

AN ORDINANCE TO AMEND CERTAIN SECTIONS OF THE UNIFIED DEVELOPMENT ORDINANCE

BE IT ORDAINED by the Town Council of the Town of Apex as follows:

Section 1. Section 8.2.6.C.4 of the Unified Development Ordinance is amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

8.2.6.C *General Buffering Requirements*

...

4) *No Development within the Required Buffer*

The required buffer shall not contain any development, built-upon area, or site features that do not function to meet the standards of this Section or that require removal of existing vegetation, except for signs within platted sign easements, utilities within public utility easements, and public art on private property within a platted public art on private property easement (see Secs. 8.1.2.C.8 and 8.2.2.C.2.a). When a public utility easement is located within a **Streetfront Buffer or a Thoroughfare Buffer that is 20 feet or greater in width, a minimum 20 foot wide planting area shall be provided as measured from the edge of the easement.** For all other required buffers, a minimum 10 foot wide planting area shall be provided as measured from the edge of the easement. The planting area shall be as wide as necessary in order to accommodate all required buffer plantings. Tree species with compact root systems shall be used adjacent to the easement.

Section 2. Section 7.2.5.B of the Unified Development Ordinance is amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

7.2.5.B *Single-Family Residential Subdivision Mass Grading*

Mass grading of single-family residential subdivisions shall be allowed provided all provisions of Secs. 7.2.5.B and C are met.

...

8) An additional ~~two~~ **five** percent (~~25~~%) Resource Conservation Area (RCA) shall be set aside. This requirement is added to the standard RCA percentage requirement found in Sec. 8.1.2.C *Size of the RCA*.

Section 3. Section 6.1.7.A.3 of the Unified Development Ordinance is amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

6.1.7.A.3 *Stormwater Control Measures (SCMs)*

...

The post-development peak runoff rate shall be limited to the pre-development peak runoff rate for the 1-year, 24-hour and the 10-year, 24-hour storms. Within the Upper Northwest Tributary to Williams Creek basin **and the Upper Beaver Creek Basin** (as shown on the Watershed Protection Overlay District Map), the post-development peak runoff rate shall also be limited to the pre-development peak runoff rate for the 25-year, 24-hour storm. Additionally within ~~the~~ **those** basins, runoff volume for the 10-year, 24-hour storm shall be detained.

...

Section 4. Section 5.1.3 of the Unified Development Ordinance is amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

5.1.3 Planned Development Districts

Use	Minimum Lot Width (Feet)	Minimum Setbacks (Feet)				Max. Height (Feet)	Max. Built-Up Upon Area (%)*	Max. Density (Gross Units per Acre)	Additional Regulations
		Front	Side	Rear	Corner Side				
MEC-CZ									
Single family	30	See Sec. 2.3.4	5 <u>See Sec. 2.3.4</u>	See Sec. 2.3.4	See Sec. 2.3.4	See Sec. 2.3.4	70	—	Sec. 2.3.4
Townhouses	18	See Sec. 2.3.4	0 <u>See Sec. 2.3.4</u>	See Sec. 2.3.4	See Sec. 2.3.4	See Sec. 2.3.4	70	—	8' aggregate setback between buildings; Sec. 2.3.4
Townhouses, detached	26	See Sec. 2.3.4	3 <u>See Sec. 2.3.4</u>	See Sec. 2.3.4	See Sec. 2.3.4	See Sec. 2.3.4	70	7	Sec. 2.3.4; Sec 4.4.1.J
All other uses	See Sec. 2.3.4						70	—	Sec. 2.3.4
PUD-CZ									
Single family	30	See Sec. 2.3.4	5 <u>See Sec. 2.3.4</u>	See Sec. 2.3.4	See Sec. 2.3.4	See Sec. 2.3.4	70	—	Sec. 2.3.4
Townhouses	18	See Sec. 2.3.4	0 <u>See Sec. 2.3.4</u>	See Sec. 2.3.4	See Sec. 2.3.4	See Sec. 2.3.4	70	—	8' aggregate setback between buildings; Sec. 2.3.4
Townhouses, detached	26	See Sec. 2.3.4	3 <u>See Sec. 2.3.4</u>	See Sec. 2.3.4	See Sec. 2.3.4	See Sec. 2.3.4	70	7	Sec. 2.3.4; Sec. 4.4.1.J
All other uses	See Sec. 2.3.4						70	—	Sec. 2.3.4
TND-CZ									
Single family	30	See Sec. 2.3.4	5 <u>See Sec. 2.3.4</u>	See Sec. 2.3.4	See Sec. 2.3.4	See Sec. 2.3.4	70	—	Sec. 2.3.4
Townhouses	18	See Sec. 2.3.4	0 <u>See Sec. 2.3.4</u>	See Sec. 2.3.4	See Sec. 2.3.4	See Sec. 2.3.4	70	—	8' aggregate setback between buildings; Sec. 2.3.4
Townhouses, detached	26	See Sec. 2.3.4	3 <u>See Sec. 2.3.4</u>	See Sec. 2.3.4	See Sec. 2.3.4	See Sec. 2.3.4	70	7	Sec. 2.3.4; Sec. 4.4.1.J
All other uses	See Sec. 2.3.4						70	—	Sec. 2.3.4

* See Sec 6.1, Watershed Protection Overlay Districts.

Section 5. Section 8.2.5.B of the Unified Development Ordinance is amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

8.2.5.B *Vehicle Use Area Landscaping*

...
1) *General Requirements*

...
b) All vehicle use areas and access drives shall be separated from side and rear property lines by a planting area at least eight (8) feet wide ~~that meets type B buffer standards (see Sec. 8.2.6.B).~~ **This planting area shall contain large deciduous trees spaced no less than 40 feet from another tree or small deciduous trees spaced no less than 20 feet from another tree.** Outparcels with multi-tenant buildings shall be exempt from this requirement. **Where adjacent properties are developed in conjunction with one another, the combined total planting area shall be at least 10 feet wide.**

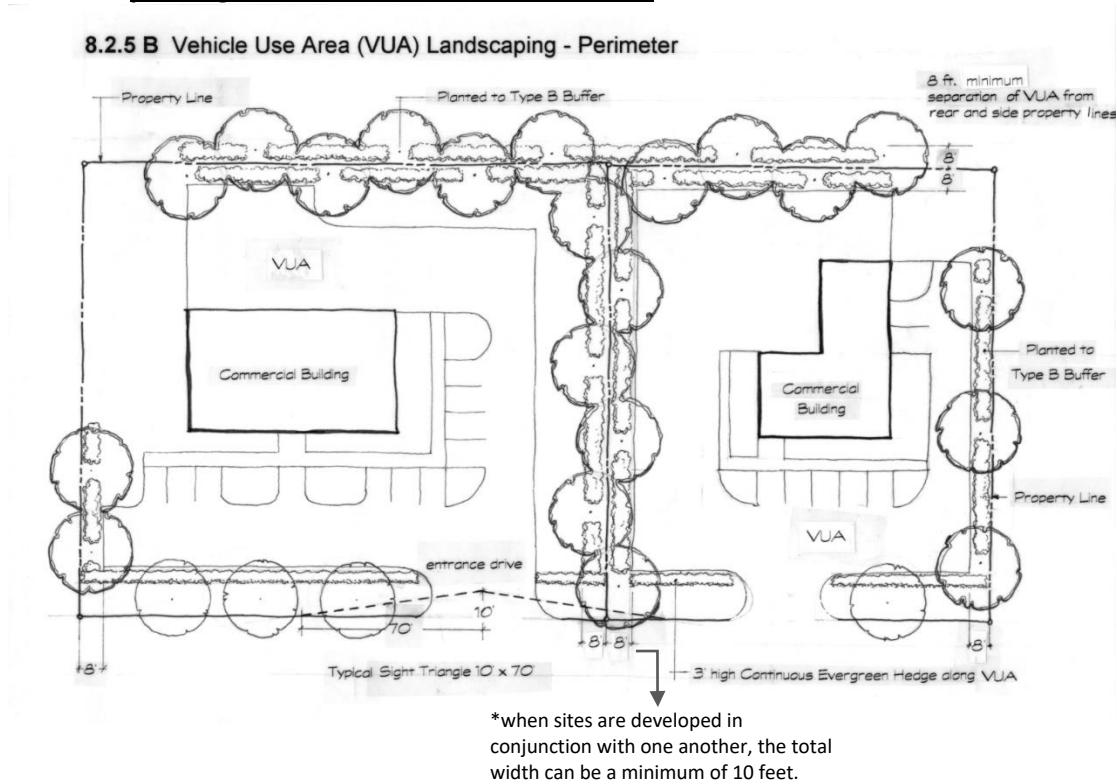


Figure 8.2.5.(B) ~~Vehicle~~ Use Area Landscaping for Single-Tenant Parcels

Section 6. Section 8.7.6.B of the Unified Development Ordinance is amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

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 ~~s~~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.

- 1) *Signs near residential premises.* No sign within 150 feet of a residential premise may be illuminated between the hours of midnight and 6 a.m., unless there is no spillover of lighting or glare to the residential area beyond the boundaries of the lot where the lighting is located.
- 2) *Shielding of lights.* External lighting directed toward a sign shall be shielded so that it illuminates only the face of the sign and does not shine directly into or cause glare onto a public right-of-way or residential premises.
- 3) *Flashing or intermittent lights.* No sign shall contain or be illuminated by flashing or intermittent light or lights of changing degrees of intensity. This shall not include Interactive Digital Displays permitted under Sec. 8.7.1.A.30.c.

Section 7. Section 2.1.4 of the Unified Development Ordinance is amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

2.1.4 ~~Reserved for Future Use~~ Transit Advisory Committee

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 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.**

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 all 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**
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 without compensation.

Section 8. Section 2.3.11.B of the Unified Development Ordinance is amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

2.3.11 Temporary Use

...

B) *Procedure*

The procedures for initiation of an application for a temporary use permit, the application contents, fees, and application submission shall comply with those relevant provisions in Sec. 2.2 *Common Review Procedures*. Within 30 days after the application is determined sufficient, the Planning Director shall review the application and approve, approve with conditions, or disapprove the temporary use permit based on the standards in Sec. ~~2.23~~.11.C *Standards*.

Section 9. Amendments in Sections 1-3 shall not apply to projects for which an application for development approval has been submitted before the effective date of this ordinance.

Section 10. The Planning Director and/or Town Manager are hereby authorized to renumber, revise formatting, correct typographic errors, to verify and correct cross references, indexes and diagrams as necessary to codify, publish, and/or accomplish the provisions of this ordinance or future amendments as long as doing so does not alter the terms of this ordinance.

Section 11. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to such section, paragraph, subdivision, clause or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

Section 12. The ordinance shall be effective upon enactment on the ____ day of July 2019.

Introduced by Council Member _____

Seconded by Council Member _____

Attest:

TOWN OF APEX

Donna Hosch, MMC, NCCMC
Town Clerk

Lance Olive
Mayor

Approved As To Form:

Laurie L. Hohe
Town Attorney