

STAFF REPORT

Amendments to the Unified Development Ordinance

November 17, 2020 Town Council Meeting



Requested by the Planning Staff:

1. **Amendment to Sec. 8.1.2.E *Designation of RCA on Plans and Plats* in order to require that a metes and bounds description of any Resource Conservation Area be provided on Master Subdivision Final Plats. This is currently only an application requirement for Master Subdivision Final Plats, but is already a requirement in the UDO for Site Plan Final Plats and should be a UDO requirement for Master Subdivision Final Plats as well.**

8.1.2.E *Designation of RCA on Plans and Plats*

- 1) *Master Subdivision Plan and Plats.* The approved RCA shall be shown on the Master Subdivision Plan as a separate lot (or lots) from the individual residential or non-residential building lots. The RCA **(with metes and bounds description)** shall be shown on the Final Plat, to be preserved in perpetuity.
- 2) *Site Plans and Plats.* The approved RCA shall be shown on the Site Plan for each development site. The RCA **(with metes and bounds description)** shall be shown on the Final Plat, to be preserved in perpetuity.

2. **Amendments to Sec. 8.3.6 *Parking Lot Design Standards* in order to add a new subsection requiring that non-residential and/or multi-family sites proposed along a thoroughfare provide vehicular cross-access easements to adjacent non-residential and/or multi-family sites. Currently these cross-access easements are negotiated by staff with the applicant during rezoning and/or site plan review.**

8.3.6 *Parking Lot Design Standards*

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G) **Cross-Access and Driveway Construction Easement**

- 1) **All non-residential and/or multi-family sites proposed along a thoroughfare shall be required to dedicate vehicular cross-access to adjacent non-residential and/or multi-family sites in compliance with the following standards:**
 - a) **A 25' minimum cross-access and driveway construction easement shall be provided.**
 - b) **A 20' minimum driveway cross-connection shall be constructed within the easement to facilitate trips between the subject site and existing, proposed, and/or future non-residential and/or multi-family uses, promoting shared driveway access to the thoroughfare where practical.**
 - c) **When the subject site is adjacent to a vacant property zoned or shown on the 2045 Land Use Map for non-residential and/or multi-family use,**

a stub for future cross-access shall be constructed as close as possible to the common property line with the easement extending to the property line.

d) The location of the cross-access and driveway construction easement and connection shall be reviewed and approved by the Public Works and Transportation Director based on the following factors which include but are not limited to:

(i) Existing cross-access easements;

(ii) Topography, including future vertical and horizontal alignment;

(iii) Location of environmental features, including but not limited to Resource Conservation Areas;

(iv) Safety considerations; and/or

(v) Existing infrastructure obstructions.

e) Sites proposed for development adjacent to an existing vehicular cross-access and driveway construction easement and connection shall be required to construct a driveway through the easement to the adjoining parking lot or driveway.

f) Additional driveway access to the thoroughfare shall be avoided, except in cases where additional access is reviewed and approved by the Public Works and Transportation Director upon finding that such access meets the following minimum distancing requirements between driveways along the thoroughfare:

(i) 250 feet may be allowed for right-in/right-out direct access in addition to cross-access;

(ii) 500 feet may be allowed for full movement to a minor thoroughfare for direct access in addition to cross-access; and/or

(iii) 1,000 feet may be allowed for full movement to a major thoroughfare for direct access in addition to cross-access.

The Public Works and Transportation Director may reduce the minimum spacing separation above by no more than 10% upon review of site constraints and a traffic impact analysis, when required.

2) Exceptions to the cross-access requirements may be granted by the Public Works and Transportation Director based on site-specific constraints that

make it impractical to dedicate such cross-access and driveway construction easements and connections, including but not limited to:

- a) Existing cross-access easements;
- b) Significant topographical differences;
- c) Significant environmental features, including but not limited to Resource Conservation Areas;
- d) Vehicular safety or other safety/security factors; and/or
- e) Existing infrastructure obstructions.

3) Rights of vehicular access shall be granted to all abutting properties and recorded with the Wake County Register of Deeds contemporaneously with the recording of the Site Plan Final Plat for the approved Site Plan. No Certificate of Occupancy will be signed until evidence of the recordation is provided to the Planning and Community Development Department.

4) The cross-access and driveway construction agreement shall be certified by an attorney licensed to practice law in the State of North Carolina, confirming compliance with all of all provisions of Sec. 8.3.6.G.

GH) Off-Street Parking Area Landscaping, Buffering, and Screening

Off-street parking areas shall be landscaped, buffered, and screened in accordance with the standards of Sec. 8.2.

3. Amendments to Secs. 7.2.3.G *Corner Lots* and 8.3.4.E *Residential Driveway Standards* in order to limit the number of driveways for single-family residential properties to one (1) with certain exceptions.

7.2.3.G *Corner Lots*

For **single-family** residential uses, corner lots shall have additional width sufficient to provide setbacks based upon the yard standards of Article 5; **Measurements**, from both front and side streets **and the front lot line shall be specified on the Master Subdivision Final Plat. Except as provided in Sec. 8.3.4.E.3, the final plat shall note on such lots that access shall be limited to one (1) and such access shall not be from a thoroughfare or major collector street.**

8.3.4.E *Residential Driveway Standards*

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3) Number of Access Points

Single-family residential properties are limited to one (1) driveway access point to the public street system, except in the following cases:

- a) **A circular drive that is contributing to the historic nature of a *Historic Structure* as defined in Sec. 12.2 *Terms Defined*;**
- b) **Homes without an existing garage or carport, where a proposed garage or carport would be served from a different street than the existing driveway; or**

- c) **Construction of an accessory apartment, where the accessory apartment would be served from a different street than the primary driveway.**

4. Amendments to Sec. 2.3.4.F.3.c Major Employment Center (MEC-CZ) District, RCA and landscaping in order to correct a typographical error in a reference to another section of the UDO.

2.3.4.F.3 Major Employment Center (MEC-CZ) District

- c) *RCA and landscaping.* The PD Plan for MEC-CZ establishes a resource conservation area (RCA). The criteria used to establish the RCA shall comply with Sec. 8.1.2 *Resource Conservation Area*. Landscaping and illumination complies with the standards of Sec. 8.2, *Landscaping, Buffering and Screening*, and Sec. ~~8.7~~**6** *Exterior Lighting*, except that variations from these standards may be permitted where it is demonstrated that the proposed landscaping sufficiently buffers uses from each other, ensures compatibility with land uses on surrounding properties, creates attractive streetscapes and parking areas and is consistent with the character of the area.

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of the proposed UDO amendments.

PLANNING BOARD RECOMMENDATION:

The Planning Board heard these amendments at their November 9, 2020 meeting and unanimously recommended approval as presented with the understanding that staff will work with the public commenter regarding spacing of access to the thoroughfare.

PLANNING BOARD REPORT TO TOWN COUNCIL
Unified Development Ordinance Amendments

Planning Board Meeting Date: November 9, 2020



Report Requirements:

Per NCGS 160A-387, all proposed amendments to the zoning ordinance or zoning map shall have a written report provided from the Planning Board to the Town Council within 30 days of referral of the amendment to the Planning Board, or the Town Council may proceed in its consideration of the amendment without the Planning Board report. Furthermore, in no case is the Town Council bound by the recommendations, if any, of the Planning Board.

Planning Board Recommendation:

Motion: Motion to approve as presented with the understanding that staff will work with the public commenter regarding spacing of access to the thoroughfare.

Introduced by Planning Board member: Beth Godfrey

Seconded by Planning Board member: Mark Steele

- Approval of the proposed UDO amendment(s)
- Approval of the proposed UDO amendment(s) with the following conditions:

- Denial of the proposed UDO amendment(s)

With 7 Planning Board Member(s) voting "aye"

With 0 Planning Board Member(s) voting "no"

Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 9th day of November 2020.

Attest:

Michael Marks Digitally signed by Michael Marks
Date: 2020.11.09 19:45:35 -05'00'

Michael Marks, Planning Board Chair

Dianne Khin Digitally signed by Dianne Khin
Date: 2020.11.09 18:52:48 -05'00'

Dianne Khin, Planning Director



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

PUBLIC NOTIFICATION OF PUBLIC HEARING

AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE (UDO)

Notice is hereby given of a public hearing before the Town Council of the Town of Apex for the purpose of soliciting comments relative to the following amendment(s) to the Unified Development Ordinance:

Requested by Planning Staff:

1. Amendment to Sec. 8.1.2.E *Designation of RCA on Plans and Plats* in order to require that a metes and bounds description of any Resource Conservation Area be provided on Master Subdivision Final Plats. This is currently only an application requirement for Master Subdivision Final Plats, but is already a requirement in the UDO for Site Plan Final Plats.
2. Amendments to Sec. 8.3.6 *Parking Lot Design Standards* in order to add a new subsection requiring that non-residential and/or multi-family sites proposed along a thoroughfare provide vehicular cross-access easements to adjacent non-residential and/or multi-family sites.
3. Amendments to Secs. 7.2.3.G *Corner Lots* and 8.3.4.E *Residential Driveway Standards* in order to limit the number of driveways for single-family residential properties to one (1) except where a circular drive is contributing to the historic nature of a Historic Structure.
4. Amendments to Sec. 2.3.4.F.3.c *Major Employment Center (MEC-CZ) District, RCA and landscaping* in order to correct a typographical error in a reference to another section of the UDO.

Public Hearing Location: Apex Town Hall
Council Chambers, 2nd Floor
73 Hunter Street, Apex, North Carolina

Town Council Public Hearing Date and Time: November 17, 2020 6:00 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>.

If you are unable to attend, you may provide comments no later than noon on Monday, November 16, 2020 by email (public.hearing@apexnc.org, 350-word limit) or voicemail (919-362-7300, 3-minute limit) according to the Remote Participation Policy at: <http://www.apexnc.org/DocumentCenter/View/31397/>. You must provide your name and address for the record. These comments will be read during the Town Council meeting.

If the Council meeting is held with at least one member attending virtually, written comments on the subject of the public hearing may be submitted between publication of any required notice and 24 hours after the public hearing and the Council's vote will occur at the Council's next regularly scheduled meeting.

The UDO can be accessed online at: <http://www.apexnc.org/233>.

Published Dates: October 26-November 17, 2020

Dianne F. Khin, AICP
Director of Planning and Community Development



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