

**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 4.2.2, 4.3.3, 4.4.3, 8.2.6.B.4, and 8.3.2 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:**

**4.2.2 Use Table**

Use Type	Definition Section	Zoning Districts																					Standards
		Residential									Business						Planned Development			Other			
		R A	R R	L D	M D	H D S F	H D M F	M H	M H P	M O R R	O & I	B 1	B 2	P C	L I	T F	M E C	T N D	P U D	C B	S D	S T C	
Utilities																							
...																							
<b><u>Yard Waste Transfer Station</u></b>	<b><u>4.3.3.Q</u></b>														<b><u>S</u></b>								<b><u>4.4.3.K</u></b>

**4.3.3 Use Classifications, Utilities**

...  
**Q)** **Yard waste transfer station. A permanent facility designed to store unprocessed yard waste material for transfer to off-site chipping, mulching, or landfill locations.**

**4.4.3 Supplemental Use Standards, Utilities**

...  
**K)** **Yard waste transfer station**

- 1) **Storage only. No chipping or mulching activities may occur onsite unless a Special Use Permit for “Chipping and mulching” is approved. See UDO Secs. 4.3.3.A and 4.4.3.A Chipping and mulching.**
- 2) **Standards. On-site storage of unprocessed material shall meet all of the following standards:**
  - a) **Storage shall be limited to 45 days and the pile height of storage material shall be limited to 15 feet;**
  - b) **Storage areas shall be effectively screened from view. Such screening shall be designed to ensure that storage areas cannot be seen from rights-of-way or adjacent residential zoning districts; and**
  - c) **Outdoor material storage piles shall be set back a minimum of 25 feet from any property line or 50 feet from any property line abutting a residential district.**
- 3) **Access road. An access road for collection vehicles shall be provided to the entrance of the facility. Acceptable access does not include residential streets.**

Access shall be restricted to specific entrances with gates that can be locked and that carry official notice that only authorized persons are allowed on the site.

- 4) **Parking. No vehicular or bicycle parking shall be required for such use.**

8.2.6.B *Landscape Buffers Between Land Uses*

...  
4) *Land Use Classes*

...  
f) *Class 6*

...  
**Yard waste transfer station**

...

8.3.2 *Off-Street Parking Requirements*

Table 8.3-1: Off-Street Parking Schedule "A"

Use	Minimum Number of Motor Vehicle Spaces Required	Minimum Number of Bicycle Spaces Required
Utilities		
...		
<u><b>Yard Waste Transfer Station</b></u>	<u><b>None</b></u>	<u><b>None</b></u>

**Section 2. Section 7.2.5 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:**

7.2.5 Single-Family Residential Grading

...  
B) Single-Family Residential Subdivision Mass Grading

...  
4) A land disturbing and sedimentation & soil erosion control plan shall be submitted for Master Subdivision Plan approval that shows:

...  
b) Existing and proposed grades of site based on topography verified by a professional land surveyor or ~~2013~~ topography generated from the ~~2013 LiDAR Project over Wake County, NC, and acquired on February 21-24, 2013,~~ **latest LiDAR data acquired by the Town of Apex,** as updated from time to time. Topographic coverage may be obtained from the Town of Apex, ~~the Town of Cary, or Wake County, depending on the site location;~~

...

C) Single-Family Residential Subdivision Staged Grading

...  
4) A land disturbing and sedimentation & soil erosion control plan shall be submitted for Master Subdivision Plan approval that shows:

...

- b) Existing and proposed grades of site based on **topography verified by a professional land surveyor or topography generated from the latest Town of Apex LIDAR LiDAR data acquired by the Town of Apex, as updated from time to time. Topographic coverage may be obtained from the Town of Apex;** topography in the corporate limits, and ETJ and Wake County LIDAR topography in Wake County's jurisdiction or topography verified by a professional land surveyor;

8.1.2.B.2 *Site and Tree Survey Required*

- ...
- b) Provide field verified topography of the area located within the limits of disturbance (including stormwater retention areas within RCA) at a minimum of **two-foot (2')** contours is required at the site plan stage and subdivision construction plan stage of plan review or ~~2013~~ topography generated from the **latest LiDAR data acquired by the Town of Apex, 2013 LiDAR Project over Wake County, NC, and acquired on February 21-24, 2013,** as updated from time to time. Topographic coverage may be obtained from the Town of Apex, ~~the Town of Cary, or Wake County,~~ depending on the site location.
- ...

**Section 3. Section 8.7 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:**

8.7.1 Permitted Signs: Location, Size, and Number

...

Table 8.7.1

P = allowed with permit X = not allowed V = allowed without permit

Sign Type	Conditions	Residential Uses	Commercial Uses	Industrial Uses	Office & Institutional Uses	illumination <sup>1</sup>
<b>Permanent</b>						
...						
<b><u>31</u></b>	<b><u>Interior Sign</u></b>	<b><u>8.7.1.A.31</u></b>	<b><u>X</u></b>	<b><u>P</u></b>	<b><u>X</u></b>	<b><u>Yes</u></b>
<b>Prohibited</b>						
<i>See Sec. 8.7.2 Prohibited Signs</i>						
<b>Central Business District, <u>Apex National Register Historic District</u>, Small Town Character Overlay District, and <u>Mixed Office-Residential-Retail</u> Planned Development Districts</b>						
<i>See Sec. 8.7.7 Central Business District, <u>Apex National Register Historic District</u>, Small Town Character Overlay District, <u>and Mixed Office-Residential-Retail and Planned Development Districts</u></i>						
<b>Planned Developments <u>PUD-CZ, TND-CZ, MEC-CZ (except those governed by Sec. 8.7.7)</u></b>						
<i>See Sec. 2.3.4 and 8.7.7</i>						
<b>Sign Design and Color</b>						
<sup>1</sup> Subject to Sec. 8.7.4.C <i>Uniform Color Scheme</i> , 8.6 <i>Exterior Lighting</i> , and 8.7.6.B <i>Sign illumination</i> .						

- A) *Conditions*

...

- 31) Interior Sign**  
**A ground sign located adjacent to parking spaces that are reserved as drive-up pick-up locations which meets the conditions below:**

- a) Such sign shall be no more than 10 feet in height and no more than 10 square feet in area if located at least 200 feet from a public right-of-way, or is not visible from a public right-of-way.
- b) Such sign shall be no more than four (4) feet in height and no more than four (4) square feet in area if located less than 200 feet from a public right-of-way, or is visible from a public right-of-way.
- c) Such sign may be internally illuminated per Sec. 8.7.6.B Sign Illumination.
- d) Also subject to Secs. 8.7.4 Sign Design and Color and 8.7.5 Master Sign Plan Requirement.

8.7.2 Prohibited Signs

...

- P) Box-style signs with internally-illuminated backgrounds. Individually illuminated letters and logos are ~~acceptable~~ permitted.

...

8.7.6 Installation Requirements

...

- B) *Sign illumination*  
Unless otherwise prohibited by this Section, signs may be illuminated if such illumination is in accordance with this Section. All electric signs and lighting for externally illuminated signs shall also be in accordance with Sec. 8.6.4.F *Building, Ground Mounted Fixtures and Accent Lighting*, the Building and National Electric Code, and shall obtain all required building permits. All wiring to ground signs or to lighting equipment erected after the effective date of this Section must be underground.

...

- 4) Style of internally illuminated signs. Internally illuminated signs shall have individually illuminated letters and logos. Such letters shall have opaque sides and the acrylic front shall be flush with the sides instead of held by a lip.**

8.7.7 Central Business District, Apex National Register Historic District, Small Town Character Overlay District, and Mixed Office-Residential-Retail District ~~and Planned Development Districts~~

**Section 4.** 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 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 \_\_\_\_\_ 2022.

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