

# RTP

## PRESENT & FUTURE

PRESENTED BY:



**TRAVIS CRAYTON**

SENIOR DIRECTOR OF PLANNING

RESEARCH TRIANGLE FOUNDATION OF NC





# RESEARCH TRIANGLE FOUNDATION MISSION

Facilitate collaboration between the Triangle universities.

Promote cooperation between universities and industry.

Create an economic impact for the residents of North Carolina.

## RTP IS

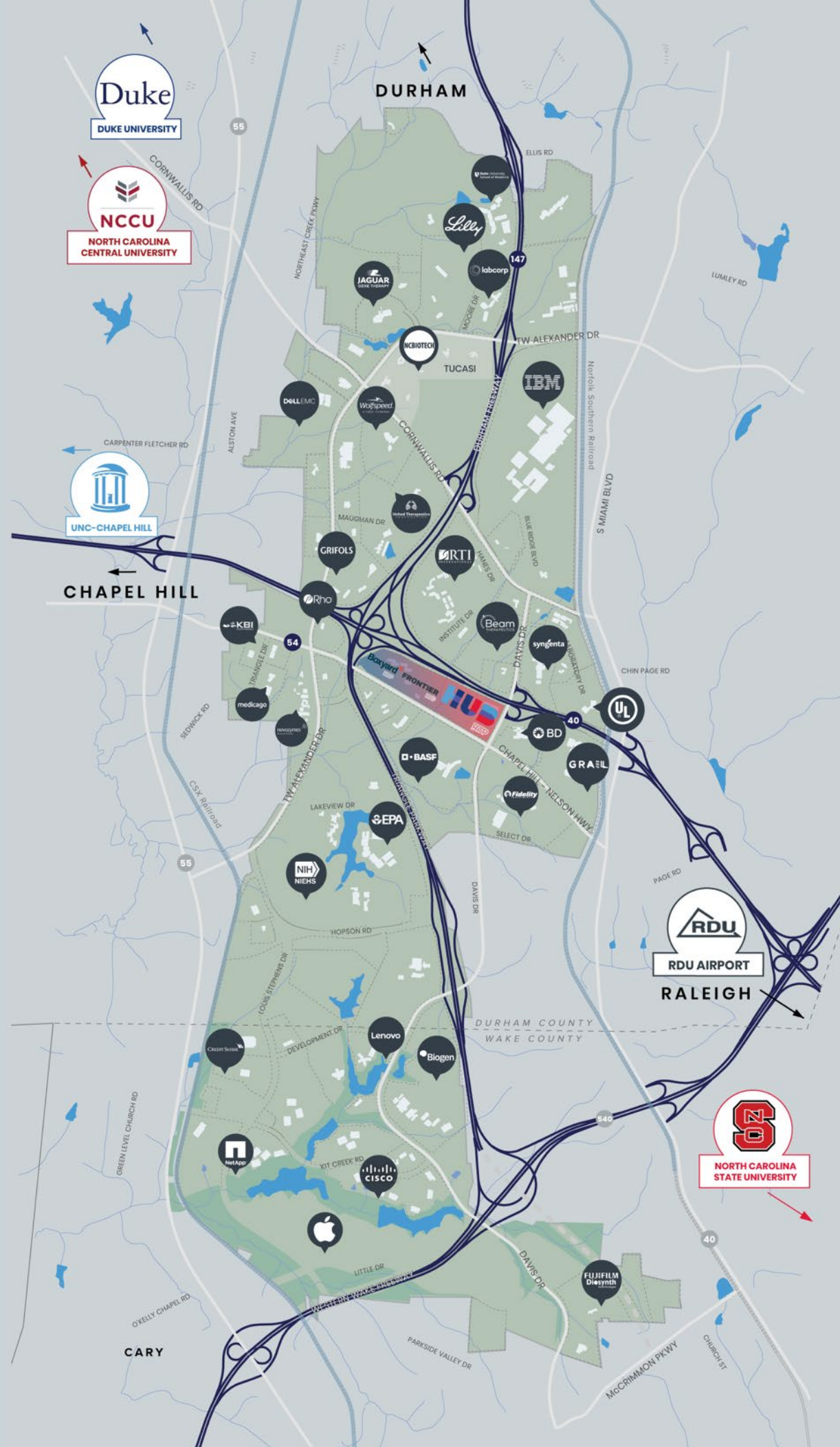
7,000 acres

60,000+ employees

375+ established and startup companies

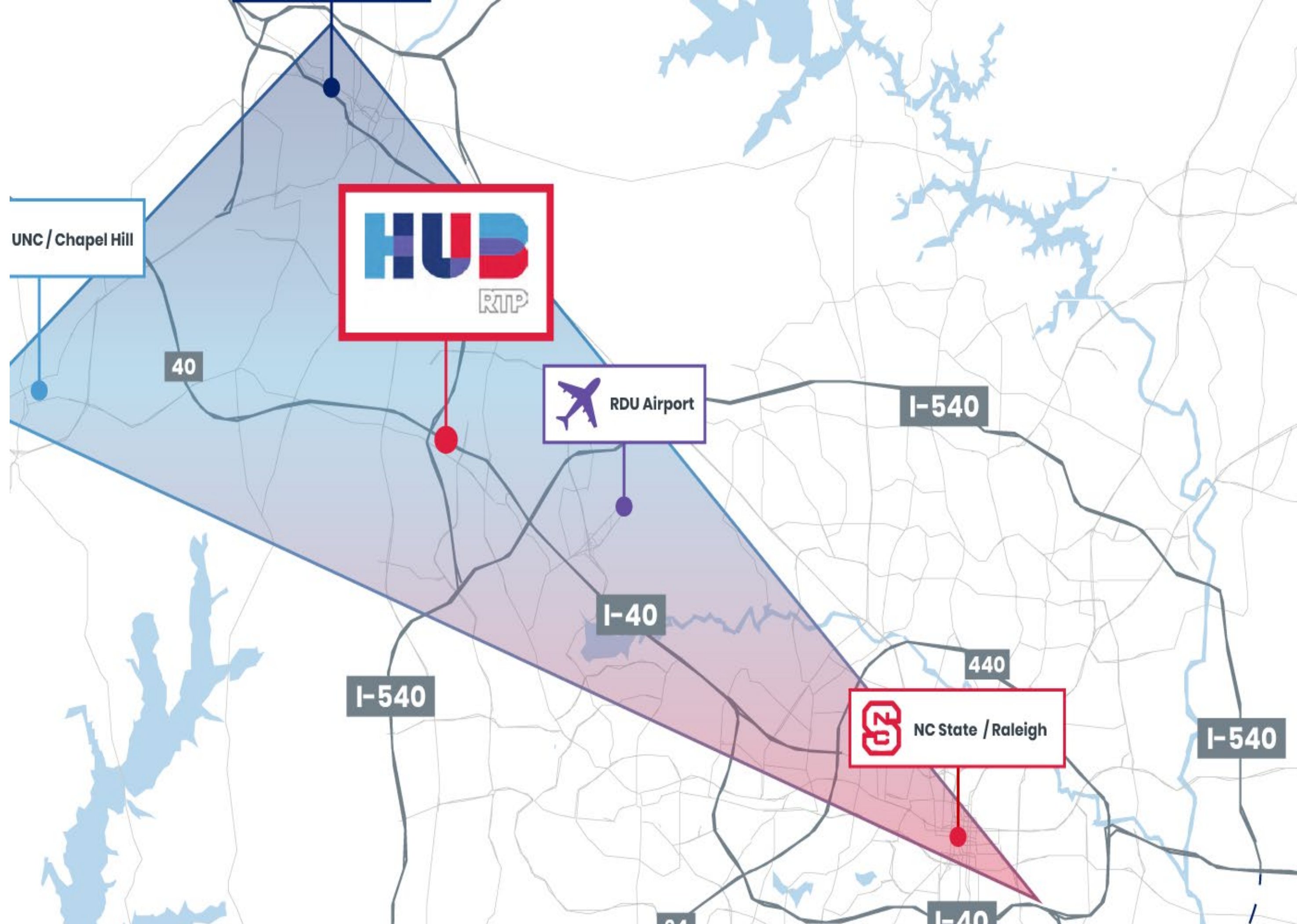
## TOP INDUSTRIES

Biotech/Life Science	Agtech	Cleantech
Data Science	Cybersecurity	Fintech



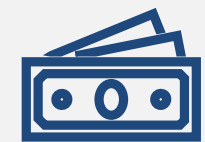








## GROWTH IN RTP ANNOUNCEMENTS SINCE 2020



\$4.7B+ IN INVESTMENTS



8,700+ JOBS



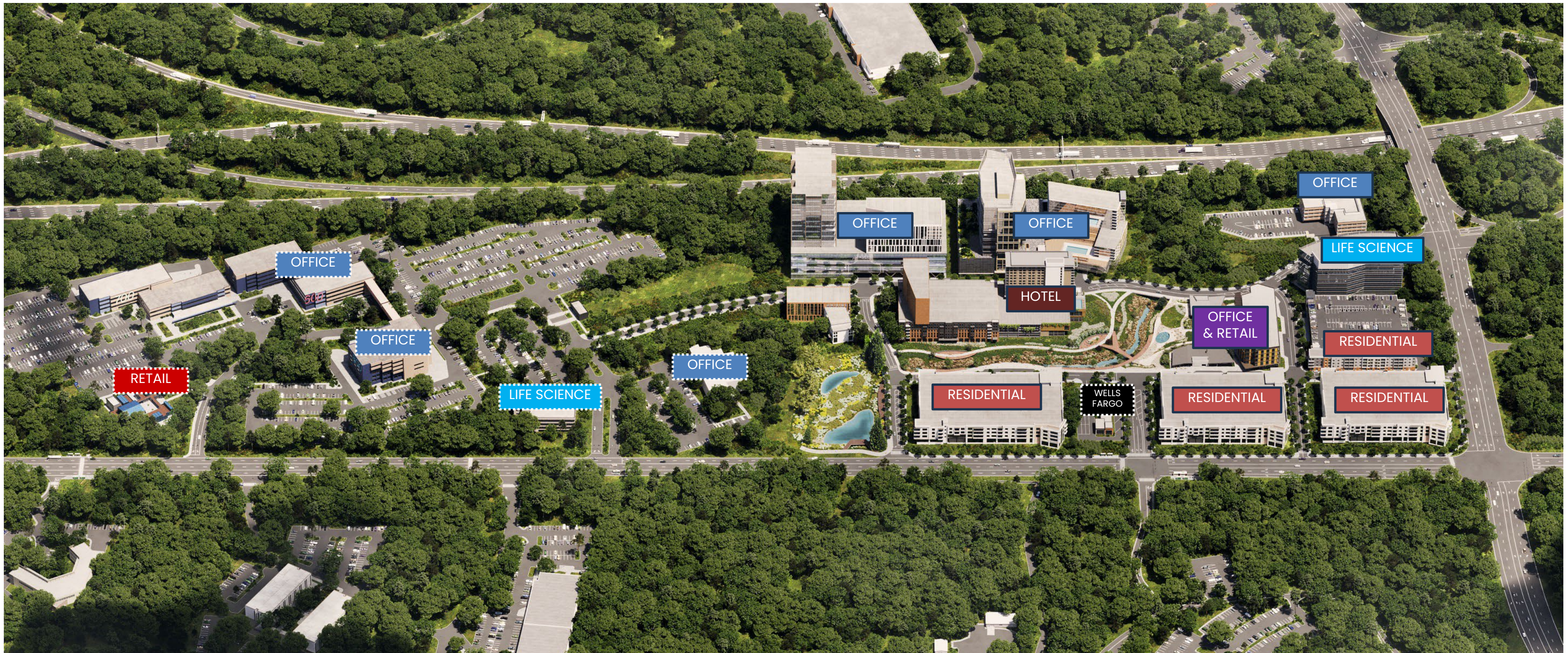


# RTP'S NEW VIBRANT DOWNTOWN



**HUB**  
RTP





1M+ SF office & life science space

50K SF retail

1,200 residential units

250 hotel rooms

16 acres greenspace

EXISTING/OPERATING

FUTURE/UNDER CONSTRUCTION



# HUB PARTNERS

## DEVELOPMENT PARTNERS





WHITE POINT  
PARTNERS

OFFICE  
& RETAIL





MAA

RESIDENTIAL





LONGFELLOW

LIFE SCIENCE





KDC

OFFICE



ALAMO MANHATTAN

NEXPOINT

HOTEL

## FUNDING PARTNERS

\$ 70 M

RTF

\$ 20 M

DURHAM COUNTY

\$ 10 M

RTP COMPANIES

\$ 2B+

PRIVATE DEVELOPERS

39.54%

MWBE

HUB CONSTRUCTION SPEND



# TIMELINE

**June 2022**  
Wells Fargo branch  
opened for business

**November 2022**  
MAA (residential)  
development  
groundbreaking

**October 2022**  
Horseshoe  
groundbreaking  
for 120K SF office over  
38K SF retail

**December 2022**  
Land Closed for  
Longfellow (life science)

**February 2023**  
Substantial  
completion of  
infrastructure  
including  
public amenities

**May 2023**  
Horseshoe  
Topping-Out

**September 2023**  
Land closing for  
A/M (hotel)

## FUTURE DELIVERABLES

- 2024
- Phase 1 residential, 406 units (MAA)
  - 158k SF office/retail, Horseshoe (WP & RTF)
- 2025
- 265k SF life science building (LFREP)
  - Phase 2 residential, 275 units (MAA)
- 2026
- Renaissance Hotel, 15 stories/250 rooms (A/M)
  - 1M SF office towers (KDC)
  - Phase 3 residential 600-800 units









# THE MAIN ATTRACTION *of* HUB RTP

  
38,580 SF OF  
RESTAURANT  
+ RETAIL SPACE

  
119,065 SF  
OF OFFICE  
SPACE

  
COVERED  
STRUCTURED  
PARKING

  
SHARED OFFICE  
TERRACE AMENITY

  
LARGE OUTDOOR  
SEATING AREA

  
1-ACRE  
COURTYARD

  
PROGRAMMED  
ENTERTAINMENT

  
WATER +  
FIRE FEATURES

  
RECLAIMED STREAM  
+ BOARDWALK

2024

DELIVERY  
Q1 2024

2023

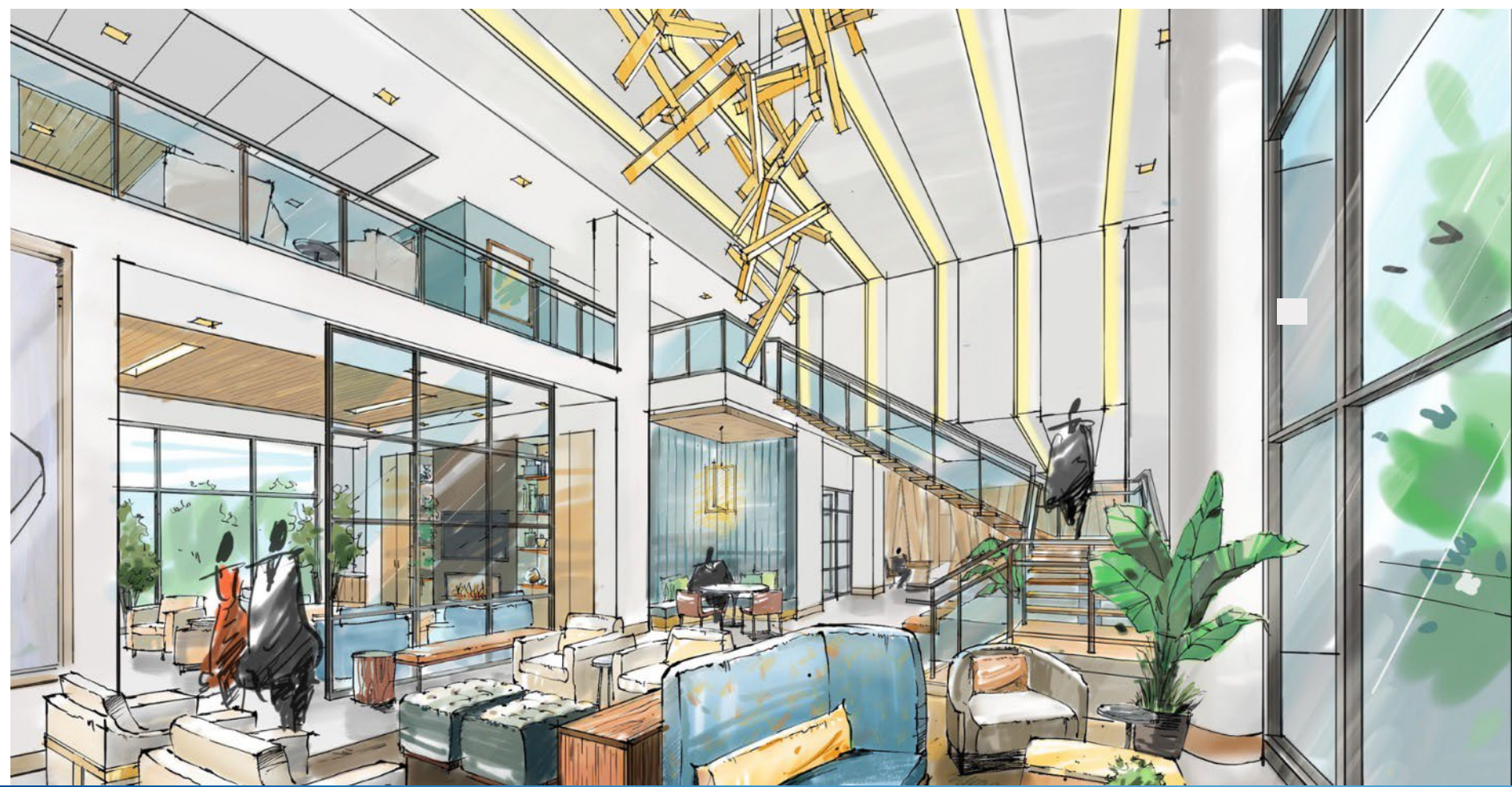
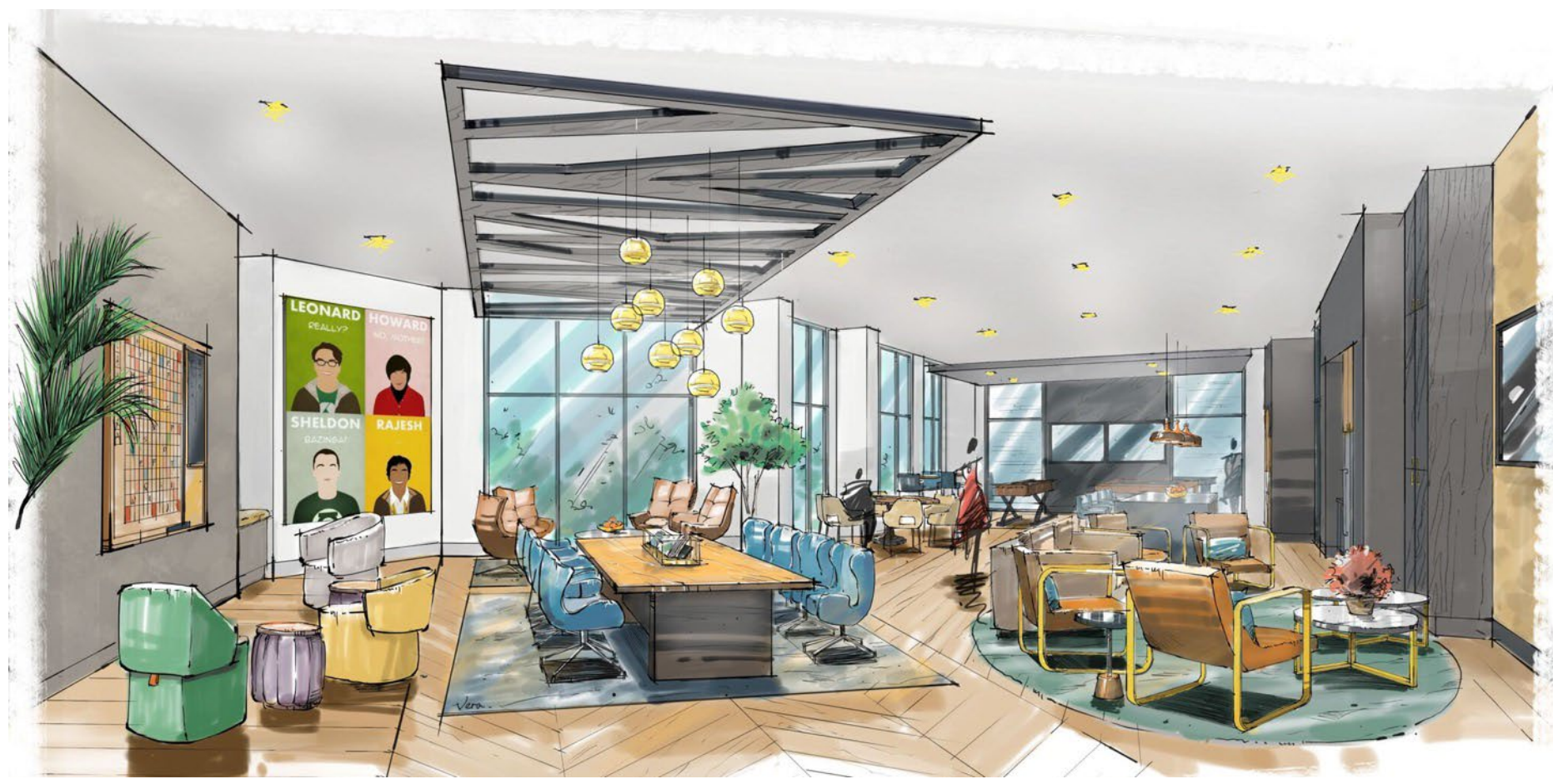
TOPPED  
OUT  
MAY 2023

2022

GROUND  
BREAKING  
OCTOBER 2022









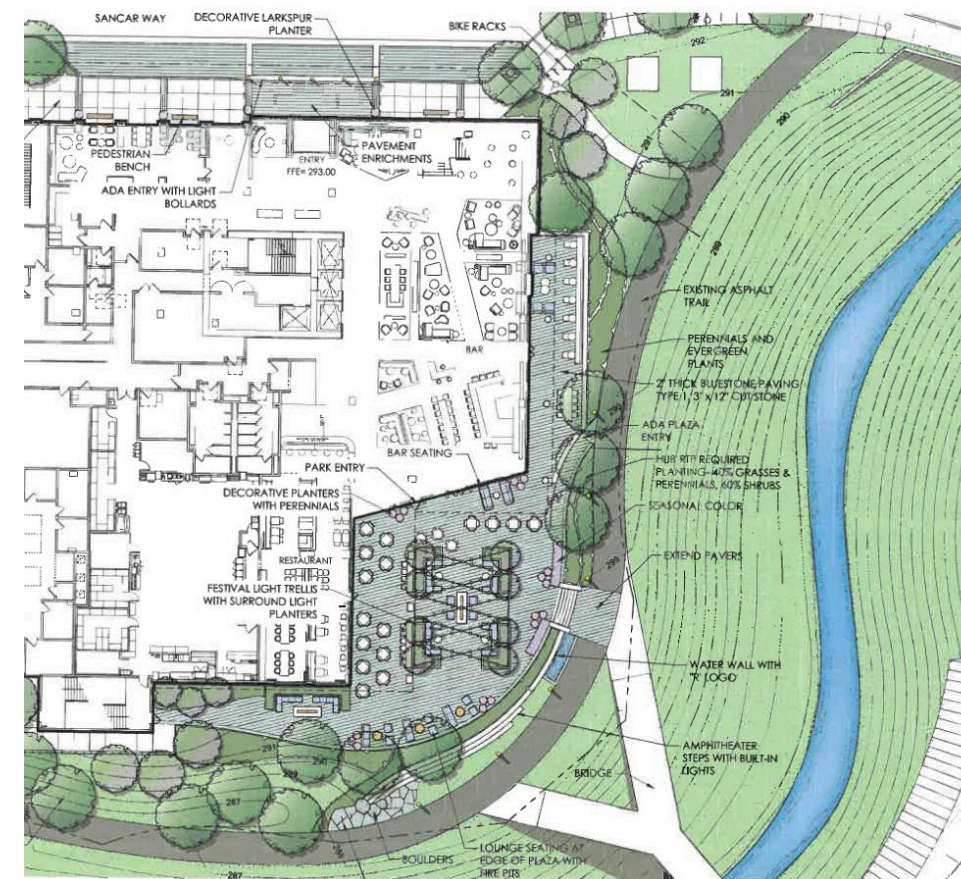




ALAMO MANHATTAN

NEXPOINT

HOTEL









WHERE WE ARE TODAY



**HUB**  
RTP





AUGUST 2023





AUGUST 2023





AUGUST 2023





AUGUST 2023



# BURDEN'S CREEK + STORMWATER MEADOW + 16 ACRES OF GREENSPACE

CONNECTED TO **20+ MILES** OF EXISTING TRAILS





















# HUB RTP **EXPERIENCE CENTER**

Designed for visitors to feel the vibrance and future community at Hub through:

A 3D model of the 100-acre Hub RTP site

An interactive experience wall with branded items, locally made

AV displays featuring VR flythrough video

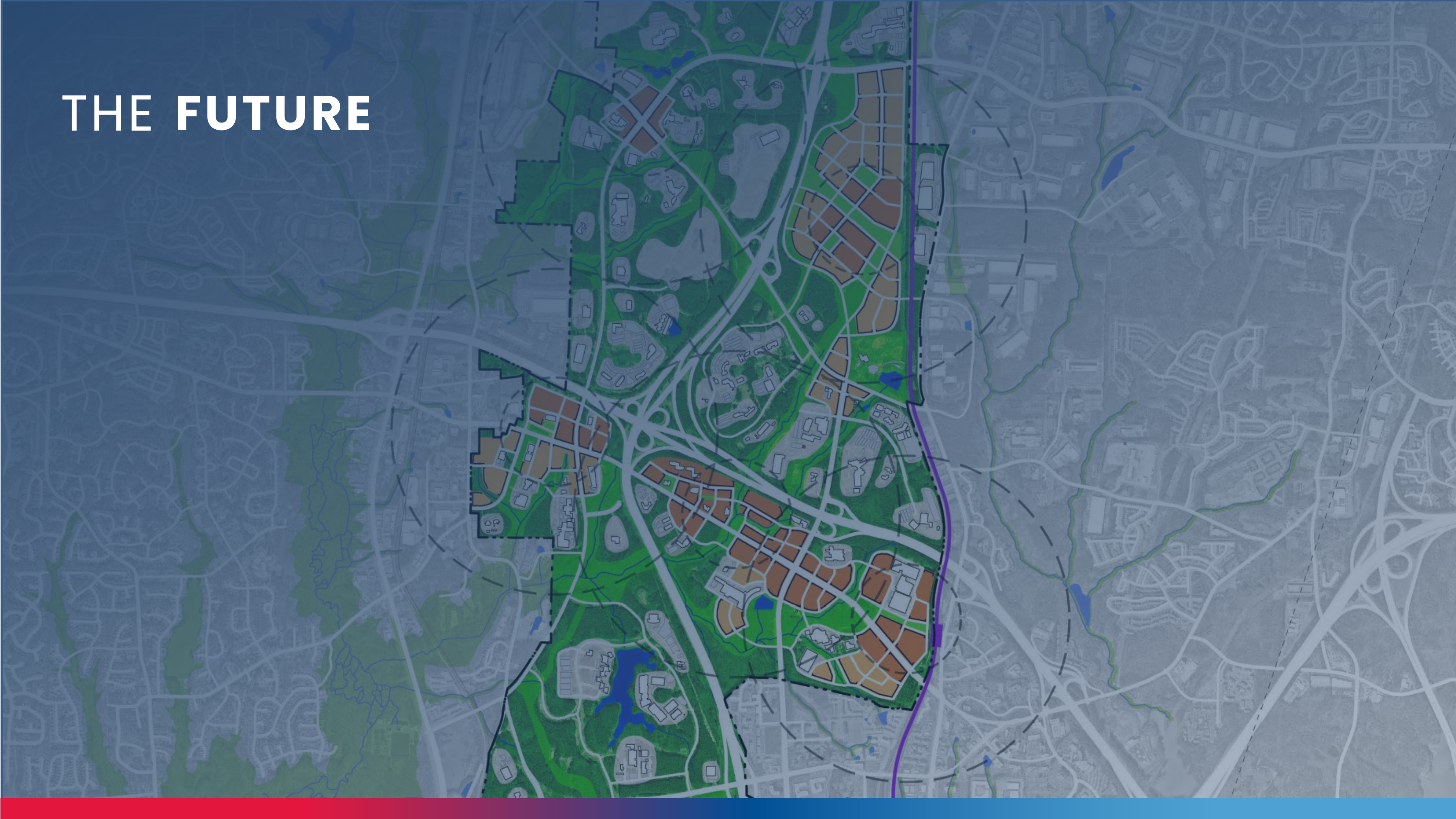




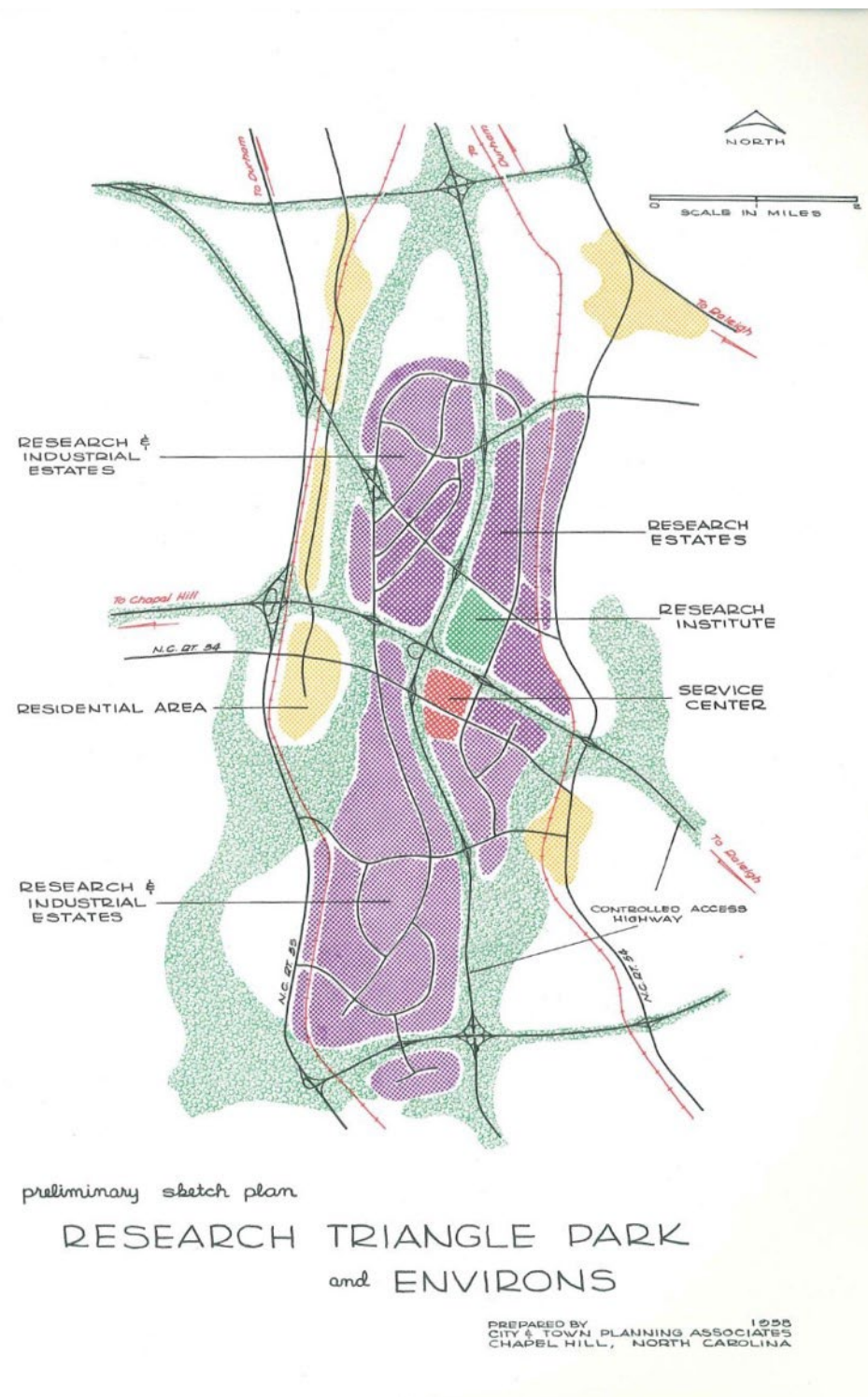




# THE FUTURE

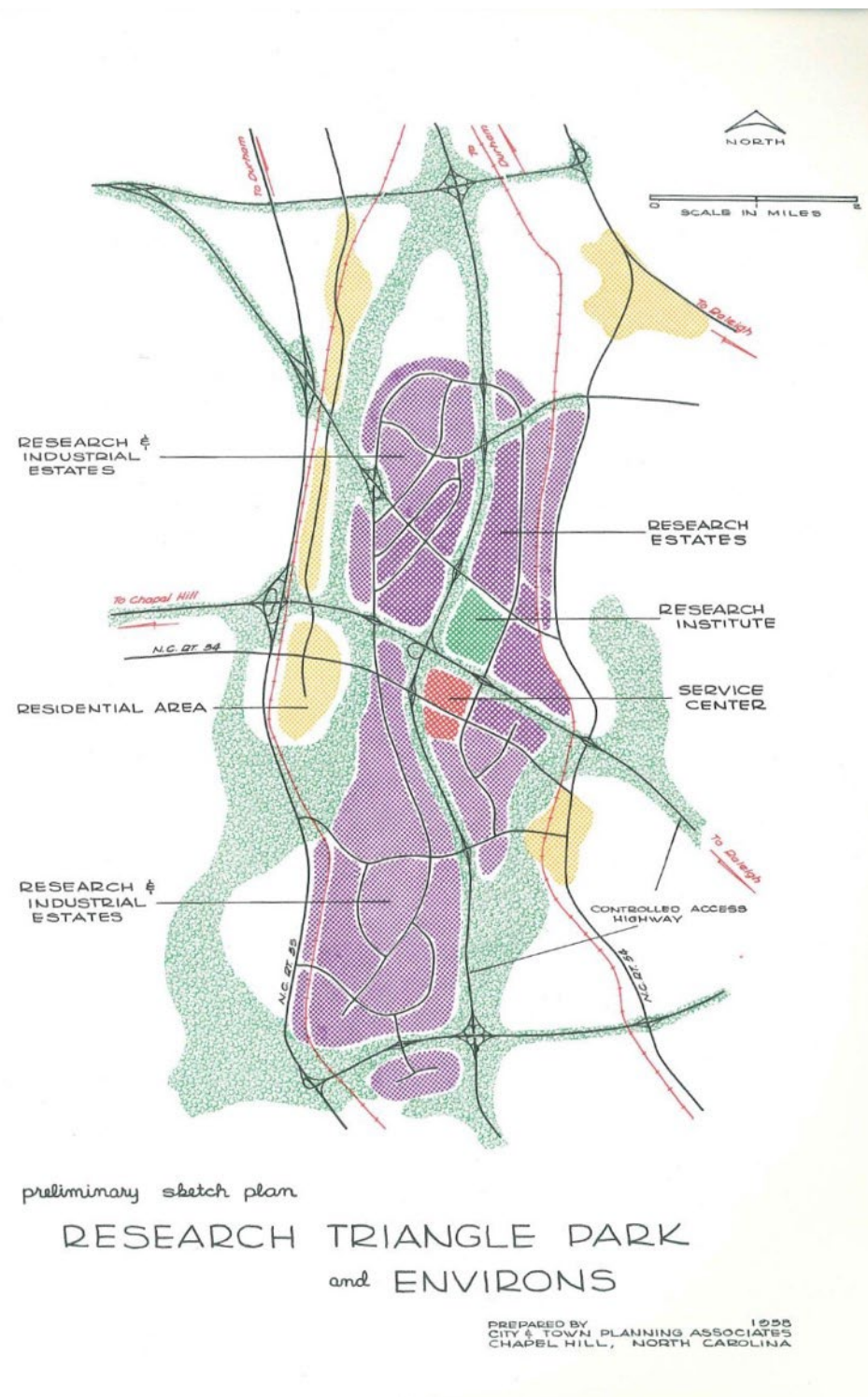




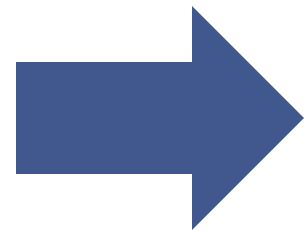


# RTP 1.0



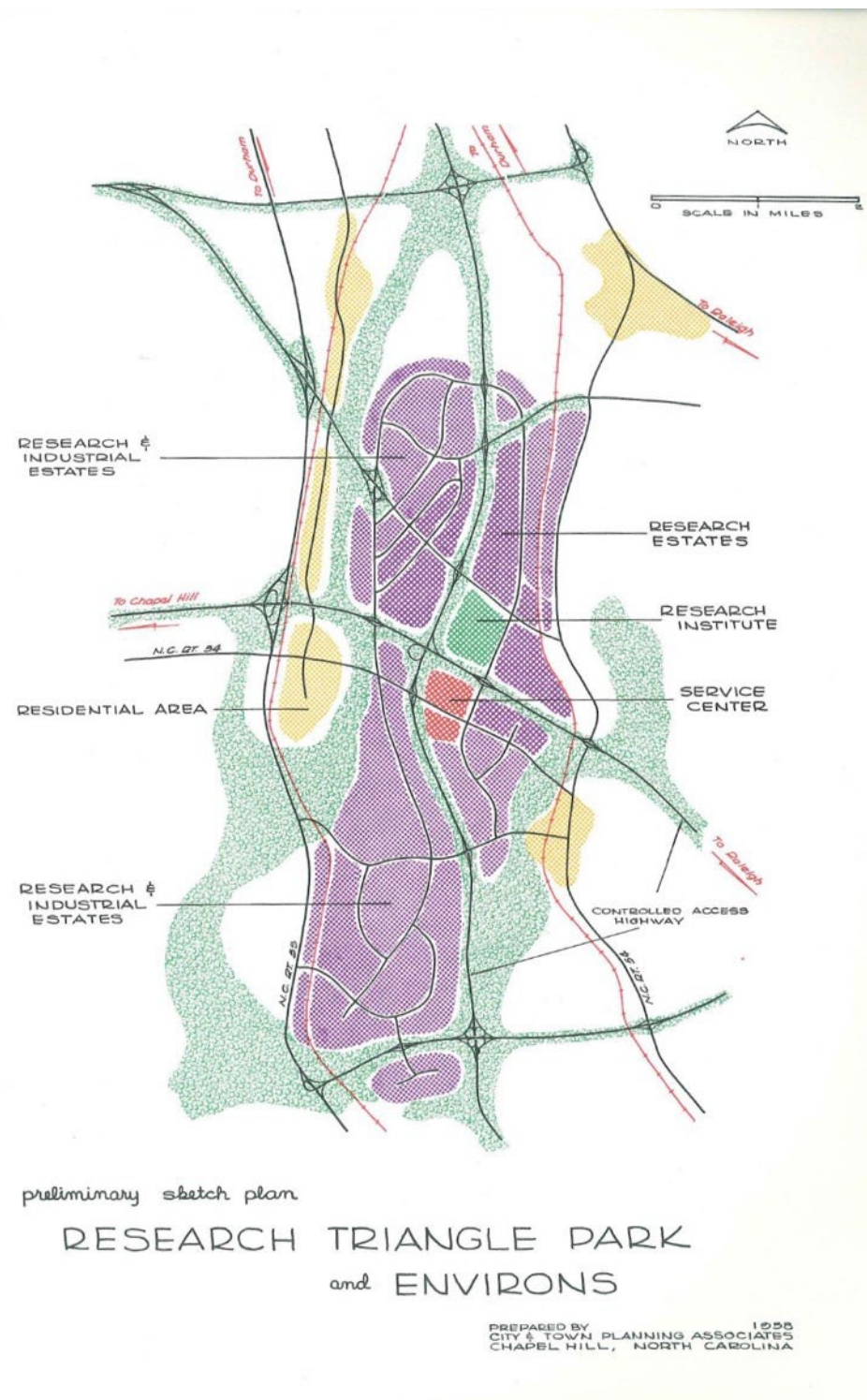


**RTP 1.0**

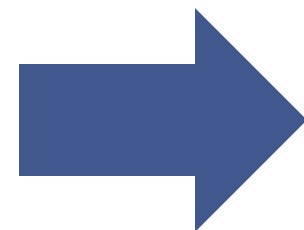


**RTP 2.0**

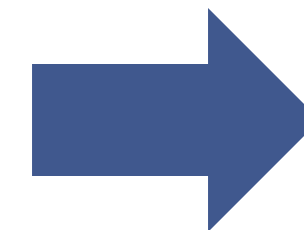




**RTP 1.0**



**RTP 2.0**



What's  
**next for  
RTP?**

**RTP 3.0**



# TIMELINE

**Fall 2021**

300 in 100:  
Engagement with RTP  
companies





# TIMELINE

**Fall 2021**

300 in 100:  
Engagement with RTP  
companies



**Late 2021**

Identification of  
themes, trends, &  
needs for future  
planning



# TIMELINE

**Fall 2021**

300 in 100:  
Engagement with RTP  
companies

**April 2022**

Feasibility study  
kickoff

**Late 2021**

Identification of  
themes, trends, &  
needs for future  
planning





# TIMELINE

**Fall 2021**

300 in 100:  
Engagement with RTP  
companies

**April 2022**

Feasibility study  
kickoff

**Late 2021**

Identification of  
themes, trends, &  
needs for future  
planning

**Through December  
2022**

Engagement with RTP  
companies, local  
government partners,  
community partners





# TIMELINE

**Fall 2021**

300 in 100:  
Engagement with RTP  
companies

**April 2022**

Feasibility study  
kickoff

**March 2023**

Phase 2 kickoff

**Late 2021**

Identification of  
themes, trends, &  
needs for future  
planning

**Through December  
2022**

Engagement with RTP  
companies, local  
government partners,  
community partners



# THE VISION

- **Economic catalyst** for the region and state
- **Retain talent** from Duke, UNC, N.C. State, N.C. Central and others
- **Attract global talent** and support economic growth
- A place for **ground-breaking research**, development, and technological discovery



# THE VISION

- **Economic catalyst** for the region and state
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- Be **responsive** to RTP company feedback about talent attraction & retention
- Position RTP to **compete** against peer markets, innovation districts, & business parks
- Create opportunities to transform key locations in RTP into **vibrant, mixed-use centers**

RENDERING OF HORSESHOE RTP



# THE POTENTIAL

- **Significant population growth** expected in the region over the next 20 years (*~1 million people, ~400,000 dwelling units*)
- RTP is **centrally located with underutilized land resources** that can be better optimized to support economic growth
- RTP has a responsibility to support regional growth in a **sustainable and equitable** way



# MAINTAIN RTP AS A GLOBAL EPICENTER OF 21ST CENTURY INNOVATION AND SUSTAINABILITY, STRENGTHENING ITS ROLE AS AN ECONOMIC DRIVER IN THE REGION.

## **DIVERSIFY USES**

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Introduce housing and mixed-use development to form live-work-play environments

## **ADD AMENITIES**

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Introduce placemaking strategies, including open spaces, and public uses to activate and enhance RTP

## **CONNECT ASSETS**

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Improve accessibility and mobility through both the built and natural connections, prioritizing sustainable modes of transport

## **CREATE INCLUSIVITY & RESILIENCY**

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Structure development to promote social, environmental, and economic sustainability

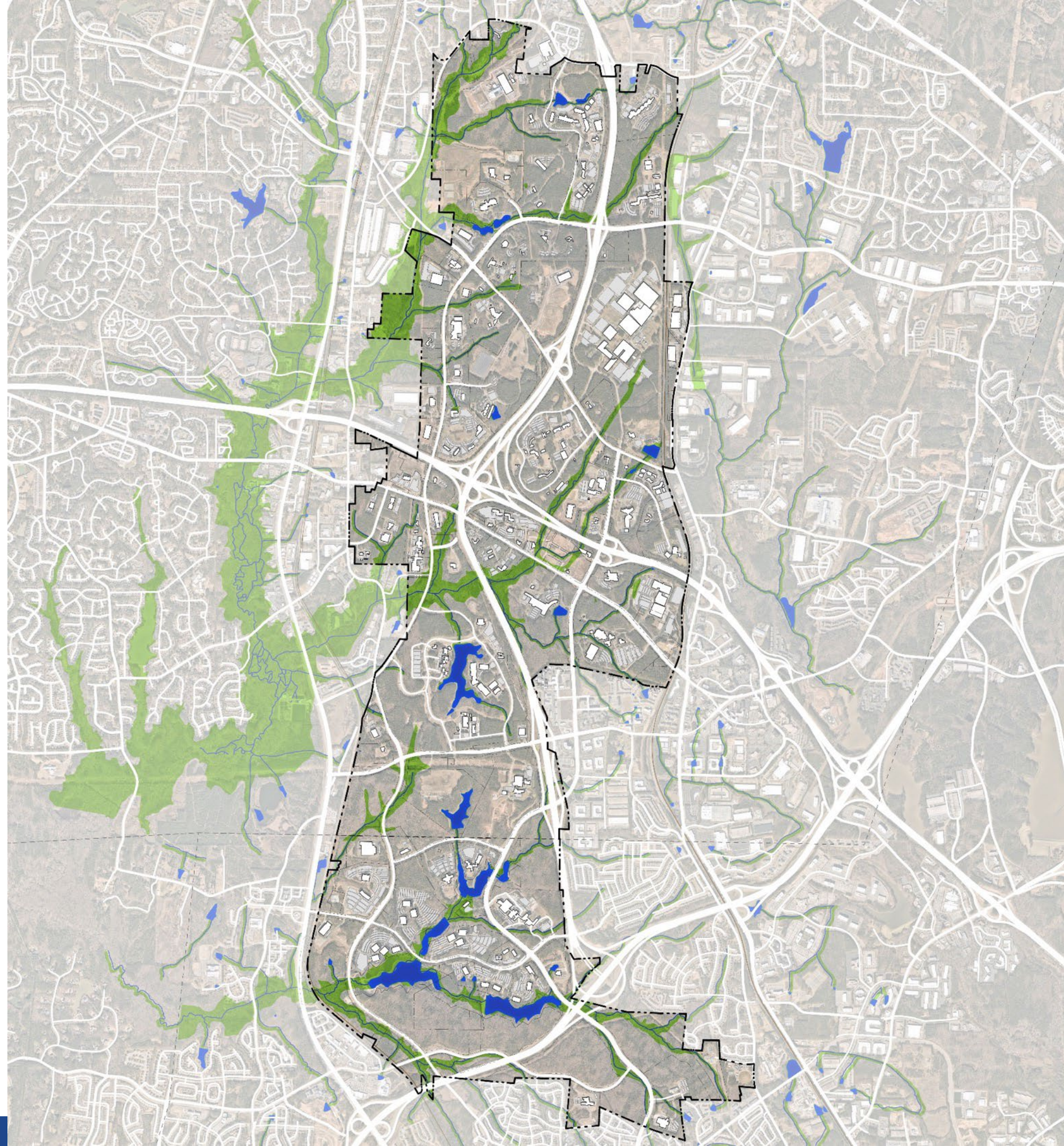
## **SUPPORT & BOLSTER RESEARCH & DEVELOPMENT**

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Support and grow biotechnology, ag-tech, and life sciences, accommodating specific needs for research and development facilities, including security and privacy



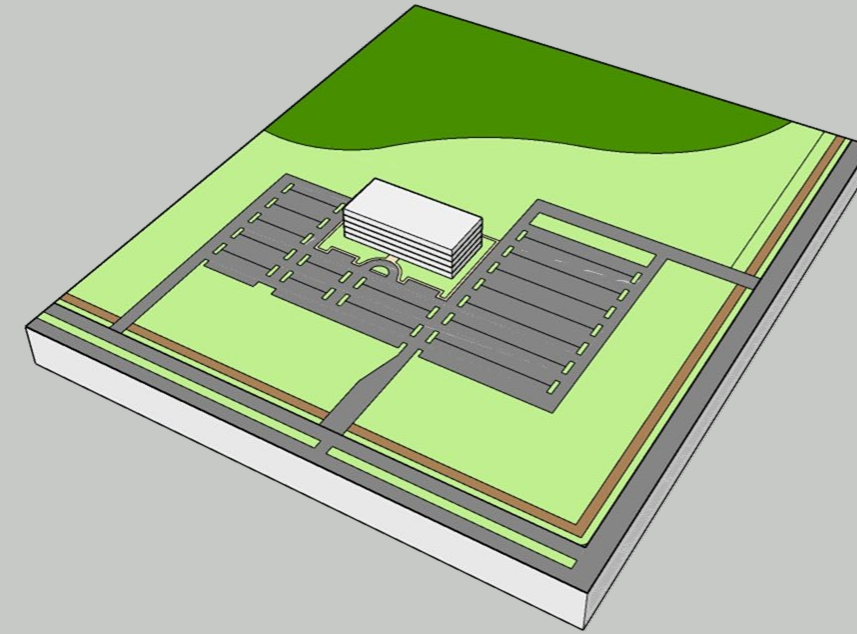
# EXISTING RTP





# RTP 3.0 FRAMEWORK CONCEPT

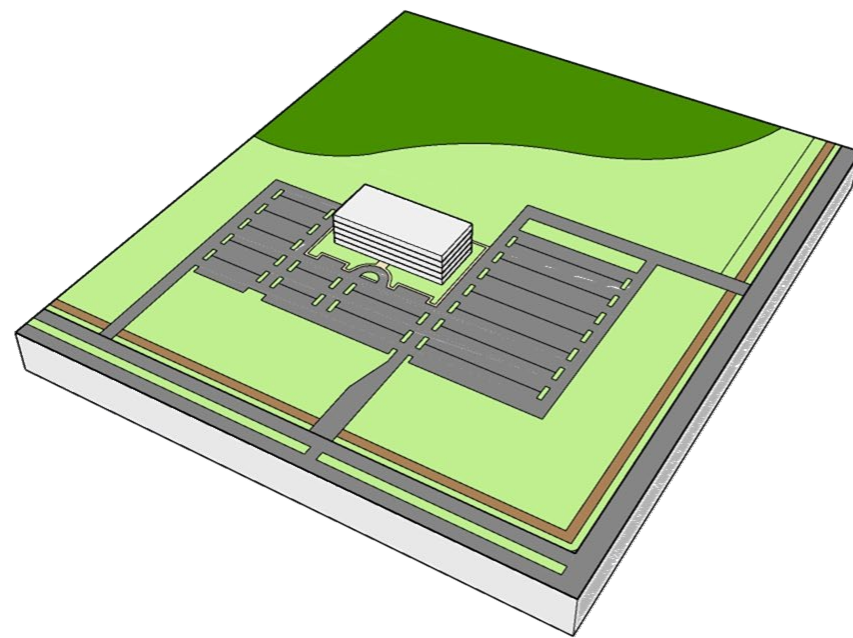
- **Flexible framework** for future development
- Multiple new potential **place types**
- Opportunities for **all RTP landowners**



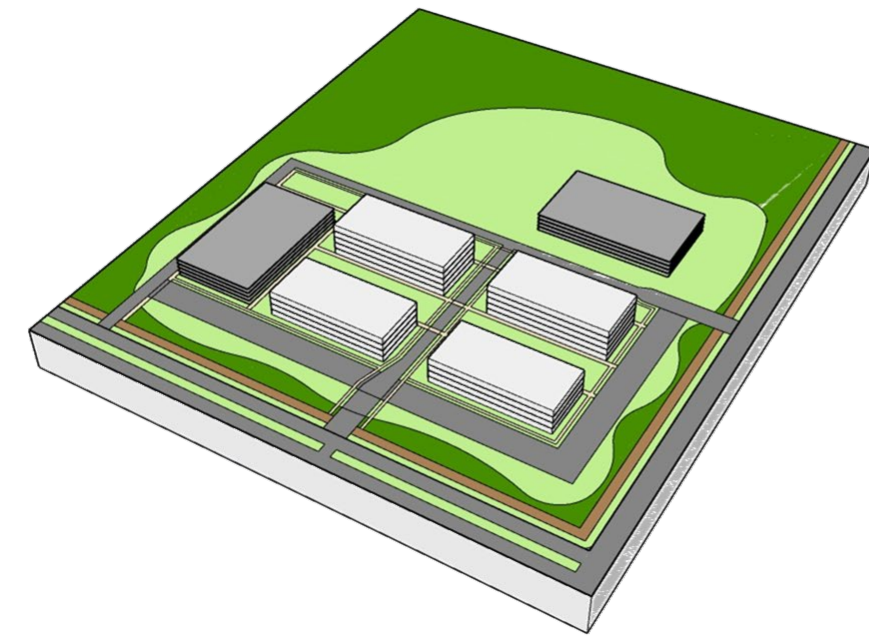
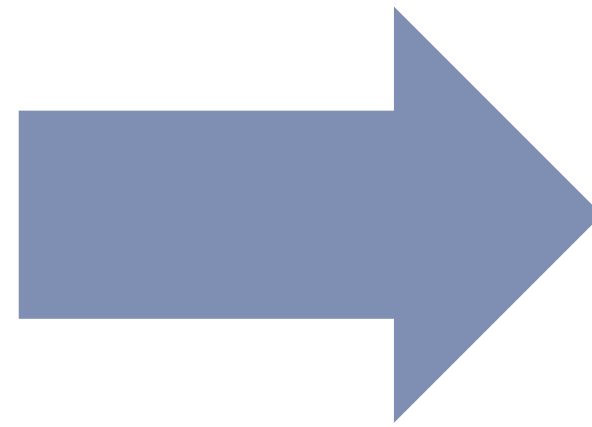
Existing  
Place Type



# RTP 3.0 FRAMEWORK CONCEPT



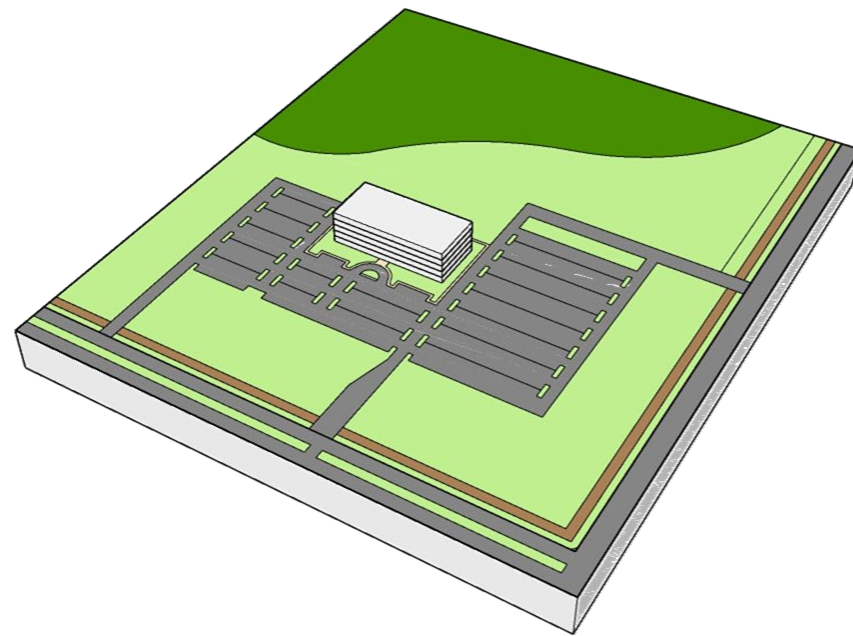
Existing  
Place Type



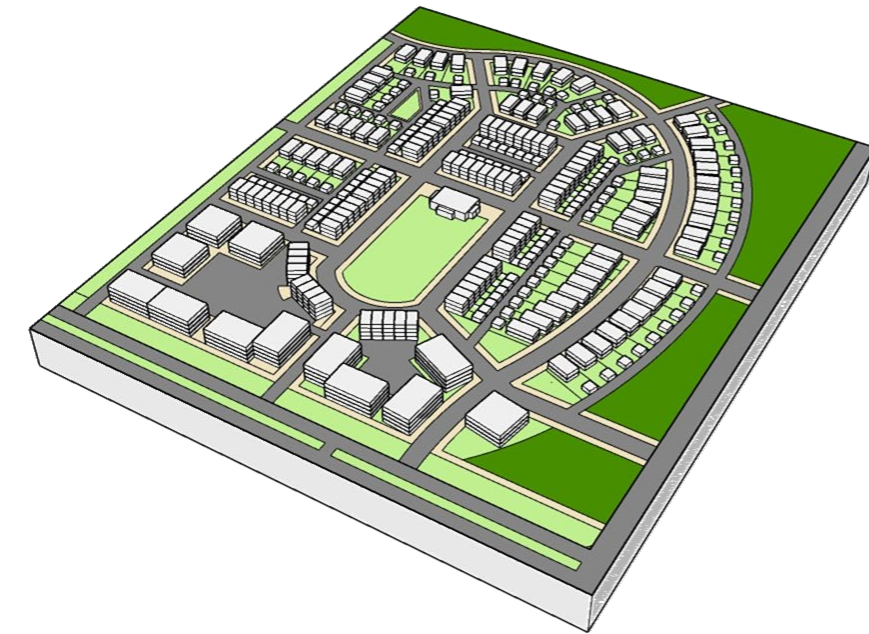
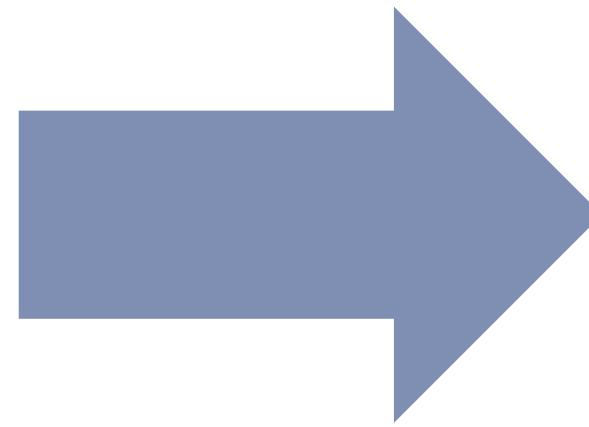
Enhanced  
Corporate  
Campus



# RTP 3.0 FRAMEWORK CONCEPT



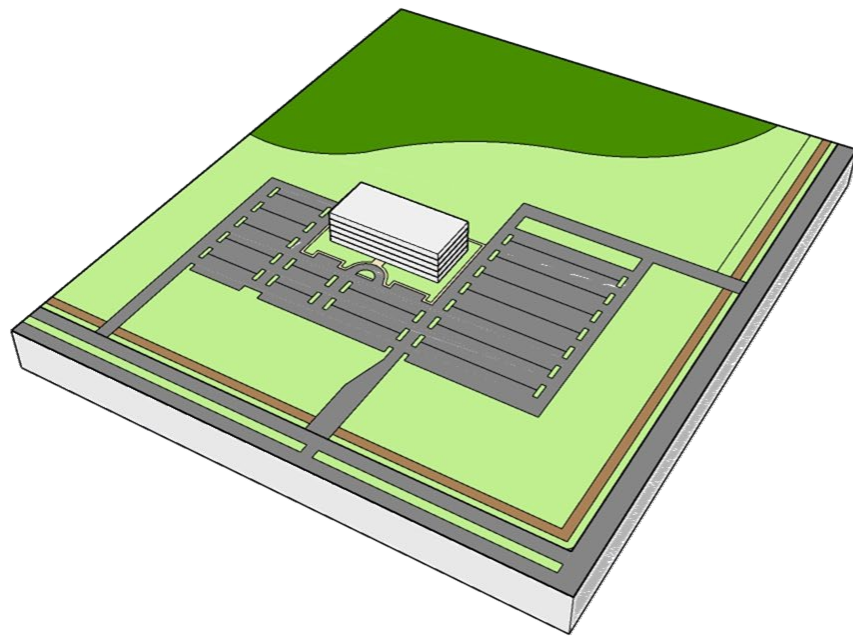
Existing  
Place Type



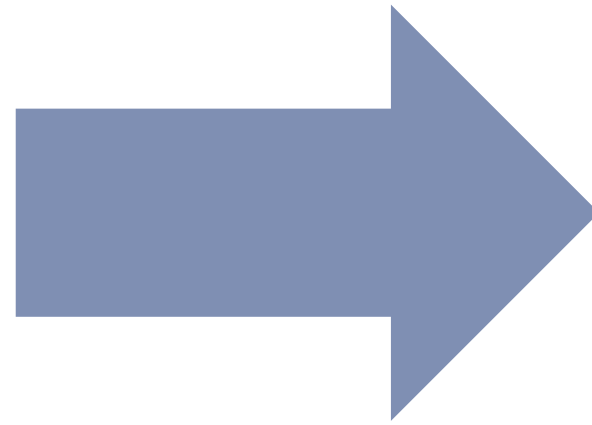
Traditional  
Neighborhood  
Development



# RTP 3.0 FRAMEWORK CONCEPT



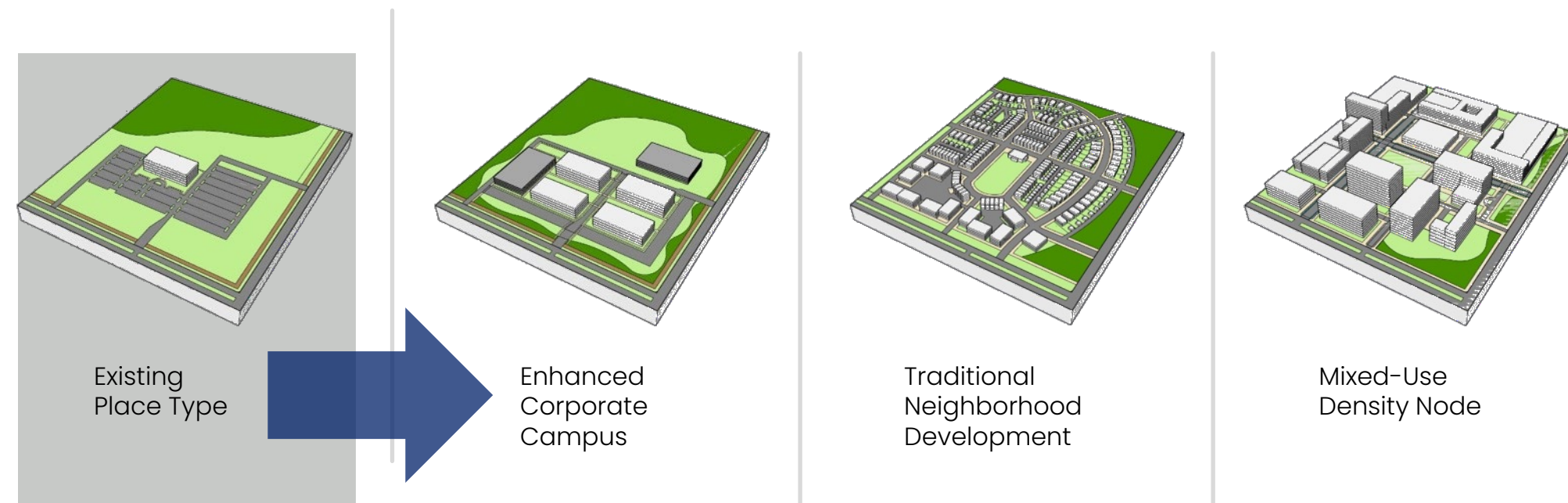
Existing  
Place Type



Mixed-Use  
Density Node



# GETTING TO IMPLEMENTATION



1. Finalize RTP 3.0 development framework
2. Develop & incorporate plans & strategies for:
  - Affordable housing
  - Open space, parks, and greenways
  - Transportation and public transit
  - Sustainability
3. Work with partners to implement



# THANK YOU







## Planning, Development & Inspections

TEL (PLANNING) 919 856 6310  
TEL (INSPECTIONS) 919 856 6222

A Division of Community Services  
P.O. Box 550 • Raleigh, NC 27602  
[www.wakegov.com](http://www.wakegov.com)

**To:** Wake County Planning Board  
**From:** Terry Nolan, Planner III  
**Subject:** Unified Development Ordinance Amendment 02-23  
**Date:** September 6, 2023

### Request

Amend the Wake County Unified Development Ordinance (UDO) Article 4 – Use Regulations establishing distance requirements for Tobacco and Hemp retailers to lessen the negative impact of the land use on youth populations.

### Applicant

Wake County Planning Development and Inspections

### Background

Wake County's current UDO does not distinguish tobacco & hemp retail from other types of retail. Earlier this year, the Wake County Public School System (WCPSS) approached Wake County, and other municipalities, regarding concern over the proximity of tobacco & hemp retailers to schools. These types of retailers sell flavored vape and other tobacco products that appeal to youth. The WCPSS's interest is for local jurisdictions to set distance requirements to lessen the negative effect tobacco & hemp retailers have on youth by making the retail less accessible.

Five Wake County municipalities regulate tobacco retailers through their respective development regulations. The regulation only applies to retailers where the sale of tobacco and hemp products are the principal or primary use of the business. The regulation does not apply to retailers like grocery stores or gas stations where tobacco is just one of many products sold. For municipalities, the distance requirement ranges from 500 to 1,000 feet from a school and some of the municipalities include distance restrictions on other uses.

Municipality	Distance from schools	Distance from other uses
Apex	1,000 feet	No restrictions
Fuquay Varina	500 feet	Other smoke/vape/hemp, daycare
Knightdale	1,000 feet	Other smoke/vape/hemp, park
Rolesville	1,000 feet	Other smoke/vape/hemp
Zebulon	500 feet	Other smoke/vape/hemp, pawn, religious institution, daycare, parks, adult business, nightclub, pool hall



## **Analysis**

Preemptive language in NC law prohibits local governments from adopting regulations regarding the sale, distribution, display and promotion of tobacco, including e-cigarettes. However, NC governments have clear authority to regulate land uses through zoning, including regulating where certain land uses are permitted. Under land use regulation, local governments can regulate the location of retailers selling tobacco products. The 1976 Supreme Court case *Young v. American Mini Theaters* established the “secondary effects doctrine”, which upheld zoning regulations intended to limit the adverse effects associated with a particular land use. Essentially, a local government can put some restrictions, although cannot restrict a use entirely, on a particular land use to mitigate negative effects of proximity.

According to data provided by the Poe Center for Health Education, there are roughly 800 stores in Wake County that sell tobacco products. The Poe Center data includes grocery stores and gas stations as well as standalone tobacco & hemp retailers. About 30 of the total retail outlets were in unincorporated Wake County, however none of the retailers in the data set were standalone tobacco & hemp retailers. Staff has not been able to identify any existing tobacco & hemp retailers in the unincorporated area that would be subject to the proposed UDO amendment.

The Center for Disease Control (CDC) issued a report in 2000 detailing efforts to reduce youth access to tobacco. Reducing the availability of tobacco to minors has been an effective strategy in reducing adolescent use. According to Counter Tobacco, retail availability of tobacco: perpetuates social norms about tobacco use, increases exposure to industry point-of-sale advertising, marketing and promotions, reduces search costs for tobacco products, contributes to social and environmental inequities, contributes to higher smoking rates, increases perceived availability and accessibility of tobacco products, increases brand recognition, and encourages impulses of tobacco products, cues cravings and undermines quit attempts ([countertobacco.org](http://countertobacco.org)). Tobacco retail outlet density is associated with higher rates of tobacco use initiation among youth and young adults as well as higher rates of youth tobacco use (Novak et al, 2006). A 2021 study conducted by the NC Tobacco Prevention and Control Branch, in partnership with the CDC Foundation, found that the majority of youth and young people primarily get their tobacco products from retail stores or vape shops ([tobaccopreventionandcontrol.dph.ncdhhs.gov](http://tobaccopreventionandcontrol.dph.ncdhhs.gov)).

## **Use Table: Article 4-11**

The Use Table in Article 4 of the UDO describes which uses are allowed in each zoning district within the County. The UDO currently considers tobacco & hemp a neighborhood retail use and permits it in several zoning districts and allows it in Multi-Use Districts (MUD) as a special use. This amendment proposes to restrict the use to fewer commercial districts and prohibit the use in MUDs.

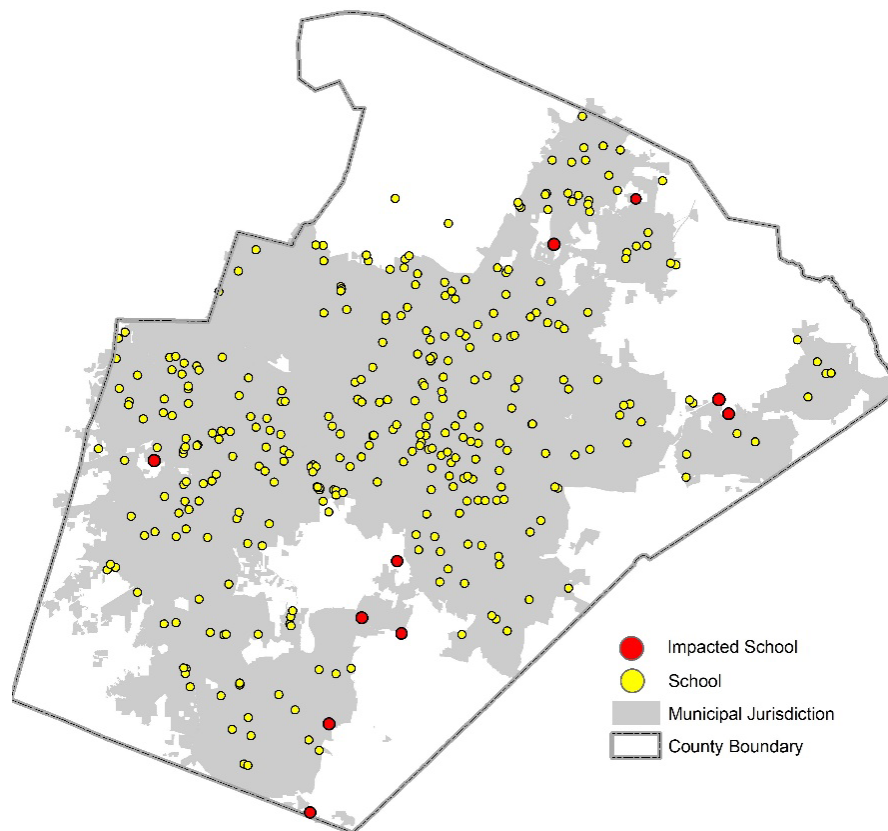


The proposed amendment to the Use Table reads as follows:

	R80W	R40W	R10-R80	R5	RMH	Highway District	Office & Inst	General Business	Heavy Com	Ind - 1	Ind - 2	Airport District 1	Airport District 2	Use Standards
Neighborhood/convenience-oriented retail (w/gas)			S*	S*		P	P	P	P	P	P	P	P	4-50
Neighborhood/convenience – oriented retail (w/o gas)		S*	S*	S*		P	P	P	P	P	P	P	P	4-50
Outdoor sales/service, displays and/or storage						S*			P			P	P	
Tobacco & Hemp								P	P	P	P	P	P	4-57
All other retail sales and service (except as noted above)						S*		P	P			P	P	
Sexually oriented business								S	S	S	S			4-53

P = Permitted Use; S = Special Use Required; S\* = Special Use Required in MUD; Blank = Prohibited **Text Amendment: Article 4 – 57**

The UDO amendment would add use standards in Article 4-57. The use standards set distance requirements from youth sensitive areas. Staff has identified ten areas where county commercially zoned land is within 1000' of a school (see map below). In some cases, the use would need to move farther away from the school but could still develop within the commercial node. Only one park – Lake Myra Park – has commercially zoned land within 1000'. Staff believes the amendment is not overly restrictive and would not prohibit the use from developing within the county's unincorporated jurisdiction.





*The proposed amendment reads as follows:*

Article 4-57 – Tobacco and Hemp Retail

Tobacco and Hemp Retail must comply with the following standards:

4-57-1 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.

4-57-2 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.

4-57-4 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.

**Text Amendment: Article 21 Definitions and Measurement**

The UDO amendment would add a definition of tobacco and hemp retail to Article 21. Planning staff worked with local and state public health professionals to develop a definition of tobacco & hemp retail that sufficiently identifies the products of concern impacting youth. The definition of hemp is inclusive of all intoxicating tetrahydrocannabinol (THC) containing products; products with less than .3% THC are exempt. The definition is also inclusive of *Mitragyna speciosa*, commonly known as kratom. The FDA advises consumers avoid kratom because the product affects the same opioid brain receptors as morphine and appears to have properties that expose users to the risks of addiction, abuse, and dependence. There are currently no age restrictions on the sale of kratom or intoxicating hemp products like Delta 8 and Delta 9.

*The proposed amendment reads as follows:*

Tobacco and Hemp Retail

The principal sales and/or distribution of:

- A. Any product that contains tobacco or nicotine, irrespective of whether the nicotine is tobacco-derived or synthetic, and is intended for human consumption, as defined by G.S. § 14-313(4). As used in this subchapter, “tobacco product” includes but is not limited to: cigarettes, cigars, pipe tobacco, electronic cigarettes, hookah, smoked or vaped tobacco substitutes, chewing tobacco, snuff, snus, dissolvable tobacco products, and heated tobacco products. Tobacco product does not include nicotine replacement products approved by the USFDA for treatment of tobacco use and dependence.
- B. Any product that contains tetrahydrocannabinol (THC), irrespective of whether the THC is hemp derived or synthetic. Products that contain no greater than .3% THC are exempt.
- C. Any product that contains *Mitragyna speciosa*, commonly known as kratom.
- D. Any electronic device that delivers nicotine, THC or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, electronic cigar, electronic pipe, vape, or electronic hookah.



- E. Tobacco and hemp retail shall also mean any person who primarily sells, offers for sale, or does or offers to exchange for any form of consideration, tobacco, tobacco products, or tobacco paraphernalia.

## **PLANWake**

Wake County's comprehensive plan sets the overarching goal of a county that is *"Healthy and active with better health outcomes and less need for health interventions"*. Tobacco use remains the number one preventable cause of death and disease in our community, state, and nation. The U.S. has seen a dramatic rise in the use of smokeless and vaping products by youth in the last ten years. Between 2011 and 2019, vaping rates among North Carolina high school youth increased by 1,129% (North Carolina Youth Tobacco Survey). According to the 2022 NC Youth Risk Behavior Survey (YRBS), approximately 24% of North Carolina high school students currently vape (NC DPI). The UDO amendment will improve health outcomes by reducing youth access to tobacco and other intoxicating products.

The proposed UDO amendment has been a collaborative effort between partners and can be considered an example of the *"Act Together"* charge described in PLANWake. The Wake County Tobacco Prevention and Control initiative is a local collaborative effort of partners to prevent deaths and health problems attributable to tobacco use. Partners include the Poe Center for Health Education, Wake County Public School System, Wake County PTA, American Heart Association, North Carolina Alliance for Health, Shaw University, St. Augustine University, and DHIC (affordable housing provider). Key strategies used by the group include policy and environmental change interventions such as the tobacco-free ordinance passed by the Wake County Board of Commissioners in 2022 that encompasses county-owned buildings, vehicles, grounds, parks, and public places in unincorporated Wake County.

Staff has reached out to the North Carolina Specialty Retail Association to inform them of the draft policy change. Information about the Planning Board and Board of Commissioner public meetings, including the proposed text amendment and staff report, have been shared with the organization.

## **Staff Findings**

1. The proposed changes do not impact any existing Tobacco & Hemp retailers in unincorporated Wake County.
2. The proposed standards align with the County's land use policies (PLANWake) with Health and Human Service efforts on youth tobacco & hemp activity.
3. Several municipalities have already established similar standards for this type of use.

## **Staff Recommendation**

Staff recommends that, in the matter of OA-02-23, 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.



**Attachments:**

1. OA-02-23 Text Amendment
2. Motions Page
3. Presentation



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## 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.
  - (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]



## Article 21 Definitions and Measurement

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

*Tobacco and Hemp Retail* means the principal sales and/or distribution of:

- Any product that contains tobacco or nicotine, irrespective of whether the nicotine is tobacco-derived or synthetic, and is intended for human consumption, as defined by G.S. § 14-313(4). As used in this subchapter, "tobacco product" includes but is not limited to: cigarettes, cigars, pipe tobacco, electronic cigarettes, hookah, smoked or vaped tobacco substitutes, chewing tobacco, snuff, snus, dissolvable tobacco products, and heated tobacco products. Tobacco product does not include nicotine replacement products approved by the USFDA for treatment of tobacco use and dependence.
- Any product that contains tetrahydrocannabinol (THC), irrespective of whether the THC is hemp derived or synthetic. Products that contain no greater than .3% THC are exempt.
- Any product that contains Mitragyna speciosa, commonly known as kratom.
- Any electronic device that delivers nicotine, THC or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, electronic cigar, electronic pipe, vape, or electronic hookah.
- Tobacco and hemp retail shall also mean any person who primarily sells, offers for sale, or does or offers to exchange for any form of consideration, tobacco, tobacco products, or tobacco paraphernalia.

*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.

## Amendments to Section 4-11 Use Table as it pertains to Tobacco and Hemp Retail

	R80W	R40W	R10-R80	R5	RMH	Highway District	Office & Inst	General Business	Heavy Com	Ind - 1	Ind - 2	Airport District 1	Airport District 2	Special Purpose	Use Standards
<b>Retail Sales and Service</b>															
Mobile home sales	-	-	-	-	-	-	-	-	P	P	P	-	-	-	
Neighborhood/ convenience-oriented retail (w/gas)	-	-	S*	S*	-	P	P	P	P	P	P	P	P	-	4-50
Neighborhood/ convenience – oriented retail (w/o gas)	-	S*	S*	S*	-	P	P	P	P	P	P	P	P	-	4-50
Outdoor sales/service, displays and/or storage	-	-	-	-	-	S*	-	-	P	-	-	P	P	-	
<b>Tobacco &amp; Hemp</b>	-	-	-	-	-	-	-	P	P	P	P	P	P	-	4-64
All other retail sales and service (except as noted above)	-	-	-	-	-	S*	-	P	P	-	-	P	P	-	
<b>Sexually oriented business</b>	-	-	-	-	-	-	-	S	S	S	S	-	-	-	4-53



## **MOTION FOR CONSISTENCY (1<sup>ST</sup> MOTION)**

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

In the matter of OA-02-23, 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. These purposes are advanced by this text amendment's creation of distance requirements of Tobacco and Hem retail from schools and other youth sensitive areas.
- 2) The proposed text amendment is reasonable because it is consistent with land use regulations within five Wake County municipal jurisdictions and aligns with the County's public health initiatives to curb use of these products among youth.

## **MOTION FOR APPROVAL (2<sup>ND</sup> MOTION)**

In the matter of OA-02-23, 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.



# Wake County Unified Development Ordinance Amendment OA-02-23

September 6, 2023

Terry Nolan, Planner III



@wakegov



wakegov.com



# Request

- Amend the Unified Development Ordinance to prohibit Tobacco & Hemp retail within 1,000' of elementary, middle, and high schools, parks, greenways, residence, other tobacco & hemp
- Restrict Tobacco & Hemp retail to the following zoning districts: General Business, Heavy Commercial, Industrial, Special Districts



# Tobacco/Hemp Retail



- Specialty retail
- Small storefront
- Found along major corridors and downtowns
- None were found in unincorporated Wake County



# What is Tobacco & Hemp Retail?

Where sales of the following is the *Principal* use

- Any product that contains tobacco or nicotine
  - Includes synthetic
- Any product that contains a certain level of THC
  - Includes Delta 8 & Delta 9
- Any product that contains Kratom
- Electronic devices that deliver nicotine, THC, or other substances



# Background/Purpose

- **WCPSS approached Wake County**
  - Reduce availability to youth through land use regulation
- **Planning and Public Health**
  - HHS has a robust program that educates youth
  - Michelle Mulvihill presented at the Municipal Planners meeting in May; planners discussed their experiences implementing land use policy
  - PDI, WCPSS & HHS staff met in June to discuss a Wake County UDO amendment



# Wake County is a Leader

## NORTH CAROLINA MUNICIPALITY 100% TOBACCO-FREE OR SMOKE-FREE WRITTEN REGULATIONS



### LEGEND:

- ☒ 100% Tobacco Free Policy
- ☒ 100% Smoke Free Policy
- ☐ No Written Regulation or Less than 100% Written Regulation

	County		Local Health Dept. Region	Gov't Buildings	Gov't Vehicles	Gov't Grounds	Gov't-Owned Parks Only	Recreation Areas	Public Places
	WAKE COUNTY	7	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Apex	WAKE	7	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cary	WAKE	7	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fuquay-Varina	WAKE	7	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Garner	WAKE	7	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Holly Springs	WAKE	7	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Knightdale	WAKE	7	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Morrisville	WAKE	7	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raleigh	WAKE	7	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rolesville	WAKE	7	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wake Forest	WAKE	7	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wendell	WAKE	7	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Zebulon	WAKE	7	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



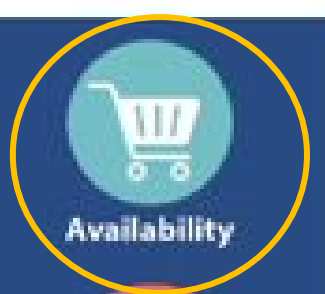
# We Know What Works



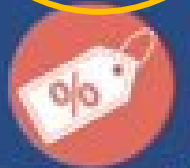
## Vaccine Booster



Land Use  
Restrictions



Availability



Pricing and  
Promotion



Advertising and  
Display bans



Age of Sale



Retail Licensure



# Preemption & Point of Sale Strategies

- Preemptive language in NC law prohibits local governments from adopting regulations regarding the sale, distribution, display and promotion of tobacco products, including e-cigarettes.
- However, NC local governments have clear authority to regulate land uses through zoning, including regulating where particular land uses are permitted. Under land use regulation, local ordinances can regulate the retailers selling tobacco products.



# Legal Authority

- Local governments have broad authority to regulate land use and development for the safety and welfare of the public.
- 1976 Supreme Court case *Young v. American Mini Theaters* established the “secondary effects doctrine”, which upheld zoning regulations intended to limit the adverse effects associated with a particular land use.
- Secondary effects doctrine is commonly used to restrict sexually oriented businesses.
- Several Wake County municipalities are using the secondary effects doctrine to limit adverse effects on youth.

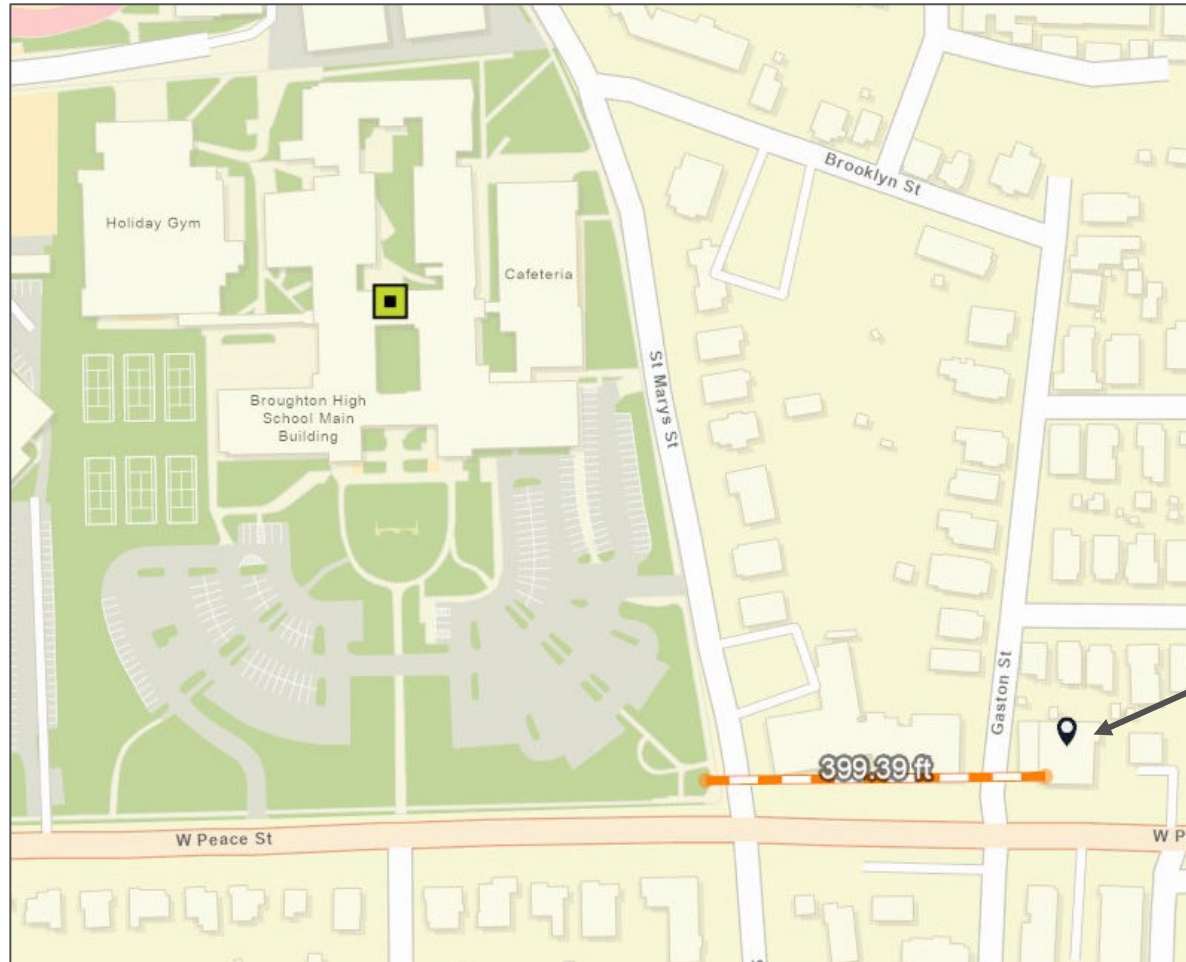


# Municipal UDOs in Wake County

Municipality	Distance from schools	Distance from other uses
Apex	1,000 feet	No restrictions
Fuquay Varina	500 feet	Other tobacco/hemp retail, daycare
Knightdale	1,000 feet	Other tobacco/hemp, park
Rolesville	1,000 feet	Other tobacco/hemp
Zebulon	500 feet	Other tobacco/hemp, pawn, religious institution, daycare, parks, adult business, nightclub, pool hall



# Example: Tobacco Proximity to a School



Less than 400' from Broughton High School property





# Proposed Amendment Article 4-57

- 4-57-1 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;
- 4-57-2 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.
- 4-57-4 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;



# Proposed Zoning Districts

## This is a simplified Use Table

S\* = Special Use in Multi-Use District

S = Special Use that requires approval by the Board of Adjustment

P = Permitted by right

Use	Residential	Highway District	Office	General Business	Heavy Commercial	Industrial
Neighborhood retail	S*	P	P	P	P	P
Outdoor sales/storage		P	P	P	P	P
Tobacco/Hemp				P	P	P
Sexually oriented business				S	S	S

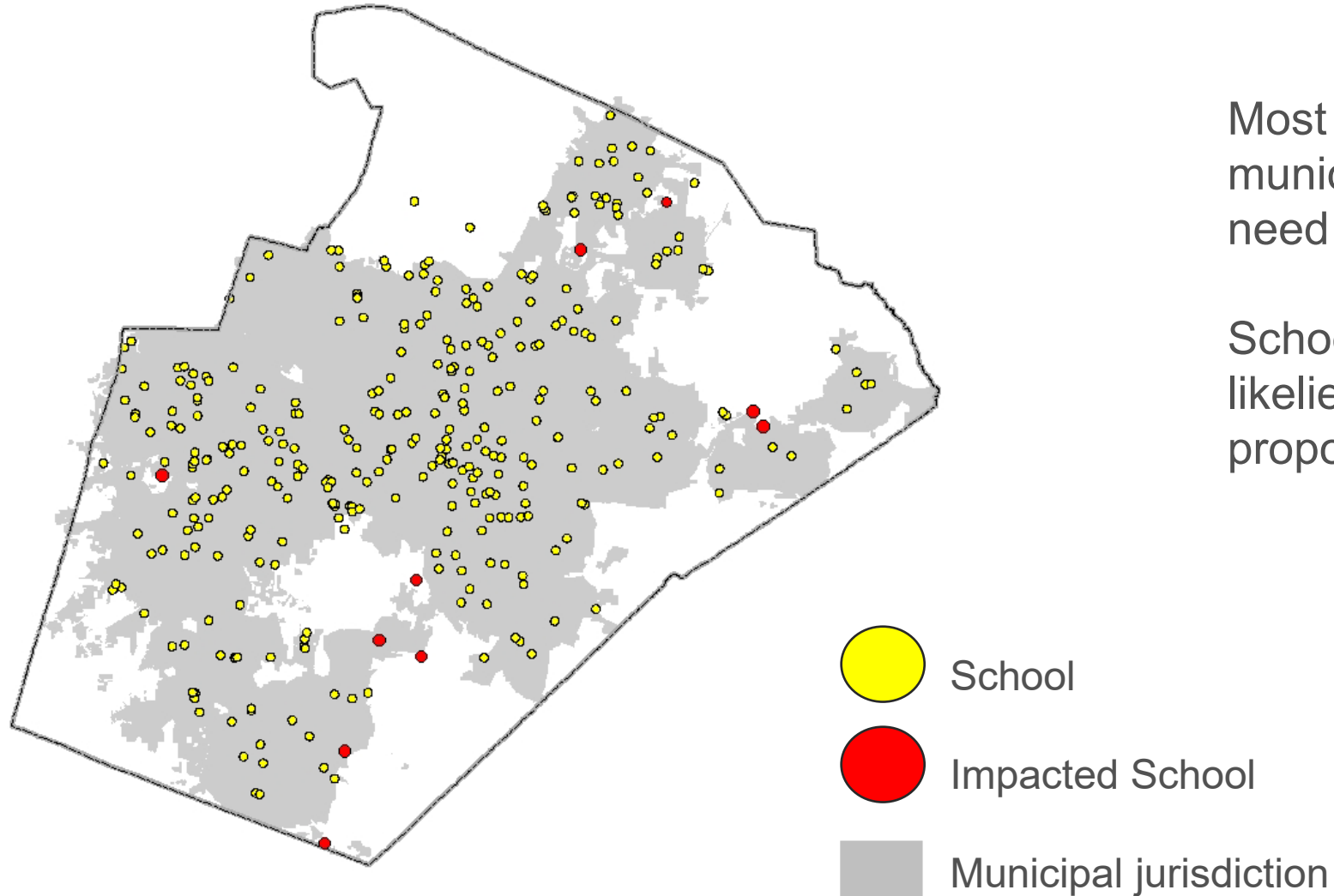


# Current vs. Proposed Zoning Districts





# Schools and Wake County



Most schools are in municipalities because of the need for public utilities

Schools on the “edge” are the likeliest to be impacted by the proposed UDO amendment



# Impact Analysis

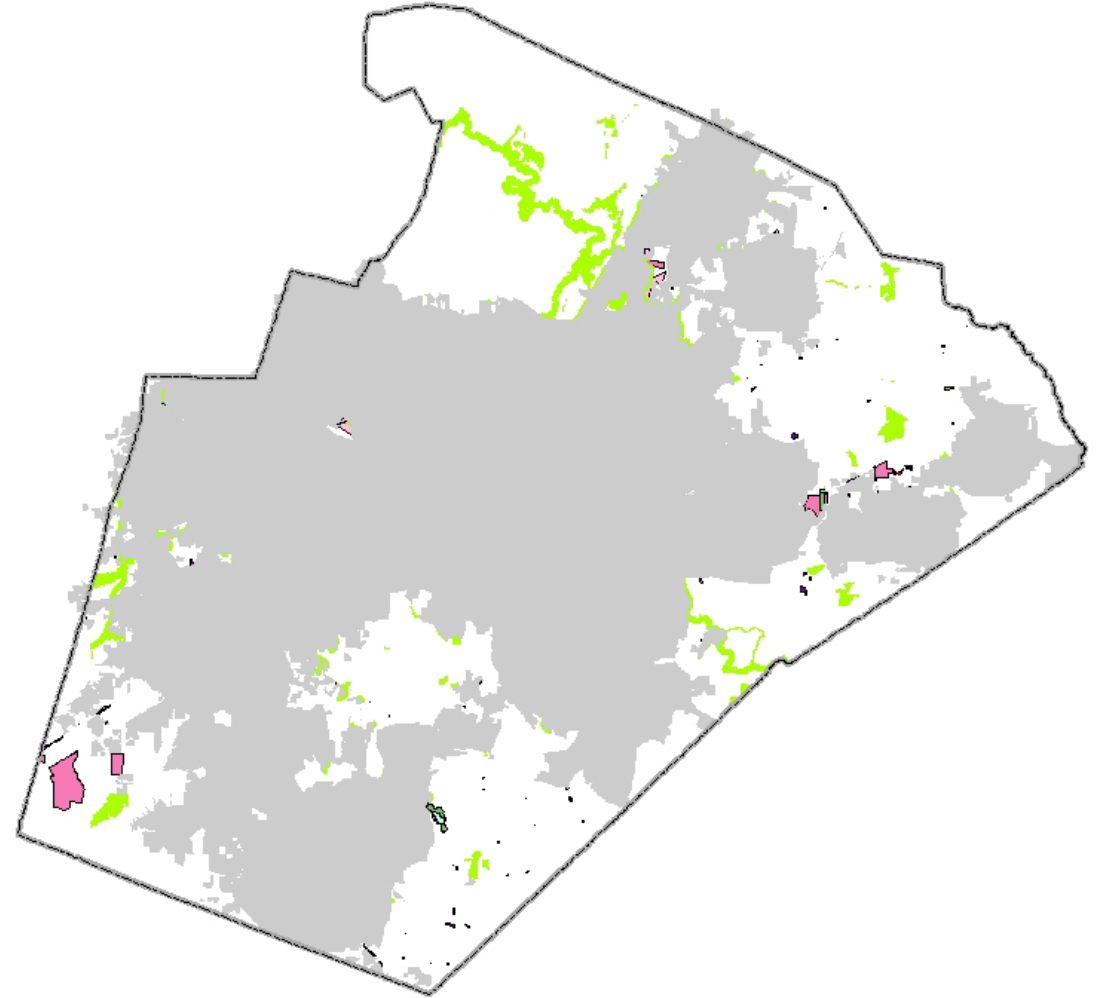
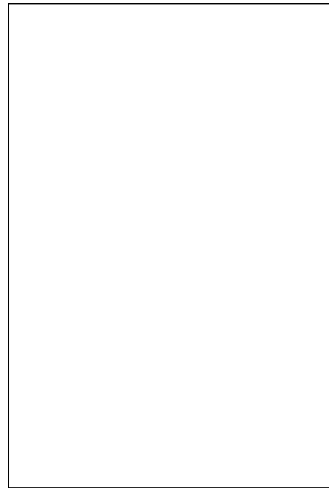
## **Ten Schools have Wake County commercially zoned land within 1000':**

- Endeavor Charter (Capital & Burlington)
- Jones Dairy Elementary (Jones Dairy Rd.)
- Wendell Middle (97 & Wendell Blvd)
- Turner Creek Elementary (NC 55 & Lewey Dr.)
- Willow Springs Elementary (HWY 42)
- Vance Elementary (Ten Ten)
- Carolina Charter Academy (HWY 55 Angier area)
- King's Town Christian Academy (Ten Ten)
- Wake Christian Academy (Simkins & 401)
- Trinity Christian Academy (HW 64 Wendell area)



# Parks and Commercial Areas

No major impacts other than one commercial area near Lake Myra Park





# Timeline

- ✓ Planning Board – August 2<sup>nd</sup>
- ✓ Public Health Committee – August 18<sup>th</sup>
- ✓ Health and Human Services Board – August 24<sup>th</sup>
- Planning Board – September 6<sup>th</sup>
- Board of Commissioners – October 16<sup>th</sup>



# Staff Findings

- The proposed changes do not impact any existing Tobacco/Hemp establishments in unincorporated Wake County.
- The proposed standards align the County's land use policies with Health and Human Service efforts on youth tobacco/hemp activity.
- Several municipalities have already established similar standards for this type of use.



# Staff Recommendation

That the Wake County Planning Board:

1. Recommend that the Board of Commissioners adopt the statement of consistency for Ordinance Amendment 02-23 as presented;

and by separate motion

2. Recommend that the Board of Commissioners adopt Ordinance Amendment 02-23 as presented.





# Public Comment