

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 2.3.7.F.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:

2.3.7 Subdivision

...

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) ~~w~~**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 Director and Water Resources Director.**

Section 2. Section 4.6.1.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:

4.6.1 Temporary Uses and Structures

...

B) General Regulations

The general regulations of this subsection shall apply to all allowed temporary uses unless otherwise expressly stated.

1) *Temporary signs.* No temporary signs shall be permitted in a public right-of-way or off-premises of the temporary use. All temporary signs associated with the temporary use shall be displayed no sooner than one week prior to the commencement of the temporary use and shall be removed no later than two days after the end of the temporary use. All temporary signs shall meet the requirements of 8.7.1 *Signs, Permitted Signs: Location, Size, and Number.*

- 2) *Conditions of approval.* Temporary uses shall not violate any applicable conditions of approval that apply to the principal use on the site.
- 3) *Obtain all other applicable permits.* The operator must obtain all other required permits applicable to the temporary use.
- 4) *Not located in public right-of-way.* Temporary uses shall not be located within a public right-of-way.
- 5) **Temporary uses and activities or special events shall not jeopardize the public health or safety, or be injurious or detrimental to properties adjacent to, or in the vicinity of, the proposed location of the activity.**

Section 3. Sections 2.3.5.B and 4.6.1.C 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:

2.3.5 Special Use

...

B) Authorization

Only those uses authorized as special uses in Sec. 4.2.2, *Use Table* and temporary uses as set forth in Section 4.6.1(C)(7) ~~Temporary Use Permits issued under a Special Use Permit~~, may be approved as special uses. The designation of a use as a special use in Sec. 4.2.2, *Use Table*, does not constitute an authorization that such use shall be approved as a special use pursuant to this Section. Rather, each proposed special use shall be evaluated by the ~~Planning Board and~~ Town Council for compliance with the standards set forth in this Section, **and** applicable supplementary standards for the use in Sec. 4.4, *Supplemental Standards*, and standards for requested Special Use Permits set forth in Section 4.6.1(C)(7) ~~Temporary Use Permits issued under a Special Use Permit~~.

4.6.1 Temporary Uses and Structures

...

C) Uses Allowed

...

~~7) Temporary Use Permits issued under a Special Use Permit.~~ A Special Use Permit may include up to twelve (12) Temporary Use Permits per calendar year and may include any of the Temporary Use Permits as described in Section 4.6.1(C) **Uses Allowed**. The Temporary Use Permit shall be limited by the number and consecutive days established in the individual Special Use Permit, not as described in the applicable section. An application for a Temporary Use Permit shall be accompanied by a copy of the approved Special Use Permit and the Planning Department shall maintain a record of the number and type of permits granted each calendar year.

Section 4. Section 8.3 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:

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) shall apply in the **All uses in the** CB Conservation Buffer zoning district; ~~or for~~

b) Athletic Fields only under the category of Entertainment, Outdoor where allowed; **and** ~~in other zoning districts where parking areas shall be gravel or paved and kept in a dust-free condition at all times.~~

c) Uses associated with Landmark and other historic structures. Exposed aggregate concrete, or similar, may be used for paving.

2) Gravel parking shall at a minimum meet the following specifications:

~~1) a)~~ **a)** Compacted Subgrade;

~~2) b)~~ **b)** 6 Inches Aggregate Base Course;

~~3) c)~~ **c)** 1.5 Inches #78M Stone; and

~~4) d)~~ **d)** Drive aisles must be repaired or replaced with #78M Stone every six (6) months.

Section 5. Section 8.7.1.A.13 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:

8.7.1.A *Permitted Signs: Location, Size, and Number, Conditions*

...

13) *Menu Board*

An accessory sign providing items and price associated with a drive-thru window or walk-up window and meets the conditions below:

Changeable menu boards shall be allowed provided that:

- a) Such signs shall not exceed 32 square feet in area, except as provided in subsection c. below, and six (6) feet in height.
 - b) Except as provided in subsection c. below, two (2) signs shall be permitted per drive-through lane not to exceed 64 combined square feet. **The two (2) menu boards shall be no closer than eight (8) feet at any point.**
 - c) One (1) menu board sign up to 40 square feet in area and six (6) feet in height shall be allowed, as opposed to two (2) menu board signs as referenced in subsections a. and b. above.
- ...

Section 6. 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 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 October 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