

STAFF REPORT
Amendments to the Unified Development Ordinance

February 22, 2022 Town Council Meeting



Requested by Planning Committee of Town Council:

- 1. Amendments to Secs. 4.2.2 Use Table and 4.4.2 Supplemental Standards, Public and Civic Uses in order to require a neighborhood meeting be held prior to the submittal of any Minor or Major Site Plan for the use “School, public or private”.**

4.2.2 Use Table

Use Type	Definition Section	Zoning Districts															Section(s)						
		Residential					Business					Planned Development			Other								
		R A	R R	L D	M D	H D S F	H D M F	M H	M H P	M O R	O & I	B 1	B 2	P C	L I	T F		M E C	T N D	P U D	C B	S D	S T C
Public and Civic Uses																							
School, public or private	4.3.2.L	P	P	P	P	P	P	P		P	P	P				P	P	P	P		**	p*	<u>4.4.2.H:</u> 6.3

4.4.2 Supplemental Standards, Public and Civic Uses

- ...
H) School, Public or Private
A neighborhood meeting in compliance with Sec. 2.2.7 Neighborhood Meeting shall be required for all public or private schools regardless of Minor or Major Site Plan status.

Requested by Planning Staff:

- 2. Amendments to Sec. 2.1.9 Apex Environmental Advisory Board in order to remove the reference to the Environmental Committee of the Apex Town Council as that committee was dissolved on December 11, 2021.**

2.1.9 Apex Environmental Advisory Board

- A) *Powers and Duties*
 The Environmental Advisory Board shall have the following powers and duties under the provisions of this Ordinance:
- 1) Advise the ~~Environmental Committee of the Apex Town Council regarding suggested changes to the Unified Development Ordinance related to the natural environment and the~~ Planning Committee of the Apex Town Council regarding suggested changes to the Unified Development Ordinance related to the impacts of development upon the natural environment.
 - 2) Review, with applicants, during the pre-application phase of a proposal, certain requests for conditional rezoning and recommend zoning conditions to the applicant and Town Council that will mitigate anticipated impact to the natural

environment as a result of the project under consideration. The following conditional rezoning requests shall be exempt from review by this Board:

- a) Rezoning to amend zoning conditions which have no environmental impact on a site including but not limited to revisions to architectural standards, building height, setbacks, and uses;
- b) Rezoning to resolve nonconformities;
- c) Rezoning of one (1) acre or less; and
- d) Rezoning within the Small Town Character Overlay District.

...

3. Amendment to Sec. 4.3.5 Use Classifications, Commercial Uses in order to revise the definition of Glass Sales to allow for wholesale glass sales in addition to retail sales.

4.3.5 Use Classifications, Commercial Uses

...

G) *Retail Sales and Service*

...

- 13) *Glass sales.* An establishment primarily engaged in the retail sale or wholesale of glass for residences and businesses.

...

4. Amendment to Sec. 8.2.8.B.1 Screening Methods, Dumpsters in order to allow wood as a material for the gates of dumpster enclosures associated with Wake County Landmark or other historic structures.

8.2.8 Screening

...

B) *Screening Methods*

Screening shall be accomplished by the following methods:

- 1) Dumpsters.
 - a) Dumpsters shall be screened with an opaque enclosure, fence or wall that reaches eight (8) feet in height or the height of the dumpster, whichever is higher. The design and materials of the enclosure, fence or wall must be presented as part of the Exempt Site Plan, Site Plan, or Master Subdivision Plan approval process. The screening structures must be constructed of masonry materials. The screening structures shall be architecturally compatible with the principal building(s) on site. The operational parts of the enclosure such as the gate frame and hinge assemblies must be built of heavy-duty material such as steel and engineered to hold up to daily use and abuse; wood is not allowed;
 - b) Gates or doors on dumpster enclosures shall be constructed of opaque metal, wood composite, or PVC composite. When composite products are used, they shall be placed close enough together to create an opaque gate. Any composite product used shall be lightweight. ~~No wooden gates are permitted~~ **Gates constructed of real wood are not permitted unless**

the dumpster is associated with a Wake County Landmark or other historic structure;

- c) Where practical, shrubs or other plants must be planted outside the enclosure to visually soften the appearance;
- d) The overall enclosure design must comply with the standards found in the Town’s Design and Development Manual.

...

5. Amendments to Sec. 8.2.6.C.4 *General Buffering Requirements, No Development Within the Required Buffer* in order to require buffers along Fully- and Limited-Controlled Access Highways that contain a public utility easement to have a minimum 20-foot-wide planting area and to correct an incorrect section reference.

8.2.6.C *General Buffering Requirements*

...

4) *No Development Within the Required Buffer*

The required buffer shall not contain any development, built-upon area, or site features that do not function to meet the standards of this Section or that require removal of existing vegetation, except for signs within platted sign easements, utilities within public utility easements, and public art on private property within a platted public art on private property easement (see Secs. 8.1.2.C.89 and 8.2.2.C.2.a). When a public utility easement is located within a **Fully-and Limited-Controlled Access Highway Buffer, Streetfront Buffer,** or a Thoroughfare Buffer that is 20 feet or greater in width, a minimum 20-foot-wide planting area shall be provided as measured from the edge of the easement. For all other required buffers, a minimum 10-foot-wide planting area shall be provided as measured from the edge of the easement. The planting area shall be as wide as necessary in order to accommodate all required buffer plantings. Tree species with compact root systems shall be used adjacent to the easement.

...

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of the proposed UDO amendments.

PLANNING BOARD RECOMMENDATION:

The Planning Board heard these amendments at their February 14, 2022 meeting and unanimously recommended approval. The Planning Board also recommended that Planning staff study expansion of Amendment 1 to require neighborhood meetings for additional use types.

PLANNING BOARD REPORT TO TOWN COUNCIL

Unified Development Ordinance Amendments

Planning Board Meeting Date: February 14, 2022



Report Requirements:

Per NCGS §160D-604, all proposed amendments to the zoning ordinance or zoning map shall be submitted to the Planning Board for review and comment. If no written report is received from the Planning Board within 30 days of referral of the amendment to the Planning Board, the Town Council may act on the amendment without the Planning Board report. The Town Council is not bound by the recommendations, if any, of the Planning Board.

Planning Board Recommendation:

Motion: To recommend approval as presented.

Introduced by Planning Board member: Tina Sherman

Seconded by Planning Board member: Keith Braswell

- Approval of the proposed UDO amendment(s)
- Approval of the proposed UDO amendment(s) with the following conditions:

Note:

Planning Board recommends that Planning staff study expansion of Amendment 1 to require neighborhood meetings for additional use types.

- Denial of the proposed UDO amendment(s)

With 7 Planning Board Member(s) voting "aye"

With 0 Planning Board Member(s) voting "no"

Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 14th day of February 2022.

Attest:

Reginald Skinner, Planning Board Chair

Dianne Khin

Digitally signed by Dianne Khin
Date: 2022.02.14 18:54:58
-05'00'

Dianne Khin, Director of Planning and
Community Development



TOWN OF APEX

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

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

Pursuant to the provisions of North Carolina General Statutes §160D-601 and to the Town of Apex Unified Development Ordinance (UDO) Sec. 2.2.11, notice is hereby given of a public hearing before the Town Council of the Town of Apex for the purpose of soliciting comments relative to the following amendment(s) to the Unified Development Ordinance:

Requested by Planning Committee of Town Council:

1. Amendment to Secs. 4.2.2 *Use Table* and 4.4.2 *Supplemental Standards, Public and Civic Uses* in order to require a neighborhood meeting be held prior to the submittal of any Minor or Major Site Plan for the use "School, public or private".

Requested by Planning Staff:

2. Amendment to Sec. 2.1.9 *Apex Environmental Advisory Board* in order to remove the reference to the Environmental Committee of the Apex Town Council as that committee was dissolved on December 11, 2021.
3. Amendment to Sec. 4.3.5 *Use Classifications, Commercial Uses* in order to revise the definition of Glass Sales to allow for wholesale glass sales in addition to retail sales.
4. Amendment to Sec. 8.2.8.B.1 *Screening Methods, Dumpsters* in order to allow wood as a material for the gates of dumpster enclosures associated with Wake County Landmark or other historic structures.
5. Amendments to Sec. 8.2.6.C.4 *General Buffering Requirements, No Development Within the Required Buffer* in order to require buffers along Fully- and Limited-Controlled Access Highways that contain a public utility easement to have a minimum 20-foot-wide planting area and to correct an incorrect section reference.

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

Town Council Public Hearing Date and Time: February 22, 2022 6:00 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>. Please visit www.apexnc.org on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

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

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

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

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

Published Dates: January 31-February 22, 2022



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NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

modificación de la Ordenanza de Desarrollo Unificado (UDO)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del ayuntamiento de Apex a fin de solicitar comentarios relativos a la siguiente modificación de la Ordenanza de Desarrollo Unificado:

A solicitud del Comité de Planificación del Ayuntamiento:

1. Modificación de las secciones 4.2.2, *Tabla de usos*, y 4.4.2, *Normas complementarias, usos públicos y cívicos*, para solicitar la celebración de una reunión de vecinos antes de presentar cualquier plano de sitio menor o mayor para el uso de "escuela, pública o privada".

A solicitud del personal de planificación:

2. Modificación de la sección 2.1.9 sobre la *Junta Asesora de Apex sobre el Medioambiente* para eliminar la referencia al Comité Medioambiental del Consejo Municipal de Apex, debido a que dicho comité se disolvió el 11 de diciembre de 2021.
3. Modificación de la sección 4.3.5, *Clasificaciones de uso, usos comerciales*, para revisar la definición de venta de vidrio a fin de permitir la venta de vidrio al por mayor, además de la venta al por menor.
4. Modificación de la sección 8.2.8.B.1, *Métodos de evaluación, contenedores de basura*, para permitir la madera como material de fabricación de portones para los recintos de contenedores de basura en monumentos u otras estructuras históricas del condado de Wake.
5. Modificaciones a la sección 8.2.6.C.4, *Requisitos generales sobre márgenes, no edificar dentro de los márgenes requeridos*, para exigir que los márgenes a lo largo de las autopistas de acceso controlado de manera parcial o completa que contienen una servidumbre de servicios públicos tengan una zona de plantación de un mínimo de 20 pies de ancho y para corregir una referencia incorrecta de la sección.

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

Fecha y hora de la audiencia pública del Consejo Municipal: 22 de febrero de 2022 6:00 PM

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>. Por favor visite www.apexnc.org el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

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

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

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

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

Fechas de publicación: 31 de enero – 22 de febrero de 2022



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A solicitud del Comité de Planificación del Ayuntamiento:

1. Modificación de las secciones 4.2.2, *Tabla de usos*, y 4.4.2, *Normas complementarias, usos públicos y cívicos*, para solicitar la celebración de una reunión de vecinos antes de presentar cualquier plano de sitio menor o mayor para el uso de "escuela, pública o privada".

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