

**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. Articles 1-4 and 6-12 of the Unified Development Ordinance are amended to change all references to “Director of Planning and Community Development” to “Planning Director” and “Department of Planning and Community Development” to “Planning Department”.**

**Section 2. Section 8.2.6 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:**

8.2.6.B *Buffering, Landscape Buffers Between Uses*

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5) *Types of Buffers*

a) Type A: Opaque

This buffer functions as an opaque screen from the ground to a height of at least **six (6)** feet. Plantings of deciduous and evergreen trees shall obtain a height at maturity of between 18 and 60 feet and have no unobstructed openings between tree canopies at maturity. Large trees shall be spaced no wider than 15 feet **apart** at time of planting. Screening plants for the Type A buffer shall be evergreen and between 5 and 6 feet tall at the time of installation **and spaced no further than six (6) feet apart** (see Plant Standards Sec. 8.2.2.B). At least 50% of the required trees and 100% of the required shrubs shall be evergreen species. Opaque fencing may be used to meet the opacity requirement provided that it is planned as an integral part of the buffer and is located immediately adjacent to the individual lots. Where a fence is used, shrubs shall be clustered so that there is a minimum of three (3) small evergreen shrubs spaced every 20 feet.

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8.2.6.C *Buffering, General Buffering Requirements*

1) *Location of Buffers*

a) The buffers required by this Section shall be located along the outer perimeter of the parcel and shall extend to the parcel boundary line or right-of-way line. Buffers shall not include any portion of an existing public or private street, proposed public street, existing or proposed private easement, or right-of-way. The required buffer width does not just determine a simple setback but is to be totally planted to meet the requirements for the applicable buffer type. Therefore, the plants comprising the buffer shall be spread across the entire width of the buffer and not just planted in a row or rows. **Increased buffer width indicates an increase in the number of plants. For example, a 20-foot wide buffer should have approximately twice the number of plants as a 10-foot wide buffer.**

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**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

\_\_\_\_\_  
Allen Coleman, CMC, NCCCC  
Town Clerk

\_\_\_\_\_  
Jacques K. Gilbert  
Mayor

Approved As To Form:

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Laurie L. Hohe  
Town Attorney