

# STAFF REPORT

## Amendments to the Unified Development Ordinance

September 27, 2022 Town Council Meeting



### Requested by Planning Staff:

1. Amendment to Secs. 4.2.2 Use Table; 4.3.3 Use Classifications, Utilities; 4.4.3 Supplemental Use Standards, Utilities; 8.2.6.B.4 Land Use Classes; and 8.3.2 Off-Street Parking Requirements in order to create the use “Yard waste transfer station” and to establish the definition, supplemental standards, land use class, and parking standards for such use.

#### 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		
Utilities																							
...																							
<b>Yard Waste Transfer Station</b>	<b>4.3.3.Q</b>														<b>S</b>							<b>4.4.3.K</b>	

#### 4.3.3 Use Classifications, Utilities

...

- Q) Yard waste transfer station. A permanent facility designed to store unprocessed yard waste material for transfer to off-site chipping, mulching, or landfill locations.**

#### 4.4.3 Supplemental Use Standards, Utilities

...

- K) Yard waste transfer station**

- 1) **Storage only. No chipping or mulching activities may occur onsite unless a Special Use Permit for “Chipping and mulching” is approved. See UDO Secs. 4.3.3.A and 4.4.3.A Chipping and mulching.**
- 2) **Standards. On-site storage of unprocessed material shall meet all of the following standards:**
  - a) **Storage shall be limited to 45 days and the pile height of storage material shall be limited to 15 feet;**
  - b) **Storage areas shall be effectively screened from view. Such screening shall be designed to ensure that storage areas cannot be seen from rights-of-way or adjacent residential zoning districts; and**
  - c) **Outdoor material storage piles shall be set back a minimum of 25 feet from any property line or 50 feet from any property line abutting a residential district.**

- 3) **Access road. An access road for collection vehicles shall be provided to the entrance of the facility. Acceptable access does not include residential streets. Access shall be restricted to specific entrances with gates that can be locked and that carry official notice that only authorized persons are allowed on the site.**
- 4) **Parking. No vehicular or bicycle parking shall be required for such use.**

8.2.6.B Landscape Buffers Between Land Uses

- ...
- 4) Land Use Classes
- ...
- f) Class 6
- ...
- Yard waste transfer station**
- ...

8.3.2 Off-Street Parking Requirements

Table 8.3-1: Off-Street Parking Schedule "A"

Use	Minimum Number of Motor Vehicle Spaces Required	Minimum Number of Bicycle Spaces Required
Utilities		
...		
<b><u>Yard Waste Transfer Station</u></b>	<b><u>None</u></b>	<b><u>None</u></b>

- 2. **Amendments to Secs. 7.2.5 Single-Family Residential Grading and 8.1.2.B.2 Site and Tree Survey Required in order to change the date of LiDAR data from a specific date to the latest data acquired by the Town of Apex and to ensure the requirements for topographic information are consistent throughout the UDO.**

7.2.5 Single-Family Residential Grading

- ...
- B) Single-Family Residential Subdivision Mass Grading
- ...
- 4) A land disturbing and sedimentation & soil erosion control plan shall be submitted for Master Subdivision Plan approval that shows:
  - ...
  - b) Existing and proposed grades of site based on topography verified by a professional land surveyor or ~~2013~~ topography generated from the ~~2013 LiDAR Project over Wake County, NC, and acquired on February 21-24, 2013,~~ **latest LiDAR data acquired by the Town of Apex,** as updated from time to time. Topographic coverage may be obtained from the Town of Apex, ~~the Town of Cary, or Wake County, depending on the site location;~~
  - ...
- C) Single-Family Residential Subdivision Staged Grading
- ...
- 4) A land disturbing and sedimentation & soil erosion control plan shall be submitted for Master Subdivision Plan approval that shows:
  - ...

- b) Existing and proposed grades of site based on **topography verified by a professional land surveyor or topography generated from the latest Town of Apex LIDAR LiDAR data acquired by the Town of Apex, as updated from time to time. Topographic coverage may be obtained from the Town of Apex;** topography in the corporate limits, and ETJ and Wake County LIDAR topography in Wake County's jurisdiction or topography verified by a professional land surveyor;

8.1.2.B.2 *Site and Tree Survey Required*

...

- b) Provide field verified topography of the area located within the limits of disturbance (including stormwater retention areas within RCA) at a minimum of **two-foot (2')** contours is required at the site plan stage and subdivision construction plan stage of plan review or ~~2013~~ topography generated from the **latest LiDAR data acquired by the Town of Apex, 2013 LIDAR Project over Wake County, NC, and acquired on February 21-24, 2013,** as updated from time to time. Topographic coverage may be obtained from the Town of Apex; ~~the Town of Cary, or Wake County,~~ depending on the site location.

...

**3. Amendments to Sec. 8.7 Signs in order to modify the standards for internally illuminated signs and signs within Planned Development Districts and to create a sign type and standards for interior signs located in parking lots.**

8.7.1 Permitted Signs: Location, Size, and Number

Table 8.7.1  
 P = allowed with permit    X = not allowed    V = allowed without permit

Sign Type	Conditions	Residential Uses	Commercial Uses	Industrial Uses	Office & Institutional Uses	Illumination <sup>1</sup>
<b>Permanent</b>						
...						
<b>31</b>	<b><u>Interior Sign</u></b>	<b><u>X</u></b>	<b><u>P</u></b>	<b><u>X</u></b>	<b><u>X</u></b>	<b><u>Yes</u></b>
<b>Prohibited</b>						
See Sec. 8.7.2 <i>Prohibited Signs</i>						
<b>Central Business District, Apex National Register Historic District, Small Town Character Overlay District, and Mixed Office-Residential-Retail Planned Development Districts</b>						
See Sec. 8.7.7 <i>Central Business District, Apex National Register Historic District, Small Town Character Overlay District, and Mixed Office-Residential-Retail and Planned Development Districts</i>						
<b>Planned Developments PUD-CZ, TND-CZ, MEC-CZ (except those governed by Sec. 8.7.7)</b>						
See Sec. 2.3.4 and 8.7.7						
<b>Sign Design and Color</b>						
<sup>1</sup> Subject to Sec. 8.7.4.C <i>Uniform Color Scheme</i> , 8.6 <i>Exterior Lighting</i> , and 8.7.6.B <i>Sign illumination</i> .						

- A) *Conditions*

...

- 31) Interior Sign**  
**A ground sign located adjacent to parking spaces that are reserved as drive-up pick-up locations which meets the conditions below:**

- a) Such sign shall be no more than 10 feet in height and no more than 10 square feet in area if located at least 200 feet from a public right-of-way, or is not visible from a public right-of-way.
- b) Such sign shall be no more than four (4) feet in height and no more than four (4) square feet in area if located less than 200 feet from a public right-of-way, or is visible from a public right-of-way.
- c) Such sign may be internally illuminated per Sec. 8.7.6.B Sign Illumination.
- d) Also subject to Secs. 8.7.4 Sign Design and Color and 8.7.5 Master Sign Plan Requirement.

8.7.2 Prohibited Signs

...

- P) Box-style signs with internally-illuminated backgrounds. Individually illuminated letters and logos are ~~acceptable~~ permitted.

...

8.7.6 Installation Requirements

...

B) *Sign illumination*

Unless otherwise prohibited by this Section, signs may be illuminated if such illumination is in accordance with this Section. All electric signs and lighting for externally illuminated signs shall also be in accordance with Sec. 8.6.4.F *Building, Ground Mounted Fixtures and Accent Lighting*, the Building and National Electric Code, and shall obtain all required building permits. All wiring to ground signs or to lighting equipment erected after the effective date of this Section must be underground.

...

- 4) **Style of internally illuminated signs. Internally illuminated signs shall have individually illuminated letters and logos. Such letters shall have opaque sides and the acrylic front shall be flush with the sides instead of held by a lip.**

8.7.7 Central Business District, Apex National Register Historic District, Small Town Character Overlay District, ~~and Mixed Office-Residential-Retail District and Planned Development Districts~~

**PLANNING STAFF RECOMMENDATION:**

Planning staff recommends approval of the proposed UDO amendments.

**PLANNING BOARD RECOMMENDATION:**

The Planning Board heard these amendments at their September 12, 2022 meeting and unanimously recommended approval.

**PLANNING BOARD REPORT TO TOWN COUNCIL**  
Unified Development Ordinance Amendments

Planning Board Meeting Date: September 12, 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: Tina Sherman

Seconded by Planning Board member: Sarah Soh

- 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 7 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 12th day of September 2022.

Attest:

Reginald Skinner, Planning Board Chair

**Dianne Khin** Digitally signed by Dianne Khin  
Date: 2022.09.12 17:47:39  
-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 Staff:

1. Amendment to Secs. 4.2.2 *Use Table*; 4.3.3 *Use Classifications, Utilities*; 4.4.3 *Supplemental Use Standards, Utilities*; 8.2.6.B.4 *Land Use Classes*; and 8.3.2 *Off-Street Parking Requirements* in order to create the use "Yard waste transfer station" and to establish the definition, supplemental standards, land use class and parking standards for such use.
2. Amendments to Secs. 7.2.5 *Single-family Residential Grading* and 8.1.2.B.2.b *Site and Tree Survey Required* in order to update references to the date of LiDAR data.
3. Amendments to Sec. 8.7 *Signs* in order to modify the standards for internally illuminated signs and signs within Planned Development Districts and to create a sign type and standards for interior signs located in parking lots.

**Public Hearing Location:** Apex Town Hall  
Council Chamber, 2<sup>nd</sup> Floor  
73 Hunter Street, Apex, North Carolina

### **Town Council Public Hearing Date and Time: September 27, 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>.

If you are unable to attend, you may provide a written statement by email to [public.hearing@apexnc.org](mailto: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.

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

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

Published Dates: September 7-27, 2022



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## 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 personal de planificación:

1. Enmiendas a las Secciones 4.2.2 *Tabla de Uso*; 4.3.3 *Clasificaciones de Uso, Servicios públicos*; 4.4.3 *Normas de Uso Complementario, Servicios públicos*; 8.2.6.B.4 *Clases de Uso Territorial*; y 8.3.2 *Requisitos de estacionamiento fuera de la vía pública para crear el uso "Estación de transferencia de desperdicios de jardín"* y establecer la definición, normas complementarias, clase de uso territorial y normas de estacionamiento para dicho uso.
2. Enmiendas a las Secciones 7.2.5 *Clasificación residencial unifamiliar* y 8.1.2.B.2.b *Análisis del sitio y de árboles requeridos* para actualizar las referencias a la fecha en los datos LiDAR.
3. Enmiendas a la Sección 8.7 *Letreros* para modificar las normas de letreros iluminados internamente y señales en los Distritos de Desarrollo Planificado y para crear un tipo de letreros y normas para letreros interiores ubicados en estacionamientos.

**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: 27 de septiembre 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>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a [public.hearing@apexnc.org](mailto: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.

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: 7-27 de septiembre de 2022



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Director of Planning and Community Development

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