleigh,

North Carolina Department of Natural Resources and Community Development, Geological Survey Section, 1979, pocket supplement).

Triplex means a building designed, constructed, or reconstructed and used for three dwelling units that are located on a single common lot and that are connected to each other by a common structural or load-bearing wall, or by means of a floor to ceiling connection, of at least ten linear feet.

***Turkey Shoot* means a fundraising event held by or on behalf of a non-profit or tax-exempt organization in which contestants compete for prizes by shooting at paper or similarly composed targets with projectiles fired from shotguns firing shot no larger than number eight (#8).**

Understory Tree means any tree variety not expected to reach a height in excess of 30 feet at maturity (such as dogwoods, crepe myrtles, red buds, some maples, etc.).

Upper Watershed Drainageway means a watercourse, channel, ditch or similar physiographic feature draining less than 25 acres.

Utility Line means a publicly owned, or State or locally approved privately owned, utility conduit transporting a utility service commodity, including water lines, wastewater lines, storm sewer lines, electrical power lines, telephone lines, and natural gas lines. Stormwater retention and detention facilities, septic tanks and septic drainage lines, storage tanks for any purpose, utility substations, and buildings housing utility commodities or equipment are not to be considered utility lines under this ordinance.

Vacation (of Subdivision Plat) means the official, formal action that destroys the force and effect of any prior recorded plat, which action, once approved, extinguishes any offer or dedication to any grounds, improvements, roads, or alleys.

***Vehicle* means standard passenger vehicles such as automobiles, standard pick-up trucks, sport utility vehicles (SUVs), and passenger vans.**

***Vehicle, Heavy-duty* means commercial trucks classified by Department of Transportation Federal Highway Administration (FHWA) based on the vehicle's gross vehicle weight rating (GVWR). The classes range from 1-8 with 1-3 as light duty, 4-6 medium duty, and 7-8 heavy duty.**

Veterinary Clinic or Animal Hospital means an establishment where animals are brought for the medical, surgical and preventative treatment and may be held during the time of treatment and recuperation.

Water Dependent Structures means those structures for which the use requires access or proximity to, or siting within, surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks, and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots, and commercial boat storage areas are not water dependent structures.

Water Impoundment means any lake, pond, or other body of water, either natural or man-made.

Water Impoundment Buffer means see "Watershed Buffer."

Water Supply means surface water used as a source of water for drinking, culinary, or food processing purposes after treatment.

Water Supply Watershed means those lands classified as Municipal Transition Area/Water Supply Watershed or Rural Area/Water Supply Watershed on the Wake County Comprehensive Plan Development Framework Map.

Watershed means the land area that drains runoff to a surface water body or watercourse. Also called a drainage basin, a watershed includes hills, lowlands, and the body of water into which the runoff drains.

Watershed Best Management Practice (BMP) means see "Best Management Practice."

Watershed Buffer means an undisturbed area of natural vegetation adjacent to a drainageway, watercourse, or water impoundment within a watershed through which stormwater runoff is intended to flow in a diffuse manner so that it does not become channelized and infiltration of runoff and filtering of pollutants can take place.

Yard means the actual (as opposed to "required") open, unobstructed area that exists on a lot. See also "Setback."

Zoning Map means the "Wake County Zoning Area Zoning Plan," which is a map and a part of this ordinance.

[Amended on 1/22/2008 by OA 04-07; amended on 7/21/2008 by OA 04-08; Amended on 4/6/2009 by OA 01-09; Amended on 4/6/2009 by OA 01-09; Amended on 4/20/2009 by OA 02a-09; Added on 3/21/2011 by OA 10-10; Amended on 9/6/2011 by OA 03-11; Amended on 6/4/2012 by OA 02-12; Added on 9/3/2013 by OA 02-13; Amended on 4/21/2014 by OA 06-12; Amended on 4/21/2014 by OA 05-12; Amended on 9/15/2014 by OA 04-13; Amended on 10/6/2014 by OA 03-14; Added on 2/2/2015 by OA 05-14; Added on 1/17/2017 by OA 02-16; Added on 7/23/2018 by OA 01-18; Amended by 9/8/2020 by OA-01-20 ; Amended on 1/19/2021 by OA-03-20 ; Amended 6/7/2021 by OA-01-21 ; Amended on 11/21/2022 by OA-02-22]

MOTION FOR CONSISTENCY (1ST MOTION)

MOTION IF TEXT AMENDMENT IS CONSISTENT WITH THE COMPREHENSIVE PLAN AND UDO

In the matter of OA-01-24, I move that the Planning Board adopt and offer to the Board of Commissioners the following recommended statements finding that the proposed text amendments are consistent with the Wake County Comprehensive Plan and the Wake County Unified Development Ordinance (UDO). The text amendments included herein accomplish this as described in the following statements:

- 1) The purpose of the Wake County Comprehensive Plan, and of the Unified Development Ordinance, is to promote the health, safety, and general welfare of the citizens of Wake County. The amendment clarifies standards and regulations that protect health and safety.
- 2) The proposed text amendment is reasonable because it aligns the non-residential provisions with best practices, current and emerging trends, and is consistent with NC state law and NC building code.

MOTION FOR APPROVAL (2ND MOTION)

In the matter of OA-01-24, I move that the Board finds that the adoption of the text amendment is consistent with the Wake County Comprehensive Plan and Wake County Unified Development Ordinance and is reasonable and in the public interest and here by make a motion to recommend approval of the proposed text amendment to the Wake County Board of Commissioners.

Use Category	R-80W
Residential Use Group	
Household Living	
Attached house (e.g. townhouse)	P
Condominium or apartment	-
Detached House (i.e. single-family detached dwelling)	P
Duplex, triplex, 4-plex	P
Lot line house	P
Mobile home Manufactured Home	P
Mobile home Manufactured Home subdivision/park	-
Upper-story residence	-
Group living	
Family care home	P
Group care facility	S
Group home	S
Health/personal care facility	-
All other group living (except as noted above)	-
Public/Civic Use Group	
Colleges and Universities	
Business, trade, technical schools	-
All other colleges/universities (except as noted above)	-
Cultural Exhibits and Libraries	
Libraries	-
All other cultural exhibits/libraries (except as noted above)	-
Day Care	
Child or Adult care home	P
Child care center	S
Adult day care facility-center	S
Detention and Correctional Facilities	-
Animal Shelter	S
Hospitals	-
Lodge or private club	-
Parks and Recreation	
Botanical garden/arboretum	S
Public recreation (assembly) buildings	S
All other public parks recreation (except as noted above)	P
Parking, Park and Ride	S
Religious Assembly	S
Governmental	S
Safety Service	S
School	-
Commercial Use Group	
Animal Service	
Veterinary	-

Kennel	S
Shelter	S
Body Art Service	-
Eating and Drinking Establishments	
Bars and Nightclubs	-
Drive-thru restaurant	-
All other eating/drinking (except as noted above)	-
Financial Services	
Automated teller machine (freestanding)	-
Financial Services With or W/O Drive-thru facility	-
Pawnshop, currency exchange Check cashing or payday loan	-
All other financial services (except as noted above)	-
Funeral and Interment	
cemetery, mausoleum, columbarium	S P
Family burial grounds	P
Funeral home	-
Gas Station	-
Lodging	
Bed and breakfast - homestay and residence	S
Campgrounds and recreational vehicle parks	S
Hotel/motel	-
Office	
Conference center/retreat house Event Venue	-
Medical office, clinic or lab	-
All other office (except as noted above)	-
Parking, Commercial	-
Recreation and Entertainment, Indoor	-
Recreation and Entertainment, Outdoor	
Day Camp	S
Firearm/archery ranges and clubs	S
Equestrian facilities/riding clubs/stables	S
Fishing club	S
Golf course	S
Golf course (as part of subdivision)	S
Marina/boating facility	S
Recreational farms/ranches	S
Swimming pool/tennis club	S
Swimming/tennis club (as part of subdivision)	P
Wildlife/game preserve	S
All other outdoor recreation/entertainment (except as noted above)	S
Retail Sales and Service	
Mobile Manufactured home sales	-
Neighborhood/convenience-oriented retail (with gas sales)	-
Neighborhood/convenience-oriented retail (w/o gas sales)	-
Personal Services	
Outdoor sales/service, displays and/or storage	-
Tobacco & Hemp	-

All other retail sales and service (except as noted above)	-
Sexually Oriented Business	-
Vehicle Sales and Service	
Vehicle repair/service	-
Vehicle sales, leasing or rental	-
All other vehicle sales/service (except as noted above)	-
Industrial Use Group	
Crematory (standalone)	
Contractor's office, landscaping, grading, etc.	-
Junk/Salvage Yard	-
Manufacturing, Production and Industrial Service	
Artisan	-
Limited/light	-
General	-
Intensive	-
Research and development/laboratories/prototype production/pilot plant	-
Mining/Excavation	-
Self-Service Storage	-
Warehousing, Wholesaling and Freight Movement	
Freight handling, storage and distribution	-
Warehousing	-
Wholesale trade	-
All other warehousing, wholesaling and freight movement (except as noted above)	-
Waste-Related Use	
Land-clearing and inert debris landfills, C&D landfills	-
Hazardous or low-level radioactive waste facility	-
Transfer Station	-
Recycling collection (household collection only)	S
Sanitary Solid Waste Landfill (Municipal)	-
All other waste-related (except as noted above)	-
Other Use Group	
Agriculture, Horticulture, Forestry	P
Airfields and Landing Strips	-
Elimination and Redevelopment of Nonconforming Use	-
Farm Serving Uses, Class I	-
Farm Serving Uses, Class II	S
Farmers Market	S
Farmers Market as part of Public-Civic Use Group	P
Forestry	P
Local Agricultural Market	S
Off-Premise Signs	-
Solar Energy Systems	S
Special Events	S
Static Transformer Stations, Radio/TV and Towers, Relay Station	S
Telecommunication Facilities	
Collocated	P
Freestanding, less than 200'	P

Freestanding, 200' for greater
Water Tower
Part of subdivision (shown on record plat)
All other water towers

S
P
S

R-40W	R-80-R-10	R-5	Residential	HD	O&I	GB	HC	I-1
P	P	P	-	P	P	S	-	-
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S	S	S	S	



1 Conference Center/Retreat House	name change, standards
2 Day Camp	definition
3 Rooming/Boarding House	definition, districts
4 Family	definition
5 Turkey shoot	definition, standards
6 Adult day care home	definition, districts
7 Body art service	delete from PUT, definition
8 Child Care Center	definition
9 Upper Story Residence	definition, districts
10 heavy duty vehicle	definition
11 kennel	definition
12 mobile home	definition
13 gas station	delete from PUT
14 Farm Serving Uses	delete
15 Personal services	definition
16 Solar Energy Systems	name change, standards
17 Forestry	rename
18 Pawnshop	move, districts
19 ATM	districts
20 pay day loan	rename
21 animal shelter	move, districts
22 Bed and Breakfast	name change
23 Crematory	add
24 Cemeteries	standards
25	
26	

Non-Residential UDO Amendments OA-01-24

Wake County Planning Board

Terry Nolan, AICP
October 2, 2024



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Request

- **Amend Article 21 Definitions and Measurements**
 - New terms
 - Revisions to existing terms
- **Amend Article 4 Use Standards**
 - Use table edits
 - New standards
 - Clarified standards
 - Revised standards
 - Revisions to existing terms

Our Goals

- **Align regulations with PLANWake.**
- **Support small business and entrepreneurship.**
- **Improve access to goods and services.**
- **Simplify, clarify, streamline.**
- **Modernize regulations to keep up with a changing economy.**
- **Promote Equity.**

Code & Ops Review

UDO Text Amendments



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Code & Ops Review

- ✓ **Event Venue**
- ✓ **Personal Services (massage, tattoo)**
- ✓ **Prohibiting dry-cleaning operations in R-40W**
- ✓ **Cemeteries and family burial grounds**
- ✓ **Turkey Shoots**
- ✓ **Home Occupation**
- ✓ **Ag related items**
- ✓ **Use table changes**

Staff Findings

- 1. The proposed amendment is consistent with the policies set forth within the Comprehensive Plan, PLANWake.**
- 2. The proposed amendment aligns the non-residential provisions with best practices, current and emerging trends, North Carolina Building Code, and other internal regulations.**

Staff Recommendation

- Staff recommends that, in the matter of OA-01-24, the Planning Board finds that the adoption of this proposed text amendment is consistent with the Wake County Comprehensive Plan and Wake County Unified Development Ordinance and is reasonable and in the public interest and hereby make a motion to recommend approval to the Wake County Board of Commissioners.

Questions?



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Extra-Territorial Planning Jurisdiction

Garner ETJ Request

Terry Nolan, Planning Development & Inspections

October 2, 2024



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PLANWake

- A key principle of PLANWake is to direct growth toward the municipalities.
- This approach helps balance robust growth with the protection of water supply watersheds, rural areas and farms.
- ETJ plays an important role in this approach by designating areas municipal growth is likely to occur.
- PLANWake includes updated criteria to help guide the County in it's review of future ETJ requests.

Purpose of ETJ

- ETJ is an area outside of municipal limits where the town can apply its zoning and land use regulations.
- This allows towns to effectively plan for infrastructure and regulate development.
- ETJ areas can help ensure that new construction on adjacent properties is in line with the town's future land use plan and can help manage infrastructure expansion.

State Law

- N.C.G.S. 160D-202 authorizes towns/cities the powers to exercise ETJ within the following distance of its corporate limits:
 - Up to 10K population = 1 mile limit
 - 10K to 25K population = 2 mile limit
 - Over 25K population = 3 mile limit
- ETJ allows the town to apply their own planning and zoning regulations (no municipal taxes).
- Expansion of municipal ETJ must be approved by the county.

ETJ History Since 2001

Municipality	Year	Original Area Request (Acres)	Approved Area (Acres)
Angier	2015	120	120
Apex	2007	13,000	8,937
Cary	2005	5,335	Withdrawn by Town
Fuquay-Varina	2001	3,400	3,400
	2002	55	55
	2007	19,447	Withdrawn by Town
	2016	22	22
	2018	22,049	10,108
Garner	2016	6,208	6,208
	2024	8,858	TBD

Municipality	Year	Original Area Request (Acres)	Approved Area (Acres)
Holly Springs	2005	4,000	2,500
	2008	67	67
	2013	872	678
	2015	10,485	6,125
Knightdale	2007	4,407	4,407
	2010	3,583	2,667
Morrisville	2018	96	96
Rolesville	2004	3,700	2,444
	2008	2,115	1,650
Wendell	2003	178	178
	2010/2011	3,958	2,179
Zebulon	2010	1,110	996

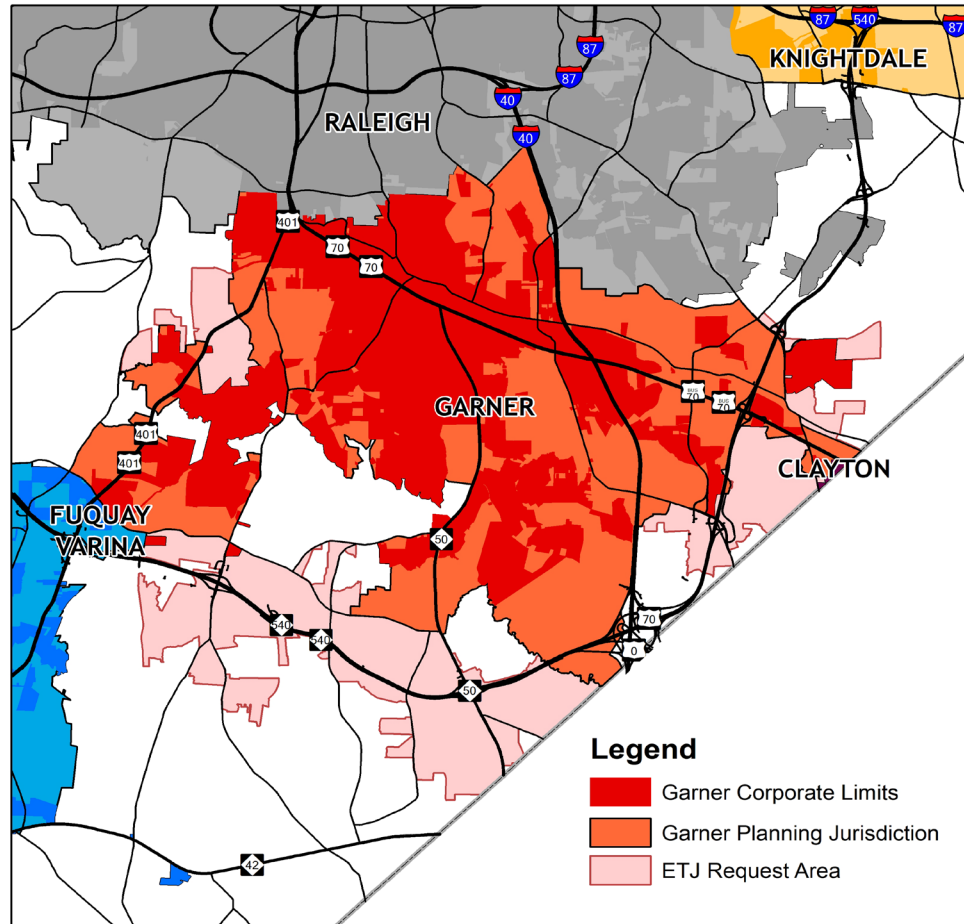
Process for ETJ Expansion Requests

1. Town submits ETJ expansion request with a report and resolution to the County.
2. Town conducts community meetings with residents in the request area.
3. County reviews the town's request for compliance with the County's six ETJ review criteria and prepares a staff report.
4. The request is reviewed by the Planning Board's Land Use Committee.

Process for ETJ Expansion Requests

5. The Planning Board conducts a public hearing and considers a recommendation to the Board of Commissioners.
6. The ETJ request and Planning Board recommendation are reviewed by the Board of Commissioners at a work session.
7. The Board of Commissioners conducts a public hearing and considers adoption of the ETJ expansion request.

Garner ETJ Request



- Submitted May 2024
- Garner held public drop-in sessions June
- 8,858 acres total
- 3 Sub-areas
 - Northwest = 936 acres
 - Southern = 5,973 acres
 - Northeast = 1,949 acres

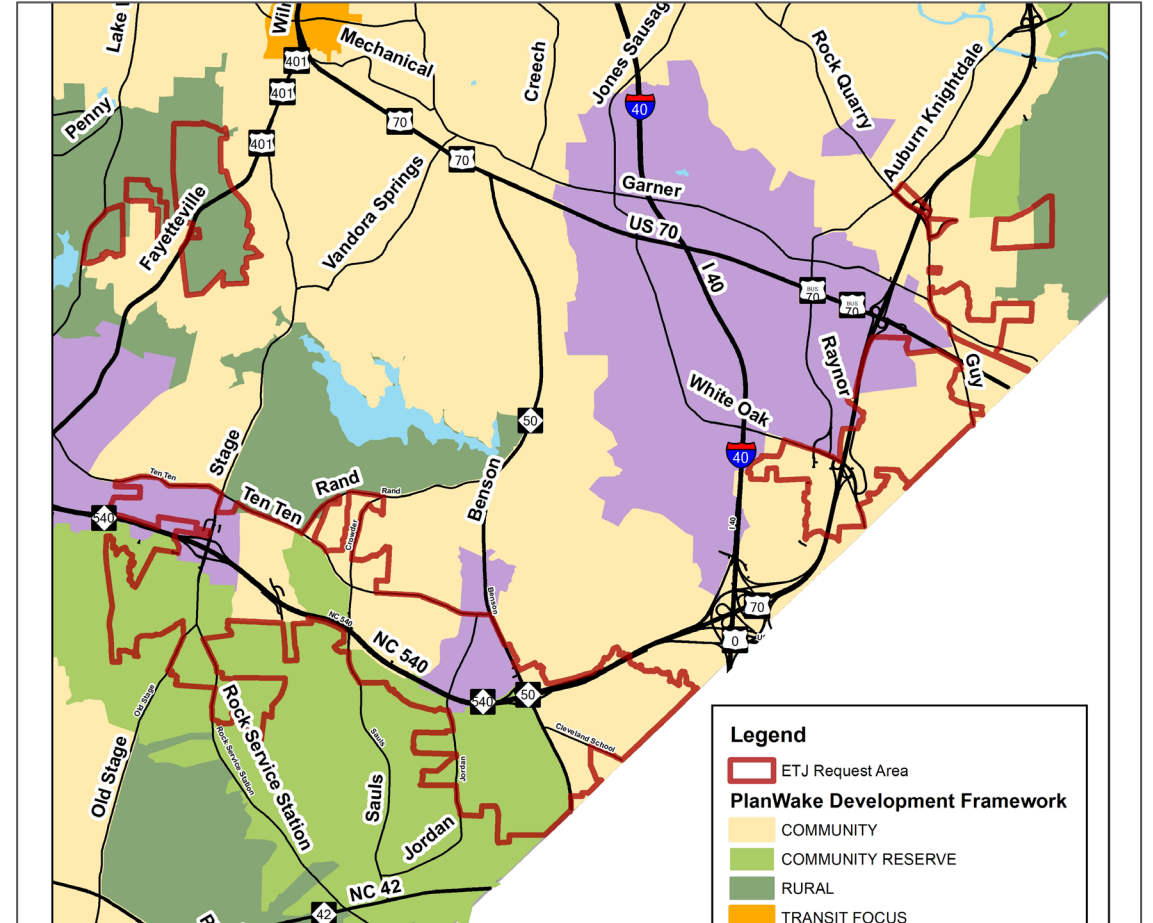
Wake County Review Criteria

1. Growth and Development within the ETJ Expansion Area.
 - ETJ expansion should be where joint planning has taken place between the county and the municipality in areas that are prime for investment.
 - Demonstrate recent growth and development activity within the requested ETJ area.
 - Population and job growth in the request area must be compared to areas already within the municipality's corporate limits.

Wake County Review Criteria

PLANWake Development Framework

2. The requested ETJ must be located in an area designated as Walkable Center or Community on the Development Framework Map



Wake County Review Criteria

3. Municipal Comprehensive Plan Alignment.

- The Municipal Comprehensive Plan must align with the Wake County Comprehensive Plan.
- Demonstrate past examples of working with the development market to implement projects consistent with the Municipal Comprehensive Plan.

4. Municipal Capital Improvement Plan/Program and Service Expansion Plan Alignment.

- Demonstrate that it is ready to provide appropriate infrastructure to the requested ETJ area.
- The provision of infrastructure shall be documented in a multi-year CIP.
- Demonstrate that it is ready to provide appropriate municipal services to the requested ETJ area.

Wake County Review Criteria

5. Community Engagement.

- The municipality must demonstrate that it conducted meaningful public engagement with impacted residents and landowners.

6. Achieving Comprehensive Community Goals.

- The municipality must demonstrate a track record of working with the County to achieve county-wide comprehensive goals (support and actions related to affordable housing, walkability, transit use, vulnerable communities, storm water and green infrastructure).

Common Resident Concerns with ETJ

- Residents in the ETJ cannot vote for officials on town board/council.
 - Pursuant to state law, residents in ETJ can serve on town planning board and board of adjustment.
- Residents may have to follow different zoning rules.
 - Pursuant to state law, existing land uses that are taken into ETJ cannot be negatively impacted by the town's zoning (grandfathered).
- ETJ is perceived as a precursor to annexation and town taxes.
 - Pursuant to state law, annexation can only occur voluntarily when the property owner agrees to it.

Agriculture & Bona-Fide Farms

- Pursuant to state law, bona-fide farms are exempt from zoning.
- Regardless, the farming community raises concern about ETJ and implications of being in the town's planning and zoning jurisdiction.
- Staff is exploring ways to address concerns of farmers.

Land Use Committee Suggested Dates

November 6th

December 4th



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Questions & Discussion



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Western Wake Area Plan

Wake County Planning Board

Akul Nishawala, AICP
October 7, 2024

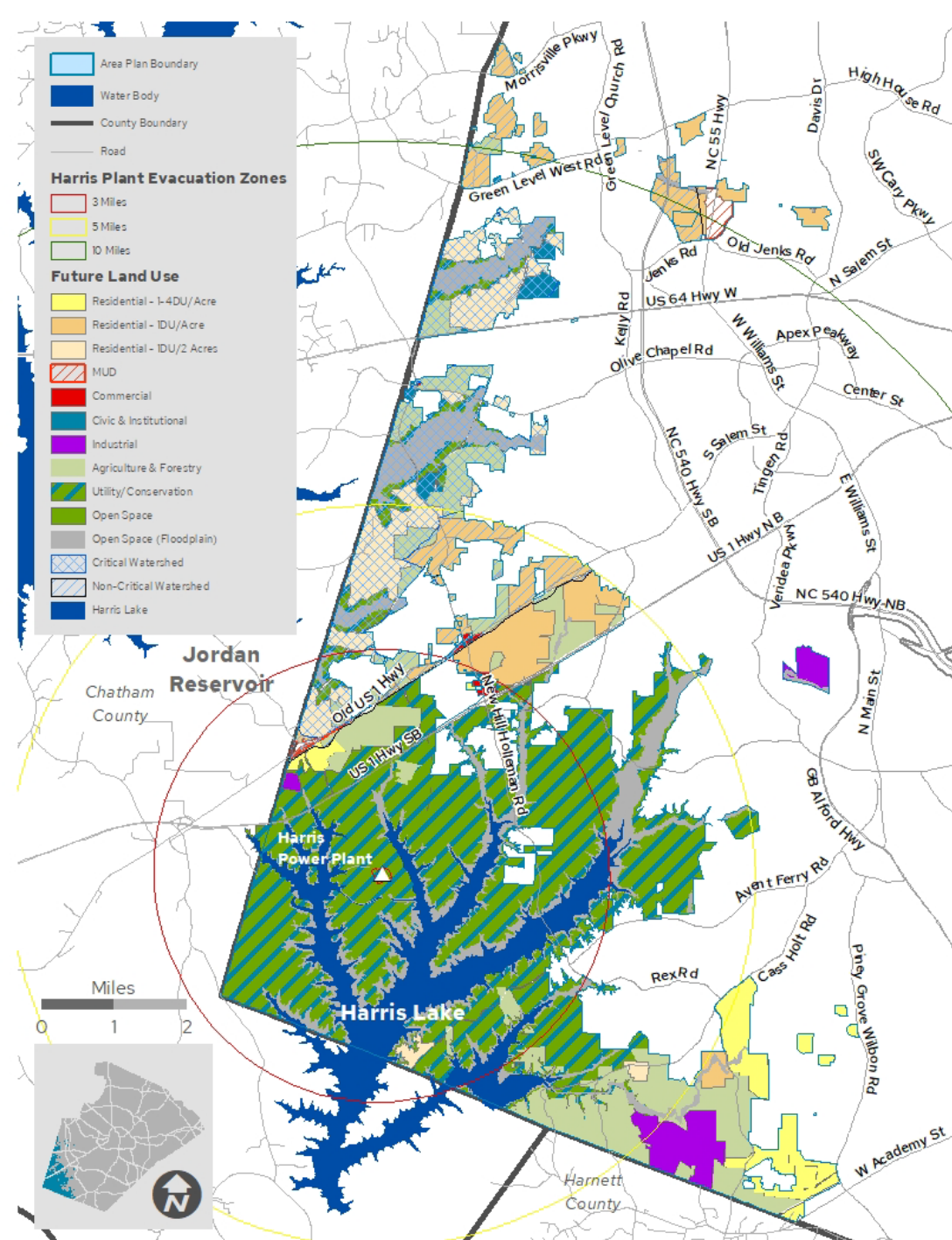
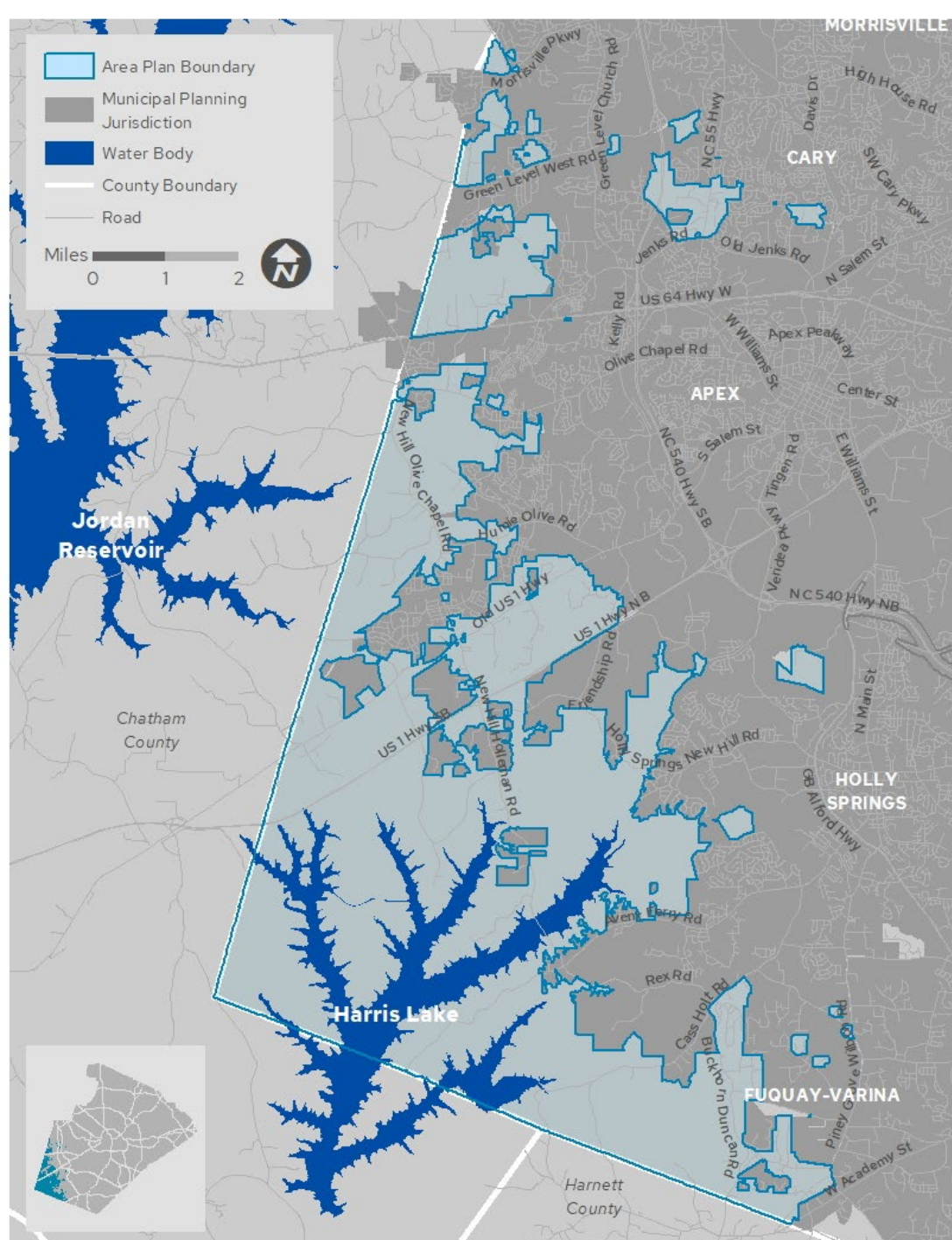


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Updates

- **Second In-Person Community Meeting**
- **Town of Apex Feedback**
- **Western Wake Area Plan Document**
- **Adoption Schedule**



Second Community Meeting

- **White Oak Foundation Community Center**
 - 1624 White Oak Church Road
- **30 attendees**
 - Many new faces from the previous meeting
- **Partner Agencies**
 - PROS, SWCD, Housing, Water Quality, Wells & Septic
- **School assignment questions**
- **Local news coverage**



Thank you for attending this meeting.
Your participation and feedback are
crucial to the planning process.



WESTERN WAKE AREA PLAN

For more information and ways to engage:

Email: areaplan@wake.gov
Phone: 919-856-6310, press 8
Website: www.wake.gov/ww



WESTERN WAKE AREA PLAN Community Meeting #2

Welcome!

Wake County Planning and **county partners**
are here to provide information and hear your
feedback about the Western Wake Area Plan.

Please visit each information station.



WESTERN WAKE
AREA PLAN



Wake County Partners

PROS, Housing, Soil & Water Conservation, and Wells



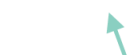
Station 3
Zoning &
Use Table



Station 4
Current Land
Use



Station 5
Draft Future Land
Use Feedback



Station 2
Development
Framework



Station 1
Jurisdiction &
Find Your Parcel



Start/Finish
Front Door

Town of Apex

-
- This map displays the Harris Lake area, including Jordan Reservoir to the west and Harris Lake to the south. The map is overlaid with various planning zones and infrastructure. A legend in the top left corner defines the symbols used:
- Area Plan Boundary:** Light blue shaded region.
 - Water Body:** Dark blue areas.
 - County Boundary:** Thick black line.
 - Road:** Thin grey line.
 - Harris Plant Evacuation Zones:**
 - 3 Miles: Red outline.
 - 5 Miles: Yellow outline.
 - 10 Miles: Green outline.
 - Future Land Use:**
 - Residential - 1-4 DU/Acre: Yellow.
 - Residential - IDU/Acre: Orange.
 - Residential - IDU/2 Acres: Light orange.
 - MUD: Red hatched pattern.
 - Commercial: Red.
 - Civic & Institutional: Teal.
 - Industrial: Purple.
 - Agriculture & Forestry: Green.
 - Utility/Conservation: Dark green.
 - Open Space: Light green.
 - Open Space (Floodplain): Grey.
 - Critical Watershed: Blue hatched pattern.
 - Non-Critical Watershed: White hatched pattern.
 - Harris Lake: Dark blue.
- Key roads shown include Morrisville Pkwy, Green Level Church Rd, Green Level West Rd, NCS5 Hwy, Davis Dr, High House Rd, SW Cary Pkwy, N Salem St, Old Jinks Rd, Jenks Rd, US 64 Hwy W, Olive Chapel Rd, W Williams St, Apex Parkway, Center St, S Salem St, Tanglewood Rd, E Williams St, NC 540 Hwy NB, Veridea Pkwy, N Main St, SB Alford Hwy, Avent Ferry Rd, Cass Holt Rd, Pines Grove W/Highway Rd, W Academy St, Rex Rd, and Hill-Holman Rd. The Harris Power Plant is marked with a triangle near the lake. A scale bar indicates 0 to 2 miles, and an inset map shows the location within North Carolina.

Adoption Timeline

- **November 6, 2024**
 - Land Use Committee – Recommendation
- **December 4, 2024**
 - Planning Board – Recommendation
- **January 6, 2025**
 - Board of Commissioners – Adoption

Questions



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