

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 and 4.4.4.D 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		Section(s)							
		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	
Recreational Uses																								
Recreation facility, private	4.3.4.N	P	P	P	P	P	P	P	P								P	P	P		*	*	P	<u>4.4.4.D;</u> 6.3

4.4.4 Supplemental Standards, Recreational Uses

- D) **Reserved Recreation facility, private**
If a private recreation facility includes a dog park, a double gate shall be installed at any entrance into the dog park.

Section 2. Section 8.3.11 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:

8.3.11 *Electric Vehicle Charging Spaces*

Multi-family or apartment projects with average rents that are affordable to a household with an annual income that is not greater than 80% of the Area Median Income for the respectively-sized household in the Raleigh, NC MSA, as determined by the United States Department of Housing and Urban Development, are exempt from all electric vehicle charging space requirements.

- A) *Electric Vehicle Parking Requirements*
~~Unless otherwise expressly stated in this Ordinance, e~~Electric vehicle charging spaces shall be provided in accordance with Table 8.3-9, **except for subsections 1 and 2 below.** ~~for any use requiring 50 or more motor vehicle parking spaces.~~
 - 1) If less than ~~11~~ **10** motor vehicle spaces are required, no electric vehicle charging spaces or EV-Ready space are required.
 - 2) If ~~11~~ **10** to ~~49~~ **19** motor vehicle spaces are required, one (1) EV-Ready space is required **except for Commercial Uses as noted in Table 8.3-9.**
 - 3) ~~No more than 10 electric vehicle charging spaces shall be required within a single development (as defined in Sec. 12.2 Terms Defined).~~

Table 8.3-9: Electric Vehicle Charging Space Requirements

Use	Minimum Number of Required EV-Ready Spaces	Minimum Number of Required Electric Vehicle Charging Spaces
Multi-family or apartment	<u>10% of all required motor vehicle spaces</u>	3% 10% of all required motor vehicle spaces
Government Service	<u>15% of all required motor vehicle spaces</u>	3% of all required motor vehicle spaces
Commercial Uses	<u>15% of all required motor vehicle spaces</u>	3% of all required motor vehicle spaces, provided if the minimum motor vehicle parking requirement is at least 100 spaces. One (1) EV-Ready space is required if 11 to 49 motor vehicle spaces are required. Two (2) EV-Ready spaces are required if 50 to 99 motor vehicle spaces are required.
Office, business or professional	<u>15% of all required motor vehicle spaces</u>	3% of all required motor vehicle spaces
Office: Coworking Space	<u>15% of all required motor vehicle spaces</u>	3% of all required motor vehicle spaces
Office: Call Center	<u>15% of all required motor vehicle spaces</u>	3% of all required motor vehicle spaces
Hotel or motel	<u>15% of all required motor vehicle spaces</u>	3% 5% of all required motor vehicle spaces
Industrial Uses	<u>15% of all required motor vehicle spaces</u>	3% of all required motor vehicle spaces
Park, active or passive	<u>15% of all required motor vehicle spaces</u>	2% of all required motor vehicle spaces
Parking Structure	<u>15% of all provided motor vehicle spaces</u>	3% of all provided motor vehicle spaces
Parking Structure (School, public or private: Elementary, Junior, or Senior)	=	2 spaces
School, public or private: Elementary or Junior	=	3% of all required spaces that are provided in an off-street surface lot
School, public or private: Senior	=	1% of all required spaces that are provided in an off-street surface lot

- B) *Accessible Electric Vehicle Charging Spaces*
 Unless otherwise expressly stated in this Code, **Accessible** electric vehicle charging spaces shall be sized **designed** but not marked **signed** as exclusively accessible in accordance with Table 8.3-10.

Table 8.3-10 Accessible Electric Vehicle Charging Spaces

Total Provided Electric Vehicle Charging Spaces	Minimum Number of Accessible Charging Spaces	Minimum Number of Van-Accessible Charging Spaces
1-25	1	1
26-50	2	1

C) *Electric Vehicle (EV) Charging Space Standards*

- 1) Installation of a Level 2 or DC Fast Charging electric vehicle charging space may count as one (1) community amenity for sites that require less than 50 motor vehicle spaces.
- 2) Electric vehicle charging spaces shall be utilized to meet the minimum motor vehicle parking requirements.
- 3) All electric vehicle charging spaces shall be installed outside of the public right-of-way.
- 4) All required electric vehicle charging spaces shall be Level 2 or DC Fast Charging.
- 5) Electric vehicle charging equipment shall be placed outside of the critical root zone for any preserved tree.
- 6) Electric vehicle charging equipment shall be placed at least ~~10~~ 5 feet from a newly planted tree.
- 7) Electric vehicle charging spaces shall be posted with signage.
- 8) In surface lots, a wheel stop, bollards, or other barrier shall be placed between the electric vehicle charging space and the electric vehicle charging equipment. Alternatively, there shall be a minimum distance of two (2) feet between the curb and the electric vehicle charging equipment.
- 9) The Town does not restrict property owners from collecting a service fee for the use of an electric vehicle charging station.
- 10) **The outer edge of the electric vehicle charging equipment shall not be illuminated.**
- 11) **For the use "Multi-family or apartment", electric vehicle charging spaces and EV-Ready spaces shall be dispersed near building(s) on the site.**

Section 3. These amendments shall not apply to projects for which an application for development approval has been submitted before the effective date of this ordinance.

Section 4. 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 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 _____ 2023.

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