

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. Sections 8.2.2.B.1 and 12.2 of the Unified Development Ordinance are now amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

8.2.2 General Landscaping Design Standards

B) *Plant Materials*

1) *Use of Native or Adaptive Plant Materials*

In order to further water conservation and to ~~assure~~ **ensure** growth and survival of new plantings, all new landscaping installed pursuant to this chapter shall be comprised entirely of native or adaptive plants that reflect the surrounding plant materials and environment. See the Town of Apex Development and Design Manual for a list of approved native or adaptive plants.

a) **Landscaping on Town-Owned Property**

All new or replacement landscaping installed on property owned by or dedicated to the Town of Apex, including public rights-of-way, parks, open space, and other publicly maintained areas shall utilize native plant materials, as defined in Sec. 12.2 Terms Defined. Preference shall be given to species native to North Carolina where practicable. Plant selections shall be consistent with the Town of Apex Design and Development Manual. Final plant selections shall be subject to review and approval by the Technical Review Committee (TRC) to ensure consistency with local ecological conditions, maintenance practices, and adopted long-term sustainability goals.

The following non-native plants shall be exempted from this policy:

(i) Non-native turf grass;

(ii) Replacement of existing non-native plant species that have been removed or have died, provided such replacements are of the same species or a functionally equivalent non-native species, in order to maintain the continuity of the established landscape design; and

(iii) Non-native plants where the primary purpose is:

(a) Crop cultivation;

(b) Scientific research;

(c) Botanical or historical gardens; or

(d) Plantings for wildlife.

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12.2 Terms Defined

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Adaptive Plants

Adaptive plants are plant species, or cultivars, that are not native to the local ecosystem but have demonstrated the ability to thrive in regional climate and soil conditions without invasive tendencies, excessive irrigation, chemical inputs, or extraordinary maintenance, and that do not pose a threat to native plant communities or local ecosystems.

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Native Plants

Native plants are plant species that the United States Department of Agriculture (USDA) has classified as native to a state or county in the Southeastern United States. For the purpose of this list, Southeastern USA includes the states of Alabama, Georgia, North Carolina, South Carolina, Tennessee, Virginia, and the following counties in Florida: Bay Calhoun, Escambia, Gulf, Holmes, Jackson, Okaloosa, Santa Rosa, Walton, and Washington.

Section 2. Section 4.3.5.D.2 of the Unified Development Ordinance is now amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

4.3.5 Use Classifications, Commercial Uses

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D) *Office and Research*

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- 2) *Medical or dental clinic or office.* An establishment where patients, who are not lodged overnight except for emergency treatment, are admitted for examination and treatment by one (1) person or group of persons practicing any form of healing or health-building services to individuals, whether such persons be medical doctors, chiropractors, osteopaths, podiatrists, optometrists, dentists, orthodontists, naturopaths, homeopaths, nutritionists, licensed therapeutic massage therapists, psychologists, psychiatrists, rehabilitation therapists, speech and language therapists, occupational therapists, acupuncturists or any such profession, the practice of which is lawful in the State of North Carolina.

Overnight stays shall be permitted only when associated with a physician ordered sleep study. Such stays shall not include inpatient care; the routine provision of emergency services; surgical procedures requiring general anesthesia; or medical observation exceeding 10 hours, except as necessary to complete the sleep study or to stabilize a patient pending transfer to emergency medical services.

Section 3. Section 7.2.1.B of the Unified Development Ordinance is now amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

7.2.1 Streets

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F) *Street Rights-of-Way*

- 1) Minimum street right-of-way widths shall be determined on the basis of the street classification shown in *Advance Apex: The 2045 Transportation Plan* or, where such plans do not apply, according to the nature of the street as illustrated on the plat. The subdivider shall refer to the *Town of Apex Standard Specifications and Standard Details* for standard street sections and minimum rights-of-way.
- 2) Subdivisions along existing streets of inadequate right-of-way width shall provide additional right-of-way to meet the minimum widths specified. The entire right-of-way shall be provided where any part of a new subdivision is on both sides of an existing street, and one-half the required right-of-way measured from the centerline of the existing street shall be provided where a new subdivision is located only on one side of an existing street.
- 3) **Artificial turf shall be prohibited within public street rights-of-way associated with new subdivisions or site plans approved after April 28, 2026. This prohibition shall apply to all areas within the right-of-way, including but not limited to planting strips, medians, and other landscaped or unimproved areas. Artificial turf shall not be permitted as a substitute for required landscaping, groundcover, or open space within the right-of-way. This Section shall not apply to the repair or replacement of existing artificial turf installed prior to April 28, 2026.**

Section 4. Section 6.2.17.B of the Unified Development Ordinance is now amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

6.2.17 Standards for Streams without Established Base Flood Elevations, Floodways, and/or Non-Encroachment Areas

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B) *Provide Flood Data*

A hydraulic report shall be prepared by a licensed professional engineer to define the Base Flood Elevation (BFE) for a Master Subdivision Plan, Site Plan, planned development, and other proposed development if development is greater than five (5) acres or has more than 50 lots. **Alternative to a hydraulic study and report, the Town will accept the 100-year Base Flood Elevations (BFEs) as shown on the North Carolina Emergency Management (NCEM) non-regulatory floodplain map.** Such Base Flood Elevation (BFE) data shall be adopted by reference per Sec. 6.2.6 to be utilized in implementing this Ordinance.

Section 5. 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 6. 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 7. The ordinances shall be effective upon enactment on the ____ day of _____ 2026.

Introduced by Council Member _____

Seconded by Council Member _____

Attest:

TOWN OF APEX

Allen Coleman, CMC, NCCCC
Town Clerk

Jacques K. Gilbert
Mayor

Approved as to Form:

Laurie L. Hohe
Town Attorney