

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 2.2.18.B.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:

2.2.18 Public Hearing Procedures

...

B) *Conduct of Public Hearing*

...

5) *Continuance of Public Hearing*

- a) The body conducting the public hearing may, on its own motion or at the request of any person, continue the public hearing to a fixed date, time, and place. ~~An applicant shall have the right to request and be granted one continuance; however, a~~ **All subsequent** continuances shall be granted at the discretion of the body conducting the public hearing only upon good cause shown.

...

Section 2. Section 4.5.5.G 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:

4.5.5 Home Occupation

...

G) No External Evidence

Signs shall be limited to those permitted by Sec. 8.7.1.B *Home Occupation Signs*. No further external evidence or sign shall advertise, display, or otherwise indicate the presence of the home occupation, nor shall the street address of the home occupation be advertised through signs, billboards, television, radio, ~~or~~ newspapers, **websites, or social media**;

...

Section 3. Section 4.6.1.C.9 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:

4.6.1 Temporary Uses and Structures, Permit Required

...

C) Uses Allowed

...

- 9) *Other temporary uses*. The Planning Director may approve other temporary uses and activities or special events if it is determined that such uses would not jeopardize the **public** health, **or** safety, ~~or general welfare~~, or be injurious or

detrimental to properties adjacent to, or in the vicinity of, the proposed location of the activity.

Section 4. Section 9.1.2.B 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:

9.1.2 Design Standards, General, Applicability

- A) These design standards shall be applicable to all nonresidential development under this UDO.
- B) These design standards shall also be applicable to residential development, **with the exception of one- and two-family dwellings,** in the PUD-CZ, SD-CZ, and TND-CZ planned development districts and the MORR district.

Section 5. Section 6.3.1.I 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

- ...
- l) Adaptive Reuse of Historic Residential Structures
 - ...
 - 2) Applicability
 - ...
 - d) Parking shall be provided according to regulations of ~~the UDO~~, Sec. 8.3 *Off-Street Parking and Loading*. Striped on-street parking, shared parking agreements, and municipal parking lots may be utilized to meet all or part of the parking requirements, provided that said parking is located not more than ~~300~~**600** feet from the subject lot or parcel. The expected use of on-street parking shall not be such that it would cause undue negative impact upon other uses within the immediate vicinity that may rely upon the availability of such parking. If parking must be provided on site, the following shall apply:
 - ...

Section 6. 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 7. 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 8. The ordinance shall be effective upon enactment on the _____ day of November 2019.

Introduced by Council Member _____

Seconded by Council Member _____

Attest:

TOWN OF APEX

Donna Hosch, MMC, NCCMC
Town Clerk

Lance Olive
Mayor

Approved As To Form:

Laurie L. Hohe
Town Attorney