

ORDINANCE NO. 2019-0917-26

**AN ORDINANCE TO AMEND CHAPTER 2 OF THE CODE OF ORDINANCES OF
THE TOWN OF APEX**

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Apex as follows:

Section 1. Chapter 2 of the Code of Ordinances of the Town of Apex is hereby amended by the addition of a new Article IV to read as follows:

ARTICLE IV. – APEX ENVIRONMENTAL ADVISORY BOARD

Sec. 2-58 – Apex Environmental Advisory Board – created; members.

- (a) *Created.* There is hereby created an Apex Environmental Advisory Board for the town.
- (b) *Membership.* The Apex Environmental Advisory Board shall consist of nine members all of whom shall be appointed at large by the Town Council. Membership shall be restricted to residents and citizens of the town except that one member shall be a resident of the town’s established extra-territorial jurisdiction. One member, who is a citizen of the town, shall be affiliated with the development community (developer’s engineer, developer, etc.).
- (c) *Appointment.* Initially, members of the Apex Environmental Advisory Board shall be recommended by the Mayor and appointed by the Town Council for terms of one, two, or three years as follows:
 - Three members: one-year terms*
 - Three members: two-year terms*
 - Three members: three-year terms*
- (d) *Terms.* Following their initial appointment term, members of the Apex Environmental Advisory Board shall serve three-year terms. Terms shall end on June 30th. Vacancies shall be filled in the same manner as original appointments, except that such appointments shall be only for the length of the unexpired term.

Sec. 2-59 – Same – Meetings; chair; vice-chair; secretary.

The Apex Environmental Advisory Board shall hold meetings at such times and places as it shall determine and shall adopt rules and regulations governing its procedure. The Mayor shall recommend and the Town Council shall select from the membership Board members to serve as the chair and vice-chair of the Board. Appointment shall be for a term of one year. A member of Town staff, as designated by the Town Manager shall serve as the non-voting secretary to the Board and record and distribute minutes of all meetings.

Sec. 2-60 – Same – Attendance of Board members at meetings.

If a Apex Environmental Advisory Board member, whose absences are not excused in the manner set out hereinafter, misses more than three consecutive regular meetings or a total of four such meetings during the year such Board member loses the status as a member of the Board. In such cases, the chair will immediately request the Mayor and Town Council to fill the vacancy. Absences due to sickness, death or other such obligatory emergencies shall be regarded as excused absences and shall not affect the members' status on the Board. However, in the event of long illness, or other such causes for prolonged absence, the member may be replaced.

Sec. 2-61 – Same – Duties; powers.

The charge of the Apex Environmental Advisory Board will be to assist the Apex Town Council in strengthening environmentally responsible practices that protect, promote and nurture our community and the natural world through advice and program support.

The Apex Environmental Advisory Board shall have the following powers and duties:

- (1) Advise the Environmental Committee of the Apex Town Council regarding suggested changes to town policy or ordinance related to the environment and the Planning Committee of the Apex Town Council regarding suggested changes to town policy or ordinance related to the impacts of development upon the environment.
- (2) Review, with applicants, during the pre-application phase of a proposal, all requests for 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.
- (3) Advocate for managing environmental resources in a way that reflects the community's values.

- (4) Acknowledge, review, and mitigate effects of climate change by recommending incentives for:
 - (a) Maintaining and acknowledging the natural terrain, to the extent reasonable and practicable.
 - (b) Maintaining and encouraging native plant and wildlife species.
 - (c) Utilizing environmentally responsible building practices.
 - (d) Improving the bicycle and pedestrian environment.
 - (e) Improving water quality.
 - (f) Consideration for the visual aesthetics as it pertains to the natural environment.
 - (g) Preserving and/or improving shade/tree canopy.

- (5) Maintain and improve current environmental protections.

- (6) Identify Apex resources for further protection (i.e. natural heritage areas).

- (7) Support the town's efforts to:
 - (a) Improve efficiency within town facilities.
 - (b) Reduce waste.
 - (c) Reduce town's carbon footprint.
 - (d) Reach the Town's goal of achieving 100% clean energy by 2050.

- (8) Act as a proactive vehicle for community feedback on environmental issues (i.e. surveys, crowd sourcing, social media, public forums, newspaper articles).

Section 2. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. If any part of this ordinance shall be adjudged invalid, such adjudication shall apply only to such part so adjudged and the remainder of the ordinance shall be deemed valid and effective.

Section 3. This ordinance shall be effective upon enactment.

Introduced by Council Member _____

Seconded by Council Member _____

Attest:

TOWN OF APEX, NORTH CAROLINA

Donna B. Hosch, MMC, NCCMC
Town Clerk

Lance Olive
Mayor

Approved As To Form:

Laurie L. Hohe,
Town Attorney