



## Planning, Development & Inspections

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**To:** Wake County Planning Board – Code and Operations Committee  
**From:** Tim Maloney, Director  
**Subject:** Unified Development Ordinance Text Amendment OA-01-25  
**Date:** February 5, 2025

### Introduction

The Wake County Unified Development Ordinance (UDO) is a set of regulations that govern the use and development of land and buildings in unincorporated Wake County. The UDO covers a wide range of topics, including zoning, subdivision, stormwater, utilities, and site design.

Its purpose is to promote the public health, safety, and general welfare of residents and businesses while providing a guide for the physical development of the county. The UDO is an evolving document that can undergo substantive text changes (amendments) when those changes are consistent with the Wake County Comprehensive Plan.

The proposed amendments included herein reflect improvements to development processes, provide flexibility to applicants by designating stormwater measures as pervious surface, and incorporate recent changes to state law. Staff worked collaboratively across departments to develop the amendments. Community stakeholders were also given the opportunity to provide feedback.

### Request

That the Code and Operations Committee recommend approval to the Wake County Planning Board the following amendments to the Wake County UDO:

1. Amend Section 9-32-2 *Parties Responsible for Maintenance of Improvements* to provide clarification that stormwater improvements are 'transferred' to the property owners' association or lot owner (see attached OA-01-25 Text Amendment).
  2. Amend Section 9-52 *Appeals* to amend the process for appealing interpretations of Article 9 by directing appeals to the Wake County Board of Adjustment rather than the Health and Human Services Board. (see attached OA-01-25 Text Amendment)
  3. Amend Section 21-11 *Definitions* to amend the definition of Impervious Surface in accordance with Session Law 2024-49 (SB166) (attached); include a provision in the Impervious Surface definition that designates stormwater control measures as a pervious surface when designed in accordance with the Wake County Stormwater Manual; and add a definition for Stormwater Control Measure. (see attached OA-01-25 Text Amendment)
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***Amend Section 9-32-2 (Parties Responsible for Maintenance of Improvements) to provide clarification that stormwater improvements are ‘transferred’ to the property owners’ association or lot owner.***

### **Background**

UDO Section 9-32-2 outlines the standards for developers to maintain the onsite stormwater measures and devices until such time the responsibility is taken over by the property owners’ association or the lot owner. This process insures there is no gap in proper maintenance of the stormwater measures.

### **Analysis**

UDO Section 9-32-2 currently states that the stormwater improvements be “accepted” by a property owners’ association or lot owner. However, the property owners’ association or lot owner have no authority in determining whether the improvements are “acceptable”. This determination is made by Wake County Environmental Services. When the improvements are deemed acceptable, the responsibility is then “transferred” from the developer to the property owners’ association or lot owner. Therefore, it is proposed to amend Section 9-32-2 to say the improvements will be “transferred” rather than “accepted” by the property owners’ association or lot owner.

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***Amend Section 9-52 (Appeals) to amend the process for appealing interpretations of Article 9 by directing appeals to the Board of Adjustment rather than the Health and Human Services Board.***

### **Background**

The Wake County UDO contains provisions and processes for applicants to appeal staff determinations or interpretations of the UDO. These provisions and processes are outlined in Section 19-41 *Appeals of Administrative Decisions*. The process for such appeals includes a quasi-judicial hearing before the Wake County Board of Adjustment. At the hearing, a determination is made to either uphold the staff decision or overturn it based on findings of fact and conclusions of law.

However, Section 9-52 *Appeals*, contains a provision that requires appeals to Article 9 go to the Wake County Human Services and Environmental Services Board. This provision has been in the UDO since it was established in 2006.

### **Analysis**

The Wake County Board of Adjustment and its members are trained and experienced in conducting quasi-judicial hearings. It’s because of this experience that staff propose amending Section 9-52 requiring appeals of Article 9 go to the Wake County Board of Adjustment rather than the Wake County Human Services and Environmental Services Board. This aligns Article 9 with the rest of the UDO as it pertains to appeal processes.

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***Amend Section 21-11 (Definitions) to amend the definition of Impervious Surface in accordance with Session Law 2024-49 (SB166); include a provision in the Impervious Surface definition that designates stormwater control measures as a pervious surface when designed in accordance with the Wake County Stormwater Manual; and add a definition for Stormwater Control Measure.***

## **Background**

Wake County UDO Section 21-11 provides a definition of “Impervious Surface”. The definition helps clarify what surface materials in the landscape are considered impervious (i.e. concrete, asphalt, etc.) and prohibit water to infiltrate the material and into the subsoil. Impervious surface coverage in site development is usually limited to a certain percent of the overall site. These limitations help reduce surface water runoff and protect water quality. N.C. Session Law 2024 (Senate Bill 166) is mandating a new definition of “Built-Up Area” (impervious surface) that local jurisdictions must comply with. The law is effective January 1, 2025.

Furthermore, the UDO has no provision for allowing pervious pavement to help offset impervious surface when limitations on a site become challenging, particularly in water supply watersheds.

## **Analysis**

The UDO currently defines impervious surface as “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.”

The definition mandated by the new state law reads: “the term “built-upon area” means impervious surface and partially impervious surface to the extent that the partially impervious surface does not allow water to infiltrate through the surface and into the subsoil. For the purposes of implementing State or local government stormwater programs, none of the following surfaces shall be considered “built-upon area” or an impervious or partially impervious surface:

1. A slatted deck.
2. The water area of a swimming pool.
3. A surface of number 57 stone, as designated by the American Society for Testing and Materials, laid at least four inches thick over a geotextile fabric.
4. A trail as defined in G.S. 113A-85 that is either unpaved or paved as long as the pavement is porous with a hydraulic conductivity greater than 0.001 centimeters per second (1.41 inches per hour).
5. Landscaping material, including, but not limited to, gravel, mulch, sand, and vegetation, placed on areas that receive pedestrian or bicycle traffic or on portions of driveways and parking areas that will not be compacted by the weight of a vehicle, such as the area between sections of pavement that support the weight of a vehicle.
6. Artificial turf, manufactured to allow water to drain through the backing of the turf, and installed according to the manufacturer's specifications over a pervious surface.”

The new definition provides more clarity as it relates to a variety of surface materials and whether they are pervious or impervious. Pursuant to the new state law, the new definition will replace the current definition in UDO Section 21-11.

The amendment also includes a staff-initiated provision that designates stormwater control measures as a pervious surface when designed in accordance with the Wake County Stormwater Manual. This creates opportunities to use pervious pavers and other similar materials to offset the impervious surface on a development site, which previously was not accepted. With this provision, it's also proposed to add a definition for Stormwater Control Measure as follows: "permanent structural devices that are designed, constructed, and maintained to control flow from stormwater runoff before the water reaches downstream bodies of water. These devices remove pollutants from stormwater and help reduce flooding and erosion to downstream properties when designed in accordance with the Wake County Stormwater Design Manual."

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### **Staff Findings**

1. The proposed amendments provide clarity in the development approval process as it pertains to maintenance of stormwater control measures.
2. The proposed amendments align the appeal process for the stormwater section with other parts of the UDO.
3. The proposed amendments provide flexibility and clarity to applicants when applying impervious surface materials to their development site.
4. The proposed amendments incorporate recent changes to state law as it pertains to impervious surface.
5. Staff worked collaboratively across departments to develop the amendments.
6. Community stakeholders were given the opportunity to provide feedback.

### **Staff Recommendation**

Staff recommends that, in the matter of OA-01-25, the Code and Operations Committee recommend approval to the Planning Board

### **Attachments**

1. OA-01-25 Text Amendment
2. Session Law 2024-49 (SB166)
3. Presentation

## Article 9. Stormwater Management

### *Part 3 Completion and Maintenance of Improvements*

#### **9-32 Assurance that Improvements will be Maintained.**

9-32-1 **Maintenance Required.** All stormwater improvements must be maintained so they will continue to serve their intended functions.

#### **9-32-2 Parties Responsible for Maintenance of Improvements.**

- (A) The developer must maintain stormwater improvements until ~~accepted by~~transferred to a property owners' association or lot owner via a ~~Stormwater~~Stormwater Agreement. The developer must disclose which party will be responsible for continued maintenance on the record plat and on the stormwater management plan.
- (B) Before improvements are ~~accepted~~transferred for maintenance ~~by to~~ the property owners' association or lot owner, the developer or the developer's engineer or other representative, as authorized by Statute, must certify to the property owners' association or lot owner and to the county that improvements are complete and functioning as designed.

#### **9-32-3 Maintenance Plan.**

- (A) The developer must record, and reference on the record plat, a maintenance plan that instructs the property owners' association or lot owner about the annual maintenance tasks and associated costs for at least a 20-year period.
- (B) It will be the responsibility of the property owners' association or lot owner to update the maintenance plan at least every ten years.

#### **9-32-4 Maintenance Agreement.**

- (A) The developer must record, and reference on the record plat, a maintenance agreement, or restrictive covenant that sets forth the property owners' association's or lot owner's continuing responsibilities for maintenance, including specifying how cost will be apportioned among lot owners served.
- (B) The maintenance agreement must provide that the association and its individual members are jointly and severally liable for maintenance.

#### **9-32-5 Annual Maintenance Inspection and Report.**

- (A) The person or entity responsible for maintenance of any structural and non-structural stormwater control measures installed pursuant to this ordinance shall submit an annual inspection report from one of the following persons providing services only in their area of competence: a qualified registered North Carolina professional engineer, surveyor, landscape architect, soil scientist, aquatic biologist, or person certified by the North Carolina Cooperative Extension Service for stormwater treatment practice inspection and maintenance or other certification as approved by Wake County.

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- (B) Annual inspection reports are due by June 30 of each year. The first annual report is due by June 30 following one year after approval of the as-built plan. For structural stormwater control measures located on properties subject to property owners' association agreements, the property owners' association is responsible for collecting and submitting information on all individual lot structural stormwater conveyance measures installed pursuant to this ordinance on an annual basis.
- (C) The inspection report shall contain all of the following: The name and address of the parcel owner, the name and address of the party responsible for maintenance of the stormwater control measure, the name of the subdivision or development, the recorded book and page number of the lot of each structural and non-structural stormwater control measure; a statement regarding whether or not inspected structural and non-structural stormwater control measures are performing properly and are in compliance with the terms and conditions of the approved maintenance agreement required by this ordinance. The report shall include any noted deficiencies, needed maintenance and recommended corrective action. The report shall include the name, contact information, original signature, and seal (if applicable) of the qualified person conducting the inspection.
- (D) All reports shall be on a form provided by or approved by Wake County.

**9-32-6 Documents Required Before Plat Approval or Building Permit.** All maintenance documents required by this Article must be submitted to the Subdivision Administrator or Environmental Services Stormwater Engineer before record plat approval, and such documents must be referenced on the record plat, or, in the case of single-lot developments not requiring record plats, documentation must be submitted to the Zoning Administrator or Environmental Services Stormwater Engineer before building permit issuance.

[Amended on 10/21/2019 by OA-01-19.]

## ***Part 5 Administration<sup>1</sup>***

### **9-50 Application Requirements.**

**9-50-1 Stormwater Plan Required.** For any development requiring stormwater improvements, no applicant may receive a grading, building or other permit required for land disturbance without first having a ~~county~~ county-approved stormwater management plan.

**9-50-2 Submittal Procedures.** Stormwater management plans must be submitted and reviewed in conjunction with subdivision plans, or, in the case of single-lot developments requiring stormwater management, in conjunction with site plans.

[Amended on 10/21/2019 by OA-01-19.]

### **9-51 Variances (Stormwater Management).**

Requests for a variance to the stormwater management standards of this Article must be processed in accordance with the procedures of 19-26.

[Amended on 2/5/2018 by OA 01-17; Amended on 10/21/2019 by OA-01-19.]

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<sup>1</sup>OA-01-19, adopted October 21, 2019, renumbered Parts 4 and 5 as Parts 5 and 6.

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## 9-52 Appeals.

### 9-52-1 Authority.

- (A) Pursuant to Section 19-41, aAny person affected by any decision of the county that relates to interpretation or application of this ordinanceArticle may appeal to the hearing panel of the Wake County Human Services and Environmental Services BoardBoard of Adjustment.
- (B) Any alleged error of the county in making or refusing to make a decision may be basis for an appeal.

9-52-2 **Filing.** The appeal must be filed in writing with the Wake County Director of Environmental Services, as defined in Section 10-12, Stormwater Engineer within 30 days of the decision complained of and must specify the grounds for appeal.

### ~~9-52-3 Hearing.~~

- ~~(A) The hearing panel of the Human Services and Environmental Services BoardBoard of Adjustment must fix a time and place for the hearing.~~
- ~~(B) At least ten days prior to the hearing, the hearing panel must publish notice of the hearing in a newspaper of general circulation within the county.~~
- ~~(C) The hearing panel must render a decision in writing within 45 days of receiving the appeal.~~

9-52-4 **Decision-Making Criteria.** In acting on appeals, the hearing panel of the Human Services and Environmental Services BoardWake County Board of Adjustment must determine, by simple majority vote, if the appellant has presented substantial evidence that the county erred and whether the county correctly interpreted the stormwater management regulations of Article 9.

~~9-52-5 Subsequent Appeals.~~ The appellant may appeal the hearing panel's decision to the full Human Services and Environmental Services BoardBoard of Adjustment by filing an appeal within ten days of the hearing panel's decision. Such appeals must follow the same procedure as the original hearing before the Board's hearing panel.

[Amended on 10/21/2019 by OA-01-19 .]

## Article 21. Definitions and Measurement

### 21-11 Definitions.

*Impervious Surface* means any surface, ~~resulting from human activity or built-upon area,~~ 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. None of the following surfaces shall be considered built-upon area or an impervious or partially impervious surface.~~

1. A slatted deck.

2. The water area of a swimming pool.

3. A surface of number 57 stone, as designated by the American Society for Testing and Materials, laid at least four inches thick over either a geotextile fabric or permeable pavement as defined by the Wake County Stormwater Design Manual.

4. A trail as defined in G.S. 113A-85 that is either unpaved or paved as long as the pavement is porous with a hydraulic conductivity greater than 0.001 centimeters per second (1.41 inches per hour).

5. Landscaping material, including, but not limited to, gravel, mulch, sand, and vegetation, placed on areas that receive pedestrian or bicycle traffic or on portions of driveways and parking areas that will not be compacted by the weight of a vehicle, such as the area between sections of pavement that support the weight of a vehicle.

6. Artificial turf, installed over a pervious surface according to the manufacturer's specifications.

7. Stormwater Control Measures, excluding underground detention stormwater control measures, designed in accordance with the Wake County Stormwater Design Manual.

*Stormwater Control Measures* means permanent structural devices that are designed, constructed, and maintained to control flow from stormwater runoff before the water reaches downstream bodies of water. These devices remove pollutants from stormwater and help reduce flooding and erosion to downstream properties when designed in accordance with the Wake County Stormwater Design Manual.

# Wake County Unified Development Ordinance Amendment OA-01-25



**Tim Maloney, Director, Planning Development & Inspections**

February 5, 2025

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# Request

The proposed amendments reflect improvements to stormwater standards and processes; and incorporates recent changes to state law.

1. Amend Section 9-32-2 *Parties Responsible for Maintenance of Improvements*
2. Amend Section 9-52 *Appeals*
3. Amend Section 21-11 *Definitions*



# Purpose

- Clarify the process for turning over maintenance of stormwater improvement to the HOA or lot owner.
- Align the 'appeal' process for the stormwater section of the UDO with other parts of the UDO.
- Incorporate recent state law changes related to the definition of impervious surface.
- Designate that stormwater control measures (except those that are below grade) are pervious surface.
- Establish a definition for stormwater control measure.



# **UDO Section 9-32-2**

## **Parties Responsible for Maintenance of Improvements**

# Background

- UDO Section 9-32 outlines the standards for developers to maintain onsite stormwater measures and devices.
- The measures and devices are to be maintained by the developer until such time the responsibility is taken over by the property owners' association or the lot owner.
- This process insures there is no gap in proper maintenance of the stormwater measures.

# Analysis

- UDO Section 9-32-2 currently states that the stormwater improvements be “accepted” by a property owners’ association or lot owner.
- The property owners’ association or lot owner have no authority in determining whether the improvements are “acceptable”.
- The determination of acceptability is made by Wake County Environmental Services.

# Analysis

- When the improvements are deemed acceptable, the responsibility is then “transferred” from the developer to the property owners’ association or lot owner.
- Therefore, it is proposed to amend Section 9-32-2 to say the improvements will be “transferred” rather than “accepted” by the property owners’ association or lot owner.

# Proposed Amendment

Amend Section 9-32-2 to say the improvements will be “transferred” rather than “accepted” by the property owners’ association or lot owner.



# UDO Section 9-52

## Appeals

# Background

- The UDO contains provisions and processes for applicants to appeal staff determinations or interpretations of the UDO.
- These provisions and processes are outlined in Section 19-41 *Appeals of Administrative Decisions*.
- The process includes a quasi-judicial hearing before the Wake County Board of Adjustment.
- However, Section 9-52 *Appeals*, contains a provision that requires appeals of the stormwater section go to the Wake County Human Services and Environmental Services Board.



# Analysis

- The Wake County Board of Adjustment and its members are trained and experienced in conducting quasi-judicial hearings.
- It's because of this experience that staff propose amending Section 9-52 requiring appeals of Article 9 go to the Wake County Board of Adjustment rather than the Wake County Human Services and Environmental Services Board.
- This aligns Article 9 with the rest of the UDO as it pertains to appeal processes.

# Proposed Amendment

Amend Section 9-52 to direct appeals to the Wake County Board of Adjustment rather than the Wake County Human Services and Environmental Services Board.



# UDO Section 21-11

## Definitions

# Background

- Wake County UDO Section 21-11 provides a definition of “Impervious Surface”.
- The definition helps clarify what surface materials in the landscape are considered impervious (i.e. concrete, asphalt, etc.).
- Impervious surface coverage in site development is usually limited to a certain percent of the overall site.
- These limitations help reduce surface water runoff and protect water quality.

# Background

- N.C. Session Law 2024 (Senate Bill 166) is mandating a new definition of “Built-Upon Area” (impervious surface) that local jurisdictions must comply with.
- The law is effective January 1, 2025.
- Furthermore, the UDO has no provision for allowing pervious pavement to help offset impervious surface.

# Analysis

- The new state law definition for impervious surface provides more clarity as it relates to a variety of surface materials and whether they are pervious or impervious.
- For example, certain types of stone, landscape materials, and artificial turf are now considered pervious.

# Analysis

- Staff is also proposing to add a provision to the state definition to clarify that most stormwater measures are pervious when designed in accordance with the County's Stormwater Manual.
- This creates opportunities to use pervious pavers and other similar materials to offset the impervious surface on a development site, which previously was not accepted.
- Include a definition for Stormwater Control Measure.

# Proposed Amendments

- Amend Section 21-11 to amend the definition of Impervious Surface in accordance with Session Law 2024-49 (SB166).
- Include a provision in the Impervious Surface definition that clarifies that most stormwater control measures are pervious surface when designed in accordance with the Wake County Stormwater Manual.
- Add a definition in Section 21-11 for Stormwater Control Measure.



# Staff Findings

1. The proposed amendments provide clarity in the development approval process as it pertains to maintenance of stormwater control measures.
2. The proposed amendments align the appeal process for the stormwater section with other parts of the UDO.
3. The proposed amendments provide flexibility and clarity to applicants when applying impervious surface materials to their development site.

# Staff Findings

4. The proposed amendments incorporate recent changes to state law as it pertains to impervious surface.
5. Staff worked collaboratively across departments to develop the amendments.
6. Community stakeholders were given the opportunity to provide feedback.

# Staff Recommendation

That the Code and Operations Committee recommend approval to the Planning Board.



## Planning, Development & Inspections

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**To:** Wake County Planning Board – Code and Operations Committee  
**From:** Tim Maloney, Director  
**Subject:** Unified Development Ordinance Text Amendment OA-02-25  
**Date:** February 5, 2025

### Request

That the Code and Operations Committee recommend approval to the Wake County Planning Board the following amendment to the Wake County Unified Development Ordinance (UDO):

1. Amend the standards for Section 4-30 *Bed and Breakfast Residences* and Section 4-74 *Bed and Breakfast Homestays* that regulate temporary overnight accommodations in a residential dwelling.

### Applicant

Wake County Planning Development and Inspections

### Background

The Wake County UDO provides standards and regulations for temporary overnight accommodations in single family dwellings. The use is characterized and regulated in two ways: 1) as a traditional bed and breakfast establishment, typically in a historic structure that offers multiple rooms for overnight accommodation by separate parties with incidental services that may include meals offered to overnight guests.; and 2) as a temporary vacation rental offered through an online platform like Airbnb or VRBO, often called short-term rentals.

These establishments are commercial uses typically located in a residential setting. It's because of this that the property must fit-in with the residential character of the surrounding neighborhood. The UDO's standards and regulations for these types of uses require that the exterior appearance not be altered from its residential character, while also addressing a variety of requirements such as maximum number of overnight stays, the operator must live on site, and the provision of meals and cooking facilities.

The standards for both scenarios have been in place since adoption of the UDO in 2006.

### Analysis

The demand for temporary overnight accommodations (short-term rentals) continues to increase nationwide. Pair this with the fact that many folks are seeking supplemental income, the result is

increased interest in converting traditional single-family dwellings into a bed and breakfast or short-term rental establishment.

Recognizing this trend, staff reviewed the UDO standards and propose to make several amendments that align with market trends and online platforms that offer these types of accommodations.

The UDO's standards for a traditional bed and breakfast are outlined in Section 4-30 *Bed and Breakfast Residence*. Current standards require the dwelling be listed on the National Register of Historic Places and a minimum of 3,500 square feet. Staff is proposing to remove these two requirements as there are many examples of successful bed and breakfast establishments that don't fit this criterion.

The UDO's standards for short-term rentals are outlined in Section 4-74 *Bed and Breakfast Homestays*. Staff is proposing to align the standards in this section with online platforms like Airbnb or VRBO, often called short-term rentals. This includes changing the section name to "Short-Term Rentals", increase the maximum stay from 7 consecutive days to 30, and remove the requirement that the operator live on site.

A special use permit from the Board of Adjustment (BOA) is currently required for both scenarios (Bed and Breakfast Residence and Short-Term Rental). This requirement will remain in place. This process insures both types of uses are in harmony with the surrounding neighborhood when a permit is granted by the BOA.

The proposed amendments do not impact any existing Bed and Breakfast Residence or Short-Term Rental uses.

### **Overview of Changes**

1. *Bed and Breakfast Residence*: Eliminate the requirement that the dwelling be listed on the National Register of Historic Places and a minimum of 3,500 square feet.
2. *Short-Term Rentals*: Change the title of UDO Section 4-74 from "Bed and Breakfast Homestays" to "Short-Term Rentals", increase the maximum stay from 7 consecutive days to 30 days, and remove the requirement that the operator live on site.

### **Staff Findings**

The proposed amendment:

1. Removes development requirements that are outdated and unnecessary.
2. Increases opportunities for supplemental income in the short-term rental market.
3. Aligns UDO use standards with national online platforms that manage short-term rentals.

### **Staff Recommendation**

Staff recommends that, in the matter of OA-02-25, the Code and Operations Committee recommend approval to the Wake County Planning Board.

### **Attachments**

1. OA-02-25 Text Amendment
2. Presentation

## 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-~~32~~ ~~If a single-family dwelling is converted to a Bed and Breakfast, n~~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;
- 4-30-~~43~~ No interior changes may be made that would prevent the structure's conversion back to an exclusively single-family residential use;
- 4-30-~~54~~ Guest stays are limited to 14 consecutive days;
- 4-30-~~65~~ 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-~~76~~ Meals may be provided to overnight guests only, and no cooking facilities may be provided in guest rooms; and
- 4-30-~~87~~ Accessory facilities for meetings or recreation may be provided, but only for use by overnight guests (not open to the general public).

## 4-74 ~~Bed and Breakfast Homestays~~Short-Term Rentals.

~~Bed and breakfast homestays~~Short-term rentals 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~~30 consecutive days; ~~and~~
- ~~4-74-3 The operator of the bed and breakfast homestay must occupy the dwelling as a principal residence; and~~
- 4-74-~~43~~ Meals may be provided to overnight guests only, and no cooking facilities may be provided in guest rooms.

## Article 4 Use Table

Bed and breakfast <del>residences, short-term rentals—homestay and residence</del>	S	S	S	S	-	S	S	S	-	-	-	-	-	-	-	§4-30 §4-74 -
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## Article 15. Parking, Loading and Traffic

15-10-4 **Off-street Parking Schedule.** Unless otherwise expressly stated in this Article, off-street parking spaces must be provided in accordance with the following schedule of minimum parking requirements.

USE GROUP	
Use Category Specific Use Type	Minimum Off-Street Parking Requirement
Lodging	
Bed and breakfast, <u>Short-Term Rentals</u>	1 per rental room or unit

# Wake County Unified Development Ordinance Amendment OA-02-25



**Tim Maloney, Director, Planning Development & Inspections**

February 5, 2025

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# Request

The proposed amendments reflect improvements to bed and breakfasts and short-term rentals.

1. Amend Section 4-30 *Bed and Breakfast Residences*
2. Amend Section 4-74 *Bed and Breakfast Homestays*

# Purpose

- Remove development requirements that are outdated and unnecessary.
- Increase opportunities for supplemental income in the short-term rental market.
- Align UDO use standards with national online platforms that manage short-term rentals.

# Background

- UDO Section 4-30 outlines the standards for a traditional bed and breakfast establishment.
  - Requires the home be listed on the National Register of Historic Places and a minimum of 3,500 S.F.
- UDO Section 4-74 outlines the standards for short-term rentals (vacation rentals).
  - Allows a maximum overnight stay of 7 consecutive days; and that the operator live on site.

# Analysis

- The demand for temporary overnight accommodations (short-term rentals) continues to increase nationwide.
- Staff recognize this trend and propose various amendments to align our development standards with national models.
- Requirements that bed and breakfast establishments be historic in nature and have a min. size are no longer relevant.
- The requirement that the operator of a short-term rental live on the site does not fit national models.

# Proposed Amendments

1. *Bed and Breakfast Residence*: Eliminate the requirement that the dwelling be listed on the National Register of Historic Places and a minimum of 3,500 square feet.
2. *Short-Term Rentals*: Change the title of UDO Section 4-74 from "Bed and Breakfast Homestays" to "Short-Term Rentals", increase the maximum stay from 7 consecutive days to 30 days, and remove the requirement that the operator live on site.

# Staff Findings

1. Removes development requirements that are outdated and unnecessary.
2. Increases opportunities for supplemental income in the short-term rental market.
3. Aligns UDO use standards with national online platforms that manage short-term rentals.

# Staff Recommendation

That the Code and Operations Committee recommend approval to the Wake County Planning Board.



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**TO:** Planning Board

**FROM:** Terry Nolan, Planner III

**SUBJ:** Town of Garner ETJ Request

**DATE:** February 5, 2025

**REQUEST:** Extend Town of Garner's Extraterritorial Jurisdiction (ETJ) by 8,858 acres.

**PETITIONER:** Town of Garner

On May 7, 2024, the Garner Town Council adopted a resolution requesting that the Wake County Board of Commissioners consider granting extension of the town's Extraterritorial Jurisdiction by 8,858 acres. The request includes areas east along US 70, south along the extension of NC 540, and northwest along US 401 within the Town of Garner future growth area.

### **Requested Area**

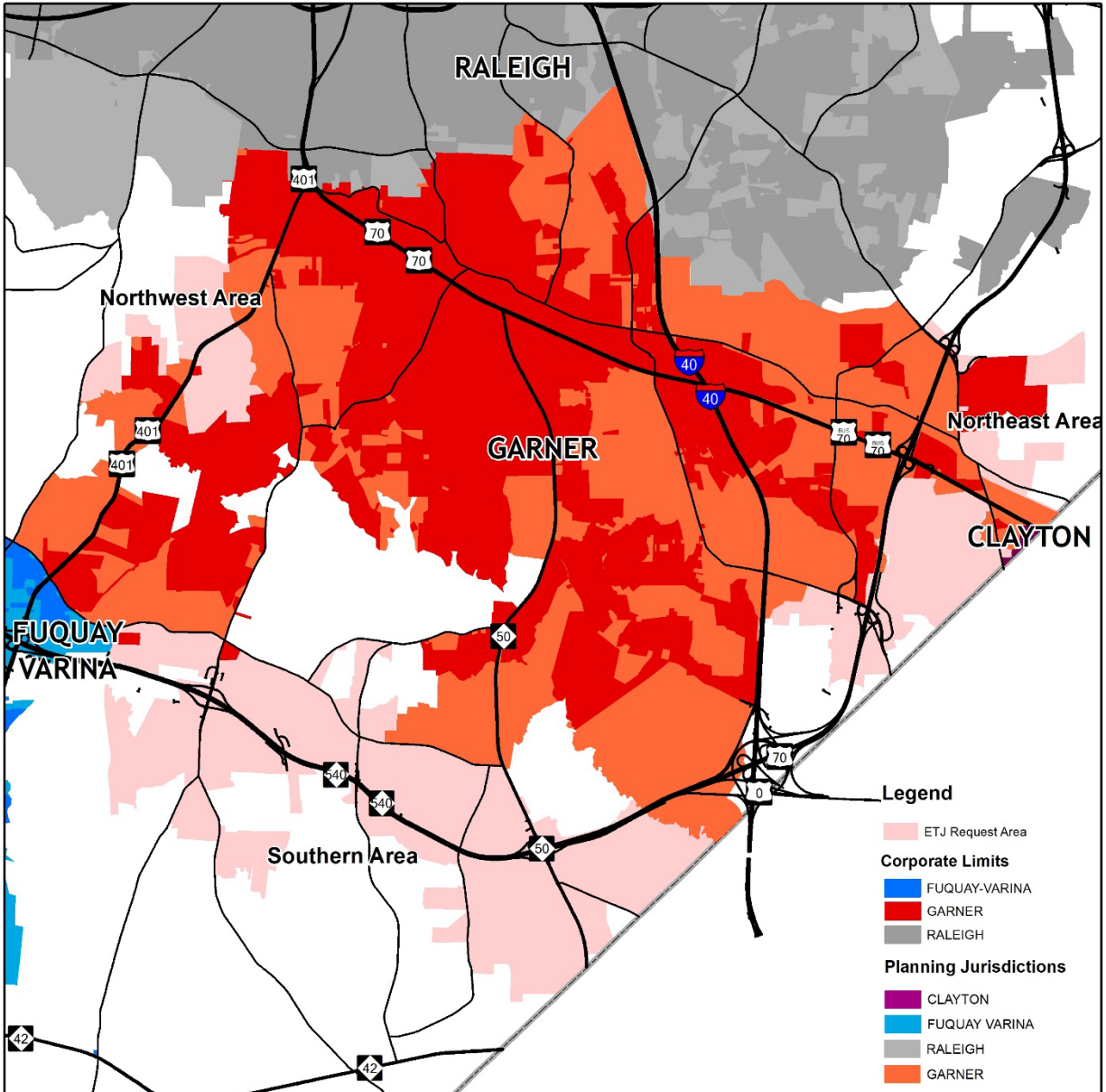
The largest area of request (Southern) is along the NC 540 extension between Fanny Brown Road and the new NC 540/I-40 interchange. This area is roughly 5,973 acres and generally follows the NC 540 corridor. The area is a mix of Wake County residential subdivisions and land in present-use-value. **Present Use Value** is a program that allows property owners to defer some of their property taxes on land used for agriculture, horticulture, or forestry.

The second largest area of request (Northeast) is along the US 70 and I-40 corridors. This area is roughly 1,949 acres. Municipal public utilities have been extended east to Guy Road and north along Rock Quarry Road to serve new residential and industrial development.

The smallest area of request (Northwest) is on both sides of US 401 and Simpkins Road. Wake Christian Academy and Wake County Speedway are in the vicinity, although it should be noted the speedway is not included in the ETJ request. The northwest area is roughly 936 acres in size and is primarily older residential single-family or manufactured homes.



Map 1: Garner ETJ Request



Although state law specifies the requirements for municipal ETJ expansion, it does not provide detailed evaluation criteria. PLANWake outlines six criteria to be used when the county evaluates municipal ETJ requests. The ETJ criteria are used to determine a municipality's ability to provide services and its capability and commitment to good planning and managing of development in the area requested.

### **Criterion 1 - Wake County Development Framework Map Designation**

*The requested ETJ must be located within an area designated as Walkable Center or Community on the PLANWake Development Framework Map. ETJ expansion in areas not noted as one of these two designations will require an amendment to the Wake County Comprehensive Plan. Any ETJ requests for Community Reserve or Rural areas will require an amendment to the PLANWake Comprehensive Plan to change the designation of the area to a more appropriate category that supports municipal development. Likewise, any applicable Small Area Plan will also need to be amended to identify the area as a site for municipal development.*

There are inconsistencies between Garner's request and the Wake County Development Framework Map. Amendment to the Development Framework Map would be necessary to grant certain areas of the request. The staff recommendation includes maps showing the recommended amendments to the Development Framework Map.

### **Criterion 2 - Growth and Development within the ETJ Expansion Area**

*Requests for ETJ expansion should be where joint planning has taken place between the county and the municipality in areas that are prime for investment. The municipality must demonstrate recent growth and development activity (annexations, development requests, water and sewer expansion, new roadways) within the requested ETJ area. This activity, along with population and job growth, must be compared to areas already within the municipality's corporate limits.*

The Town of Garner has made progress providing infrastructure and municipal services to existing ETJ and the ETJ areas granted in 2016. Garner reports close to 1,800 acres of ETJ area (roughly 1/3) has been annexed since 2016 or is in process. Annexation is voluntary and Garner relies on developers to fund and build extensions of infrastructure.

### **Criterion 3 - Municipal Comprehensive Plan Alignment**

*The Municipal Comprehensive Plan must align with the Wake County Comprehensive Plan and Development Framework. The municipality should demonstrate past examples of working with the development market to implement projects consistent with the Municipal Comprehensive Plan.*

The goals and desired outcomes in Garner Forward (Garner's Comprehensive Plan) are generally consistent with PLANWake. Both plans encourage preservation and focused, strategic development that meets the needs of the growing population.

### **Criteria 4 - Municipal Capital Improvement Plan/Program and Service Expansion Plan Alignment**

*The municipality must demonstrate that it is ready to provide appropriate infrastructure to the requested ETJ area. The provision of infrastructure, including water and sewer lines, vehicle capacity, storm water, sidewalks, greenways, parks and other capital projects, shall be documented in a multi-year Capital Improvement Plan/Program. The municipality must also demonstrate that it is ready to provide appropriate municipal services to the requested ETJ area. These services shall include police, fire, trash collection, inspections, and other municipal services.*

Garner has some adopted plans and policies to meet this criterion. Garner works with Raleigh Public Utilities and the development community to plan and build public utility infrastructure. Therefore, the Municipal Capital Improvement Plan (CIP) is not specific about water and sewer improvements. The timing and location of water and sewer infrastructure in many of the request areas is unclear. This creates uncertainty in the Town's ability to serve the area in the near term.

However, the following four documents demonstrate comprehensive and coordinated planning:

- [Garner Forward \(2023\)](#)
- Municipal [Capital Improvement Plan](#) (CIP) FY 2025-2029
- Transportation Plan (2018)
- Fire Station Study (~2024)

### **Criteria 5 – Community Engagement**

*The municipality must demonstrate that it conducted meaningful public engagement with impacted residents and landowners and document how the concerns of residents and landowners have been addressed by the municipality (such as UDO changes or modification of the request). The municipality shall document all outreach activities to all populations.*

Garner hosted four public drop-in sessions at community meeting places throughout the request area and each session was scheduled from 4-7PM. Garner staff provided maps and information about the request and opportunity to discuss the request one-on-one. 52 individuals attended a public drop-in session.

Garner shared all results with Wake County. Town staff presented at Wake County Planning Board meetings and a community meeting organized by Wake County. County staff recommendations consider the public feedback provided.

### **Criteria 6 - Achieving Comprehensive Community Goals**

*The municipality must demonstrate a track record of working with the County to achieve county-wide comprehensive goals. This track record will be assessed on the following factors: support and actions related to affordable housing, walkability, transit use, vulnerable communities, storm water and green infrastructure.*

Garner is an essential partner in achieving comprehensive community goals. The December report to the Land Use Committee highlighted some noteworthy policies and initiatives, such as a local housing task force, investments in filling sidewalk gaps, local transit planning, and EV charging stations.

## Staff Recommendations

### Recommendation #1: Establish ETJ Deferment for Land in Farmland Preservation

Wake County is proposing to defer property enrolled in a Wake County farmland preservation program from the Garner ETJ extension request. Applicable farmland preservation programs include Voluntary Agricultural District (VAD), Enhanced Voluntary Agricultural District (EVAD), and conservation easements. The goal of the deferment is to continue to support farming and forestry operations.

This is a new approach for Wake County and would only apply to properties included in the request submitted by the Town of Garner in May 2024. It would also only apply to parcels enrolled in a farmland preservation program – or abutting parcels associated with the VAD operation - at the time the ETJ is approved by the Wake County Board of Commissioners.

One concern brought up by the agricultural community was whether residential lots associated with a VAD could be included in the ETJ deferment. Currently, all properties applying to be enrolled in a VAD must be in the same ownership (i.e. exact same name(s) on the deed). In January, staff met to discuss how to address the concern. Wake County Soil & Water Conservation staff will identify abutting family parcels active in the VAD operation; the parcels will be added to the list for ETJ deferment in the final adoption resolution by the Board of Commissioners.

If land in deferment is withdrawn from a preservation program, the land will become subject to Garner zoning, planning, and development regulations. Similarly, any new residential lots not associated with a VAD would be subject to Garner ETJ.

This proposal has been well received by the agricultural community in the ETJ request area. Soil & Water Conservation staff have conducted extensive outreach to property owners about the deferment proposal. Wake County hosted a community meeting December 3<sup>rd</sup> attended by around 50 people. The purpose of the meeting was to engage with property owners and operators of agricultural, horticultural, and forestry land uses in the request area. Several Planning Board members, Garner planning, Wake County Soil & Water, and County planning staff participated.

To date, the Wake County Agricultural Advisory Board, a board established by the Soil & Water Conservation District, has approved 44 applications totaling **3,597 acres** within the ETJ request area. The Agricultural Advisory Committee continues to accept applications.

### Recommendation #2: Support Portions of Garner's Request

The ETJ boundary recommended has been revised since the January 15<sup>th</sup> meeting of the Land Use Committee. The staff recommendation is based on proximity to public utilities, anticipated growth, plan alignment, and feedback from property owners and stakeholders. The following recommendation reduces the ETJ Extension from 8,855 acres to roughly 5,000 acres. An overview map of the staff recommendation is included in the Appendix.

### *Recommendation #3 Amend PLANWake Development Framework Map*

Criterion #1 states ETJ can only be granted in areas **not** designated Community Reserve or Rural on the PLANWake Development Framework map. If the Planning Board makes a recommendation to grant ETJ in areas currently reflected as Community Reserve or Rural, the Board will need to make a recommendation to amend the Development Framework Map.

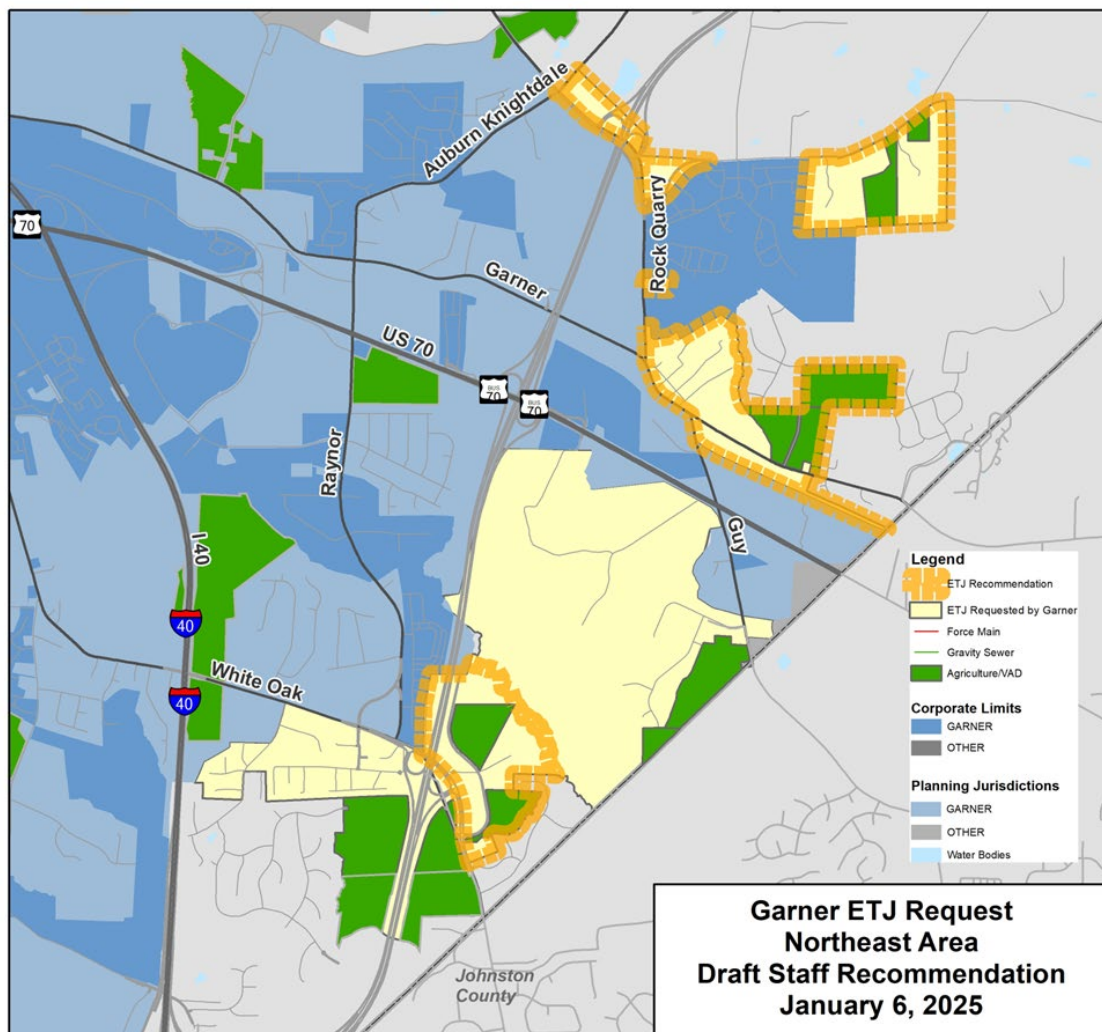
Garner's Comprehensive Plan, Garner Forward, describes a "Multi-Use Center" future land use that is very similar to the PLANWake Walkable Center. Staff recommend amending areas around the NC 540 Interchanges to Walkable Center where Garner Forward indicates a Mixed-Use Center future land use. Staff recommend areas included in the recommended ETJ expansion currently shown as Community Reserve or Rural be changed to Community.

### **Analysis**

This section describes the recommendations for ETJ expansion and amendment to the PLANWake Development Framework Map by area.

## Northeast Area

Map 2: Northeast Area staff recommendation



Staff recommend supporting portions of the request in the Northeast area for the following reasons:

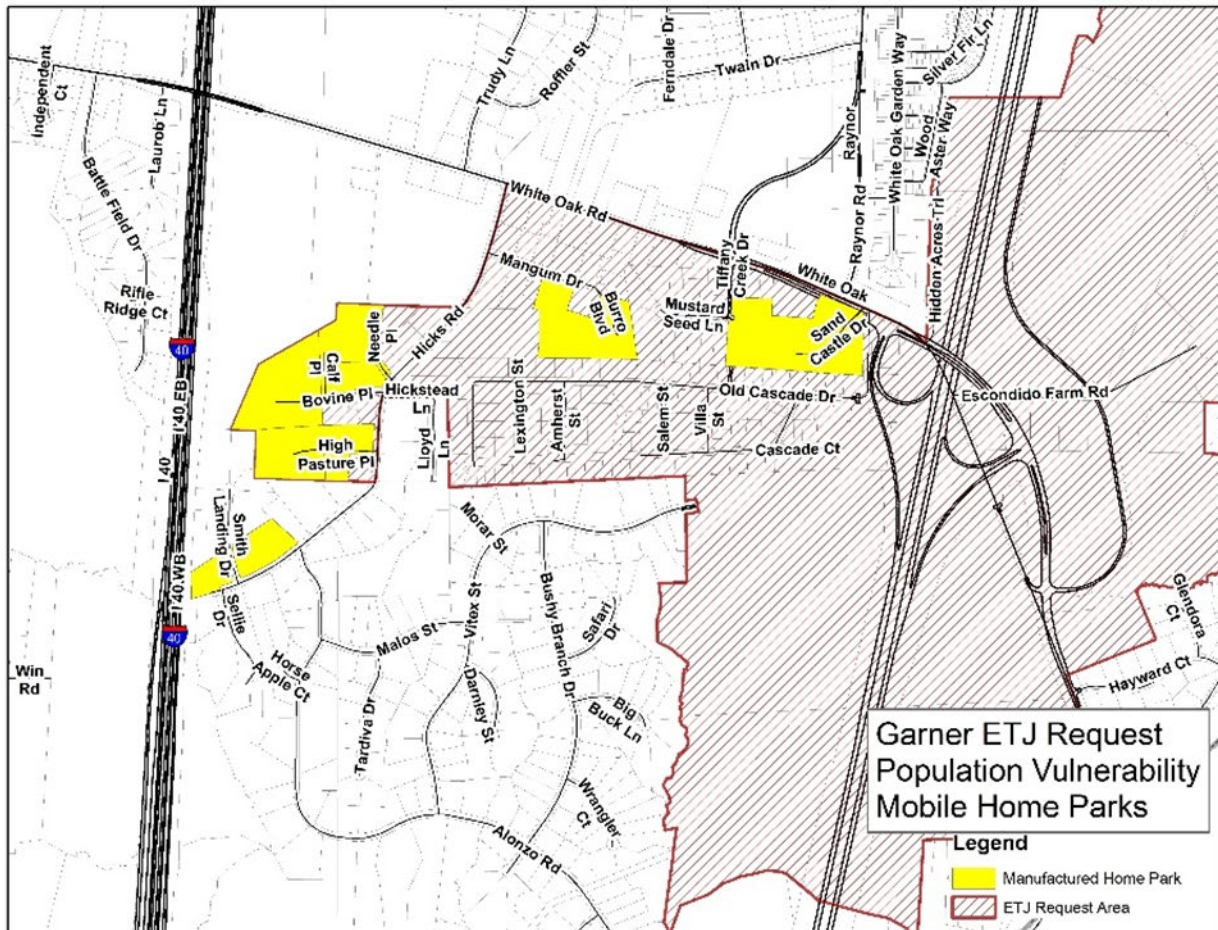
Staff recommend granting the area north of US 70 based on recent municipal development and proximity of public utilities. Garner has capacity to provide municipal services. The northeast corner of the NC 540/White Oak Road remains in the request because: 1.) Garner's plans show it as an area to enhance; 2.) Wake County plans show it as a multi-use district; and 3.) Public utilities are in proximity.



Staff recommend reducing the request in the Northeast Area for the following reasons:

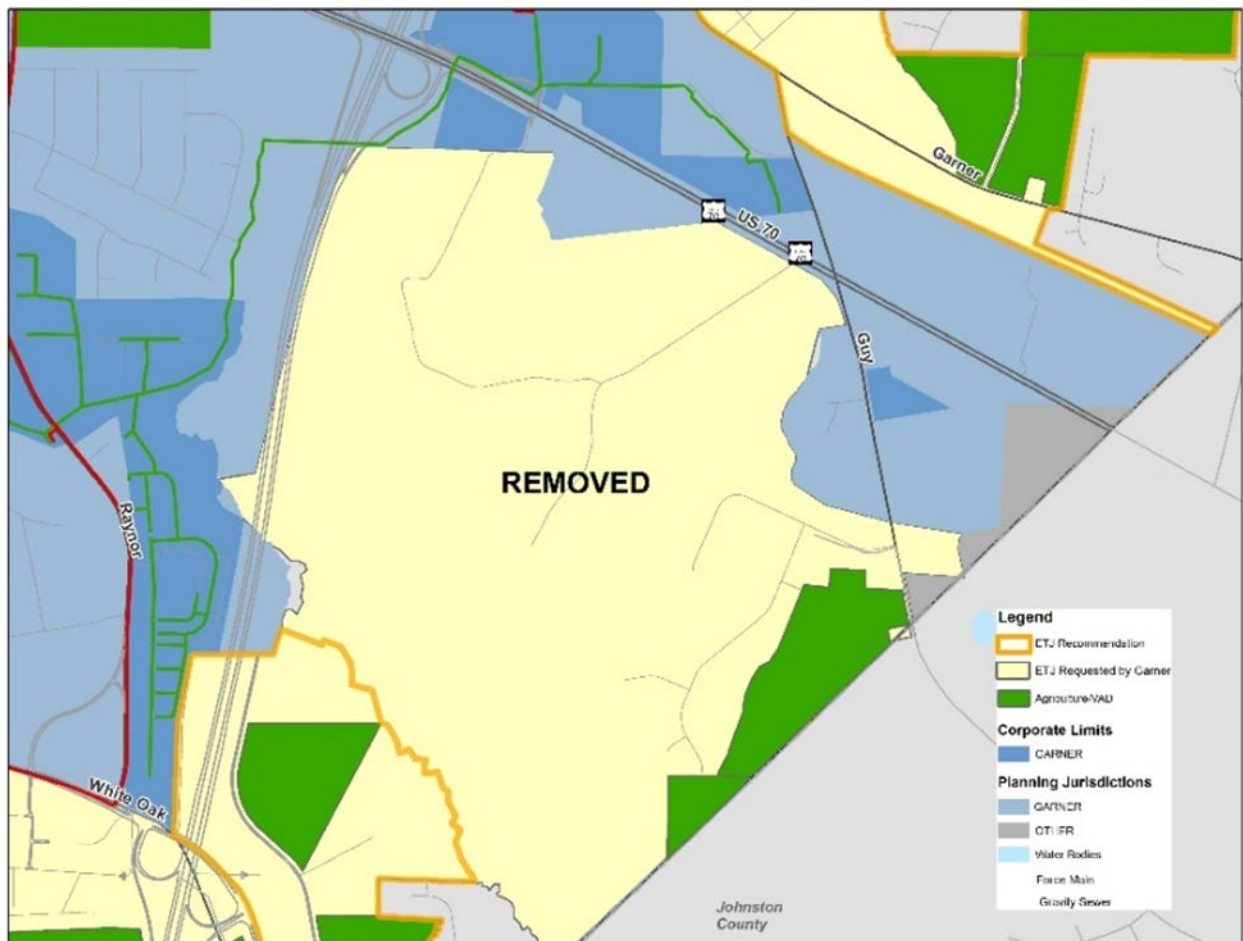
- Vulnerable communities, including three mobile home parks, are in the request area south of White Oak Road between I-40 and NC 540. Staff are concerned about displacement of these communities. Map 3 below shows mobile home communities in yellow.

Map 3: Mobile Home Parks in Northeast ETJ Request Area



- Owners and brokers/managers of the communication infrastructure (TV Tower site) south of US 70 have submitted a letter to the county requesting to be withdrawn from the ETJ. Wake County is familiar with the unique needs related to permitting and inspecting the site. Eliminating these parcels from the request is similar to other ETJ requests in the county where utilities remained in county jurisdiction. Map 4 shows the removal of these parcels and smoothing of the ETJ request boundary by also removing the Golden Plantation subdivision and other parcels on the county line.

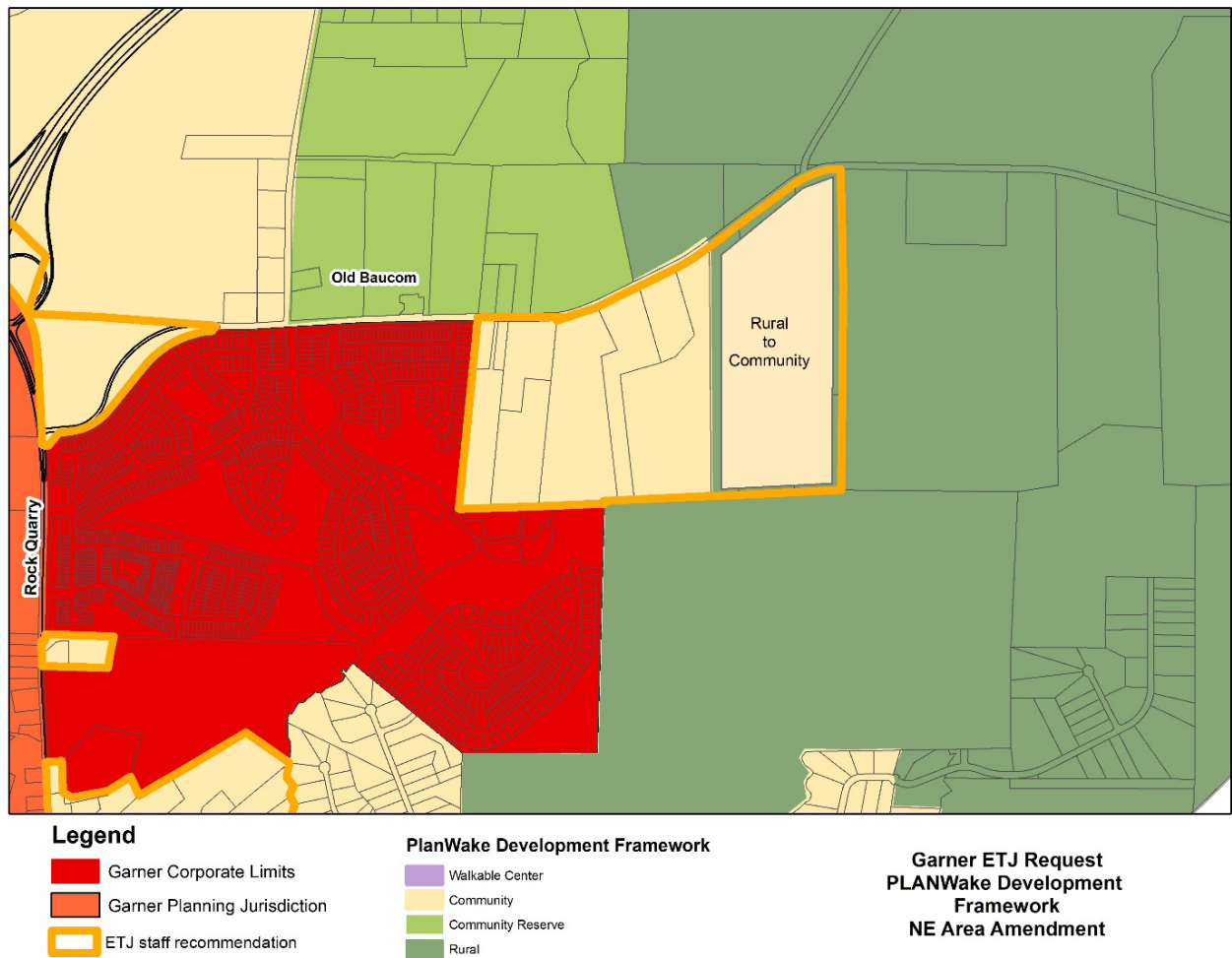
Map 4: Communication Towers removed from the Northeast ETJ Request Area



Staff recommend amending the parcels on Old Baucom Road from Rural to Community on the Development Framework Map, as shown below in Map 5.



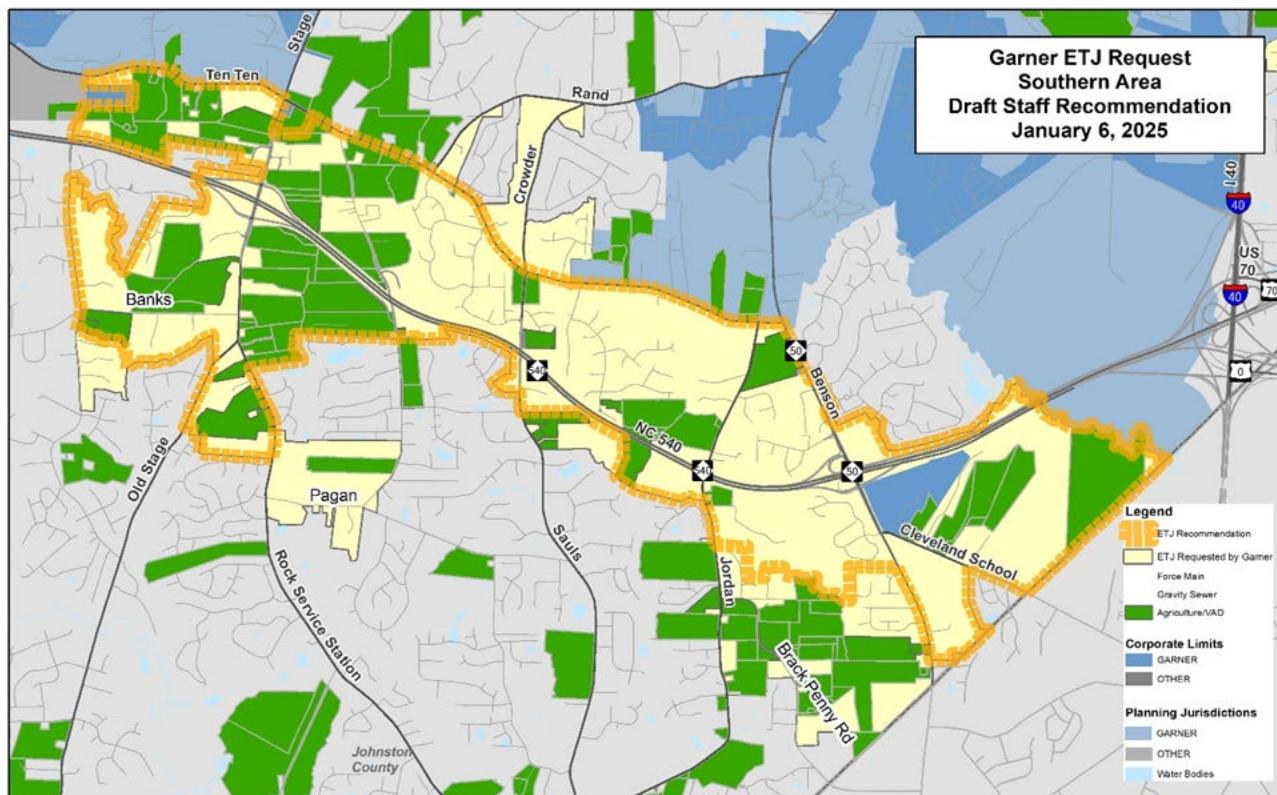
Map 5: Northeast Development Framework Map amendment recommendation



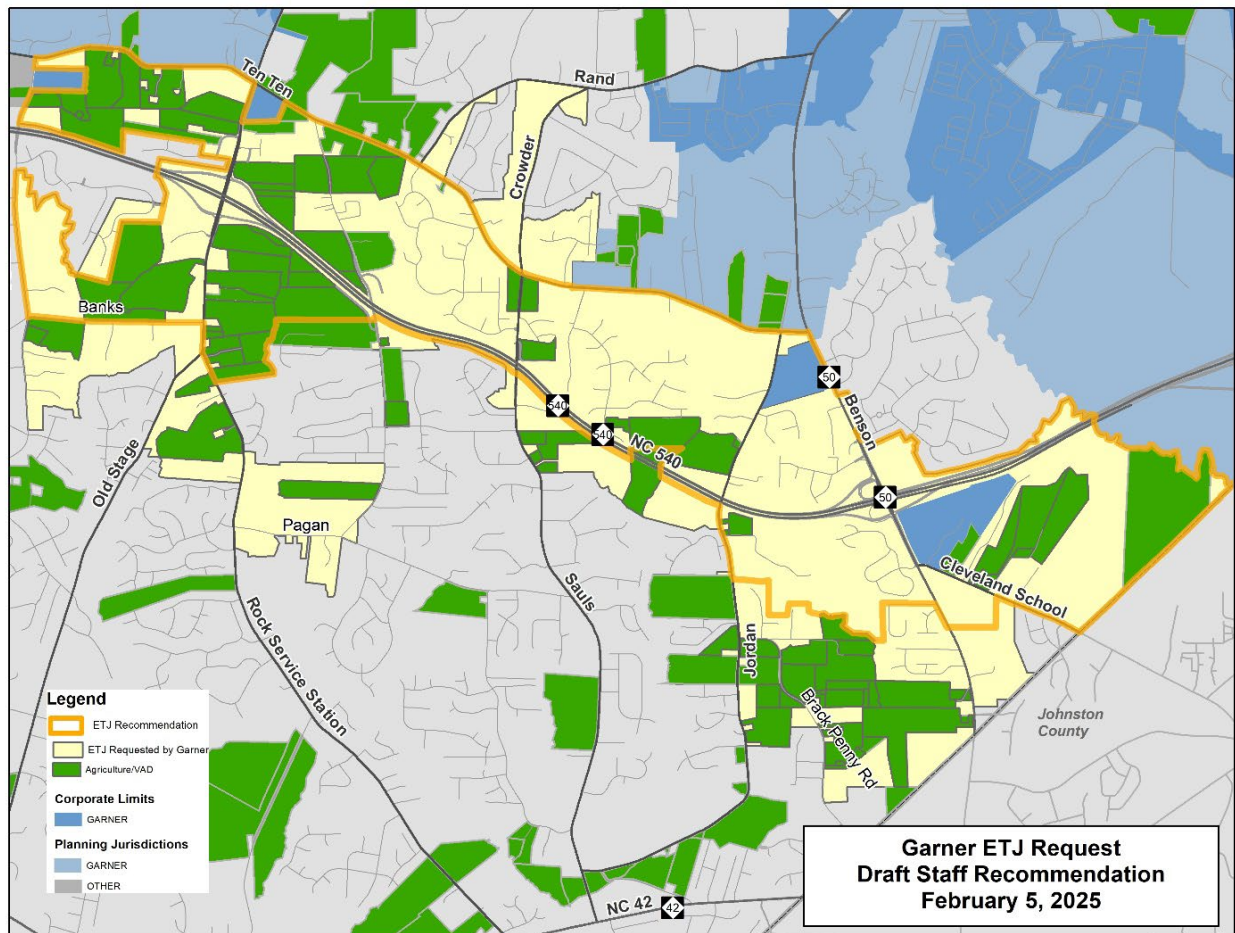
## Southern Area

Staff recommend approving a portion of the southern area. Based on feedback during the January Land Use Committee meeting, staff has reduced the request further. The location and timing for water and sewer utilities into the request area is not entirely clear. Regardless, staff does recognize the need to recommend ETJ extension around the two NC 540 interchanges – Old Stage Road and Benson Road. The maps below show the January recommendation to the Land Use Committee (Option A) and the revised recommendation (Option B) for consideration by the Planning Board.

Map 6: Southern Area January staff recommendation (Option A)



Map 7: Southern Area February staff recommendation (Option B)



Staff's suggested reductions in the Southern area are based on the following:

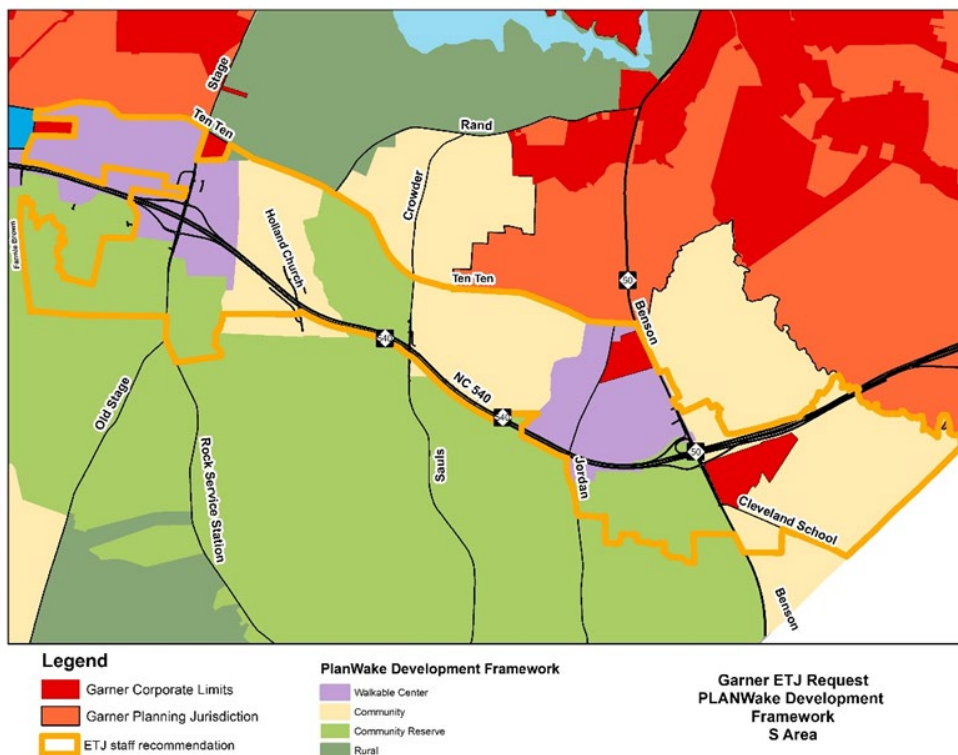
- Wake County Middle Creek Area Plan shows many parcels south of NC 540 as agriculture & forestry. Property owners involved in the Middle Creek Area Plan process expressed the intent to maintain the ag/forestry land use.
- Much of the area south of NC 540 is designated as "Areas to Preserve" in Garner Forward's *Growth Framework* chapter. On page 62, the document states: "Future development is discouraged in these locations to protect open space, natural areas, and rural viewsheds in the community with the exception of farms, homes on very large lots scattered throughout the countryside, previously approved county subdivisions, park-related activities, and cross county trails or greenways." "Areas to Transform" on Garner Forward's Change and Intensity Map are included in the county staff recommendation.



- The Brack Penny Road area – between Jordan Road and South of McDaniel Road – is roughly three miles from public utilities as measured along road centerline. The distance to public utilities is the primary consideration, although it should also be noted the area has a significant cluster of land in farmland preservation.
- Two mobile home parks located south of NC 540 and between Jordan and Benson Roads have been eliminated from the request area.
- The Juniper Level Botanic Garden, located at 9241 Sauls Road, is an educational, research, and display garden in permanent conservation. The parcels directly east of the gardens are owned by NCDOT. Staff have been informed that the owner would like to expand the gardens if/when NCDOT sells the land as surplus.
- The property at 5316 Holland Church Road was removed because the county has issued preliminary approval for a residential subdivision in unincorporated Wake County. The 51.41-acre parcel is intended to be a future phase of the Sandy Ridge Subdivision.
- Other small areas were removed to smooth out the ETJ request boundary along Ten-Ten Road, Jordan Road, south of NC 540, etc.

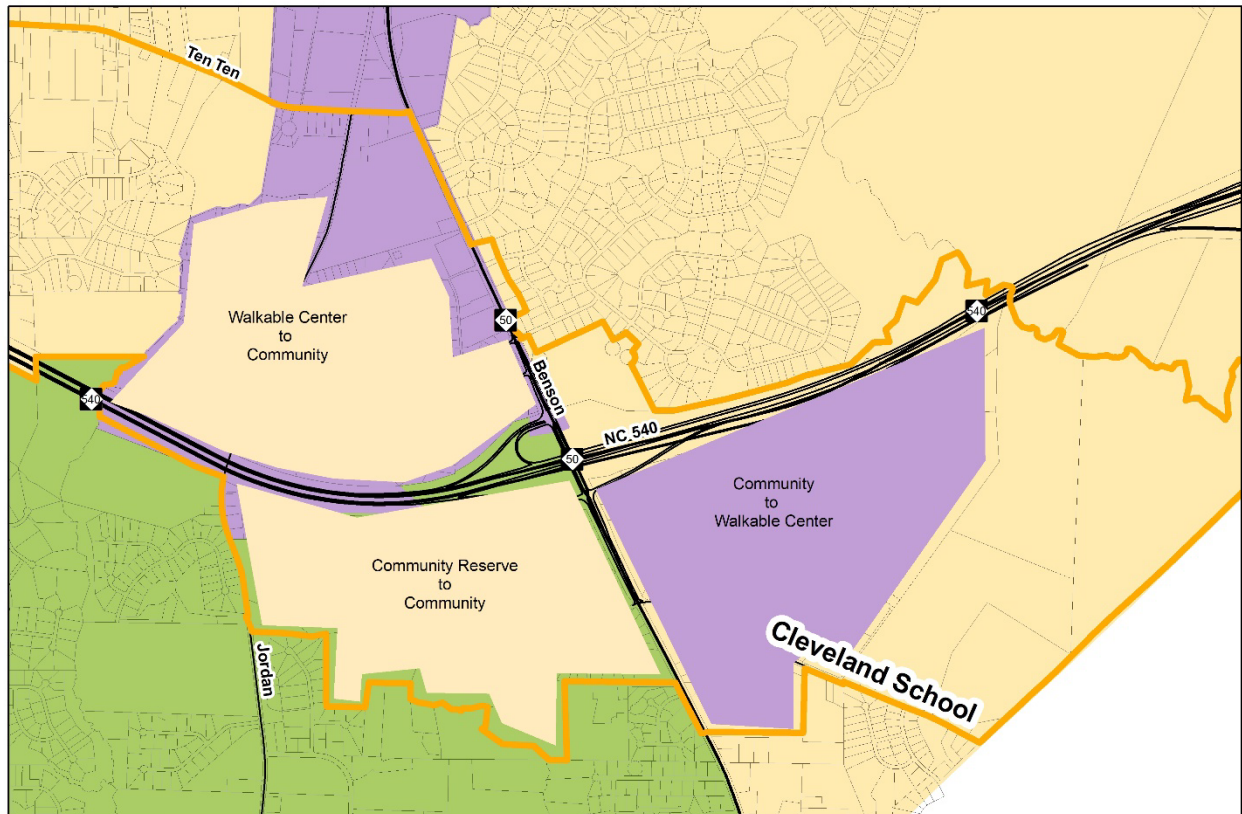
The Southern area of the request contains several areas designated as Community Reserve (light green on Map 9) on the PLANWake Development Framework Map. An amendment to the map – from Community Reserve to Community or Walkable Center - would be required in order to grant ETJ extension. Staff also recommend amending the Community Areas to Walkable Center where Garner Forward shows the future land use as a Multi-Use Center. Additionally, staff recommend changing some areas of Community or Walkable Center to better align with Garner's future land use. Maps 10 - 12 show the amendments in closer detail.

Map 9: Current PLANWake Development Framework Map Southern Area



The amendment to the NC 540/Benson Rd. interchange consists of 1.) changing the southwest quadrant of the interchange between Jordan Road and Benson Road from Community Reserve to Community 2.) changing the northwest quadrant from Walkable Center to Community 3.) changing the southeast quadrant in the Cleveland School Road area from Community to Walkable Center. This amendment is consistent with Garner Forward's future land use.

Map 10: NC 540/Benson Rd. Development Framework Map recommendation



The requested ETJ must be located within an area designated as Walkable Center or Community on the PLANWake Development Framework Map. Any areas designated Community Reserve or Rural (green colors) will require a Comprehensive Plan Amendment

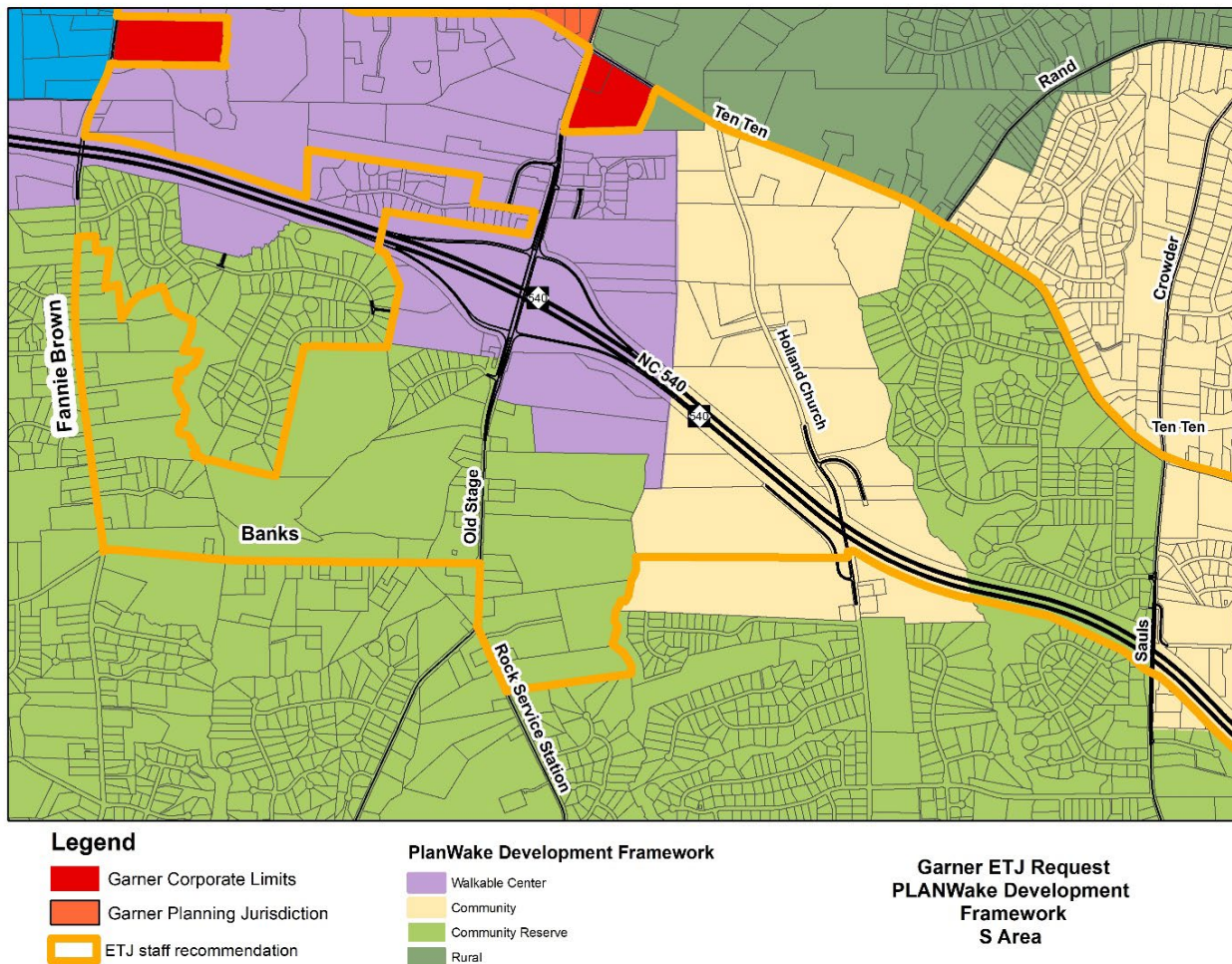
Nearly all of the area south of 540 is designated Community Reserve.

**Garner ETJ Request  
PLANWake Development  
Framework  
S Area**

**Legend**  
 [Orange line] ETJ staff recommendation  
 [Purple] Walkable Center  
 [Yellow] Community  
 [Light Green] Community Reserve  
 [Dark Green] Rural

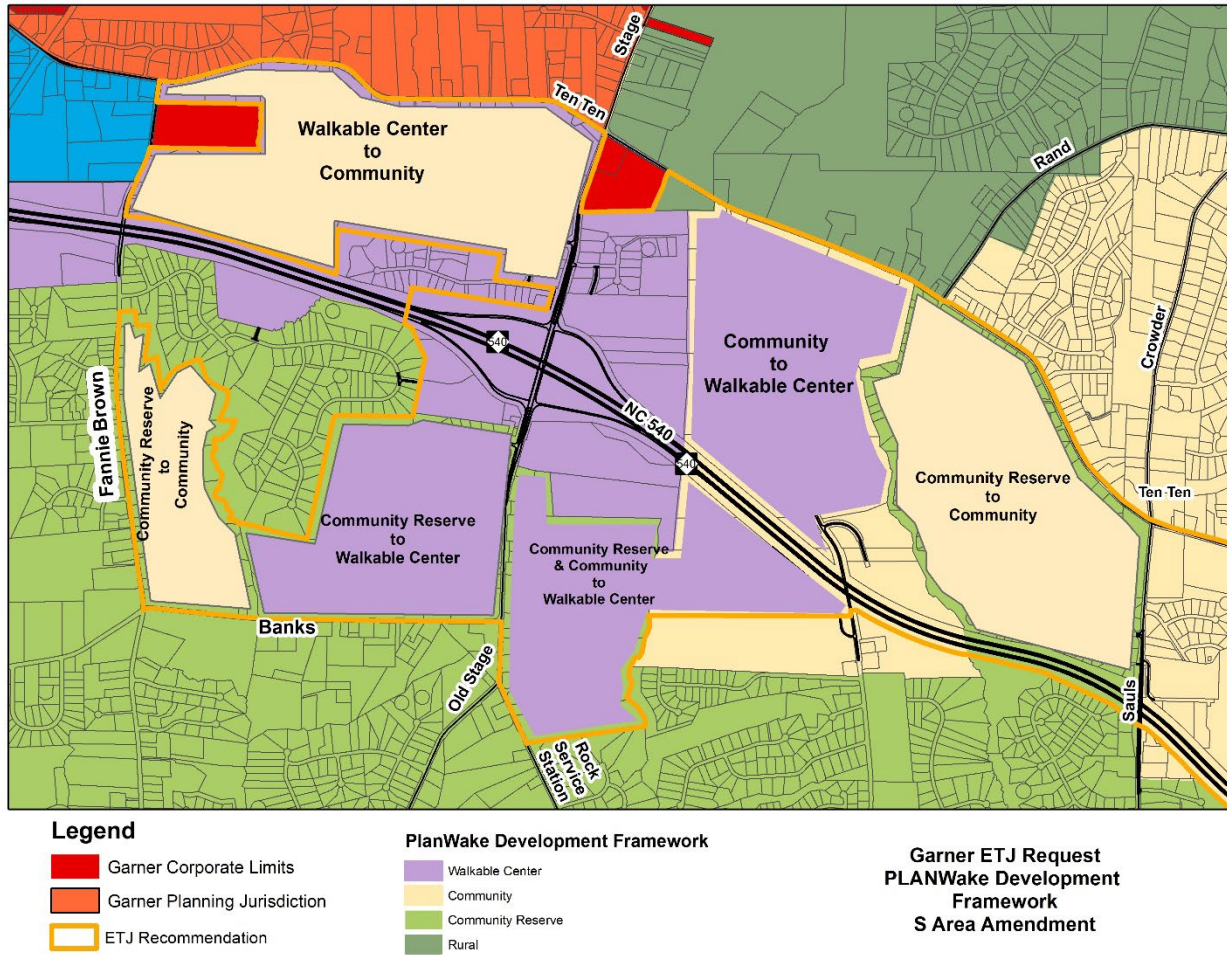
The amendment to the NC 540/Old Stage Road area consists of changing areas from Community Reserve to either Community or Walkable Center. Staff recommend Walkable Center at the area of Old Stage Road and Banks Road (see Map 12) where Garner plans a Mixed-Use Center. Additionally, staff recommend adjustments to the northwest and northeast quadrants of the interchange to align with Garner's future land use.

Map 11: Current NC 540/Old Stage Road Development Framework Map



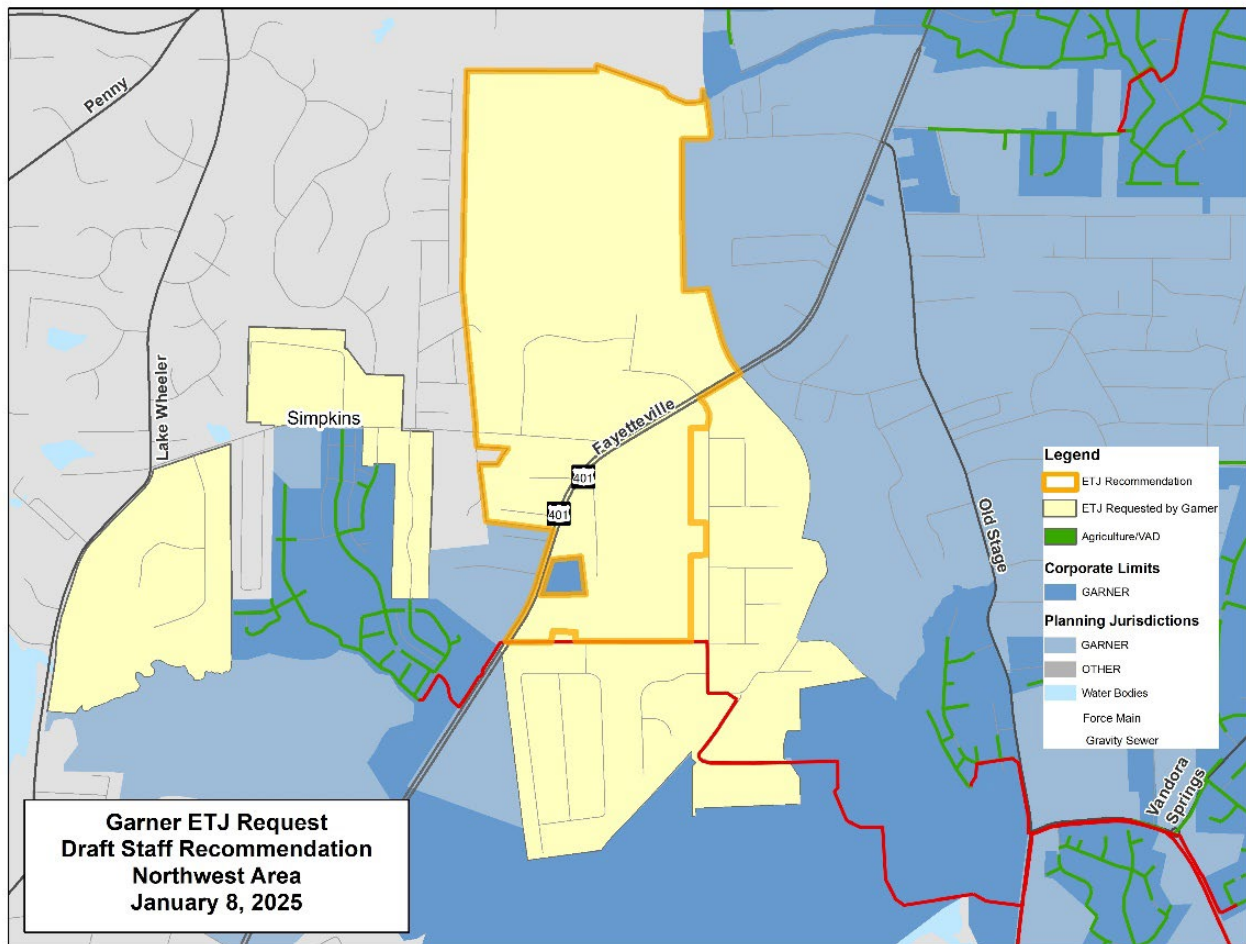


Map 12: NC 540/Old Stage Road Development Framework Map recommendation



## Northwest Area

Map 13: Northwest Area staff recommendation



Staff recommend approving a portion of the Northwest area based on the following reasons:

- 305.2 acres of land north/northwest of US 401, which includes Wake Christian Academy and a private landfill, would benefit from municipal planning and services. The school will likely need public utilities to facilitate expansion; much of the land surrounding the school has opportunities for redevelopment.
- 72 acres south/southeast of US 401 related to the 401 Crossing project (5715 Fayetteville Rd) remain in the ETJ request. Garner Town Council denied a rezoning petition and annexation for the parcels in 2023 but the land remains prime for municipal development. See map 14 below.



Map 14: Garner map from 2022 proposed rezoning/annexation case



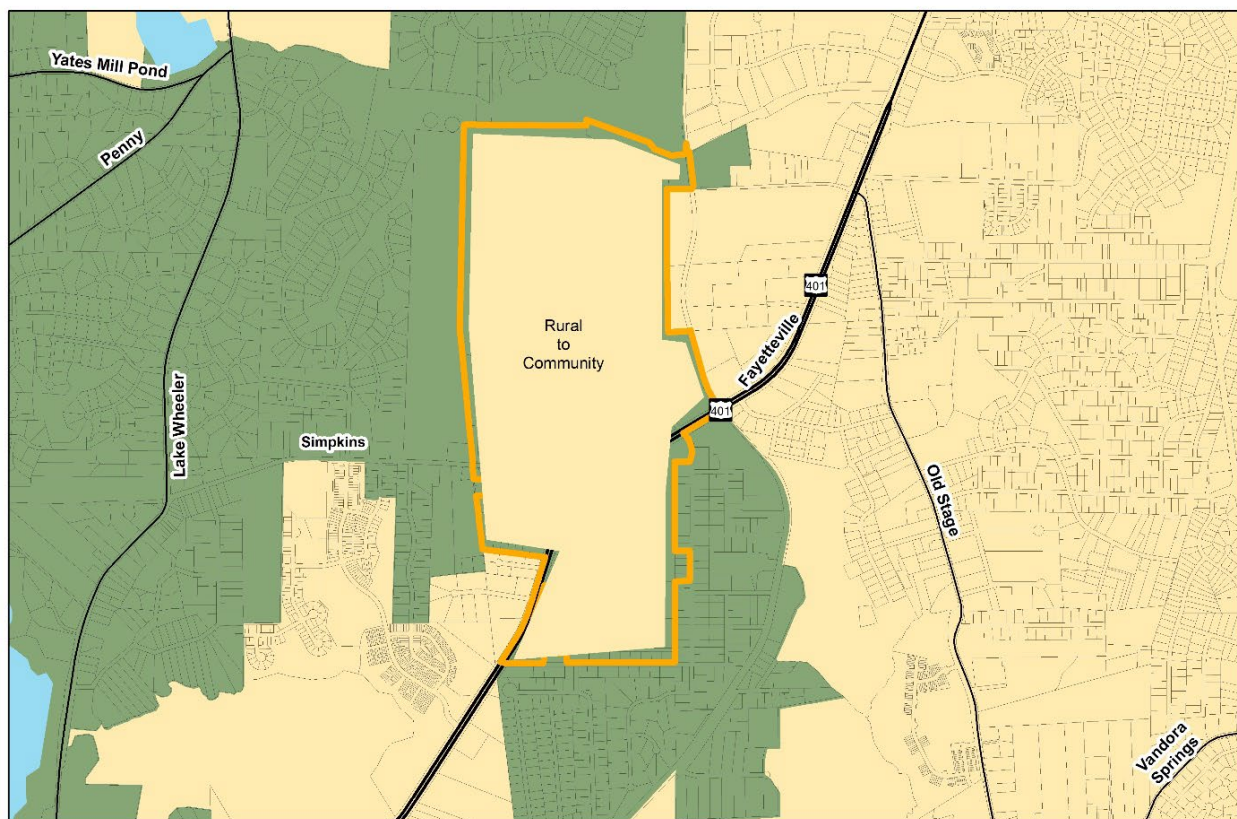


Staff suggested reductions are based on the following:

- Most of the existing residential land use has been eliminated from the request because the areas are not anticipated to become municipal. Additionally, some county staff are concerned that ETJ could put pressure on residents living in naturally affordable housing.
- The area north of Simpkins Road designated Rural on the Swift Creek Management Plan is not intended to be served by municipal services. Amendment to the Swift Creek Management Plan and the interlocal agreement would be necessary prior to granting ETJ. Staff suggest removing this area unless Garner can demonstrate how the amendment and any future municipal use would meet the intentions of water quality protection in the plan.

The Northwest area is designated Rural on the PLANWake Development Framework Map. Staff recommend amending the map to Community.

Map 15: Northwest Area Development Framework Map recommendation



The requested ETJ must be located within an area designated as Walkable Center or Community on the PLANWake Development Framework Map. Any areas designated Community Reserve or Rural (green colors) will require a Comprehensive Plan Amendment

Nearly all of the area south of 540 is designated Community Reserve.

**Garner ETJ Request  
PLANWake Development  
Framework  
NW Area**

**Legend**  
■ ETJ staff recommendation  
■ Walkable Center  
■ Community  
■ Community Reserve  
■ Rural

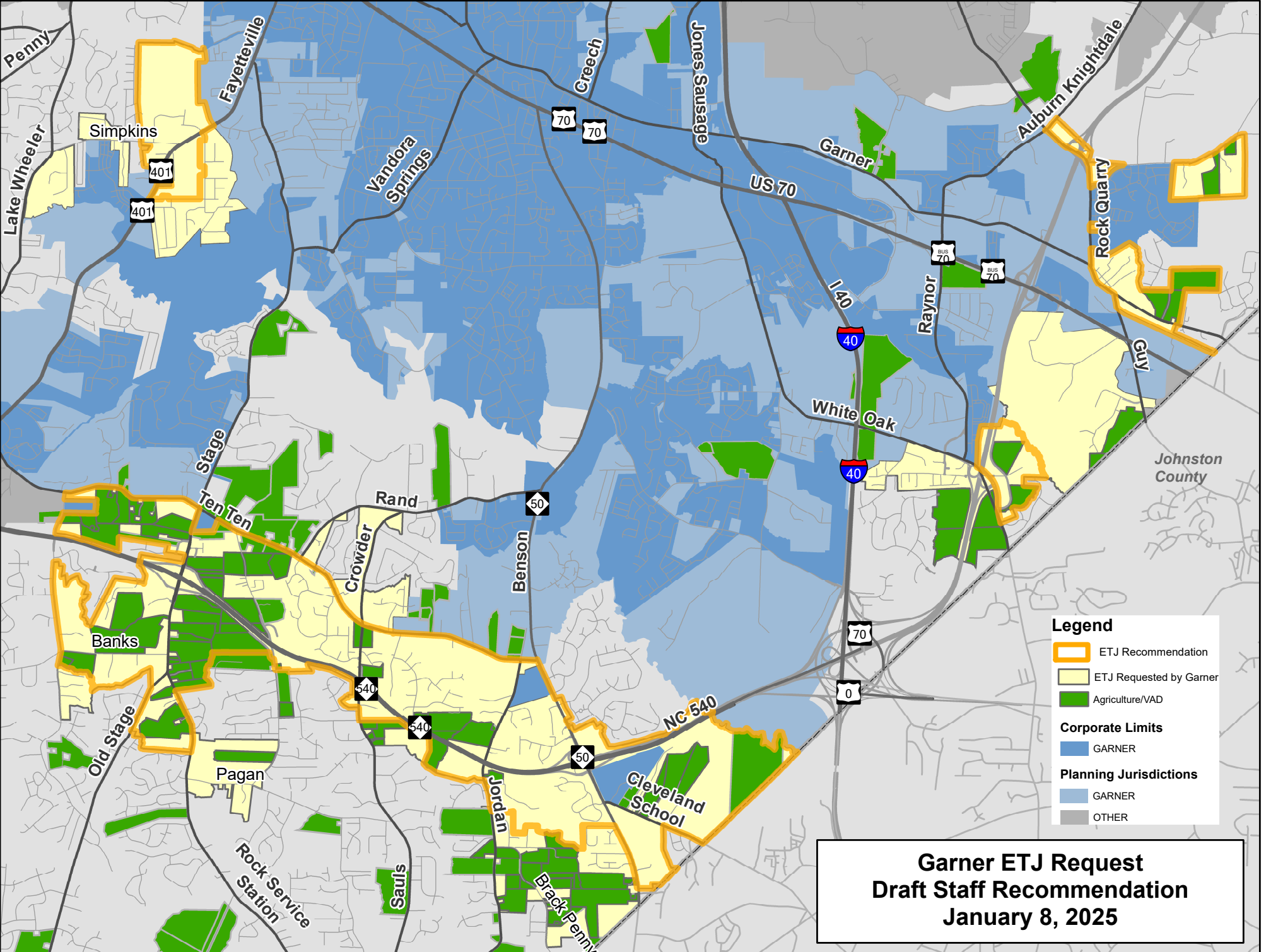
## **Findings**

1. The ETJ process has been transparent with meaningful public engagement and involvement of residents and other stakeholders.
2. The proposed recommendation to defer land in a farmland preservation program from Garner ETJ supports Wake County's farmland preservation goals.
3. The proposed ETJ boundary recommendation is consistent with the ETJ evaluation criteria set forth within the Comprehensive Plan, PLANWake.
4. Amendments to the Development Framework Map are consistent with ETJ Criteria #1 requiring Community Reserve and/or Rural areas be amended to an appropriate category that supports municipal development.

## **Recommendations**

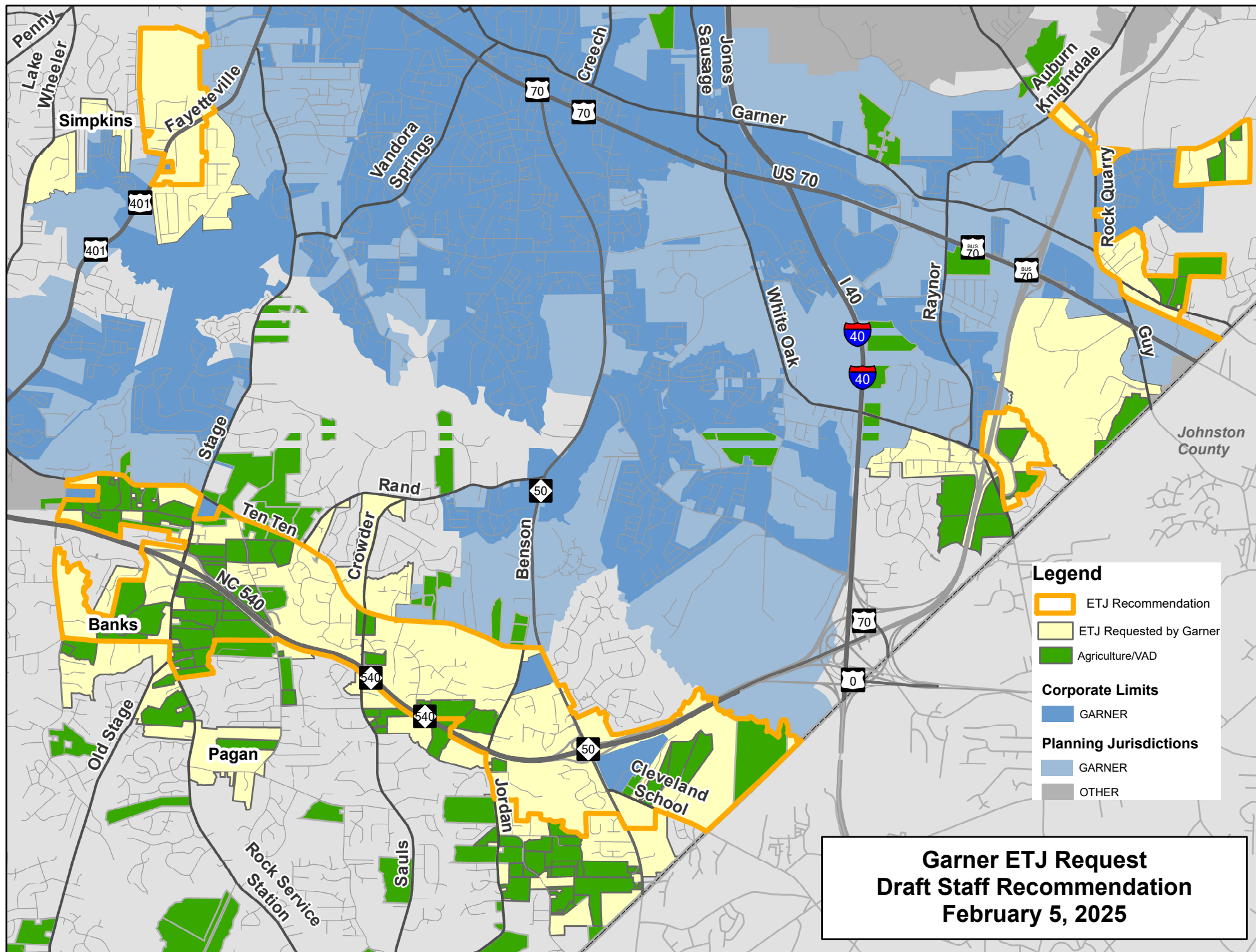
That the Planning Board recommend to the Board of Commissioners to: 1.) establish ETJ deferment for lands in a farmland preservation program; 2.) support portions of Garner's request for ETJ extension; and 3.) approve amendment to the PLANWake Development Framework Map as presented.

## **Appendix**



**Garner ETJ Request**  
**Draft Staff Recommendation**  
**January 8, 2025**





# Comprehensive Plan Amendment 01-25

## Garner ETJ Expansion Request & PLANWake Framework Map

**Terry Nolan, Planning Development & Inspections**

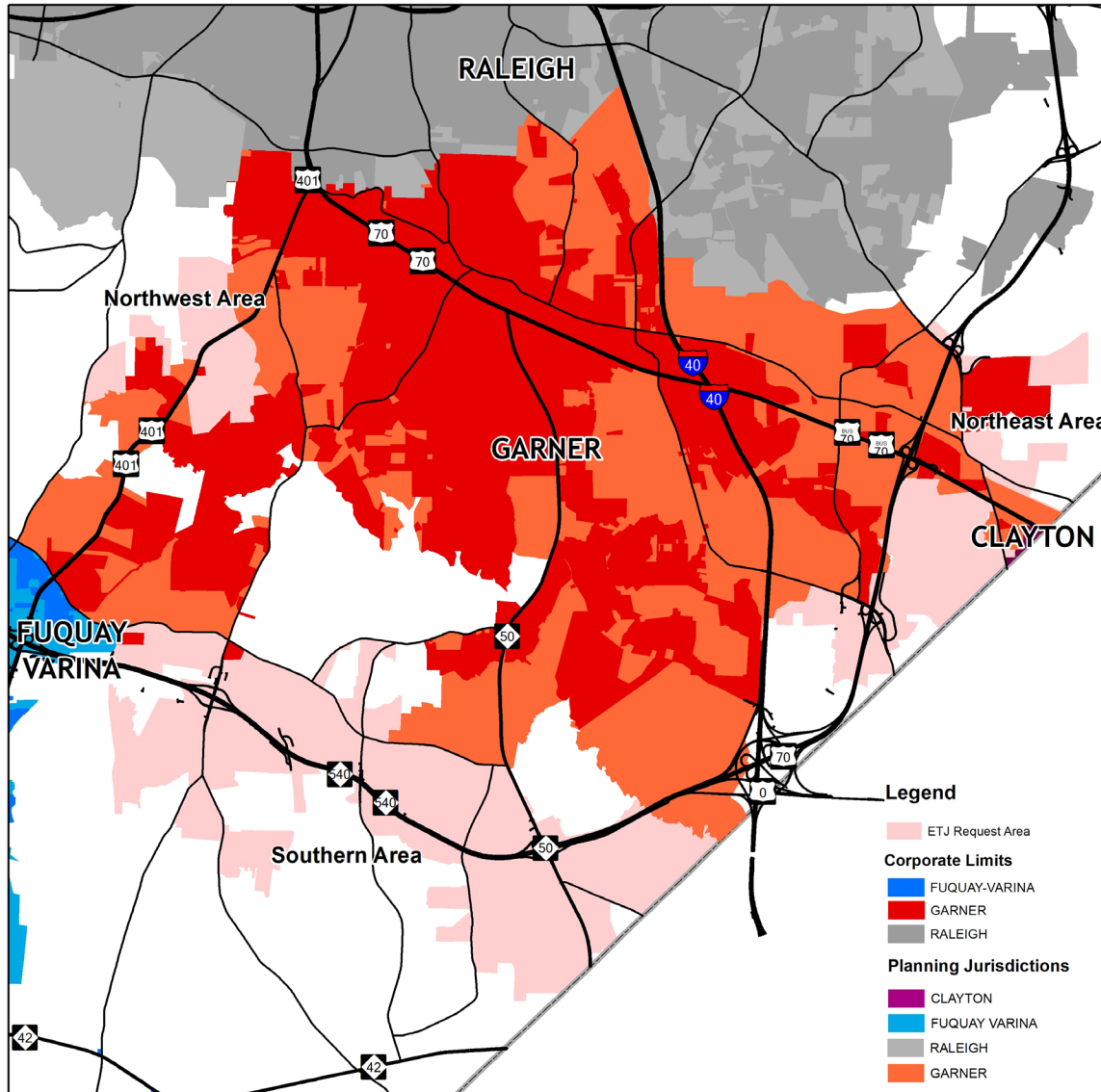
February 5, 2025



@wakegov    

wake.gov

# Garner ETJ Request



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

# 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.

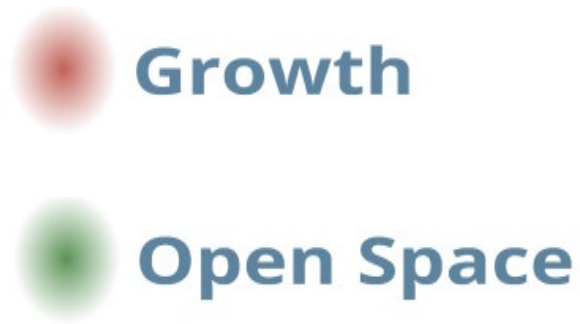


# State Law

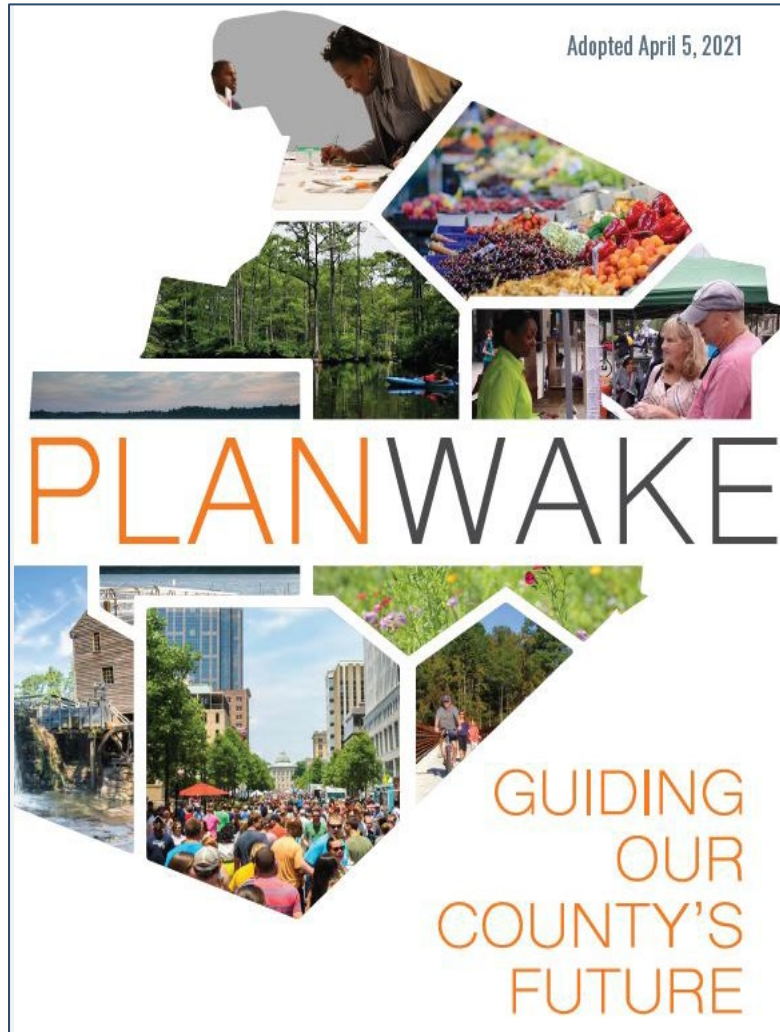
- State law authorizes towns/cities the powers to exercise ETJ within the following distance of its corporate limits:
  - Up to 10K population = 1 mile limit
  - 10K to 25K population = 2 mile limit
  - Over 25K population = 3 mile limit
- ETJ allows the town to apply their own planning and zoning regulations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

# PLANWake Priorities

- Significant change is needed to plan for growth
- Protect open space and natural areas
- Direct growth to towns
- Create walkable environments



# PLANWake Adopted April 2021

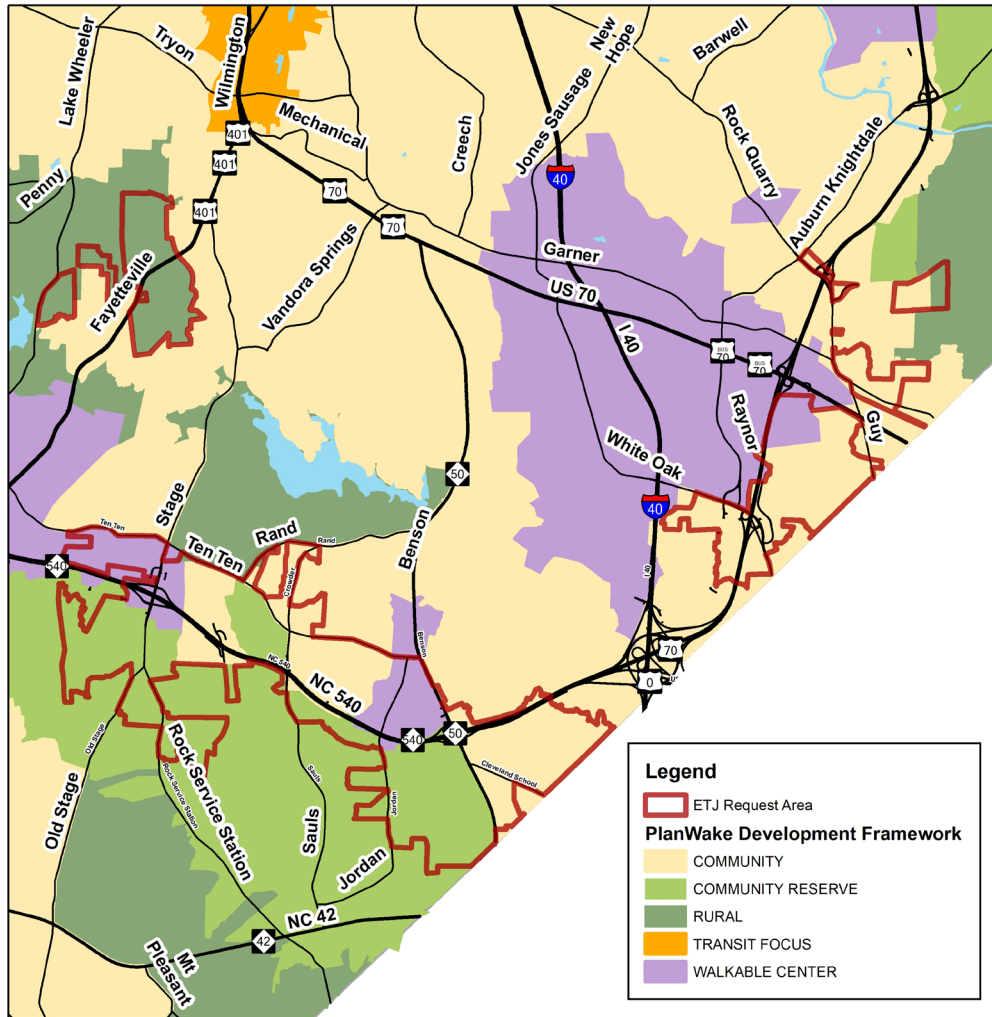


- **Directing growth to municipalities** helps balance robust growth with the protection of water supply watersheds, rural areas and farms.
- **ETJ** plays an important role in this approach by **designating areas municipal growth is likely to occur**.
- **PLANWake includes updated criteria** to help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

# ETJ Review Criteria

1. Alignment with the County's Comprehensive Plan
2. Progress of Municipal Development in existing ETJ
3. County/Town plan alignment
4. Readiness (Capital Improvement Plans)
5. Community Engagement
6. County-wide goals

# PLANWake Development Framework



- The requested ETJ must be located in an area designated as Walkable Center or Community on the Development Framework Map.
- If not, then the Comprehensive Plan must be amended accordingly.



# Wake Planning Staff Assessments

# Staff Recommendation #1:

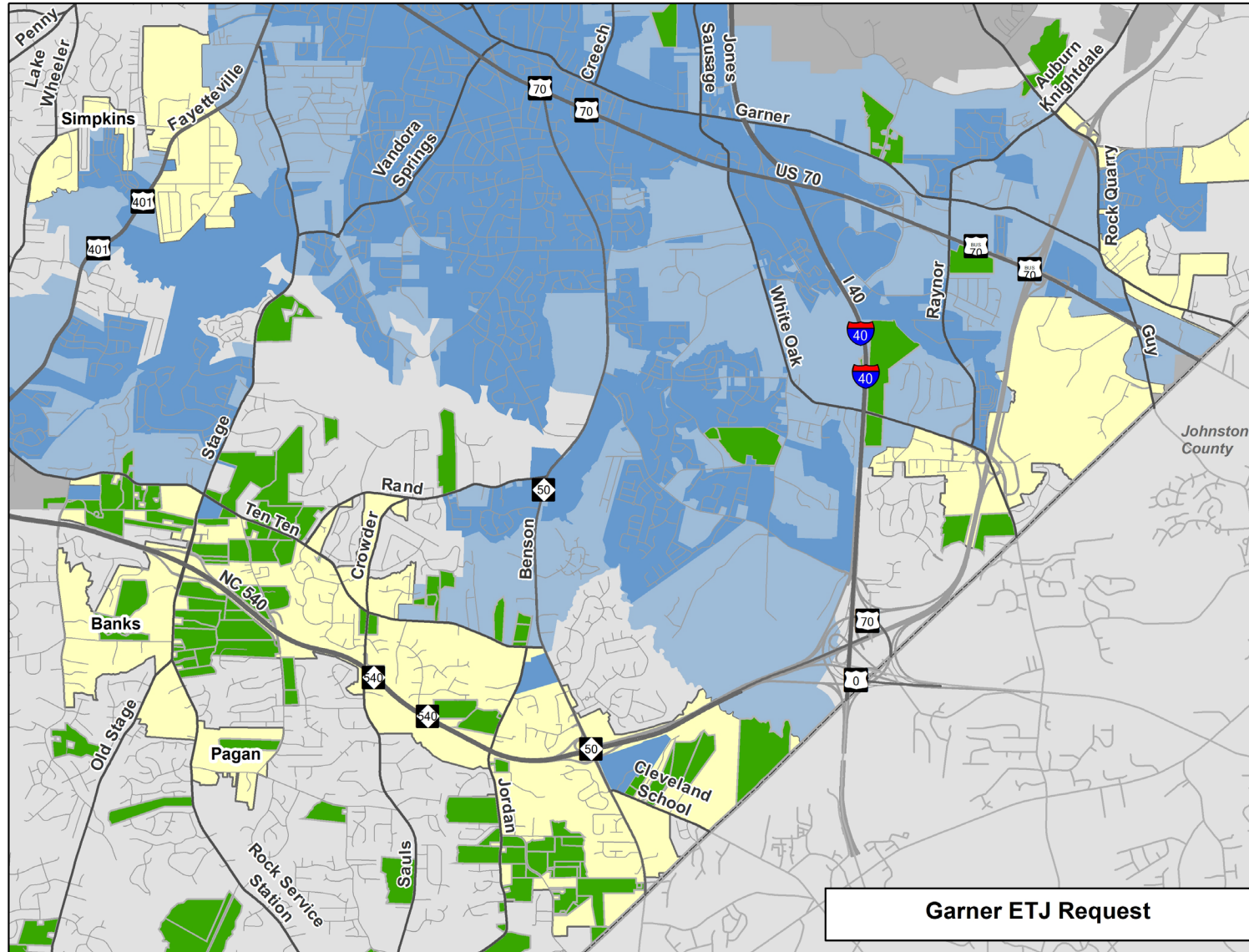
Establish ETJ Expansion Deferment for Land in Farmland Preservation & Associated Designated Residential Properties

# 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.



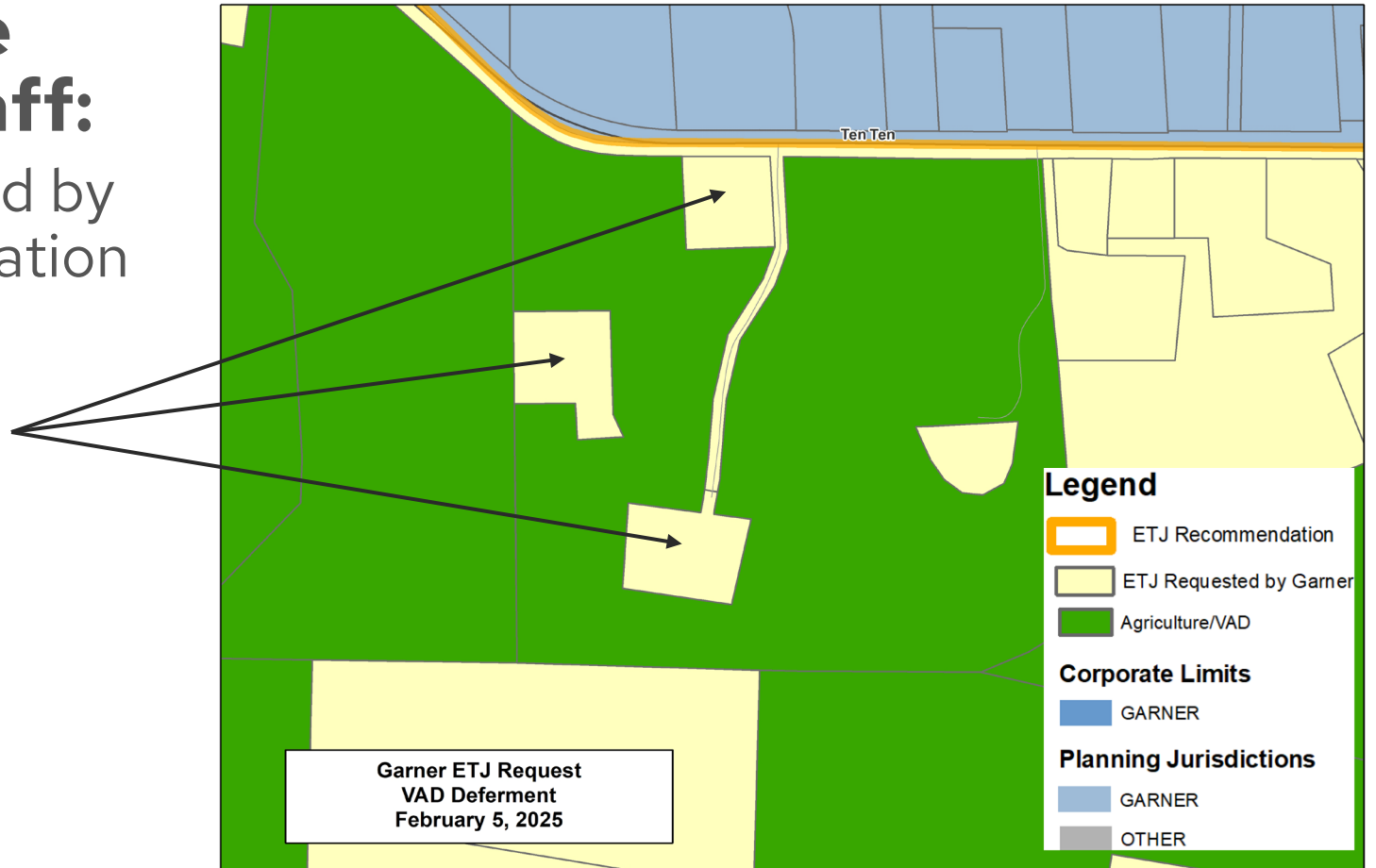
# Voluntary Ag. Districts



# Voluntary Ag. District Deferment

## As determined by Wake County Soil & Water staff:

- Abutting parcel(s) owned by family active in the operation of the VAD
- Example: family parcels associated with VAD



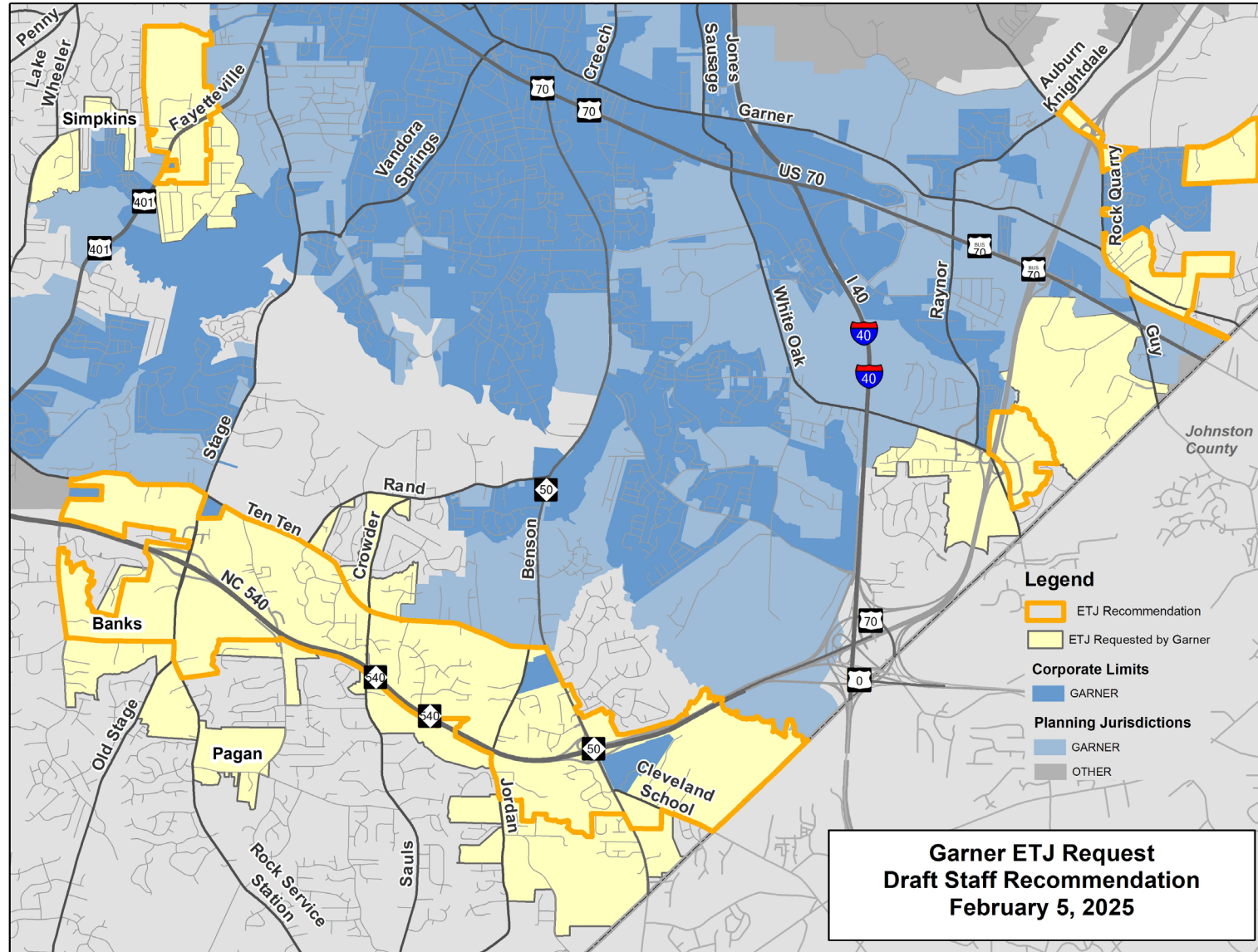
# Recommend VAD Deferment

- Eligibility based on enrollment in a farmland preservation program (VAD, EVAD, conservation easement).
- **NEW! Associated parcels abutting a VAD will also receive deferment.**
- Land must be in a preservation program at the time of approval by the Board of Commissioners.
- If land is withdrawn from a program, the land is subject to Garner ETJ.
- Roughly 4,400 acres in the request area are now in farmland preservation. More applications expected.

# Staff Recommendation #2:

Staff recommendation supports portions of Garner's ETJ Expansion Request. It recommends reducing the request from 8,855 acres to approximately 5,000 acres. The recommendation is based on proximity to public utilities, anticipated growth, plan alignment, and feedback from property owners and stakeholders.

# Staff Recommendation – Approx 5,000 Acres

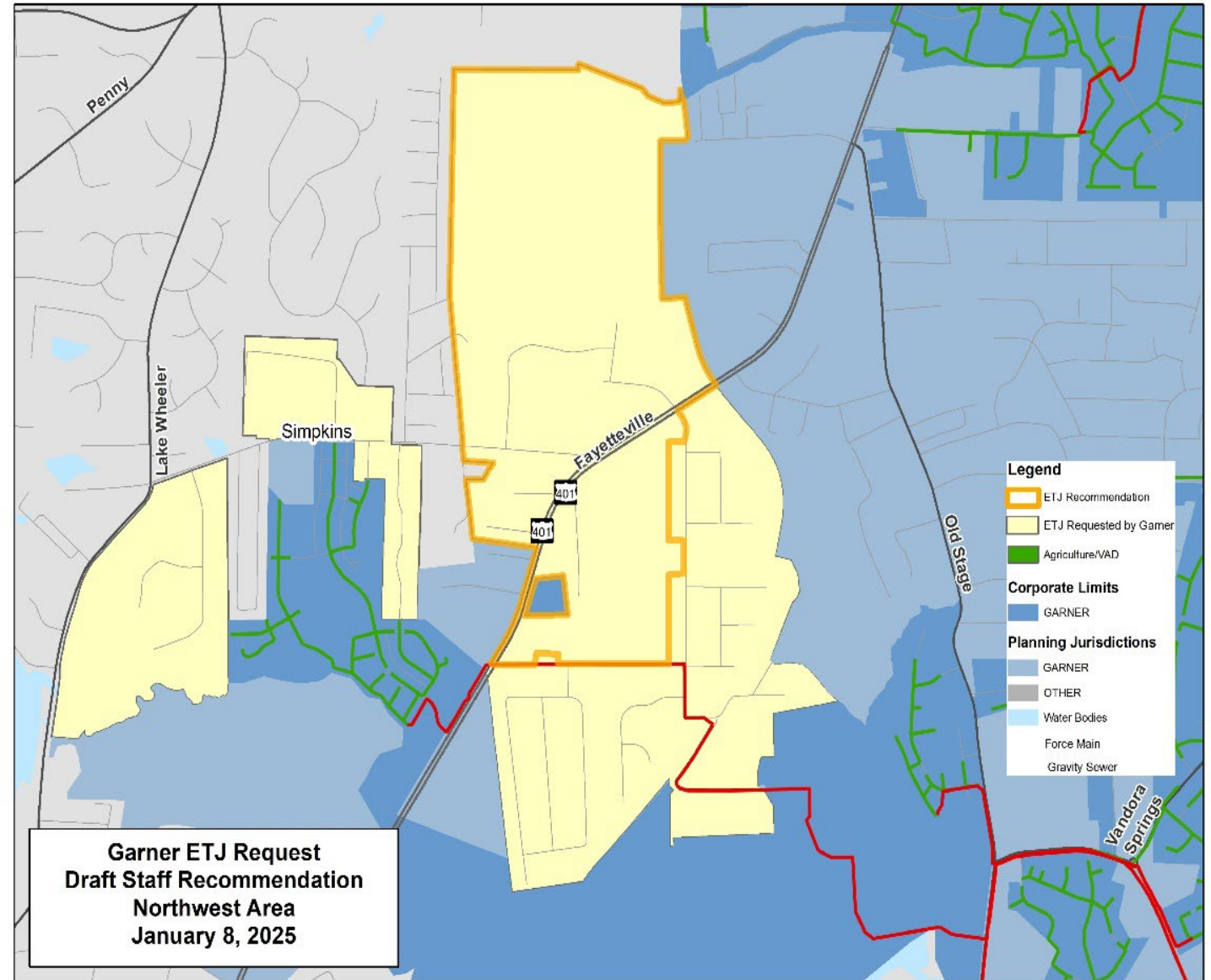




# Northwest Request Area

## Suggested Exclusions:

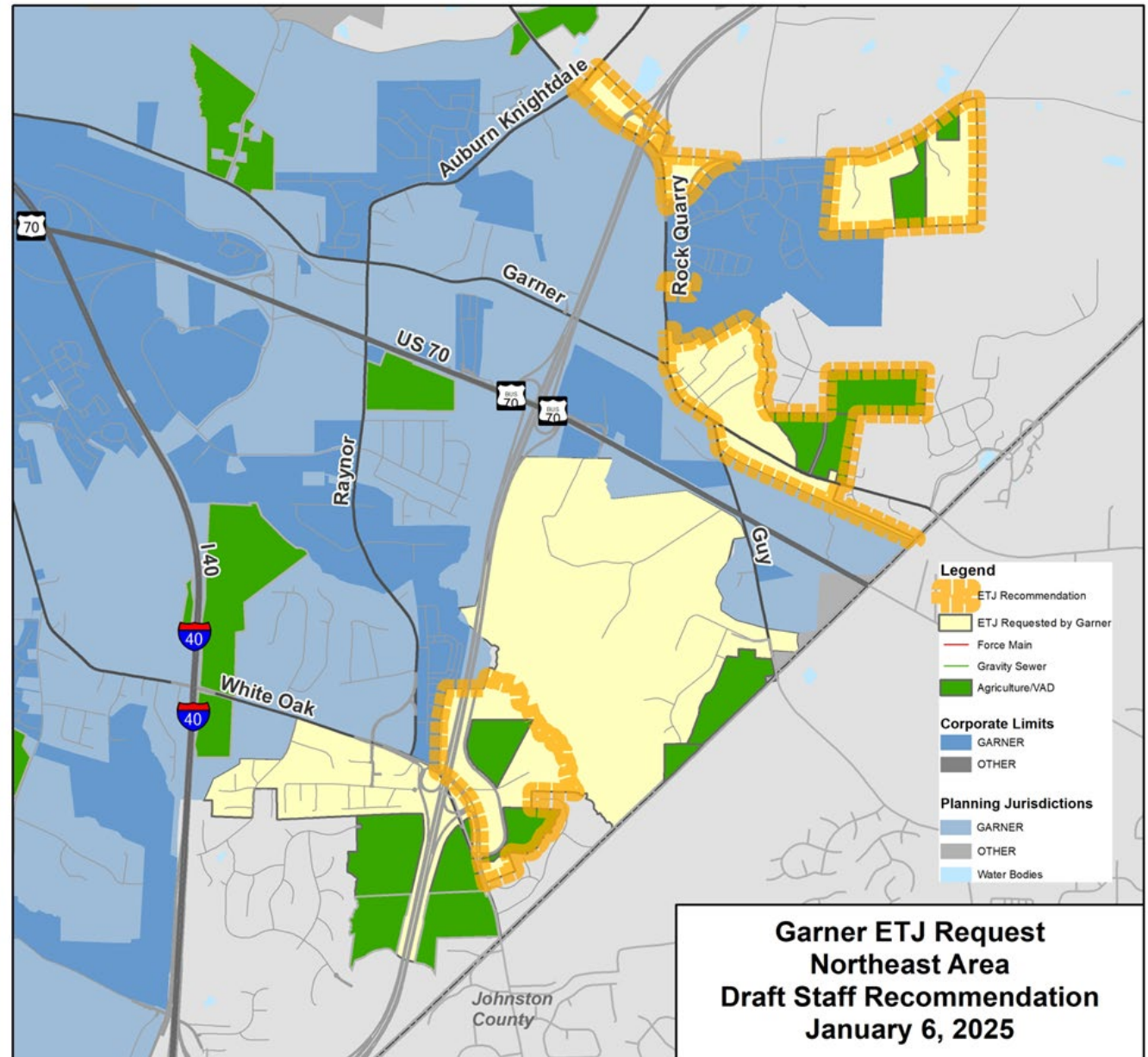
- Most of the existing residential land use.
- The area north of Simpkins Road designated Rural on the Swift Creek Management Plan is not intended to be served by municipal services.



# Northeast Request Area

## Suggested Exclusions:

- Vulnerable communities, including three mobile home communities.
- TV Tower site south of US 70 submitted a letter requesting to be withdrawn from the ETJ.

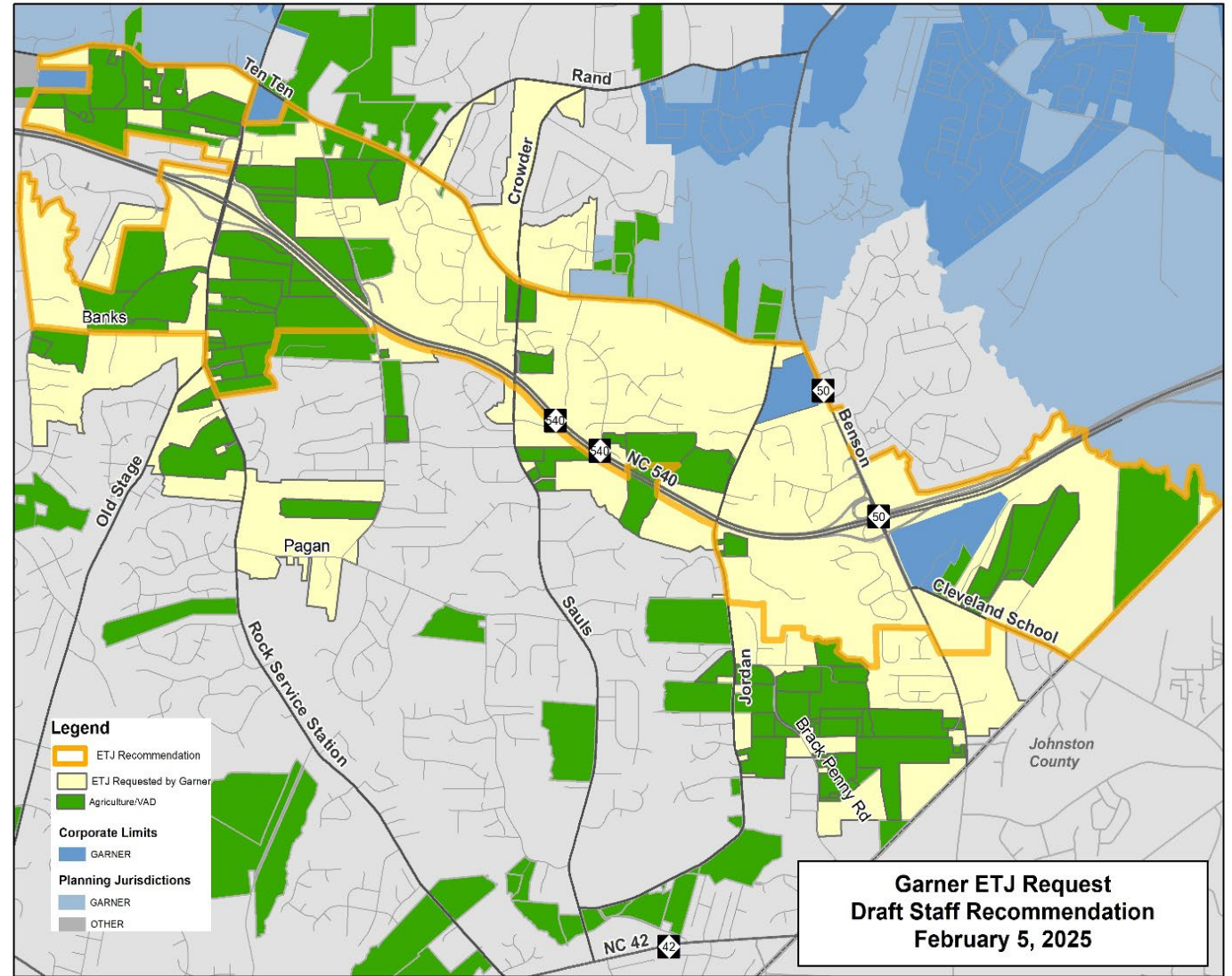




# Southern Request Area

## Suggested Exclusions:

- The Brack Penny Road area – between Jordan Rd. and South of McDaniel Rd. – is roughly three miles from public utilities.
- Two mobile home parks located south of NC 540 and between Jordan and Benson Roads.

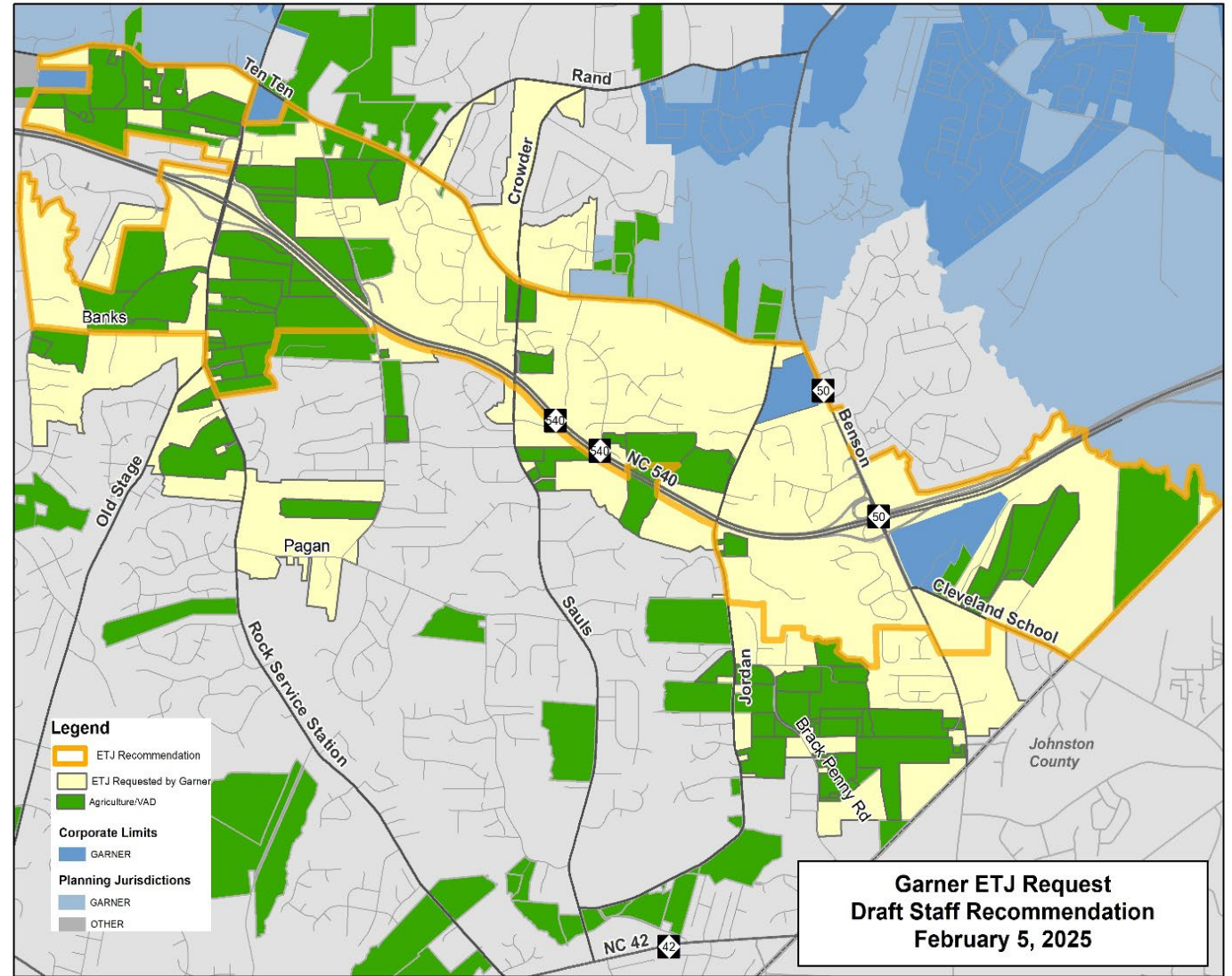




# Southern Request Area

## Suggested Exclusions:

- The Juniper Level Botanic Garden, on Sauls Rd.
- The property at 5316 Holland Church Rd.
- Other small areas to smooth out the ETJ request boundary along Ten-Ten Road, Jordan Rd., south of NC 540, etc.

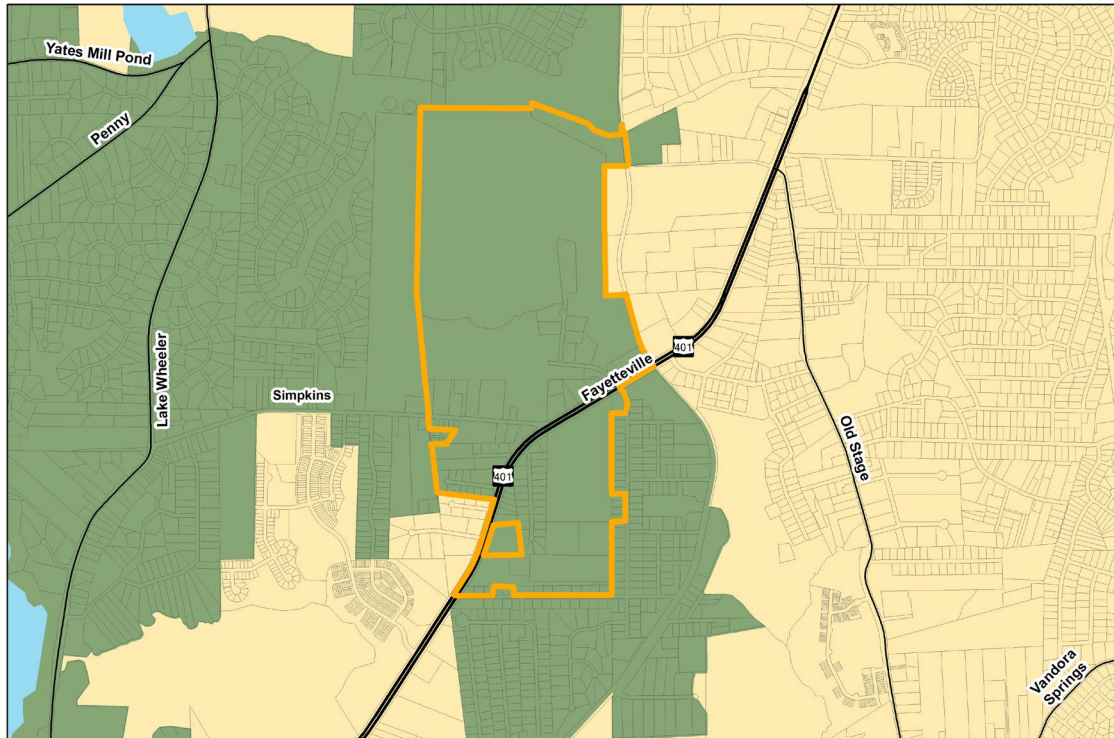


# Staff Recommendation #3:

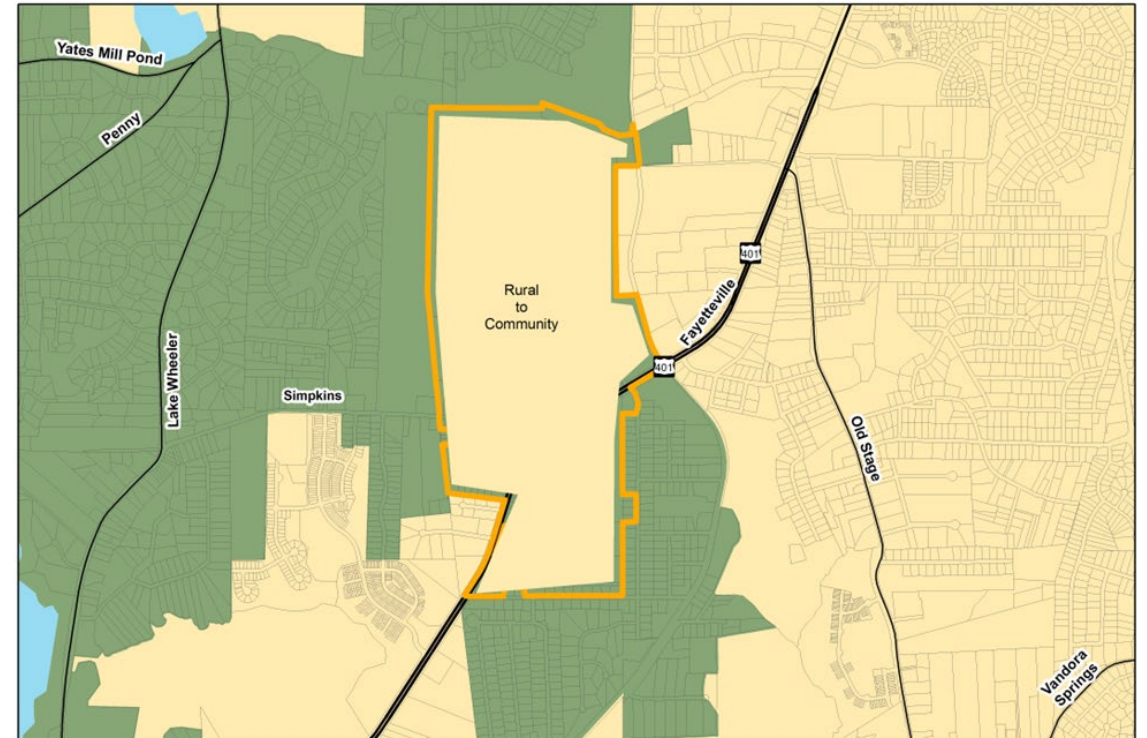
Resulting from staff's ETJ Expansion Request recommendations, approve resulting revisions needed to the PLANWake Development Framework Map.

# Development Framework Map Amendment

## Current



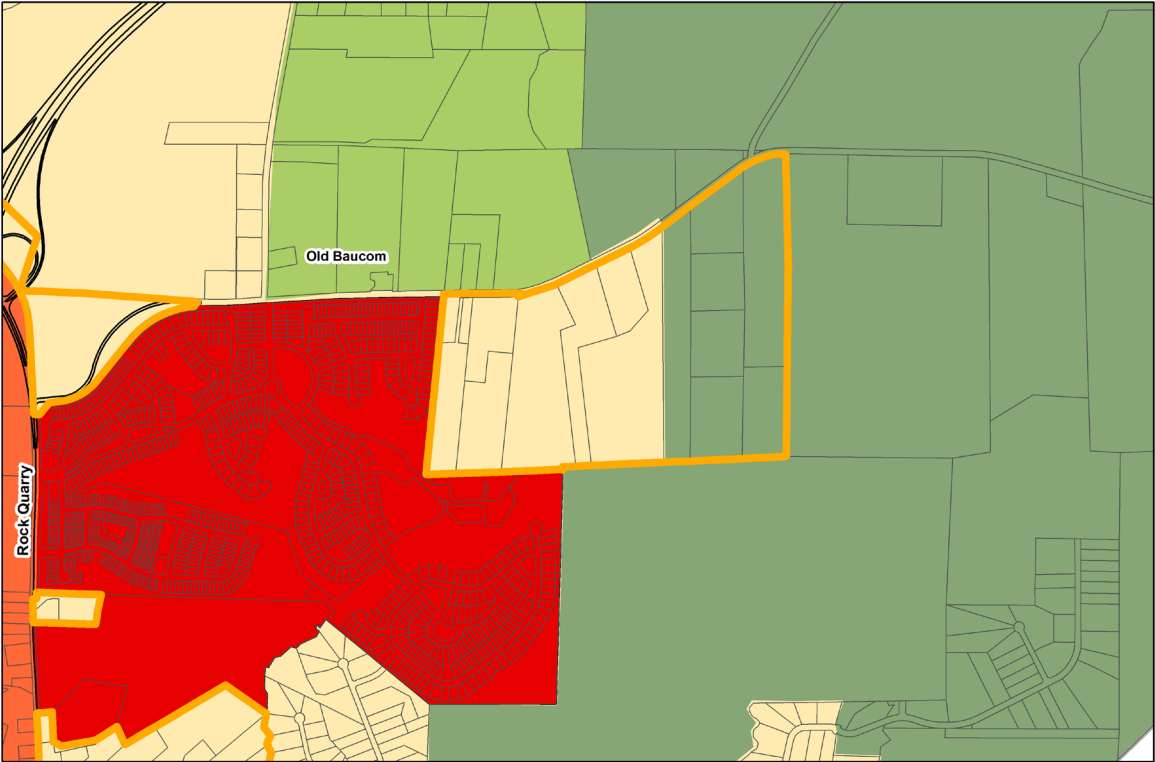
## Proposed





# Development Framework Map Amendment

Current



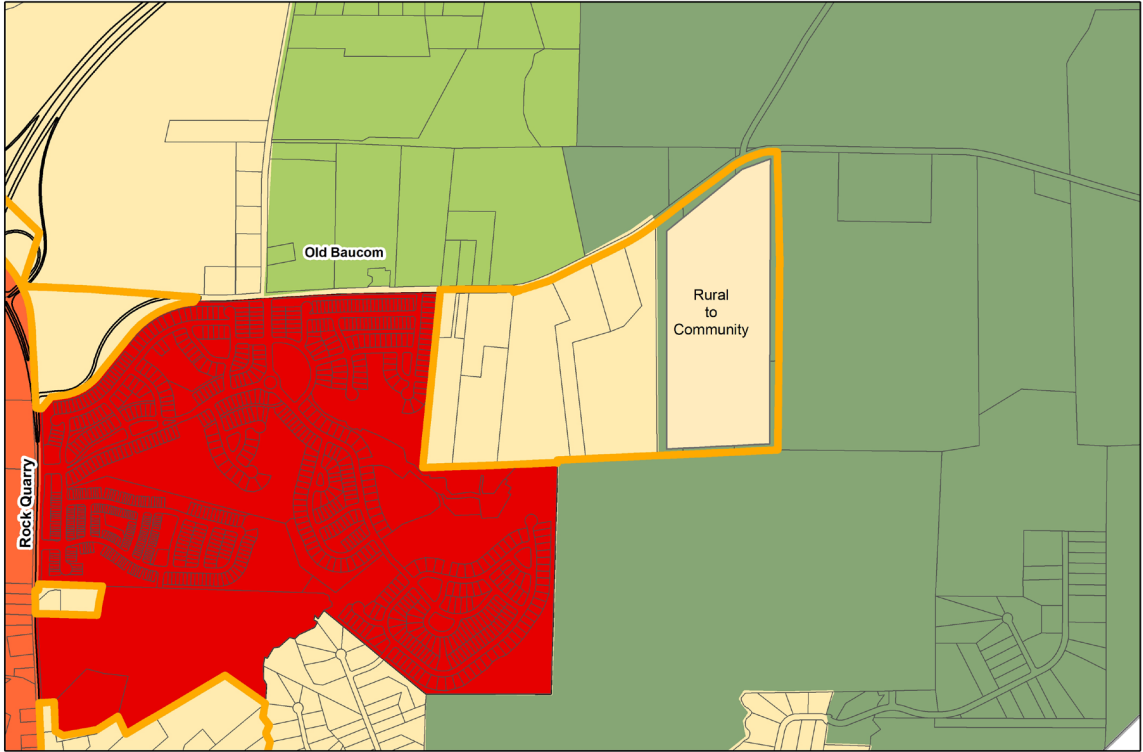
- Legend**

  - Garner Corporate Limits
  - Garner Planning Jurisdiction
  - ETJ staff recommendation
- PlanWake Development Framework**

  - Walkable Center
  - Community
  - Community Reserve
  - Rural

Garner ETJ Request  
PLANWake Development  
Framework  
NE Area Amendment

Proposed



- Legend**

  - Garner Corporate Limits
  - Garner Planning Jurisdiction
  - ETJ staff recommendation
- PlanWake Development Framework**

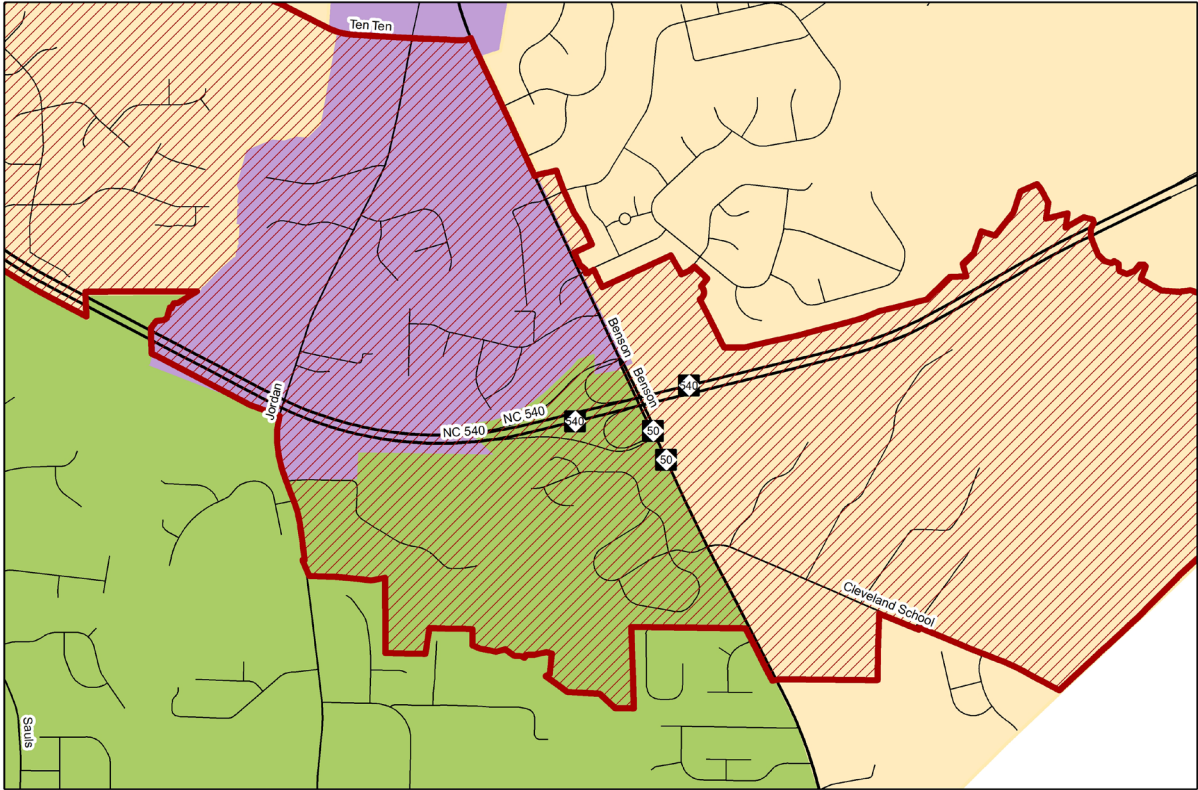
  - Walkable Center
  - Community
  - Community Reserve
  - Rural

Garner ETJ Request  
PLANWake Development  
Framework  
NE Area Amendment

# Development Framework Map Amendment

## Current

## Proposed

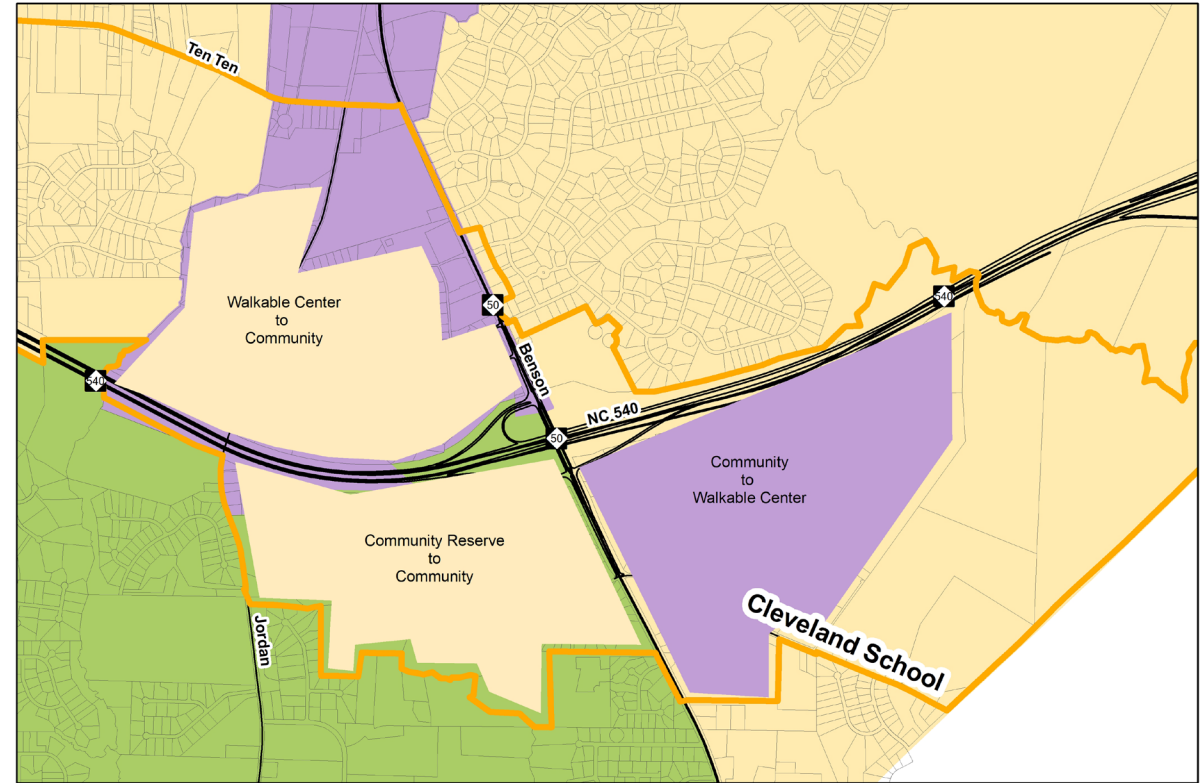


**Legend**  
ETJ Staff Recommendation

Walkable Center  
Community  
Community Reserve  
Rural

Force Main  
Gravity Sewer

Garner ETJ Request  
PLANWake  
Development Framework



The requested ETJ must be located within an area designated as Walkable Center or Community on the PLANWake Development Framework Map. Any areas designated Community Reserve or Rural (green colors) will require a Comprehensive Plan Amendment

Nearly all of the area south of 540 is designated Community Reserve.

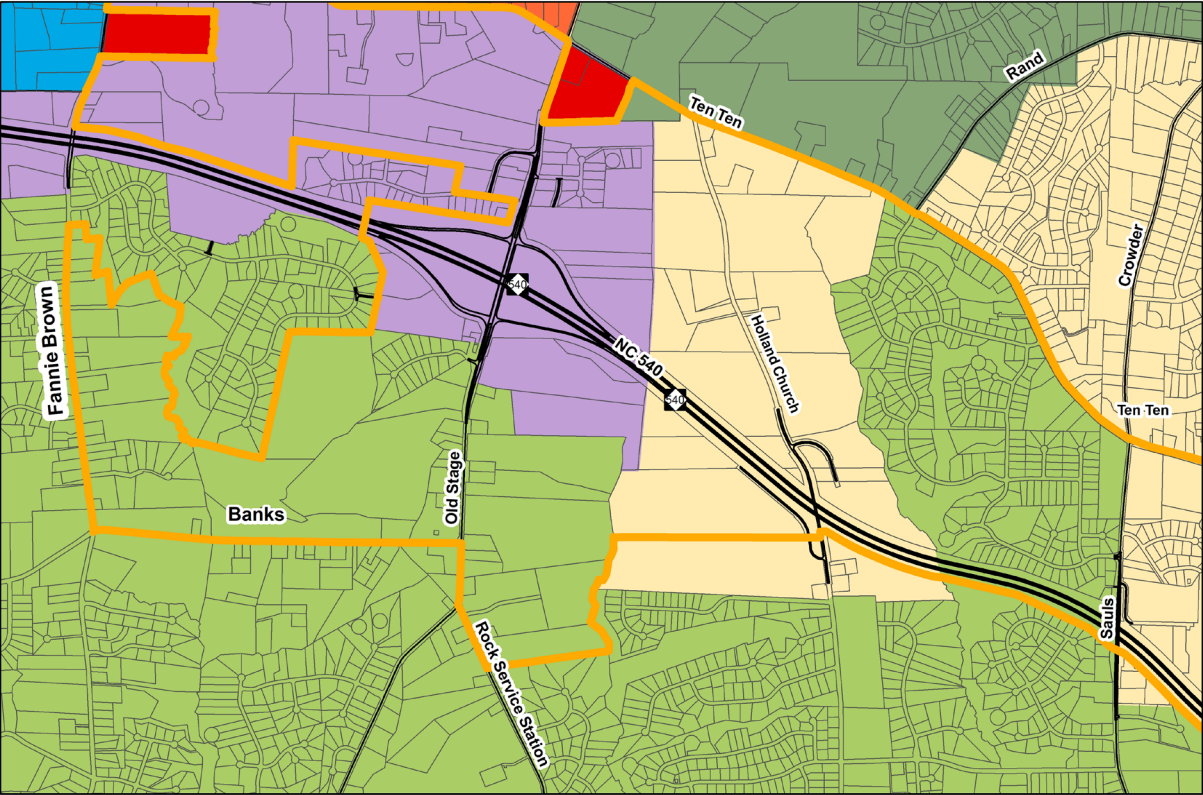
Garner ETJ Request  
PLANWake Development  
Framework  
S Area

**Legend**  
ETJ staff recommendation  
Walkable Center  
Community  
Community Reserve  
Rural



# Development Framework Map Amendment

## Current



### Legend

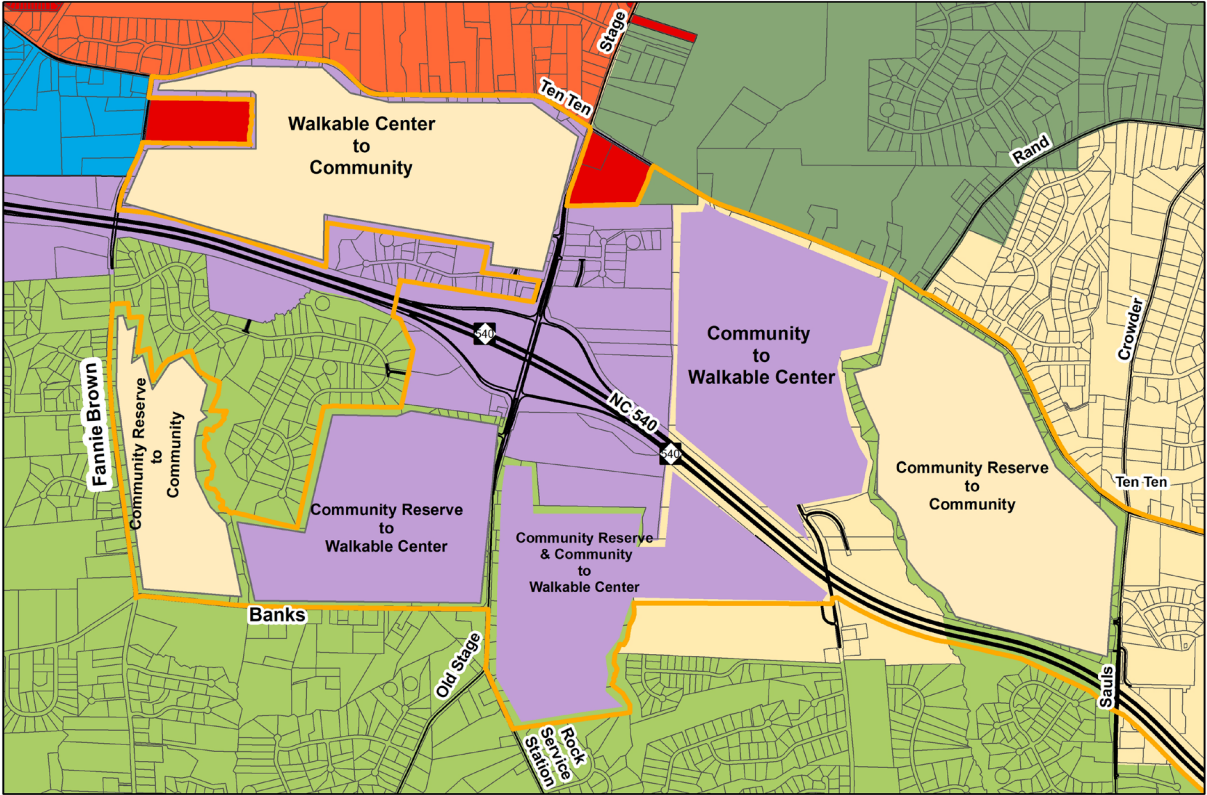
- Garner Corporate Limits
- Garner Planning Jurisdiction
- ETJ staff recommendation

### PlanWake Development Framework

- Walkable Center
- Community
- Community Reserve
- Rural

### Garner ETJ Request PLANWake Development Framework S Area

## Proposed



### Legend

- Garner Corporate Limits
- Garner Planning Jurisdiction
- ETJ Recommendation

### PlanWake Development Framework

- Walkable Center
- Community
- Community Reserve
- Rural

### Garner ETJ Request PLANWake Development Framework S Area Amendment

# Summary/Background

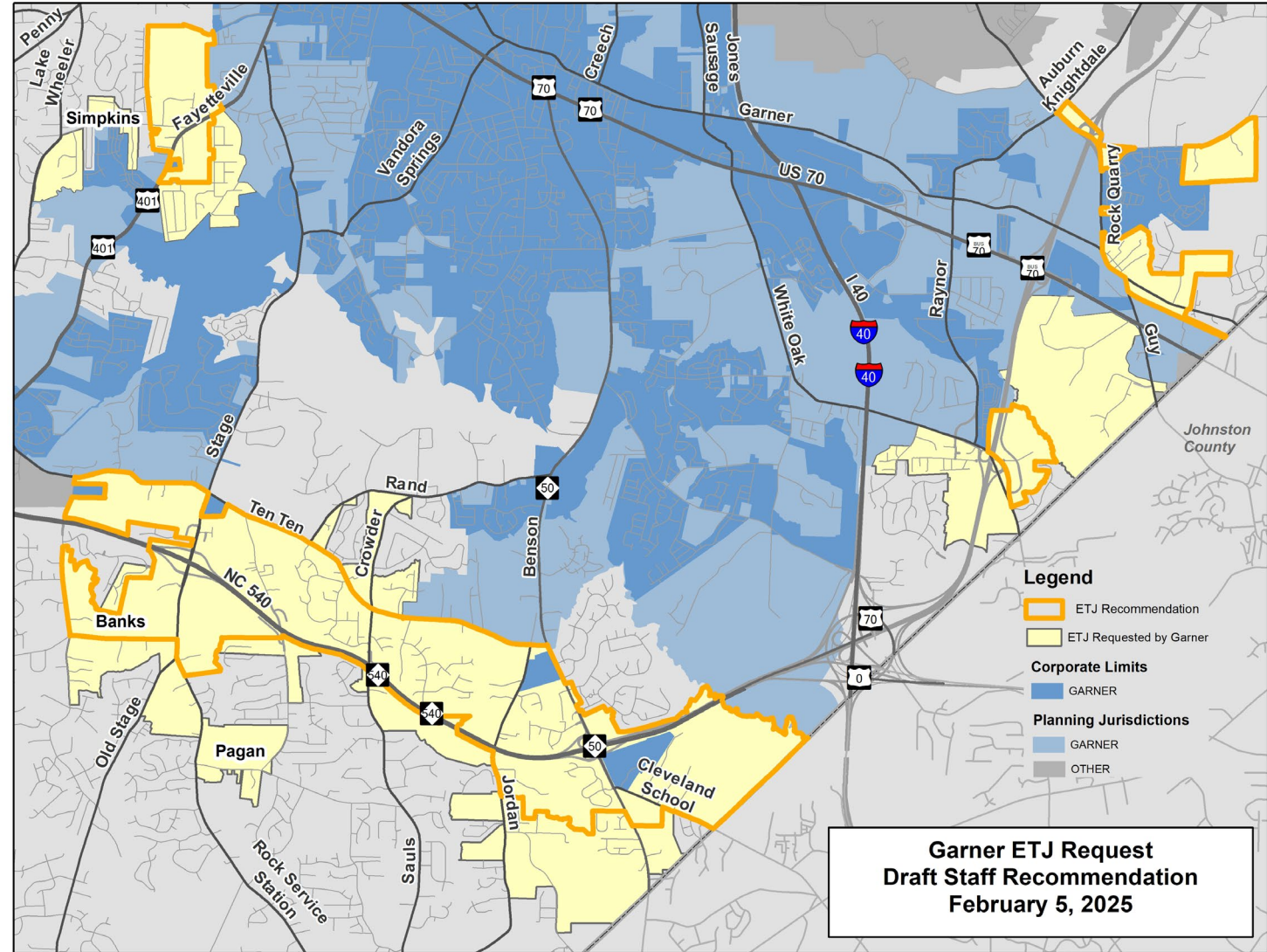
- 1. Garner request (May 2024)**
  - 8,858 acres
- 2. Staff Recommendation (January 2025)**
  - 5,610 acres
- 3. Staff Recommendation (February 2025)**
  - 5,038 acres
- 4. Amend Development Framework Map Consistent with Staff Recommendation – February 2025 Version**

# Staff Findings

1. The ETJ process has been transparent with meaningful public engagement and involvement of residents and other stakeholders.
2. The proposed recommendation to defer land in a farmland preservation program from Garner ETJ supports Wake County's farmland preservation goals.
3. The proposed ETJ boundary recommendation is consistent with the ETJ evaluation criteria set forth within the Comprehensive Plan, PLANWake.
4. Amendments to the Development Framework Map are consistent with ETJ Criteria #1 requiring Community Reserve and/or Rural areas be amended to an appropriate category that supports municipal development.



# Staff Recommendation 5,038 acres February 2025



# Staff Recommendation

Staff recommends that, in the matter of Comprehensive Plan Amendment 01-25, that the Planning Board make a motion to recommend approval to the Wake County Board of Commissioners as presented here: 1) the Garner ETJ Expansion Request February 2025 version; 2) Voluntary Agricultural deferments; and 3) amendments to the PLANWake Development Framework Map.



# Public Comment

# Questions & Discussion

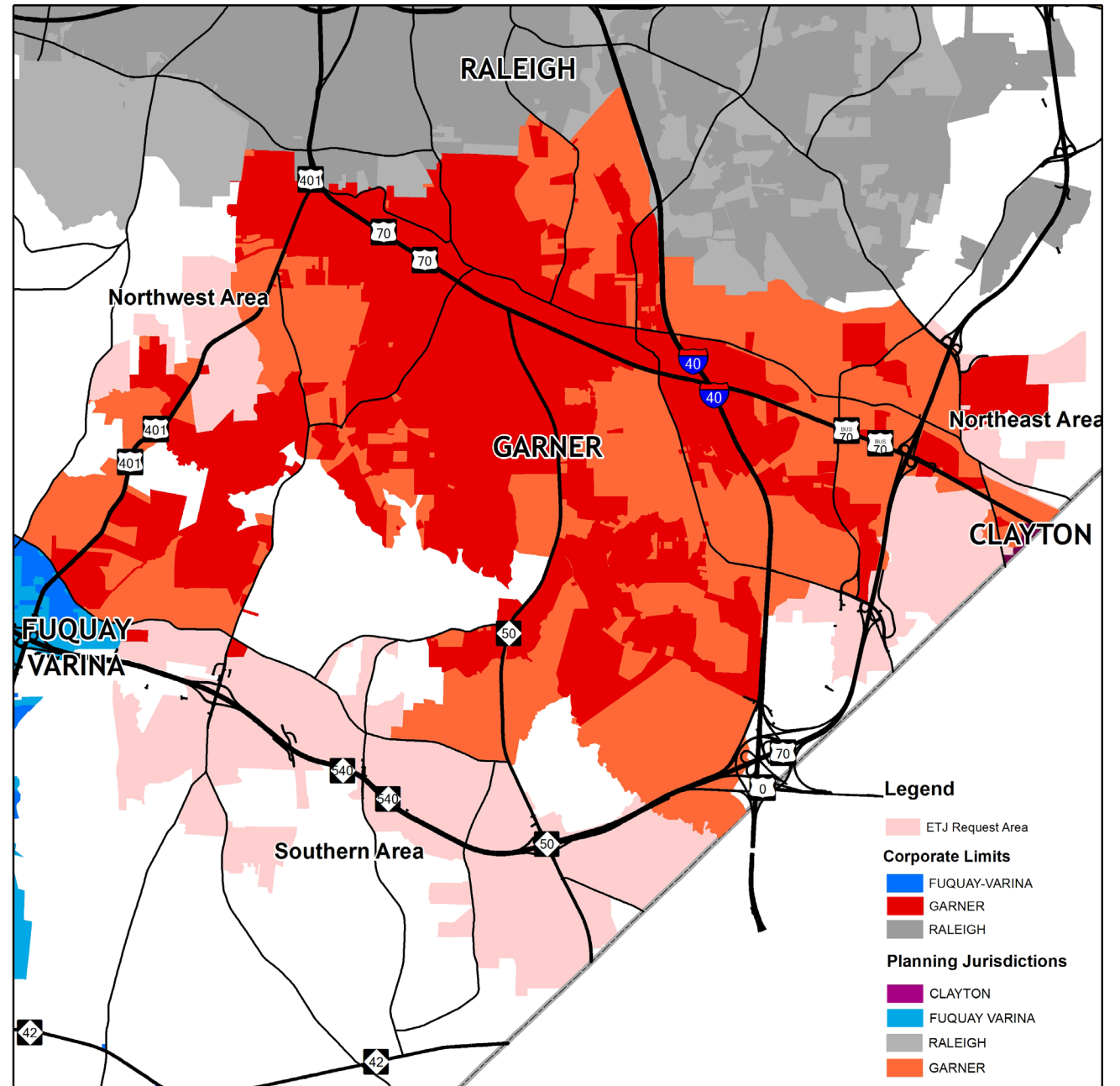


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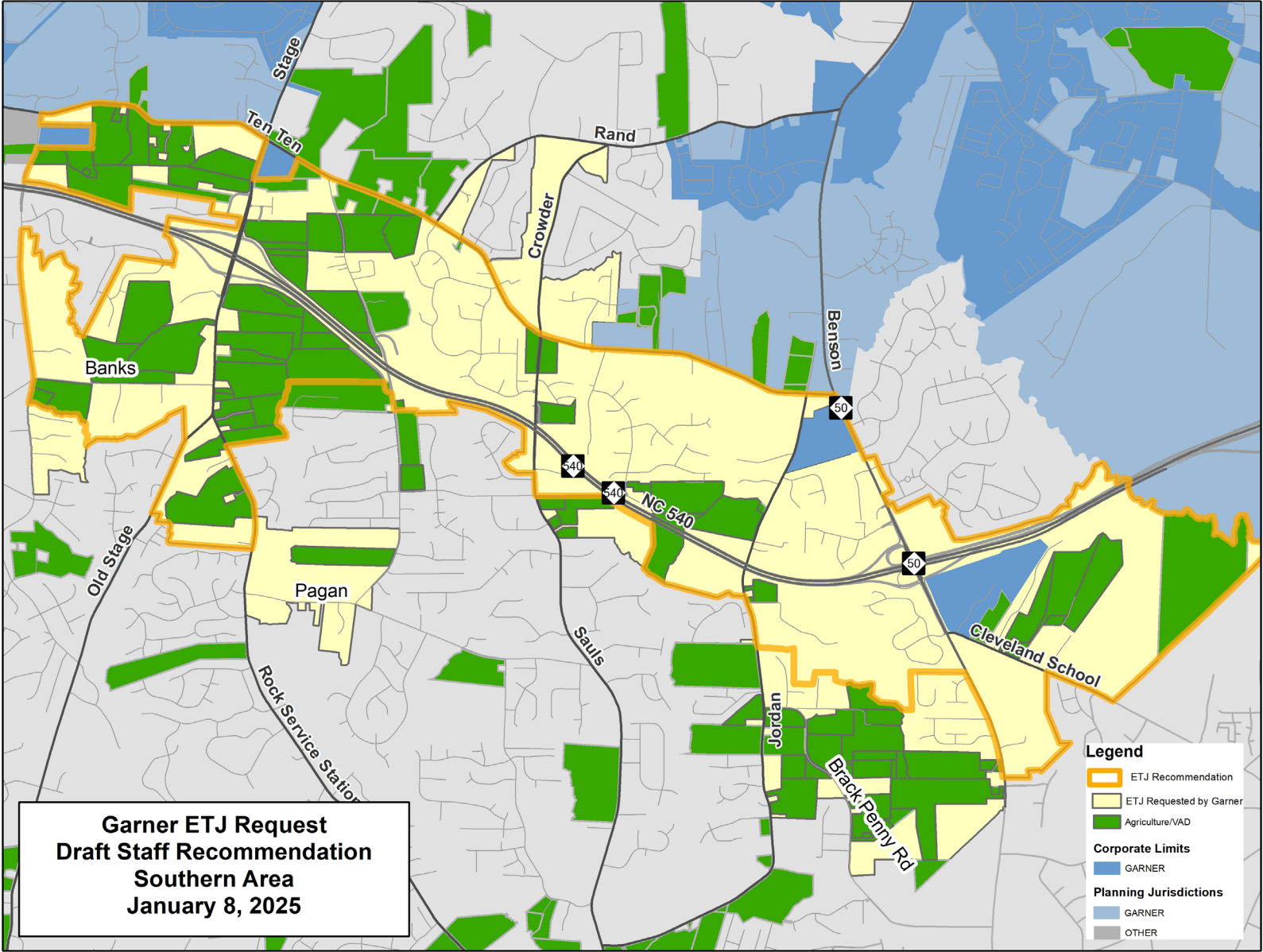
# Garner Request

## May 2024

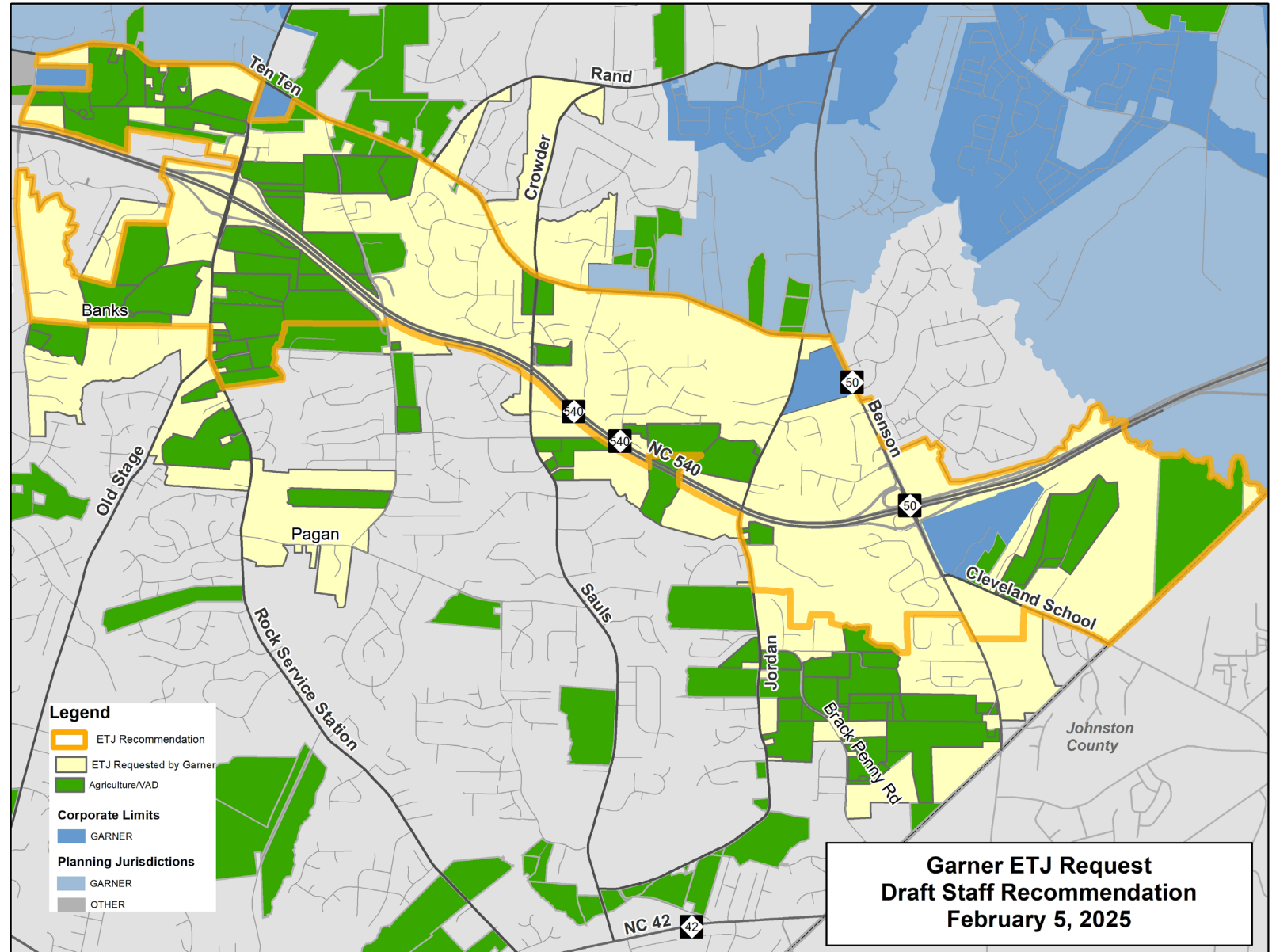




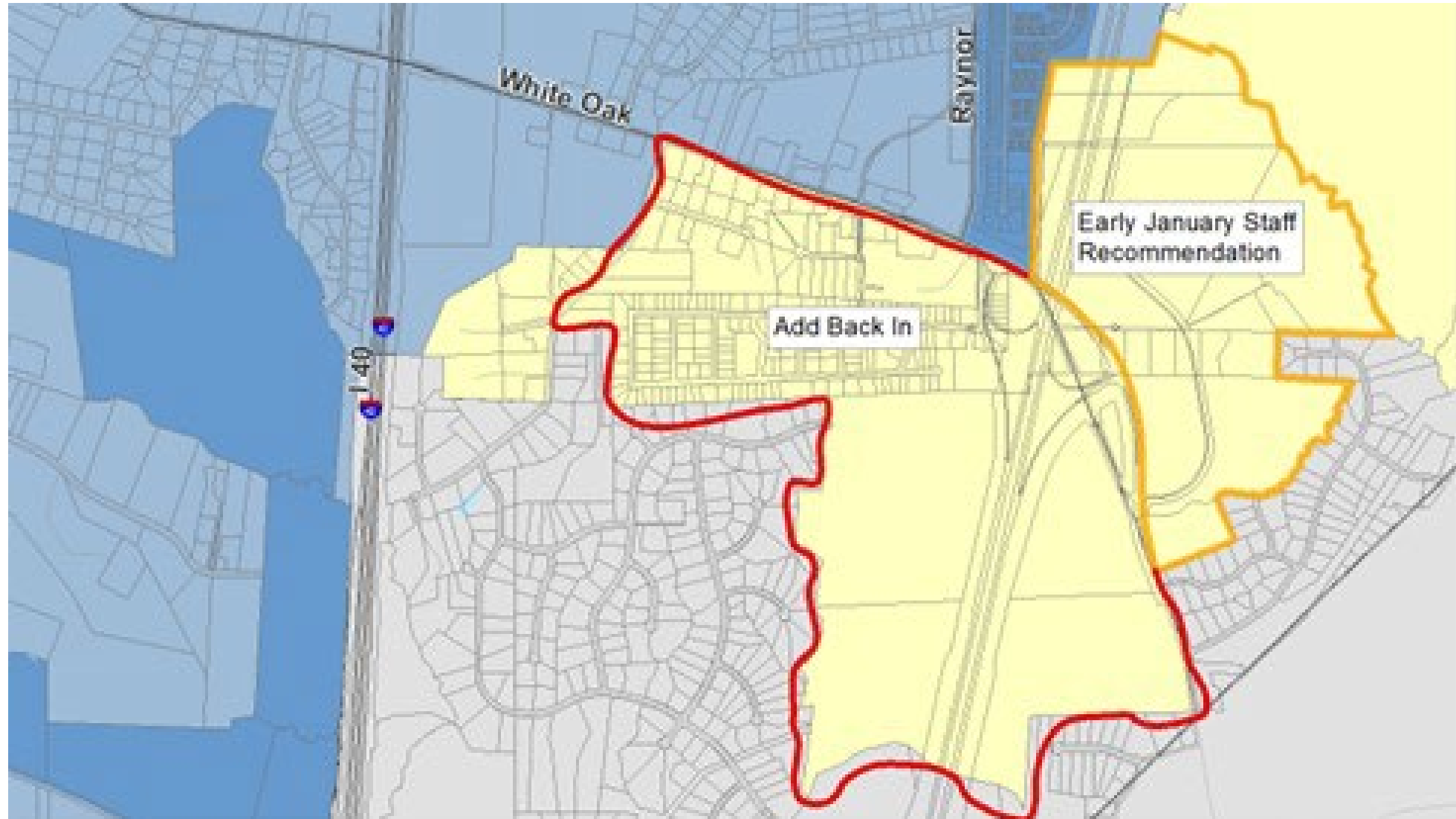
# Southern Area Jan 2025



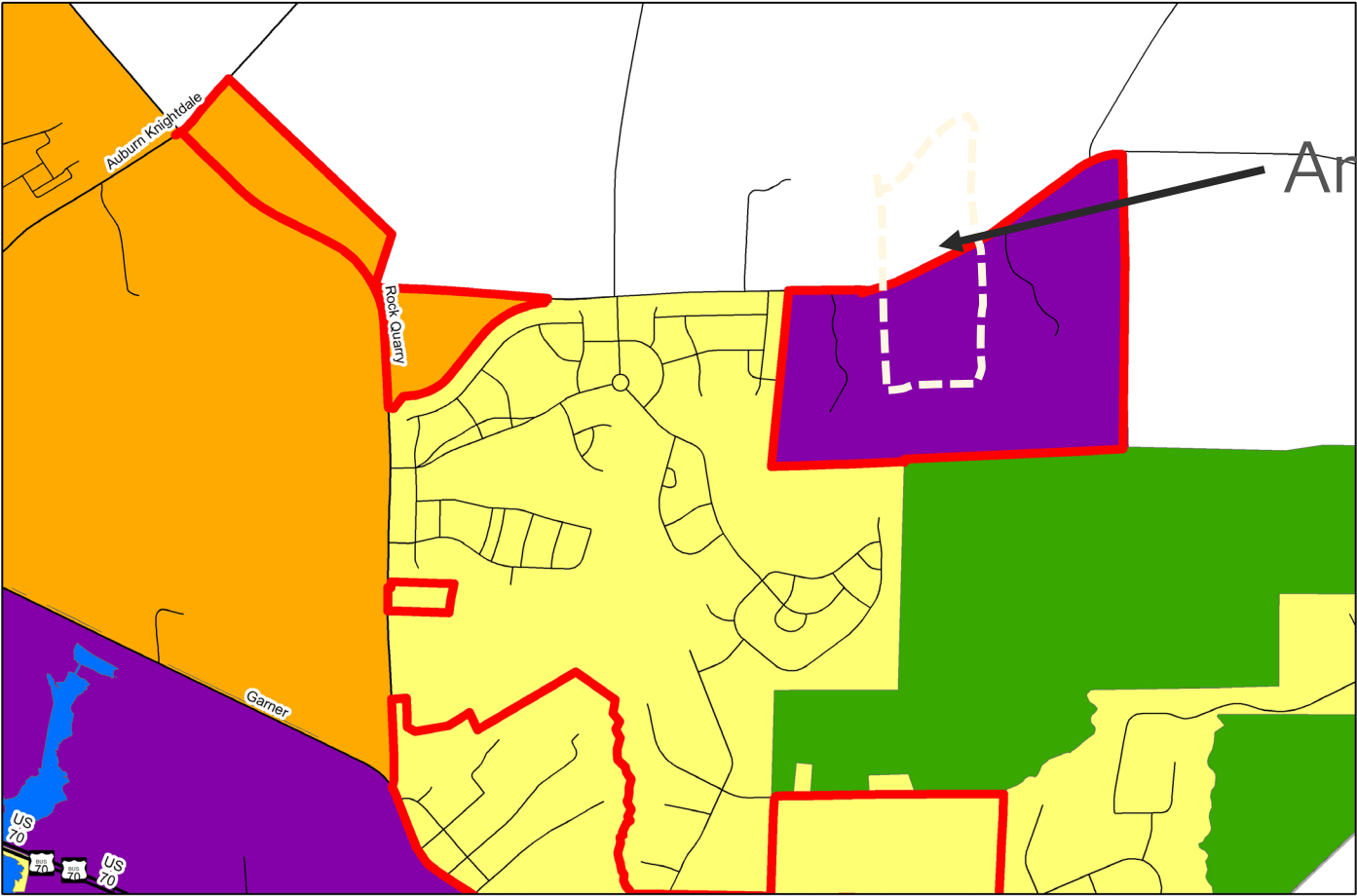
# Southern Area Feb 2025







# NE Garner Forward



**Legend**

ETJ Staff Recommendation

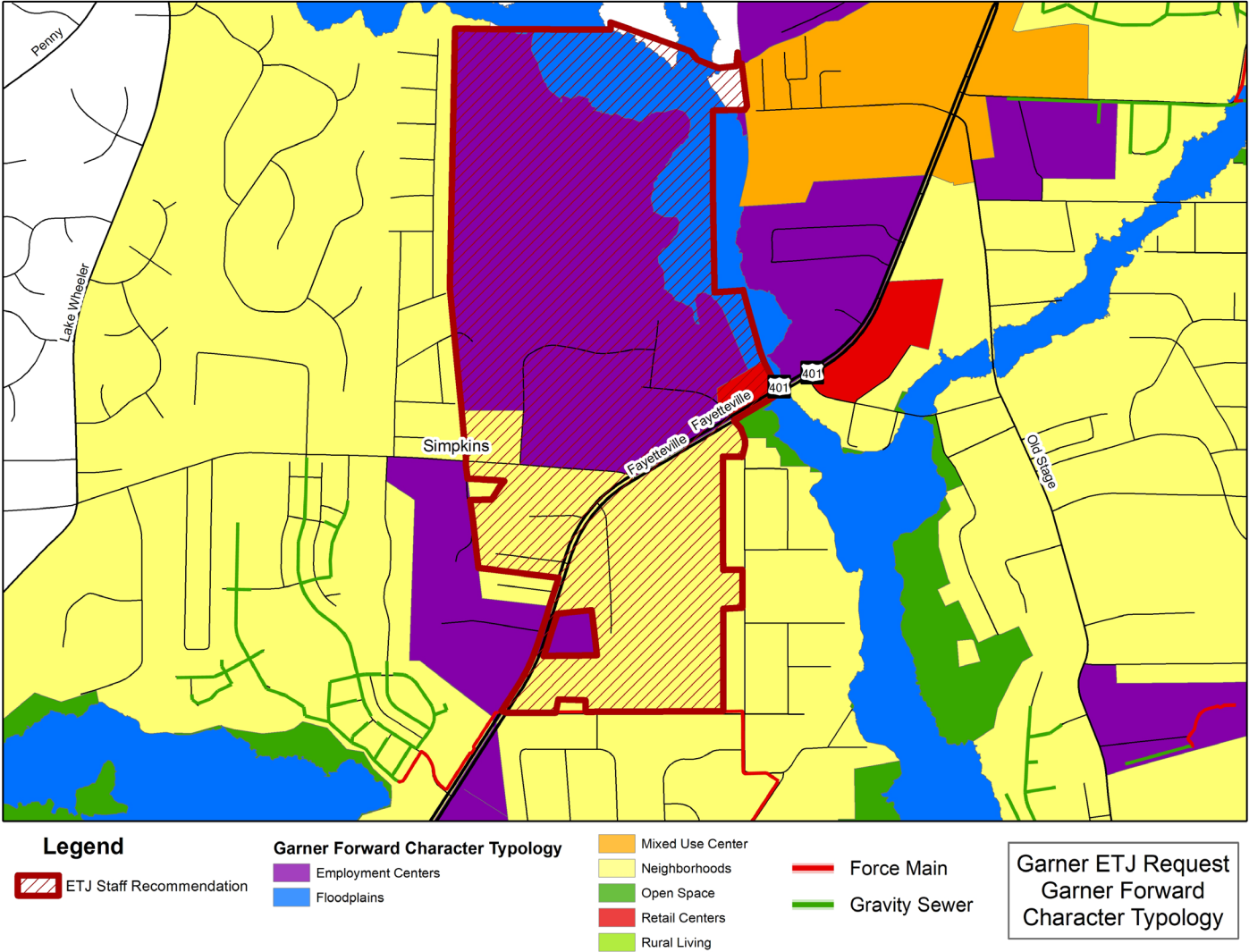
**Garner Forward Character Typology**

Employment Centers  
 Floodplains

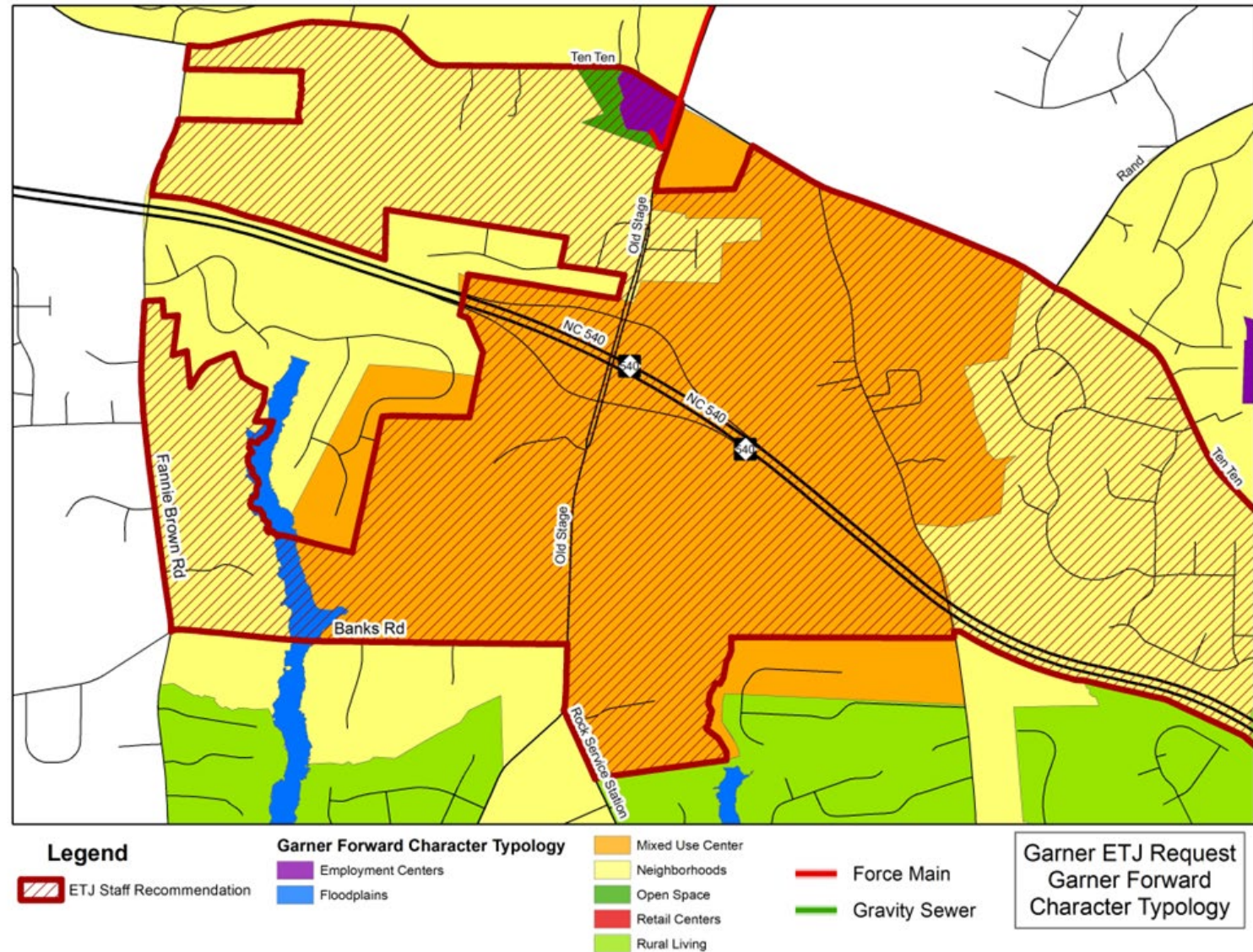
Mixed Use Center  
 Neighborhoods  
 Open Space  
 Retail Centers  
 Rural Living

Garner ETJ Request  
Garner Forward  
Character Typology

# NW Garner Forward



# Old Stage/540 Garner Forward





# Benson/540 Garner Forward

