

STAFF REPORT

Amendments to the Unified Development Ordinance

May 23, 2023 Town Council Meeting



Requested by Town Council:

1. **Amendments to Secs. 4.2.2 Use Table and 4.4.4 Supplemental Standards, Recreational Uses in order to require a double gate for dog parks in private recreation areas.**

4.2.2 Use Table

Use Type	Definition Section	Zoning Districts																					Standards
		Residential										Business					Planned Development			Other			
		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		*	*	P*
																							4.4.4.D; 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.

Requested by Planning Committee of Town Council and Planning Staff:

2. **Amendments to Sec. 8.3.11 Electric Vehicle Charging Spaces in order to increase the amount of required Electric Vehicle (EV) charging spaces for apartments as requested by the Planning Committee of Town Council. Additional amendments to this section are proposed by Planning Staff in order to increase the amount of required EV charging spaces and EV-Ready parking spaces for certain uses and to modify the standards for EV 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, 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.**

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of the proposed UDO amendments.

PLANNING BOARD RECOMMENDATION:

The Planning Board heard these amendments at their May 8, 2023 meeting and unanimously recommended approval.



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)

Pursuant to the provisions of North Carolina General Statutes §160D-601 and to the Town of Apex Unified Development Ordinance (UDO) Sec. 2.2.11, 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 that are applicable Town-wide:

Requested by Town Council:

1. Amendments to Secs. 4.2.2 *Use Table* and 4.4.4 *Supplemental Standards, Recreational Uses* in order to require a double gate for dog parks in private recreation areas.

Requested by Planning Committee of Town Council and Planning Staff:

2. Amendments to Sec. 8.3.11 *Electric Vehicle Charging Spaces* in order to increase the amount of required Electric Vehicle (EV) charging spaces for apartments as requested by the Planning Committee of Town Council. Additional amendments to this section are proposed by Planning Staff in order to increase the amount of required EV charging spaces and EV-Ready parking spaces for certain uses and to modify the standards for EV charging spaces.

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

Town Council Public Hearing Date and Time: May 23, 2023 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 a written statement by email to public.hearing@apexnc.org, or submit it to the Office of the Town Clerk (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council members prior to their vote. Please include the Public Hearing name in the subject line.

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

Dianne F. Khin, AICP
Planning Director

Published Dates: May 1-23, 2023



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)

Pursuant to the provisions of North Carolina General Statutes §160D-601 and to the Town of Apex Unified Development Ordinance (UDO) Sec. 2.2.11, 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 that are applicable Town-wide:

Requested by Town Council:

1. Amendments to Secs. 4.2.2 *Use Table* and 4.4.4 *Supplemental Standards, Recreational Uses* in order to require a double gate for dog parks in private recreation areas.

Requested by Planning Committee of Town Council and Planning Staff:

2. Amendments to Sec. 8.3.11 *Electric Vehicle Charging Spaces* in order to increase the amount of required Electric Vehicle (EV) charging spaces for apartments as requested by the Planning Committee of Town Council. Additional amendments to this section are proposed by Planning Staff in order to increase the amount of required EV charging spaces and EV-Ready parking spaces for certain uses and to modify the standards for EV charging spaces.

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

Town Council Public Hearing Date and Time: May 23, 2023 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 a written statement by email to public.hearing@apexnc.org, or submit it to the Office of the Town Clerk (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council members prior to their vote. Please include the Public Hearing name in the subject line.

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

Dianne F. Khin, AICP
Planning Director

Published Dates: May 1-23, 2023



TOWN OF APEX

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

modificación de la Ordenanza
de Desarrollo Unificado (UDO)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-601 y con la sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del ayuntamiento de Apex a fin de solicitar comentarios relativos a la siguiente modificación de la Ordenanza de Desarrollo Unificado que se aplican a toda la ciudad:

Solicitado por el Consejo Municipal:

1. Enmiendas a las secciones 4.2.2 *Tabla de Uso* y 4.4.4 *Normas de Uso Complementario, Usos Recreativos* a fin de exigir una reja doble de acceso a parques para perros en áreas de recreación privadas.

Solicitado por el Comité de Planificación del Consejo Municipal y personal de Planificación:

2. Enmiendas a las Secciones 8.3.11 *Espacios de carga de vehículos eléctricos* a fin de aumentar el número de espacios de estacionamiento para carga de vehículos eléctricos (EV) exigidos por los apartamentos a solicitud del Comité de Planificación del Ayuntamiento. Las enmiendas adicionales a esta sección han sido propuestas por el personal de Planificación a fin de aumentar el número de espacios de estacionamiento exigidos para cargar vehículos eléctricos y espacios listos para vehículos eléctricos para determinados usos y modificar las normas para espacios para vehículos eléctricos.

Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

Fecha y hora de la audiencia pública del Consejo Municipal: 23 de mayo de 2023 6:00 PM

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la oficina del Secretario Municipal (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

Se puede acceder a la UDO en línea en: <http://www.apexnc.org/233>.

Dianne F. Khin, AICP
Directora de Planificación

Fechas de publicación: 1 de mayo-23 de mayo de 2023



TOWN OF APEX

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS modificación de la Ordenanza de Desarrollo Unificado (UDO)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-601 y con la sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del ayuntamiento de Apex a fin de solicitar comentarios relativos a la siguiente modificación de la Ordenanza de Desarrollo Unificado que se aplican a toda la ciudad:

Solicitado por el Consejo Municipal:

1. Enmiendas a las secciones 4.2.2 *Tabla de Uso* y 4.4.4 *Normas de Uso Complementario, Usos Recreativos* a fin de exigir una reja doble de acceso a parques para perros en áreas de recreación privadas.

Solicitado por el Comité de Planificación del Consejo Municipal y personal de Planificación:

2. Enmiendas a las Secciones 8.3.11 *Espacios de carga de vehículos eléctricos* a fin de aumentar el número de espacios de estacionamiento para carga de vehículos eléctricos (EV) exigidos por los apartamentos a solicitud del Comité de Planificación del Ayuntamiento. Las enmiendas adicionales a esta sección han sido propuestas por el personal de Planificación a fin de aumentar el número de espacios de estacionamiento exigidos para cargar vehículos eléctricos y espacios listos para vehículos eléctricos para determinados usos y modificar las normas para espacios para vehículos eléctricos.

Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

Fecha y hora de la audiencia pública del Consejo Municipal: 23 de mayo de 2023 6:00 PM

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la oficina del Secretario Municipal (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

Se puede acceder a la UDO en línea en: <http://www.apexnc.org/233>.

Dianne F. Khin, AICP
Directora de Planificación

Fechas de publicación: 1 de mayo-23 de mayo de 2023