

# STAFF REPORT

## Amendments to the Unified Development Ordinance

September 26, 2023 Town Council Meeting



### Requested by Planning Committee:

1. **Amendments to Secs. 4.2.2 Use Table and 4.4.5 Supplemental Standards, Commercial Uses in order to change the use “Tattoo parlor and body piercing” from a Special Use to a Permitted Use where the use is currently allowed except for within the Small Town Character Overlay District and to remove the supplemental use standards related to signage for this use since the same standards exist in Sec. 8.7 Signs.**

### 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
Adult Use																							
Tattoo parlor and body piercing	4.3.5.A.4																				*	*	S*
																							4.4.5.A.4; 6.3

### 4.4.5.A Supplemental Standards, Commercial Uses, Adult Use

- ...
- 4) ~~Tattoo parlor and body piercing. Tattoo parlors shall comply with the following standard: Except for freestanding and façade mounted signs permitted pursuant to Sec. 8.7 Signs, no other advertisements, displays, or other signs or other promotional materials shall be visible to the public from sidewalks, walkways, or vehicular use areas.~~

### Requested by Planning Staff:

2. **Amendments to Sec. 8.2.6.B Landscape Buffers Between Uses in order to remove greenways from the list of Class 1 uses. This change would result in no requirement for buffers along greenways.**

Background: Sec. 8.2.6.B is used to determine the required landscape buffers between principal uses on adjacent properties and the buffer required along different types of roads. Greenways are rarely the principal use of a property and are typically located in easements on common areas within residential developments and sometimes in easements on non-residential properties.

### 8.2.6.B Landscape Buffers Between Uses

- ...
- 4) Land Use Classes
- ...
- a) Class 1:
- ...
- Greenways
- ...

3. Amendments to Secs. 4.4.1 *Supplemental Use Standards, Residential Uses* and 8.2.8.B *Screening, Screening Methods* in order to change references to dumpster enclosure screening standards from the *Town of Apex Design and Development Manual* to the *Town of Apex Standard Specifications and Standard Details*. Amendments to 6.1.11.I *Notification on Site Plan and Subdivision Plan and Recording of Information* in order to change a reference from the *Town of Apex Design and Development Manual* to the *Site Plan Final Plat* or *Master Subdivision Final Plat* application and to make other edits to simplify the wording of the standard.

4.4.1 *Supplemental Use Standards, Residential Uses*

A) *Condominium*

...

- 2) The overall enclosure design must comply with the standards found in the ~~Town's Design and Development Manual~~ **Town of Apex Standard Specifications and Standard Details.**

...

G) *Multi-Family or Apartment*

...

- 2) The overall enclosure design must comply with the standards found in the ~~Town's Design and Development Manual~~ **Town of Apex Standard Specifications and Standard Details.**

8.2.8.B *Screening, Screening Methods*

1) *Dumpsters*

...

- d) The overall enclosure design must comply with the standards found in the ~~Town's Design and Development Manual~~ **Town of Apex Standard Specifications and Standard Details.**

6.1.11 *Riparian Buffers*

...

I) *Notification on Site Plan and Subdivision Plan and Recording of Information*

Where required, riparian buffers shall be shown on all site plans and subdivision plans approved pursuant to Sec. 6.1.4 of this Ordinance. A certificate in the form established in the ~~Town of Apex Design and Development Manual~~ **Site Plan Final Plat or Master Subdivision Final Plat application** shall be ~~lettered~~ **placed** on the face of the ~~s~~**Site p**lan **Final Plat** or the recorded subdivision map ~~Master Subdivision Final Plat.~~ **Master Subdivision Final Plat.** Prior to approval of a ~~the~~ Final Plat (with respect to a subdivision), issuance of a certificate of occupancy (with respect to a site plan), or commencement of a use, a developer shall first cause all information pertaining to required riparian buffers to be shown on the Final Plat for the property.

...

4. Amendments to Sec. 2.3.8.D *Variance Permit, Standards* in order to change the word "ordinance" to "regulation" in accordance with State law.

2.3.8 *Variance Permit*

...

D) *Standards*

In order to approve an application for a variance permit, the Board of Adjustment shall find the following:

- 1) *Unnecessary Hardship.* Unnecessary hardship would result from the strict application of the ~~ordinance~~regulation. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
- ...
- 4) *Consistency with the UDO*Regulation. The requested variance is consistent with the spirit, purpose, and intent of the ~~ordinance~~regulation, such that public safety is secured, and substantial justice is achieved.

**5. Amendments to Sec. 4.4.2 Supplemental Standards, Public and Civic Uses in order to remove supplemental standards for the uses “Day Care Facility” and “Drop-In or Short-Term Child Care” in the Downtown Business (B2) zoning district as those uses are no longer permitted uses in that 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:~~
  - ~~a1) The day care facility shall not exceed 20% of the gross square footage of the building in which it is located; and~~
  - ~~b2) 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.~~

...

F) Drop-In or Short-Term Child Care

- ~~1) Drop-in/short-term child care that also provides Youth or Day Camps shall also meet the requirements of Sec. 4.4.4.E Youth or Day Camps.~~
- ~~2) Drop-in or short-term child care located in the B2 Downtown Business District shall have no outdoor play areas and shall have hours of operation typical to other adjacent downtown businesses.~~

**6. Amendments to various sections of the UDO in order to reflect changes to department titles and responsibilities due to the division of the former Public Works and Transportation Department into the Public Works Department and Transportation & Infrastructure Development Department; move floodplain administrator duties to the Water Resources Department; and add Water Resources Department to the list of departments included in the Technical Review Committee. Sections affected include the following:**

- |            |          |          |           |
|------------|----------|----------|-----------|
| • 2.1.7.B  | • 7.1.7  | • 7.5.14 | • 8.3.6.G |
| • 2.3.7    | • 7.2.1  | • 7.5.16 | • 13.16.1 |
| • 6.2.13.A | • 7.5.13 |          |           |

2.1.7 Technical Review Committee

...

B) Membership

The TRC shall consist of a staff member, designated by the department head, from each of the following departments: Planning, Public Works, ~~and Transportation~~, **Transportation & Infrastructure Development, Water Resources**, Building Inspections ~~and~~ Permitting, Parks, Recreation & Cultural Resources, Police, and Fire.

### 2.3.7 Subdivision

...

#### D) Master Subdivision Plan

...

#### 4) Minor Deviations

The Planning Director, with the consent of the ~~Public Works and Transportation~~ **& Infrastructure Development** Director, and Water Resources Director, may approve a minor deviation to a Master Subdivision Plan. A minor deviation shall be limited to technical or engineering considerations first discovered after Master Subdivision Plan approval which have no material effect on the character of the approved Master Subdivision Plan. Minor deviations shall be limited to slight relocation of lot lines, greenways, streets and utilities, and minor changes to grading and stormwater infrastructure.

...

#### F) Master Subdivision Final Plat

#### 1) General

...

b) The Master Subdivision Final Plat shall constitute only that portion of the Master Subdivision Plan that the subdivider proposes to record and develop at the time. The Master Subdivision Final Plat shall contain no fewer than 15 lots except in the case of one of the following:

- (i) Where there is a phase to be completed with fewer than 15 lots remaining or where the development contains fewer than 15 lots, in which case the application for Final Plat must contain all remaining lots;
- (ii) When the lots are located in a nonresidential subdivision; or
- (iii) When approved by the Planning Director, with the consent of the ~~Public Works and Transportation~~ **& Infrastructure Development** Director and Water Resources Director.

### 6.2.13 Flood Damage Prevention Overlay District

#### A) *Designation of Local Administrator*

The Town's ~~Public Works and Transportation~~ **Water Resources** Director or a designee is appointed to administer and implement the provisions of this Flood Damage Prevention Overlay District.

### 7.1.7 Substitution of Fees in Lieu of Public Improvements

Where, because of topographical features or other conditions peculiar to the site, strict adherence to the provisions of this Article requiring public improvements would cause an unnecessary hardship or provide an unwarranted or unrealistic result, the Town Council may authorize that the reasonable cost of such improvement if made be paid into the Town treasury in lieu of the improvement so long as same can be done without materially altering the intent of this Article; provided, however, the amount of such fee paid in substitution of the public improvement shall

reasonably relate to the applicant's fair share of the cost of such public improvements as determined by the ~~Public Works and Transportation~~ **& Infrastructure Development** Director and the Water Resources Director or some other professional engineer approved by the Town; and provided, further, that the Town Council may in its discretion, use said fee to construct some other public improvement calculated to be of significant benefit to the said property of the applicant either directly or indirectly. Any such substitution authorized as aforesaid shall be recorded in the minutes of the Town Council with a statement of the reasoning justifying the substitution.

#### 7.2.1 Streets

...

##### F) Intersections

...

- 4) Street jogs with centerline offsets of less than 100 feet shall be prohibited when the jog lies wholly within the subdivision, except when approved by the ~~Public Works and Transportation~~ **& Infrastructure Development** Director, and shall be avoided on the exterior boundary of the subdivision, except where external access would otherwise be denied.

...

##### L) Traffic Calming

...

- 2) All new residential developments shall provide for the installation for traffic calming measure(s) on each residential street within the development where the length of the public street exceeds 1,000 feet. The location and type of traffic calming measure(s) shall be determined by the Planning Department and ~~Public Works and Transportation~~ **& Infrastructure Development Department**. Traffic calming measure(s) include but are not limited to traffic circles, roundabouts, curb extensions, chicanes, splitter islands, and designated on-street parking. Speed humps are only allowed as traffic calming measures in existing neighborhoods that meet the criteria in Sec. 7.2.1.L.3 of this Ordinance.

...

##### 3)

...

After all of the criteria have been satisfied, the Town Council will make the final decision whether to approve the proposed installation/removal project. The Town Council reserves the right to deny any request for installation/removal of traffic calming devices on Town-maintained streets, in its sole discretion. After the project has been approved by the Town Council and submitted to the Town's ~~Public Works and Transportation~~ **& Infrastructure Development** Director, the street will be rated for priority, and then scheduled for installation/removal of the traffic calming devices in accordance with the approved sketch plan.

#### 7.5.13 Performance Guarantee in Lieu of Construction Prior to Acceptance of Final Plat

...

- C) Such guarantee shall be in an amount of not less than 125% of the estimated cost of the construction of the required improvements. The developer shall submit an estimate of this amount subject to review, modification, and approval, which shall be by the Water Resources Director or ~~Public Works and Transportation~~ **& Infrastructure Development** Director, as appropriate.

- D) Performance guarantees shall run for a period of one (1) year unless otherwise determined by the Water Resources Director or ~~Public Works and Transportation~~ **& Infrastructure Development** Director, as appropriate.
- E) All required construction of improvements, less the final lift of asphalts and adjustments, shall be completed within one (1) year from approval of the Final Plat unless otherwise determined by the Water Resources Director or ~~Public Works and Transportation~~ **& Infrastructure Development** Director, as appropriate.

...

#### 7.5.14 Defects Guarantee

...

- B) This guarantee shall be in the amount determined by the Water Resources Director or ~~Public Works and Transportation~~ **& Infrastructure Development** Director, as appropriate.

#### 7.5.16 Final Plat Approval Contingent on Execution of Guarantees

No Final Plat will be approved by the Planning Director, Water Resources Director, or ~~Public Works and Transportation~~ **& Infrastructure Development** Director unless such plat is in compliance with Sec. 14.1.5.C and Secs. 7.5.12 through 7.5.15.

#### 8.3.6.G Cross-Access and Driveway Construction Easement

1) ...

...

- d) The location of the cross-access and driveway construction easement and connection shall be reviewed and approved by the ~~Public Works and Transportation~~ **& Infrastructure Development** Director based on the following factors which include but are not limited to:

...

...

- f) Additional driveway access to the thoroughfare shall be avoided, except in cases where additional access is reviewed and approved by the ~~Public Works and Transportation~~ **& Infrastructure Development** Director upon finding that such access meets the following minimum distancing requirements between driveways along the thoroughfare:

- (i) 250 feet may be allowed for right-in/right-out direct access in addition to cross-access;
- (ii) 500 feet may be allowed for full movement to a minor thoroughfare for direct access in addition to cross-access; and/or
- (iii) 1,000 feet may be allowed for full movement to a major thoroughfare for direct access in addition to cross-access.

The ~~Public Works and Transportation~~ **& Infrastructure Development** Director may reduce the minimum spacing separation above by no more than 10% upon review of site constraints and a traffic impact analysis, when required.

- 2) Exceptions to the cross-access requirements may be granted by the ~~Public Works and Transportation~~ **& Infrastructure Development** Director based on site-specific constraints that make it impractical to dedicate such cross-access and driveway construction easements and connections, including but not limited to:

13.16 Developer Agreements

...

13.16.1 the estimated cost of the road improvement, based on the approved bidding process and using the lowest bid approved by the ~~Public Works and Transportation~~ **& Infrastructure Development** Director;

**PLANNING STAFF RECOMMENDATION:**

Planning staff recommends approval of the proposed UDO amendments.

**PLANNING BOARD RECOMMENDATION:**

The Planning Board heard these amendments at their September 11, 2023 meeting and unanimously recommended approval.

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

Planning Board Meeting Date: September 11, 2023



**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: Keith Braswell

Seconded by Planning Board member: Alyssa Byrd

- 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 11th day of September 2023.

Attest:

Tina Sherman, Planning Board Vice-Chair

**Dianne Khin**

Digitally signed by Dianne Khin  
Date: 2023.09.11 17:07:02  
-04'00'

Dianne Khin, Planning Director





**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 that are applicable Town-wide:

**Requested by Planning Committee of Town Council:**

1. Amendments to Secs. 4.2.2 *Use Table* and 4.4.5 *Supplemental Standards, Commercial Uses* in order to change the use “Tattoo parlor and body piercing” from a Special Use to a Permitted Use where the use is currently allowed except for within the Small Town Character Overlay District and to remove the supplemental use standards related to signage for this use since the same standards exist in Sec. 8.7 *Signs*.

**Requested by Planning Staff:**

2. Amendments to Sec. 8.2.6.B *Landscape Buffers Between Uses* in order to remove greenways from the list of Class 1 uses. This change would result in no requirement for buffers along greenways.
3. Amendments to Secs. 4.4.1 *Supplemental Use Standards, Residential Uses* and 8.2.8.B *Screening, Screening Methods* in order to change references to dumpster enclosure screening standards from the *Town of Apex Design and Development Manual* to the *Town of Apex Standard Specifications and Standard Details*. Amendments to 6.1.11.1 *Notification on Site Plan and Subdivision Plan and Recording of Information* in order to change a reference from the *Town of Apex Design and Development Manual* to the Site Plan Final Plat or Master Subdivision Final Plat application and to make other edits to simplify the wording of the standard.
4. Amendments to Sec. 2.3.8.D *Variance Permit, Standards* in order to change the word “ordinance” to “regulation” in accordance with State law.
5. Amendments to Sec. 4.4.2 *Supplemental Standards, Public and Civic Uses* in order to remove supplemental standards for the uses “Day Care Facility” and “Drop-In or Short-Term Child Care” in the Downtown Business (B2) zoning district as those uses are no longer permitted uses in that district.
6. Amendments to various sections of the UDO in order to reflect changes to department titles and responsibilities due to the division of the former Public Works and Transportation Department into the Public Works Department and Transportation & Infrastructure Development Department; move floodplain administrator duties to the Water Resources Department; and add Water Resources Department to the list of departments included in the Technical Review Committee. Sections affected include the following:
  - 2.1.7.B                      • 7.1.7                              • 7.5.14                              • 13.16.1
  - 2.3.7                              • 7.2.1                              • 7.5.16
  - 6.2.13.A                        • 7.5.13                              • 8.3.6.G

**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 26, 2023 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  
 Planning Director

Published Dates: September 1-26, 2023



**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 that are applicable Town-wide:

### **Requested by Planning Committee of Town Council:**

1. Amendments to Secs. 4.2.2 *Use Table* and 4.4.5 *Supplemental Standards, Commercial Uses* in order to change the use "Tattoo parlor and body piercing" from a Special Use to a Permitted Use where the use is currently allowed except for within the Small Town Character Overlay District and to remove the supplemental use standards related to signage for this use since the same standards exist in Sec. 8.7 *Signs*.

### **Requested by Planning Staff:**

2. Amendments to Sec. 8.2.6.B *Landscape Buffers Between Uses* in order to remove greenways from the list of Class 1 uses. This change would result in no requirement for buffers along greenways.
3. Amendments to Secs. 4.4.1 *Supplemental Use Standards, Residential Uses* and 8.2.8.B *Screening, Screening Methods* in order to change references to dumpster screening standards from the *Town of Apex Design and Development Manual* to the *Town of Apex Standard Specifications and Standard Details*. Amendments to 6.1.11.1 *Notification on Site Plan and Subdivision Plan and Recording of Information* in order to change a reference from the *Town of Apex Design and Development Manual* to the *Site Plan Final Plat or Master Subdivision Final Plat* application and to make other edits to simplify the wording of the standard.
4. Amendments to Sec. 2.3.8.D *Variance Permit, Standards* in order to change the word "ordinance" to "regulation" in accordance with State law.
5. Amendments to Sec. 4.4.2 *Supplemental Standards, Public and Civic Uses* in order to remove supplemental standards for the uses "Day Care Facility" and "Drop-In or Short-Term Child Care" in the Downtown Business (B2) zoning district as those uses are no longer permitted uses in that district.
6. Amendments to various sections of the UDO in order to reflect changes to department titles and responsibilities due to the division of the former Public Works and Transportation Department into the Public Works Department and Transportation & Infrastructure Development Department; move floodplain administrator duties to the Water Resources Department; and add Water Resources Department to the list of departments included in the Technical Review Committee. Sections affected include the following:
  - 2.1.7.B
  - 2.3.7
  - 6.2.13.A
  - 7.1.7
  - 7.2.1
  - 7.5.13
  - 7.5.14
  - 7.5.16
  - 8.3.6.G
  - 13.16.1

**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 26, 2023 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  
Planning Director

Published Dates: September 1-26, 2023



**TOWN OF APEX**  
POST OFFICE BOX 250  
APEX, NORTH CAROLINA 27502  
TEL. 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-601 y con la sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del pueblo de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del pueblo de Apex a fin de solicitar comentarios relativos a la siguiente modificación de la Ordenanza de Desarrollo Unificado que se aplican a toda la ciudad:

#### A solicitud del Comité de Planificación del Consejo Municipal:

1. Enmiendas a las secciones 4.2.2 *Tabla de usos* y 4.4.5 *Normas complementarias, Usos comerciales* para cambiar el uso "Salón de tatuajes y perforaciones corporales" de un uso especial a un uso permitido, donde el uso está ahora permitido excepto en el distrito de superposición de carácter de población pequeña y para eliminar las normas de uso complementarias relacionadas con la señalización para este uso ya que existen las mismas normas en la sección 8.7 *Letreros*.

#### A solicitud del personal de Planificación:

2. Enmiendas a la sección 8.2.6.B *Zonas de separación paisajística entre usos* para eliminar las vías verdes de la lista de usos de clase 1. Este cambio daría lugar a que no se exigieran zonas de separación a lo largo de las vías verdes.
3. Enmiendas a las secciones 4.4.1 *Normas de uso complementarias, Usos residenciales* y 8.2.8.B *Vallado, Métodos de vallado* para cambiar las referencias a las normas de vallado de los recintos de contenedores de basura del *Manual de diseño y desarrollo del pueblo de Apex* a las *Especificaciones estándares y detalles estándares del pueblo de Apex*. Enmiendas a las secciones 6.1.11.I *Notificación sobre el plan del sitio y el plan de subdivisión y registro de información* para cambiar una referencia del *Manual de diseño y desarrollo del pueblo de Apex* a la solicitud del Plano final del plan de sitio o Plano final de subdivisión maestra y para hacer otras ediciones para simplificar la redacción de la norma.
4. Enmiendas a la sección 2.3.8.D *Permiso de variación, Normas* para cambiar la palabra "ordenanza" por "reglamento" de acuerdo con la ley estatal.
5. Enmiendas a la sección 4.4.2 *Normas complementarias, Usos públicos y cívicos* con el fin de eliminar las normas complementarias para los usos "Centro de día" y "Cuidado infantil sin cita previa o de corta duración" en el distrito de zonificación Negocios en el centro de la ciudad (B2), ya que dichos usos ya no están permitidos en dicho distrito.
6. Enmiendas a varias secciones de la UDO para que se reflejen los cambios en los títulos y responsabilidades de los departamentos debido a la división del antiguo Departamento de Obras Públicas y Transporte en el Departamento de Obras Públicas y el Departamento de Desarrollo de Transporte e Infraestructura; trasladar las funciones del administrador de terrenos inundables al Departamento de Recursos Hídricos; y agregar el Departamento de Recursos Hídricos a la lista de departamentos incluidos en el Comité de Revisión Técnica. Entre las secciones afectadas, se encuentran las siguientes:

- 2.1.7.B
- 2.3.7
- 6.2.13.A
- 7.1.7
- 7.2.1
- 7.5.13
- 7.5.14
- 7.5.16
- 8.3.6.G
- 13.16.1

**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: 26 de septiembre de 2023 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

Fechas de publicación: 1 de septiembre-26 de septiembre de 2023



**TOWN OF APEX**  
 POST OFFICE BOX 250  
 APEX, NORTH CAROLINA 27502  
 TEL. 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-601 y con la sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del pueblo de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del pueblo de Apex a fin de solicitar comentarios relativos a la siguiente modificación de la Ordenanza de Desarrollo Unificado que se aplican a toda la ciudad:

**A solicitud del Comité de Planificación del Consejo Municipal:**

1. Enmiendas a las secciones 4.2.2 *Tabla de usos* y 4.4.5 *Normas complementarias, Usos comerciales* para cambiar el uso "Salón de tatuajes y perforaciones corporales" de un uso especial a un uso permitido, donde el uso está ahora permitido excepto en el distrito de superposición de carácter de población pequeña y para eliminar las normas de uso complementarias relacionadas con la señalización para este uso ya que existen las mismas normas en la sección 8.7 *Letreros*.

**A solicitud del personal de Planificación:**

2. Enmiendas a la sección 8.2.6.B *Zonas de separación paisajística entre usos* para eliminar las vías verdes de la lista de usos de clase 1. Este cambio daría lugar a que no se exigieran zonas de separación a lo largo de las vías verdes.
3. Enmiendas a las secciones 4.4.1 *Normas de uso complementarias, Usos residenciales* y 8.2.8.B *Vallado, Métodos de vallado* para cambiar las referencias a las normas de vallado de los recintos de contenedores de basura del *Manual de diseño y desarrollo del pueblo de Apex* a las *Especificaciones estándares y detalles estándares del pueblo de Apex*. Enmiendas a las secciones 6.1.11.1 *Notificación sobre el plan del sitio y el plan de subdivisión y registro de información* para cambiar una referencia del *Manual de diseño y desarrollo del pueblo de Apex* a la solicitud del Plano final del plan de sitio o Plano final de subdivisión maestra y para hacer otras ediciones para simplificar la redacción de la norma.
4. Enmiendas a la sección 2.3.8.D *Permiso de variación, Normas* para cambiar la palabra "ordenanza" por "reglamento" de acuerdo con la ley estatal.
5. Enmiendas a la sección 4.4.2 *Normas complementarias, Usos públicos y cívicos* con el fin de eliminar las normas complementarias para los usos "Centro de día" y "Cuidado infantil sin cita previa o de corta duración" en el distrito de zonificación Negocios en el centro de la ciudad (B2), ya que dichos usos ya no están permitidos en dicho distrito.
6. Enmiendas a varias secciones de la UDO para que se reflejen los cambios en los títulos y responsabilidades de los departamentos debido a la división del antiguo Departamento de Obras Públicas y Transporte en el Departamento de Obras Públicas y el Departamento de Desarrollo de Transporte e Infraestructura; trasladar las funciones del administrador de terrenos inundables al Departamento de Recursos Hídricos; y agregar el Departamento de Recursos Hídricos a la lista de departamentos incluidos en el Comité de Revisión Técnica. Entre las secciones afectadas, se encuentran las siguientes:
  - 2.1.7.B
  - 2.3.7
  - 6.2.13.A
  - 7.1.7
  - 7.2.1
  - 7.5.13
  - 7.5.14
  - 7.5.16
  - 8.3.6.G
  - 13.16.1

**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: 26 de septiembre de 2023 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

Fechas de publicación: 1 de septiembre-26 de septiembre de 2023