

STAFF REPORT

Amendments to the Unified Development Ordinance

March 10, 2025 Planning Board Meeting



Requested by Planning Staff:

1. **Amendments to Secs. 2.1.2 *Planning Board*, 2.1.4 *Transit Advisory Committee*, 2.1.5 *Parks, Recreation, and Cultural Resources Advisory Commission*, 2.1.9 *Apex Environmental Advisory Board*, and 2.1.10 *Housing Advisory Board* in order to increase the membership, add attendance requirements, and change term length and limits for various advisory boards; add voting power to the Historical Society Member of the Planning Board; change the name of the Parks, Recreation, and Cultural Resources Advisory Commission; remove the sections for the Transit Advisory Committee and Housing Advisory Board; remove staff as ex-officio members of advisory boards; and change the threshold for rezonings that must be reviewed by the Environmental Advisory Board. Amendments to Secs. 2.3.7.D.1 *Subdivision, Master Subdivision Plan, Procedures*, 7.1.7 *Substitution of Fees in Lieu of Public Improvements* and 14.1 *Park, Recreation, and Open Space Sites* are needed to reflect the proposed name change for the Parks, Recreation, and Cultural Resources Advisory Commission.**

Background: The Mayor and Town Council held a work session in December 2024 to discuss the roles and responsibilities of the resident advisory boards and to consider several administrative policy recommendations. The purpose of the changes is to improve board functionality, clarify roles and responsibilities, ensure broader representation such as youth involvement, and ensure the current advisory boards are aligned with Game Plan Apex, the Town's Strategic Goal Framework. The standards for the Transit Advisory Committee is proposed to be moved to the Town Code along with the name of the board changing to Multimodal Transportation Advisory Board. The Housing Advisory Board is proposed to be removed as there is now full-time staff to handle those duties. Implementation includes the UDO Amendments below along with amendments to the Town Code.

Additionally, the Mayor and Town Council directed the Town Clerk to develop a Resident Advisory Board Administrative Policy which will provide direction as it relates to attendance requirements, clarify membership eligibility requirements, provide guidance on annual reporting from advisory boards to the governing body, clarify eligibility for advisory board stipends, provide guidance on meeting minute format, and conflict of interest declarations. Each appointed member will be required to sign an acknowledgement stating they understand with the administrative policies.

2.1.2 Planning Board

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B) *Membership*

- 1) ***Number.*** The Planning Board shall consist of ~~nine (9)~~ **10** voting members and one (1) non-voting member **youth representative as defined in the Resident Advisory Board Administrative Policy.**
- 2) ***Composition of the Members***
 - a) Composition between Town and ETJ. The composition of membership between the Town and ETJ shall be as follows:

- (i) The composition of the members shall reflect proportional representation between the Town's corporate limits and the ETJ.
 - (ii) ETJ membership shall be based on the proportionality of population between the Town and the ETJ. This shall be determined by estimating the total population in the ETJ as a percentage of the population in the Town's corporate limits and the ETJ and multiplying this percentage by ~~nine (9)~~ 10 (the total required voting membership), rounding up to the next whole number. Members appointed from the ETJ shall be residents of the ETJ and citizens of Wake County.
 - (iii) The balance of the Planning Board's membership shall reside within the Town's corporate limits, with the exception of the members referenced in Secs. 2.1.2.B.2.b and 2.1.2.B.2.c, whose residency requirements shall be determined by those Sections.
 - (iv) Membership composition shall be adjusted to reflect changes in the population between the Town and the ETJ every two (2) years.
- b) One (1) member of the Planning Board shall reside outside the corporate limits and ETJ, but within the area covered by the Town's 2045 Land Use Map.
 - c) One (1) ~~non-voting~~ member of the Planning Board shall be a member of the Apex Historical Society and may reside either within or outside the Town's corporate limits. However, the Town Council is not authorizing the Planning Board to operate as a historic preservation commission pursuant to NCGS 160D-303.
 - d) All members of the Planning Board, except the non-voting ~~member from the Apex Historical Society~~ youth representative, shall have voting power on all matters of business.

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Appointment. Members shall be appointed as follows:

- a) Regular members of the Planning Board from the ETJ shall be appointed by the Wake County Board of County Commissioners.
- b) Regular members of the Planning Board from the Town shall be recommended by the Mayor and appointed by the Town Council.
- c) The regular member of the Planning Board who resides outside the corporate limits and ETJ, but within the area covered by the Town's 2045 Land Use Map shall be recommended by the Mayor and appointed by the Town Council.
- d) The non-voting ~~member~~ youth representative of the Planning Board shall be recommended by the Mayor and appointed by the Town Council.

5) Terms. Members shall be appointed for terms of two (2) years, except for the youth representative who shall be appointed for a term of one (1) year. No member of the Planning Board may serve more than ~~five (5)~~ three (3) consecutive two (2) year terms with the exception of the youth representative who may serve no more than two (2) consecutive terms.

6) Removal. Any member of the Planning Board shall be removed for cause (~~neglect of duty, malfeasance, misconduct, or failure to faithfully attend meetings~~) by the Town Council ~~upon written charge~~ as defined in the Resident Advisory Board Administrative Policy.

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C) Officers

1) *Chair and vice-chair.* The chair and vice-chair of the Planning Board shall be appointed by the ~~m~~Mayor from the voting members of the Board and confirmed by the Town Council. The term of the chair and vice-chair shall be one (1) year. A past chair or vice-chair may be re-appointed, even though no chair or vice-chair shall serve for more than four (4) consecutive terms. Vacancies within a term shall be filled by the same method as the original appointment. The chair shall decide all points of order on procedure, and shall take such action as shall be necessary to preserve the order and integrity of all proceedings before the Planning Board. In the absence of the chair, the vice-chair shall act as chair and shall have all powers of the chair. In the absence of both the chair and vice-chair, an acting chair shall be selected for that meeting by a simple majority of those members present. The acting chair shall have the authority and responsibilities of the chair for that meeting.

2) *Secretary.* The Planning Director or designee shall serve as Secretary of the Planning Board and shall keep minutes of all proceedings. These minutes shall be a summary of all proceedings before the Planning Board, which shall include the vote of all members upon every consideration, and be attested to by the Secretary. The minutes shall be approved by a majority of the Planning Board members voting. In addition, the Secretary shall maintain all records of the Planning Board meetings, hearings, proceedings, and correspondence, as public records in the offices of the Planning Department.

D) Quorum

No meeting of the Planning Board shall be called to order, nor may any business be transacted by the Planning Board, without a quorum consisting of the majority of the Planning Board's membership excluding vacant seats and the non-voting ~~member~~ youth representative.

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H) Meetings

Meetings of the Planning Board shall be held monthly to consider matters properly before the Board. Additional meetings may be called by the ~~C~~chair or in writing by ~~five~~ six (6) members of the Board. All meetings and public hearings shall be held in the Town in a place accessible and open to the public.

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2.1.4 Transit Advisory Committee Reserved

A) ~~_____~~ Powers and Duties

The Transit Advisory Committee shall have the following powers and duties under the provisions of this Ordinance:

- 1) ~~_____~~ *Review transit plans and services.* Review proposed local transit plans, policies, capital improvements, and service changes, and provide recommendations regarding revisions and/or approval. Review regional transit plans, policies, capital improvements, and proposed services changes relevant to the Town of Apex and provide recommendations regarding revisions and/or approval.
- 2) ~~_____~~ *Recommendations to Mayor and Town Council.* Recommend to the Mayor and Town Council local transit plans, policies, capital improvements, and service changes.
- 3) ~~_____~~ *Provide information to the Mayor and Town Council.* Provide information to the Mayor and Town Council regarding transit customer experience and stakeholder opinions and needs.

B) ~~_____~~ Membership

- 1) ~~_____~~ *Number.* The Transit Advisory Committee shall consist of nine (9) members. Up to three (3) members may be ex-officio, non-voting members consisting of Town staff. No member of the Town Council shall serve on the Transit Advisory Committee.
- 2) ~~_____~~ *Appointment.* Members shall be recommended by the Mayor and appointed by the Town Council.
- 3) ~~_____~~ *Initial establishment.* At the initial establishment of the Transit Advisory Committee, three (3) members shall be appointed for a term of three (3) years, three (3) members shall be appointed for a term of two (2) years, and all remaining members shall be appointed for a term of one (1) year. Thereafter, new appointments for terms of three (3) years shall be made. No member of the Transit Advisory Committee may serve more than three (3) consecutive three (3) year terms with the exception of ex-officio members.
- 4) ~~_____~~ *Removal.* Any member of the Transit Advisory Committee shall be removed for (neglect of duty, malfeasance, misconduct, or failure to faithfully attend meetings) by the Town Council upon written charge and after a public hearing.
- 5) ~~_____~~ *Filling of vacancy.* Vacancies shall be filled by the same method as the original appointment. Vacancies occurring for reasons other than expiration of terms shall be filled for the period of the unexpired term by the same method as the original appointment. 6) ~~_____~~ *Voting.* All regular members shall vote on any issue unless they have been disqualified pursuant to Sec. 2.1.4.E *Conflict of Interest.*
- 6) ~~_____~~ *Voting.* All regular members shall vote on any issue unless they have been disqualified pursuant to Sec. 2.1.4.E *Conflict of Interest.*

C) ~~_____~~ Officers

1) ~~Chair and vice-chair.~~ The chair and vice-chair of the Transit Advisory Committee shall be appointed by the mayor from the members of the Committee and confirmed by the Town Council. The term of the chair and vice-chair shall be for one (1) year. A past chair or vice-chair may be re-appointed, even though no chair or vice-chair shall serve for more than four (4) consecutive terms. Vacancies within a term shall be filled by the same method as the original appointment. The chair shall decide all points of order on procedure, and shall take such action as shall be necessary to preserve the order and integrity of proceedings before the Transit Advisory Committee. In absence of the chair, the vice-chair shall act as chair and shall have all powers of the chair. In the absence of both the chair and vice-chair, an acting chair shall be selected for that meeting by a majority of those members present. The acting chair shall have the authority and responsibilities of the chair for that meeting.

2) ~~Secretary.~~ The Planning Director or designee shall serve as the Secretary of the Transit Advisory Committee and shall keep minutes of all proceedings. These minutes shall be a summary of all proceedings before the Transit Advisory Committee, which shall include the vote of all members upon every consideration, and be attested to by the Secretary. The minutes shall be approved by a majority of the Transit Advisory Committee members voting. In addition, the Secretary shall maintain all records of the Transit Advisory Committee meetings, hearings, proceedings, and correspondence as public records in the offices of the Planning Department.

D) ~~Quorum~~

No meeting of the Transit Advisory Committee shall be called to order, nor may any business be transacted by the Transit Advisory Committee, without a quorum consisting of the majority of the Transit Advisory Committee's membership, excluding vacant seats, being present.

E) ~~Conflict of Interest~~

Per 160D-109(b), Transit Advisory Committee members shall not vote on any advisory decision regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. Any member who has an interest in a matter under consideration by the Transit Advisory Committee shall declare such interest prior to the vote of the Committee and abstain from voting on the question. The member declaring the interest is not exempted from participation in the discussions of the Committee on the matter prior to its vote.

F) ~~Staff~~

The Planning Department shall be the professional staff to the Transit Advisory Committee.

G) ~~Rules of Procedure~~

The Transit Advisory Committee shall, by a majority vote of the entire membership, adopt rules and regulations governing its procedure as it may consider necessary or advisable.

H) ~~Meetings~~

~~Meetings of the Transit Advisory Committee shall be held quarterly to consider matters properly before the Committee. Additional meetings may be called by the Chair or in writing by a majority of the Committee.~~

~~I) Compensation~~

~~The members of the Transit Advisory Committee shall serve with compensation as authorized by Town Council in the annual budget.~~

2.1.5 Parks, and Recreation, ~~and Cultural Resources~~ Advisory ~~Commission~~ Board

A) Powers and Duties

The Parks, and Recreation, ~~and Cultural Resources~~ Advisory ~~Commission~~ Board shall have the following powers and duties under the provisions of this Ordinance:

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B) Rules Governing ~~Commission~~ Board

The professional staff of the ~~Commission~~ Board shall be the Parks, Recreation, and Cultural Resources Department. The rules governing the other responsibilities and procedures of the Parks, and Recreation, ~~and Cultural Resources~~ Advisory ~~Commission~~ Board are established in Sec. 15-4, Code of Ordinances, Town of Apex, North Carolina.

C) Compensation

The members of the Parks, and Recreation, ~~and Cultural Resources~~ Advisory ~~Commission~~ Board shall serve with compensation as authorized by Town Council in the annual budget.

2.1.9 Apex Environmental Advisory Board

A) Powers and Duties

The Environmental Advisory Board shall have the following powers and duties under the provisions of this Ordinance:

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- 2) Review, with applicants, during the staff review phase of a proposal, certain requests for conditional rezoning and recommend zoning conditions to the applicant and Town Council that will mitigate anticipated impact to the natural environment as a result of the project under consideration. The following conditional rezoning requests shall be exempt from review by this Board:

- a) Rezoning to amend zoning conditions which have no environmental impact on a site including but not limited to revisions to architectural standards, building height, setbacks, and uses;
- b) Rezoning to resolve nonconformities;
- c) Rezoning of ~~one (1) acre~~ 10 acres or less; and
- d) Rezoning within the Small Town Character Overlay District.

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2.1.10 Housing Advisory Board

A) ~~Powers and Duties~~

~~The Housing Advisory Board shall have the following powers and duties under the provisions of this Ordinance:~~

- ~~1) Recommendations to Mayor and Town Council. Recommend to the Mayor and Town Council, policies and funding recommendations related to affordable housing.~~
- ~~2) Housing Advocacy to Mayor, Town Council, and Planning Board. Advise the Mayor, Town Council, and Planning Board on housing advocacy efforts related to affordable housing.~~
- ~~3) Housing Annual Report. Assist in the creation of the housing annual report.~~

B) ~~Membership~~

- ~~1) Number. The Housing Advisory Board shall consist of nine (9) members. The Housing Advisory Board shall include one (1) Planning Board member and one (1) Town Council member. The Planning Board member and Town Council member shall be non-voting members.~~
- ~~2) Appointment. Members shall be recommended by the Mayor and appointed by the Town Council.~~
- ~~3) Initial establishment. At the initial establishment of the Housing Advisory Board, four (4) members shall be appointed for a term of three (3) years, three (3) members shall be appointed for a term of two (2) years, one Planning Board non-voting member shall be appointed for a term of (1) year and one Town Council non-voting member shall be appointed for a term of one (1) year. Thereafter, new appointments for terms of three (3) years shall be made with the exception of the Planning Board non-voting member and Town Council non-voting member which shall remain on a term of one (1) year. No member of the Housing Advisory Board shall serve more than nine (9) consecutive years after being appointed with the exception of the Planning Board non-voting member and Town Council non-voting member which shall serve no more than three (3) consecutive years after being appointed.~~
- ~~4) Removal. Any member of the Housing Advisory Board shall be removed for cause (neglect of duty, malfeasance, misconduct, or failure to faithfully attend meetings) by the Town Council upon written charge and after a public hearing.~~
- ~~5) Filling of vacancy. Vacancies shall be filled by the same method as the original appointment. Vacancies occurring for reasons other than expiration of terms shall be filled for the period of the unexpired term by the same method as the original appointment.~~
- ~~6) Voting. All regular members shall vote on any issue unless they have been disqualified pursuant to Sec. 2.1.10.E Conflict of Interest.~~

C) ~~Officers~~

- 1) ~~Chair and vice chair. The chair and vice chair of the Housing Advisory Board shall be appointed by the Mayor from the members of the Board and confirmed by the Town Council. The term of the chair and vice chair shall be for one (1) year. A past chair or vice chair may be re-appointed, even though no chair or vice chair shall serve for more than three (3) consecutive terms. Vacancies within a term shall be filled by the same method as the original appointment. The chair shall decide all points of order on procedure, and shall take such action as shall be necessary to preserve the order and integrity of all proceedings before the Housing Advisory Board. In absence of the chair, the vice chair shall act as chair and shall have all powers of the chair. In the absence of both the chair and vice chair, an acting chair shall be selected for that meeting by a majority of those members present. The acting chair shall have the authority and responsibilities of the chair for that meeting.~~
- 2) ~~Secretary. The Housing Program Manager or designee shall serve as the Secretary of the Housing Advisory Board and shall keep minutes of all proceedings. These minutes shall be a summary of all proceedings before the Housing Advisory Board, which shall include the vote of all members upon every consideration, and be attested to by the Secretary. The minutes shall be approved by a majority of the Housing Advisory Board members voting. In addition, the Secretary shall maintain all records of the Housing Advisory Board meetings, hearings, proceedings, and correspondence as public records in the offices of the Planning Department.~~
- D) ~~Quorum~~
~~No meeting of the Housing Advisory Board shall be called to order, nor may any business be transacted by the Housing Advisory Board, without a quorum consisting of the majority of the Housing Advisory Board's membership, excluding vacant seats, being present.~~
- E) ~~Conflict of Interest~~
~~Any member who has an interest in a matter under consideration by the Housing Advisory Board shall declare such interest prior to the vote of the Board and abstain from voting on the question. The member declaring the interest is not exempted from participation in the discussions of the Board on the matter prior to its vote.~~
- F) ~~Staff~~
~~The Planning Department shall be the professional staff to the Housing Advisory Board.~~
- G) ~~Rules of Procedure~~
~~The Housing Advisory Board shall, by a majority vote of the voting membership, adopt rules and regulations governing its procedure as it may consider necessary or advisable.~~
- H) ~~Meetings~~
~~Regular meetings of the Housing Advisory Board shall be held quarterly to consider matters properly before the Board. Special Board meetings may also be called on an as needed basis. The chair, vice chair, or any two (2) members of the Board may at any time call a special Board meeting by signing a written~~

~~notice stating the time and place of the meeting and the subjects to be considered. A special Board meeting may also be called or scheduled by vote of the Board in open session during another duly called meeting.~~

~~I) Compensation~~

~~The members of the Housing Advisory Board shall serve with compensation as authorized by Town Council in the annual budget.~~

2.3.7 Subdivision

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D) Master Subdivision Plan

1) *Procedures*

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b) Additionally, the Parks, Recreation, and Cultural Resources Director shall also provide a copy of any Master Subdivision Plan for residential development to the Parks, ~~and Recreation, and Cultural Resources~~ **Advisory Commission Board** which shall review the application and provide comments to the TRC about whether the proposed Master Subdivision Plan complies with the standards of Sec. 2.3.7.D.2 Standards.

7.1.7 Substitution of Fees in Lieu of Public Improvements

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B) In the case of required parks, recreation, and open space facilities, the ~~Parks, Recreation, and Cultural Resources (PRCR) Advisory Committee~~ **Parks and Recreation Advisory Board** shall recommend whether dedication of land is feasible in a given plat and consistent with the Town's development plan, or rather, if fees in lieu should be paid, or if some dedication/fee combination is appropriate. See Article 14: Parks, Recreation, Greenways, and Open Space.

14.1 PARK, RECREATION, AND OPEN SPACE SITES

14.1.1 Dedication Generally; Fee in Lieu of Dedication Generally; Construction of Public Recreation Facilities with Fee-in-Lieu Monies Generally

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B) As an alternative to the dedication of a portion of such land by the developer, and where it is recommended by the Parks, ~~and Recreation, and Cultural Resources (PRCR) Advisory Commission Board~~ and determined by the Town Council that a dedication of land is not feasible in a given development or incompatible with the Town's plan, the developer may be allowed to:

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14.1.4 Standards for Town Council's Choice Between Land Dedication, Payment of Fee-in-Lieu, Construction of Public Recreation Facilities with Fee-in-Lieu Monies, or Combination Thereof

A) Whether the Town Council accepts the land dedication, elects to require payment of fee-in-lieu or construction of public recreation facilities with fee-in-lieu monies, or some combination thereof, shall be determined by consideration of the following:

- ...
- 2) The recommendations of the ~~PRCR Advisory Commission~~ **Parks and Recreation Advisory Board**;
- ...

14.1.5 Procedure for Determination of Choice Between Land Dedication, Payment of Fee-in-Lieu, Construction of Public Recreation Facilities with Fee-in-Lieu Monies, or Combination Thereof; Performance Guarantees

The procedure for determining whether the subdivider is to dedicate land, pay a fee-in-lieu, construct public recreation facilities with fee-in-lieu monies, or some combination thereof, shall be as follows:

- A) *Action of Town*
After a proposal by the developer as indicated in Sec. 14.1.5.B below, the ~~PRCR Advisory Commission~~ **Parks and Recreation Advisory Board** shall recommend, and the Town Council shall determine as a part of PD Plan approval or prior to TRC approval of a Master Subdivision Plan or Minor or Major Site Plan, whether to require a dedication of land, payment of a fee-in-lieu, construction of public recreation facilities with fee-in-lieu monies, or some combination thereof, pursuant to the standards in Sec. 14.1.4 *Standards for Town Council's Choice Between Land Dedication, Payment of Fee-in-Lieu, Construction of Public Recreation Facilities with Fee-in-Lieu Monies, or Combination Thereof*.

The procedure shall be as follows:

- 1) *Planned Development (PD) Plans.* At the time of the PD plan review, staff shall review and provide comments and a recommendation to the ~~PRCR Advisory Commission~~ **Parks and Recreation Advisory Board**. The ~~PRCR Advisory Commission~~ **Parks and Recreation Advisory Board** recommendation shall be provided to the Town Council at the time of public hearing for the PD Plan. The per-unit acreage and/or fee-in-lieu will be set as of the Town Council approval date for the PD Plan.
- 2) *Master Subdivision and Minor and Major Site Plans.* Unless set at the time of PD Plan approval, at the time of Master Subdivision Plan or Minor or Major Site Plan review, staff shall review and provide comments and a recommendation to the ~~PRCR Advisory Commission~~ **Parks and Recreation Advisory Board**. The ~~PRCR Advisory Commission~~ **Parks and Recreation Advisory Board** recommendation shall be provided to the Town Council prior to approval of such plans. The per-unit acreage and/or fee-in-lieu will be set as of the approval date of the Master Subdivision Plan or Minor or Major Site Plan.

14.1.8 Use of Land by Town; Sale of Land by Town; Use of Funds Received in Lieu of Dedication

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- B) *Sale of Land*
The Town shall have the right to sell any land dedicated to the Town for neighborhood park and recreation purposes on finding by the ~~PRCR Advisory Commission~~ **Parks and Recreation Advisory Board** that a particular piece of

property is not feasible or compatible with the Parks, Recreation, Greenways and Open Space Master Plan.

- 2. Amendments to Secs. 2.2.7 *Neighborhood Notice* and 2.2.11 *Public Notification* in order to increase the minimum distance for all neighborhood and public hearing notices from 300 feet to 500 feet. The effective date of this amendment would be July 1, 2025.**

2.2.7 Neighborhood 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~~ **500** 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~~ **500** 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 Planning Department 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

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3) Notification

The applicant shall provide notification of the neighborhood meeting a minimum of 14 calendar days in advance of the meeting by mail, to all property owners and tenants abutting and located within ~~300~~ **500** 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 Planning Department. The applicant shall request this notification list from Town GIS staff per the guidelines in the Neighborhood Meeting Packet. When less than an entire parcel of land is subject to the proposed zoning map amendment, the ~~300-500~~-foot notification area shall be measured from the property line of that entire parcel.

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2.2.11 Public Notification

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B) Written (Mailed) Notice

When the provisions of this Ordinance require that written or mailed notice be provided, the Planning Director shall be responsible for preparing the written notice and mailing the written notice. Notice shall be mailed to all property owners subject to the application, all property owners and tenants abutting and located within ~~300~~ **500** feet of the land subject to application, and any neighborhood association that represents citizens within the notification area unless otherwise specified in this Ordinance. However, as an alternate form of notification, NCGS 160D-602(b) may be used when a zoning map amendment proposes to change the zoning designation of more than 50 properties, owned by at least 50 different property owners, and the Town elects to use the expanded published notice provided for in that subsection.

Written notice shall be provided at the last addresses listed for such property owners on the county tax abstracts and all tenant and neighborhood association addresses on record with the Planning Department. Town GIS staff shall provide the applicant with a list of all property owners of land subject to the application, all property owners and tenants abutting and located within ~~300~~ **500** feet of the land subject to application, and any neighborhood association that represents citizens within the notification area. Notice shall be deemed mailed by its deposit in the United States mail, first class, properly addressed, postage paid. The applicant shall be responsible for providing the Planning Director with first class stamped envelopes (postage metering is not acceptable) addressed to all property owners subject to the application, all property owners and tenants abutting and located within ~~300~~ **500** feet of the land subject to application, and to any neighborhood association that represents citizens within the notification area.

The Planning Director shall be responsible for preparing an affidavit affirming that the mailed notice met the requirements of Sec. 2.2.11.A *Content*. The affidavit shall be conclusive that notice has been given pursuant to the terms of the subsection. When less than an entire parcel of land is subject to the proposed zoning map amendment, the entire parcel shall be used to determine abutting owners and the ~~300~~ **500**-foot notification area. Properties are “abutting” even if separated by a street, railroad, or other transportation corridor.

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3. **Amendments to Sec. 2.3.6 *Site Plan* to allow for linear utility, infrastructure, and public works projects submitted by the Town to go directly to construction plans after a pre-application meeting.**

2.3.6 Site Plan

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C) Exemptions

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2) The following development or activities shall be exempted from the requirements of this Section:

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d) *Utilities, **infrastructure**, and public works projects.* Utilities, **infrastructure**, and public works projects, including, but not limited to, road improvements, **sidewalk improvements**, utility improvements, above ground utility boxes, bus shelters, and co-location of communication equipment. **A linear utility, infrastructure, or public works project submitted by or on behalf of the Town of Apex shall not be required to receive administrative approval prior to submitting Site Construction Plans. However, a pre-application meeting, in accordance with Sec. 2.2.6 Pre-Application Meeting, shall be held prior to the submittal of Site Construction Plans.**

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G) Site Construction Plan

After a Site Plan has been approved by the TRC, the applicant shall submit the Site Construction Plans to the Development Services Manager. The submission shall be in a form approved by the Development Services Manager. The applicant shall ensure that the Construction Plans conform to the approved Site Plan design and that all conditions imposed on the Site Plan by TRC for a Minor or Major Site Plan, are met in the Construction Plans. The Construction Plans shall be reviewed by the TRC to ensure compliance with the approved Site Plan and all applicable Town, county, state, and federal regulations and requirements, including all relevant construction standard specifications and details. Any modifications to or deviations from the approved Site Plans must be requested in writing to the Planning Director and may require additional review by the relevant permit issuing authority if deemed appropriate by the Planning Director. All Construction Plans shall bear the seal and signature of a professional engineer, landscape architect, surveyor, or architect, who is authorized to perform such work and licensed in the State of North Carolina. Once the Construction Plan is approved, it is signed by the relevant members of the TRC and forwarded to the applicant. The applicant is responsible for returning the requisite number of copies, as determined by the Development Services Manager, to the Development Services Manager.

- 1) **In accordance with Sec. 2.3.6.C.2.d Site Plan, Exemptions, a Site Construction Plan may be submitted by or on behalf of the Town of Apex without an administrative approval. The TRC shall ensure compliance with all applicable regulations and requirements during review of the Site Construction Plan.**

PLANNING STAFF RECOMMENDATION:

Planning staff recommend approval of the proposed amendments.