

AN ORDINANCE TO AMEND CERTAIN SECTIONS OF THE UNIFIED DEVELOPMENT ORDINANCE

BE IT ORDAINED by the Town Council of the Town of Apex as follows:

Section 1. Sections 4.2.2 and 4.4.5.D of the Unified Development Ordinance are amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

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	<u>p***</u>	<u>p</u>	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*	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:

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

Section 2. Section 8.2.7.B of the Unified Development Ordinance is amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

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.

Section 3. The Director of Planning and Community Development and/or Town Manager are hereby authorized to renumber, revise formatting, correct typographic errors, to verify and correct cross references, indexes and diagrams as necessary to codify, publish, and/or accomplish the provisions of this ordinance or future amendments as long as doing so does not alter the terms of this ordinance.

Section 4. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to such section, paragraph, subdivision, clause or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

Section 5. The ordinance shall be effective upon enactment on the _____ day of _____ 2021.

Introduced by Council Member _____

Seconded by Council Member _____

Attest:

TOWN OF APEX

Donna Hosch, MMC, NCCMC
Town Clerk

Jacques K. Gilbert
Mayor

Approved As To Form:

Laurie L. Hohe
Town Attorney