

# STAFF REPORT

## Amendments to the Unified Development Ordinance

April 28, 2026 Town Council Meeting



### Requested by Environmental Advisory Board:

- 1) **Amendments to Secs. 8.2.2.B.1 *General Landscaping Design Standards, Plant Materials, Use of Native or Adaptive Plant Materials* and 12.2 *Definitions, Terms Defined* in order to create a definition for native plants and to clarify that landscaping for all Town property shall only use native plants and seeds that are listed within in the Town’s *Development and Design Manual*.**

**Background:** The Environmental Advisory Board proposes the following amendments to establish a more specific standard for landscaping on property owned by or dedicated to the Town of Apex by referencing classifications maintained by the United States Department of Agriculture (USDA). This approach provides an objective, science-based framework for determining plant nativity while allowing for the use of cultivars and varieties, provided they retain functional reproductive structures that support ecological resilience.

### 8.2.2 General Landscaping Design Standards

#### B) *Plant Materials*

##### 1) *Use of Native or Adaptive Plant Materials*

In order to further water conservation and to assure ensure growth and survival of new plantings, all new landscaping installed pursuant to this chapter shall be comprised entirely of native or adaptive plants that reflect the surrounding plant materials and environment. See the Town of Apex Development and Design Manual for a list of approved native or adaptive plants.

##### a) **Landscaping on Town-Owned Property**

**All new or replacement landscaping installed on property owned by or dedicated to the Town of Apex, including public rights-of-way, parks, open space, and other publicly maintained areas shall utilize native plant materials, as defined in Sec. 12.2 *Terms Defined*. Preference shall be given to species native to North Carolina where practicable. Plant selections shall be consistent with the Town of Apex *Design and Development Manual*. Final plant selections shall be subject to review and approval by the Technical Review Committee (TRC) to ensure consistency with local ecological conditions, maintenance practices, and adopted long-term sustainability goals.**

**The following non-native plants shall be exempted from this policy:**

- (i) **Non-native turf grass;**
- (ii) **Replacement of existing non-native plant species that have been removed or have died, provided such replacements are of the same species or a functionally equivalent non-native species, in order to maintain the continuity of the established landscape design; and**

**(iii) Non-native plants where the primary purpose is:**

- (a) Crop cultivation;**
- (b) Scientific research;**
- (c) Botanical or historical gardens; or**
- (d) Plantings for wildlife.**

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12.2 Terms Defined

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**Adaptive Plants**

**Adaptive plants are plant species, or cultivars, that are not native to the local ecosystem but have demonstrated the ability to thrive in regional climate and soil conditions without invasive tendencies, excessive irrigation, chemical inputs, or extraordinary maintenance, and that do not pose a threat to native plant communities or local ecosystems.**

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**Native Plants**

**Native plants are plant species that the United States Department of Agriculture (USDA) has classified as native to a state or county in the Southeastern United States. For the purpose of this list, Southeastern USA includes the states of Alabama, Georgia, North Carolina, South Carolina, Tennessee, Virginia, and the following counties in Florida: Bay Calhoun, Escambia, Gulf, Holmes, Jackson, Okaloosa, Santa Rosa, Walton, and Washington.**

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**Requested by Planning Staff:**

- 2) **Amendment to Sec. 4.3.5.D.2 *Use Classifications, Commercial Uses, Office and Research* in order to clarify that overnight stays shall be permitted only when associated with a physician ordered sleep study.**

**Background:** Staff propose the following amendment to clarify that limited overnight stays may be permitted within medical offices for the purpose of conducting physician ordered sleep studies. The intent of this amendment is to recognize and allow a common medical practice that is typically conducted within medical office buildings and does not function as inpatient or hospital care.

4.3.5 Use Classifications, Commercial Uses

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D) *Office and Research*

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- 2) *Medical or dental clinic or office.* An establishment where patients, who are not lodged overnight except for emergency treatment, are admitted for examination and treatment by one (1) person or group of persons practicing any

form of healing or health-building services to individuals, whether such persons be medical doctors, chiropractors, osteopaths, podiatrists, optometrists, dentists, orthodontists, naturopaths, homeopaths, nutritionists, licensed therapeutic massage therapists, psychologists, psychiatrists, rehabilitation therapists, speech and language therapists, occupational therapists, acupuncturists or any such profession, the practice of which is lawful in the State of North Carolina.

**Overnight stays shall be permitted only when associated with a physician ordered sleep study. Such stays shall not include inpatient care; the routine provision of emergency services; surgical procedures requiring general anesthesia; or medical observation exceeding 10 hours, except as necessary to complete the sleep study or to stabilize a patient pending transfer to emergency medical services.**

**Requested by Planning Staff:**

- 3) Amendments to Sec. 7.2.1.B Subdivisions, Design Standards, Streets, Street Rights-of-Way in order to prohibit the installation or use of artificial turf within the right-of-way of any new subdivision or site plan approved after April 28, 2026.**

**Background:** Planning Staff propose the following amendment to prohibit the installation or use of artificial turf within public street rights-of-way for new subdivisions and site plans approved after April 28, 2026. The use of artificial turf within the right-of-way may present concerns related to long-term maintenance, durability, stormwater performance, and consistency with the Town's streetscape and landscaping standards. The proposed amendment is intended to establish clear expectations for materials permitted within the right-of-way and ensure a consistent, maintainable, and functional streetscape for future development.

7.2.1 Streets

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B) *Street Rights-of-Way*

- 1) Minimum street right-of-way widths shall be determined on the basis of the street classification shown in *Advance Apex: The 2045 Transportation Plan* or, where such plans do not apply, according to the nature of the street as illustrated on the plat. The subdivider shall refer to the *Town of Apex Standard Specifications and Standard Details* for standard street sections and minimum rights-of-way.
- 2) Subdivisions along existing streets of inadequate right-of-way width shall provide additional right-of-way to meet the minimum widths specified. The entire right-of-way shall be provided where any part of a new subdivision is on both sides of an existing street, and one-half the required right-of-way measured from the centerline of the existing street shall be provided where a new subdivision is located only on one side of an existing street.
- 3) Artificial turf shall be prohibited within public street rights-of-way associated with new subdivisions or site plans approved after April 28, 2026. This prohibition shall apply to all areas within the right-of-way, including but not**

limited to planting strips, medians, and other landscaped or unimproved areas. Artificial turf shall not be permitted as a substitute for required landscaping, groundcover, or open space within the right-of-way. This Section shall not apply to the repair or replacement of existing artificial turf installed prior to April 28, 2026.

Requested by Water Resources Staff:

- 4) **Amendments to Sec. 6.2.17.B Flood Damage Prevention Overlay District, Standards for Streams without Established Base Flood Elevations, Floodways, and/or Non-Encroachment Areas, Provide Flood Data**, to update the requirements for providing flood data. The amendment would allow applicants the option to use base flood elevations (BFEs) shown on the North Carolina Emergency Management (NCEM) non-regulatory floodplain map as an alternative to commissioning a hydraulic study and report.

**Background:** Water Resource Staff propose the following amendment to update the standards in Section 6.2.17.B *Flood Damage Prevent Overlay District, Standards for Streams without Established Base Flood Elevations, Floodways, and/or Non-Encroachment Areas, Provide Flood Data*. The amendment would allow applicants the option to use base flood elevation (BFE) data shown on the North Carolina Emergency Management (NCEM) non-regulatory floodplain map as an alternative to providing a hydraulic study and report. This change is intended to provide a clear and consistent method for applicants to obtain floodplain information while maintaining compliance with state floodplain management standards and reducing the need for duplicative studies where reliable state data is available.

6.2.17 Standards for Streams without Established Base Flood Elevations, Floodways, and/or Non-Encroachment Areas

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B) *Provide Flood Data*

A hydraulic report shall be prepared by a licensed professional engineer to define the Base Flood Elevation (BFE) for a Master Subdivision Plan, Site Plan, planned development, and other proposed development if development is greater than five (5) acres or has more than 50 lots. **Alternative to a hydraulic study and report, the Town will accept the 100-year Base Flood Elevations (BFEs) as shown on the North Carolina Emergency Management (NCEM) non-regulatory floodplain map.** Such Base Flood Elevation (BFE) data shall be adopted by reference per Sec. 6.2.6 to be utilized in implementing this Ordinance.

**PLANNING STAFF RECOMMENDATION:**

Planning staff recommend approval of the proposed amendments.

**PLANNING BOARD RECOMMENDATION:**

At their April 13, 2026, meeting, the Planning Board unanimously recommended approval of the proposed amendments.