

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 2.3.4.F 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:

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).**

...

Section 2. Section 8.1.2.A 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:

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:**

...

Section 3. Sections 8.1.2.C and 8.2.6 of the Unified Development Ordinance are amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

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 910 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 910 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 910 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.

~~67~~) *Resource Conservation Area Exchanged for Reduced Width Buffers*

...

~~78~~) *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.

...

Section 4. Section 4.2.1 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:

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.

Section 5. Section 6.3.1.G.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:

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 F~~foundations around the principal structure shall be fully enclosed.**

Section 6. Section 9.1.2.B 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:

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.

Section 7. Amendments in Sections 1-3 shall not apply to projects for which an application for development approval has been submitted before the effective date of this ordinance.

Section 8. 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 9. 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 9. The ordinance shall be effective upon enactment on the _____ day of July 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