

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 4.2.2 and 4.4.2 of the Unified Development Ordinance are amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

4.2.2 Use Table

Use Type	Definition Section	Zoning Districts																				Section(s)	
		Residential									Business						Planned Development			Other			Standards
		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		
Public and Civic Uses																							
School, public or private	4.3.2.L	P	P	P	P	P	P	P		P	P	P				P	P	P	P		**	P*	<u>4.4.2.H;</u> 6.3

4.4.2 Supplemental Standards, Public and Civic Uses

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H) School, Public or Private
A neighborhood meeting in compliance with Sec. 2.2.7 Neighborhood Meeting shall be required for all public or private schools regardless of Minor or Major Site Plan status.

Section 2. Section 2.1.9 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:

2.1.9 Apex Environmental Advisory Board

A) *Powers and Duties*

The Environmental Advisory Board shall have the following powers and duties under the provisions of this Ordinance:

- 1) Advise the ~~Environmental Committee of the Apex Town Council~~ regarding suggested changes to the Unified Development Ordinance related to the natural environment and the Planning Committee of the Apex Town Council regarding suggested changes to the Unified Development Ordinance related to the impacts of development upon the natural environment.

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Section 3. Section 4.3.5 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:

4.3.5 Use Classifications, Commercial Uses

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G) *Retail Sales and Service*

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- 13) *Glass sales.* An establishment primarily engaged in the retail sale **or wholesale** of glass for residences and businesses.

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Section 4. Section 8.2.8.B.1 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:

8.2.8 Screening

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B) *Screening Methods*

Screening shall be accomplished by the following methods:

1) Dumpsters.

- a) Dumpsters shall be screened with an opaque enclosure, fence or wall that reaches eight (8) feet in height or the height of the dumpster, whichever is higher. The design and materials of the enclosure, fence or wall must be presented as part of the Exempt Site Plan, Site Plan, or Master Subdivision Plan approval process. The screening structures must be constructed of masonry materials. The screening structures shall be architecturally compatible with the principal building(s) on site. The operational parts of the enclosure such as the gate frame and hinge assemblies must be built of heavy-duty material such as steel and engineered to hold up to daily use and abuse; wood is not allowed;
- b) Gates or doors on dumpster enclosures shall be constructed of opaque metal, wood composite, or PVC composite. When composite products are used, they shall be placed close enough together to create an opaque gate. Any composite product used shall be lightweight. ~~No wooden gates are permitted~~ **Gates constructed of real wood are not permitted unless the dumpster is associated with a Wake County Landmark or other historic structure;**
- c) Where practical, shrubs or other plants must be planted outside the enclosure to visually soften the appearance;
- d) The overall enclosure design must comply with the standards found in the Town's Design and Development Manual.

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Section 5. 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*

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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.89 and 8.2.2.C.2.a). When a public utility easement is located within a **Fully-and Limited-Controlled Access Highway Buffer**, 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.

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Section 6. The Director of Planning and Community Development 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 7. 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 8. The ordinance shall be effective upon enactment on the ____ day of _____ 2022.

Introduced by Council Member _____

Seconded by Council Member _____

Attest: TOWN OF APEX

Tesa Silver, MMC, NCCMC
Interim Town Clerk

Jacques K. Gilbert
Mayor

Approved As To Form:

Laurie L. Hohe
Town Attorney