

STAFF REPORT

Amendments to the Unified Development Ordinance

November 29, 2022 Town Council Meeting



Requested by Planning Staff:

1. **Amendments to Articles 1-4 & 6-12 in order to change all references to “Director of Planning and Community Development” to “Planning Director” and “Department of Planning and Community Development” to “Planning Department”.**
2. **Amendments to Sec. 8.2.6 Buffering in order to clarify buffer planting requirements.**

8.2.6.B Buffering, Landscape Buffers Between Uses

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5) Types of Buffers

a) Type A: Opaque

This buffer functions as an opaque screen from the ground to a height of at least **six (6)** feet. Plantings of deciduous and evergreen trees shall obtain a height at maturity of between 18 and 60 feet and have no unobstructed openings between tree canopies at maturity. Large trees shall be spaced no wider than 15 feet **apart** at time of planting. Screening plants for the Type A buffer shall be evergreen and between 5 and 6 feet tall at the time of installation **and spaced no further than six (6) feet apart** (see Plant Standards Sec. 8.2.2.B). At least 50% of the required trees and 100% of the required shrubs shall be evergreen species. Opaque fencing may be used to meet the opacity requirement provided that it is planned as an integral part of the buffer and is located immediately adjacent to the individual lots. Where a fence is used, shrubs shall be clustered so that there is a minimum of three (3) small evergreen shrubs spaced every 20 feet.

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8.2.6.C Buffering, General Buffering Requirements

1) Location of Buffers

- ###### a)
- The buffers required by this Section shall be located along the outer perimeter of the parcel and shall extend to the parcel boundary line or right-of-way line. Buffers shall not include any portion of an existing public or private street, proposed public street, existing or proposed private easement, or right-of-way. The required buffer width does not just determine a simple setback but is to be totally planted to meet the requirements for the applicable buffer type. Therefore, the plants comprising the buffer shall be spread across the entire width of the buffer and not just planted in a row or rows. **Increased buffer width indicates an increase in the number of plants. For example, a 20-foot wide buffer should have approximately twice the number of plants as a 10-foot wide buffer.**

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PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of the proposed UDO amendments.

PLANNING BOARD RECOMMENDATION:

The Planning Board heard these amendments at their November 14, 2022 meeting and unanimously recommended approval.

PLANNING BOARD REPORT TO TOWN COUNCIL

Unified Development Ordinance Amendments

Planning Board Meeting Date: November 14, 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: Alyssa Byrd

Seconded by Planning Board member: Daniel Khodaparast

- 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 14th day of November 2022.

Attest:



Reginald Skinner, Planning Board Chair

Dianne Khin

Digitally signed by Dianne Khin
Date: 2022.11.14 18:20:14
-05'00'

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. Amendments to various sections of the UDO in order to change all references to "Director of Planning and Community Development" to "Planning Director" and "Department of Planning and Community Development" to "Planning Department".
2. Amendments to Sec. 8.2.6 *Buffering* in order to clarify buffer planting requirements.

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

Town Council Public Hearing Date and Time: November 29, 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, 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: November 7-29, 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 varias secciones de la Ordenanza de Desarrollo Unificado (UDO) para cambiar todas las referencias de "Director de Planificación y Desarrollo Comunitario" a "Director de Planificación" y de "Departamento de Planificación y Desarrollo Comunitario" a "Departamento de Planificación".
2. Enmiendas a la Sección. 8.2.6 *Márgenes* para aclarar los requisitos de plantación de márgenes.

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: 29 de noviembre 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, 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: 7-29 de noviembre de 2022



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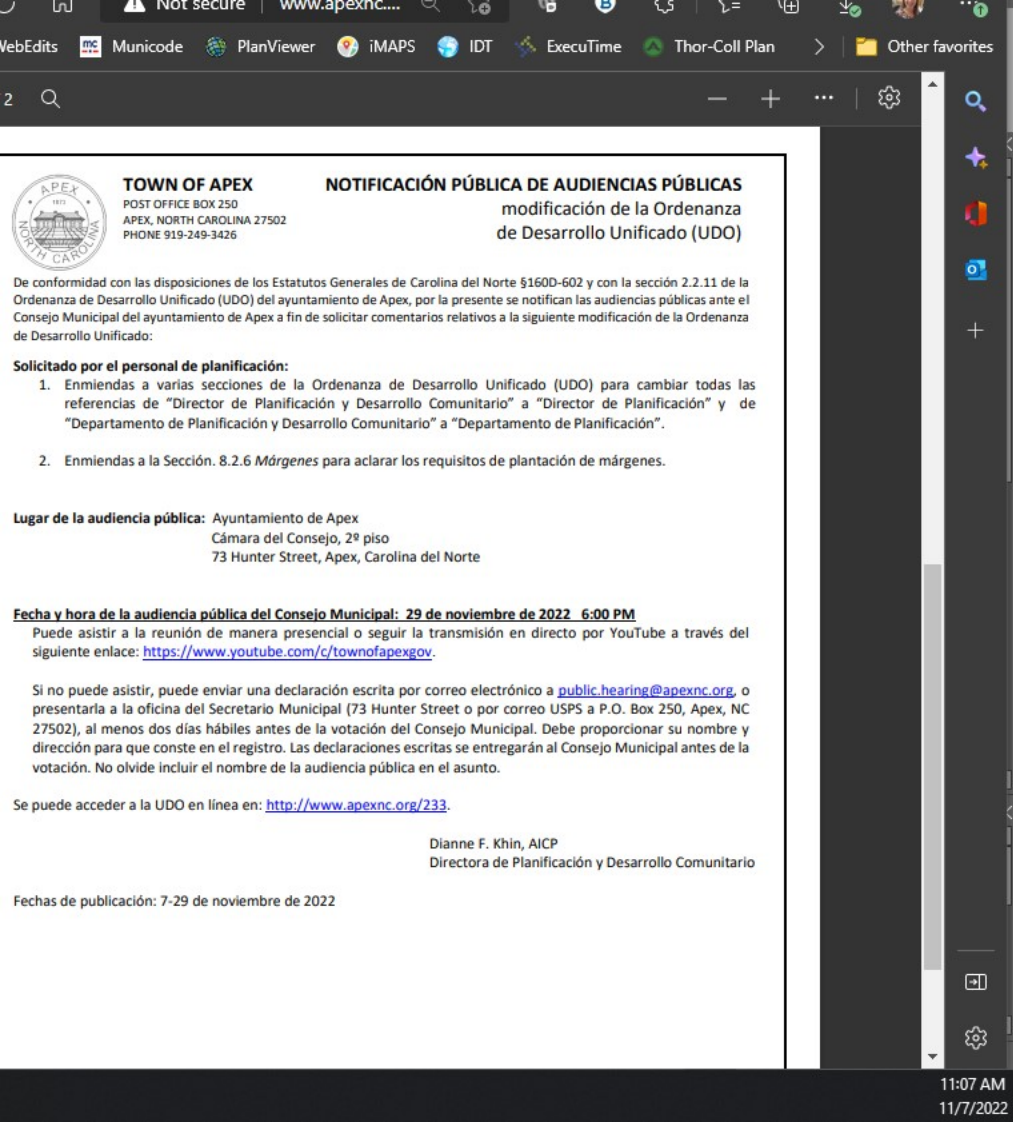
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Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 7-29 de noviembre de 2022