

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 2.2.7, 2.2.11.E, 2.3.3.D, 2.3.4.E, 2.3.16.E, 4.2.2, and 4.4.2.H 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:

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 submittal/hearing/action)				
	<u>Notification Letter (Sec. 2.2.7.A)</u>	Neighborhood Meeting (Sec. 2.2.7)	Written (Sec. 2.2.11.B)	Published (Sec. 2.2.11.C)	Posted (Sec. 2.2.11.D)
Rezoning, Conditional Rezoning, PUD-CZ, SD-CZ, TND-CZ, MEC-CZ	<b><u>N/A</u></b>	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

Application for Development Permit or Other Action	Notice Required (days before <u>submittal/hearing/action</u> )				
	<u>Notification Letter (Sec. 2.2.7.A)</u>	Neighborhood Meeting (Sec. 2.2.7)	Written (Sec. 2.2.11.B)	Published (Sec. 2.2.11.C)	Posted (Sec. 2.2.11.D)
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
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.~~

**Section 2. Section 4.4.1.E 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:**

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;  
 ...

**Section 3. Section 4.4.2.C 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:**

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

e) 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.

**Section 4. Sections 4.2.2, 4.3.6.A.3, and 4.4.6.A 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

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
Industrial Service																						
Gas and fuel, wholesale	4.3.6.A.3														P						**	<b><u>4.4.6.A.3</u></b>

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.**

**Section 5.** Section 5.2.7.C 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:

- 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.**

**Section 6.** Section 7.5.1.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:

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.

**Section 7.** 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 8.** 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 9.** The ordinance shall be effective upon enactment on the \_\_\_\_ day of \_\_\_\_\_ 2022.

Introduced by Council Member \_\_\_\_\_

Seconded by Council Member \_\_\_\_\_

Attest: TOWN OF APEX

\_\_\_\_\_

Town Clerk

\_\_\_\_\_

Jacques K. Gilbert  
Mayor

Approved As To Form:

\_\_\_\_\_

Laurie L. Hohe  
Town Attorney