

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 8.3, 8.4.3, and 12.2 of Unified Development Ordinance are amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

8.3.2 Off-Street Parking Requirements

- A) *Off-Street Parking Schedule "A"*  
 Unless otherwise expressly stated in this Code, off-street motor vehicle and bicycle parking spaces shall be provided in accordance with Table 8.3-1. **Electric vehicle charging space requirements shall be provided in accordance with Sec. 8.3.11 Electric Vehicle Charging Spaces.**

8.3.10 Parking Structures

- ...
  - B) ~~Electric Vehicle Charging Spaces~~  
 All parking structures shall provide two (2) Level 2 electric vehicle charging spaces

**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, electric vehicle charging spaces shall be provided in accordance with Table 8.3-9 for any use requiring 50 or more motor vehicle parking spaces.**
  - 1) **If less than 11 motor vehicle spaces are required, no electric vehicle charging spaces or EV-Ready space are required.**
  - 2) **If 11 to 49 motor vehicle spaces are required, one (1) EV-Ready space is required.**
  - 3) **No more than ten (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**

<b>Use</b>	<b>Minimum Number of Required Electric Vehicle Charging Spaces</b>
<b>Multi-family or apartment</b>	<b>3% of all required motor vehicle spaces</b>
<b>Government Service</b>	<b>3% of all required motor vehicle spaces</b>
<b>Commercial Uses</b>	<b>3% of all required motor vehicle spaces, 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</b>

<u>Use</u>	<u>Minimum Number of Required Electric Vehicle Charging Spaces</u>
	<u>spaces are required if 50 to 99 motor vehicle spaces are required.</u>
<u>Office, business or professional</u>	<u>3% of all required motor vehicle spaces</u>
<u>Office: Coworking Space</u>	<u>3% of all required motor vehicle spaces</u>
<u>Office: Call Center</u>	<u>3% of all required motor vehicle spaces</u>
<u>Hotel or motel</u>	<u>3% of all required motor vehicle spaces</u>
<u>Industrial Uses</u>	<u>3% of all required motor vehicle spaces</u>
<u>Park, active or passive</u>	<u>2% of all required motor vehicle spaces</u>
<u>Parking Structure</u>	<u>3% of all provided motor vehicle spaces</u>
<u>Parking Structure (School, public or private: Elementary, Junior, or Senior)</u>	<u>2 spaces</u>
<u>School, public or private: Elementary or Junior</u>	<u>3% of all required spaces that are provided in an off-street surface lot</u>
<u>School, public or private: Senior</u>	<u>1% of all required spaces that are provided in an off-street surface lot</u>

**B) Accessible Electric Vehicle Charging Spaces**

Unless otherwise expressly stated in this Code, electric vehicle charging spaces shall be sized but not marked as exclusively accessible in accordance with Table 8.3-10.

**Table 8.3-10 Accessible Electric Vehicle Charging Spaces**

<u>Total Required Electric Vehicle Charging Spaces</u>	<u>Minimum Number of Accessible Charging Spaces</u>	<u>Minimum Number of Van-Accessible Charging Spaces</u>
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 ten (10) 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.

#### 8.4.3 Community Amenities

All development subject to Sec. 8.4 shall contribute to the establishment or enhancement of the community and public spaces by providing at least two **(2)** community amenities, including but not limited to a patio seating area, water feature, clock tower, pedestrian plaza with benches, planters, public art, decorative bicycle parking, or focal feature. Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the building and the landscape. These amenities may be built so as to terminate a vista, where possible, in order to provide a prominent visual orientation for the development.

In addition, a Level 2 or DC Fast Charging electric vehicle charging space may count as one (1) community amenity for uses listed in Table 8.3-9 that have a minimum parking requirement of less than 50 spaces.

#### 12.2 Terms Defined

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##### **Development (for the purposes of the sign regulations in Sec. 8.7 and Electric Vehicle Charging Spaces in Sec. 8.3.11)**

Single-use lots, multiple-use lots, shopping centers with or without out parcels connected thereto as shown on an approved non-residential Master Subdivision Plan, or any other group of nonresidential projects planned as a total entity.

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##### **EV-Ready**

**Installation of “raceway” (the enclosed conduit that forms the physical pathway for electrical wiring to protect it from damage), dedicated branch circuit(s) (electrical pre-wiring), circuit breakers, and other electrical components, including a receptacle (240-volt outlet) or blank cover needed to support future installation of one (1) or more charging stations.**

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##### **Level 2 Charging**

**208/240 volt AC charging, requiring a 40-amp circuit, open or networked.** Level 2 chargers have a cord that plugs directly into the vehicle in the same connector location used for Level 1 equipment.

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##### **Level 3 / Direct-current (DC) Fast Charging**

**240/208/440 volt DC charging, 3-phase, 100+ amp circuit, open or networked, the highest-powered electric vehicle chargers available. DC fast chargers have three (3) types of connectors: CHAdeMo, CCS, or Tesla.**

**Section 2.** 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 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 is effective upon enactment on the \_\_\_\_ day of \_\_\_\_\_ 2021.

Introduced by Council Member \_\_\_\_\_

Seconded by Council Member \_\_\_\_\_

Attest:

TOWN OF APEX

\_\_\_\_\_  
Donna Hosch, MMC, NCCMC  
Town Clerk

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Jacques K. Gilbert  
Mayor

Approved As To Form:

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Laurie L. Hohe  
Town Attorney