



Town Council Meeting
September 2024 Work Session
September 17, 2024 | 3:30 PM
Apex Town Hall | 73 Hunter Street, Apex, NC
3rd Floor Training Rooms A and B

- 1. Call to Order | Pledge of Allegiance**
Mayor, Jacques K. Gilbert
- 2. Special Events Process Review**
Lisa Raschke, Special Events Manager, Parks, Recreation, and Cult. Resources Dept.
 - a. Town Special Event Policy**
 - b. Potential Special Event Operational Additions**
 - c. Downtown Parking Mitigation Efforts** *(separate PowerPoint)*
- 3. Zoning Condition Recommendations for Rural Areas** *(Planning Committee Recommendation)*
Dianne Khin, Director, Planning Department
Planning Staff, as applicable
- 4. Façade Grant Program Discussion** *(deferred from August 13, 2024 Town Council Meeting)*
Dianne Khin, Director, Planning Department
Planning Staff, as applicable
- 5. Adjournment**

ANNOUNCEMENTS

Members of the public can access and view the meeting on the Town's YouTube Channel <https://www.youtube.com/c/TownofApexGov> or attend in-person.

Accommodation Statement: Anyone needing special accommodations to attend this meeting and/or if this information is needed in an alternative format, please contact the Town Clerk's Office. The Town Clerk is located at 73 Hunter Street in Apex Town Hall on the 2nd Floor, (email) allen.coleman@apexnc.org or (phone) 919-249-1260.



September 17, 2024
Special Event Process Review
Council Workshop



AGENDA

- Town Special Event Policy
- Potential Special Event Operational Additions



Town Special Event Policy



SECTIONS OF NOTE

Sustainability

- EPA Grant – Recycling Tracking
- Recycling Dumpsters required

Inclusion

- Reviewed by Legal

Political Parties

- Verbiage prohibiting fundraising, campaigning and political parties at Town Special Events



Environmental
Leadership



SECTIONS OF NOTE

Alcohol

Do you want alcohol allowed at Town Events?

- Vendor Fee

We surveyed other municipalities on their fees, which range from \$0 - \$500.00. All vendors face the same risks in attending an event. They do not have any guaranteed revenue and have to pay for a vendor fee, merchandise, supplies, and staffing up front. We currently charge the following rates:

TYPE	FEE
Non-Profit	\$0
Small Business	\$50
Commercial Business	\$100
Food Truck	\$100
Alcohol	\$300

- Security – The APD’s direction is to have extra officers to patrol the ABC permit areas.
- Social District – Alcohol vendors prefer social districts where guests can walk more freely with their beverages.

SECTIONS OF NOTE

MUNICIPALITY	SOCIAL DISTRICT	VENDOR FEES	SECURITY
Wake Forest	No	Need board approval, liability policy, additional police officers, only beer & wine \$500 beer vendor \$300 wine vendor (talk about all moving to \$300)	PD determines numbers. For external events \$65/hr/officer plus one \$20 vehicle fee and the Organizer assumes the costs.
Fuquay Varina	Yes, but not in the main event space, only for a beer garden for one event	\$75/beer vendor (they only allow beer vendors for now)	Extra security is determined by PD. Payment comes out of PD budget
Holly Springs	They only have temporary social districts in pre-determined facilities at specific events like HollyFest, the International Festival and SpringFest. Their cultural arts center has an ABC permit. The other areas are Ting Field (with the baseball team), Sugg Farm, and Womble Park.	\$175 for the larger events \$125 for the smaller events They are working towards increasing this price now. At this time, they are only working with their three local breweries.	The vendors are responsible for paying the off-duty officer fees.

SECTIONS OF NOTE

MUNICIPALITY	SOCIAL DISTRICT	VENDOR FEES	SECURITY
Morrisville	<p>Yes</p> <p>Patrons are limited to a designated sip and stroll area</p> <p>Only sip and stroll during event – doubles as Healthy Food Hub</p>	No charge	2 officers at the beer garden plus traffic officers in the vicinity just in case. Town pays – usually takes an officer from another area
Garner	<p>They do not allow alcohol at Town Events.</p> <p>The Downtown Association handles the events with alcohol within a social district; https://downtowngarner.com/social-district/</p>	N/A	Extra security is determined by PD. Payment comes out of PD budget

SECTIONS OF NOTE

MUNICIPALITY	SOCIAL DISTRICT	VENDOR FEES	SECURITY
Raleigh	<p>Yes</p> <p>The Special Events Office handles only third-party or community events. At this time, they do not know of any City events that serve alcohol.</p> <p>The City provides additional trash bins to the event organizers and the event organizers decide if they want to participate in the social district</p>	Up to the event organizer	Security is the responsibility of the event organizer

SECTIONS OF NOTE

MUNICIPALITY	SOCIAL DISTRICT	VENDOR FEES	SECURITY
Cary	Yes	<p>They contract through one food and beverage vendor who handles all of the food and alcohol sales for their venue. This is a multi-year contract so they do not start getting into any percentages for the Town until the number has several zeros after it. With that, they are not looking to make any money. They feel they are providing a service to their residents and guests.</p> <p>When they have a festival like the Pimento Cheese Festival, they defer to the above mentioned vendor.</p> <p>For Lazy Daze, they said it is too hard to get a percentage of sales because they have concerns about vendors being honest about their sales and they do not have the manpower to follow up. They find taking a percentage from smaller vendors is just too much work so they focus and rely on their one main food and beverage vendor.</p>	They have on-site security with the park.

ALCOHOL AT TOWN EVENT

JUNETEENTH ALCOHOL FEEDBACK



Re-Evaluate Vendor Fees for Alcohol Vendors

- "Alcohol vendors cannot guarantee a profit from an event. It is not a good business practice to have them create a loss before they have a chance to sell any product."
- "The overhead that an alcohol vendor faces to be a part of an event is different from any other vendor with an exception of food being the closest to it. They must provide their product, pay workers, pay for items they will be using to serve the public, and pay for an additional permit."
- "We understand that the town charges all vendors but being more business minded for Alcohol Vendors would be beneficial in cooperation. Charging them a percentage of their sales or just charging them the same \$100 fee as a food vendor."
- "Seeing what other municipalities are doing , looking into big events in the area that have a ton of alcohol vendors (such as Brewgaloo in Downtown Raleigh / Pimento Cheese Festival, Cary) and see what their protocols are, see what the industry average is for vendor payment, speaking with local alcohol vendors to hear what works best for them, etc. and providing that research to event committees to help aid them in their conversations with the alcohol reps."

ALCOHOL AT TOWN EVENTS

Re-Evaluate Vendor Fees for Alcohol Vendors

- "Providing research and or detailed reasoning behind fees. This would be helpful to share when in conversations with potential all vendors."

Off-Duty Officer Fees

- "If an event is a town sponsored event, the off-duty officer fees should be paid for by the Town because the Town will already assume responsibility for anything that happens in the permitted area. This should not come from sponsorship money. Having off duty officers is a safety requirement for the Town of Apex but is not mandatory by any legal statute in NC."
- "If, the town is to continue making it a requirement, they should have funds allocated to ensure safety is a priority. *The fees charged for all vendors (food, alcohol, vendor) can help pay for it as well when applicable.*"
- "Notation on special event policy that ensures refunds for all vendors when applicable (if an event is canceled by the town, etc.)"



SECTIONS OF NOTE

Sponsorship

Do you want to have sponsorship opportunities for Town Events?

- Grant Opportunities

Below are the Town's current vetting criteria. The Town will refuse a Sponsorship that:

- is in conflict with Town's policies, regulations or rules;
- includes alcohol, tobacco, firearms and/or gaming companies or distributors. These are not permitted absent special circumstances and approval by the Town Manager;
- could disparage, impair, or adversely impact the mission, reputation, image, integrity, or best interests of the Town;
- appears to create an **Endorsement** by the Town of a particular company, product, political candidate or position regarding public policies;
- is considered to contain obscene, indecent or profane material; or
- ridicules, exploits, or demeans persons on the basis of their race, color, religion, sex, sexual orientation, actual or perceived gender identity, age, national origin, disability, veteran status, or genetic information.

SECTIONS OF NOTE

Sponsorship

- Grant Opportunities Continued

When applying for grant opportunities, the Town considers the number of requests, the time commitment, and the need for checks and balances to maintain that a sponsor, donor or grant opportunity does not open up the Town for conflicts or liability.

- Approval Process

Each Town Cultural Event is unique in nature and logistics. A uniform incentive package that may not encompass of each of our Cultural Advisory Groups missions and visions. We could create standard incentive packages for each Town Cultural Event, however, events tend to evolve and it may be necessary to revisit the package each year in the event planning process.

- Online Payment Option

The Town has created an online payment option for sponsors, donors and vendors.

- Extra Funds

The Town will move any leftover Sponsorship monies forward, per event, for use the following year.

SPONSORSHIP

Juneteenth Sponsorship Feedback

Sponsorship Approval Process



- "The process does not allow for Grant Opportunities"
 - "Corporations with grant opportunities will not fill out a form before deciding who to give funding to."
 - "A solution: The town create a vetting process for corporations that offer grants. Committee can present foundation/corporation to the town, town can go through vetting process and then decide if grant is in alignment."
- "The approval process must go up the chain and come back down before getting an answer. This can create longer response times."
 - "A solution: Leadership provide criteria for vetting sponsors to town personnel that are boots to the ground and empower them to make the decision."
 - "Also share with all festival committees what the vetting criteria are, so that it minimizes that they will even present a sponsor that does not align."

SPONSORSHIP



Sponsorship Approval Process

- "Uniform sponsorship package incentives that align with communications capabilities for all events. It provides a consistent experience for donors who are involved in other town events. The prices could vary depending on the event but having the incentives the same would be beneficial."

Sponsorship Process

- "Online option for Donors to pay on the spot. It is key to make the sponsor payment option as easy as possible for those interested. (We think this has been solved via Square but ensuring the capabilities will allow for online functions as well is important)"
- "Notation in the special event policy that states "leftover sponsorship money" from the previous year will float over to the next year. (It should not go into General Funding when specific festivals have worked to find and create partnerships) (We know that this has been resolved but want ensure it is written in the policy for other committees)"

SECTIONS OF NOTE



A Welcoming
Community

CULTURAL ADVISORY GROUPS

Town

Cultural Advisory Groups are used as consultants for different Town cultural events such as MLK, Juneteenth, Indigenous Peoples Day, Latino Arts Festival and Holi. Each group would consist of PRCR staff and at least three and no more than 6 community members that serve 3-year terms. Their duties include:

- To assist in the development and production of defined Town of Apex Cultural Events such as the Martin Luther King Jr Commemoration Weekend, Holi Festival, Juneteenth, Latino Arts Festival, and Indigenous Peoples Day.
- To promote cooperative partnerships between the Cultural Events and the Town's merchants, vendors and residents.
- To serve as consultants for Town staff on cultural elements for the event such vendors, food options and performer suggestions.

Potential Special Event Operational Additions



SPECIAL EVENT GROWTH

Background

The Special Events Policy was adopted October 10, 2023 to aid the growth and direction of the Town of Apex's special events program. This policy created a formalized the process for events; however, a core group of staff is required to work the 20 community events in addition to 20 Town events. For the past three years, Community and Town events have grown at an average of 31 and 32 percent, respectively.



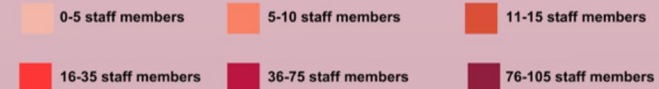
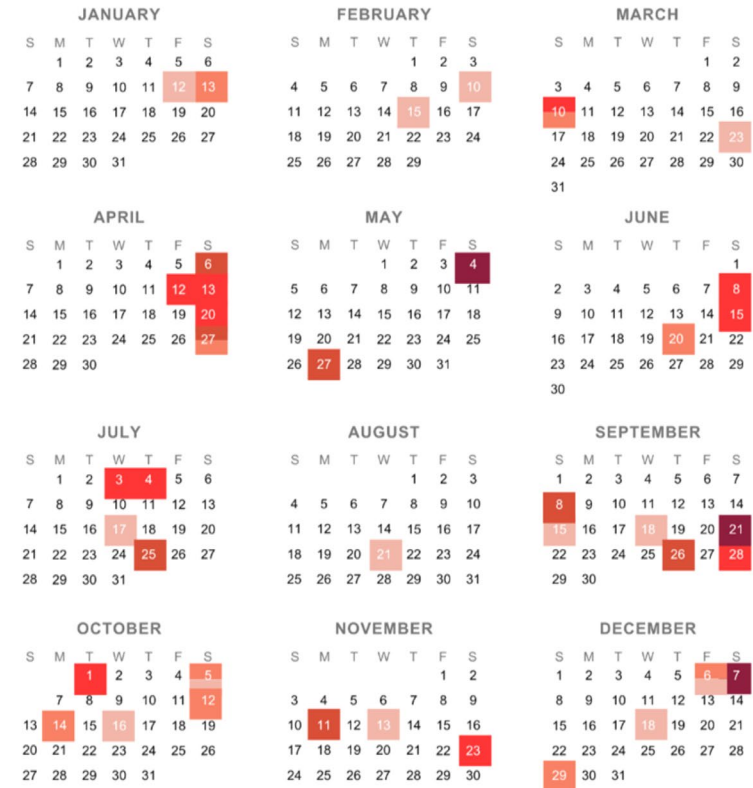
SPECIAL EVENT GROWTH

Background

Event staffing was previously assigned on a volunteer basis. The schedule and increased number of events, has resulted in required assignment to work events. The Town has modified special event pay and there has been feedback from staff regarding burnout and a lack of work life balance with total events that staff must work increased by 122 percent since 2021.

In addition to working during event hours, Town staff must work the hours before and after each event for set up and clean up. Previous attempts to contract out services for these events resulted in substandard service, and either required teams to supervise the work performed or supplement the services.

2024 SPECIAL EVENTS



SPECIAL EVENT GROWTH



Background

The Town added a Volunteer Coordinator position in 2023 to encourage additional volunteer support which may alleviate some pressure on staff. However, volunteers cannot replace the need for Police, Fire, Parks Operations, or Public Works staffing.

ELECTRIC PEDESTALS

Town Hall Parking Lot Power

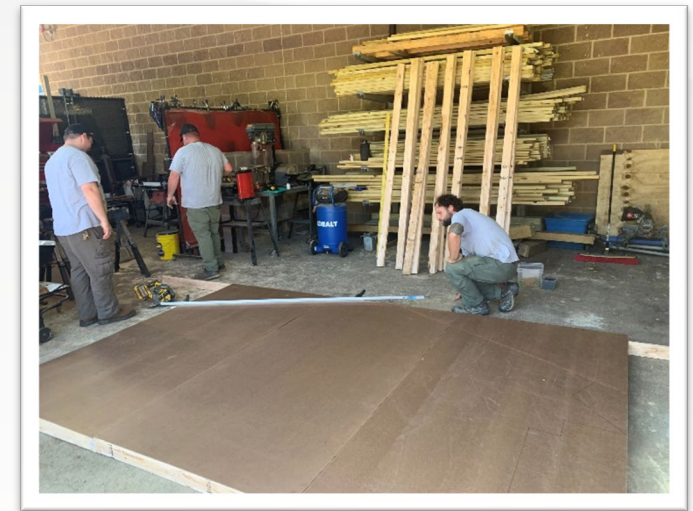
Events held on Town Campus do not require public road closures, but they impact the ability to operate the Community Center and Senior Center at full programming levels because the power boxes are located in the in the arc and Community Center parking lots. The addition of power boxes to the Town Hall side of campus would allow special events to shift location within the Town Campus without impacting the Community Center and Senior Center's programs or operations. This addition would cost approximately \$40,000 for materials and installation.



DEDICATED SPECIAL EVENTS TEAM

Parks Operation Crew

Parks and Recreation staff is required to attend all events so adding a four-person Special Events Team under park operations would alleviate pressure on existing staff. A Special Events Team would consist of four members: Park Operations Supervisor, Parks Operations Team Leader, and two Park Operations Workers. These positions would supplement Pleasant Park staffing needs when not working on event needs. Schedules for this team would be structured to include weekends to cover events. Three of these four positions are already identified in FY 26-27 of the staffing plan. The first year operating and personnel costs for adding this team would be \$500,000 and the recurring annual personnel costs moving forward would be approximately \$370,000.



DEDICATED SPECIAL EVENTS TEAM

Special Events Intern

A partnership with the NC State Parks, Recreation & Tourism Department would provide internship opportunities in the spring and summer to support the administrative staff working special events and allow interns to learn about the Town and PRCR Department. Tasks would vary based on event but may include assisting with event planning and day-of event management, attending event planning and logistics meetings, answering event-related emails, analyzing event and volunteer surveys, communicating with volunteers, assisting with volunteer environmental work days, and maintaining a volunteer database. The interns would be paid at the Town's standard undergraduate intern rate of \$20/hour.





QUESTIONS?

TOWN ORGANIZED SPECIAL EVENT POLICY

**Draft #13
09/16/2024**

Policy reviewed and approved by Administration on _____.

This policy is for internal Town of Apex use ONLY.

INTRODUCTION

Town-organized special events enhance the quality of life for residents and staff. These events bring cultural awareness, opportunities for personal, social and economic growth as well as promoting a sense of community for our residents and for our staff.

Since a significant amount of time and resources are dedicated for each special event, every Town event must go through the Town-Organized Special Event Application process. This includes

- submission of the Town-Organized Special Event Application
- an application review and official approval by Town Administration and Town Council.

Once the event has been approved, the Special Events Team, consisting of the Special Events Manager, Special Event Specialist, and the Volunteer Coordinator, will serve as liaisons, helping to coordinate safety, staffing and event logistics. The Special Event Team will set up regular meetings with the Cultural Advisory Groups, Special Event Logistics Committee, and other associated Town staff to coordinate the logistics and resources needed to put on a successful event. The Special Events Team has right of first refusal for attending any and all planning meetings.

Please review the following Special Events Policy for the Town of Apex.
Questions should be directed to the Town of Apex Special Events Manager, Lisa Raschke.
Lisa.Raschke@apexnc.org 919-372-7465

What is a Cultural Advisory Group

A Cultural Advisory Group is a set of volunteers that serve as consultants for specific cultural events. The purpose of this collaboration is to help create a welcoming environment, foster community connections and provide high-quality cultural experiences that support a sense of belonging.

Who is on the Special Event Logistics Committee?

The Special Event Logistics Committee is comprised of staff from different departments throughout the Town. Their job is to help evaluate the resources needed for each event and determine the viability of the event requests. This group meets monthly, and as needed throughout the year.

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POLICY OVERVIEW

For purposes of this policy, a *special event* is defined as an event, festival, parade, run, walk, or other recreational, cultural, entertainment, community, or social awareness activity. This special event will engage the community, promote tourism, showcase local talent, expose artists and performers to new audiences, invigorate community spirit, provide economic health and wellness, or cultural/social benefits to a community or organization.

Town-Organized Special Events are events that take place on Town-owned property and include a closure of a facility, green space, road, parking lot or a series of parking spaces.

Outdoor special events held on private property require a Temporary Use Permit (issued by the Town of Apex Planning Department) and are *not covered* under the Town Special Event Policy. You can find a link to the Temporary Use Permit on page 16.

APPLICATION PROCESS

The application approval process consists of five steps. An event is not considered official until it has successfully moved through each step. For new event requests from external groups, applications are due by December 1 for consideration in the next fiscal budget year. For internal group requests, applications are due 60 days prior to the event date unless a shorter time frame has been approved by Town Administration. For the best results, please read through this policy and reach out to the Special Events Manager with any questions:

1. Application Submission – Only completed applications will move forward to the next step.
2. Special Event Logistics Committee Review
3. Administration Review
4. Budget Addition
5. Council Approval

Applying for an event does not guarantee approval.

TIER EXPLANATION

The Town of Apex differentiates events by tiers. Each tier differs based on projected attendance, Town services, street closures, whether alcohol will be served, and the type of promotion from the Communications Department.

Tiers	Details
TIER 1	<ul style="list-style-type: none">• 1-500 people• Closure of public right-of-way• No alcohol• Minimal Town Services

TIER 2

- 501+ people
- Multiple Town services
- Closure of Town parking lots, greenways, and/or streets
- Alcohol can be present with proper approval and permits

APPLICATION SUBMISSION

1. Upon submitting your application, you will receive a confirmation email within five business days that your application has been received.
2. An application is not considered complete until all required information and documents are submitted. Incomplete applications will be returned for completion and resubmittal.
3. If available, the location and date will be tentatively reserved.
4. Based on the feedback from the Special Event Logistics Committee, Town Administration and Town Council, the submitter will receive an email that the application has been
 - a. Approved
 - b. Approved with conditions
 - c. Denied

DIRECTIVES

The directives in this section shall apply to all Town Special Events unless otherwise expressly stated.

1. **Signs** - All special event signage must meet the requirements of the Town of Apex Sign Ordinance. The Ordinance link can be found on page 16.
 - a. This includes, but is not limited to flyers, yard signs, posters, and banners.
 - b. Yard signs are permitted on Town and private property no sooner than 1 week prior to the commencement of the event and must be removed no later than 2 days after the end of the event. Note: You must have prior approval from the owner to place any yard sign on private property. Please contact the Planning Department at planninginfo@apexnc.org or 919-249-3426 at least three weeks prior to the event in order to have adequate time to apply for, and receive approval of, any required sign permit.
 - c. Over-the-street banners are not permitted for Town Special Events.
2. **Conditions of Approval** - Town Organized Special Events shall not violate or deviate from any applicable laws, rules, regulations, Town Ordinances, and conditions of approval listed in this Town Special Event Policy.
 - a. Please review the Town Ordinance section 15.9 for details on:
 - i. Unlawful to operate bicycle or other wheeled vehicle
 - ii. Unlawful to throw balls, unless pursuant to an official approved festival activity.
 - iii. Unlawful to use fireworks at the special event, unless pursuant to an official approved festival activity.

- iv. No animals at events, unless a service animal as defined by the American with Disabilities Act, except as part of officially pre-approved activities.
3. **Permits and Approvals** – Town staff and the Cultural Advisory Group will work with the Special Events Team to obtain all other required permits and approvals prior to their event. This may include but is not limited to: ABC permits and Wake County Food Permits.
4. **Evaluation Criteria** - The Town of Apex utilizes the following criteria when evaluating and scheduling special events:
- a. The nature of the event and how it can serve the Town of Apex and its residents;
 - b. Proposed event budget;
 - c. The dates and times during which the proposed event will occur;
 - i. Including set up and breakdown times
 - d. The location(s) of the event and traffic impacts;
 - e. Whether the activities are in compliance with applicable laws and Town ordinances;
 - f. The general health, safety, and welfare of the participants in/or attending the event and the residents of Apex;
 - g. Environmental impacts;
 - h. Economic benefits;
 - i. The impact and/or cost of the event on Town supported services;
 - j. The frequency of the event or similar events;
 - k. The proposed event is community, art, culture, history focused and/or recreational in nature;
 - l. The proposed event has been planned to facilitate a positive impact to the community;
 - m. The proposed event is inclusive to all;
 - n. No political events, campaigning or fundraising;
 - i. The Town does not permit campaigning or Town association with any political party at its sponsored events.
 - ii. Town employees have a civic responsibility to support good government by every available means and in every appropriate manner. However, no employee shall:
 - 1. Engage in any political or partisan activity while on duty;
 - 2. Use official authority or influence for the purpose of interfering with or affecting the result of a nomination or an election for office;
 - 3. Be required as a duty of employment or as condition for employment, promotion or tenure of office to contribute funds for political or partisan purposes;
 - 4. Coerce or compel contributions from another employee of the Town for political or partisan purposes;
 - 5. Use any supplies or equipment of the Town for political or partisan purposes;
 - or
 - 6. Be a candidate for nomination or election to office for the Town of Apex;

REQUIREMENTS

1. **Sanitation, Recycling, and Sustainability** - Town staff from the Parks, Recreation and Cultural Resources and/or Public Works department will be assigned to each approved Town Special Event. Assignment will be determined at the Special Event Logistics Committee monthly meetings and by the respective department directors or their representative(s). Events needing dumpsters must include both trash and recycling dumpsters.
2. **Insurance and Liability** – Town staff will work with the Special Event Team to obtain safety guidelines, best practices and approvals from the Risk and Safety Manager and the Legal Department.
 - a. Proof of insurance is needed for the following:
 - i. Food Vendors
 - ii. Inflatable Rentals
 - iii. Stage Rentals
 - iv. Any other items determined by the Risk and Safety Manager and the Legal Department.
 - b. The Special Event Team will collect proof of insurance and require the Additionally Insured Endorsement sheet and the Certificate of Insurance cover sheet with the following included in the “Description of Operations”.
 - i. The Town of Apex and the “Event Group Name”
 - ii. Regarding the General Liability coverage, “Blanket Additional Insured applies to the entities listed below” in the certificate holder section.
 - iii. Regarding the General Liability coverage, “Waiver of Subrogation applies to the entities listed below” in the certificate holder section.
 - iv. Regarding the General Liability coverage, “Primary and Non-Contributory coverage applies to the entities listed below “in the certificate holder section.
3. **Electricity** - Specific requirements for the use of electricity must be submitted and approved at the time of the application. Anything requested beyond what already exists must be reviewed and approved by the Special Event Logistics Committee.
 - a. Power provided by extension cords shall not pass through doorways, windows, or walkways, but shall be supplied by an exterior outlet or electric pedestal. Extension cords shall be grounded and shall not be placed over walking surfaces. If there is anything placed over walking surfaces, yellow jackets must be used. Town staff will work with the Special Event Team to facilitate the use of Town yellow jackets or similar cable protectors.
 - b. Town staff will work with the Special Event Team to facilitate the use of Town generators.
 - c. Town staff must be cognitive of the amperage requirements for items plugged into receptacles to ensure compatibility.
 - d. The Town will have an Electric Department employee on-call for all Town Special Events.
 - e. Only approved manufactured electrical devices are permitted for use with the electric pedestals, spider boxes and other electrical units.

4. **Bathroom Facilities** - The Special Events Team will work with the Special Event Logistics Committee to provide adequate on-site toilets to facilitate the needs of the event. They will determine:
 - a. if on-site toilets are needed;
 - b. the number of toilets needed;
Note: Handicapped accessible toilets are required for all special events and the use of Town of Apex restroom facilities is contingent on the normal operating hours of the building.
 - c. the location of the on-site toilets;
 - d. the duration of the on-site toilets.
5. **Noise** - Permission to include music or amplified sound, including megaphones, as part of a special event may be given, provided that compliance with the Town's noise ordinance is assured. Town staff must be sensitive to local businesses and residences when preparing sound equipment for special events.
 - a. The Town reserves the right to limit the sound amplification equipment so that it will not unreasonably disturb non-participating persons around the event.
 - b. Complaints of loud, disturbing, or unnecessary noise in violation of the noise ordinance will need to be resolved immediately in order for the event to proceed. Link to the ordinance is on page 16.
6. **Food Sales** - Town staff will work with the Special Events Team, at least four (4) weeks prior to the event, to apply for the Temporary Food Establishment Coordinator Permit from Wake County Environmental Health & Safety Department.
 - a. In addition:
 - i. All rules and regulations regarding any food preparation and service as established by the Wake County Environmental Health & Safety Department must be followed.
 - ii. A fire inspection is required by the Apex Fire Department to make sure all fire safety equipment is in place. Fire Marshals and inspectors have the right to close booths operating outside of health regulations. A Certificate of Insurance (COI) is required for each food vendor with the following:
 - a. The Town of Apex named as the Certificate Holder
 - b. Personal and Advanced Injury Coverage of \$1,000,000
 - c. General Aggregate Coverage of \$1,000,000
 - d. Auto Liability Coverage of \$2,000,000
 - iii. All food vendors must have the appropriate fire extinguisher(s) on-site for the entirety of the event.
 - iv. All clean-up including grease removal is the responsibility of the Staff Event Organizer. See page 16 for grease collection contact information.
 - v. All vendors at the special event must follow the Town of Apex Code of Ordinances for Transient and Mobile Food Vendors to meet National Fire Protection Association (NFPA) Recommendations for Food Truck Safety.
 1. Sec. 13-63. - General operating standards.

2. Link to the ordinance is on page 16.

7. **Vendors** – Town staff will work closely with the Special Events Team on all vendor related items at events, including, but not limited to
- a. **Communication** – The Special Event Team will serve as the lead communicator with vendors. Town staff and the Cultural Advisory Group can initiate conversations with vendors, but any communication regarding selection, payment, rules and regulations, and logistics must come from the Special Event Team.
 - b. **Selection** – The Special Event Team will work closely with Town staff on vendor selections, but final selection of vendors will be the responsibility of the Special Events Team. A vendor cannot be approved or denied from an event without the express consent of the Special Event Team.
8. **Alcohol** - Alcoholic beverages are prohibited on Town property and rights-of-way unless approved by the Special Event Logistics Committee and Town Administration. If the sale of alcoholic beverages is approved, the following shall apply:
- a. The Special Event Team will work with Town staff to identify alcohol vendor(s) for the Town Organized Special Event.
 - b. The selected vendor(s) will pay a flat, non-refundable Alcohol Vendor Fee of \$300.00 for participation in the Town Organized Special Event.
 - c. The vendor(s) will be responsible for obtaining and holding the ABC permit required for any sales, the identification checks, and serving of any alcoholic beverages during the special event. ABC Permit Applications must be submitted directly to the ABC Commission by each alcohol vendor. This review process may take several weeks. Alcohol is not permitted at the Town-Organized Special Event unless the required permits are obtained. Prior to any alcohol sales the Vendor shall coordinate and secure the presence of police officers as required by the ABC permit and the Apex Police Department.
 - d. Please see the [Town of Apex ABC Permit Information Guide](#). Please note that the event will be required to hire off-duty law enforcement personnel to provide police services at the event. The number of off-duty law enforcement personnel required for the event will be determined by the Apex Police Department. The vendor(s) are responsible for the off-duty officer fees. If there is more than one vendor, the fees can be split evenly between the vendors. Link on page 16.
9. **Tents, Stages, Inflatables, Accessories** – Temporary structures, containers or storage tanks required for the event require a safety inspection by an Apex Fire Marshal. The Town of Apex defines and classifies any structure, enclosure, or shelter constructed of canvas or pliable material supported in any manner as a tent. Temporary structures such as decks, platforms, stages and kiosks will require an inspection. Any approval of these items may be rescinded if the inspected items do not meet the standards.
- a. All tents are required to have flame retardant certification.
 - b. The Special Event Team will coordinate with the Fire Marshal to confirm the following:
 - i. A copy of flame-retardant certification (This should be attached to the tent, and inspector will check and approve on the day of the event);

- ii. A site plan showing the location of the tents;
- iii. A description of the activity(s) to be conducted under the tent(s);
- iv. A method of providing adequate anchorage against collapse from winds or other loads. Anchorage type will be determined at time of review;
- v. No tents may be staked into asphalt, the Town Campus Courtyard, or any other locations determined by the Special Event Logistics Committee;
- vi. All tents must be secured or weighted down at all corners;
- vii. No tent may be erected in front of a building used as a place of public assembly, within fifteen (15) feet of a fire hydrant, or in any way obstructing any building exit or doorway;
- viii. Tents may not block streets such that Special Event Logistics Committee deems the layout / location dangerous or inappropriate for public safety;
- ix. All tents may be inspected and approved before occupancy or use by the public
- x. At least one UL rate 2A: 10BC extinguisher shall be provided for all tents where there is cooking. Additional extinguishers may be required after the inspection.
- c. LP Gas use shall be restricted to cylinders no larger than one, 100lb tank (24 gallons of propane). Cylinders shall not be expired and must be adequately secured to prevent over turning. Cylinders may not be secured to items such as fire hydrants, temporary electric poles or barricades. Cylinders may be secured to the grill, a tent post, a signpost or permanent electric pole.

10. **Budget** – The Special Event Team is responsible for managing the overall event budget. The Special Events Team will work closely with Town staff on specific needs, performers, vendors and other event specific parties to ensure that the event stays within the approved budget.

- a. **Donations** – Town staff can accept monetary or in-kind donations to supplement event specific budgets. Town staff and the Special Event Team will designate how the monies or in-kind donations will be used towards the event.
- b. **Sponsorships** – See Sponsorship Guidelines on page 19.

11. **Safety & Security**

- a. **Safety barricades** ensure the safety of patrons, volunteers, staff, and others during special events. Any event that involves the closure of a public street may require barricades, variable message boards, and/or Police presence. The Town can provide the Town staff with barricades or other special event related equipment as approved by the Special Events Team. The Special Event Logistics Team will determine which department will provide the barricades and where they will be located based on the event map.
- b. **Weather Conditions** – The Special Event Team will work in conjunction with the Emergency Management Coordinator and Town staff to track weather conditions and make the final call for cancellation. Only designated Public Safety Town Staff are approved to make weather cancellations. The Special Event Team reserves the right to modify existing Site Plans due to weather conditions.
- c. The Special Event Team will coordinate with the Fire Department for Wake County **EMS** or similar services.

- d. The Special Event Logistics Committee, which includes the Emergency Management Coordinator, will develop an **Emergency Action Plan** for all Tier 2 – Tier 4 level events.
 - i. The Emergency Action Plan, in turn, may dictate site plan alterations. This will be communicated to the Town staff prior to the event.
- e. **Security** - The Special Event Logistics Committee will review each application and provide requirements on the number of officers or other security needed for the event.
- f. **No Parking Signage** - The Apex Police Department will post “no parking” signs at least 24 hours before any parking lot closure.

12. **Communications & Marketing**

- a. All Town-Organized Special Events, regardless of tier, are subject to promotion by Town staff.
- b. All Town-Organized Special Events, with an approved application, will follow the same minimal communications guidelines provided to Community Events. Additional promotional efforts beyond the minimum can be created when significant updates are made to event details.
- c. Promotional materials should originate in the Communications Department, in collaboration with applicable Town staff and organizing committees.
- d. The Communications Department will create a stand-alone webpage for all events deemed applicable.
- e. The Town will create a communications plan outlining the promotion of each event, ensuring that Town staff and any committee members understand what group is responsible for each promotional piece.
- f. Marketing efforts will distinguish that town events are “organized by the Town of Apex”.
- g. Town staff must provide public notification to all adjacent businesses and residents of the date and time of the event with a description of the roads to be closed a minimum of thirty (30) days before the event.

13. **Cultural Advisory Groups** – See Cultural Advisory Group Guidelines on page 22.

14. **Nondiscrimination.** The Town of Apex strives to be a welcoming and diverse community with a sense of belonging for anyone that chooses to live, work, or visit and enjoy the “Peak of Good Living”. Special events are examples of how we embrace this goal. To achieve this goal, the Town’s special events shall be inclusive to all.

- a. Our objective is to foster and promote an inclusive environment that ensures equal and equitable access to opportunities and participation for all individuals and does not discriminate on the basis of age, race, religion, religious belief or non-belief, ethnicity, color, national origin, creed, sex, sexual orientation, gender identity, marital status, natural hair style, genetic information, pregnancy, familial status, disability, veteran or military status, or disabled veteran status. The attainment of event success is contingent upon ensuring that every attendee is accorded the opportunity to participate free from discrimination. The Town will ensure that no special event

excludes any person on the basis of Protected Class status, as defined in Town of Apex Code of Ordinances Section 3-3.

- b. For more information on the Town's nondiscrimination policy and commitment to inclusivity, please refer to Chapter 3 of the Town of Apex Code of Ordinances.

15. **Town Parks.** Due to heavy use and demand, the Town does not close entire parks for special events.

16. **Event Site Plan.** Sidewalks, Greenways and Multi-Use Paths are to be used for public refuge and pedestrian traffic only and must remain clear and unobstructed in case of emergency; unless the closure permit specifically states that the sidewalk, greenway or multi-use path is to be closed. **The final event site plan is required no fewer than 60 days prior to the event and any modifications must be approved by the Special Event Team.**

The Event Site Plan should include a high-quality map of the proposed festival boundaries including:

- i. Street closures
- ii. Barricades
 - 1. Entrances and exits if barricades create enclosures
- iii. Vendor locations
- iv. Vendor driving directions
- v. Tent locations
 - 1. Entrances and exits if tent is enclosed
- vi. Restrooms
- vii. Trash Can locations
- viii. Dumpster locations
- ix. Proposed ABC sales and ABC footprint

17. **NCDOT Roadways.** Any North Carolina Department of Transportation State Highway or road must receive permission from NCDOT to be closed. Please see the link on page 15 for NCDOT contact info.

- a. To differentiate between NCDOT roads and Town of Apex roads, please see the link on page 16.

18. **Town Facilities.** The inside use of Town Hall will need approval from the Town Manager. Other Town facilities will be approved based on availability and overall impact.

- a. Please see links on page 16 for more info.

DURING & AFTER THE EVENT

- **On-Site** – Associated Town staff or designated representatives must be present during the entire duration of the event (this includes set up and clean up). The Special Event Team will need to approve any substitutes or designated representatives prior to the event.
- **Site Visit** – The Town of Apex performs routine site visits during special events. The Special Event Team and other select Town staff will ensure compliance with the regulations outlined in this policy and with the regulations enforced by other Town departments or partner agencies as applicable.
 - Failure to meet these conditions may result in the immediate shutting down of the event.
- **After Action Meeting** – The After-Action Evaluation meeting will be organized by the Special Events Team within 30 days of the completed event unless there is an otherwise agreed upon time frame. Events with an unsatisfactory evaluation may have additional requirements imposed for future years or may be denied for future events.

DEFINITIONS:

COMMUNITY EVENT

This is an event that is created, facilitated, planned, and funded by a non-profit or for-profit group outside of the Town of Apex organization.

CULTURAL ADVISORY GROUP

A Cultural Advisory Group is a set of volunteers that serve as consultants for specific cultural events. The purpose of this collaboration is to help create a welcoming environment, foster community connections and provide high-quality cultural experiences that support a sense of belonging.

EMERGENCY ACTION PLAN

An emergency action plan is defined as comprehensive documentation of procedures based on the required emergency standard.

FESTIVAL BOUNDARIES

The festival boundaries are defined as the approved geographical location of the festival. The Festival Boundaries may not exceed the barricades as shown on the site map.

HISTORIC DOWNTOWN

The historic downtown is defined as the section of Salem Street between Hunter Street and Highway 55/Williams Street.

INCLUSIVE TO ALL

The Town of Apex strives to foster and promote an inclusive environment that ensures equal and equitable access to opportunities and participation for all individuals and does not discriminate on the basis of age, race, religion, religious belief or non-belief, ethnicity, color, national origin, creed, sex, sexual orientation, gender identity, marital status, natural hair style, genetic information, pregnancy, familial status, disability, veteran or military status, or disabled veteran status.

PARADES, RACES, AND WALKS

For Town events, the Staff Event Organizer is exempt from applying for a parade, picketing and demonstration activities.

PROTECTED CLASS

Protected Class means an individual's age, race, religion, religious belief or non-belief, ethnicity, color, national origin, creed, sex, sexual orientation, gender identity, marital status, natural hair style, genetic information, pregnancy, familial status, disability, veteran or military status, or disabled veteran status.

SIGNIFICANT CHANGE

This is any large change made to an event like a change in the outer festival boundary, alcohol, personnel, or more.

SPECIAL EVENT

A special event is defined as an organized activity that has a stationary footprint requiring the closure of streets, public spaces, or plazas. These events often contain amplified noise, food, beverage, merchandise, and other entertainment. Examples would include: festivals, markets, memorials, demonstrations, marches, and ceremonies.

SPECIAL EVENT LOGISTICS COMMITTEE

The Special Event Logistics Committee is comprised of staff from different departments throughout the Town. Their job is to help evaluate the resources needed for each event and determine the viability of the event requests. This group meets monthly, and as needed throughout the year.

SPECIAL EVENTS TEAM

The Special Event Team is comprised of the Special Events Manager, Special Event Specialist, and the Volunteer Coordinator. They serve as liaisons, helping to coordinate safety, staffing and event logistics.

THE TOWN

This notes the Town of Apex.

TOWN ORGANIZED SPECIAL EVENT

Sometimes referred to as a “Town Owned Event”. This is an event that the Town of Apex Organization created, facilitated, planned, and funded.

YELLOW JACKETS

Yellow Jackets are defined as the equipment that covers cords and cables that go over walking paths with a smooth transition. These can be purchased online.

HELPFUL LINKS

Town of Apex Temporary Use Permit	https://apexnc.org/DocumentCenter/View/459/Temporary-Use-Permit-EVENT-Private-Property-Only-PDF?bidId=
Town of Apex Code of Ordinances	https://www.apexnc.org/149/Code-of-Ordinances
Town of Apex ABC Permit Information Guide	https://www.apexnc.org/787/ABC-Permits
Wake County Health Department	http://www.wakegov.com/food/festivals/Pages/tfe.aspx
Photos of the Town of Apex Shelters	http://www.apexnc.org/DocumentCenter/View/31866/Park-Shelter-Photos?bidId=
Town of Parks, Recreation and Cultural Resources Rental Form	https://www.cognitoforms.com/TownOfApex1/INTERNALFacilityUsageRequestForm
NCDOT Website	https://www.ncdot.gov/Pages/default.aspx
What is an NCDOT road and what is a Town of Apex road?	https://apexnc.maps.arcgis.com/apps/webappviewer/index.html?id=506270ba8fa546bcb790203def056a13
Town of Apex Unified Development Ordinance (UDO)	http://www.apexnc.org/DocumentCenter/View/24/Unified-Development-Ordinance-UDO-PDF?bidId=
Grease-Cycle	https://grease-cycle.com/contact-us Phone: 919-817-6792

TOWN OF APEX FEES REFERENCE GUIDE

These service fees do not apply to Town events, but are here for your reference.

ITEM	DESCRIPTION	FEE
Water Barricades	Includes water. Used for streets.	\$50 per barricade
A-Frame Barricade	For light blockades. Not for traffic	\$10 per barricade
Power	Temporary and permanent electric boards	\$100 per unit / per day
External Building Power	If you plug into a Town building	\$100 per building / per day
Water	Temporary hose connection, food vendor water, dunk tank	\$50 per day
Trash Cans	Landfill trash and recycling trash	\$10 per can / per day
Utility Sinks	Includes connection	\$50 per sink / per day
Large Blockade Vehicle or Police Vehicle		\$200 per vehicle / per day
Police Off-Duty	Required for an event with alcohol	\$40.43 per hour / per officer
Police Personnel		\$70 per hour / per officer
Public Works Personnel		\$45 per hour / per person
Parks Operations Personnel		\$45 per hour / per person
Saunders Street Lot	Lot in front of the Police Station	\$100 per day
Templeton Street Lot	Lot near The Halle	\$100 per day
Town Hall Lot	Lot directly in front of Town Hall	\$100 per day
Community Center Gazebo Lot	Lot in front of the Community Center with the gazebo	\$100 per day
Community Center ATM Lot	Lot to the right of the Community Center with the ATM	\$100 per day
Senior Center Lot	Lot next to the Senior Center	\$50 per day
Town Arc Lot	Arc shaped lot between Town Hall and the Community Center	\$50 per day
Park Parking Lots	Any Town of Apex park parking lot	To be determined per event
The Depot Lot and Plaza	Depot parking lot and outdoor plaza	\$100 per day
Town Campus Courtyard	Does not include any parking lots	\$200 per day

TOWN OF APEX VENDOR FEES REFERENCE GUIDE

These are the standard rates for Park, Recreation and Cultural Resources events.

TYPE	FEE
Non-Profit	\$0
Small Business	\$50
Commercial Business	\$100
Food Truck	\$100
Alcohol	\$300

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SPECIAL EVENTS SPONSORSHIP GUIDELINES

STATEMENT OF GUIDELINES

The Sponsorship Program was created to encourage collaborative partnerships that enhance the quality of life for the residents and businesses of Apex through monetary or in-kind support. The Town will seek sponsors that further the mission of providing exceptional public service and fostering opportunity for the individual and community to live, thrive and reach their peak. With the Sponsorship Program, the Town strives to protect and maximize its brand from the financial and collaborative benefits received from sponsorships. This policy sets the standards, guidelines and approval criteria for solicitation, consideration and acceptance of sponsorships.

DEFINITIONS

A **Sponsorship** is the contractual commitment and provision of consideration (i.e. money, goods, or services) to the Town of Apex in exchange for an **Acknowledgment** of the subject sponsor or sponsorship. Sponsorships and Sponsorship Acknowledgments are not **Advertising** and may not include an **Endorsement**, as defined herein.

An **Acknowledgment** signifies the recognition of Sponsorship support by a third-party entity. A typical Acknowledgment of a sponsorship relationship is the use of external sponsor's trademark and/or logo, along with information about the subject sponsor in promotional material for a Town program, special event, or facility that is financially supported by the sponsor. An acknowledgement can appear in a brochure, on a webpage, on a t-shirt or sports team uniform, on permanent or temporary signage, or in other marketing and promotional information about the program, event or facility. An acknowledgment on an institutional web site may contain a link to the sponsor's web site. Acknowledgments are not advertising.

An **Endorsement** is any statement or depiction which contains or implies a preference by the Town and/or its employees.

PROCEDURES

- Any corporation, organization, or individual that offers and provides support for Town programs, events, or facilities may be considered as an Acknowledged sponsor. Donations will be treated as voluntary gifts and will not receive any recognition or acknowledgement from the Town, with exception for those items in the Pleasant Park Gift Guide.
- The Acknowledgement of a sponsor by the Town may create a public perception of an association between the sponsor and the Town or activity being sponsored. When Town considers entering into a Sponsorship relationship, Town staff will evaluate the compatibility between the Town's policies, goals, objectives and initiatives and those of the sponsor.
- No Sponsorship will be approved that will compromise or damage public trust or conflict with or compromise the Town's reputation, mission, image, values or aesthetic interests. The Town reserves the right to refuse any Sponsorship. For example, the Town will refuse a

Sponsorship that:

- is in conflict with Town's policies, regulations or rules;
 - includes alcohol, tobacco, firearms and/or gaming companies or distributors. These are not permitted absent special circumstances and approval by the Town Manager;
 - could disparage, impair, or adversely impact the mission, reputation, image, integrity, or best interests of the Town;
 - appears to create an **Endorsement** by the Town of a particular company, product, political candidate or position regarding public policies;
 - is considered to contain obscene, indecent or profane material; or
 - ridicules, exploits, or demeans persons on the basis of their race, color, religion, sex, sexual orientation, actual or perceived gender identity, age, national origin, disability, veteran status, or genetic information.
- No materials or communications, including, but not limited to print, video, internet, broadcast, or display items developed to promote or communicate the Sponsorship using Town's name, marks, or logo, may be issued without written approval from Town staff.
 - Any leftover Sponsorship monies per event will be carried forward to the following year.

SPONSOR RECOGNITION

Sponsor recognition will be determined on a case by case basis by the Sponsor and Town staff as detailed below in Levels of Sponsorship.

AUTHORITY LEVELS TO SOLICIT AND APPROVE SPONSORSHIPS

The Town of Apex possesses sole and final decision-making authority for determining the appropriateness of a sponsorship. Unless a sponsorship opportunity requires Town Council approval, the Town shall act through its Town Manager, or designee(s). The Town has and reserves the right to refuse any offer of sponsorship. All offers of sponsorship will be reviewed in accordance with this policy.

The Parks, Recreation and Cultural Resources (PRCR) Director, in consultation with the Town Manager, shall be responsible for determining the programs, events, and facilities for which his or her department is responsible that are suitable for sponsorship.

LEVELS OF SPONSORSHIP

Level 1, Council Approval Required:

Offers of sponsorship that are for terms of six or more years, or are projected to generate \$500,000 or more, and that involve naming rights for any Town facilities, parks and amenities, shall require the approval of the Town Council.

Level 2, Town Manager Approval Permitted:

Offers of sponsorship that are for terms of up to and including five years, and are projected to generate less than \$500,000, may be approved by the Town Manager or Assistant Town Manager (referred to hereafter as 'manager'). This approval includes the authority to approve sponsorships for naming rights of designated portions of Town facilities, parks and amenities. Such naming rights otherwise meet the requirements of this Level 2 authority. All Sponsorship Agreements within this Level 2 shall be approved by the manager. The manager may refer any proposed offer of sponsorship or Sponsorship Agreement within the manager's authority level to the Town Council for approval.

Level 3, PRCR Director Approval Permitted:

Offers of sponsorship that are for terms of up to three years, are projected to generate \$90,000 or less and do not involve any naming rights may be approved by the PRCR Director, who may also execute the resulting Sponsorship Agreement. The Director may refer proposed offers of sponsorship or Sponsorship Agreement to the Town Manager or Assistant Town Manager for approval.

Level 4, Departmental Staff Approval Permitted:

The PRCR Director may delegate the authority to approve offers of sponsorship and to execute Sponsorship Agreements for sponsorships that are within the Director's authority and are for terms of one year or less and projected to generate less than \$5,000 per year to an appropriate staff member. All such approvals shall be in consultation with the PR&CR Director.

SPONSORSHIP AGREEMENT

The Sponsorship Agreement outlines the conditions of sponsorship between the Sponsor and the Town of Apex. It details the agreed upon terms, services and value of the sponsorship, and serves as the first step in the approval process.

SPECIAL EVENTS CULTURAL ADVISORY GROUP GUIDELINES

PURPOSE

Town staff host a variety of Cultural Events throughout the year that celebrate diversity and promote inclusion for the Town of Apex and its residents. The Town will seek volunteers to serve as respective consultants for specific cultural events. The purpose of this collaboration is to help create a welcoming environment, foster community connections and provide high-quality cultural experiences that support a sense of belonging.

MEMBERSHIP

- Members from the Parks, Recreation and Cultural Resources (PRCR) department's Special Events Team.
- Members from the respective cultural community will be selected through an application process from the general community, but not limited to residents of the Town of Apex. Applications will be open each time there is a vacancy or to expand the number of positions to accommodate event needs and community representation with written approval from the PRCR Director. The application process will be open to the public through the Town's media outlets. Applications will be reviewed by the Special Events Team, the Special Events Logistics Committee, and Town Administration who will in turn provide recommendations to Town Council.
- Membership appointments to a Cultural Advisory Group are for 3-year terms.
- Each Cultural Advisory Group will consist of at least 3 and no more than 6 community members.
- Members must attend a majority of the regularly scheduled meetings. Absence from three or more meetings during the planning time frame may result in the removal of the member from the Cultural Advisory Group.

DUTIES

- To assist in the development and production of defined Town of Apex Cultural Events such as the Martin Luther King Jr Commemoration Weekend, Holi Festival, Juneteenth, Latino Arts Festival, and Indigenous Peoples Day.
- To promote cooperative partnerships between the Cultural Events and the Town's merchants, vendors and residents.
- To serve as consultants for Town staff on cultural elements for the event such vendors, food options and performer suggestions.

- To assist in promoting the Cultural Event to the respective community.


DRAFT



**Additional Special Event Policy
Recommendations from the Downtown
Parking Special Team**
Town Council Work Session
September 17, 2024




Background

- Parking mitigation strategies adopted in April 2024 for Saunders Street Parking Lot construction include a strategy to **minimize additional parking impacts downtown, including limiting special uses**
 - Saunders Street Parking Lot construction is planned to start January 2025
 - While special events enhance the vibrancy and quality of life in downtown Apex and can boost business visibility, they also present notable challenges
 - The impact varies depending on the event type and the affected businesses
 - Although some events may increase long-term exposure and attract more visitors, the immediate effects can be detrimental
- 




Purpose of this Discussion

- A Special Project Team was formed to work on implementation of the mitigation strategies.
 - Representatives of the Team reviewed the Special Events Policy and draft Town Special Events Policy
 - The Team recommends additional provisions to address the parking mitigation strategies
- 




Potential Negative Impacts of Special Events on Small Business

- 1. Barrier to Business Access:** Road closures and special events can obstruct customer access to downtown businesses, deterring destination shoppers and personal service clients due to limited parking and accessibility. Closure of Salem Street also requires a GoApex detour, and typically results in at least one missed trip during major events.
 - 2. Decreased Sales:** Some businesses report seeing a drop in their sales on days with road closures for special events, as navigating to these businesses becomes difficult for customers
 - 3. Reduced Restaurant Sales:** The presence of food vendors at special events can draw customers away from downtown restaurants, some businesses have reported seeing a reduction of their daily revenue by half
 - 4. Accessibility Issues:** Road closures can pose significant challenges for customers with mobility issues, making it difficult for them to access businesses
- 



Potential Negative Impacts of Special Events on Small Businesses

5. **Event Conflicts:** Restaurants and venues that host private events may be unable to operate effectively during large festivals or events due to limited access and parking
 6. **Customer Confusion and Departure:** Complicated detours and restricted access can confuse customers, leading them to abandon their plans to visit downtown, which negatively impacts sales
 7. **Advance Notice Challenges:** Frequent special events require business owners to provide advance notice to customers and suppliers about road closures and parking, which can be a burden
 8. **Negative Impact on Regular Operations:** Regular business operations can be disrupted by frequent events and road closures, complicating consistent service delivery
- 

Mitigation Efforts recommended by Downtown Parking Special Team


Parks, Recreation, and Cultural Resources (PRCR): The Team recommends that PRCR update its special event approval process to limit and mitigate the impact of special events on parking and business access during the Downtown Projects, starting in 2025. Specifically, PRCR should recommend:

- Denying new special events (i.e., events that have not previously been held in Apex) that require right-of-way closure downtown for more than 2 hours
- Requiring modifications to existing events (i.e., previously-held events that have not yet been approved for FY2026) that require right-of-way closure downtown for more than 2 hours
- Requesting modifications to already-approved events that require right-of-way closure for more than 2 hours
- This recommendation should be presented to the Town Administration and Town Council during the special event approval process, ensuring it aligns with the Town Council's adopted mitigation strategy




Mitigation Efforts recommended by Downtown Parking Special Team

Town Administration and Town Council: The Team advises that, in accordance with the Town Council's adopted mitigation strategy, Town Administration and Town Council should adopt a preferred practice of:

- Denying new special event requests (i.e., events that have not previously been held in Apex) that require right-of-way closure downtown for more than 2 hours
 - Requiring modifications to existing events (i.e., previously-held events that have not yet been approved for FY2026) that require right-of-way closure downtown for more than 2 hours
 - This practice should be implemented consistently from 2025 onward to support the overall mitigation strategy
- 




Mitigation efforts recommended by Downtown Parking Special Team

- **Required modifications (for events needing approval):**
 - Demonstrate why Town Campus is not a feasible location for the event
 - Require review of vendor layout by Special Events Logistics Team for consideration of impacts to local businesses
 - Require event to provide a shuttle service to off-site parking
 - Require meeting with Apex Economic Development Small Business Team to discuss ideas for cross-promoting the event and downtown businesses
- 



Mitigation efforts recommended by Downtown Parking Special Team

- **Requested modifications (for approved events):**
 - Request review of vendor layout by Special Events Logistics Team for consideration of impacts to local businesses
 - Request event to provide a shuttle service to off-site parking
 - Request meeting with Apex Economic Development Small Business Team to discuss ideas for cross-promoting the event and downtown businesses
 - Request promotion of local transit and other parking options like shuttles
- 



Town Council Work Session

September 17, 2024

Work Session Item No. 3

Zoning Condition Recommendations for Rural Areas

Background

- March 7, 2024 - Planning Committee asked staff to come up with a set of zoning conditions to recommend to applicants who propose to rezone and amend the 2045 Land Use Map within existing Rural Density Residential and Rural Transition Residential areas.
- *Western Big Branch Area Plan: Encompassing Portions of the Friendship and New Hill Communities (WBBAP)* workshops held on March 6, 18, and 20, 2024. Public interest in having more guidelines & restrictions for development in or near rural areas.
- Wake County is seeking MOU to allow Voluntary Agricultural Districts (VAD) and Enhanced Voluntary Agricultural Districts (EVAD) in the Town's extraterritorial jurisdiction (ETJ) and corporate limits. Wake County staff have asked for wider buffers adjacent to properties designated as VAD or EVAD.

Background

- Given the various related initiatives and requests, Planning staff recommend utilizing the conditional zoning process to accomplish the goals of the Planning Committee, WBBAP neighbors, and Wake County to ensure more compatible development in rural areas. This work session item is the first step in preparing a set of zoning conditions that will provide guidance to developers seeking rezonings in areas currently shown as Rural Density Residential or Rural Transition Residential on the 2045 Land Use Map.

Zoning condition categories from Planning Committee:

- Limit mass grading
 - Staff's recommendation in lieu of prohibiting mass and staged grading is to preserve more trees by requiring wider perimeter and streetfront buffers and increase the minimum Resource Conservation Area (RCA) requirement to 40%. Restrictions on mass or staged grading results in issues with efficiently managing stormwater, steep driveways, and does not prevent individual homeowners from removing trees on their property.
- Increase tree preservation
 - Staff recommends the following:
 - Increase RCA percentage – 40% was original UDO provision and makes more sense in rural areas.
 - Increase buffer along frontage of the project to lessen the visual impact – 50' was original UDO provision and makes more sense in rural areas.
 - Increase perimeter buffers by 10' from that required by the UDO and increase the opacity from a Type B to a Type A where a fence is used in lieu of a shrub row to ensure existing trees are preserved.

Zoning condition categories from Planning Committee:

- Pedestrian connectivity required
 - Staff recommends the following:
 - Fill in off-site sidewalk gaps where feasible.
 - Fill in off-site greenway gaps where feasible.
 - Provide high visibility crosswalks where needed.

Zoning condition categories from citizen overlay district proposal:

- Lot size – 1 unit/acre
 - Staff recommends the minimum lot size be evaluated on a case by case basis while also considering the buffers proposed and the context of the existing development pattern. Goal would be to require lot sizes to be from 0.5 acre to 1.0 acre for the RR-CZ zoning district.
- Frontage
 - Staff recommends that the minimum lot width in RR-CZ should generally be around 100' and 80' in LD-CZ.
- Building setbacks
 - Staff supports the typical building setbacks in the LD and RR zoning districts, and may support larger than typical building setbacks depending on context.

Zoning condition categories from citizen overlay district proposal:

- Building height/1 story rule (can go up only 1 story from neighboring property's structures)
 - Staff supports transitioning either through larger buffers or a 1-story increase on the edges of the development, but would support up to 3 stories interior to the project.
- 50% tree canopy
 - Staff's recommendation is for the subdivision to provide 40% RCA.
- Use net vs. gross density
 - Staff's recommendation is to maintain the use of gross density because of the significant infrastructure and other requirements in the UDO (e.g. roads, sidewalks, greenways, park dedication/fee-in-lieu, stormwater controls, RCA, private play lawns, etc).

Zoning condition categories from citizen overlay district proposal:

- Require fencing
 - Staff's recommendation is for fences to be required when projects are adjacent to a bona fide farm, VAD or EVAD, or when the shrub layer would not likely survive when planted within a Type A buffer with high percentage of tree canopy.
- Greater buffers
 - Staff recommends the following:
 - Increase buffer along frontage of the project to lessen the visual impact – 50' was original UDO provision and makes more sense in rural areas versus suburban areas.
 - Increase perimeter buffers by 10' from that required by the UDO and increase the opacity from a Type B to a Type A where a fence is used in lieu of a shrub row to ensure existing trees are preserved.

Zoning condition categories from citizen overlay district proposal:

- Stormwater protections for farm ponds
 - Additional condition included in Environmental Zoning Conditions.
- Clear cutting and mass grading prohibited
 - Staff's recommendation in lieu of prohibiting mass and staged grading is to preserve more trees by requiring wider perimeter and streetfront buffers and increase the minimum RCA requirement to 40%. Restrictions on mass or staged grading results in issues with managing stormwater efficiently, steep driveways, and does not prevent individual homeowners from removing trees on their property. See Attachment #3 for discussion from September 2023 Planning Committee meeting.
 - Staff does not consider mass grading to be the same as clear cutting since staff recommends that 40% of the subdivision be preserved as RCA.

Zoning condition categories from citizen overlay district proposal:

- Seller disclosure of zoning conditions
 - Staff is unsure how this condition would be enforced.
- Country, rural architecture
 - Staff's recommendation is that we review the existing architectural standards that we typically suggest and modify those to fit the context of the area.
- Small homes
 - Staff supports affordable housing and accessory dwelling units, and the UDO does not have minimum house sizes (state law also prohibits minimum lot size). Staff works with all developers to try to encourage a diversity of home sizes to provide a variety of housing options.

Zoning condition categories from citizen overlay district proposal:

- *Note that staff does not recommend the following conditions from the citizen overlay district proposal:*
 - *Limit interconnectivity (staff has consistently promoted interconnectivity throughout our jurisdiction)*
 - *Traffic studies for parks and capped schools (TIAs are done for road capacity and consider both current traffic and projected traffic, but do not look specifically at existing parks or schools other than to include them in background traffic).*

Categories of zoning conditions from Wake County request:

- Buffer adjacent to EVAD and VAD set at 50' Type A (same as American Tobacco Trail buffer)
- Staff supports the 50' buffer adjacent to EVAD and VAD.

Categories of zoning conditions from earlier rural area rezonings:

- Game lands buffer – 450' is the NC Wildlife Commission's recommended buffer.
 - Staff's recommendation is to provide 450' or as much as is reasonably possible since requiring the full buffer width could render some properties undevelopable.
- Affordable Housing proffer.
- Homeowners Association covenants shall not restrict the construction of accessory dwelling units.
- Historic structures shall be put into historic preservation easement with Capital Area Preservation or similar non-profit.
- Cemeteries shall be preserved in place. Prior to Master Subdivision Plan approval, a survey of any cemetery shall be completed to establish its exact dimensions and the location of grave sites.

Categories of zoning conditions from earlier rural area rezonings:

- Limit permitted uses to the following for RR-CZ and LD-CZ rezonings:
 - Single-family
 - Accessory apartment
 - Farm residence (RR-CZ only)
 - Utility, minor
 - Greenway
 - Horse boarding and riding stable (RR-CZ only)
 - Park, passive
 - Park, active
 - Recreation facility, private
 - Cemetery (RR-CZ only)
- See Appendix G: Review of Allowable Agricultural Business and Agritourism Uses for possible agritourism land uses allowed within RR-CZ, and PUD-CZ (see Attachment #4).

Categories of zoning conditions from earlier rural area rezonings:

- Development shall provide a maximum gross density of 1.0 units per acre.
- The minimum lot size shall be 0.5 acre.
- The maximum built-upon area per lot shall be 50%, the maximum height shall be 40 ft, and the minimum building setbacks shall be as follows:
 - Front – 40 ft;
 - Side – 15 ft. min;
 - Corner side – 15 ft;
 - Rear – 25 ft.

Architectural Zoning Conditions:

- Staff recommends both standard and enhanced architectural zoning conditions addressing siding materials, color palette, roof pitch, eave projection, garage door details & location, corner side decorative elements, covered porch/stoop, porch depth, and trimmed windows on visible sides.

Environmental Zoning Conditions:

- For stormwater management, post-development peak runoff shall not exceed pre-development peak runoff conditions for the 1 year, 10 year, and 25 year 24-hour storm events.
- Implement a stormwater management plan that results in nitrogen and phosphorous loading rates of 4.4 lbs/ac/yr and 0.78 lbs/ac/yr, respectively, or provides "runoff volume matching" as defined in 15A NCAC 02H .1002.
- As part of the sediment & erosion control plan, include the use of NC DWR Approved PAMS/Flocculants in accordance with Sec. 6.86 of the NC Erosion & Sediment Control Planning and Design Manual. (NC DWR Approved PAMS/Flocculants: <https://www.deq.nc.gov/water-resources/north-carolina-dwr-list-approved-pamsflocculants>.)

Environmental Zoning Conditions:

- Developer shall install pollinator-friendly and native flora within SCM planting areas.
- At least 75% of the plant species used in the landscape design shall be native species.
- Perimeter buffers, SCMs, and other HOA maintained areas shall be planted with clover or warm season grasses for drought resistance.
- In order to reduce water consumption and promote pollinator friendly habitat and biodiversity, Homeowner Association covenants shall permit clover lawns throughout the neighborhood.
- A minimum of xx pet waste station shall be installed in HOA common area.

Environmental Zoning Conditions:

- All garages shall be wired with a 220-volt outlet inside the garage to facilitate charging of electric vehicles.
- A split-rail wooden fence shall be provided along the project boundary to provide a physical barrier between the USACE property and the cleared and maintained Town of Apex utility easements which run parallel to the project boundary.
- All dwelling units shall be pre-configured with conduit for a solar energy system. All homes shall include solar conduit in the building design to facilitate future rooftop solar installations.
- A solar PV system shall be installed on at least ## homes within the development. A solar PV system shall be installed on a minimum of one (1) model home. All solar installation required by this condition shall be completed or under construction prior to 75-90% of the building permits being issued for the development. The lot on which this home is located shall be identified on the Master Subdivision Plat, which may be amended from time to time.

Environmental Zoning Conditions:

- The project shall install at least one (1) sign per SCM discouraging the use of fertilizer and to reduce pet waste near SCM drainage areas. The sign(s) shall be installed in locations that are publicly accessible, such as adjacent to, but outside of public property and/or public easement(s), amenity centers, sidewalks, greenways, or side paths.
- The project shall plant drought resistant warm season grasses throughout the development to minimize irrigation and chemical use.
- Landscaping shall include at least four (4) native hardwood tree species throughout the Development.
- At least 75% of plants shall be native species. Landscaping will be coordinated with and approved by the Planning Department at subdivision review.

Environmental Zoning Conditions:

- No clearing or land disturbance shall be permitted within the riparian buffer nor the Game Lands Buffer (as defined in the Landscaping, Buffering, and Screening section of this PUD), except in the riparian buffer, the minimum necessary to install required road and utility infrastructure and SCM outlets. The SCM water storage and treatment shall not be permitted within the riparian buffer or the Game Lands Buffer. Sewer infrastructure shall be designed to minimize impacts to riparian buffers.
- Any outdoor lighting installed on private amenities, signs, landscaping, walls, or fences in common areas shall be full cutoff LED fixtures with a maximum color temperature of 3000k. This condition shall not apply to lighting on single-family homes, accessory buildings, or street lighting.
- The project shall preserve at least 25% of existing tree canopy.

Work Session Item No. 4

Façade Grant Program Discussion

Possible Amendments to the Façade Grant Program

Staff is requesting direction from Council on potential changes to the Façade Grant Program.

Decision points include:

- Façade Grant boundaries
- Program funding limits
- Individual project funding cap
- Eligible improvements

Façade Grant Boundaries

Current Façade Grant Program:

- Boundaries are the Downtown Festival District as described in the Unified Development Ordinance (UDO) and shown on the associated map.
- Boundary is primarily a UDO regulatory tool for outdoor service areas. The Façade Grant was expanded to this boundary as it was an easily identifiable boundary that encompassed a larger area of downtown than the Central Business District (prior Façade Grant boundary).
- If the Façade Grant Program is made available to a larger district, a Façade Grant Program Area would need to be determined.

Potential Changes to the Façade Grant Program (Council direction needed):

- Change the boundary to a separate Façade Grant Program Area?
- Change to Town-wide program?

Program Funding Limits

Current Façade Grant Program:

- Staff approval
- First-come, first-served
- \$20,000 total budget

Potential Changes to the Façade Grant Program (Council direction needed):

- Possible approval by Planning Board or Town Council?
- Keep approval process first-come, first-served?
- Authorize higher total program budget?

Individual Project Funding Cap - formula changes

Current Façade Grant Program:

The Façade Grant provides up to 50% of the cost of the exterior rehabilitation based on the following:

- a. **Tier 1** - up to a maximum of \$2,000.00 per façade for paint and awnings, or 50% of the cost, whichever is less.
- b. **Tier 2** – up to a maximum of \$5,000.00 per façade for structural improvements including window replacement, brick repair and repointing, door replacement, ADA accessible entrance improvements, and similar structural repairs or replacement, or 50% of the cost, whichever is less.
- c. Applicants can submit for one Tier 1 grant and one Tier 2 grant within the same fiscal year; if both are granted, no one property can receive more than \$7,000 in one year.
- d. No more than \$10,000 can be issued to any one property within any 36 month period.
- e. Total grants issued per fiscal year shall not exceed the amount budgeted for that given year.

Potential Changes to the Façade Grant Program (Council direction needed):

- Change the formula to be a percentage based on investment with a higher overall cap per project?
- Should investment considered in the cap represent just the exterior improvements or total cost invested in business?

Eligible Improvements

Current Façade Grant Program:

Eligible exterior improvements include:

- Removal of false fronts (such as aluminum panels)
- Repair or replacement of windows, doors, and cornices
- Repair or replacement of façade materials
- Repair or replacement of character defining architectural features
- Repair, replacement, or new ADA accessible entrance (e.g. ramp)
- New awnings
- Decorative exterior lighting
- Exterior painting
- Design and construction costs

Potential Changes to the Façade Grant Program (Council direction needed):

Change the program to allow additional improvements in the public space on private property, including but not limited to:

- Creation of patios or other outdoor service areas
- Outdoor furniture (tables, chairs, benches)
- Planters (recommend not to include vegetation as it is not permanent)
- Streetscape elements (pavers/bricks/bus stops) on private property
- Other Downtown Plan elements like twinkle lights, ground murals, etc.

STAFF REPORT

Zoning Condition Recommendations for Rural Areas

September 17, 2024 Town Council Work Session



Background:

At the March 7, 2024 Planning Committee meeting, committee members and Planning staff discussed conservation subdivision attributes. The Committee asked Planning staff to come up with a set of zoning conditions to recommend to applicants who propose to rezone and amend the 2045 Land Use Map from Rural Density Residential to Rural Transition Residential or to Low Density Residential, or from Rural Transition Residential to Low Density Residential. These zoning conditions would be the standard list developers would consider proffering for any rezoning to Rural Residential - Conditional Zoning (RR-CZ), Low Density Residential - Conditional Zoning (LD-CZ), or Planned Unit Development - Conditional Zoning (PUD-CZ) within existing Rural Density Residential and Rural Transition Residential areas.

Concurrent with the Planning Committee meeting, Planning staff held three workshops for the *Western Big Branch Area Plan: Encompassing Portions of the Friendship and New Hill Communities* (WBBAP) on March 6, 18, and 20, 2024. Public input included the “Friendship and New Hill Community Land Use Map & Neighborhood Conservation Overlay District Proposal” (see Attachment #1). Planning staff had concerns about the logistics of an overlay district (see Attachment #2), but heard the public’s interest in having more guidelines and restrictions for development in or near rural areas.

Further, Wake County is seeking a memorandum of understanding with the Town of Apex to allow Voluntary Agricultural Districts (VAD) and Enhanced Voluntary Agricultural Districts (EVAD) in the Town’s extraterritorial jurisdiction (ETJ) and corporate limits. Wake Soil and Water Conservation District staff have asked for wider buffers adjacent to properties designated as VAD or EVAD.

Given the various related initiatives and requests, Planning staff recommend utilizing the conditional zoning process to accomplish the goals of the Planning Committee, WBBAP neighbors, and Wake County to ensure more compatible development in rural areas. This work session item is the first step in preparing a set of zoning conditions that will provide guidance to developers seeking rezonings in areas currently shown as Rural Density Residential or Rural Transition Residential on the 2045 Land Use Map.

Zoning condition categories from Planning Committee:

1. Limit mass grading
 - Discussion at the September 2023 Planning Committee meeting called for possible ordinance changes to “Mass Grading” that would trigger simultaneous UDO amendments to remove lot averages for Residential Agricultural (RA), Rural Residential (RR), and Low Density Residential (LD), which are the only residential districts that still have lot size standards. The lot average currently excludes HOA common area except riparian buffer area that the State allows to be attributed to the adjacent lots. Direction was to “Make changes to prohibit both mass grading and staged grading based on lot size. Staff to do research to determine lot size (will be more than 8,000 sq. ft.; ¼ acre is 10,890 sq. ft.; 12,000 sq. ft. was also mentioned). Exceptions similar to Cary, but would only allow staged grading; no mass grading allowed for lots at or above a certain lot size (TBD). Cary’s exception: Exceptions to grade upon a lot prior to the issuance of a building permit may be granted as a modification to the original plan if there is sufficient justification (e.g. problematic drainage issues and/or severe topographic issues).
 - Staff’s recommendation in lieu of prohibiting mass and staged grading is to preserve more trees by requiring wider perimeter and streetfront buffers and increase the minimum Resource Conservation Area (RCA) requirement to 40%. Restrictions on mass

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Zoning Condition Recommendations for Rural Areas

September 17, 2024 Town Council Work Session



or staged grading results in issues with efficiently managing stormwater, steep driveways, and does not prevent individual homeowners from removing trees on their property. See Attachment #3 for discussion from September 2023 Planning Committee meeting.

2. Increase tree preservation

- Staff recommends the following:
 - Increase RCA percentage – 40% was original UDO provision and makes more sense in rural areas.
 - Increase buffer along frontage of the project to lessen the visual impact – 50' was original UDO provision and makes more sense in rural areas.
 - Increase perimeter buffers by 10' from that required by the UDO and increase the opacity from a Type B to a Type A where a fence is used in lieu of a shrub row to ensure existing trees are preserved.

3. Pedestrian connectivity required

- Staff recommends the following:
 - Fill in off-site sidewalk gaps where feasible.
 - Fill in off-site greenway gaps where feasible.
 - Provide high visibility crosswalks where needed.

Zoning condition categories from citizen overlay district proposal:

1. Lot size – 1 unit/acre

- Staff recommends the minimum lot size be evaluated on a case by case basis while also considering the buffers proposed and the context of the existing development pattern. Goal would be to require lot sizes to be from 0.5 acre to 1.0 acre for the RR-CZ zoning district.

2. Frontage

- Staff recommends that the minimum lot width in RR-CZ should generally be around 100' and 80' in LD-CZ.

3. Building setbacks

- Staff supports the typical building setbacks in the LD and RR zoning districts, and may support larger than typical building setbacks depending on context.

4. Building height/1 story rule (can go up only 1 story from neighboring property's structures)

- Staff supports transitioning either through larger buffers or a 1-story increase on the edges of the development, but would support up to 3 stories interior to the project.

5. 50% tree canopy

- Staff's recommendation is for the subdivision to provide 40% RCA.

6. Use net vs. gross density

- Staff's recommendation is to maintain the use of gross density because of the significant infrastructure and other requirements in the UDO (e.g. roads, sidewalks, greenways, park dedication/fee-in-lieu, stormwater controls, RCA, private play lawns, etc).

7. Require fencing

- Staff's recommendation is for fences to be required when projects are adjacent to a bona fide farm, VAD or EVAD, or when the shrub layer would not likely survive when planted within a Type A buffer with high percentage of tree canopy.

8. Greater buffers

- Staff recommends the following:

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Zoning Condition Recommendations for Rural Areas

September 17, 2024 Town Council Work Session



- Increase buffer along frontage of the project to lessen the visual impact – 50' was original UDO provision and makes more sense in rural areas versus suburban areas.
 - Increase perimeter buffers by 10' from that required by the UDO and increase the opacity from a Type B to a Type A where a fence is used in lieu of a shrub row to ensure existing trees are preserved.
9. Stormwater protections for farm ponds
- Stormwater staff recommend the following condition: “As part of the sediment & erosion control plan, include the use of NC DWR Approved PAMS/Flocculants in accordance with Sec. 6.86 of the NC Erosion & Sediment Control Planning and Design Manual. (NC DWR Approved PAMS/Flocculants: <https://www.deq.nc.gov/water-resources/north-carolina-dwr-list-approved-pamsflocculants>.”
10. Clear cutting and mass grading prohibited
- Staff’s recommendation in lieu of prohibiting mass and staged grading is to preserve more trees by requiring wider perimeter and streetfront buffers and increase the minimum RCA requirement to 40%. Restrictions on mass or staged grading results in issues with managing stormwater efficiently, steep driveways, and does not prevent individual homeowners from removing trees on their property. See Attachment #3 for discussion from September 2023 Planning Committee meeting.
 - Staff does not consider mass grading to be the same as clear cutting since staff recommends that 40% of the subdivision be preserved as RCA.
11. Seller disclosure of zoning conditions
- Staff is unsure how this condition would be enforced.
12. Country, rural architecture
- Staff’s recommendation is that we review the existing architectural standards that we typically suggest and modify those to fit the context of the area.
13. Small homes
- Staff supports affordable housing and accessory dwelling units, and the UDO does not have minimum house sizes (state law also prohibits minimum lot size). Staff works with all developers to try to encourage a diversity of home sizes to provide a variety of housing options.

Note that staff does not recommend the following conditions from the citizen overlay district proposal:

- *Limit interconnectivity (staff has consistently promoted interconnectivity throughout our jurisdiction)*
- *Traffic studies for parks and capped schools (TIAs are done for road capacity and consider both current traffic and projected traffic, but do not look specifically at existing parks or schools other than to include them in background traffic).*

Categories of zoning conditions from Wake County request:

1. Buffer adjacent to EVAD and VAD set at 50' Type A (same as American Tobacco Trail buffer)
 - Staff supports the 50' buffer adjacent to EVAD and VAD.

Categories of zoning conditions from earlier rural area rezonings:

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Zoning Condition Recommendations for Rural Areas

September 17, 2024 Town Council Work Session



Staff looked at prior rezonings in the Rural Density Residential and Rural Transition Residential land use categories and have provided a list of relevant conditions from other developments that could potentially be used for rezonings in rural areas:

1. Game lands buffer – 450' is the NC Wildlife Commission's recommended buffer.
 - Staff's recommendation is to provide 450' or as much as is reasonably possible since requiring the full buffer width could render some properties undevelopable.
2. Affordable Housing proffer.
3. Homeowners Association covenants shall not restrict the construction of accessory dwelling units.
4. Historic structures shall be put into historic preservation easement with Capital Area Preservation or similar non-profit.
5. Cemeteries shall be preserved in place. Prior to Master Subdivision Plan approval, a survey of any cemetery shall be completed to establish its exact dimensions and the location of grave sites.
6. Limit permitted uses to the following for RR-CZ and LD-CZ rezonings:
 - Single-family
 - Accessory apartment
 - Farm residence (RR-CZ only)
 - Utility, minor
 - Greenway
 - Horse boarding and riding stable (RR-CZ only)
 - Park, passive
 - Park, active
 - Recreation facility, private
 - Cemetery (RR-CZ only)
7. See Appendix G: Review of Allowable Agricultural Business and Agritourism Uses for possible agritourism land uses allowed within RR-CZ, and PUD-CZ (see Attachment #4).
8. Development shall provide a maximum gross density of 1.0 units per acre.
9. The minimum lot size shall be 0.5 acre.
10. The maximum built-upon area per lot shall be 50%, the maximum height shall be 40 ft, and the minimum building setbacks shall be as follows:
 - Front – 40 ft;
 - Side – 15 ft. min;
 - Corner side – 15 ft;
 - Rear – 25 ft.
11. Architectural Zoning Conditions:
 - Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
 - The roof shall be pitched at 5:12 or greater for 75% of the building designs.
 - Eaves shall project at least 12 inches from the wall of the structure.
 - Garage doors shall have windows, decorative details or carriage-style adornments on them.
 - Garages on the front façade of a home that faces the street shall not exceed 40% of the total width of the house and garage together.
 - Street facing garages shall not protrude more than 1 foot out from the front façade and front porch.
 - Houses with more than a 2-car garage shall have at least one of the garage bays recessed at least 10 feet from the front façade.



- Side-entry garages shall be required on at least 50% of the homes. This shall not include garages accessed by J-driveways.
- The visible side of a home on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:
 - Windows
 - Bay window
 - Recessed window
 - Decorative window
 - Trim around the windows
 - Wrap around porch or side porch
 - Two or more building materials
 - Decorative brick/stone
 - Decorative trim
 - Decorative shake
 - Decorative air vents on gable
 - Decorative gable
 - Decorative cornice
 - Column
 - Portico
 - Balcony
 - Dormer
- A varied color palette shall be utilized throughout the subdivision to include a minimum of three (3) color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
- House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
- The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
- Front porches shall be a minimum of 6 feet deep.

12. Environmental Zoning Conditions:

- For stormwater management, post-development peak runoff shall not exceed pre-development peak runoff conditions for the 1 year, 10 year, and 25 year 24-hour storm events.
- Implement a stormwater management plan that results in nitrogen and phosphorous loading rates of 4.4 lbs/ac/yr and 0.78 lbs/ac/yr, respectively, or provides "runoff volume matching" as defined in 15A NCAC 02H .1002.
- As part of the sediment & erosion control plan, include the use of NC DWR Approved PAMS/Flocculants in accordance with Sec. 6.86 of the NC Erosion & Sediment Control Planning and Design Manual. (NC DWR Approved PAMS/Flocculants: <https://www.deq.nc.gov/water-resources/north-carolina-dwr-list-approved-pamsflocculants>).
- Developer shall install pollinator-friendly and native flora within SCM planting areas.
- At least 75% of the plant species used in the landscape design shall be native species.
- Perimeter buffers, SCMs, and other HOA maintained areas shall be planted with clover or warm season grasses for drought resistance.
- In order to reduce water consumption and promote pollinator friendly habitat and biodiversity, Homeowner Association covenants shall permit clover lawns throughout the neighborhood.
- A minimum of xx pet waste station shall be installed in HOA common area.
- All garages shall be wired with a 220-volt outlet inside the garage to facilitate charging of electric vehicles.
- A split-rail wooden fence shall be provided along the project boundary to provide a physical barrier between the USACE property and the cleared and maintained Town of Apex utility easements which run parallel to the project boundary.

STAFF REPORT

Zoning Condition Recommendations for Rural Areas

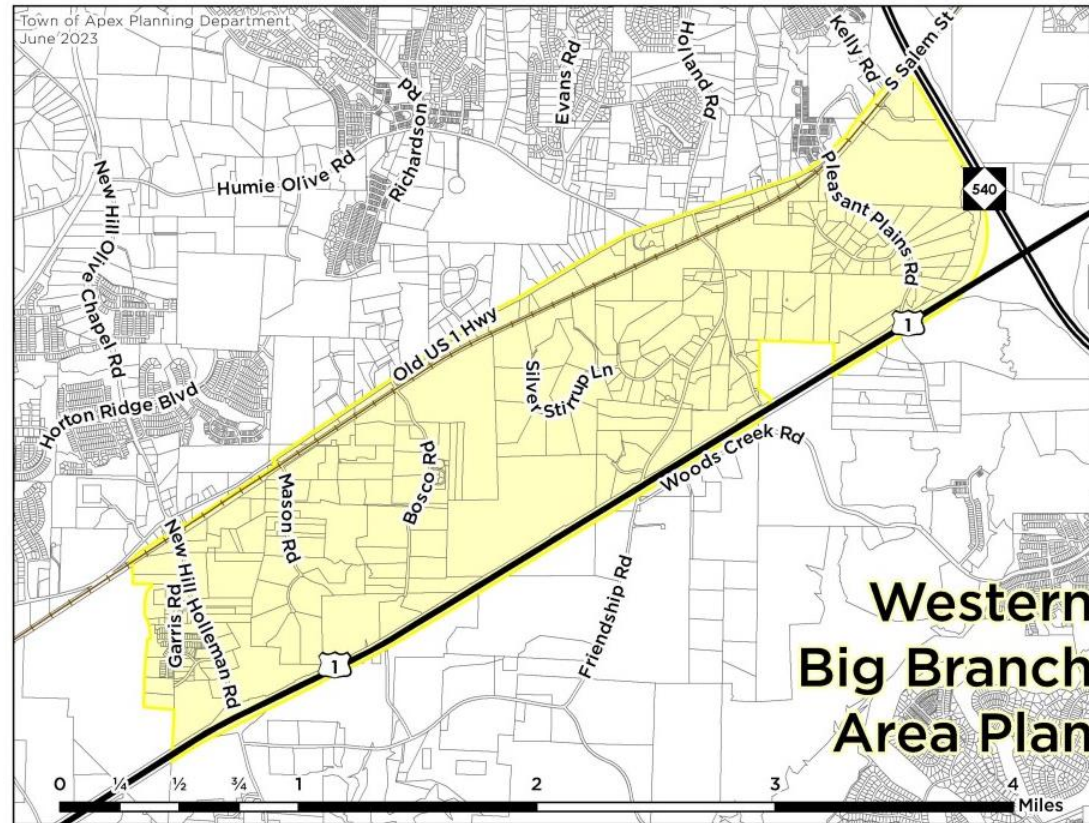
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- All dwelling units shall be pre-configured with conduit for a solar energy system. All homes shall include solar conduit in the building design to facilitate future rooftop solar installations.
- A solar PV system shall be installed on at least ## homes within the development. A solar PV system shall be installed on a minimum of one (1) model home. All solar installation required by this condition shall be completed or under construction prior to 75-90% of the building permits being issued for the development. The lot on which this home is located shall be identified on the Master Subdivision Plat, which may be amended from time to time.
- The project shall install at least one (1) sign per SCM discouraging the use of fertilizer and to reduce pet waste near SCM drainage areas. The sign(s) shall be installed in locations that are publicly accessible, such as adjacent to, but outside of public property and/or public easement(s), amenity centers, sidewalks, greenways, or side paths.
- The project shall plant drought resistant warm season grasses throughout the development to minimize irrigation and chemical use.
- Landscaping shall include at least four (4) native hardwood tree species throughout the Development.
- At least 75% of plants shall be native species. Landscaping will be coordinated with and approved by the Planning Department at subdivision review.
- No clearing or land disturbance shall be permitted within the riparian buffer nor the Game Lands Buffer (as defined in the Landscaping, Buffering, and Screening section of this PUD), except in the riparian buffer, the minimum necessary to install required road and utility infrastructure and SCM outlets. The SCM water storage and treatment shall not be permitted within the riparian buffer or the Game Lands Buffer. Sewer infrastructure shall be designed to minimize impacts to riparian buffers.
- Any outdoor lighting installed on private amenities, signs, landscaping, walls, or fences in common areas shall be full cutoff LED fixtures with a maximum color temperature of 3000k. This condition shall not apply to lighting on single-family homes, accessory buildings, or street lighting.
- The project shall preserve at least 25% of existing tree canopy.

Friendship and New Hill Community

Land Use Map & Neighborhood Conservation Overlay District Proposal



Background

- Our community is part Apex ETJ and part Wake County.
- Our community is more than just a rural area. It is a vibrant community with numerous mini-farms, horse farms, bona fide farms and forestry parcels that participate in leading NC economies resulting in job creation for veterinarians, farriers, feed manufacturers, building suppliers, farm equipment manufacturers, and food production.
- Our community also provide important economic value in carbon sequestration, pollution and water quality mitigation as quantified in the 2023 Apex Tree Canopy Assessment.
- Town of Apex is evaluating future land uses within our area via the Western Big Branch Area Plan Study. Wake County has plans to do so in 2024.
- Apex proposed:

Draft Study Area Vision

The Western Big Branch Area Plan envisions a future where the rural residential character of the study area is valued and actively protected, the unique history of the New Hill and Friendship communities is acknowledged and celebrated, new development is responsive to the needs of surrounding residents, and multimodal travel is safe and context sensitive.
- Community agrees with the vision but not the options provided by the Town. Detailed feedback provided to Apex via email on Wednesday, March 27.

Community Proposal – Land Use Map & Transportation Map

Draft Study Area Vision

The Western Big Branch Area Plan envisions a future where the rural residential character of the study area is valued and actively protected, the unique history of the New Hill and Friendship communities is acknowledged and celebrated, new development is responsive to the needs of surrounding residents, and multimodal travel is safe and context sensitive.

To achieve the Study Area Vision:

- **Development Limited** - Except for the Walker & Baucom tracts, installing future sewer from connection points at US 1 thru existing neighborhoods will be difficult given the negative impact to those neighborhoods and potentially, is cost prohibited due to distance. Walker & Baucom tracts are burdened with the cost of future Richardson Rd with its CSX crossing & US1 interchange connection.
- **Residential** - Residential zoning no greater than Rural Transition Density of 1 home per acre which is 4X greater than current average density of 1 home per 4 acres.
 - Greater density fails to reflect rural character, to maintain tree canopy and fails to provide context sensitive development.
- **Commercial** - No Mixed Use Commercial with Residential - By definition, mixed use is metropolitan and not context sensitive.
- **Transportation** - Plans should be focused on road improvements (widening, signalization, etc.) for New Hill Holleman Road, Old US 1 and access to I540 versus creating interconnectivity within our community which only creates nuisance cut-thru traffic.
- **Overlay District** – In addition to the underlying Land Use Map & Transportation Plan, community to petition for the creation of a Neighborhood Conservation Overlay District to further define allowable context sensitive development.

Neighborhood Conservation Overlay Districts

A **Neighborhood Conservation Overlay District (NCOD)** is a zoning overlay district intended to preserve and enhance the general quality and appearance of established neighborhoods by regulating built environmental characteristics such as lot size and frontage, building setback, and building height. This district reduces conflicts between new construction and existing development and encourages compatible infill development.

- NCOD's exist in surrounding communities such as Carrboro, Chapel Hill, Charlotte, Greensboro, Raleigh and Winston Salem. Apex currently offers the Small Town Character Overlay District.
- NCOD's are used to protect historical communities from gentrification. Gentrification of farmland is well documented.
 - NC Dept. of Ag. and Wake County publish yearly statistics of lost farm land in Wake County.
 - Gov. Cooper issued an executive order on 2/15/2024 to protect more North Carolina land.
 - NC General Assembly & Wake County Commissioners adopted the Farm Preservation Act which provides the Voluntary Agricultural District Program & the Enhanced Voluntary Agricultural District Program. 12% of our area participates in.
 - Wake County Commissioners funded \$3 million in FY24 to Triangle Land Conservancy to assist in preserving farmland.
- While final name may change, community is proposing and petitioning for "Historical Farm Overlay District" to honor the history and to preserve the ability to have a community of urban farms, mini-farms, and farms.

Why Historical Farm Overlay District?

- Ensures the historical value of farming to both Friendship and New Hill Communities is preserved.
- Recognizes that our community supports and wants to encourage more urban farms, mini-farms, farms and forestry parcels. Minimum of 1 acre with home is needed for an urban farm to be viable.
- Close proximity of farms enable better utilization of resources and has less conflict with surrounding development.
- Recognizes the economic value that our area currently contributes to:
 - Forestry, Equine, Agricultural Industries – all critical industries to NC
 - Participation in EVAD and VAD programs unanimously approved by Wake County Commissioners.
- It allows for 50% tree canopy to continue and is essential for carbon sequestration and water quality for Wake County and Apex.
- Would be the first agricultural focused NCOD, serving as a model community for other to replicate.

About Us

Why Historical Farm Overlay District is a good fit?

Area inside of New Hill Holleman Rd, Old US 1, I540 and US 1 boundaries

262 Parcels

(100 Apex ETJ / 162 Wake County)

1829 acres

(665 Apex ETJ / 1146 Wake County)

Consisting of:

- Pleasant Park 92 acres (in Yellow)
- 2 Largest Parcels 228 acres (Baucom & Walker)
- 120 Parcels 450 acres (3.75 acres –aver. lot size)
- 102 Parcels w/Covenants 404 acres (3.96 acres – aver. lot size, in blue)
- 3 Forestry Parcel 120 acres (1 qualifies as a Century Farm*)
- 2 Largest Farms 65 acres (1 qualifies as a Century Farm*, 2nd will qualify in 2032)
- 32 Parcels over 10 acres 510 acres (horse farms & mini-farms / 14.72 acres – aver. lot size)
- 200 Acres in NC Voluntary Ag. District or Enhanced Voluntary Ag. District (in pink & green – committed to preserve farmland)



*Century Farms as recognized by NC Dept of Ag. are farms owned by same family for at least 100 years. Applications are underway.

Notables:

3 – Equestrian Communities with Bridle Paths

Victory Hill Farms – Award Winning Equine Training Facility

Multiple Private Equine Facilities, Mini Farms

East Coast Koi Imports

Home to a NC Stewardship Forest

Autumn Winds Dog Training and Agility Center

The Mother Ranch (equine & wellness)

Holt Farms, Days Journey Farms (food producers)

Finnigan's Run Farm (wedding & event venue)

Critical Watershed for Harris Lake / Shearon Harris Nuclear Plant

Historical Farm Overlay District - Residential Development

No greater than 1 home per acre

Apex Study

Draft Study Area Goals

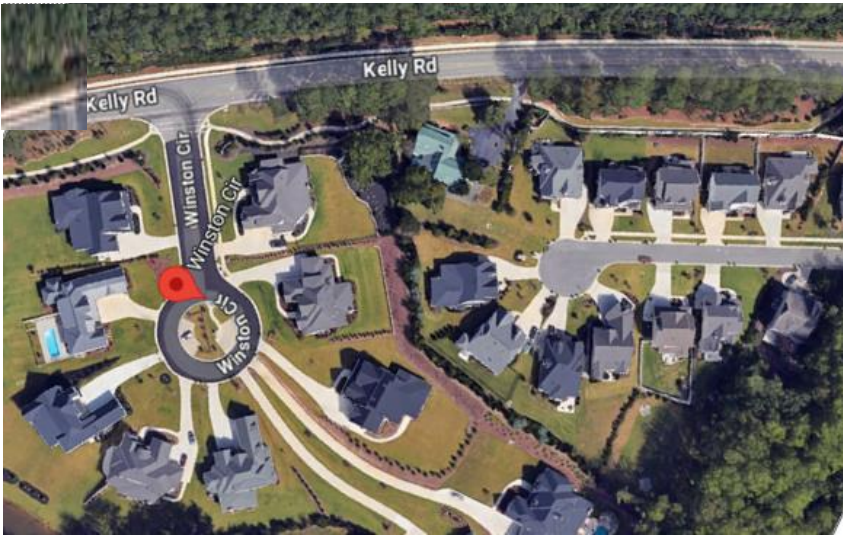
- 1. Preserve rural residential land, agriculture, and open space
- 2. Maintain and enhance the tree canopy
- 3. Protect water resources

Rural Residential Density	• Characterized by single-family development up to one dwelling unit per five acres and large tracts of agricultural lands.
Rural Transition Density	• Characterized by single-family development up to one dwelling unit per one acre.
Low Density Residential	• Characterized by single-family homes, duplexes, and townhomes with densities not to exceed three units per one acre.
Medium Density Residential	• Characterized by single-family homes, duplexes, and townhomes with densities no less than three and no more than seven dwelling units per one acre.

The rural nature, agriculture and tree canopy cannot be preserved ...

...when there are up to 3 homes per acre.

Example of Low Density Residential
Winston Circle, Apex – 2 houses per acre →



...when there are up to 7 homes per acre.

← Example of Medium Density Residential
Todd Hollow Trail, Apex – 5 houses per acre.

*1 house per acre would allow urban farms to exist and is 4X denser than the current average density.
Land Use Map and Overlay District to reflect no more than Rural Transition Density.*

Historical Farm Overlay District - Residential Development

Additional Provisions

- **1 Story Rule** – New Construction cannot be more than 1 story higher than the adjoining existing structure. This would allow developers to place a 2-story building next to an existing 1-story building, then 1 street over place a 3-story building next to the 2-story building and so on. This is to prevent nuisance development where new construction has been allowed to surround and tower over existing properties creating an eyesore and invading one's right to privacy.
- **Fencing** – New construction will be required to install a fence to prevent trespassing onto rural properties that are often used for equine, farming, and hunting activities. Currently, no such provision is required by Apex's UDO and is a burden placed on current property owners.
- **Greater Buffers** – Buffers are the only effective way to protect rural properties from both light and noise pollution from commercial development.
- **Stormwater protections** - Stormwater is critical to recharging the water table that serves the many ponds and private wells. Stormwater should not be carried off but managed on-premise to ensure recharging of the water table can occur. Additionally, our creeks feed into Harris Lake, critical for cooling Shearon Harris Nuclear Plant.
- **Tree Canopy Protections** – Clear-cutting is prohibited. Phased grading must allow for 50% of trees to remain.
- **Seller Disclosure** – Potential buyers must be notified of the overlay district requirements.

Historical Farm Overlay District - Commercial Development

- It is known that commercial development is targeted along Old US 1, New Hill Holleman Rd. & future Richardson Rd.
- Currently, planned commercial development with West Village, the Summit and on 500 acres of Friendship Road (Holly Springs' portion) exceeds projected needs and includes multiple grocery stores.

Therefore, for commercial properties adjoining or within the District:

- Mixed use commercial with residential is not allowed as “metropolitan” development is not cohesive with District.
- Development should not be a nuisance to adjoining properties. Ag-friendly development should be encouraged:
 - Permanent farmer’s market & flea market like NC State Fairgrounds to support local farmers yet attract tourism as desired by Apex.
 - Farm to Table restaurants – Both high end like Farrington Village and alternatives like State Farmer Market Restaurant
 - Community Farm & Tree Archive – like Cary Good Hope Farm & Cary Tree Archive
 - Public Equine Complex – Horse Arena & Riding Trails
- Parking to be camouflaged and walking / cycling trails should be offered to discourage local drivers.
- Hours of operations, noise and light pollution should not be a nuisance.
- Architecture should feature “country, rural” qualities such as tin roofs, small town and barn aesthetics.

Historical Farm Overlay District - Transportation

“Cut Thru” traffic patterns divide our community, brings in additional traffic and has been highly problematic for residents along Friendship Road as it is no longer safe to ride horses, bikes or even walk along Friendship Road. While Friendship Road will operate better with the planned turn lanes and signalization, the cut thru traffic does not serve the community.

- **Focus on perimeter**– Improve traffic operations on Old US1 to I540 & New Hill Holleman Rd to US1 to minimize “cut-thru”.
- **Minimize Interconnectivity** - Creates undesirable cut-thru traffic and neighborhood sprawl and should be prohibited.
 - Stub roads / interconnectivity between Pleasant Plains, Friendship, Bosco and Mason Roads are prohibited. Each road must support it’s own development and not transfer the burden on other District’s roads.
 - Stub road cannot count towards fire apparatus safety given anticipated slow development of area.
- **Future Richardson Rd** – 2022 Hot Spot CAMPO Study proposed shifting the CSX crossing east towards to minimize the negative impact on Bosco and Hinsley Roads. If built, shifting east is the only proposal the community will support due to the negative impact to both rural roads. Community will advocate with CSX, CAMPO, Wake County and Apex to adopt the eastern alignment
- **Traffic Studies** – Where development is approved with Capped Schools and / or Park Fee–in-Lieu, those studies must forecast added traffic to intersections leading to the assigned school and nearest park to accurately estimate actual traffic a development contributes to the road.

Historical Farm Overlay District - Impact When Selling

If you sell your property

- **Property disclosure** (All properties)- Disclose property is in the Historical Farm Overlay District.
- **Neighborhood with Covenants** (39% of properties)- Re-development of neighborhood is prohibited by the neighborhood covenants. Property owners sell their home subject to covenants as usual.
- **Neighborhood whose Covenants expire or are voted out** – Sell as is or if re-development is desired, development is subject to the Historical Farm Overlay District and the underlying zoning, generally no more than 1 home per acre.
- **Tracts less than 10 acres with no covenants** (46% of properties) - Sell as is or if re-development is desired, development is subject to the Historical Farm Overlay District and the underlying zoning, generally no more than 1 home per acre.
- **Tracts over 10 acres and/or Bona Fide Farms** (15% of properties)- Sell as is or if re-development is desired, development is subject to the Historical Farm Overlay District and the underlying zoning, generally no more than 1 home per acre.

“Conditional Zoning” Exception: Per NC law, developers may apply for “Conditional Zoning” which provides exceptions and allows for deviations to any proposed or current zoning. Requires both public hearings and Apex Town Council vote.

Historical Farm Overlay District - Steering Committee

Citizen Advisory Committee - due to the lack of elected representation within Apex, a Citizen Advisory Committee is created and will be known as the Community Steering Committee. At least 1 representative per road or major community will serve on the committee. Initial members are:

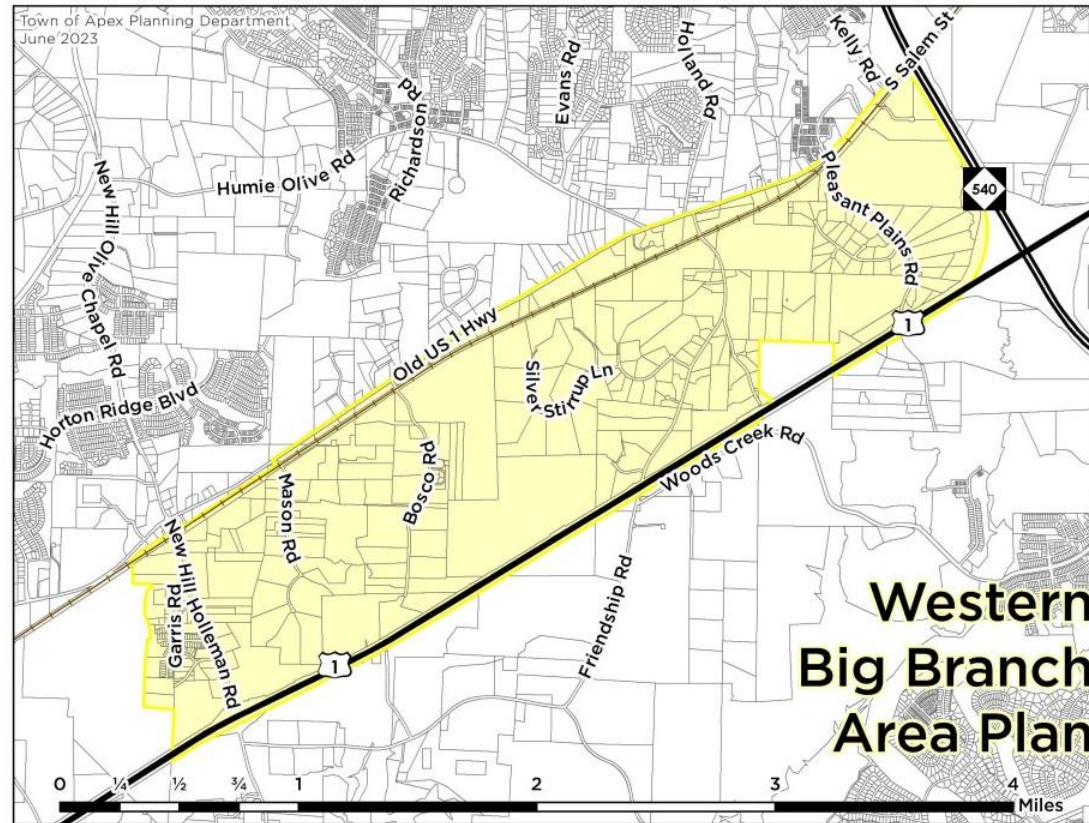
- Tony Santitori – Kirkwood & Pleasant Plains Road
- Elizabeth Stitt – Friendship Road (Apex ETJ)
- Kurt Kuechler – Hazelhurst & Creeks Bends Estates
- Beth Bland - Kilcastle Farms & Friendship Road (Wake County)
- Dawn Cozzolino – Bosco Road
- Patty McIver – Mason Road

Additional responsibilities include:

- **Pre-Development applications** – Town to send applications to the Committee for non-binding comments.
- **Neighborhood Meetings** - Committee to be included in developers' neighborhood meetings.
- **Committee Representation** - is allowed to participate in work sessions, TRC meetings, and public hearings (without the 3 minute time limit) to represent District's interests.

Community Feedback Deck to Apex
March 26, 2024

Friendship and New Hill Community Feedback to Apex Western Big Branch Area Plan



Acknowledgements / Thank You

- Having meetings at Apex Friendship Middle, New Hill Community Center and Pleasant Plains Baptist Church allowed for greater community participation.
- Making the March 2024 presentation and proposals available online prior to the meetings enabled our community to have a look and come to the sessions better prepared with questions and ideas.
- Map legend handout at March 2024 meeting was concise and very helpful.
- Many Apex staff members and elected officials were available at the meetings for discussions and what we hope is the foundation to building better relationships.

Challenges

- Western Big Branch Area Plan Name
 - Despite much feedback that we find the name highly offensive due to our negative experience with the Big Branch Force Main Sewer Project, yet no change to the name has occurred.
- Consequences from Little Beaver Creek Conservation Easement
 - Community learned in January 2024 that the Town has been actively working to breach the Conservation Easement since at least 2016 and the Town's intentions to do so were publicly discuss within public hearings for other matters where the legal ads did not reference the Easement. The lack of transparency deprived our community constructive notice and broke trust that we've been working to build.
 - Culturally, our community highly values responsible land management. Breaching the easement is highly offensive.
 - We are formally opposing the Town's application to breach the easement.
- Community input was limited to pre-set options provided by the Town
 - Preset options did not capture what the community wanted. Instead, community was choosing the least objectionable options offered versus having a true dialog about what the community wants and needs.
- Lack of outside Consultant
 - Perception is that the Town's is simply looking for more of the same kind of development that Apex already has versus development that reflects the unique history and culture of the Friendship and New Hill Communities.
- Lack of representation
 - Without voting rights and with no elected official to advocate for our interests within Apex leadership, we have begun advocating to CAMPO, NCDOT, Wake County, NCDEQ, NCDOA and CSX for the interests of Friendship and New Hill.

Current Unsolved Development Challenges

- Traffic Congestion at Pleasant Park
 - Despite many assurances from the Town, traffic mitigations at the Park have failed.
 - Town's needs to solve issues quickly to instill confidence.
- Traffic Congestion at Old US 1 & Friendship Road
 - There has been no development by neighbors on Friendship Road. All traffic growth is from Apex or Holly Springs.
 - Community members fought for money from Holly Springs. Apex needs to take the lead on fixing the intersection to instill confidence.
- Incompatible development trends
 - 3 story townhomes towering over and encircling single story homes or rural communities (Winding Creek Estates)
 - Town's continuous threat of eminent domain – Rubin case, Big Branch Force Main
 - “50 Shades of Gray”

Proposal Feedback

Apex Proposed:

Draft Study Area Vision

The Western Big Branch Area Plan envisions a future where the rural residential character of the study area is valued and actively protected, the unique history of the New Hill and Friendship communities is acknowledged and celebrated, new development is responsive to the needs of surrounding residents, and multimodal travel is safe and context sensitive.

Community Feedback:

Most in the community generally agree with Study Area Vision.

The community is more than just a rural area. It also includes numerous mini-farms, horse farms, bona fide farms and forestry tracts that participate in leading NC economies resulting in job creation for veterinarians, farriers, feed manufacturers, building suppliers, farm equipment manufacturers, and food production. These tracts further provide economic value in carbon sequestration, pollution mitigation and improve water quality.

The Study Area Vision and Town Ordinances need to be expanded to address the potential nuisance that new development creates for these properties.

Apex Proposed:

Draft Study Area Goals

- 1. Preserve rural residential land, agriculture, and open space
- 2. Maintain and enhance the tree canopy
- 3. Protect water resources

	Rural Residential Density	<ul style="list-style-type: none">• Characterized by single-family development up to one dwelling unit per five acres and large tracts of agricultural lands.
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	Medium Density Residential	<ul style="list-style-type: none">• Characterized by single-family homes, duplexes, and townhomes with densities no less than three and no more than seven dwelling units per one acre.

Community Feedback:

The rural nature and tree canopy cannot preserved ...

- when there are 3 or more homes per acre. See Todd Hollow Trail,
- Or when there are 2 or more homes per acre. See Winston Circle.

If the Town is to meet the above 3 goals, housing density should not be more than 1 house per acre.



Apex Proposed:

4. Honor the history of the Friendship and New Hill communities

Community Feedback:

Agreed and Thank you.

Apex Proposed:

5. Encourage development of a small-scale downtown near the intersection of Humie Olive Road and Old US 1
6. Encourage development of grocery/convenience offerings near the intersection of New Hill Holleman Road and US 1
7. Encourage economic development along the Richardson Road corridor south of Old US 1 and at the future Richardson Road/US 1 interchange

Community Feedback:

Goal 5 & 6:

In general, it is understood that commercial development may occur along Old US 1 and New Hill Holleman Road.

Mixed use and high density residential is not “context sensitive”, is not cohesive to adjoining rural properties and fails to “actively protect” the rural nature stated within Study Area’s vision. This type of development is a nuisance to rural properties due to the increased noise, subsequent trespassing, and loss of privacy due to towering buildings.

Goal 7: This goal was not a community goal. Economic development of this area further divides our community and destroys portions of it along Bosco Road and potentially a portion of Friendship Road. More detailed comments are provide with the Scenario depictions.

Apex Proposed:

8. Improve the safety of area roadways for motorists, cyclists, and pedestrians
9. Mitigate the impact of surrounding development on existing roads
10. Provide trails, greenways, and trailheads

Community Feedback:

Goal 8: Community agrees.

Goal 9: When the Town approves development with park fee-in-lieu and capped schools, the Town is putting more traffic on over-burdened roads. The Town's traffic studies also have not kept up with actual traffic volumes such as Pleasant Park. For our Study Area, we want traffic study to address these issues.

It seems the Town wants to shift development traffic into our community with connector roads which will not protect the rural character or increase the quality of our daily lives. Development traffic should be directed out, not through, our community.

Goal 10: Community is split. If the trade off to get trails, greenways, and trailheads is construction of townhouses, then the community is generally against this goal. If the trails, greenways and trailheads are part of the commercial development, then it is generally received better.

Community Feedback

Draft Additional Plan Recommendations

Future Land Use

- Encourage development of a small-scale downtown near the intersection of Humie Olive Road and Old US 1.
- Encourage development of grocery/convenience offerings near the intersection of New Hill Holleman Road and US 1.

History

- Incorporate New Hill Historic District gateway signs into the Town-wide Wayfinding Signage Program.
- Encourage residents of the Friendship and New Hill communities to participate in the Town of Apex Historical Marker Program.
- Add a subtitle to the plan document: Western Big Branch Area Plan – Encompassing the Friendship and New Hill Communities.

Transportation

- Study and potentially invest in turn lanes and a traffic signal at the intersection of Friendship Road and Old US 1.
- Conduct a feasibility study for a potential grade separation in the vicinity of Pleasant Park to improve vehicular, bicycle, and pedestrian access to the park.
- Coordinate with NCDOT on its annual resurfacing contract to stripe bicycle lanes and/or provide bicycle signage within the study area.
- Coordinate with regional partners on transportation requirements for motorists, cyclists, and pedestrians associated with new development.
- Further explore a potential transit connection between downtown Apex and Pleasant Park.

Quality of Life

- Encourage economic development along the Richardson Road corridor at the future Friendship Road/US 1 interchange.
- Utilize the Town of Apex Affordable Housing Incentive Zoning Policy to encourage mixed housing near major intersections in the study area.

Environment

- Review best practices and develop a policy to encourage the preservation of forested areas.
- Continue to designate properties within the study area as either part of the Primary or Secondary Watershed Protection Areas after being voluntarily annexed into the Town of Apex.

Architecture of the Summit does not align with the Humie Olive Concept Development. What controls be put in place will ensure the small-scale downtown feel?

Grocery store is proposed as a part of New Hill Plaza but the project's high density housing does not align with small-scale community.

Should include both New Hill and Friendship historic gateways.

Yes, we should. Please provide the process.

WBBAP name should be abandoned. Other communities ... Green Level & Olive Chapel are not "labeled", so Friendship & New Hill should not be labeled. Let owners nominate the name.

See Transportation on next slide.

Property owners would like to know the future classification before annexation.

This is an Apex goal, not a community goal. We understand development will occur. It should reflect Historic Friendship and New Hill.

Mixed housing should be banned as it was not a part of Historical Friendship or New Hill. Small scaled Habitat for Humanity styled homes with small yards is a better fit or replicas of New Hill travel cottages.

NC Forestry & Wake County Soil & Water should be included in the development of the plan.

Town should look to establish a community forest like Cary Tree Archive in our area.

Town should look to establish a permanent farmers market & community farm like Cary's Good Hope Farm.

Draft Additional Plan Recommendations

- Traffic signal and turn lanes on Friendship Road are warranted now based on current traffic. No further development should be approved by any Town process without this improvement in place.
- Old US 1 is designated as the NC Bike Route “Carolina Connection”. Town should work with the state to improve the safety, signage and striping of the route.
- In 2023, DOT determined that Friendship Road was not eligible for bike striping or shoulder expansion for bike lanes. Road is too narrow and the grading of ditches are too steep. Full replacement of road would be required
- Bus stops must be internal to the park and not on Pleasant Plains Road. Town must have staff to supervise kids who come to the park without an adult.

Transportation

- Study and potentially invest in turn lanes and a traffic signal at the intersection of Friendship Road and Old US 1.
- Conduct a feasibility study for a potential grade separation in the vicinity of Pleasant Park to improve vehicular, bicycle, and pedestrian access to the park.
- Coordinate with NCDOT on its annual resurfacing contract to stripe bicycle lanes and/or provide bicycle signage within the study area.
- Coordinate with regional partners on transportation requirements for motorists, cyclists, and pedestrians associated with new development.
- Further explore a potential transit connection between downtown Apex and Pleasant Park.

- Town should not open the Park’s Phase 3 given the unsafe, current conditions.
- Community wants to see an updated traffic study.
- Community wants town to explore the option of an exit onto 540.
- Town to provide additional improvements to ensure residents are able to access and leave their neighborhood with less “near-miss” accidents.
- Given the unacceptable plans for Richardson Road, we ask that a community member be included in those discussions.

Community Added Recommendations:

- Friendship Road is 6 ½ Ton Weight Limited – Work with DOT to increase enforcement.
- Old US 1 has blind spots due to rolling hills. Work with incoming development to reduce hills.
- Old US 1 has concrete buckling under the payment. Work with DOT to have concrete removed from problem areas.
- Apex’s traffic studies does not capture the additional traffic that is generated when a development’s school is capped or when a park fee-in-lieu occurs. As such, studies are under-scoped. Please update policies to include these additional trips.

WESTERN BIG BRANCH AREA PLAN

Scenario One: Minimize Change

Transit Recommendation: Passaic Transit Connection from Downtown Apex to Pleasant Park

Recommended Amendments for All Three Scenarios:

- (A) Add Proposed Side Path along the south side of Old US 1 from Richardson Road to New Hill Holloman Road (partially outside of the study area).
- (B) Change Low Density Residential and Office Employment designations to Medium Density Residential and Office Employment.
- (C) Change Proposed Paved Shoulder on New Hill Holloman Road to Proposed Bicycle Lane.
- (D) Realign Future Richardson Road to follow existing Basco Road.
- (E) Due to the Future Richardson Road realignment, change the small area from Rural Density Residential to Office Employment and Industrial Employment.
- (F) Change High Density Residential to Commercial Services and Industrial Employment west of the Future Interchange.
- (G) Update US 1/Richardson Road Future Interchange location per Friendship Road Half Split Interchange Study.
- (H) Change Creek Bend Farm properties from Low Density Residential to Rural Density Residential.
- (I) Change Low Density Residential area to Office Employment and Industrial Employment to match the rest of the property.
- (J) Change the Rural Density Residential parcel at the corner of Pleasant Plains Road and CSX Railroad to Medium Density Residential.

Recommended Amendments for Scenario One:

- (1-1) Add a Future Major Collector loop (New Hill Loop) from the Friendship Road intersection back to New Hill Holloman Road.
- (1-2) Add Proposed Bicycle Lanes along the future New Hill Loop.
- (1-3) Remove the Future Major Collector connecting New Hill Holloman Road to Basco Road and future Richardson Road.
- (1-4) Change Rural Residential Density to Office Employment and Industrial Employment for the small portion of land that crosses future Richardson Road.
- (1-5) Change Commercial Services and Office Employment to Commercial Services and Industrial Employment east of the Future Interchange.
- (1-6) Lower classification of Friendship Road from a Future 4-Lane Median-Divided Thoroughfare to an Existing 2-Lane Thoroughfare.
- (1-7) Remove Proposed Bicycle Lanes from Friendship Road.
- (1-8) Remove Future Minor Collector and realign Future Major Collector (Friendship Collector) between Pleasant Plains Road and Friendship Road closer to CSX Railroad.
- (1-9) Add Proposed Bicycle Lanes along the Future Friendship Collector.
- (1-10) Add Proposed Side Path along the future Friendship Collector.
- (1-11) Remove Proposed Bicycle Lanes from Pleasant Plains Road.
- (1-12) Change Medium Density Residential to Rural Density Residential for parcels not fronting CSX Railroad.

Roadway Facilities Legend:

- Existing Grade Separation
- Future Grade Separation
- Future Interchange
- Future Realignment
- Future Roundabout
- Future Local Connection
- Minor Collector, Existing
- Major Collector, Future
- Minor Collector, Future
- Slowness, Existing
- Slowness, Future
- Slowness, Voluntary
- Slowness with Intersection
- Slowness with Intersection, Existing
- Slowness with Intersection, Future
- Slowness with Slower
- Slowness with Slower, Existing
- Slowness with Slower, Future
- Slowness Supplement, Future
- Slowness Reinforce, Future
- Sight Triangle

Bicycle and Pedestrian Facilities Legend:

- Existing Sidewalk
- Proposed Public Open Space
- Existing Street Side Walkways
- Proposed Street Side Walkways
- Proposed Side Path
- Proposed Bicycle Lane
- Proposed Paved Shoulder

2045 Land Use Map Designations Legend:

- Neighborhood Mixed Use (Small Activity Center)
- Employment Mixed Use (Small Activity Center)
- Community Mixed Use (Small Activity Center)
- Regional Mixed Use (Small Activity Center)
- Regional Mixed Use (Medium Activity Center)
- Regional Mixed Use (Large Activity Center)
- Low Density Residential
- Low Density Residential
- Low Density Residential
- Medium Density Residential
- Medium Density Residential
- High Density Residential
- Commercial Services
- Industrial Employment
- Office Employment
- Nat'l, Public or Private
- Recreation
- Leisurely Land Use
- Right of Way
- Water Use (Off-Highway)

Prepared by the Town of Apex Planning Department, February 2024

- ★ Update map to reflect Enhanced Voluntary Ag District & Voluntary Ag District Properties
- ✗ Proposed Richardson Road destroys the rural nature of Hinsley Road and Bosco Road. Community will fight this as we know the road can shift east.
- ≠ No High Density Residential – not compatible to rural character. Creates trespassing and noise issues for adjoining rural properties.
- ☐ UDO buffers need to be increased to protect rural properties.
- ☐ Adopt Community's Historical Farm Overlay District to reflect the historical significance of farming by creating zoning for urban farms, mini farms, horse farms and larger farms to thrive.

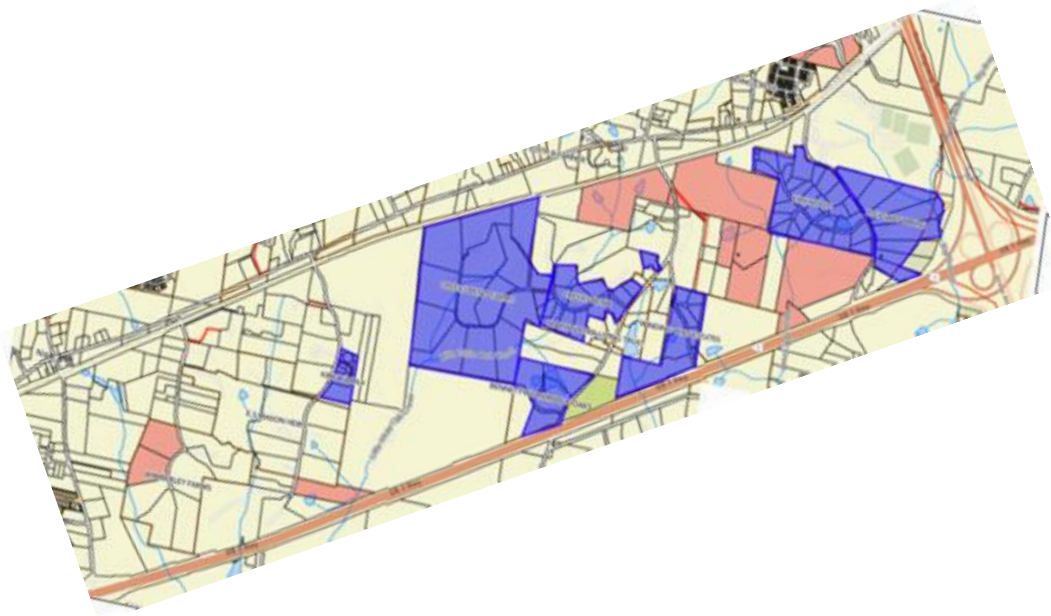
Why Historical Farm Overlay District?

- Offers diversity in property types to Apex's current trends
- Offers critical offset to Apex's density issue
- Honors historical value of farming to both Friendship and New Hill Communities
- Recognizes the economic value this area contributes to:
 - Forestry, Equine, Agricultural Industries – all critical industries to NC
 - Community noise is an issue for these industries
- 50% Tree Preservation can not be achieved with development as proposed
- Rural communities trees help with climate change
- Development along future Richardson Road could offer:
 - Farmer's market & Flea Markets like State Fair Ground to attract tourists
 - Farm to Table restaurants – high end and like Raleigh's Farmer Market Restaurant
 - Tree Archive – like Cary Tree Archive
 - Community Farm – like Cary Good Hope Farm
 - Walking and riding trails for visitors who want nature excursion with markers along the way with New Hill and Friendship History
 - Public Horse Arena

Purpose

The purpose and intent of the Historical Farm Overlay District is to preserve and enhance critical environmental and natural resources, including water resources and ecosystem services in the stream network flowing through the district and maintain the Town's rural agricultural history. The Overlay identifies the architectural qualities that define the agricultural character and proposes design standard to maintain the character in new and infill projects of urban farms and mini-farms while complimenting larger farms.

Study Area Statistics



- 243 Parcels 1829 acres

Consisting of:

- 102 Parcels in HOAs 404 acres (3.96 acres - average lot size)
- 2 Largest Parcels 228 acres (Baucom & Walker)
- Pleasant Park 92 acres
- 3 Forestry Tracts 120 acres (1 qualifies as a Century Farm)
- 2 Largest Farms 65 acres (1 qualifies as a Century Farm, the 2nd will be in 2032)
- 32 Tracts over 10 acres 510 acres (horse farms & mini-farms/ 14.72 acres - average lot size)
- 120 Tracts 450 acres (3.75 acres –average lot size)

Western Big Branch Area Plan: Development Restriction Mechanisms & Considerations

Community Goal

The “Friendship and New Hill Community Land Use Map & Neighborhood Conservation Overlay District Proposal” from members of the community shown in Figure 1, proposed a zoning overlay district “...intended to preserve and enhance the general quality and appearance of established neighborhoods by regulating built environmental characteristics such as lot size and frontage, building setback, and building height.”. The purpose of Table 1, below, is to present and outline the considerations of three different mechanisms that could meet this goal, along with draft staff recommendations. For reference, an exhibit showing properties who supported the proposal along with whether they are within Wake County or Apex Extraterritorial Jurisdiction (ETJ), is provided as Figure 1.

Table 1. Development Restriction Mechanisms and Considerations

Development Restrictions Mechanism	Overlay District	Neighborhood Covenant/Deed Restriction	Zoning Condition (responses are for rezonings heard by Town of Apex)
Geographic Applicability	<ul style="list-style-type: none">• A Town of Apex Overlay District could only apply to properties located within the Apex corporate limits and ETJ. It would not be applicable to most of the property owners who supported the overlay request.• A Wake County Overlay District could apply to the remaining properties.	<ul style="list-style-type: none">• All signatories.• Can apply to a single property or neighborhood.	<ul style="list-style-type: none">• Individual parcel or assembly of parcels within the Apex corporate limits or ETJ, or petitioned by the property owner to have parcel(s) voluntarily annexed into Apex’s corporate limits.
Initiated By	<ul style="list-style-type: none">• Town of Apex.• Potentially Wake County, if proposed in their jurisdiction.	<ul style="list-style-type: none">• Property owners.	<ul style="list-style-type: none">• Rezoning applicant.• The property owner or an agent authorized by the property owner.
Implementation Timeline	<ul style="list-style-type: none">• Multi-year process to develop and implement.	<ul style="list-style-type: none">• Varies, completed by property owners.	<ul style="list-style-type: none">• At the time of rezoning.• Typically, a 3-5-month process from the date of application submittal.
Longevity	<ul style="list-style-type: none">• Until modified or rescinded.• Wholesale changes can be made at once.	<ul style="list-style-type: none">• Maximum of 20 years.• Some covenants automatically renew.	<ul style="list-style-type: none">• In perpetuity (or until another rezoning is approved).

Development Restrictions Mechanism	Overlay District	Neighborhood Covenant/Deed Restriction	Zoning Condition (responses are for rezonings heard by Town of Apex)
Enacted, Modified, or Rescinded By	<ul style="list-style-type: none"> • Apex Town Council for portion in Apex corporate limits and ETJ. • Wake County Board of Commissioners for remaining portion. • General Assembly can pass a law that rescinds or modifies the terms. 	<ul style="list-style-type: none"> • Property owner(s). 	<ul style="list-style-type: none"> • Apex Town Council.
Draft Staff Recommendation	Not recommended given limited applicability, implementation timeline, and ability of General Assembly or future Council to modify. As an example, the General Assembly removed Apex's authority to have architectural requirements for one- and two-family homes, including within in the Small Town Character Overlay District (STCOD). These are now provided as zoning conditions.	Recommended for property owners who desire provisions of the proposal on their land. The process is controlled by the property owners and cannot be modified by others.	Town staff are in the early stages of developing a standard list of zoning conditions for properties designated as Rural Density Residential, Rural Transition Density Residential, and Low Density Residential on the 2045 Land Use Map that would be provided to developers to consider proffering. The types of development provisions that were included in the community's proposal could be included in this standard list of zoning conditions.

Proposed Neighborhood Conservation Overlay District Properties

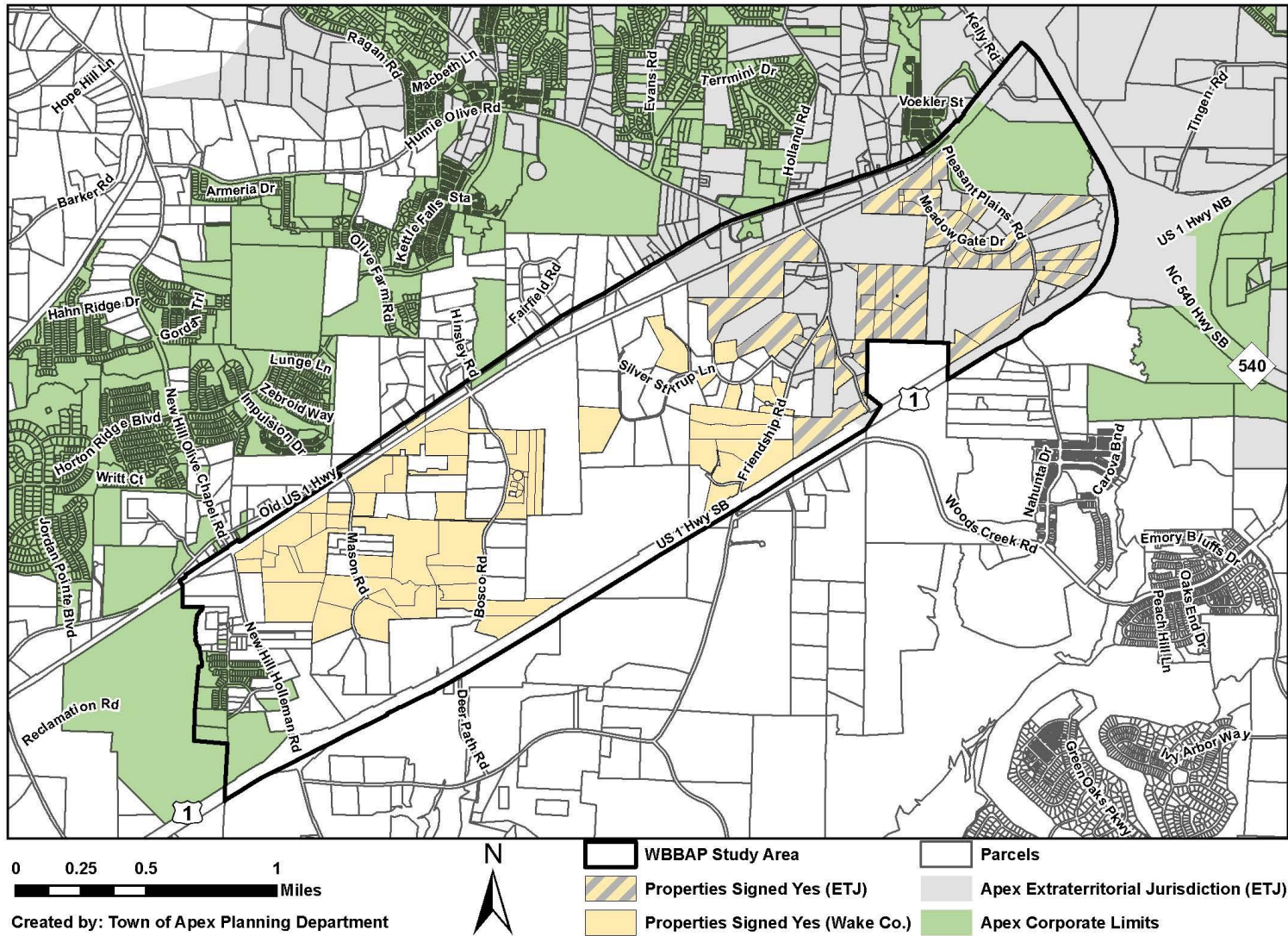


Figure 1. Properties Included in the Proposed Neighborhood Conservation Overlay District

STAFF REPORT

Amendments to the Unified Development Ordinance

September 7, 2023 Planning Committee Meeting



Request: Provide a “Cary-style ordinance banning mass grading”

Comparison of Cary and Apex requirements:

Density*	Cary (LDO 14.4.3)	Apex (UDO 7.2.5)	Use*
Single-Unit Residential (≤ 3 units/acre)	No mass grading** Disturb only land to install infrastructure (roads, utilities, stormwater, greenways, similar). Each lot disturbed when building permit issued.	≤ 20 acres at a time Add 5% RCA	Single-Family Residential (Mass Grading)
Medium Density Residential (>3 and ≤ 8 units/acre)	≤ 25 acres at a time***	≤ 20 acres at a time	Single-Family Residential (Staged Grading)
> 8 units/acre; non-residential	No limit	No limit	Townhomes, Multi-family/apartments, Condos, Non-residential, Agriculture, TNDs

*Gross density thresholds only apply to Cary; Apex is based on type of use

**Exceptions to grade upon a lot prior to the issuance of a building permit may be granted as a modification to the original plan approved by Cary, if there is sufficient justification (e.g., problematic drainage issues and/or severe topographic issues).

***Exceptions to this requirement may be granted as a modification to the original plan approved by Cary if compliance is not practicable due to physical site constraints, such as topography, presence of stream buffers or other natural features, or lot dimensions; or due to presence of existing development or infrastructure.

Discussion points from Planning/Water Resources staff:

- Most of the national builders build at higher densities/smaller lot sizes (and a prohibition on mass grading of larger lots will likely just encourage them to do all small lots). It is harder to preserve existing trees on smaller lots.
- For efficiency in use of dirt and cost of grading, multiple lots need to be cleared together. This amendment may increase cost of development in some circumstances (especially if building permits are not pulled on multiple adjacent lots in the same time frame). Requiring one lot at a time grading may not result in the most efficient type of ultimate grading, possibly increasing the likelihood of retaining walls.
- Erosion control at the perimeter on a lot by lot basis is not as effective as mass grading.
- Of all townhome developments in Apex, only 4 involve disturbance of more than 20 acres:
 - Villages of Apex South
 - West Village South
 - Hempstead at Beaver Creek
 - Westford Townhomes
- There is no requirement to preserve trees on lots once a building permit is issued. The Town’s

Local Act permits the town to adopt ordinances to regulate tree preservation but any ordinance must exclude property to be developed for single-family or duplex residential uses and for normal forestry activities.

- To match Cary's standards, the UDO would have to prohibit mass grading in the RA, RR, and LD zoning districts and PUD-CZ when the density is less than 3 units/acre.
- Potential to have larger buffers along perimeter roadways to reduce visibility of tree clearing. This may need to be considered only on a case by case basis at rezoning due to the context of each site.
 - Town of Cary requires a 30' buffer along collector streets. A 50' buffer along thoroughfares is required, but buffer may be averaged with a minimum of 30' width. Some exceptions to required buffer/buffer width apply (historic areas, mixed-use areas); certain encroachments are allowed with buffers including SCMs in some instances which Apex does not allow.

UDO Sections affected by proposed change:

7.2.5 Single-Family Residential Grading

A) *General Grading Standards*

- 1) As required by the North Carolina Building Code Appendix J *Grading*, no grading shall be performed without first having obtained a permit from the Building Official.
- 2) Grade changes in existing public utility easements and public rights-of-way consisting of a cut of greater than one (1) foot in elevation or fill greater than two (2) feet in elevation must be approved by the Town of Apex Water Resources Director.
- 3) After rough grading of a subdivision is completed, the grade of any single-family residential lot shall not be raised or lowered more than six (6) feet at any point, except the grade may be raised or lowered up to 12 feet to accommodate foundation walls incorporated into the principal structure for walk-out basements.

B) *Single-Family Residential Subdivision Mass Grading*

Mass grading of single-family residential subdivisions shall be allowed provided all provisions of Sec. 7.2.5.B are met.

- 1) Grading activities shall be staged; prior to proceeding to another stage the developer shall stabilize the present stage with adequate ground cover sufficient to restrain erosion and have all infrastructure installed.
- 2) In no case shall mass grading exceed 20 acres per stage, including grading necessary for on-site infrastructure.
- 3) Mass graded acreage in single-family residential subdivisions must retain at least 80% of the pre-development drainage areas within their natural basins.

- 4) A land disturbing and sedimentation & soil erosion control plan shall be submitted for Master Subdivision Plan approval that shows:
 - a) How stormwater will be handled within the subdivision to meet Sec. 6.1 *Watershed Protection Overlay District* requirements;
 - b) Existing and proposed grades of site based on topography verified by a professional land surveyor or topography generated latest LiDAR data acquired by the Town of Apex, as updated from time to time. Topographic coverage may be obtained from the Town of Apex;
 - c) Required sedimentation and erosion control measures;
 - d) The limits of disturbance;
 - e) Offsite drainage;
 - f) Stockpile areas and maximum heights;
 - g) Debris piles and maximum heights; and
 - h) Clearly identified borrow and/or waste areas on-site and/or off-site if located in Town of Apex's corporate limits or ETJ.
- 5) Grading activities shall be done in accordance with all applicable federal, state, and local laws, rules, and regulations, including those pertaining to air and water pollution.
- 6) When an owner of any parcel shall raise, lower, or alter the level of existing grade of a site by a fill or excavation, the owner shall bear the expense to protect all adjoining property, with the exception of off-site easement areas, from encroachment by such fill or from danger of collapse due to such excavation either by erection of engineered retaining wall(s) or by sloping the sides of such fill or excavation entirely within the confines of the development including off-site easement areas in a manner approved by the Town of Apex. (See Secs. 8.1.4 *Development Restrictions on Steep Slopes* and 8.1.6 *Retaining Structures*.)
- 7) Each lot 8,000 square feet in size or greater shall be supplemented with a minimum of four (4) shrubs and two trees, to be provided in the front, side, or rear yard.
- 8) An additional five (5%) percent Resource Conservation Area (RCA) shall be set aside. This requirement is added to the standard RCA percentage requirement found in Sec. 8.1.2.C *Size of the RCA*.

C) ***Single-Family Residential Subdivision Staged Grading***

Staged grading shall be allowed provided that the following standards are met:

- 1) Grading activities shall be staged; prior to proceeding to another stage the developer shall stabilize the present stage with adequate ground cover sufficient to restrain erosion and have all infrastructure installed.

- 2) In no case shall staged grading exceed 20 acres per stage, including grading necessary for on-site infrastructure.
- 3) Stage graded acreage in single-family residential subdivisions must retain at least 80% of the pre-development drainage areas within their natural basins.
- 4) A land disturbing and sedimentation & soil erosion control plan shall be submitted for Master Subdivision Plan approval that shows:
 - a) How stormwater will be handled within the subdivision to meet Sec. 6.1 *Watershed Protection Overlay District* requirements;
 - b) Existing and proposed grades of site based on topography verified by a professional land surveyor or topography generated latest LiDAR data acquired by the Town of Apex, as updated from time to time. Topographic coverage may be obtained from the Town of Apex;
 - c) Required sedimentation and erosion control measures;
 - d) The limits of disturbance;
 - e) Offsite drainage;
 - f) Stockpile areas and maximum heights;
 - g) Debris piles and maximum heights; and
 - h) Clearly identified borrow and/or waste areas on-site and/or off-site if located in Town of Apex's corporate limits or ETJ.
- 5) Grading activities shall be done in accordance with all applicable federal, state, and local laws, rules, and regulations, including those pertaining to air and water pollution.
- 6) When an owner of any parcel shall raise, lower, or alter the level of existing grade of a site by a fill or excavation, the owner shall bear the expense to protect all adjoining property from encroachment by such fill beyond off-site easement areas or from danger of collapse due to such excavation either by erection of engineered retaining wall(s) or by sloping the sides of such fill or excavation entirely within the confines of the development including off-site easement areas in a manner approved by the Town of Apex. (See Secs. 8.1.4 *Development Restrictions on Steep Slopes* and 8.1.6 *Retaining Structures*.)

D) Exemptions

- 1) The following shall be exempt from the provisions of Sec. 7.2.5 *Single-Family Residential Grading*:
 - a) Grading in emergency situations involving immediate danger to life or property or substantial fire hazards.

- b) Agricultural activities on bona fide farms.
- c) Routine maintenance activities, including tree removal required to control vegetation on public roads and public utility rights-of-way.
- d) Traditional Neighborhood Developments (TNDs).
- e) Attached and detached townhomes, multi-family/apartments, condominiums, and non-residential developments.

8.2.4.A Building Landscaping Requirements, General Landscaping Standards

...

4) *Single-Family Residential Subdivisions*

All single-family residential subdivisions shall install at least one (1) small ornamental type tree and two (2) shrubs per lot, to be located in the front, side, or rear yard of the individual single-family lot. This Section shall not apply to those single-family residential subdivisions that provide landscaping per UDO Sec. 7.2.5.B.7 *Single-Family Residential Subdivision Mass Grading*.

12.2 Terms Defined

Single-Family Residential Subdivision Mass 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 infrastructure and 50% or more of the subdivision lots prior to the first plat in a single-family residential subdivision. Subdivision lots that are graded no more than 10 feet from the right-of-way solely for the installation of infrastructure shall not be considered when calculating the number of graded lots. Grading completed after the plat is recorded shall be considered individual lot grading subject to Sec. 7.2.5.A.3 *General Grading Standards*.

Single-Family Residential Subdivision Staged 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 infrastructure and less than 50% of the subdivision lots prior to the first plat in a single-family residential subdivision. Subdivision lots that are graded no more than 10 feet from the right-of-way solely for the installation of infrastructure shall not be considered when calculating the number of graded lots. Grading completed after the plat is recorded shall be considered individual lot grading subject to Sec. 7.2.5.A.3 *General Grading Standards*.

Appendix G. Review of Allowable Agricultural Business and Agritourism Uses

Western Big Branch Area Plan: Review of Allowable Agricultural Business and Agritourism Uses

Tables 2 through 6 below display the allowable zoning districts within the Land Use Classifications that comprise a substantial portion of the Plan study area. Table 1 identifies the agricultural business and agritourism uses that are permitted by-right or with a Special Use Permit within an allowable zoning district. Tables 2 through 6 serve as a legend for Table 1. More information about zoning districts and use classifications is available in the Town of Apex Unified Development Ordinance.

Table 1. Review of Agritourism Uses Allowable by Zoning District and Land Use Classification

Agritourism Use	Allowable Zoning Districts				
	Rural Density Residential	Rural Transition Residential	Industrial Employment	Office Employment	Commercial Services
Active farm (includes winery; excludes bona fide farms, which are exempt from the UDO)	RA & PUD	RR & PUD	PUD	PUD	PUD
Bed and breakfast	RA* & PUD	RR* & PUD	PUD	MORR*, O&I, PUD	B2, PC, PUD
Farmer's market	PUD	PUD	PUD	PUD	B1, B2, PUD
Fish hatchery and fish pond	CB* & RA	CB* & RR	CB*	CB*	CB*
Flea market	PUD*	PUD*	PUD*	PUD*	PUD*
Greenhouse or nursery, retail	RA & PUD	PUD	MEC & PUD	MORR, MEC, PUD	MORR, B1, PC, PUD
Greenhouse or nursery, wholesale	RA	N/A	N/A	N/A	N/A
Horse boarding and riding stable	RA & PUD	RR & PUD	PUD	PUD	PUD
Restaurant, general	PUD	PUD	LI, TF, MEC, PUD	MORR, O&I**, TF, MEC, PUD	MORR, B1, B2, PC, PUD
Retail sales, general	PUD	PUD	LI**, TF**, MEC, PUD	MORR, TF**, MEC, PUD	MORR, B1, B2, PC, PUD
Zoological garden	RA*	RR*	N/A	N/A	N/A

*Special Use Permit required

**Allowed as Percentage of Gross Square Footage

Table 2. Rural Density Residential Allowable Zoning Districts

CB	Conservation Buffer
RA	Residential Agricultural
PUD	Planned Unit Development

Table 3. Rural Transition Residential Allowable Zoning Districts

CB	Conservation Buffer
RR	Rural Residential
PUD	Planned Unit Development

Table 4. Industrial Employment Allowable Zoning Districts

CB	Conservation Buffer
LI	Light Industrial
TF	Tech/Flex
PUD	Planned Unit Development
MEC	Major Employment Center

Table 5. Office Employment Allowable Zoning Districts

CB	Conservation Buffer
MORR	Mixed Office-Residential-Retail
O&I	Office and Institutional
TF	Tech/Flex
PUD	Planned Unit Development
MEC	Major Employment Center

Table 6. Commercial Services Allowable Zoning Districts

CB	Conservation Buffer
MORR	Mixed Office-Residential-Retail
B1	Neighborhood Business
B2	Downtown Business
PC	Planned Commercial
PUD	Planned Unit Development



Possible Amendments to the Façade Grant Program

Staff is requesting direction from Council on potential changes to the Façade Grant Program in order to bring proposed program amendments, including a budget amendment, back to Council on the August 27th agenda.

Decision points include:

- Façade Grant boundaries
- Program funding limits
- Individual project funding cap
- Eligible improvements

Façade Grant boundaries

Current Façade Grant Program:

- Boundaries are the Downtown Festival District as described in the Unified Development Ordinance (UDO) and shown on the attached map. This boundary is primarily a UDO regulatory tool for outdoor service areas. The Façade Grant was expanded to this boundary as it was an easily identifiable boundary that encompassed a larger area of downtown than the Central Business District (prior Façade Grant boundary). If the Façade Grant Program is made available to a larger district, a Façade Grant Program Area would need to be determined.

Potential Changes to the Façade Grant Program (Council direction needed):

- Change the boundary to a separate Façade Grant Program Area?
- Change to Town-wide program?

Program funding limits

Current Façade Grant Program:

- Staff approval
- First-come, first-served
- \$20,000 total budget

Potential Changes to the Façade Grant Program (Council direction needed):

- Possible approval by Planning Board or Town Council?
- Keep approval process first-come, first-served?
- Authorize higher total program budget?

Individual project funding cap - formula changes

Current Façade Grant Program:

- The Façade Grant provides up to 50% of the cost of the exterior rehabilitation based on the following:
 - a. Tier 1 - up to a maximum of \$2,000.00 per façade for paint and awnings, or 50% of the cost, whichever is less.
 - b. Tier 2 - up to a maximum of \$5,000.00 per façade for structural improvements including window replacement, brick repair and repointing, door replacement, ADA accessible entrance improvements, and similar structural repairs or replacement, or 50% of the cost, whichever is less.
 - c. Applicants can submit for one Tier 1 grant and one Tier 2 grant within the same fiscal year; if both are granted, no one property can receive more than \$7,000 in one year.



- d. No more than \$10,000 can be issued to any one property within any 36 month period.
- e. Total grants issued per fiscal year shall not exceed the amount budgeted for that given year.

Potential Changes to the Façade Grant Program (Council direction needed):

- Change the formula to be a percentage based on investment with a higher overall cap per project?
- Should investment considered in the cap represent just the exterior improvements or total cost invested in business?

Eligible improvements

Current Façade Grant Program:

- Eligible exterior improvements include:
 - Removal of false fronts (such as aluminum panels)
 - Repair or replacement of windows, doors, and cornices
 - Repair or replacement of façade materials
 - Repair or replacement of character defining architectural features
 - Repair, replacement, or new ADA accessible entrance (e.g. ramp)
 - New awnings
 - Decorative exterior lighting
 - Exterior painting
 - Design and construction costs

Potential Changes to the Façade Grant Program (Council direction needed):

- Change the program to allow additional improvements in the public space on private property, including but not limited to:
 - Creation of patios or other outdoor service areas
 - Outdoor furniture (tables, chairs, benches)
 - Planters (recommend not to include vegetation as it is not permanent)
 - Streetscape elements (pavers/bricks/bus stops) on private property
 - Other Downtown Plan elements like twinkle lights, ground murals, etc.

FAÇADE GRANT PROGRAM APPLICATION

Town of Apex, North Carolina



This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

A Small Town Character Overlay District Exempt Site Plan application is required to be submitted concurrently with the Façade Grant application. The approval of the Small Town Character Overlay District Exempt Site Plan application shall occur concurrently with the Façade Grant approval.

For more information on the Façade Grant Program, please contact the Apex Planning Department at 919-249-3426.

1. The Façade Grant Program is designed to provide incentive funds to business tenants/property owners to increase rehabilitation activity in the Downtown Festival District as shown on the attached Downtown Festival District map and described in Apex's Unified Development Ordinance (UDO) Section 12.2. The grant can provide up to 50% of the cost of the exterior rehabilitation based on the following:
 - a. Tier 1 - up to a maximum of \$2,000.00 per façade for paint and awnings, or 50% of the cost, whichever is less.
 - b. Tier 2 – up to a maximum of \$5,000.00 per façade for structural improvements including window replacement, brick repair and repointing, door replacement, ADA accessible entrance improvements, and similar structural repairs or replacement, or 50% of the cost, whichever is less.
 - c. Applicants can submit for one Tier 1 grant and one Tier 2 grant within the same fiscal year; if both are granted, no one property can receive more than \$7,000 in one year.
 - d. No more than \$10,000 can be issued to any one property within any 36 month period.
 - e. Total grants issued per fiscal year shall not exceed the amount budgeted for that given year.
2. Application requirements:
 - a. Completed application form signed by the property owner.
 - b. Photos of the structure showing the current condition.
 - c. Paint samples or fabric swatches for Tier 1 requests.
 - d. Detailed drawings and details of features including awnings, windows, doors, or other improvements.
 - e. Cost estimates from a qualified professional (e.g. Licensed contractor, mason, or professional painter or awning company). Cost estimates must be detailed in a line by line format.
3. Applications must be approved before work begins or no funds will be disbursed.
4. Planning Department staff have been granted authority to administer the Façade Grant Program process by Town Council. Town Council allocates the funding for the grant through the yearly budgeting process.
5. Renovations must be completed within four (4) months of application approval for Tier 1 grants and 18 months for Tier 2 grants. In the Planning Director or designee's sole discretion, a one-time request for an extension of two to twelve months may be approved upon satisfactory explanation of the delay.
6. Grant is to be calculated and used for exterior façades only.
7. Grant amount shall be paid only when construction is completed and receipt(s) are submitted to the Planning Department. If the actual costs are less than the cost estimates, the maximum amount

FAÇADE GRANT PROGRAM APPLICATION

Town of Apex, North Carolina



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shall not exceed 50% of the actual costs or the dollar limits for Tier 1 and Tier 2. In no case shall a grant be issued higher than the original approved grant amount.

8. Renovations on historic buildings shall follow the Secretary of the Interior's Guidelines for Rehabilitation of Historic Structures and applicable regulations in the Unified Development Ordinance, Section 6.3 *Small Town Character Overlay District* and Article 9 *Design Standards*. Non-historic structures shall conform to the applicable regulations in the Unified Development Ordinance, Section 6.3 *Small Town Character Overlay District* and Article 9 *Design Standards*.
9. Grants may be used for the following types of renovation only:
 - a. Removal of false fronts (such as aluminum panels)
 - b. Repair or replacement of windows, doors, and cornices
 - c. Repair or replacement of façade materials
 - d. Repair or replacement of character defining architectural features
 - e. Repair, replacement, or new ADA accessible entrance (e.g. ramp)
 - f. New awnings
 - g. Decorative exterior lighting
 - h. Exterior painting
 - i. Design and construction costs
10. Eligibility Criteria:
 - a. If tenant will be doing the proposed work, the tenant must obtain the property owner's signature on the application.
 - b. Only existing buildings constructed more than 3 years prior to the date of application are eligible.
 - c. Applicant shall agree at the time of application to maintain the façade and may not receive a grant for the same work within any five year period.
 - d. Improvements and/or rehabilitation must comply with all state and local regulations, including obtaining required building permits through the Building Inspections Department.
 - e. Utility and mechanical equipment, if any, must be concealed or screened from view. Screening shall be of similar color and design as the building.

I have read the Façade Grant Program Information:

Applicant Signature

Date

FAÇADE GRANT PROGRAM APPLICATION

Town of Apex, North Carolina



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Application #: _____ Submittal Date: _____

Hard Copy Submittal Requirements: (Submit to Planning Department)

One (1) copy of Façade Grant Application
One (1) Small Town Character Exempt Site Application

11x 17 Architectural Plans/Drawings
Material and/or color samples

Applicant Information:

Applicant: _____ Tax ID: _____
Address: _____
City: _____ State: _____ ZIP: _____
Phone: _____ Email: _____

Owner Information:

Owner: _____ Tax ID: _____
Address: _____
City: _____ State: _____ ZIP: _____
Phone: _____ Email: _____

Project Information:

Address: _____
Property PIN: _____ Owner or Tenant Occupied? _____
Amount of Street Frontage: _____ # of Floors: _____
Current Building Use: _____
Proposed Building Use: _____
Major Repairs Needed? _____
Cost of Overall Project: _____ Façade Grant Funds Requested: _____

Renovation Information:

1. Please provide as much detail as possible about the types and extent of renovation to be completed.
Attach separate sheet, if necessary.

FAÇADE GRANT PROGRAM APPLICATION

Town of Apex, North Carolina



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2. On a separate sheet, provide a detailed cost estimate or construction bid for the façade renovation. Once the work is completed, please provide the Planning Department with a copy of the receipt(s) for all labor and supplies. Façade Grant funds will not be released without receipt(s).

3. Please describe how this renovation will significantly contribute to the historic character of the Downtown Festival District.

Owner/Applicant Signatures

I understand the limits and requirements of this program and if approved, agree to complete the project according to the approved plan. In addition, I shall indemnify and hold harmless, the Town of Apex from and against any and all claims, actions, causes of action, demands, damages, losses, costs, expenses, and compensation of whatsoever kind and nature which may hereafter accrue on account of or in any way growing out of any and all known or unknown, foreseen and unforeseen bodily and personal injuries and property damage and consequences thereof, which might result from any occurrence in connection with this grant.

_____ Applicant Signature	_____ Date
_____ Owner Signature	_____ Date
_____ Staff Approval	_____ Date

Conditions of Approval:
• Please continue working with the Building Inspections Department and obtain a Building Permit.