

STAFF REPORT

Amendments to the Unified Development Ordinance

June 16, 2020 Town Council Meeting



Requested by Planning Staff:

1. **Amendments to Sec. 5.1.5 *Table of Intensity and Dimensional Standards, Small Town Character Overlay District* in order to increase the permitted building height to three (3) stories and 50 feet subject to specific standards including setbacks.**

5.1 Table of Intensity and Dimensional Standards

...

5.1.5 Small Town Character Overlay District

Use	Average Lot Size	Minimum Lot Width (Feet)	Minimum Setbacks (Feet)				Max. Height (Feet)	Max. Built-Upon Area (%)*	Max. Density (Gross Units per Acre)	Additional Regulations
			Front	Side	Rear	Corner Side				
Central Business District	—	—	10 max.	0	10	10 max.	2 stories and 36*	100	—	—
Non-Residential	—	—	25 max.	8	10	25 max.	36	70	—	—
Single-family	—	60	20	8, 10 on side with driveway in front yard	15	10	36	50	6	—
Multi-family / Condominium	—	60	20 ²	10 ²	15 ²	10 ²	36	60	14	—
Townhouse	—	20	20 ²	0	15 ²	15	36	50	12	10' aggregate setback between buildings; Sec. 2.3.4

***Building height may be increased to 3 stories and 50 feet if the following conditions are met:**

1. The existing structure is not contributing to the historic district.
2. The existing or proposed building shall be located on Salem Street.
3. The existing or proposed building is located on the corner of 2 public streets or a public street and a public alley.
4. The 3rd story shall be set back at least 18 feet from the property line along the front façade.
5. Open air rooftop dining shall be exempt from the height calculation.

2. **Amendments to Sec. 6.1 *Watershed Protection Overlay Districts* and Sec. 7.2.1 *Design Standards, Streets* in order to change all references to “Stormwater and Utility Engineering Manager” to “Environmental Engineering Manager” in Sec. 6.1 and to “Water Resources Director” in Sec. 7.2.1. Sections affected are as follows:**

- 6.1.4
- 6.1.11
- 6.1.12
- 6.1.15
- 7.2.1

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of the proposed UDO amendments.

PLANNING BOARD RECOMMENDATION:

The Planning Board heard these amendments at their June 8, 2020 meeting and unanimously recommended approval.

PLANNING BOARD REPORT TO TOWN COUNCIL

Unified Development Ordinance Amendments

Planning Board Meeting Date: June 8, 2020



Report Requirements:

Per NCGS 160A-387, all proposed amendments to the zoning ordinance or zoning map shall have a written report provided from the Planning Board to the Town Council within 30 days of referral of the amendment to the Planning Board, or the Town Council may proceed in its consideration of the amendment without the Planning Board report. Furthermore, in no case is the Town Council bound by the recommendations, if any, of the Planning Board.

Planning Board Recommendation:

Motion: Motion to approve as presented.

Introduced by Planning Board member: Reginald Skinner

Seconded by Planning Board member: Beth Godfrey

- ☒ Approval of the proposed UDO amendment(s)
☐ Approval of the proposed UDO amendment(s) with the following conditions:

☐ Denial of the proposed UDO amendment(s)

With 6 Planning Board Member(s) voting "aye"

With 0 Planning Board Member(s) voting "no"

Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 8th day of June 2020.

Attest:

Michael Marks Digitally signed by Michael Marks
Date: 2020.06.08 21:14:17 -04'00'

Michael Marks, Planning Board Chair

Dianne Khin Digitally signed by Dianne Khin
Date: 2020.06.08 17:52:02 -04'00'

Dianne Khin, Planning Director

AN ORDINANCE TO AMEND CERTAIN SECTIONS OF THE UNIFIED DEVELOPMENT ORDINANCE

BE IT ORDAINED by the Town Council of the Town of Apex as follows:

Section 1. Section 5.1.5 of the Unified Development Ordinance is amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

5.1 Table of Intensity and Dimensional Standards

...

5.1.5 Small Town Character Overlay District

Use	Average Lot Size	Minimum Lot Width (Feet)	Minimum Setbacks (Feet)				Max. Height (Feet)	Max. Built-Up Upon Area (%)*	Max. Density (Gross Units per Acre)	Additional Regulations
			Front	Side	Rear	Corner Side				
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Single-family	—	60	20	8, 10 on side with driveway in front yard	15	10	36	50	6	—
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***Building height may be increased to 3 stories and 50 feet if the following conditions are met:**

- 1. The existing structure is not contributing to the historic district.**
- 2. The existing or proposed building shall be located on Salem Street.**
- 3. The existing or proposed building is located on the corner of 2 public streets or a public street and a public alley.**
- 4. The 3rd story shall be set back at least 18 feet from the property line along the front façade.**
- 5. Open air rooftop dining shall be exempt from the height calculation.**

Section 2. Section 6.1 of the Unified Development Ordinance is amended to change all “Stormwater and Utility Engineering Manager” references to “Environmental Engineering Manager” and Section 7.2.1 of the Unified Development Ordinance is amended to change all “Stormwater and Utility Engineering Manager” references to “Water Resources Director”.

Section 3. The Planning Director and/or Town Manager are hereby authorized to renumber, revise formatting, correct typographic errors, to verify and correct cross references, indexes and diagrams as necessary to codify, publish, and/or accomplish the provisions of this ordinance or future amendments as long as doing so does not alter the terms of this ordinance.

Section 4. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to such section, paragraph, subdivision, clause or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

Section 5. The ordinance shall be effective upon enactment on the _____ day of June 2020.

Introduced by Council Member _____

Seconded by Council Member _____

Attest:

TOWN OF APEX

Donna Hosch, MMC, NCCMC
Town Clerk

Jacques K. Gilbert
Mayor

Approved As To Form:

Laurie L. Hohe
Town Attorney



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

PUBLIC NOTIFICATION OF PUBLIC HEARING

AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE (UDO)

Notice is hereby given of a public hearing before the Town Council of the Town of Apex for the purpose of soliciting comments relative to the following amendment(s) to the Unified Development Ordinance:

Requested by Planning Staff:

1. Amendments to Sec. 5.1.5 *Table of Intensity and Dimensional Standards, Small Town Character Overlay District* in order to increase the permitted building height to three (3) stories and 50 feet subject to specific standards including setbacks.
2. Amendments to Sec. 6.1 *Watershed Protection Overlay Districts* and Sec. 7.2.1 *Design Standards, Streets* in order to change all references to "Stormwater and Utility Engineering Manager" to "Environmental Engineering Manager" in Sec. 6.1 and to "Water Resources Director" in Sec. 7.2.1.

Public Hearing Location: Apex Town Hall
73 Hunter Street, Apex, North Carolina
Council Chambers, 2nd Floor

Town Council Public Hearing Date and Time: June 16, 2020 6:00 PM

You may view the meeting through the Town's YouTube livestream at:
<https://www.youtube.com/c/townofapexgov>.

If you are unable to attend, you may share comments by noon on Monday, June 15, 2020, following instructions in the [Remote Participation policy](#). The policy includes options to provide comments by email (public.hearing@apexnc.org, 350-word limit) or voicemail (919-372-7300, 3-minute limit).

The UDO can be accessed online at: <http://www.apexnc.org/233>.

Dianne F. Khin, AICP
Director of Planning and
Community Development

Published Dates: May 27-June 16, 2020



TOWN OF APEX

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