

# STAFF REPORT

## Amendments to the Unified Development Ordinance

February 28, 2023 Town Council Meeting



### Requested by Planning Staff:

1. **Amendments to Sec. 8.2.6.B.4 *Landscape Buffers Between Land Uses, Land Use Classes* in order to update the use names “Warehousing, general” and “Wholesaling distribution center” and add the use “Warehousing fulfillment center” in the list of Class 6 land uses.**

#### 8.2.6.B *Landscape Buffers Between Land Uses*

...

- 4) *Land Use Classes*

The 6 land use classes appearing in Table 1 include the following uses:

...

- f) *Class 6:*

...

Warehousing, general

Warehousing fulfillment center

...

Wholesaling, ~~general~~ distribution center

...

2. **Amendments to Sec. 8.3.2.A *Off-Street Parking Schedule “A”* in order to remove the use “Wholesaling, general” from the Commercial Uses section of the table as it is an Industrial Use. This amendment would not change the parking requirement for this use which was recently renamed to “Wholesaling distribution center”.**

#### 8.3.2 *Off-Street Parking Schedule*

- A) ***Off-Street Parking Schedule “A”***

Unless otherwise expressly stated in this Code, off-street motor vehicle and bicycle parking spaces shall be provided in accordance with Table 8.3-1. Electric vehicle charging space requirements shall be provided in accordance with Sec. 8.3.11 *Electric Vehicle Charging Spaces*.

**Table 8.3-1: Off-Street Parking Schedule “A”**

Use	Minimum Number of Motor Vehicle Spaces Required	Minimum Number of Bicycle Spaces Required
Commercial Uses		
...	...	...
<del>Wholesaling, general</del>	Schedule B	2 spaces
...	...	...
Industrial Uses		
All uses	Schedule B	2 spaces

**3. Amendments to Sec. 8.3.6.D Parking Lot Design Standards, Surfacing and Maintenance in order to allow "Agricultural Uses" to have the option to use gravel parking.**

8.3.6 Parking Lot Design Standards

...

D) Surfacing and Maintenance

All off-street parking areas shall be paved and kept in a dust-free condition at all times. Permeable pavement, if used, shall comply with the North Carolina Department of Environmental Quality's Minimum Design Criteria in the NCDEQ Stormwater Design Manual.

1) *Exceptions*

Parking for the following shall be gravel or paved and kept in a dust-free condition at all times:

- a) All uses in the CB Conservation Buffer zoning district;
- b) Athletic Fields only under the category of Entertainment, Outdoor where allowed;
- c) Uses associated with Landmark and other historic structures. Exposed aggregate concrete, or similar, may be used for paving and railroad ties or landscape timbers may be used in lieu of concrete wheel stops; ~~and~~
- d) Land clearing and inert debris landfills- ; **and**
- e) **All Agricultural uses.**

...

**PLANNING STAFF RECOMMENDATION:**

Planning staff recommends approval of the proposed UDO amendments.

**PLANNING BOARD RECOMMENDATION:**

The Planning Board heard these amendments at their February 13, 2023 meeting and unanimously recommended approval.

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

Planning Board Meeting Date: February 13, 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: 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 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 13th day of February 2023.

Attest:

  
Reginald Skinner, Planning Board Chair

**Dianne Khin**  
Digitally signed by Dianne Khin  
Date: 2023.02.13 18:51:13  
-05'00'  
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 Staff:

1. Amendments to Sec. 8.2.6.B.4 *Landscape Buffers Between Land Uses, Land Use Classes* in order to update the use names "Warehousing, general" and "Wholesaling distribution center" and add the use "Warehousing fulfillment center" in the list of Class 6 land uses.
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3. Amendments to Sec. 8.3.6.D *Parking Lot Design Standards, Surfacing and Maintenance* in order to allow "Agricultural Uses" to have the option to use gravel parking.

**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: February 28, 2023 7:00 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: February 6-28, 2023



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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-601 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 que se aplican a toda la ciudad:

### **Solicitado por el personal de planificación:**

1. Enmienda a la sección 8.2.6.B.4, *Zonas de separación paisajística entre usos del suelo, clases de uso del suelo*, para actualizar los nombres de uso "almacenamiento, general" y "centro de distribución mayorista" y agregar el uso "centro de cumplimiento de almacenamiento" en la lista de usos del suelo de clase 6.
2. Enmienda a la sección 8.3.2.A, *Cronograma "A" de estacionamientos fuera de la vía pública*, para eliminar el uso "venta al por mayor, general" de la sección de usos comerciales de la tabla, ya que se trata de un uso industrial. Esta modificación no cambiaría el requisito de estacionamiento para este uso, que recientemente pasó a llamarse "centro de distribución mayorista".
3. Enmienda a la sección 8.3.6.D, *Normas de diseño, superficie y mantenimiento de estacionamientos*, para permitir que los "usos agrícolas" tengan la opción de usar estacionamientos de grava.

**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: 28 de febrero de 2023 7:00 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: 6 de febrero-28 de febrero de 2023



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