

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 8.1.2.E 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:**

8.1.2.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.

**Section 2. Section 8.3.6 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:**

8.3.6 *Parking Lot Design Standards*

...

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 Director of Public Works and Transportation 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.

**Section 3.** Sections 7.2.3.G and 8.3.4.E 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:

*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*

...

**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.**

**Section 4. Section 2.3.4.F.3.c 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:**

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.

**Section 5.** 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 6.** 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 7.** The ordinance shall be effective upon enactment on the \_\_\_\_ day of November 2020.

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

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

Attest:

TOWN OF APEX

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

\_\_\_\_\_  
Jacques K. Gilbert  
Mayor

Approved As To Form:

\_\_\_\_\_  
Laurie L. Hohe  
Town Attorney