

STAFF REPORT

Amendments to the Unified Development Ordinance

September 24, 2024 Town Council Meeting



Requested by Planning Staff:

1. Amendments to various sections of the UDO in order to remove all references to “condominium” given it is not a specific use and that State law does not require municipal review of condominium plats.

Affected sections include the following:

3.3.1.F, 3.3.1.G, 4.2.2, 4.3.1.B, 4.4.1.A, 5.1.1, 5.1.5, 5.2.2.F, 6.3.1.G, 6.3.1.H, 7.1.6, 7.2.5.D, 7.5.9.C.2, 8.2.4.A, 8.2.6.B.4, 8.6.3, and 12.2

3.3.1 Residential Districts

...

F) *High Density Multi-Family Residential District*

The purpose and intent of the HDMF High Density Multi-Family Residential District is to provide lands for high-density multi-family residential uses, (townhouses, ~~condominiums~~, apartments, duplexes, triplexes, and quadplexes) at densities up to 14 units an acre.

G) *MH Manufactured Housing Residential District*

The purpose and intent of the MH Manufactured Housing Residential District is to provide lands for manufactured housing along with other multi-family (townhouse, ~~condominium~~, duplex, and multi-family dwellings) and single-family housing at densities of six (6) units an acre.

...

4.2.2 Use Table

Use Type	Definition Section	Zoning Districts																					
		Residential										Business					Planned Developme nt			Other			Standards
		R A	R R	L D	M D	H D S F	H D M F	M H	M H P	M O R R	O & I	B 1	B 2	P C	L I	T F	M E C	T N D	P U D	C B	S D	S T C	Section(s)
Residential Uses																							
...																							
Condominium	4.3.1.B						P			P							P	P	P		**	P*	4.4.1.A; 6.3
...																							

4.3.1 Residential Uses

...

B) *~~Condominium~~ Reserved*

~~A residential development of two or more units in one or more buildings designed and constructed for unit ownership as permitted by the North Carolina Unit Ownership Act.~~

...

4.4.1 Residential Uses

...

A) Condominium **Reserved**

- 1) ~~All condominium developments with one or more dumpsters or a trash compactor must provide a recycling area and a cardboard dumpster; both shall be screened with similar materials to the dumpster or compactor enclosure;~~
- 2) ~~The overall enclosure design must comply with the standards found in the *Town of Apex Standard Specifications and Standard Details*.~~

5.1.1 Residential Districts

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					
HDMF											
...											
Condominium, Multi-family or Apartments	—	—	50**	50**	50**	50**	48	65	14	Sec. 5.2.2.F	
...											
MORR											
...											
Condominium, Duplex, Multi-family, or Apartments	—	—	25** max.	5**	10**	15**	36	70	12	Sec. 5.2.2.F	
...											

*See Sec 6.1 Watershed Protection Overlay Districts.

**These setbacks are for the perimeter of entire project only.

***Projects submitted prior to April 1, 2008 shall be governed by the Minimum Front Setbacks in place at the time of submittal.

5.1.5 Small Town Character Overlay District Intensity and Dimensional Standards Table

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				
...										
Multi-family / Condominium	—	60	20 ²	10 ²	15 ²	10 ²	36	60	14	—
...										

^{*} See Sec 6.1 Watershed Protection Overlay Districts.

¹ Building height may be increased to 3 stories and 50 feet if the following conditions are met:

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

² These setbacks are for the perimeter of the entire project only, not setbacks between units or buildings.

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5.2.2 General Measurement Requirements

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F) *Internal Building Setbacks*

Except in Sustainable Development Conditional Zoning District (SD-CZ), internal building setbacks for ~~condominium~~, multi-family and apartment, congregate living facilities and nursing and convalescent facilities shall comply with the following spacing standards:

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6.3.1 Small Town Character Overlay District

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G) *Residential Building Standards*

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2) *Accessory Buildings*

Accessory buildings such as garages shall be placed in the rear or side yard. Whenever possible, side loading garages shall be located in the rear of the property. For ~~condominium~~, multi-family or apartment uses, garages and driveways which dominate the front of the lot area are not permitted.

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H) *Residential Architectural Character*

The following standards shall apply to any ~~condominium~~, multi-family or apartment use. It is strongly recommended that single-family and townhouse dwellings follow the architectural guidelines in the *Town of Apex Design and Development Manual*.

...

7.1.6 ~~Condominium and~~ **Requirements for** Townhouse Developments

A) ~~Requirements for Condominium Developments~~

~~1) Before a declaration establishing a condominium development may be recorded in the office of the Wake County Register of Deeds, as prescribed in the North Carolina Unit Ownership Act, the Site Plan or Master Subdivision Plan shall be approved as provided in this Ordinance. Such declaration and Site Plan or Master Subdivision Plan shall conform to applicable subdivision requirements as set forth in this Article and to the zoning requirements of this Ordinance.~~

~~2) In addition, the following requirements shall be complied with:~~

~~a) The declaration shall be a complete legal document prepared strictly in accordance with the North Carolina Unit Ownership Act.~~

~~b) The plans of the buildings to be attached to the above declaration and recorded shall be prepared in accordance with the North Carolina Unit Ownership Act.~~

- c) ~~If any streets or utility easements are to be dedicated for public use and maintenance, a separate plat shall be submitted and recorded in accordance with requirements of this Ordinance.~~
- d) ~~The declaration shall contain a statement that common expenses include ad valorem taxes, public assessments, or governmental liens levied on common areas, if any.~~

B) ~~Requirements for Townhouse Developments~~

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7.2.5 Single-Family Residential Grading

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D) *Exemptions*

- 1) The following shall be exempt from the provisions of Sec. 7.2.5 *Single-Family Residential Grading*:
 - ...
 - e) Attached and detached townhomes, multi-family/apartments, ~~condominiums~~, and non-residential developments.

7.5.9 Schedule of Installation

...

C) ...

2) *Residential development*

- a) All road improvements required per the Advance Apex: The 2045 Transportation Plan, all proposed roadways to be constructed within existing or proposed public right-of-way as part of the approved development plan and all additional offsite road improvements required to mitigate development traffic impacts to existing facilities must be completed prior to the first plat approval for single family residential and townhomes and prior to the first CO for multi-family, and/or apartments ~~and/or condominiums~~. For phased multi-family, and/or apartment ~~and/or condominium~~ developments, all the improvements applicable to a phase must be completed before the first CO is issued for the phase.

...

8.2.4 Building Landscaping Requirements

A) *General Landscaping Standards*

All non-residential, multi-family/apartment, ~~condominium~~ and townhome developments, and all single-family residential subdivisions shall install landscaping pursuant to the requirements of this Section. This landscaping shall be in addition to any other landscaping required by Article 8: *General Development Standards*, unless otherwise specified.

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8.2.6.B Buffering, Landscape Buffers Between Land Uses

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4) Land Use Classes

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c) Class 3:

Condominium

Duplex

Manufactured home-detached, lots less than 6,000 square feet

Multi-family or apartment

Single-family detached, lots less than 6,000 square feet

Townhouse

Townhouse, detached

Triplex or Quadplex

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8.6.3 Illumination Standards

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Table 8.6-1: Lighting Standards for General Parking with Pedestrian Areas (initial foot-candles)

Use	Horizontal Illuminance Avg	Uniformity Ratio
- Multi-family residential or condominium (stacked flat)	4.0	8/1
- Retail	4.0	4/1
- Office	2.0	4/1
- Industrial		
- Educational		
- Cultural, civic, and recreational		
- Church or place of worship		
- Townhomes and other attached residential		

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12.2 Terms Defined

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Grading

The movement of earth by mechanical means to alter the gross topographic features of a development site, including elevation and slope, in preparation for construction of single-family, multi-family/apartment, condominium, and attached and detached townhome residential development and non-residential development.

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PLANNING STAFF RECOMMENDATION:

Planning staff recommend approval of the proposed amendments.

PLANNING BOARD RECOMMENDATION:

The Planning Board reviewed these amendments at their September 9, 2024 meeting and unanimously recommended approval.



TOWN OF APEX

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

PUBLIC NOTIFICATION OF PUBLIC HEARING AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE (UDO)

Pursuant to the provisions of North Carolina General Statutes §160D-601 and to the Town of Apex Unified Development Ordinance (UDO) Sec. 2.2.11, 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 that are applicable Town-wide:

Requested by Planning Staff:

1. Amendments to various sections of the UDO in order to remove all references to "condominium" given it is not a specific use and that State law does not require municipal review of condominium plats. Affected sections include the following:
3.3.1.F, 3.3.1.G, 4.2.2, 4.3.1.B, 4.4.1.A, 5.1.1, 5.1.5, 5.2.2.F, 6.3.1.G, 6.3.1.H, 7.1.6, 7.2.5.D, 7.5.9.C.2, 8.2.4.A, 8.2.6.B.4, 8.6.3, and 12.2

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

Town Council Public Hearing Date and Time: September 24, 2024 6:00 PM

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

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the Office of the Town Clerk (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council members prior to their vote. Please include the Public Hearing name in the subject line.

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

Dianne F. Khin, AICP
Planning Director

Published Dates: September 6-24, 2024



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NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

Modificación de la Ordenanza de Desarrollo Unificado (UDO)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-601 y con la sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del pueblo de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del pueblo de Apex a fin de solicitar comentarios relativos a la siguiente modificación de la Ordenanza de Desarrollo Unificado que se aplican a toda la ciudad:

A solicitud del personal de Planificación:

1. Enmiendas a varias secciones de la Ordenanza de Desarrollo Unificado (UDO) con el fin de eliminar todas las referencias a «condominio», dado que no es un uso específico y que la ley estatal no requiere la revisión municipal de las parcelas de condominio. Las secciones afectadas son las siguientes:

3.3.1.F, 3.3.1.G, 4.2.2, 4.3.1.B, 4.4.1.A, 5.1.1, 5.1.5, 5.2.2.F, 6.3.1.G, 6.3.1.H, 7.1.6, 7.2.5.D, 7.5.9.C.2, 8.2.4.A, 8.2.6.B.4, 8.6.3, y 12.2

Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

Fecha y hora de la audiencia pública del Consejo Municipal: 24 de septiembre de 2024 6:00 PM

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la Oficina del Secretario Municipal (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

Se puede acceder a la UDO en línea en: <http://www.apexnc.org/233>.

Dianne F. Khin, AICP
Directora de Planificación

Fechas de publicación: 6-24 de septiembre de 2024



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