

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 6.3.1.D 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:

6.3.1 *Small Town Character Overlay District*

...

D) *Approval Criteria*

...

- 6) No Resource Conservation Area (Sec. 8.1.2 Resource Conservation Area) or Buffers (Sec. 8.2.6 Buffering) are required. **Within the Central Business District, no building landscaping (Sec. 8.2.4 Building Landscaping Requirements) is required and no landscaping within vehicular use areas of public parking lots (Sec. 8.2.5.B Vehicular Use Area Screening and Sec. 8.2.5.C Vehicular Use Area Shading) is required.**

...

Section 2. Section 10.3 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:

10.3.2 *Enlargement or Expansion*

A non-residential nonconforming structure shall not be enlarged or expanded in area occupied unless otherwise stated in 10.3.2~~(B)(1-4)~~. A residential structure may expand so long as there is no increase to the nonconformity.

10.3.4 *Damage and Restoration of Nonconforming Structure*

~~No~~ **A** nonconforming structure which has been damaged by any means to an extent exceeding a percentage of its then reproducible value equal to 100 percent minus two percent per year of age of the structure, or 60 percent, whichever is greater, shall comply with the use standards of this Ordinance when it is re-constructed. Any nonconforming structure that is damaged by any means to a lesser extent may continue if it is reconstructed within two years of the damage.

Section 3. Section 14.1.3 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:

14.1.3 *Standards for Dedication*

All land dedicated for recreation and park development shall substantially meet the following standards:

- A) *Unity*
The dedicated land shall form a single parcel of land except where the Town Council determines that two (2) or more parcels would be in the public interest and determines that a connecting path or strip of land is in the public interest, and in which case the width of the connecting property shall not be less than 30 feet wide.
- B) *Shape*
The shape of the dedicated parcel of land shall be sufficiently square or round to be usable for recreational activities such as softball, tennis, croquet, etc.
- C) *Location*
The dedicated land shall be located so as to reasonably serve the recreation and open space needs of the development for which the dedication was made and shall bear a reasonable relationship to the use of the area by the future inhabitants of the residential development.
- D) *Access*
Public access to the dedicated land shall be provided either by adjoining street frontage or public access easement at least 20 feet in width.
- E) *Topography*
Generally areas dedicated for recreation shall not exceed slopes of 5%.
- F) *Usability*
The dedicated land shall be usable for recreation; lakes or ponds may not be included in computing dedicated land area. **In order to determine usability, a Phase 1 site assessment shall be submitted by the developer for consideration by Town Council.**
- G) *Plans*
Municipal and county plans shall be taken into consideration when evaluating land proposals for dedication.

Section 4. 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 5. 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 6. The ordinance shall be effective upon enactment on the _____ day of August 2020.

Introduced by Council Member _____

Seconded by Council Member _____

Attest: TOWN OF APEX

Donna Hosch, MMC, NCCMC
Town Clerk

Jacques K. Gilbert
Mayor

Approved As To Form:

Laurie L. Hohe
Town Attorney