

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 7.1.8 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:

7.1.8 *Penalties and Remedies for Violation of Article*

Per NCGS 160D-807, Any person who, being the owner or agent of the owner of any land located within the territorial jurisdiction of the Town, hereafter subdivides such person's land in violation of this article or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under the terms of this ~~a~~**Article** and recorded in the office of the Wake County register of deeds, shall be guilty of a **Class 1** misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The Town, through its attorney or other official designated by the Town Council, may enjoin illegal subdivision, transfer or sale of land by action for injunction. ~~Further, violators of this article shall be subject, upon conviction, to fine or imprisonment as provided by Chapter 11 of the Code of Ordinances, Town of Apex, North Carolina.~~

Section 2. Sections 6.1.12.B and 8.2.7 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:

6.1.12.B *Stormwater Control Measures (SCMs), Design, Location, and Landscaping of SCMs*

...

10) ~~In lieu of peripheral fencing, d~~Detention and retention basin edges shall be contoured and shaped to form low angles at primary water line thereby ensuring greater pedestrian safety. **A peripheral fence may be installed in accordance with Sec. 8.2.7 Fences, Walls, and Berms.**

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8.2.7 *Fences, Walls, and Berms*

Fences, walls, and berms are permitted as elements of site design and in some locations, may be used to conceal storage or other unsightly or conflicting land uses. ~~Fences are not allowed around detention and retention basins per Sec. 6.1.12.B.10.~~ All fences, walls, and berms shall meet the following requirements:

A) *Materials*

1) **Unless specified elsewhere, f**Fences or walls shall be constructed of wood, stone, brick, decorative concrete block, wrought iron, (or products created to resemble these materials), or a combination of any of these materials. Chain link fencing is allowed provided it meets the standards in Sec. 8.2.7.A.4.

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6) Fences along or around a stormwater control measure shall only be constructed of wrought iron or black aluminum pickets (or products created to resemble these materials).

...

Section 3. 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 4. 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 5. 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
Interim Town Clerk

Jacques K. Gilbert
Mayor

Approved As To Form:

Laurie L. Hohe
Town Attorney