

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: April 23, 2024

Item Details

Presenter(s): Robert Patterson, PE, Senior Stormwater Engineer

Department(s): Water Resources

Requested Motion

Public hearing and possible motion regarding various amendments to the Unified Development Ordinance (UDO).

Approval Recommended?

The Water Resources and Planning Department recommend approval. The Planning Board heard these amendments at their April 8, 2024 meeting and unanimously recommended approval.

Item Details

Amendments to Sec. 6.1 *Watershed Protection Overlay Districts* in order to incorporate the Neuse River Basin stormwater regulations as required by 15A NCAC 02B .0711 *Neuse Nutrient Strategy - Stormwater* and update the riparian buffer mitigation requirements to be consistent with that in 15A NCAC 02B .0295 *Mitigation Program Requirements for Protection and Maintenance of Riparian Buffers*. Amendments to Sec. 8.2.7 *Fences, Walls, and Berms* and Sec. 11.4.4 *Civil Penalties* are proposed to update Section references related to the proposed changes in Sec. 6.1. Also included are amendments to Sec. 12.2 *Terms Defined* in order to update the definition of "Built-Up Area" to be consistent with that required by NC General Statute 143-214.7 and have Sec. 6.1 refer to Sec. 12.2 to avoid a duplication of the definition.

Background: In the re-adoption of the Neuse Nutrient Strategy Stormwater Rules by the North Carolina Department of Environmental Quality (NCDEQ) on April 1, 2020, the Town of Apex became a "named" community within the Neuse River Basin. During their November 9, 2023 meeting, the NC Environmental Management (EMC) reviewed the Town's draft UDO revisions to incorporate the Neuse stormwater rules subsequently approved the changes. NCDEQ has also revised the riparian buffer mitigation rules to allow for more alternatives to satisfy buffer mitigation when a project requires it.

Attachments

- PH4-A1: Staff Report - Unified Development Ordinance (UDO) Amendments - April 2024
- PH4-A2: Planning Board Report to Town Council - Unified Development Ordinance (UDO) Amendments - April 2024
- PH4-A3: Ordinance - Unified Development Ordinance (UDO) Amendments - April 2024
- PH4-A4: PowerPoint Presentation - Unified Development Ordinance (UDO) Amendments - April 2024

