

# STAFF REPORT

## Amendments to the Unified Development Ordinance

September 14, 2021 Town Council Meeting



### Requested by Planning Staff:

1. Amendment to the Unified Development Ordinance in order to add Sec. 2.1.10 *Housing Advisory Board* to include provisions for the new Housing Advisory Board.

#### 2.1.10 Housing Advisory Board

##### **A) Powers and Duties**

The Housing Advisory Board shall have the following powers and duties under the provisions of this Ordinance:

- 1) *Recommendations to Mayor and Town Council.* Recommend to the Mayor and Town Council, policies and funding recommendations related to affordable housing.
- 2) *Housing Advocacy to Mayor, Town Council, and Planning Board.* Advise the Mayor, Town Council, and Planning Board on housing advocacy efforts related to affordable housing.
- 3) *Housing Annual Report.* Assist in the creation of the housing annual report.

##### **B) Membership**

- 1) *Number.* The Housing Advisory Board shall consist of nine (9) members. The Housing Advisory Board shall include one (1) Planning Board member and one (1) Town Council member. The Planning Board member and Town Council member shall be non-voting members.
- 2) *Appointment.* Members shall be recommended by the Mayor and appointed by the Town Council.
- 3) *Initial establishment.* At the initial establishment of the Housing Advisory Board, four (4) members shall be appointed for a term of three (3) years, three (3) members shall be appointed for a term of two (2) years, one Planning Board non-voting member shall be appointed for a term of (1) year and one Town Council non-voting member shall be appointed for a term of one (1) year. Thereafter, new appointments for terms of three (3) years shall be made with the exception of the Planning Board non-voting member and Town Council non-voting member which shall remain on a term of (1) year. No member of the Housing Advisory Board shall serve more than nine (9) consecutive years after being appointed with the exception of the Planning Board non-voting member and Town Council non-voting member which shall serve no more than three (3) consecutive years after being appointed.

- 4) **Removal.** Any member of the Housing Advisory Board shall be removed for cause (neglect of duty, malfeasance, misconduct, or failure to faithfully attend meetings) by the Town Council upon written charge and after a public hearing.
- 5) **Filling of vacancy.** Vacancies shall be filled by the same method as the original appointment. Vacancies occurring for reasons other than expiration of terms shall be filled for the period of the unexpired term by the same method as the original appointment.

C) **Officers**

- 1) **Chair and vice-chair.** The chair and vice-chair of the Housing Advisory Board shall be appointed by the Mayor from the members of the Board and confirmed by the Town Council. The term of the chair and vice-chair shall be for one (1) year. A past chair or vice-chair may be re-appointed, even though no chair or vice-chair shall serve for more than three (3) consecutive terms. Vacancies within a term shall be filled by the same method as the original appointment. The chair shall decide all points of order on procedure, and shall take such action as shall be necessary to preserve the order and integrity of all proceedings before the Housing Advisory Board. In absence of the chair, the vice-chair shall act as chair and shall have all powers of the chair. In the absence of both the chair and vice-chair, an acting chair shall be selected for that meeting by a majority of those members present. The acting chair shall have the authority and responsibilities of the chair for that meeting.
- 2) **Secretary.** The Housing Program Manager or designee shall serve as the Secretary of the Housing Advisory Board and shall keep minutes of all proceedings. These minutes shall be a summary of all proceedings before the Housing Advisory Board, which shall include the vote of all members upon every consideration, and be attested to by the Secretary. The minutes shall be approved by a majority of the Housing Advisory Board members voting. In addition, the Secretary shall maintain all records of the Housing Advisory Board meetings, hearings, proceedings, and correspondence as public records in the offices of the Planning and Community Development Department.

D) **Quorum**

No meeting of the Housing Advisory Board shall be called to order, nor may any business be transacted by the Housing Advisory Board, without a quorum consisting of the majority of the Housing Advisory Board's membership, excluding vacant seats, being present.

E) **Conflict of Interest**

Any member who has an interest in a matter under consideration by the Housing Advisory Board shall declare such interest prior to the vote of the Board and abstain from voting on the question. The member declaring the interest is not exempted from participation in the discussions of the Board on the matter prior to its vote.

F) **Staff**

The Planning and Community Development Department shall be the professional staff to the Housing Advisory Board.

**G) Rules of Procedure**

**The Housing Advisory Board shall, by a majority vote of the voting membership, adopt rules and regulations governing its procedure as it may consider necessary or advisable.**

**H) Meetings**

**Regular meetings of the Housing Advisory Board shall be held quarterly to consider matters properly before the Board. Special Board meetings may also be called on an as needed basis. The chair, vice-chair, or any two (2) members of the Board may at any time call a special Board meeting by signing a written notice stating the time and place of the meeting and the subjects to be considered. A special Board meeting may also be called or scheduled by vote of the Board in open session during another duly called meeting.**

**I) Compensation**

**The members of the Housing Advisory Board shall serve with compensation as authorized by Town Council in the annual budget.**

2. **Amendments to Sec. 8.3.11.B *Accessible Electric Vehicle Charging Spaces* in order to revise Table 8.3-10 to indicate that the number of accessible electric vehicle charging spaces is based on the number of provided charging spaces, not the number of required charging spaces.**

8.3.11 Electric Vehicle Charging Spaces

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B) *Accessible Electric Vehicle Charging Spaces*

Unless otherwise expressly stated in this Code, electric vehicle charging spaces shall be sized but not marked as exclusively accessible in accordance with Table 8.3-10.

Table 8.3-10 Accessible Electric Vehicle Charging Spaces

<b>Total Required <del>Required</del> Provided Electric Vehicle Charging Spaces</b>	<b>Minimum Number of Accessible Charging Spaces</b>	<b>Minimum Number of Van-Accessible Charging Spaces</b>
1-25	1	1
26-50	2	1

3. **Amendments to Secs. 9.1 *General*, 9.2 *Building Aesthetics*, and 9.3 *Architectural Character* in order to revise architectural standards for buildings over 125,000 square feet that are located within a North Carolina Certified Site and in the Light Industrial (LI) zoning district.**

9.1 DESIGN STANDARDS, GENERAL

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9.1.2 Applicability

A) These design standards shall be applicable to all nonresidential development under this UDO, **except as specifically noted in Secs. 9.2 *Building Aesthetics* and 9.3 *Architectural Character*.**

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9.2 BUILDING AESTHETICS

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9.2.2 Building Design

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E) *Massing*

- 1) A single, large, dominant building mass shall be avoided. Where large structures are required, mass should be broken up through the use of setbacks, projecting and recessed elements, and similar design techniques. **This shall not apply to buildings over 125,000 square feet located within a North Carolina Certified Site and in the Light Industrial (LI) zoning district.**
- 2) Changes in mass shall be related to entrances, the integral structure, and/or the organization of interior spaces and activities and not merely for cosmetic effect.

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9.2.3 Avoiding Monotony of Design

Monotony of design in single or multiple building projects shall be avoided by varying detail, form, and siting to the maximum extent **reasonable and** practicable, within the standards set forth in this ~~a~~Article, to provide visual interest.

9.2.4 Harmony of Design

A) *Purpose*

The purpose of this ~~s~~Section is to preserve the design character of existing development, to protect the visual pattern of the community, and to promote harmony in the visual relationships and transitions between new and older buildings. New buildings should respect the scale, form, and proportion of existing development. This can be done by repeating building lines and surface treatments and by requiring some uniformity of detail, scale, proportion, texture, materials, color, and building form. **Buildings over 125,000 square feet located within a North Carolina Certified Site and in the Light Industrial (LI) zoning district shall meet this standard to the maximum extent reasonable and practicable.**

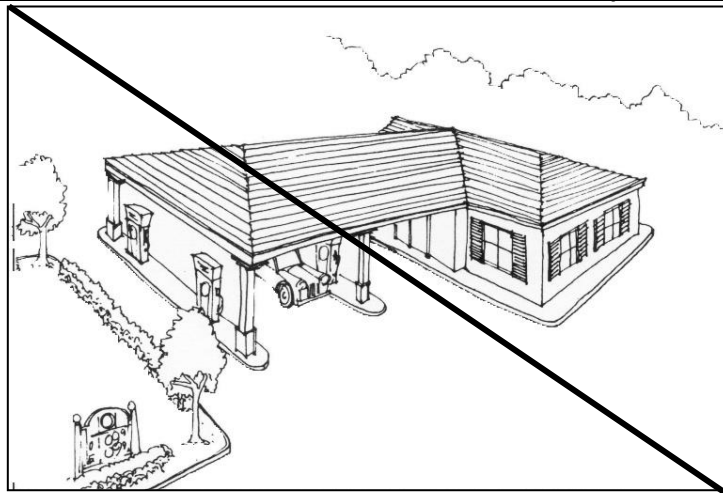


Figure 9.2.4.A: Maintain Scale and Design Character of Local Architecture

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9.3 ARCHITECTURAL CHARACTER

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9.3.3 Facades

A) *Recesses and Projections*

1) **Except as provided in subsection 2 below,** Facades greater than 100 feet in length, measured horizontally, must incorporate recesses and projections along at least 20% of the length of the façade ~~and~~ ~~–~~ windows, awnings, and arcades should total at least 60% of the façade length abutting a public street.

2) **Buildings over 125,000 square feet located within a North Carolina Certified Site and in the Light Industrial (LI) zoning district shall incorporate recesses and projections including windows and awnings at all public entrances. At least 10% of the façade along a public street shall contain windows or other glazing. In the case of a corner lot, this standard shall only apply to the façade(s) that contains a public entrance or the façade closest to the public entrance.**

B) *Repeating Design Patterns*

Facades greater than 100 feet in length, measured horizontally, shall incorporate a repeating pattern of change in color, texture, and material modules. All elements should repeat at intervals of no more than 30 feet, either horizontally or vertically. **For buildings over 125,000 square feet located within a North Carolina Certified Site and in the Light Industrial (LI) zoning district, all elements should repeat at regular intervals proportional to the length of the façade and designed to break up the mass of the building.**

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**PLANNING STAFF RECOMMENDATION:**

Planning staff recommends approval of the proposed UDO amendments.

**PLANNING BOARD RECOMMENDATION:**

The Planning Board will hear these amendments at their September 13, 2021 meeting. Staff will present their recommendation at the Town Council meeting.



## 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)

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:

### Requested by Planning Staff:

1. Amendment to add Sec. 2.1.10 to include provisions for the new Housing Advisory Board. The Housing Advisory Board will serve in the following capacity: 1) provide recommendations to the Mayor and Town Council regarding policies and funding recommendations related to affordable housing, 2) advise the Mayor, Town Council and Planning Board on housing advocacy efforts related to affordable housing and 3) assist in the creation of the annual housing report.
2. Amendment to Sec. 8.3.11.B *Accessible Electric Vehicle Charging Spaces* in order to revise Table 8.3-10 to indicate that the number of accessible electric vehicle charging spaces is based on the number of provided charging spaces, not the number of required charging spaces.
3. Amendments to Secs. 9.1 *General*, 9.2 *Building Aesthetics*, and 9.3 *Architectural Character* in order to revise architectural standards for buildings over a certain size that are located within a North Carolina Certified Site and in the Light Industrial (LI) zoning district.

**Public Hearing Location:** Apex Town Hall  
Council Chamber, 2<sup>nd</sup> Floor  
73 Hunter Street, Apex, North Carolina

### **Town Council Public Hearing Date and Time: September 14, 2021 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>. Please visit [www.apexnc.org](http://www.apexnc.org) on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

If you are unable to attend, you may provide a written statement by email to [public.hearing@apexnc.org](mailto:public.hearing@apexnc.org), or submit it to the Deputy Town Clerk, Tesa Silver (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.

In the event that the Town Council meeting is held remotely or with at least one member attending virtually, written comments may be submitted up to 24 hours prior to the scheduled time of the meeting per NCGS §166A-19.24 according to the methods specified above. Virtual meetings may be viewed via the Town's YouTube livestream at <https://www.youtube.com/c/townofapexgov>.

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

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



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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-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del ayuntamiento de Apex a fin de solicitar comentarios relativos a la siguiente modificación de la Ordenanza de Desarrollo Unificado:

#### **A solicitud del personal de planificación:**

1. Modificación para agregar la sección 2.1.10 para incluir disposiciones para la nueva Junta Asesora de la Vivienda. La Junta Asesora de la Vivienda desempeñará las siguientes funciones: 1) proporcionar recomendaciones al Alcalde y al Consejo Municipal sobre políticas y recomendaciones de financiación relacionadas con la vivienda asequible, 2) asesorar al Alcalde, al Consejo Municipal y a la Junta de Planificación sobre los esfuerzos de defensa de la vivienda relacionados con la vivienda asequible y 3) ayudar en la creación del informe anual sobre la vivienda.
2. Modificación de la sección 8.3.11.B sobre *Espacios accesibles para la carga de vehículos eléctricos* a fin de revisar la tabla 8.3-10 e indicar que el número de espacios accesibles para la carga de vehículos eléctricos se basa en el número de espacios de carga proporcionados, no en el número de espacios de carga requeridos.
3. Modificaciones a las Secciones 9.1 *Generalidades*, 9.2 *Estética del edificio*, y 9.3 *Carácter arquitectónico* a fin de revisar los estándares arquitectónicos de los edificios mayores de cierto tamaño ubicados dentro de un Sitio Certificado de Carolina del Norte y en un distrito de zonificación denominado Ligeramente Industrial (LI).

**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: 14 de septiembre, 2021 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>. Por favor visite [www.apexnc.org](http://www.apexnc.org) el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a [public.hearing@apexnc.org](mailto:public.hearing@apexnc.org), o presentarla a la secretaria municipal adjunta, Tesa Silver (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.

En caso de que la reunión del Consejo Municipal se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

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

Dianne F. Khin, AICP  
Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 27 de agosto – 14 de septiembre, 2021



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

Published Dates: August 27-September 14, 2021



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**NOTIFICACIÓN PÚBLICA DE  
AUDIENCIAS PÚBLICAS  
modificación de la****Ordenanza de Desarrollo Unificado (UDO)**

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