

STAFF REPORT

Amendments to the Unified Development Ordinance

July 21, 2020 Town Council Meeting



Requested by the Planning Committee:

1. **Amendments to Sec. 2.3.4.F *Planned Development Districts, Standards* in order to increase the RCA reduction that can be approved by Town Council and add additional performance standards for such reduction in the Planned Unit Development-Conditional Zoning and Traditional Neighborhood-Conditional Zoning districts.**

2.3.4.F *Planned Development Districts, Standards*

- 1) Planned Unit Development (PUD-CZ) District

In approving a Planned Development (PD) Zoning District designation for a PUD-CZ, the Town Council shall find the PUD-CZ district designation and PD Plan for PUD-CZ demonstrates compliance with the following standards:

...

- c) *RCA*. The PD Plan for PUD-CZ shall demonstrate compliance with Sec. 8.1.2 *Resource Conservation Area*, except that the percentage of RCA required under Sec. 8.1.2 may be reduced by the Town Council by no more than ~~two percent (2%)~~ **10%** provided that **the PD Plan for PUD-CZ includes one or more of the following:**

- i) ~~The PD Plan for PUD-CZ includes a~~ **A** non-residential component; ~~or~~

- ii) ~~The PD Plan for PUD-CZ has a~~ **An** overall density of ~~6-7~~ residential units per acre or more; ~~or~~

- iii) **Environmental measures including but not limited to the following:**

- (a) **The installation of a solar photovoltaic (PV) system on a certain number or percentage of single-family or townhouse lots or on a certain number or percentage of multifamily, mixed-use, or nonresidential buildings. All required solar installation shall be completed or under construction prior to 90% of the building permits being issued for the approved number of lots or buildings. For single-family or townhouse installations, the lots on which these homes are located shall be identified on the Master Subdivision Plat, which may be amended;**

- (b) **The installation of a geothermal system for a certain number or percentage of units within the development; or**

- (c) **Energy efficiency standards that exceed minimum Building Code requirements (i.e. SEER rating for HVAC).**

...

- 2) Traditional Neighborhood District (TND-CZ)
In approving a Planned Development (PD) Zoning District designation for a TND-CZ, the Town Council shall find the zoning district designation and PD Plan for TND-CZ complies with the following standards:

...

b) *Development parameters*

...

- (viii) *RCA*. The PD Plan for TND-CZ shall demonstrate compliance with Sec. 8.1.2 Resource Conservation Area, except that the percentage of RCA required under Sec. 8.1.2 may be reduced by the Town Council by no more than ~~two percent (2%)~~ **10% provided that the PD Plan for TND-CZ includes one or more environmental measure including but not limited to the following:**

- (a) **The installation of a solar photovoltaic (PV) system on a certain number or percentage of single-family or townhouse lots or on a certain number or percentage of multifamily, mixed-use, or nonresidential buildings. All required solar installation shall be completed or under construction prior to 90% of the building permits being issued for the approved number of lots or buildings. For single-family or townhouse installations, the lots on which these homes are located shall be identified on the Master Subdivision Plat, which may be amended;**
- (b) **The installation of a geothermal system for a certain number or percentage of units within the development; or**
- (c) **Energy efficiency standards that exceed minimum Building Code requirements (i.e. SEER rating for HVAC).**

...

2. **Amendments to Sec. 8.1.2.A Resource Conservation Area, Establishment of RCA** in order to reduce the ratio of off-site RCA to on-site RCA and to amend the standards and process for the approval of off-site RCA.

Note: The proposed reduction to the ratio of off-site RCA to on-site RCA and changes to standards for off-site RCA are not proposed at this time in order to allow staff and the Planning Committee to further study the appropriate ratio and standards.

8.1.2 Resource Conservation Area

...

A) Establishment of RCA

- 1) *Off-site RCA*. RCA may be established outside of the limits of the development site provided that the Town Council finds through a quasi-judicial public hearing ~~that~~ all of the following criteria are met by the off-site RCA:

...

3. Amendments to Sec. 8.1.2.C *Resource Conservation Area, Size of the RCA* in order to decrease the amount of RCA required inside Apex Peakway and increase the amount of RCA required south and west of NC 540 with certain exemptions. Amendments to Sec. 8.2.6 *Buffering* in order to update section references based on changes in Sec. 8.1.2.C.

8.1.2 Resource Conservation Area

...

C) *Size of the RCA*

The size of the RCA for each development site shall be calculated by the applicant and staff based on the following:

1) *Planned Developments*

The RCA for all planned developments shall be determined by the Town Council per Sec. 2.3.4.F.1.c and per Sec. 8.1.2.C.4, 5, ~~6~~, ~~7~~, or ~~9~~**10** as applicable, based on the criteria set forth in subsection B. above.

2) *Small Town Character Overlay District*

All development meeting the criteria of Sec. 6.3 *Small Town Character Overlay District* shall be exempt from Sec. 8.1 *Resource Conservation*.

3) *Low Density Single-Family Residential Developments (maximum of two dwelling units per gross acre)*

Low density single-family residential developments with a maximum of two (2) dwelling units per gross acre shall be exempt from Sec. 8.1 *Resource Conservation*.

4) *Development located north and east of NC 540 **and outside Apex Peakway***

All developments which do not meet the criteria of subsections 8.1.2.C.2, 3, or ~~9~~**10** and which are located north and east of NC 540 **and outside existing and future Apex Peakway** shall provide buffers and RCA equal to or greater than 20% of the gross site acreage.

5) *Development located south and west of NC 540*

All developments which do not meet the criteria of subsections 8.1.2.C.~~2~~, 3, ~~4~~, or ~~9~~**10** and which are located south and west of NC 540 shall provide buffers and RCA equal to or greater than ~~25~~**30**% of the gross site acreage **for single-family and townhome uses and 25% of the gross site acreage for multi-family, mixed-use, and non-residential uses.**

6) ***Development located inside Apex Peakway***

All developments which do not meet the criteria of subsections 8.1.2.C.2, 3, or 10 and which are located inside existing and future Apex Peakway shall provide buffers and RCA equal to or greater than 10% of the gross site acreage.

~~6~~**7**) *Resource Conservation Area Exchanged for Reduced Width Buffers*

...

~~7~~**8**) *Maximum Built-Upon Area*

...

89) Notwithstanding...

910) *North Carolina Certified Sites*

...

8.2.6.B Buffering

...

3) Type and Width Buffer Required

...

b) *Reduced Width Buffers in Exchange for Resource Conservation Area*

Required buffers may be exchanged for Resource Conservation Area in accordance with Sec. 8.1.2.C.67.

...

Requested by Planning Staff:

4. Amendments to Sec. 4.2.1 *Use Table, General* in order to add subsection 4.2.1.I *Prohibited Uses in Residential Districts* in order to prohibit parking on residential property that is not accessory to the residential use.

4.2.1 *Use Table, General*

...

I) *Prohibited Uses in Residential Districts*

In addition to the uses listed in subsection H above, parking that is not accessory to the residential use is prohibited. This includes, but is not limited to, student parking, parking for a nearby special event, and off-site parking for another use. For the purpose of this Section, student parking is defined as parking at a residence or on a residential lot, for the purpose of coming and going from a vehicle to a school or from a school to a vehicle. This definition of student parking shall not apply to students who reside at the home.

5. Amendments to Sec. 6.3.1.G.5 *Small Town Character Overlay District, Residential Building Standards* in order to exempt multi-family dwellings over four (4) units from the prohibition on slab on grade foundations.

6.3.1 Small Town Character Overlay District

...

G) *Residential Building Standards*

...

5) **Except for multi-family structures containing more than four (4) units, No slab-on-grade foundations are permitted. Raised Ffoundations around the principal structure shall be fully enclosed.**

- 6. **Amendments to Sec. 9.1.2.B *Design Standards, Applicability* in order to expand the applicability of the design standards for residential development to all zoning districts while retaining the exemption for one- and two-family dwellings.**

9.1 Design Standards, General

...

9.1.2 Applicability

...

- B) These design standards shall also be applicable to residential development, with the exception of one- and two-family dwellings, in ~~the PUD-CZ, SD-CZ, and TND-CZ planned development districts and the MORR district~~ **all zoning districts**.

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of the proposed UDO amendments.

PLANNING BOARD RECOMMENDATION:

The Planning Board heard these amendments at their July 13, 2020 meeting and unanimously recommended approval.

PLANNING BOARD REPORT TO TOWN COUNCIL

Unified Development Ordinance Amendments

Planning Board Meeting Date: July 13, 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 recommend approval as presented.

Introduced by Planning Board member: Tina Sherman

Seconded by Planning Board member: Reginald Skinner

- 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 13th day of July 2020.

Attest:

Michael Marks Digitally signed by Michael Marks
Date: 2020.07.14 08:03:15 -04'00'

Michael Marks, Planning Board Chair

Dianne Khin Digitally signed by Dianne Khin
Date: 2020.07.13 19:41:05
-04'00'

Dianne Khin, Planning Director



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 Committee:

1. Amendments to Sec. 2.3.4.F *Planned Development Districts, Standards* in order to increase the RCA reduction that can be approved by Town Council and add additional performance standards for such reduction in the Planned Unit Development-Conditional Zoning, Traditional Neighborhood-Conditional Zoning, and Major Employment Center-Conditional Zoning districts.
2. Amendments to Sec. 8.1.2.A *Resource Conservation Area, Establishment of RCA* in order to reduce the ratio of off-site RCA to on-site RCA and to amend the standards and process for the approval of off-site RCA.
3. Amendments to Sec. 8.1.2.C *Resource Conservation Area, Size of the RCA* in order to decrease the amount of RCA required inside Apex Peakway and increase the amount of RCA required south and west of NC 540 with certain exemptions. Amendments to Sec. 8.2.6 *Buffering* in order to update section references based on changes in Sec. 8.1.2.C.

Requested by Planning Staff:

4. Amendments to Sec. 4.2.1 *Use Table, General* in order to add subsection 4.2.1.I *Prohibited Uses in Residential Districts* in order to prohibit parking on residential property that is not accessory to the residential use.
5. Amendments to Sec. 6.3.1.G.5 *Small Town Character Overlay District, Residential Building Standards* in order to exempt multi-family dwellings over four (4) units from the prohibition on slab on grade foundations.
6. Amendments to Sec. 9.1.2.B *Design Standards, Applicability* in order to expand the applicability of the design standards for residential development to all zoning districts while retaining the exemption for one- and two-family dwellings.

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

Town Council Public Hearing Date and Time: July 21, 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, July 20, 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



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5. Amendments to Sec. 6.3.1.G.5 *Small Town Character Overlay District, Residential Building Standards* in order to exempt multi-family dwellings over four (4) units from the prohibition on slab on grade foundations.
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Dianne F. Khin, AICP
Director of Planning and Community Development

Published Dates: June 26-July 21, 2020