

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 7.2.1.L 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:

7.2.1 Streets

...

L) *Traffic Calming*

- 1) No development proposal shall be permitted to provide for the installation of traffic calming measures in an adjacent or nearby existing neighborhood unless the street(s) meet the criteria in ~~Section 7.2.1.(L).{3}~~ of this Ordinance.
- 2) All new residential developments shall provide for the installation for traffic calming measure(s) on each Residential Street within the development where the length of the public street exceeds 1,000 feet. The location and type of traffic calming measure(s) shall be determined by the Planning Department and ~~Engineering Division of Construction Management~~ **Transportation & Infrastructure Development Department**. Traffic calming measure(s) include but are not limited to traffic circles, roundabouts, curb extensions, chicanes, splitter islands, and designated on-street parking. **Vertical deflection devices such as speed speed humps and/or speed cushions** are only allowed as traffic calming measures in existing neighborhoods that meet the criteria in ~~Section 7.2.1.(L).{3}~~ of this Ordinance. **Signs, markings, warning devices, educational outreach and enforcement measures may be recommended by Town staff based on engineering evaluation, but the implementation of such measures shall not be subject to the requirements of Sec. 7.2.1.L.3.**
- 3) This section replaces the Town of Apex Traffic Calming Device Policy and Guidelines. The Town may install and maintain traffic calming devices on Town-maintained streets directly serving residential driveways where speeding vehicles are the primary concern. The following procedures are meant to ensure that traffic calming devices are installed and used as intended for the appropriate and consistent treatment on Town-maintained streets and receive the support of the affected neighborhood. Traffic calming devices are limited to vertical and/or horizontal changes in the vehicular travelway that may or may not involve adjustments to existing curb. Stop and yield signs are defined as traffic control devices and are not appropriate for use as traffic calming devices. Stop and yield signs are however subject to engineering evaluation by the Town's ~~Construction Management—Engineering~~ **traffic engineering** staff according to the Manual on Uniform Traffic Control Devices. Traffic calming requests are subject to the following qualifying criteria:
 - a) Streets on which traffic calming devices are requested must be residential and exhibit all of the following characteristics:
 - (i) Posted speed is 25 miles per hour;
 - (ii) Roadway is not a **Major** Collector Street or Thoroughfare;

- (iii) The average ~~85th-percentile~~ speed **meets or** exceeds ~~30-32~~ miles per hour during any one-hour period in which the **and the** number of vehicles **traveling on the street in a 24-hour period** meets or exceeds ~~100-800~~. The data collected to determine average speed may be based on an average of 100 vehicles per hour or more over multiple days of data; and
 - (iv) Installation of traffic calming devices along the street is not anticipated to create unacceptable delays in emergency response times for residences served by the street in the judgment of the Town's Police Chief and Fire Chief **or their designee(s)**.
- b) The request must be initiated, accepted, and supported by the property owners within the affected residential neighborhood:
- (i) The requesting party must submit a request to the ~~Transportation~~ **Traffic Safety** Engineer. Requests for traffic calming devices at a particular location are limited to one request within a 24-month period. ~~Upon consultation with the Town's Police Department, the Transportation Engineer may request a study be conducted or inform the requesting party that the location is not a candidate for traffic calming measures based on the Town's criteria. If requested, the Town's Police Department will conduct a traffic speed and volume survey and provide the results to the Transportation Engineer who will determine whether all criteria in Section 7.2.1 (L)(3) are satisfied.~~
 - (ii) If all the required criteria in ~~Section 7.2.1(L)(3)~~ are met, the ~~Transportation~~ **Traffic Safety** Engineer will notify the requesting party and homeowners' association (if one exists), develop a sketch plan reflecting the types and locations of the proposed traffic calming devices, and **only in the absence of a homeowners' association**, prepare a petition boundary area. The petition boundary area shall include at a minimum all lots adjacent to the street within the subdivision where traffic calming devices are proposed along with all cul-de-sac streets and loop streets dependent on that street for connectivity. **Before the Town can proceed with implementation of the traffic calming plan, either the requesting party must return a valid petition in favor of the plan according to Sec. 7.2.1.L.3.b.iii, or** ~~Once the homeowners' association~~ **must provide (1) proof of neighborhood notification, (2) meeting minutes, and (3) documentation of association approval of the plan to the Traffic Safety Engineer within six (6) months.** ~~is provided the sketch plan and petition boundary area, the association shall have 30 calendar days to either vote against the plan in order to end the process or vote to proceed, either with the association voting to administer a petition to the Transportation Engineer or the association delegating that~~

authority to the original requesting party. In either event the association shall notify the Transportation Engineer of the vote. If the homeowners' association takes no action or fails to notify the Transportation Engineer of the outcome of the vote within 30 calendar days of being provided the sketch plan and petition boundary area then the requesting party may proceed with the petition. The requesting party and homeowners' association may provide Town staff with input concerning the desired types and locations of the proposed traffic calming devices, but the final decision as to all elements of the sketch plan (including but not limited to the types and locations of the proposed traffic calming devices) shall be solely within the engineering judgment of Town staff.

- (iii) **In the absence of a homeowners' association, the** The requesting party or homeowners' association for the affected residential neighborhood must provide the Town with a completed petition as noted in ~~part Section 7.2.1(L)(3)(b)(ii)~~ with at least 70% agreement from homeowners within the petition boundary area no later than six (6) months following the date **the traffic calming sketch plan is provided** of the traffic survey. Each signature line shall include the printed and signed name of at least one of the deed holders for the residential property, the address, and date signed.
- ~~(iv) —~~ The requesting party or homeowners' association must pay the Town 20% of the estimated cost of installing the requested traffic calming devices as reflected in the sketch plan prior to the request being scheduled for consideration by the Town Council. If the Town Council does not approve the plan then the 20% cost share shall be refunded.
- (iv) The Town Council will consider a petition request to remove traffic calming devices on Town-maintained streets **by a requestor with a valid removal petition or by homeowners' association approval of a removal request following the same process for requesting installation.** upon receipt of a petition signed by at least 70% of the owners of lots within the petition boundary area as noted in Section 7.2.1(L)(3)(b)(ii). In the absence of a previously defined petition boundary area **where a homeowners' association does not exist,** the Transportation **Traffic Safety** Engineer shall prepare a new petition boundary area. The homeowners' association may proceed with a petition to remove traffic calming devices at any time or delegate that authority to a requesting party. In the absence of a homeowners' association or if no action is taken by the homeowners' association within 30 calendar days of receiving a request the requesting party may proceed with a petition. If a removal petition is submitted at any time within five (5) years from the date of installation thereof, the requesting party or homeowners' association must pay the Town (in advance of

~~removal) 100% of the estimated cost of removing such device(s); provided, however, that nothing shall limit or otherwise impair the Town's discretion to remove, at the Town's initiative, any traffic calming device on Town-maintained streets.~~

After all of the criteria have been satisfied, the Town Council will make the final decision whether to approve the proposed installation/removal project. The Town Council reserves the right to deny any request for installation/removal of traffic calming devices on Town-maintained streets, in its sole discretion. After the project has been approved by the Town Council and submitted to the Town's Director of **Transportation & Infrastructure Development**~~Construction Management~~, the street will be rated for priority, and then scheduled for installation/removal of the traffic calming devices in accordance with the approved sketch plan.

Section 2. 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 3. 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 4. The ordinance shall be effective upon enactment on the ____ day of _____ 2024.

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