

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 2.1.9.A and 2.2.7.B are amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

2.1.9 Apex Environmental Advisory Board

A) *Powers and Duties*

The Environmental Advisory Board shall have the following powers and duties under the provisions of this Ordinance:

...

- 2) Review, with applicants, during the ~~pre-application~~ **staff review** phase of a proposal, certain requests for conditional rezoning and recommend zoning conditions to the applicant and Town Council that will mitigate anticipated impact to the natural environment as a result of the project under consideration. The following conditional rezoning requests shall be exempt from review by this Board:

...

2.2.7 Neighborhood Notice

...

B) *Neighborhood Meetings*

Neighborhood meetings are required for all applications for Rezoning; Major Site Plans; residential subdivisions, excluding exempt subdivisions; Special Use Permits; and Minor Site Plans for the following uses: Day care facility; Government service; School, public or private; Restaurant, drive-through; and Convenience store with gas sales. Upon submittal of an application for one or more of these applications, the petitioner must file in the office of the Planning Director a written report of at least one (1) neighborhood meeting held by the petitioner. **For Rezoning, the petitioner must file a written report of an additional neighborhood meeting according to subsection 1) below.** The neighborhood meeting shall comply with the following procedures.

1) *General*

The pre-application meeting with the Technical Review Committee shall be held prior to the applicant mailing a notice of a neighborhood meeting. The purpose of the neighborhood meeting is to educate neighbors about the proposed development and application and any associated long range plan amendments, to receive neighborhood comments, and to address concerns about the development proposal. At least one (1) neighborhood meeting shall be scheduled and held by the applicant or applicant's agent prior to submission of the initial application. The **initial** neighborhood meeting shall take place within six (6) months of submittal of the application; if more than six (6) months have passed at the time of application, the applicant shall hold a subsequent neighborhood meeting. **For Rezoning, an additional neighborhood meeting shall be held in the month prior to the anticipated Planning Board public hearing date.**

Section 2. Section 4.4.1.J.2 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:

4.4.1 Supplemental Standards; Residential Uses

...

J) Townhouse, detached

...

2) *Alleys and Driveways.* Each detached townhouse lot shall be required to either be rear loaded from an alleyway, or in the absence of an alley, garages must be placed in the rear with a shared driveway from the front. **Alleys shall comply with the standards found in Sec. 7.2.1.H.2.**

a) ~~There shall be no more than 10 lots on a single alleyway without an intervening alleyway.~~

b) ~~The alley shall consist of a 26' wide dedicated right of way with 16' asphalt strip located entirely outside of the lots.~~

Section 3. 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 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. Section 1 of this ordinance is effective May 1, 2023. Any Environmental Advisory Board meetings conducted in accordance with the Unified Development Ordinance before May 1, 2023 shall be valid and remain in effect after Section 1 becomes effective.

Section 6. Except as provided in Section 5, the ordinance shall be effective upon enactment on the _____ day of _____ 2023.

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:

Laurie L. Hohe
Town Attorney