

STAFF REPORT

Amendments to the Unified Development Ordinance

May 24, 2022 Town Council Meeting



Requested by the Planning Committee of Town Council:

1. Amendments to Secs. 2.2.7 *Neighborhood Meeting*; 2.2.11 *Public Notification, Timing of Notice*; 2.3.3.D *Conditional Zoning Districts, Required Neighborhood Meeting*; 2.3.4.E *Planned Development Districts, Procedures*; 2.3.16 *Sustainable Development Conditional Zoning District, Procedures*; 4.2.2 *Use Table* and 4.4.2 *Public and Civic Uses, School, public or private* in order to:
 - a. Change the name of Sec. 2.2.7 to *Neighborhood Notice* in several sections;
 - b. Require applicants of Minor Site Plans for various high intensity land uses to hold a neighborhood meeting prior to the submittal of the application;
 - c. Require applicants of Minor Site Plans for non-high intensity land uses located on land that has not had a rezoning approval in the previous two years and that is located within 300' of a residential land use to send a letter explaining the project and providing their contact information to property owners and tenants within 300' of the subject property; and
 - d. Move the current neighborhood meeting requirement for School, public or private from Sec. 4.4.2.H to Sec. 2.2.7.

2.2.7 Neighborhood Meeting Notice

A) Notification Letter

The petitioner of a Minor Site Plan for uses that do not require a neighborhood meeting as outlined in Sec. 2.2.7.B *Neighborhood Meetings*, and which are located within 300 feet of a residential land use and have not had a rezoning approval in the previous two (2) years, shall be required to send a letter to all property owners and tenants abutting and located within 300 feet of the land subject to the application, to any neighborhood association that represents citizens within that notification area, and to the Town of Apex Department of Planning and Community Development at least 14 days prior to the submittal of the Minor Site Plan. The letter shall include the developer's and authorized agent's contact information and an explanation of the proposed project, and shall follow the guidelines in the Neighborhood Notification Letter Packet, including the procedure for requesting the notification address list from Town GIS staff.

B) Neighborhood Meetings

Neighborhood meetings are required for all applications for Rezoning, Major Site Plans, residential subdivisions, excluding exempt subdivisions, ~~and~~ Special Use Permits, and Minor Site Plans for the following uses: Day care facility; Government service; School, public or private; Restaurant, drive-through; and Convenience store with gas sales. Upon submittal of an application for a Rezoning, residential Master Subdivision Plan, Major Site Plan, or Special Use Permit, one or more of these applications, the petitioner must file in the office of the Director of Planning and Community Development a written report of at least one (1) neighborhood meeting held by the petitioner. The neighborhood meeting shall comply with the following procedures.

...

2.2.11 Public Notification

...

E) *Timing of Notice*

Unless otherwise expressly provided in the North Carolina General Statutes or this Ordinance, notice shall be provided as follows:

Application for Development Permit or Other Action	Notice Required (days before <u>submittal</u> /hearing/action)				
	<u>Notification Letter (Sec. 2.2.7.A)</u>	<u>Neighborhood Meeting (Sec. 2.2.7)</u>	<u>Written (Sec. 2.2.11.B)</u>	<u>Published (Sec. 2.2.11.C)</u>	<u>Posted (Sec. 2.2.11.D)</u>
Rezoning, Conditional Rezoning, PUD-CZ, SD-CZ, TND-CZ, MEC-CZ	<u>N/A</u>	Written notice no less than 14 days prior to meeting date	Not more than 25 days nor less than 10 days prior to public hearing	Once a week for two successive weeks prior to public hearing; first publication not less than 10 days nor more than 25 days before hearing	Not less than 10 days prior to public hearing
Special Use Permit (Quasi-judicial public hearings)	<u>N/A</u>	Written notice no less than 14 days prior to meeting date	Not more than 25 days nor less than 10 days prior to quasi-judicial public hearing	Once a week for two successive weeks prior to quasi-judicial public hearing; first publication not less than 10 days nor more than 25 days before quasi-judicial hearing	Not less than 10 days prior to quasi-judicial public hearing
<u>Minor Site Plans as indicated in Sec. 2.2.7.A</u>	<u>Written notice no less than 14 days prior to submittal</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
Residential Master Subdivision Plans, Major Site Plans, <u>Minor Site Plans as indicated in Sec. 2.2.7.B</u>	<u>N/A</u>	Written notice no less than 14 days prior to meeting	N/A	N/A	N/A
Unified Development Ordinance (limited instances require Published Notice)	<u>N/A</u>	N/A	N/A	Once a week for two successive weeks prior to public hearing; first publication not less than 10 days nor more than 25 days before hearing for 1) Changes that affect the permitted uses of land; or 2) Changes relating to telecommunications towers or windmills.	N/A
Variance permit (Quasi-judicial public hearings)	<u>N/A</u>	N/A	Not more than 25 days nor less than 10 days prior to quasi-judicial public hearing	N/A	Not more than 25 days nor less than 10 days prior to quasi-judicial public hearing
Appeals to Board of Adjustment (interpretations and decisions of Director of Planning and Community Development) (Quasi-judicial public hearings)	<u>N/A</u>	N/A	Not more than 25 days nor less than 10 days prior to quasi-judicial public hearing	N/A	Not more than 25 days nor less than 10 days prior to quasi-judicial public hearing
Expansion of ETJ	<u>N/A</u>	N/A	No less than 30 days prior to public hearing	Not more than 25 days nor less than 10 days prior to public hearing	N/A

2.3.3 Conditional Zoning Districts

- ...
 D) *Required Neighborhood Meeting*
 Neighborhood meetings are required to be held pursuant to Sec. 2.2.7.**B** *Neighborhood Meetings*.

2.3.4 Planned Development Districts

- ...
 E) *Procedures*
 ...
 2) *General.* The procedures for initiation of the application, the application contents, fees, submission and review by Town staff and/or consulting firms on retainer, public notification, review by the Planning Board and then approval, approval with conditions or disapproval by the Town Council at a public hearing(s) shall comply with the requirements of Sec. 2.2 *Common Review Procedures*, Sec. 2.2.7.**B** *Neighborhood Meetings*, and Sec. 2.3.4.F *Standards*.

2.3.16 Sustainable Development Conditional Zoning District

- ...
 E) *Procedures*
 ...
 2) *General.* The procedures for initiation of the application, the application contents, fees, submission and review by Town staff and/or consulting firms on retainer, public notification, review by the Planning Board and then approval, approval with conditions, or disapproval by the Town Council at a public hearing(s) shall comply with the requirements of Sec. 2.2 *Common Review Procedures*, Sec. 2.2.7.**B** *Neighborhood Meetings*, and Sec. 2.3.16.F *Sustainability Standards*.

4.2.2 Use Table

Use Type	Definition Section	Zoning Districts															Standards							
		Residential					Business					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	P C	L I	T F			M E C	T N D	P U D	C B	S D	S T C
Public and Civic Uses																								
School, public or private	4.3.2.L	P	P	P	P	P	P	P		P	P	P					P	P	P	P		**	p*	4.4.2.H; 6.3

4.4.2 Supplemental Standards, Public and Civic Uses

- ...
 H) ~~School, Public or Private~~
~~A neighborhood meeting in compliance with Sec. 2.2.7 *Neighborhood Meeting* shall be required for all public or private schools regardless of Minor or Major Site Plan status.~~

Requested by Planning Staff:

2. **Amendments to Sec. 4.4.1.E *Supplemental Standards, Residential Use, Manufactured Home* in order to remove the requirement for a continuous masonry wall under the perimeter of the home and require an opaque or semi-opaque skirting material.**

Background: This change is based on a recent change to State law prohibiting a local ordinance from requiring masonry curtain walls or masonry skirting.

4.4.1.E *Supplemental Standards, Residential Use*

...

E) *Manufactured Home*

A manufactured home use shall comply with the following standards:

...

- 5) ~~*Continuous masonry wall*~~ **Skirting material. Opaque or semi-opaque skirting material** shall be installed under the perimeter of the manufactured home; it shall be constructed in accordance with the standards of the North Carolina Uniform Residential Building Code for One and Two Family Dwellings;

...

3. **Amendments to Sec. 4.4.2.C *Supplemental Standards, Public and Civic Uses, Day Care* in order to amend the standards for day care facilities in the Light Industrial (LI) zoning district**

4.4.2 *Supplemental Standards, Public and Civic Uses*

...

C) *Day Care **Facility***

- 1) Day care facilities in the LI District shall comply with the following standards:

~~a) The day care facility shall be used solely by the employees of the LI District use in which the daycare is located;~~

~~ba) The day care facility shall be less than **not exceed** 20% of the gross square footage of the permitted use **building in which it is located**; and~~

~~c) The day care facility shall not have any advertising or signage.~~

b) The day care facility shall be located at least 1,320 feet from any Gas and fuel, wholesale use.

- 2) Day care facilities in the B2 Downtown Business District shall not be located on North Salem Street between Center Street and West Chatham Street, and shall not be located on Commerce Street.

4. Amendments to Sec. 4.2.2 Use Table; 4.3.6.A.3 Use Classifications, Industrial Service, Gas and fuel, wholesale; and Sec. 4.4.6.A Supplemental Standards, Industrial Uses in order to modify the definition of the use Gas and fuel, wholesale and add a separation requirement from the uses Day care facility; School, public or private; Hospital; and Nursing or convalescent facility.

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	S T C
Industrial Service																							
Gas and fuel, wholesale	4.3.6.A.3														P							*	*
																							4.4.6.A.3

4.3.6.A Use Classifications, Industrial Service

- ...
- 3) *Gas and fuel, wholesale.* The use of land for bulk storage and wholesale distribution of 2,500 gallons or more of flammable or combustible liquid, or 2,000 gallons water capacity or more of flammable gas, excluding below-ground storage which is clearly accessory to the principal use on the site.

4.4.6 Supplemental Standards, Industrial Uses

- A) *Industrial Service*
- ...
- 3) **Gas and fuel, wholesale. Such use shall be located at least 1,320 feet from the uses Day care facility; School, public or private; Hospital; and Nursing or convalescent facility.**

5. Amendments to Sec. 5.2.7 Dimensional Standards for Detached Accessory Structures in order to allow detached accessory structures or buildings to be no more than five (5) feet taller than the principal building or structure.

- C) *Height of Accessory Structures.*
No detached accessory building or structure shall exceed the height of the principal building or structure by more than five (5) feet.

6. Amendments to Sec. 7.5.1.B Required Improvements, Exemptions in order to clarify which driveway-related improvements are not exempt from public road improvements.

7.5.1 Required Improvements

- ...
- B) *Exemptions*
A site plan or subdivision plan that does not propose a subdivision of an existing parcel into more than four (4) lots, has an anticipated number of vehicular trips less than 150 per day, and a total of less than 10,000 square feet of proposed non-residential buildings is exempt from public road frontage improvements and new location public road construction that would otherwise be required based on the Advance Apex: The 2045 Transportation Plan

and typical road sections specified in the Town of Apex Standard Specifications and Construction Details. This exemption does not exempt ~~installation of a paved driveway apron as required for the safe ingress and egress of vehicles and emergency services accessing the site~~ **the installation of improvements required for the safe ingress and egress of vehicles and emergency services accessing the site, including, but not limited to, installation of a paved driveway apron, necessary driveway relocation, and other roadway markings and signage associated with the driveway location.** Buildings shall not be permitted in areas that are planned for future roadway construction and expansion. Right-of-way dedication is recommended for planned public roadways where practical to promote future connectivity to adjacent properties and future improvement projects.

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of the proposed UDO amendments.

PLANNING BOARD RECOMMENDATION:

The Planning Board heard these amendments at their May 9, 2022 meeting and unanimously recommended approval.

PLANNING BOARD REPORT TO TOWN COUNCIL
Unified Development Ordinance Amendments

Planning Board Meeting Date: May 9, 2022



Report Requirements:

Per NCGS §160D-604, all proposed amendments to the zoning ordinance or zoning map shall be submitted to the Planning Board for review and comment. If no written report is received from the Planning Board within 30 days of referral of the amendment to the Planning Board, the Town Council may act on the amendment without the Planning Board report. The Town Council is not bound by the recommendations, if any, of the Planning Board.

Planning Board Recommendation:

Motion: To recommend approval as presented.

Introduced by Planning Board member: Mark Steele

Seconded by Planning Board member: Tina Sherman

- 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 8 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 9th day of May 2022.

Attest: 

Reginald Skinner, Planning Board Chair

Dianne Khin Digitally signed by Dianne Khin
Date: 2022.05.09 18:06:20
-04'00'

Dianne Khin, Director of Planning and
Community Development



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)

Pursuant to the provisions of North Carolina General Statutes §160D-601 and to the Town of Apex Unified Development Ordinance (UDO) Sec. 2.2.11, 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 Committee of Town Council:

1. Amendments to Secs. 2.2.7 *Neighborhood Meeting*; 2.2.11 *Public Notification, Timing of Notice*; 2.3.3.D *Conditional Zoning Districts, Required Neighborhood Meeting*; 2.3.4.E *Planned Development Districts, Procedures*; 2.3.16 *Sustainable Development Conditional Zoning District, Procedures*; 4.2.2 *Use Table*; and 4.4.2 *Public and Civic Uses, School, public or private* in order to:
 - a. Change the name of Sec. 2.2.7 to *Neighborhood Notice* in several sections;
 - b. Require applicants of Minor Site Plans for various high-intensity land uses to hold a neighborhood meeting prior to the submittal of the application;
 - c. Require applicants of Minor Site Plans for remaining non-high intensity land uses located on land that has not had a rezoning approval in the previous two years and that is located within 300' of a residential land use to send a letter explaining the project and providing their contact information to property owners and tenants within 300' of the subject property; and
 - d. Move the current neighborhood meeting requirement for School, public or private from Sec. 4.4.2.H to Sec. 2.2.7.

Requested by Planning Staff:

2. Amendments to Sec. 4.4.1.E *Supplemental Standards, Residential Use, Manufactured Home* in order to remove the requirement for a continuous masonry wall under the perimeter of the home and require an opaque or semi-opaque skirting material.
3. Amendments to Sec. 4.4.2.C *Supplemental Standards, Public and Civic Uses, Day Care* in order to amend the standards for day care facilities in the Light Industrial (LI) zoning district.
4. Amendments to Sec. 4.2.2 *Use Table*, 4.3.6.A.3 *Use Classifications, Industrial Service, Gas and fuel, wholesale*, and Sec. 4.4.6.A *Supplemental Standards, Industrial Uses* in order to modify the definition of the use Gas and fuel, wholesale and add a separation requirement from the uses Day care facility; School, public or private; Hospital; and Nursing or convalescent facility.
5. Amendments to Sec. 5.2.7 *Dimensional Standards for Detached Accessory Structures* in order to allow detached accessory structures or buildings to be no more than five (5) feet taller than the principal building or structure.
6. Amendments to Sec. 7.5.1.B *Required Improvements, Exemptions* in order to clarify which driveway-related improvements are not exempt from public road improvements.

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

Town Council Public Hearing Date and Time: May 24, 2022 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>. Please visit www.apexnc.org on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the Office of the Town Clerk (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council members prior to their vote. Please include the Public Hearing name in the subject line.

In the event that the Town Council meeting is held remotely or with at least one member attending virtually, written comments may be submitted up to 24 hours prior to the scheduled time of the meeting per NCGS §166A-19.24 according to the methods specified above. Virtual meetings may be viewed via the Town's YouTube livestream at <https://www.youtube.com/c/townofapexgov>.

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

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

Published Dates: May 5-24, 2022



TOWN OF APEX

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

modificación de la Ordenanza de Desarrollo Unificado (UDO)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del ayuntamiento de Apex a fin de solicitar comentarios relativos a la siguiente modificación de la Ordenanza de Desarrollo Unificado:

Solicitado por el Concejo de Planificación del Ayuntamiento:

1. Enmiendas a las secciones 2.2.7 *Reunión de vecinos*; 2.2.11 *Notificación pública, plazos de notificación*; 2.3.3.D *Distritos de zonificación condicional, reunión de vecinos requerida*; 2.3.4.E *Distritos de desarrollo planificado, procedimientos*; 2.3.16 *Distrito de zonificación condicional de desarrollo sostenible, procedimientos*; 4.2.2 *Tabla de usos*; y 4.4.2 *Usos públicos y cívicos, escuela, pública o privada* para hacer lo siguiente:
 - a. cambiar el nombre de la sección 2.2.7 a *Aviso a vecinos* en varias secciones;
 - b. pedir a los solicitantes de Planes de Sitios Menores para diversos usos del suelo de alta intensidad que realicen una reunión de vecinos antes de presentar la solicitud;
 - c. pedir a los solicitantes de Planes de Sitios Menores para los restantes usos del suelo que no sean de alta intensidad, ubicados en terrenos que no hayan tenido una aprobación de rezonificación en los dos años anteriores y que estén ubicados a menos de 300' de un caso de uso del suelo residencial, que envíen una carta en la que expliquen el proyecto y brinden su información de contacto a los propietarios e inquilinos que se encuentren a menos de 300' de la propiedad en cuestión; y
 - d. trasladar el actual requisito de reunión de vecinos para "escuela, pública o privada", de la sección 4.4.2.H a la sección 2.2.7.

Solicitado por el personal de planificación:

2. Enmiendas a la sección 4.4.1.E *Normas complementarias, uso residencial, casa prefabricada* para eliminar el requisito de un muro de mampostería continuo bajo el perímetro del hogar y exigir un material de rodapié opaco o semiopaco.
3. Enmiendas a la sección 4.4.2.C *Normas complementarias, usos públicos y cívicos, guardería* para modificar las normas para las guarderías en el distrito de zonificación industrial ligera (LI, en inglés).
4. Enmiendas a las secciones 4.2.2 *Tabla de usos*, 4.3.6.A.3 *Clasificaciones de uso, servicio industrial, gas y combustible, al por mayor*, y sección 4.4.6.A *Normas complementarias, usos industriales* para modificar la definición del uso de gas y combustible, al por mayor, y agregar un requisito de separación de los usos de las guarderías; la escuela, pública o privada; el hospital; y el centro de enfermería o convalecencia.
5. Enmiendas a la sección 5.2.7 *Normas dimensionales para estructuras accesorias separadas* para permitir que las estructuras o edificios accesorios separados no sean más de cinco (5) pies más altos que el edificio o estructura principal.
6. Enmiendas a la sección 7.5.1.B *Mejoras requeridas, exenciones* para aclarar cuáles mejoras relacionadas con las entradas de vehículos no están exentas de las mejoras en la vía pública.

Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

Fecha y hora de la audiencia pública del Consejo Municipal: 24 de mayo de 2022 6:00 PM

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>. Por favor visite www.apexnc.org el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la oficina del Secretario Municipal (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

En caso de que la reunión del Consejo Municipal se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Se puede acceder a la UDO en línea en: <http://www.apexnc.org/233>.

Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 5-24 de mayo de 2022


TOWN OF APEX

 POST OFFICE BOX 250
 APEX, NORTH CAROLINA 27502
 PHONE 919-269-3426

**NOTIFICACIÓN PÚBLICA DE
AUDIENCIAS PÚBLICAS**
**modificación de la
Ordenanza de Desarrollo Unificado (UDO)**

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del ayuntamiento de Apex a fin de solicitar comentarios relativos a la siguiente modificación de la Ordenanza de Desarrollo Unificado:

Solicitado por el Consejo de Planificación del Ayuntamiento:

- Enmiendas a las secciones 2.2.7 Reunión de vecinos; 2.2.11 Notificación pública, plazos de notificación; 2.3.3.D Distritos de zonificación condicional, reunión de vecinos requerida; 2.3.4.E Distritos de desarrollo planificado, procedimientos; 2.3.16 Distrito de zonificación condicional de desarrollo asistido, procedimientos; 4.2.2 Tabla de usos; y 4.4.2 Usos públicos y cívicos, escuela, pública o privada para hacer lo siguiente:
 - cambiar el nombre de la sección 2.2.7 a *Aviso a vecinos* en varias secciones;
 - pedir a los solicitantes de Planes de Sitios Menores para diversos usos del suelo de alta intensidad que realicen una reunión de vecinos antes de presentar la solicitud;
 - pedir a los solicitantes de Planes de Sitios Menores para los restantes usos del suelo que no sean de alta intensidad, ubicados en terrenos que no hayan tenido una aprobación de rezonificación en los dos años anteriores y que estén ubicados a menos de 300' de un caso de uso del suelo residencial, que envíen una carta en la que expliquen el proyecto y brinden su información de contacto a los propietarios e inquilinos que se encuentren a menos de 300' de la propiedad en cuestión; y
 - trasladar el actual requisito de reunión de vecinos para "escuela, pública o privada", de la sección 4.4.2.H a la sección 2.2.7.

Solicitado por el personal de planificación:

- Enmiendas a la sección 4.4.1.E Normas complementarias, uso residencial, caso prefabricada para eliminar el requisito de un muro de mampostería continuo bajo el perímetro del hogar y exigir un material de rodapié opaco o semiofaco.
- Enmiendas a la sección 4.4.2.C Normas complementarias, usos públicos y cívicos, guarderío para modificar las normas para las guarderías en el distrito de zonificación industrial ligera (LI, en inglés).
- Enmiendas a las secciones 4.2.2 Tabla de usos, 4.3.6.A.3 Clasificaciones de uso, servicio industrial, gas y combustible, al por mayor, y sección 4.4.6.A Normas complementarias, usos industriales para modificar la definición del uso de gas y combustible, al por mayor, y agregar un requisito de separación de los usos de las guarderías; la escuela, pública o privada; el hospital; y el centro de enfermería o convalecencia.
- Enmiendas a la sección 5.2.7 Normas dimensionales para estructuras accesorias separadas para permitir que las estructuras o edificios accesorios separados no sean más de cinco (5) pies más altos que el edificio o estructura principal.
- Enmiendas a la sección 7.5.1.B Mejoras requeridas, exenciones para aclarar cuáles mejoras relacionadas con las entradas de vehículos no están exentas de las mejoras en la vía pública.

Lugar de la audiencia pública: Ayuntamiento de Apex
 Cámara del Consejo, 2º piso
 73 Hunter Street, Apex, Carolina del Norte

Fecha y hora de la audiencia pública del Consejo Municipal: 24 de mayo de 2022 6:00 PM

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/TownofApexgov>. Por favor visite www.apexnc.org el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la oficina del Secretario Municipal (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

En caso de que la reunión del Consejo Municipal se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Se puede acceder a la UDO en línea en: <http://www.apexnc.org/233>.

Dianne F. Khin, AICP
 Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 5-24 de mayo de 2022



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-240-3426

PUBLIC NOTIFICATION OF PUBLIC HEARING AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE (UDO)

Pursuant to the provisions of North Carolina General Statutes §160D-601 and to the Town of Apex Unified Development Ordinance (UDO) Sec. 2.2.1.1, 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 Committee of Town Council:

- Amendments to Secs. 2.2.7 *Neighborhood Meeting*; 2.2.11 *Public Notification, Timing of Notice*; 2.3.3.D *Conditional Zoning Districts, Required Neighborhood Meeting*; 2.3.4.E *Planned Development Districts, Procedures*; 2.3.16 *Sustainable Development Conditional Zoning Districts, Procedures*; 4.2.2 *Use Table*; and 4.4.2 *Public and Civic Uses, School, public or private* in order to:
 - Change the name of Sec. 2.2.7 to *Neighborhood Notice* in several sections;
 - Require applicants of Minor Site Plans for various high-intensity land uses to hold a neighborhood meeting prior to the submittal of the application;
 - Require applicants of Minor Site Plans for remaining non-high intensity land uses located on land that has not had a rezoning approval in the previous two years and that is located within 300' of a residential land use to send a letter explaining the project and providing their contact information to property owners and tenants within 300' of the subject property; and
 - Move the current neighborhood meeting requirement for School, public or private from Sec. 4.4.2.H to Sec. 2.2.7.

Requested by Planning Staff:

- Amendments to Sec. 4.4.1.E *Supplemental Standards, Residential Use, Manufactured Home* in order to remove the requirement for a continuous masonry wall under the perimeter of the home and require an opaque or semi-opaque skirting material.
- Amendments to Sec. 4.4.2.C *Supplemental Standards, Public and Civic Uses, Day Care* in order to amend the standards for day care facilities in the Light Industrial (LI) zoning district.
- Amendments to Sec. 4.2.2 Use Table, 4.3.6.A.3 *Use Classifications, Industrial Service, Gas and fuel, wholesale*, and Sec. 4.4.6.A *Supplemental Standards, Industrial Uses* in order to modify the definition of the use Gas and fuel, wholesale and add a separation requirement from the uses Day care facility; School, public or private; Hospital; and Nursing or convalescent facility.
- Amendments to Sec. 5.2.7 *Dimensional Standards for Detached Accessory Structures* in order to allow detached accessory structures or buildings to be no more than five (5) feet taller than the principal building or structure.
- Amendments to Sec. 7.5.1.8 *Required Improvements, Exemptions* in order to clarify which driveway-related improvements are not exempt from public road improvements.

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

Town Council Public Hearing Date and Time: May 24, 2022 5:00 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/channel/apexgov>. Please visit www.apexnc.org on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

If you are unable to attend, you may provide a written statement by email to public_hearing@apexnc.org, or submit it to the Office of the Town Clerk (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council members prior to their vote. Please include the Public Hearing name in the subject line.

In the event that the Town Council meeting is held remotely or with at least one member attending virtually, written comments may be submitted up to 24 hours prior to the scheduled time of the meeting per NCGS §166A-19.24 according to the methods specified above. Virtual meetings may be viewed via the Town's YouTube livestream at <https://www.youtube.com/c/townofapexgov>.

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

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

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