

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 2.1.2 and 2.1.3 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:

2.1.2 Planning Board

...

B) *Membership*

...

4) *Appointment. Members shall be appointed as follows:*

- a) Regular members of the Planning Board from the Town's extraterritorial jurisdiction (ETJ) shall be appointed by the Wake County Board of County Commissioners. The Town Council may provide membership recommendations to the Wake County Board of County Commissioners prior to appointment.
- b) Regular members of the Planning Board within the corporate limits of the Town ~~from the Town~~ shall be recommended by the Mayor and appointed by the Town Council.
- c) The regular member of the Planning Board who resides outside the corporate limits and extraterritorial jurisdiction (ETJ), but within the area covered by the Town's 2045 Land Use Map shall be recommended by the Mayor and appointed by the Town Council.
- d) The non-voting youth representative of the Planning Board shall be recommended by the Mayor and appointed by the Town Council.
- e) Membership recommendations made by the Mayor shall be provided to the Town Clerk no less than 30 calendar days prior to the expiration of a membership term. In the event of a vacancy not resulting from the scheduled expiration of a membership term, Mayor recommendations shall be provided to the Town Clerk no later than 30 calendar days after receipt of written notice of the vacancy from the Town Clerk.
- f) Notwithstanding anything to the contrary in subsections (a)-(d), the Town Council may elect not to appoint an applicant recommended by the Mayor, in which case the Town Council shall appoint another qualified applicant without further recommendation from the Mayor. If no recommendation is provided by the Mayor within the applicable timeframe established in subsection (e), the Town Council may appoint a qualified applicant without a recommendation from the Mayor.

...

2.1.3 Board of Adjustment

...

B) *Membership*

...

4) *Appointment.* Members shall be appointed as follows:

- a) Regular members of the Board of Adjustment from the Town's ETJ shall be appointed by the Wake County Board of County Commissioners ~~of Wake County.~~ **The Town Council may provide membership recommendations to the Wake County Board of County Commissioners prior to appointment.**
- b) Regular members of the Board of Adjustment **who reside within the corporate limits of the** ~~from the Town~~ shall be recommended by the Mayor and appointed by the Town Council.
- c) Alternate members of the Board of Adjustment **who reside within the corporate limits of the Town** shall be recommended by the Mayor and appointed by the Town Council.
- d) Membership recommendations made by the Mayor shall be provided to the Town Clerk no less than 30 calendar days prior to the expiration of a membership term. In the event of a vacancy not resulting from the scheduled expiration of a membership term, Mayor recommendations shall be provided to the Town Clerk no later than 30 calendar days after receipt of written notice of the vacancy from the Town Clerk.**
- e) Notwithstanding anything to the contrary in subsections (a)-(c), the Town Council may elect not to appoint an applicant recommended by the Mayor, in which case the Town Council shall appoint another qualified applicant without further recommendation from the Mayor. If no recommendation is provided by the Mayor within the applicable timeframe established in subsection (d), the Town Council may appoint a qualified applicant without a recommendation from the Mayor.**

Section 2. 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 3. 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 4. 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:

Brian Meyer
Interim Town Attorney