

# STAFF REPORT

## Amendments to the Unified Development Ordinance

October 15, 2019 Town Council Meeting



### Requested by Planning staff:

1. **Amendments to Sec. 2.3.7.F.1 *Master Subdivision Final Plat, General* in order to allow fewer than 15 lots to be platted before the last phase with the approval of the Planning Director, the Public Works and Transportation Director, and Water Resources Director.**

#### 2.3.7 Subdivision

...

##### F) Master Subdivision Final Plat

##### 1) *General*

...

- b) The Master Subdivision Final Plat shall constitute only that portion of the Master Subdivision Plan that the subdivider proposes to record and develop at the time. The Master Subdivision Final Plat shall contain no fewer than 15 lots except **in the case of one of the following:**

- (i) ~~w~~**W**here there is a phase to be completed with fewer than 15 lots remaining or where the development contains fewer than 15 lots, in which case the application for Final Plat must contain all remaining lots;
- (ii) **When the lots are located in a nonresidential subdivision; or**
- (iii) **When approved by the Planning Director, with the consent of the Public Works and Transportation Director and Water Resources Director.**

2. **Amendments to Sec. 4.6.1.B *Temporary Uses and Structures, General Regulations* in order to require that all temporary uses and structures not jeopardize the health, safety, or general welfare, or be injurious or detrimental to properties adjacent to, or in the vicinity of, the proposed temporary use or structure.**

#### 4.6.1 Temporary Uses and Structures

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##### B) General Regulations

The general regulations of this subsection shall apply to all allowed temporary uses unless otherwise expressly stated.

- 1) *Temporary signs.* No temporary signs shall be permitted in a public right-of-way or off-premises of the temporary use. All temporary signs associated with the temporary use shall be displayed no sooner than one week prior to the commencement of the temporary use and shall be removed no later than two

days after the end of the temporary use. All temporary signs shall meet the requirements of 8.7.1 *Signs, Permitted Signs: Location, Size, and Number*.

- 2) *Conditions of approval.* Temporary uses shall not violate any applicable conditions of approval that apply to the principal use on the site.
- 3) *Obtain all other applicable permits.* The operator must obtain all other required permits applicable to the temporary use.
- 4) *Not located in public right-of-way.* Temporary uses shall not be located within a public right-of-way.
- 5) **Temporary uses and activities or special events shall not jeopardize the public health or safety, or be injurious or detrimental to properties adjacent to, or in the vicinity of, the proposed location of the activity.**

**3. Amendments to Sec. 2.3.5.B *Special Use* and Sec. 4.6.1.C *Temporary Uses and Structures, Uses Allowed* in order to repeal subsection 7 “Temporary Use Permits issued under a Special Use Permit” and to remove the reference to Planning Board reviewing Special Use Permits.**

2.3.5 Special Use

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B) Authorization

Only those uses authorized as special uses in Sec. 4.2.2; *Use Table* and temporary uses as set forth in ~~Section 4.6.1(C)(7) *Temporary Use Permits issued under a Special Use Permit*~~, may be approved as special uses. The designation of a use as a special use in Sec. 4.2.2; *Use Table*, does not constitute an authorization that such use shall be approved as a special use pursuant to this Section. Rather, each proposed special use shall be evaluated by the ~~Planning Board and~~ Town Council for compliance with the standards set forth in this Section, **and** applicable supplementary standards for the use in Sec. 4.4; *Supplemental Standards*, and standards for requested Special Use Permits set forth in ~~Section 4.6.1(C)(7) *Temporary Use Permits issued under a Special Use Permit*~~.

4.6.1 Temporary Uses and Structures

...

C) Uses Allowed

...

~~7) *Temporary Use Permits issued under a Special Use Permit.* A Special Use Permit may include up to twelve (12) Temporary Use Permits per calendar year and may include any of the Temporary Use Permits as described in Section 4.6.1(C) *Uses Allowed*. The Temporary Use Permit shall be limited by the number and consecutive days established in the individual Special Use Permit, not as described in the applicable section. An application for a Temporary Use Permit shall be accompanied by a copy of the approved Special Use Permit and the Planning Department shall maintain a record of the number and type of permits granted each calendar year.~~

4. Amendments to Sec. 8.3 *Off-Street Parking and Loading* in order to add that parking for uses associated with Landmark and other historic structures may be gravel with the exception of handicap parking spaces.

8.3.6 Parking Lot Design Standards

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D) Surfacing and Maintenance

All off-street parking areas shall be paved and kept in a dust-free condition at all times. Permeable pavement, if used, shall comply with the North Carolina Department of Environmental Quality's Minimum Design Criteria in the NCDEQ Stormwater Design Manual.

**1)** Exceptions

**Parking for the following shall be gravel or paved and kept in a dust-free condition at all times:**

**a)** ~~shall apply in the~~ **All uses in the** CB Conservation Buffer zoning district; ~~or for~~

**b)** Athletic Fields only under the category of Entertainment, Outdoor where allowed; ~~and in other zoning districts where parking areas shall be gravel or paved and kept in a dust-free condition at all times.~~

**c)** **Uses associated with Landmark and other historic structures. Exposed aggregate concrete, or similar, may be used for paving.**

**2)** Gravel parking shall at a minimum meet the following specifications:

1) **a)** Compacted Subgrade;

2) **b)** 6 Inches Aggregate Base Course;

3) **c)** 1.5 Inches #78M Stone; and

4) **d)** Drive aisles must be repaired or replaced with #78M Stone every six (6) months.

5. Amendments to Sec. 8.7.1.A.13 *Menu Boards* in order to set a minimum distance between two menu boards on the same drive-through lane.

8.7.1.A Permitted Signs: Location, Size, and Number

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13) *Menu Board*

An accessory sign providing items and price associated with a drive-thru window or walk-up window and meets the conditions below:

Changeable menu boards shall be allowed provided that:

a) Such signs shall not exceed 32 square feet in area, except as provided in subsection c. below, and six (6) feet in height.

- b) Except as provided in subsection c. below, two (2) signs shall be permitted per drive-through lane not to exceed 64 combined square feet. **The two (2) menu boards shall be no closer than eight (8) feet at any point.**
- c) One (1) menu board sign up to 40 square feet in area and six (6) feet in height shall be allowed, as opposed to two (2) menu board signs as referenced in subsections a. and b. above.
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**PLANNING STAFF RECOMMENDATION:**

Planning staff recommends approval of the proposed UDO amendments.

**PLANNING BOARD RECOMMENDATION:**

The Planning Board will hear these amendments at their October 14, 2019 meeting. Staff will present the Planning Board's recommendation at the Town Council meeting.



## TOWN OF APEX

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

## PUBLIC NOTIFICATION OF PUBLIC HEARING

### AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE (UDO)

Notice is hereby given of a public hearing before the Town Council of the Town of Apex for the purpose of soliciting comments relative to the following amendment(s) to the Unified Development Ordinance:

Requested by Planning Staff:

1. Amendments to Sec. 2.3.7.F.1 *Master Subdivision Final Plat, General* in order to allow fewer than 15 lots to be platted before the last phase with the approval of the Planning Director, Public Works & Transportation Director, and Water Resources Director.
2. Amendment to Sec. 4.6.1.B *Temporary Uses and Structures, General Regulations* in order to require that all temporary uses and structures not jeopardize the health, safety, or general welfare, or be injurious or detrimental to properties adjacent to, or in the vicinity of, the proposed temporary use or structure.
3. Amendments to **Sec. 2.3.5.B *Special Use and*** Sec. 4.6.1.C *Temporary Uses and Structures, Uses Allowed* in order to repeal subsection 7 "Temporary Use Permits issued under a Special Use Permit" **and to remove the reference to Planning Board reviewing Special Use Permits.**
4. Amendments to Sec. 8.3 *Off-Street Parking and Loading* in order to add that parking for uses associated with Landmark and other historic structures or properties may be gravel with the exception of handicap parking spaces.
5. Amendments to Sec. 8.7.1.A.13 *Menu Board* in order to set the minimum distance between two menu boards on the same drive-through lane.

**Public Hearing Location:** Apex Town Hall  
73 Hunter Street, Apex, North Carolina  
Council Chambers, 2<sup>nd</sup> Floor

**Town Council Public Hearing Date and Time: October 15, 2019 7:00 PM**

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

Dianne F. Khin, AICP  
Planning Director



**TOWN OF APEX**

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Dianne F. Khin, AICP  
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