

STAFF REPORT

Amendments to the Unified Development Ordinance

May 11, 2026, Planning Board Meeting



Requested by Planning Staff:

- 1) **Amendments to various sections of the UDO in order to establish the Transitional Business (B3) and Heavy Industrial (HI) zoning districts. These changes introduce new zoning classifications, update district-specific standards, and integrate the new districts into the existing regulatory framework of the UDO.**

The amendment modifies provisions related to zoning districts, permitted uses, dimensional standards, development approvals, and design standards to ensure the B3 and HI districts are consistently applied and enforceable. In particular, updates to the Use Table, district purpose statements, and intensity and dimensional standards incorporate these new districts into the Town's overall zoning structure.

Sections affected by these amendments include:

- 2.3.4.F
- 2.3.6.2.I
- 3.2.2
- 3.2.3
- 3.2.6 & 7
- 3.3
- 4.1.2
- 4.2.2
- 4.3.1.A
- 4.3.5.G
- 4.3.6
- 4.4.3.B
- 4.4.3.J
- 4.4.5.C
- 4.4.5.D
- 4.4.5.F
- 4.5.6
- 5.1
- 5.2.2
- 6.3.1
- 9.2.2.E
- 9.2.4.A
- 9.3.3
- 9.3.5.A

In addition, several sections have been amended to update internal references, terminology, and cross references to reflect the inclusion of the B3 and HI districts. These edits are administrative in nature and intended to maintain clarity, accuracy, and consistency across the UDO.

Sections where only references and section labeling have been updated as part of this amendment include:

- 2.3.4.F
- 2.3.6.2.I
- 3.2.7
- 3.3.3
- 4.4.3.B
- 4.4.3.J
- 5.1.4
- 5.2.2
- 6.3.1

Background: Planning Staff propose the following amendments to establish two new zoning districts: the B3 Business Transitional District and the Heavy Industrial (HI) District. These districts are intended to expand the Town's zoning framework to better accommodate a range of commercial and industrial uses that are not fully addressed by existing districts. The B3 District is intended to provide a transitional area between higher-intensity vehicular corridors and lower-intensity zoning districts. The HI District is intended to accommodate high-intensity industrial uses with greater potential impacts than those allowed in the Light Industrial (LI) zoning district. The proposed amendments will define the purpose, permitted uses, and applicable standards for each district, improving land use compatibility, clarity, and consistency in the development review process.

2.3.4 Development Approvals, Planned Development Districts

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F) Standards

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

a) *Development parameters*

...

- (iii) The dimensional standards in Sec. 5.1.34 *Table of Intensity and Dimensional Standards, Planned Development Districts* may be varied in the PD Plan for PUD-CZ. The PUD-CZ shall demonstrate compliance with all other dimensional standards of the UDO, North Carolina Building Code, and North Carolina Fire Code.

...

2) *Traditional Neighborhood District (TND-CZ)*

...

b) *Development parameters*

...

- (iii) The dimensional standards in Sec. 5.1.34 *Table of Intensity and Dimensional Standards, Planned Development Districts* may be varied in the PD Plan for TND-CZ. The TND-CZ shall demonstrate compliance with all other dimensional standards of the UDO, North Carolina Building Code, and North Carolina Fire Code.

2.3.6 Development Approvals, Site Plan

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- 2) The following development or activities shall be exempted from the requirements of this Section:

...

- i) *Small Town Character Overlay District*. Small Town Character Overlay District as referenced in 3.3.5 except that demolition (as defined in Sec. 12.2) shall be governed by Sec. 2.2.8 and new construction, additions, renovations, or redevelopment shall be governed by Sec. 5.1.56 *Table of Intensity and Dimensional Standards* and Sec. 6.3 *Small Town Character Overlay District*.

3.2 Zoning Districts

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3.2.2 Business Districts

- A) *O&I Office and Institutional District;*
- B) *B1 Neighborhood Business District;*
- C) *B2 Downtown Business District;*
- D) *B3 Transitional Business District;***
- ~~E) *PC Planned Commercial District; and*~~
- ~~F) *TF Tech/Flex District; and*~~
- ~~F) *LI Light Industrial District*~~

3.2.3 Industrial Districts

- A) *LI Light Industrial District; and***
- B) *HI Heavy Industrial District.***

3.2.6 Conditional Zoning Business Districts

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D) **B3-CZ Transitional Business Conditional Zoning District;**

~~D)~~**E)** PC-CZ Planned Commercial Conditional Zoning District; **and**

~~E)~~**F)** TF-CZ Tech/Flex Conditional Zoning District; ~~and,~~

~~F)~~ ~~LI-CZ Light Industrial Conditional Zoning District~~

3.2.7 Conditional Zoning Industrial Districts

A) **LI-CZ Light Industrial Conditional Zoning District; and**

B) **HI-CZ Heavy Industrial Conditional Zoning District**

3.2.78 Conditional Zoning Planned Development Districts

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3.2.89 Conditional Zoning Other Districts

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3.2.910 Overlay Districts

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3.3 District Purposes

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3.3.2 Business Districts

The purpose and intent of the business districts is to provide lands that allow for a wide range of businesses, services and goods to the residents of Apex and the Triangle region in ways that are consistent with the Town’s small-town character, encourage interconnectivity between business uses and residential areas, encourage the development and protection of pedestrian ways between business and residential districts, and ensure businesses are served by adequate public facilities.

...

D) **B3 Transitional Business District**

The purpose of the B3 Transitional Business District is to provide service-oriented commercial uses in areas that act as a transition along auto-oriented commercial corridors near adjacent residential neighborhoods.

E) ~~D)~~ *PC Planned Commercial District*

The purpose and intent of the PC Planned Commercial District is to encourage the development of a moderate and high intensity mix of convenience and city-wide serving convenience and regional retail and related uses within a planned environment at the intersections of the Town’s arterials and major collector roads.

F) ~~E)~~ *TF Tech/Flex*

The purpose and intent of the TF Tech/Flex District is to provide locations for a wide range of employment opportunities for office, institutional, research and development and light industrial uses. The district also provides for "flex space" where different combinations of uses on a site may occur over time as the market changes and adjusts to new or different conditions.

F) ~~*LI Light Industrial District*~~

~~The purpose and intent of the LI Light Industrial District is to provide sufficient lands in appropriate locations for certain types of businesses, light manufacturing, or processing uses that might cause undesirable effects upon residential or commercial lands.~~

3.3.3 Industrial Districts

A) *LI Light Industrial District*

The purpose and intent of the LI Light Industrial District is to provide sufficient lands in appropriate locations for certain types of businesses, light manufacturing, or processing uses that might cause undesirable effects upon residential or commercial lands.

B) *HI Heavy Industrial District*

The purpose and intent of the HI Heavy Industrial District is to provide sufficient lands in appropriate locations for high-intensity industrial, manufacturing, processing, or similar uses that may generate noise, traffic, or other impacts not suitable for residential or commercial areas. This district is intended to accommodate uses that require larger sites, specialized infrastructure, or separation from incompatible uses, while promoting orderly development and protecting public health, safety, and welfare.

3.3.34 Planned Development Districts

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3.3.45 Other Districts

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3.3.56 Overlay Districts

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4.1.2 General Overview, Outside Storage and Sales

A) The purpose and intent of this section is to allow outside storage, display, and sales/rentals in the RA, MORR, O&I, B1, B2, **B3**, PC, TF, LI, **HI**, MEC-CZ, TND-CZ, PUD-CZ, and SD-CZ districts provided that such outside storage, display, and sales/rentals are within designated areas that are adequately screened and meet the standards listed within this section. However, this section does not apply to "Vehicle sales and rental, light".

4.2.2 Use Table

See Next Page

Use Type	Definition Section	Zoning Districts																					Standards		
		Residential									Business						<u>Industrial</u>		Planned Development			Other			Section(s)
		R A	R R	L D	M D	H D S F	H D M F	M H	M H P	M O R R	O & I	B 1	B 2	<u>B</u> <u>3</u>	P C	T F	L I	<u>H</u> <u>I</u>	M E C	T N D	P U D	C B	S D	S T C	
Residential Uses																									
Accessory apartment	4.3.1.A	P	P	P	P	P			P		P	P***	<u>P</u>					P	P	P		**	P*	4.5.6; 6.3	
Congregate living facility	4.3.1.C						P											P	P	P		**		4.4.1.B	
Duplex	4.3.1.D				P	P	P		P									P	P	P		**			
Family care home	4.3.1.E	P	P	P	P	P	P	P	P									P	P	P		**	P*	4.4.1.C; 6.3	
Farm residence	4.3.1.F	P	P																	P	P	**			
Manufactured home	4.3.1.H							P														**		4.4.1.E	
Mobile home	4.3.1.I								P																
Multi-family or apartment	4.3.1.K						P		P									P	P	P		**	P*	4.4.1.G;6.3	
Nursing or convalescent facility	4.3.1.L						P			P				P				P	P	P		**	P*	4.4.1.H; 6.3	
Security or caretaker quarters	4.3.1.M	P	P												P	P		P				**		4.4.1.I	
Single-family	4.3.1.N	P	P	P	P	P		P										P	P	P		**	P*	6.3	
Townhouse	4.3.1.O					P/S	P		P									P	P	P		**	P/S*	4.4.1.F; 6.3	
Townhouse, detached	4.3.1.P				P	P/S	P		P									P	P	P		**	P/S*	4.4.1.J; 6.3	
Triplex or quadplex	4.3.1.Q						P		P									P	P	P		**			
Public and Civic Uses																									
Airplane landing strip	4.3.2.A	S	S														S								
Airport	4.3.2.B	S	S														S								

Use Type	Definition Section	Zoning Districts																					Standards					
		Residential									Business						<u>Industrial</u>		Planned Development			Other			Section(s)			
		R A	R R	L D	M D	H D S F	H D M F	M H	M H P	M O R R	O & I	B 1	B 2	<u>B 3</u>	P C	T F	L I	<u>H I</u>	M E C	T N D	P U D	C B	S D	S T C				
Ambulatory Health-care Facility with Emergency Dept.	4.3.2.C									P											P				**			
Assembly hall, nonprofit	4.3.2.D	S	S						S	P					P	P	P				P				**	P*	6.3	
Assembly hall, for-profit	4.3.2.E	S	S						S	P					P	P	P				P				**	P*	6.3	
Cemetery	4.3.2.F	P	P																			P			**	P*	4.4.2.A; 6.3	
Church or place of worship	4.3.2.G	S	S	P/S	P/S	P/S	P/S	P/S	S	P/S	P/S	P/S	<u>P/S</u>	P/S	P/S	P/S			P/S	P/S	P/S				**	P/S*	4.4.2.B; 6.3	
Day care facility	4.3.2.H						S		P	P	P		<u>P</u>	P	P	%			P	P	P				**	P*	4.4.2.C; 6.3	
Drop-in or short-term day care	4.3.2.P									P	P		<u>P</u>	P	P	P				P	P				**	P*	4.4.2.F; 6.3	
Government service	4.3.2.I	P	P						P	P	P	P	<u>P</u>	P	P	P			P	P	P				**	P*	4.4.2.G; 6.3	
Helipad or heliport	4.3.2.J																P		P							**		
Hospital	4.3.2.K									P									P		P				**		4.4.2.D	
School, public or private	4.3.2.L	P	P	P	P	P	P		P	P	P					P			P	P	P				**	P*	6.3	
Transportation facility	4.3.2.M														P	P	P			P	P	P			**	P*	6.3	
Veterinary clinic or hospital	4.3.2.N									P	P		<u>P</u>	P	P	P			P	P	P				**	P*	4.4.2.E; 6.3	
Vocational school	4.3.2.O									P	P					P	P			P		P			**	P*	6.3	
Utilities																												
Chipping and mulching	4.3.3.A																S								**		4.4.3.A	
Communication tower, commercial	4.3.3.B									S					S	S	S				S	S			**		4.4.3.B	

Use Type	Definition Section	Zoning Districts																					Standards		
		Residential									Business						<u>Industrial</u>	Planned Development			Other			Section(s)	
		R A	R R	L D	M D	H D S F	H D M F	M H	M H P	M O R R	O & I	B 1	B 2	<u>B 3</u>	P C	T F	L I	<u>H I</u>	M E C	T N D	P U D	C B	S D		S T C
Communication tower, constructed stealth	4.3.3.C.1	S	S				S	S	S		S				S	S	S				S	S	**		4.4.3.B.2
Communication tower, camouflage stealth	4.3.3.C.2	S	S	S	S	S	S	S	S	S	S	S			S	S	S		S	S	S	S	**		4.4.3.B.3
Communication tower, public safety	4.3.3.P	S	S	S	S	S	S	S	S		S	S			S	S	S		S	S	S	S	**		4.4.3.B.5
Electrical power facility	4.3.3.D	S	S														S						**		4.4.3.C
Incinerator	4.3.3.E																S						**		
Recycling center	4.3.3.F															S	P						**		4.4.3.D
Recycling collection station	4.3.3.G														P	P	P		P		P	P	**		4.4.3.E
Recycling plant	4.3.3.H																S						**		4.4.3.F
Sanitary landfill	4.3.3.I																S								4.4.3.H
Utility, minor	4.3.3.J	P	P	P	P	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	<u>P</u>	P	P	P	P	**	P*	4.4.3.G; 6.3
Water reservoir	4.3.3.K	P	P	P																		P	**		
Water or wastewater plant	4.3.3.L	P	P	P													P		P	P	P		**		
Land Clearing and Inert Debris Landfill	4.3.3.M																S								4.4.3.I
Wireless support structure	4.3.3.N	P	P	P	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	<u>P</u>	P	P	P	P	P	P	P	4.4.3.J
Wireless communication facility	4.3.3.O	P	P	P	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	<u>P</u>	P	P	P	P	P	P	P	4.4.3.J

Use Type	Definition Section	Zoning Districts																					Standards		
		Residential									Business						<u>Industrial</u>		Planned Development			Other			Section(s)
		R A	R R	L D	M D	H D S F	H D M F	M H	M H P	M O R R	O & I	B 1	B 2	<u>B</u> <u>3</u>	P C	T F	L I	<u>H</u> <u>I</u>	M E C	T N D	P U D	C B	S D	S T C	
Yard Waste Transfer Station	4.3.3.Q															S									4.4.3.K
Recreational Uses																									
Arena, auditorium or stadium	4.3.4.A													P	S	S		P		P		**			4.4.4.A
Beach bingo	4.3.4.B										S											**	S*		6.3
Botanical garden	4.3.4.C	P	P	P	P	P	P	P	P	P	P	P		P	P	P		P	P	P	P	**	P*		6.3
Campground	4.3.4.D	S																			S	**			4.4.4.B
Entertainment, indoor	4.3.4.E										P	P***		P	P	P				P	P		**	P*	6.3
Entertainment, outdoor	4.3.4.F	S												S	S	S				S	S		**		4.4.4.C
Fish hatchery and fish pond	4.3.4.G	P	P																		S	**			
Golf course	4.3.4.I	P	P	P	P	P	P														P		**		
Greenway	4.3.4.J	P	P	P	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	<u>P</u>	P	P	P	P	P	**	P*	6.3
Horse boarding and riding stable	4.3.4.K	P	P																	P		**			
Park, active	4.3.4.L	P	P	P	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P		P	P	P	P	**	P*	6.3	
Park, passive	4.3.4.M	P	P	P	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P		P	P	P	P	**	P*	6.3	
Recreation facility, private	4.3.4.N	P	P	P	P	P	P	P	P									P	P	P		**	P*	4.4.4.D; 6.3	
Regional recreation complex	4.3.4.Q															P/S									4.4.4.F
Youth or day camps	4.3.4.P									P	P		<u>P</u>	P	P	P				P	P		**	P*	4.4.4.E; 6.3
Zoological garden	4.3.4.O	S	S																			**			
Shooting range, indoor	4.3.4.R														P	P									4.4.4.G

Use Type	Definition Section	Zoning Districts																							Standards
		Residential									Business						<u>Industrial</u>		Planned Development			Other			Section(s)
		R A	R R	L D	M D	H D S F	H D M F	M H	M H P	M O R R	O & I	B 1	B 2	<u>B 3</u>	P C	T F	L I	<u>H I</u>	M E C	T N D	P U D	C B	S D	S T C	
Shooting range, outdoor	4.3.4.S		S																					4.4.4.H	
Commercial Uses																									
Adult use																									
Adult establishment	4.3.5.A.1															S								4.4.5.A.1	
Bar, nightclub, wine bar, or taproom	4.3.5.A.2										P	P	<u>P</u>	P					P	P		**	P*	4.4.5.A.2; 6.3	
Electronic gaming operation	4.3.5.A.3															S						**		4.4.5.A.3	
Tattoo parlor and body piercing	4.3.5.A.4													P									S*	6.3	
Communication																									
Broadcasting station (radio and television)	4.3.5.B.1														P	P		P				**			
Radio and television recording studio	4.3.5.B.2									P	P				P	P						**			
Food and beverage service																									
Commissary	4.3.5.C.3												<u>P</u>		P	P						**		4.4.5.C.3	
Restaurant, drive-through	4.3.5.C.1								P		P			P				P		P		**		4.4.5.C.1	
Restaurant, general	4.3.5.C.2								P	%	P	P	<u>P</u>	P	P	P		P	P	P		**	P*	4.4.5.C.2; 6.3	
Office and research																									
Dispatching office	4.3.5.D.1														P	P	<u>P</u>			P		**			
Medical or dental office or clinic	4.3.5.D.2								P	P	P	P***	<u>P</u>	P	P	P		P	P	P		**	P*	6.3	
Medical or dental laboratory	4.3.5.D.3								P	P	P***	<u>P</u>	P	P	P		P		P		**	P*	4.4.5.D.3; 6.3		

Use Type	Definition Section	Zoning Districts																					Standards		
		Residential									Business						<u>Industrial</u>		Planned Development			Other			Section(s)
		R A	R R	L D	M D	H D S F	H D M F	M H	M H P	M O R R	O & I	B 1	B 2	<u>B 3</u>	P C	T F	L I	<u>H I</u>	M E C	T N D	P U D	C B	S D	S T C	
Office, business or professional	4.3.5.D.4								P	P	P	P***	<u>P</u>	P	P	P		P	P	P		**	P*	4.4.5.D.2; 6.3	
Pilot plant	4.3.5.D.5														S	P	<u>P</u>	P				**		4.4.5.D.1	
Publishing office	4.3.5.D.6								P		P***				P			P	P	P		**	P*	6.3	
Research facility	4.3.5.D.7														P	P	<u>P</u>	P		P		**	P*	6.3	
Parking, principal use																									
Parking garage, commercial	4.3.5.E.1								P	P	P					P		P	P	P		**	P*	4.4.5.E.1; 6.3	
Parking lot, commercial	4.3.5.E.2								P	P	P					P		P				**	P*	4.4.5.E.1; 6.3	
Parking garage, public	4.3.5.E.3								P	P	P					P		P	P	P		**	P*	4.4.5.E.2; 6.3	
Parking lot, public	4.3.5.E.4								P	P	P					P		P				**	P*	4.4.5.E.2; 6.3	
Public accommodation																									
Bed and breakfast	4.3.5.F.1	S	S						S	P		P		P					P	P		**	P*	4.4.5.F.1; 6.3	
Hotel or motel	4.3.5.F.2									P	P	<u>P</u>	P					P	P	P		**	P*	4.4.5.F.2; 6.3	
Retail sales and service																									
Artisan Studio	4.3.5.G.38									S	S	<u>S</u>		P	P					P		**	P/S*	4.4.5.G.19; 6.3	
Barber and beauty shop	4.3.5.G.1								P	P	P	P***	<u>P</u>	P				P	P	P		**	P*	4.4.5.G.1; 6.3	
Book store	4.3.5.G.2								P		P	P	<u>P</u>	P					P	P		**	P*	6.3	
Building supplies, retail	4.3.5.G.3									P				P						P		**			
Convenience store	4.3.5.G.4								P		P		<u>P</u>	P	P			P	P	P		**	P*	4.4.5.G.2; 6.3	
Convenience store with gas sales	4.3.5.G.5										P			P	P					P		**		4.4.5.G.2	
Dry cleaners and laundry service	4.3.5.G.6								P		P			P				P	P	P		**	P*	6.3	

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		R A	R R	L D	M D	H D S F	H D M F	M H	M H P	M O R R	O & I	B 1	B 2	<u>B 3</u>	P C	T F	L I	<u>H I</u>	M E C	T N D	P U D	C B	S D	S T C	
Farmer's market	4.3.5.G.7										P	P	<u>P</u>						P	P		**	P*	4.4.5.G.3; 6.3	
Financial institution	4.3.5.G.8								P	P	P	P***		P				P	P	P		**	P*	4.4.5.G.4; 6.3	
Flea Market	4.3.5.G.9																			S		**			
Floral shop	4.3.5.G.10								P	P	P	P	<u>P</u>	P				P	P	P		**	P*	6.3	
Funeral home	4.3.5.G.11									P	P					P				P		**	P*	6.3	
Gas and fuel, retail	4.3.5.G.12													P		P				P		**		4.4.5.G.5	
Glass sales	4.3.5.G.13														P	P						**			
Greenhouse or nursery, retail	4.3.5.G.14	P							P		P			P				P		P		**	P*	6.3	
Grocery, general	4.3.5.G.15										P			P	P			P	P	P		**	P*	6.3	
Grocery, specialty	4.3.5.G.16								P		P	P	<u>P</u>	P	P			P	P	P		**	P*	6.3	
Health/fitness center or spa	4.3.5.G.17								P	P	P			P	P	P		P	P	P		**	P*	6.3	
Kennel	4.3.5.G.18	S	S											P	P	P		P	P	P		**	P*	4.4.5.G.6; 6.3	
Laundromat	4.3.5.G.21										P			P				P	P	P		**	P*	4.4.5.G.9; 6.3	
Monument sales, retail	4.3.5.G.22														P	P						**			
Newsstand or gift shop	4.3.5.G.23								P	%	P	P	<u>P</u>	P				P	P	P		**	P*	4.4.5.G.10; 6.3	
Personal service	4.3.5.G.24								P	%	P	P***	<u>P</u>	P	P			P	P	P		**	P*	4.4.5.G.11; 6.3	
Pharmacy	4.3.5.G.25								P	%	P			P				P	P	P		**	P*	4.4.5.G.12; 6.3	
Printing and copying service	4.3.5.G.26									P	P	P***		P	P			P	P	P		**	P*	6.3	
Real estate sales	4.3.5.G.27								P	P	P	P***		P	P			P	P	P		**	P*	6.3	
Repair services, limited	4.3.5.G.28										P				P	P				P		**			
Retail sales, bulky goods	4.3.5.G.29													P	P	P				P		**			

Use Type	Definition Section	Zoning Districts																							Standards
		Residential									Business						<u>Industrial</u>		Planned Development			Other			Section(s)
		R A	R R	L D	M D	H D S F	H D M F	M H	M H P	M O R R	O & I	B 1	B 2	<u>B 3</u>	P C	T F	L I	<u>H I</u>	M E C	T N D	P U D	C B	S D	S T C	
Retail sales, general	4.3.5.G.30								P		P	P	<u>P</u>	P	%	%		P	P	P		**	P*	4.4.5.G.13; 6.3	
Self-service storage	4.3.5.G.31														P	P						**		4.4.5.G.14	
Studio for art	4.3.5.G.32								P	P	P	P	<u>P</u>	P	P	P			P	P		**	P*	6.3	
Tailor shop	4.3.5.G.33								P	P	P	P***	<u>P</u>	P	P			P	P	P		**	P*	6.3	
Theater	4.3.5.G.34										P	P		P				P	P	P		**	P*	4.4.5.G.15; 6.3	
Upholstery shop	4.3.5.G.35										P				P	P				P		**		4.4.5.G.16	
Pet services	4.3.5.G.36								P	P	P		<u>P</u>	P	P	P		P	P	P			P*	4.4.5.G.17; 6.3	
Pawn shop	4.3.5.G.37													P										4.4.5.G.18	
Vehicle repair and service																									
Automotive Accessory Sales and Installation	4.3.5.H.1 2														P	P						**		4.4.5.H.7	
Automotive paint or body shop	4.3.5.H.1														P	P						**		4.4.5.H.1	
Automotive parts	4.3.5.H.2									P				P		P				P		**	P*	6.3	
Automotive service station	4.3.5.H.3													P		P				P		**		4.4.5.H.2	
Car wash or auto detailing	4.3.5.H.4													P	P	P				P		**		4.4.5.H.3	
Repair and maintenance, general	4.3.5.H.5													P	P	P						**		4.4.5.H.4	
Towing service	4.3.5.H.6															P						**		4.4.5.H.5	
Towing service storage	4.3.5.H.7															P						**			
Truck terminal	4.3.5.H.8															P						**			
Vehicle inspection center	4.3.5.H.9									P				P	P			P		P		**			

Use Type	Definition Section	Zoning Districts																							Standards
		Residential									Business						<u>Industrial</u>		Planned Development			Other			Section(s)
		R A	R R	L D	M D	H D S F	H D M F	M H	M H P	M O R R	O & I	B 1	B 2	<u>B 3</u>	P C	T F	L I	<u>H I</u>	M E C	T N D	P U D	C B	S D	S T C	
Vehicle sales and rental, heavy	4.3.5.H.10															P							**		
Vehicle sales and rental, light	4.3.5.H.11													P	P	P							**	P*	4.4.5.H.6; 6.3
Industrial Uses																									
Industrial service																									
Building supplies, wholesale	4.3.6.A.1														P	P							**		
Contractor's office and storage yard	4.3.6.A.2														P	P							**		
Gas and fuel, wholesale	4.3.6.A.3															P							**		4.4.6.A.3
Greenhouse or nursery, wholesale	4.3.6.A.4	P																					**		4.4.6.A.1
Laboratory, industrial research	4.3.6.A.5														P	P		P			P		**		
Machine or welding shop	4.3.6.A.6														P	P							**		4.4.6.A.2
Railroad facility	4.3.6.A.7															P							**		
Warehousing, general	4.3.6.A.8														P	P							**		
Warehousing fulfillment center	4.3.6.A.11														P	P									
Woodworking or cabinetmaking	4.3.6.A.9														P	P							**		
Wholesaling distribution center	4.3.6.A.10														P	P							**		
Production																									

Use Type	Definition Section	Zoning Districts																					Standards			
		Residential									Business						<u>Industrial</u>		Planned Development			Other			Section(s)	
		R A	R R	L D	M D	H D S F	H D M F	M H	M H P	M O R R	O & I	B 1	B 2	<u>B 3</u>	P C	T F	L I	<u>H I</u>	M E C	T N D	P U D	C B	S D	S T C		
Asphalt or concrete plant	4.3.6.B.1															S									4.4.6.B.1	
Brewery	4.3.6.B.7														P	P									4.4.6.B.2	
Distillery	4.3.6.B.9														P	P									4.4.6.B.4	
Dry cleaning and dyeing plant	4.3.6.B.2															S							**			
Forestry	4.3.6.B.3	P	P																				**			
Laundry plant	4.3.6.B.4															S							**			
Manufacturing and processing	4.3.6.B.5														S	P		P					**			
Manufacturing and processing, minor	4.3.6.B.11														P	P							**			
Microbrewery	4.3.6.B.8											P	P	<u>P</u>	P	P	P		P	P	P		**	P*	4.4.6.B.3; 6.3	
Microdistillery	4.3.6.B.10												P	<u>P</u>		P	P				P			P*	4.4.6.B.5; 6.3	
Wood or lumber processing	4.3.6.B.6															S							**			
Agricultural Uses																										
Active farm	4.3.7.A	P	P																					P	**	

4.3 Use Classification

4.3.1 Residential Uses

A) *Accessory Apartment*

A secondary dwelling unit either (1) inside of or added to an existing single-family dwelling, (2) in an accessory structure on the same lot as the principal single-family dwelling, (3) on any floor except for the ground floor of a commercial use in the B1 Neighborhood Business District, B2 Downtown Business District, **B3 Transitional Business District**, MEC-CZ Major Employment Center District, TND-CZ Traditional Neighborhood District, PUD-CZ Planned Unit Development District, or (4) on any floor of a commercial use in the MORR Mixed Office-Residential-Retail District or SD-CZ Sustainable Development Conditional Zoning District. An accessory apartment is a complete, independent living facility equipped with a kitchen and with provisions for sanitation and sleeping. An accessory structure may include a loft.

...

4.3.5 Commercial Uses

...

G) *Retail Sales and Service*

...

3) *Building supplies, retail.* An establishment primarily engaged in the retail sale of building supplies and home improvement products including, but not limited to, above ground pools, pool forms, spas, greenhouses, and outdoor play sets. In the B2 **and B3** Districts, this includes traditional hardware stores not exceeding 7,000 square feet in area, but not building supplies or hardware stores in excess of 7,000 square feet.

...

...

4.3.6 Industrial Uses

Industrial Uses shall be allowed to have a showroom as an accessory use provided the goods and services offered are directly related to the primary use and the showroom meets the requirements in Sec. 4.5.2 *Accessory Uses and Structures, Generally*.

...

C) Heavy Industrial Uses

A facility or use characterized by the potential to generate significant off-site impacts, including but not limited to smoke, odor, noise, glare, fumes, gases, vibration, fire or explosion hazards, particulate emissions, electromagnetic interference, or radiation. These uses typically involve processes, materials, or operations that may be dangerous, noxious, or otherwise offensive if not properly mitigated.

4.4 Supplemental Standards

...

4.4.3 Utilities

...

B) *Communication Tower*

...

2) *Stealth communication tower.* A stealth communication tower shall be placed on a building or other permitted structure or as a stand-alone tower. Prior to approval of a stealth communication tower, it shall be demonstrated that:

...
g) The tower and its related development conforms to the minimum dimensional standards of the zoning district in which it is located (See Secs. 5.1.1–5.1.45), except that:

...
4) *Commercial communication tower.* Prior to approval of a commercial communication tower, it shall be demonstrated that:

...
g) The tower and its related development conforms to the minimum dimensional standards of the zoning district in which it is located (See Secs. 5.1.1–5.1.45), except that:

...
5) *Public Safety communication tower.* Prior to approval of a Public Safety communication tower, it shall be demonstrated that:

...
d) The tower and its related development conforms to the minimum dimensional standards of the zoning district in which it is located (See Secs. 5.1.1–5.1.45), except that:

...
J) *Wireless Support Structures and Wireless Communication Facilities*

...
2) *Definitions applicable to this Sec. 4.4.3.J.*

...
Commercial zone: Commercial zone shall refer to rights-of-way adjacent to the following zones: B1, B2, **B3**, CB, LI, **HI**, MEC, O&I, PC, SD, TF.

4.4.5 Commercial Uses

...
C) *Food and Beverage Service*

1) Restaurant, general

...
b) Cafeterias are allowed within a permitted use in the LI Light Industrial District **and HI Heavy Industrial Districts** if the cafeteria is provided solely for employee use, it does not provide any outside signage or advertising, and it consists of less than 20% of the gross floor area of the building.

D) *Office and Research*

...
2) *Office, business or professional.* Contractor's office without storage yard use shall comply with the following standards:

...
d) Having more than eight (8) standard-sized contractor's vehicles, or outside storage of any materials, equipment, trailers, oversized vehicles, or construction equipment on-site shall make the use "Contractor's

office and storage yard”, which is only permitted in the Light Industrial (LI), **Heavy Industrial (HI)**, and Tech Flex (TF) zoning districts.

- 3) *Medical or dental laboratory*
“Medical or dental laboratory” shall be allowed as an accessory use to “Medical or dental office or clinic” in all zoning districts. In the B2 **and B3** zoning districts “Medical and dental laboratory” shall be allowed as the primary use provided:

F) *Public Accommodation*

- 2) Hotel or motel. A hotel or motel use shall comply with the following standards:

- a) In the B1 ~~and~~ **B2, and B3** districts the following standards shall apply:

4.5.6 Accessory Apartment

Accessory apartment means a secondary dwelling unit either (1) in or added to an existing single-family dwelling, (2) in an accessory structure on the same lot as the principal single-family dwelling, or (3) on all but the ground floor of a commercial use in the B1 Neighborhood Business District, B2 Downtown Business District, **B3 Transitional Business District**, MEC-CZ Major Employment Center District, TND-CZ Traditional Neighborhood District, PUD-CZ Planned Unit Development District, MORR Mixed Office-Residential-Retail District, or SD-CZ Sustainable Development District. An accessory apartment is a complete, independent living facility equipped with a kitchen and with provisions for sanitation and sleeping. An accessory apartment use shall comply with the following standards:

E) *Compatible Character*

The accessory apartment shall be compatible in character and subordinate in size to the principal dwelling unit or the commercial uses in which they are located in the B1 Neighborhood Business District, B2 Downtown Business District, **B3 Transitional Business District**, MEC-CZ Major Employment Center District, PUD-CZ Planned Unit Development District, SD-CZ Sustainable Development District, Small Town Character Overlay District, MORR Mixed Office-Residential-Retail District, and TND-CZ Traditional Neighborhood District.

G) *Ownership*

The accessory apartment in the residential districts shall remain accessory to and under the same ownership as the principal single family dwelling unit. The accessory units in the B1 Neighborhood Business District, B2 Downtown Business District, **B3 Transitional Business District**, MEC-CZ Major Employment District, PUD-CZ Planned Unit Development District, SD-CZ Sustainable Development District, MORR Mixed Office-Residential-Retail District, and TND-CZ Traditional Neighborhood District may be under separate ownership.

5.1 Table of Intensity and Dimensional Standards

5.1.2 Business Districts

Use	Minimum Lot Width (Feet)	Minimum Setbacks (Feet)				Max. Height (Feet)	Max. Built-Up Area (%)*	Max. Density (Units per Acre)	Additional Regulations
		Front	Side	Rear	Corner Side				
...									
B3									
All other uses		25	15	20	15	36	70	—	—
...									
H									
Regional Recreation Complex	—	20	20	20	20	60	70	—	—
All other uses	—	20	20	20	20	48	70	—	—

*See Sec 6.1.7 Watershed Protection Overlay Districts.
 **These setbacks are for the perimeter of entire project only.
 ***The Central Business District (as defined in Sec. 12.2) is excluded from the Maximum Built-Up Area requirements.

5.1.3 Industrial Districts

Use	Minimum Lot Width (Feet)	Minimum Setbacks (Feet)				Max. Height (Feet)	Max. Built-Up Area (%)*	Max. Density (Units per Acre)	Additional Regulations
		Front	Side	Rear	Corner Side				
I									
Regional Recreation Complex	—	20	20	20	20	60	70	—	—
All other uses	—	20	20	20	20	48	70	—	—
HI									
All other uses		50	50	50	50	70	70	—	—
...									

*See Sec 6.1 Watershed Protection Overlay Districts.
 **These setbacks are for the perimeter of entire project only.
 ***The Central Business District (as defined in Sec. 12.2) is excluded from the Maximum Built-Up Area requirements.

5.1.34 Planned Development Districts

...

5.1.45 Other Development Districts

...

5.1.56 Small Town Character Overlay District

...

5.2 General Measurement Requirements

...

5.2.2 Setbacks

A) *Measurement*

...

- 3) *No buffer required.* Where there is no buffer required pursuant to Sec. 6.1.11 *Riparian Buffer* or 8.2.6 *Buffering*, the setback shall be the setback required for the use in Secs. 5.1.1- 5.1.45, whichever is appropriate.

6.3.1 Small Town Character Overlay District

...

D) *Approval Criteria*

...

- 3) The maximum built-upon area, height, setbacks and minimum lot width, must be in compliance with the Sec. 5.1.56 *Table of Intensity and Dimensional Standards*.

...

G) *Residential Building Standards*

1) *Setbacks*

Setbacks shall be provided in accordance to Sec. 5.1.56 *Table of Intensity and Dimensional Standards*.

8.2 Landscaping, Buffering, and Screening

...

8.2.6 Buffering

See Next Page

Table 1: Type and Width of Buffer Required

I	II						III					IV			V	
Req'd Buffer	PERIMETER BUFFER											STREETFRONT ^{1, 4} (Major and Minor Collectors)			THOROUGHFARE ^{3, 4}	
	Adjacent Property Developed: Land Use Class						Adjacent Property Vacant: Zoning District					1,2,3	4	5,6	Undisturbed	Disturbed
Proposed Land Use Class	1	2	3	4	5	6 ²	All Res.	TND-CZ, PUD-CZ, SD-CZ	MEC-CZ, O&I, PC	B1, B2, B3	LI, TF, HI					
1	10 B ⁵	20 B	20 B	20 B	30 B	40 A	10 B	10 B	10 A	30 A	40 A	10 A	20 D	30 D	30 B	50 A/B ⁶
2	20 B	10 B	15 A	20 A	40 A	60 A	10 B	10 A	20 A	40 A	60 A	10 A	20 D	30 D	30 B	50 A/B ⁶
3	20 B	15 A	15 A	15 A	20 A	50 A	10 B	20 B	20 B	20 B	50 A	10 A	20 D	30 D	30 B	50 A/B ⁶
4	20 B	20 A	15 A	0	0	15 B	20 A	10 B	0	0	15 B	30 D	10 D	10 D	30 E	50 E
5	30 B	40 A	20 A	0	0	0	40 A	20 B	0	0	0	30 D	10 D	10 D	30 E	50 E
6 ²	40 A	60 A	50 A	15 B	0	0	60 A	60 A	15 B	0	0	30 D	20 D	10 D	30 E	50 E

¹ For streetfront buffers only, non-residential uses in the Residential Agricultural (RA) zoning district shall have a 10' Type D buffer. Within residential developments, no streetfront buffer is required on minor collectors or residential streets.

² For Land Use Classes 1, 2, 3, 4, and 5 a 20' Type A buffer is required along the use "Railroad tracks", which is classified as Class 6. No buffer is required along the use "Railroad tracks" for Land Use Class 6. However, it is recommended that the developer consider the comfort of future occupants and security of the development in determining if additional buffering and/or screening should be implemented.

³ Pedestrian-oriented streetscape buffers shall be allowed in lieu of standard landscaped thoroughfare buffers when such buffers are located inside the Apex Peakway. Pedestrian-oriented streetscape buffer shall contain both hardscape elements (such as but not limited to sidewalks, decorative lighting, street furniture, and fountains) and street tree plantings which do not have to meet typical minimum island widths or sizes.

⁴ Where alley-loaded homes face a thoroughfare, a Type E buffer shall be required; where alley-loaded homes face a major collector, a Type D buffer shall be required.

⁵ This buffer shall only be required when the proposed or adjacent land use is a single-family detached dwelling on a lot 12,000 square feet or greater.

⁶ Disturbed portion of 50' Thoroughfare Buffer shall be planted to a Type A buffer standard; undisturbed portion of 50' Thoroughfare Buffer shall be supplemented to a Type B buffer standard

9.2 Building Aesthetics

...

9.2.2 Building Design

...

E) *Massing*

- 1) A single, large, dominant building mass shall be avoided. Where large structures are required, mass should be broken up through the use of setbacks, projecting and recessed elements, and similar design techniques. This shall not apply to buildings over 125,000 square feet located within a North Carolina Certified Site and in the Light Industrial (LI) **and Heavy Industrial (HI)** zoning districts.

9.2.4 Harmony of Design

A) *Purpose*

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

9.3 Architectural Character

...

9.3.3 Facades

A) *Recesses and Projections*

...

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

B) *Repeating Design Patterns*

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

...

G) *Exterior Wall Cladding*

All exterior walls visible from a parking lot or public right-of-way in any zoning district except Light Industrial (LI) **and Heavy Industrial (HI)** shall be clad with the same material

required for the front of the building. Buildings in the LI **and HI** districts are required to provide the same material as the front of the building for at least 25% of the area of the side façades and 100% of the area of side façades directly facing a public right-of-way. All walls not visible from a parking lot or public right-of-way, or the remaining 75% of the side façades in the LI **and HI** districts, may be constructed of alternate material(s), but shall be of a color that is complimentary to the primary material, is incorporated into the overall color scheme of the building, and is approved by the Planning Director. See also Sec. 9.3.5.A *Predominant Exterior Building Materials*.

9.3.5 Colors and Materials

A) *Predominant Exterior Building Materials*

Predominant exterior building materials shall be high quality materials, including brick, wood, stacked stone, other native stone, and tinted/textured concrete masonry units. In the LI **and HI** districts, concrete masonry units shall be tinted/textured or painted.

Requested by Mayor Pro Tempore Mahaffey:

- 2) **Amendments to Secs. 4.2.2 Use Table; 4.3.2 Use Classifications, Public and Civic Uses; 4.4.2 Supplemental Standards, Public and Civic Uses; 8.2.6.B.4 Landscaping, Buffering, Screening, Land Use Classes to add the use “Detention center, jail, prison, or correctional facility” as well as the use classification, supplemental standards, and other related development standards for such use.**

Background: This amendment is proposed to establish a use classification and associated supplemental standards for the new use “Detention centers, jails, prisons, or correctional facilities”. This use is not currently specifically listed in the Unified Development Ordinance (UDO), which may create uncertainty during the development review process. The proposed amendment will define the use and set appropriate standards to ensure such facilities are evaluated with consideration of their operational characteristics and potential impacts on surrounding properties. The provisions and tables included in this amendment are contingent upon the adoption of the HI Heavy Industrial zoning district.

See next page.

4.2.2 Use Table

Use Type	Definition Section	Zoning Districts																					Standards			
		Residential									Business						Industrial		Planned Development			Other			Section(s)	
		R A	R R	L D	M D	H D S F	H D M F	M H	M H P	M O R R	O & I	B 1	B 2	B 3	P C	T F	L I	H I	M E C	T N D	P U D	C B	S D	S T C		
Public and Civic Uses																										
...																										
<u>Detention center, jail, prison, or correctional facility</u>																										<u>4.3.2.Q</u>
...																										

4.3.2 Use Classifications, Public and Civic Uses

...

Q) Detention center, jail, prison, or correctional facility

Any facility, building, or portion thereof used for the detention, confinement, custody, or supervision of individuals under the authority of a governmental entity, court, or law enforcement agency, or their authorized agents. This includes, but is not limited to, prisons, jails, detention centers, holding facilities, and any similar use where individuals are involuntarily housed or restricted in movement.

4.4.2 Supplemental Standards, Public and Civic Uses

...

H) Detention center, jail, prison, or correctional facility

- 1) The site shall be a minimum of 10 acres.**
- 2) The facility shall be located a minimum of ~~1,320~~ 1,620 feet from, any public or private school, day care, place of worship, or any property zoned or used for residential purposes.**
- 3) A 60-foot Type A Buffer shall be required around the perimeter of the site, including along public streets.**

8.2.6 Landscaping, Buffering, and Screening, Buffering

...

B) *Landscape Buffers between Uses*

...

4) *Land Use Classes*

...

f) *Class 6*

...

Detention center, jail, prison, or correctional facility

...

Requested by Planning Staff:

- 3) **Amendment to Secs. 4.1.2 *Outdoor Storage and Sales*; 4.2.2 *Use Table*; 4.3.5 *Use Classifications, Commercial Uses*; 4.4.5 *Supplemental Standards, Commercial Uses*; 8.2.6.B.4 *Landscaping, Buffering, Screening, Land Use Classes*; and 8.3-1 *Off-street Parking Schedule "A"* in order to add "Food truck courts" as a principal use within the Town's jurisdiction and provide the associated use and development standards.**

Background: Staff propose amendments to the Unified Development Ordinance (UDO) that will permit the establishment of "Food Truck Courts" as a principal use within the Town of Apex. This amendment provides greater opportunities for mobile food vendors while preserving the Town's small-town character and ensuring compliance with the Town's Unified Development Ordinance. The provisions and tables included in this amendment are contingent upon the adoption of the B3 Transitional Business zoning district.

4.1.2 Outside Storage and Sales

...

- B) Unless specifically permitted for a particular use and on a site-specific development plan, no outdoor storage, display, or sales/rentals are permitted in any district.

- 1) **No mobile food vendor vehicle shall be parked where visible from the public right-of-way except as shown on an approved Site Plan for a food truck court.**

...

4.2.2 Use Table

Use Type	Definition Section	Zoning Districts																								Standards		
		Residential									Business						Industrial		Planned Development			Other			Section(s)			
		R A	R R	L D	M D	H D S F	H D M F	M H	M H P	M O R R	O & I	B 1	B 2	B 3	P C	T F	L I	H I	M E C	T N D	P U D	C B	S D	S T C				
Food and Beverage Service																												
...																												
Food truck court														<u>P</u>						<u>P</u>						* - *	<u>P*</u>	4.4.5.C.4
...																												

4.3.5 Use Classifications, Commercial Uses

C) *Food and Beverage Service*

...

4) **Food Truck Court.** An establishment where three (3) or more mobile food vendors, as defined in Section 13-60 of the Apex Town Code, can operate simultaneously for the preparation and sale of food and beverages in a ready-to-consume state, and where the design or principal method of operation consists of all of the following:

- a) A mobile vendor in the form of a food truck, cart, or trailer, with a walk-up counter offering quick service where orders are not taken at the customer’s table, but at a window or counter of a licensed food truck, cart or trailer, and where the food is generally served in disposable wrapping or containers.
- b) The food truck court shall include a permanent structure on the site containing the use “Restaurant, general”, “Bar, nightclub, wine bar, or taproom”, “Microbrewery”, or “Microdistillery”.
- c) This use may include the on-premises sale, service, and consumption of alcoholic beverages as an accessory and secondary use.

4.4.5 Supplemental Standards, Commercial Uses

C) *Food and Beverage Service*

4) **Food Truck Court**

- a) **A food truck court may be permitted as an accessory use to the uses “Commissary”, “Restaurant, general”, “Bar, nightclub, wine bar, or taproom”, “Microbrewery”, or “Microdistillery. The use shall have on-site management to ensure the safe and orderly operation of the food truck court during hours of operation.**
- b) **Food truck courts shall comply with the following:**
 - (i) **Mobile food vendors operating in association with a food truck court use shall comply with Chapter 13, Article IV: *Transient and Mobile Food Vendors* of the Town of Apex Code of Ordinances and all other applicable standards and regulations of the permit issuing county’s environmental health and safety department.**
 - (ii) **Mobile food vendors shall be permitted to have one (1) sandwich board sign that may be displayed adjacent to their designated location on-site.**
 - (iii) **Mobile food vendors shall be located only in areas designated for vending on the approved site plan.**
 - (iv) **Mobile food vendor locations shall be clearly defined and separated from all patron parking with fencing, decorative bollards, or planters in order to separate the food truck court from parking. Fencing shall not exceed four (4) feet in height.**
 - (v) **Mobile food vendors shall maintain at least 10 feet of clearance around the entire perimeter of the vehicle, trailer, or cart.**
 - (vi) **A food truck court shall be required to provide indoor and/or outdoor seating. All designated seating and dining areas shall be shown on the approved Site Plan. Temporary enclosures, including but not limited to, plastic sheathing, vinyl tarps, and tents, shall be prohibited.**
 - (vii) **Individual mobile food vendors shall not provide additional outdoor seating for dining (e.g., tables, tents, chairs, booths, bar stools, benches, etc.). All seating and dining areas shall comply with the approved Site Plan for the food truck court.**
 - (viii) **A food truck court shall be required to provide permanent restrooms on-site.**

- (ix) A permanent power source shall be provided to each mobile vendor; individual generators shall not be allowed. A temporary power pole made of wood or similar materials shall not be permitted.
- (x) Mobile food vendors shall not operate on-site outside of the established operating hours of the food truck court.
- (xi) The site shall utilize two (2) shared dumpsters, one for trash and one for cardboard recycling, that shall be located within a masonry dumpster enclosure per the standards found in Sec. 8.2.8.B.1.
- (xii) Outside of the Downtown Festival District, outdoor operations of such use shall comply with the following:
 - (a) Shall not be located within 100 feet of a residential zoning district or property containing a conforming single-family detached dwelling, not including the HDMF or MORR districts; and
 - (b) Outdoor live or recorded acoustic or amplified entertainment shall not be permitted on properties directly adjacent to any conforming single-family detached dwelling with no intervening right-of-way except when approved according to the standards for a Promotional Event found in Sec. 4.6 Temporary Uses and Structures.
- (xv) Within the Downtown Festival District, outdoor operations of such use shall comply with the following:
 - (a) Shall not be located within 45 feet of a residential zoning district or property containing a conforming single-family detached dwelling, not including the HDMF or MORR districts; and
 - (b) Outdoor live or recorded acoustic or amplified entertainment shall not be permitted on properties directly adjacent to any conforming single-family detached dwelling with no intervening right-of-way except when approved according to the standards for a Promotional Event found in Sec. 4.6 Temporary Uses and Structures.
- (xvi) Mobile food vendors shall be required to store, transport, and dispose of grease and wastewater to the commissary identified on the mobile food vendor permit issued by the applicable county department.

8.2.6 Landscaping, Buffering, and Screening, Buffering

- ...
- B) *Landscape Buffers between Uses*
- ...
- 4) *Land Use Classes*
- ...
- e) *Class 5:*
- ...
- Food truck court**
- ...
- ...
- ...

Table 8.3-1: Off-Street Parking Schedule “A”

Use	Minimum Number of Motor Vehicle Spaces Required	Minimum Number of Bicycle Spaces Required
Commercial Uses		
...		
Commissary	Schedule C	2 spaces
<u>Food truck court</u>	<u>2 per designated mobile food vendor stall; and 1 per 50 square feet of indoor dining space devoted to public use</u>	<u>2 spaces or 1 space per 50 motor vehicle parking spaces, whichever is greater</u>
...		
Restaurant, general	1 per 50 square feet of floor space devoted to public use	2 spaces or 1 space per 50 motor vehicle parking spaces, whichever is greater
...		

PLANNING STAFF RECOMMENDATION:

Planning staff recommend approval of the proposed amendments.

PLANNING BOARD RECOMMENDATION: At their May 11, 2026, meeting, the Planning Board voted separately on each proposed amendment. The results were as follows:

- Amendment #1 establishing the B3 and HI zoning districts: Approved, 8–1.
- Amendment #2 creating the “Detention, jail, prison, and correctional facility” use: Approved unanimously, 9–0, with the condition that the minimum separation distance from certain uses be increased from 1,320 feet to 1,620 feet.
- Amendment #3 establishing the “Food truck court” use: Approved, 7–2.

The reasons for the dissenting votes has been provided with the Planning Board Reports to Town Council.