

STAFF REPORT

Amendments to the Unified Development Ordinance

April 13, 2021 Town Council Meeting



Requested by Planning and Economic Development Staff:

- Amendments to Sec. 4.2.2 Use Table and 4.4.5.D Supplemental Standards, Office and Research in order to add the use “Medical or dental laboratory” as a permitted use in the Planned Commercial (PC) zoning district, non-storefront locations in the Downtown Business (B2) zoning districts, and the Small Town Character Overlay District and to provide supplemental standards for such use.**

4.2.2 Use Table

* Uses in the Small Town Character Overlay District (STC) designated as Permitted (P) are only allowed when also designated as Permitted (P) in the underlying zoning district. Uses requiring Special Use Permits (S) in the underlying zoning district are still required to get a Special Use Permit in the STC Overlay District.

**Uses allowed as a matter-of-right in a Sustainable Development Conditional Zoning District shall be those uses authorized in the Sustainable Development Plan approved for such district. Standards applicable to each such use shall be as provided in this Use Table unless modified by the respective Sustainable Development Plan.

***Uses in the Central Business District designated as Permitted (P) with three asterisks are not allowed in storefront locations. Storefront locations shall mean the first floor of all spaces abutting North Salem Street, East Chatham Street, West Chatham Street, Saunders Street, and Templeton Street, as well as along all public parking lots and garages.

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		S T C	
Office and research																								
Medical or dental office or clinic	4.3.5.D.2									P	P	P	p***	P	P	P	P	P	P			**	p*	6.3
Medical or dental laboratory	4.3.5.D.3										P	S	p***	p	P	P	P		P			**	p*	<u>4.4.5.D.3;</u> 6.3
Office, business or professional	4.3.5.D.4									P	P	P	p***	P	P	P	P	P	P		P		p*	4.4.5.D.2; 6.3

4.4.5 Supplemental Standards

...
D) Office and research

- ...
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 zoning district “Medical and dental laboratory” shall be allowed as the primary use provided:

- Such use does not store or utilize caustic, flammable, or noxious chemicals on site; and**
- Such use shall not be located closer than 1,000 feet to another “Medical and dental laboratory” as the primary use.**

Requested by Planning Staff:

- 2. Amendments to Sec. 8.2.7.B *Fence/Wall Height* in order to correct a typographical error in a reference to another subsection.**

8.2.7.B *Fence/Wall Height*

...

B) *Fence/Wall Height*

...

- 3) Fences and walls shall be allowed in the controlled and limited access highway buffer, thoroughfare buffer, and streetfront buffer provided that they meet the requirements of Sec. 8.2.7.~~FE~~ *Fences in Required Buffers* and the height requirements of Sec. 8.2.7.B.1 and 2.

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of the proposed UDO amendments.

PLANNING BOARD RECOMMENDATION:

The Planning Board will hear these amendments at their April 12, 2021 meeting. Their recommendation will be presented 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 and Economic Development Staff:

1. Amendments to Sec. 4.2.2 *Use Table* and 4.4.5.D *Supplemental Standards, Office and Research* in order to add the use "Medical or dental laboratory" as a permitted use in the Planned Commercial (PC) zoning district, non-storefront locations in the Downtown Business (B2) zoning districts, and the Small Town Character Overlay District and to provide supplemental standards for such use.

Requested by Planning Staff:

2. Amendment to Sec. 8.2.7.B *Fence/Wall Height* in order to correct a typographical error in a reference to another subsection.

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

Town Council Public Hearing Date and Time: April 13, 2021 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>.

If you are unable to attend, you may share comments by noon on Monday, April 12, 2021 by email (public.hearing@apexnc.org, 350-word limit) or voicemail (919-362-7300, 3-minute limit) according to the Remote Participation Policy at: <http://www.apexnc.org/DocumentCenter/View/31397>. You must provide your name and address for the record. These comments will be read during the Town Council meeting.

If the Council meeting is held with at least one member attending virtually, the vote on the subject of this public hearing will be delayed per State law to allow for comments to be submitted between publication of any required notice and 24 hours after the public hearing. Comments must be provided according to the means specified above. This item will then be scheduled for the next Town Council meeting. Please note that at this subsequent meeting, Town Council may choose to vote on the item, table the discussion to a later date, or take other action which would delay Council action to another time.

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

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

Published Dates: March 29-April 13, 2021



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