

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 7.5, 8.1.2, and 13.19 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:**

7.5 Required Improvements

...

7.5.3 Water Lines and Sanitary Sewers

...

**E) North Carolina Certified Site**

**For sites designated as a North Carolina Certified Site, the Master Subdivision Plan shall show the general location of proposed water and sewer infrastructure. The final design of such infrastructure shall not be required until the submission of each Minor Site Plan.**

8.1.2 Resource Conservation Area

...

B) Criteria for Establishing RCA

...

2) Site and Tree Survey Required

...

d) Provide tree survey locating all specimen (hardwood) trees 18" caliper and larger within RCA and buffers on site. **For North Carolina Certified Sites, the tree survey shall only be required within buffers.** Fifty (50) feet outside of the perimeter of the site, document location of all trees 18" caliper and larger by providing an aerial photograph, registered forester's or certified arborist's report, tree survey, or other appropriate means.

...

C) Size of the RCA

...

1) *Planned Developments*

The RCA for all planned developments shall be determined by the Town Council per Sec. 2.3.4.F.1.c and per Sec. 8.1.2.C.4, 5, ~~or 6,~~ **or 9** as applicable, based on the criteria set forth in subsection B. above.

...

4) *Development located north and east of NC 540*

All developments which do not meet the criteria of subsections 8.1.2.C.2-~~or 3,~~ **or 9** ~~above~~ and which are located north and east of NC 540 shall provide buffers and RCA equal to or greater than 20% of the gross site acreage.

- 5) *Development located south and west of NC 540*  
All developments which do not meet the criteria of subsections 8.1.2.C.2, 3, or 4, ~~or 9 above~~ and which are located south and west of NC 540 shall provide buffers and RCA equal to or greater than 25% of the gross site acreage.

...

- 9) North Carolina Certified Sites**  
**Any development designated as a North Carolina Certified Site by the North Carolina Department of Commerce shall provide RCA equal to or greater than the area located within required perimeter and street buffers, riparian buffers, and preserved wetlands.**

13.19 Traffic Impact Analysis Required

A Traffic Impact Analysis (TIA) shall be prepared by a qualified professional engineer registered to practice in North Carolina and submitted with the initial application for any development that would generate 1,000 or more vehicular trips per day or 100 a.m. or p.m. peak hour trips, whichever is greater. A TIA is also required for a subdivision that individually or collectively (with the subdivision(s) it has its only access to a thoroughfare through whether that access is at one or more points) generates 1,000 or more vehicular trips per day or 100 a.m. or p.m. peak hour trips, whichever is greater. **For sites designated as a North Carolina Certified Site by the North Carolina Department of Commerce, the TIA may be submitted at the time of Minor Site Plan submittal instead of Master Subdivision Plan submittal.** The calculation of vehicular trips per day as used in this section shall be determined according to the current Institute of Transportation Engineers (ITE) Trip Generation Manual. If an applicable ITE land use is not available or contains limited data, an alternate trip generation rate may be approved by the Town. The TIA shall indicate the average daily and peak hour vehicular trips generated by the proposed development and shall indicate the trip distribution allocation on all roads and intersections within a study area approved by the Town. The recommendations provided in the TIA shall at a minimum be based on the following:

**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 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:

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Laurie L. Hohe  
Town Attorney