

Ordinance No. 2019-005

AN ORDINANCE

ADOPTING CERTAIN AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE FOR THE TOWN OF FRANKLIN TO PROVIDE FOR PROPER DESIGN AND CONSTRUCTION OF DRIVEWAYS INTERSECTING TOWN STREETS.

WHEREAS, there was adopted a unified development ordinance for the Town of Franklin, by unanimous vote of the Board of Aldermen, at its regular meeting held on the 1st day of October, 2007; and

WHEREAS, the Acts of the State Legislature of the State of North Carolina empower and authorize the Legislative Body of this Town to adopt ordinances, and to revise, amend, augment, recodify and restate ordinances adopted pursuant to that authority; and

WHEREAS, as the Legislative Body of the Town of Franklin, the Town Council deems it necessary and expedient to adopt certain amendments to the unified development ordinance for the Town of Franklin, and has considered adoption of the same after due advertisement and public hearing;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Franklin that:

Section 1. §152.052(D)(2) of the Unified Development Ordinance is hereby amended as follows:

“(2) Contents of preliminary development plan.

(a) Applicants for developments opting to undergo preliminary development plan review shall, as a part of the application for such development, submit a preliminary development plan which shall show the following:

...

10. The proposed transportation network for the project including, but not limited to, the following:

...

c. All alleys, driveways, and curb cuts (provided further that, whenever any alley, driveway, or curb cut will intersect with a public sidewalk and/or street maintained by the town, the development plan submitted shall include a form approved by the town’s Public Works Director, demonstrating compliance with applicable regulations, including without limitation the North Carolina Department of Transportation Driveway Manual);”

Section 2. §152.052(E)(3) of the Unified Development Ordinance is hereby amended as follows:

“(3) Contents of final development plan.

(a) An application for final development plan approval, other than final plat approval, shall be accompanied by a development plan showing the following:

...

10. All proposed streets and/or driveways with proposed names, pavement widths and rights-of-way, and showing sight distances and their relationship to all street and driveway intersections within a 200-foot radius of the intersection of such entrances and exits with any public road. All alleys, driveways, curb cuts for public streets and handicap ramps, loading areas and provisions for off-street parking spaces and sidewalks; calculations indicating the number of parking spaces required and the number provided. All streets shall be clearly identified as public or private; a typical cross-section of public or private streets and/or driveways shall be included. Whenever any alley, driveway, or curb cut will intersect with a public sidewalk and/or street maintained by the town, the final development plan must include the approved design required for the preliminary plan as set forth in §152.052(D)(2)(c).”

Section 3. §152.053(H)(3) of the Unified Development Ordinance is hereby amended as follows:

“(3) Contents of preliminary development plan.

(a) The preliminary development plan for projects undergoing special use review shall show the following:

...

10. The proposed transportation network for the project including, but not limited to, the following:

...

(c) All alleys, driveways, and curb cuts for public streets (provided further that, whenever any alley, driveway, or curb cut will intersect with a public sidewalk and/or street maintained by the town, the development plan submitted shall include a form approved by the town’s Public Works Director, demonstrating compliance with

applicable regulations, including without limitation the North Carolina Department of Transportation Driveway Manual);”

Section 4. Except as amended hereby, the affected sections of the Unified Development Ordinances shall remain in full force and effect as enacted.

Section 5. This ordinance shall be deemed published as of the day of its adoption and approval by the Town Legislative Body and the Clerk of the Town of Franklin is hereby authorized and ordered to file a copy of said ordinance in the Office of the Town Clerk.

Section 6. This ordinance shall be in full force and effect immediately on the date of its publication and filing thereof in the Office of the Clerk, and said ordinance shall be presumptive evidence in all courts and places of the ordinances and all provisions, sections, penalties and regulations therein contained and of the date of passage, and that the same is properly signed, attested recorded and approved and that any public hearings and notices thereof as required by law have been given.

ADOPTED: This 1st day of April, 2019, upon motion by Council Member _____, seconded by Council Member _____, and having been approved by a vote of __ in favor and __ against.

ATTEST:

TOWN OF FRANKLIN

Travis Tallent, Clerk

Robert S. Scott, Mayor