

STAFF REPORT

Amendments to the Unified Development Ordinance

May 19, 2020 Town Council Meeting



Requested by Planning Staff:

1. Amendments to Sec. 2.3.5.C *Special Use, Procedures* in order to remove the reference to the Planning Board in subsection 2.3.5.C.2.d.

2.3.5 Special Use

...

C) *Procedures*

...

2) *Town Council Quasi-judicial Hearing Procedures*

...

- d) At the public hearing, the Town Council shall consider the application, the relevant support materials, the Staff Report, ~~the recommendation of the Planning Board,~~ the testimony and/or evidence submitted by the applicant, and any testimony and/or evidence submitted by other persons.

2. Amendments to Sec. 3.2 *Zoning Districts Established* in order to correct a reference to the number of zoning districts and to correct a typographical error.

3.2 Zoning Districts Established

In order to carry out and implement the purpose and intent of this Ordinance, the following ~~thirty-eight (38)~~ 39 zoning districts are hereby established:

...

3.2.9 Overlay Districts

- A) *Watershed Protection Overlay Districts; and*
B) *Flood Damage Prevention Overlay District; and*
C) *Small Town Character Overlay District.*

3. Amendments to Sec. 4.2.2 *Use Table* in order to remove the reference to Sec. 4.4.6.B.6 in the Standards column for the use “Manufacturing and processing, minor”. Supplemental standards do not exist for that use.

4.2.2 Use Table

Use Type	Definition Section	Zoning Districts																Standards				
		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 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
Production																						
Manufacturing and processing, minor	4.3.6.B.11														P	P					*	*
																						4.4.6.B.6

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of the proposed UDO amendments.

PLANNING BOARD RECOMMENDATION:

The Planning Board heard these amendments at their May 11, 2020 meeting and unanimously recommended approval.

PLANNING BOARD REPORT TO TOWN COUNCIL

Unified Development Ordinance Amendments

May 11, 2020 Planning Board Meeting



Report Requirements:

Per NCGS 160A-387, all proposed amendments to the zoning ordinance or zoning map shall have a written report provided from the Planning Board to the Town Council within 30 days of referral of the amendment to the Planning Board, or the Town Council may proceed in its consideration of the amendment without the Planning Board report. Furthermore, in no case is the Town Council bound by the recommendations, if any, of the Planning Board.

Planning Board Recommendation:

Motion: Motion to approve UDO amendments as proposed.

Introduced by Planning Board member: Tina Sherman

Seconded by Planning Board member: Reginald Skinner

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

- 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 11th day of May 2020.

Attest:

Michael Marks Digitally signed by Michael Marks
Date: 2020.05.12 11:45:34 -04'00'

Michael Marks, Planning Board Chair

Dianne Khin Digitally signed by Dianne Khin
Date: 2020.05.11 17:53:16 -04'00'

Dianne Khin, Planning Director



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. 2.3.5.C *Special Use, Procedures* in order to remove the reference to the Planning Board in subsection 2.3.5.C.2.d.
2. Amendments to Sec. 3.2 *Zoning Districts Established* in order to correct a reference to the number of zoning districts and to correct a typographical error.
3. Amendments to Sec. 4.2.2 *Use Table* in order to remove the reference to Sec. 4.4.6.B.6 in the Standards column for the use "Manufacturing and processing, minor". Supplemental standards do not exist for that use.

Special Notice regarding Public Hearing Participation Related to the COVID-19 Pandemic:

At the time of publication of this notice, it is not known whether the Apex Town Hall will be open for in-person participation in the public hearings. Please visit <https://www.apexnc.org/calendar.aspx> prior to the public hearing date to determine whether comments will be accepted remotely or in-person. Both methods are summarized below.

Town Council Public Hearing Date and Time: May 19, 2020 6:00 PM

To Participate in a Remote Meeting:	To Participate in an In-Person Meeting (if available):
<p>View the meeting through the Town’s YouTube livestream at: https://www.youtube.com/c/townofapexgov.</p> <p>Meeting presentation materials will be posted at http://www.apexnc.org/182 the day of the meeting.</p> <p>Share comments by noon on Monday, May 18, 2020, following instructions in the Remote Participation policy. The policy includes options to provide comments by email (public.hearing@apexnc.org, 350-word limit) or voicemail (919-372-7300, 3-minute limit).</p>	<p>Apex Town Hall 73 Hunter Street, Apex, North Carolina Council Chambers, 2nd Floor</p> <p>Share comments during the meeting following the Public Hearing Participation Policy.</p>

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

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

Published Dates: April 28-May 19, 2020



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

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