

STAFF REPORT

Amendments to the Unified Development Ordinance

September 17, 2019 Town Council Meeting



Requested by Administration:

1. The addition of Sec 2.1.9 *Apex Environmental Advisory Board* in order to include provisions for the new Environmental Advisory Board in the Unified Development Ordinance.

2.1.9 Apex Environmental Advisory Board

A) Powers and Duties

The Environmental Advisory Board shall have the following powers and duties under the provisions of this Ordinance:

- 1) Advise the Environmental Committee of the Apex Town Council regarding suggested changes to the Unified Development Ordinance related to the environment and the Planning Committee of the Apex Town Council regarding suggested changes to the Unified Development Ordinance related to the impacts of development upon the environment.
- 2) Review, with applicants, during the pre-application phase of a proposal, all requests for conditional rezoning and recommend zoning conditions to the applicant and Town Council that will mitigate anticipated impact to the natural environment as a result of the project under consideration.

B) Rules Governing Board

The rules governing the other responsibilities and procedures of the Environmental Advisory Board are established in Article IV of Chapter 2 of the Code of Ordinances, Town of Apex, North Carolina.

Requested by Planning staff:

2. Amendments to Sec. 8.3 *Off-Street Parking and Loading* in order to clarify that neither parking located under a building nor more than one level of structured parking counts toward the maximum parking calculation and amend the minimum drive-aisle width in parking areas based on the angle and design of the parking lot. [Note that the legal advertisement included a request to increase the maximum parking allowed for Church or place of worship, Assembly hall nonprofit, and Assembly hall for-profit; this item will be re-advertised and presented at a later date].

8.3 Off-Street Parking and Loading

8.3.2 Off-Street Parking Requirements

E) Maximum Number of Spaces Allowed

The minimum parking requirements shall not be exceeded by more than 25% for uses that require up to 100 spaces or 15% for uses that require more than 100 spaces. The level(s) of structured parking above the ground level and parking located under a building shall not count toward the maximum number of spaces allowed. The maximum number of spaces shall only be exceeded according to the standards below.

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8.3.6 Parking Lot Design Standards

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F) Access to Parking Areas

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- 2) When an off-street parking area does not abut a public street, there shall be provided an access drive ~~not less than 24 feet in width for two-way traffic,~~ connecting the off-street parking area with a public street. **The width of the access drive shall be based on the following:**

Table 8.3-5 Minimum Drive Aisle Width

<u>Parking configuration</u>	<u>Minimum Drive-Aisle Width</u>
<u>Two-way traffic with double-loaded 90 degree parking</u>	<u>24 feet</u>
<u>Two-way traffic with double-loaded parking less than 90 degrees or with single-loaded parking at any angle</u>	<u>20 feet</u>
<u>One-way traffic with single- or double-loaded parking less than 90 degrees</u>	<u>AASHTO design standard; except 20' minimum for emergency route(s)</u>

The access drive shall be paved in the manner required for off-street parking lots and may not traverse property in a residential district unless the drive provides access to a parking area serving a use allowed in a residential district. Where an access or service drive is such that satisfactory turn-around is not possible, a turn-around shall be provided as required by the Fire Department.

8.3.7.A Use of Off-Street Parking Areas, Vehicle Stacking Areas

...

1) *Minimum Number of Spaces*

The minimum stacking spaces from Table 8.3-~~56~~ may be provided, cumulatively, by using multiple drive-through lanes. Each lane is not required to provide the minimum number of spaces. Off street stacking spaces shall be provided as follows:

Table 8.3-~~56~~: Minimum Required Vehicle Stacking Spaces

...

8.3.8 Accessible Parking for Physically Handicapped Persons, Number of Spaces

...

Table 8.3-~~67~~: Required Accessible Parking for Physically Handicapped Persons

...

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of the proposed UDO amendments.

PLANNING BOARD RECOMMENDATION:

The Planning Board heard these amendments at their September 17, 2019 meeting and unanimously recommended approval with a suggestion to Town Council that if not already defined, the term “Environment” needs to be defined in regard to this Board. The Planning Board report to Town Council is attached.

PLANNING BOARD REPORT TO TOWN COUNCIL

Unified Development Ordinance Amendments

September 9, 2019 Planning Board Meeting



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:

Seconded
 Introduced
 Motion: *To ^{recommended} approved as presented*
 Introduced by Planning Board member: *Tina Sherman*
 Seconded by Planning Board member: *Beth Godfrey*

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

If not already defined, the term "Environment" needs to be defined in regard to this Board.

- 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 September 2019.

Attest:

Margo J. Bills
 Margo Bills, Planning Board Chair

Dianne F. Khin
 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 Springfield Sign:

1. Amendments to Sec. 8.7.1.A.13 *Menu Board* in order to increase the maximum sign area for a menu board from 32 square feet to 40 square feet with the condition that only one menu board sign be permitted if the larger sign area is used.

Requested by Administration:

2. The addition of Sec. 2.1.9 *Environmental Advisory Board* in order to include provisions for the new Environmental Advisory Board in the Unified Development Ordinance.

Requested by Planning Staff:

3. Amendments to Sec. 8.3 *Off-Street Parking and Loading* in order to clarify that neither parking located under a building nor more than one level of structured parking counts toward the maximum parking calculation; increase the maximum parking allowed for Church or place of worship, Assembly hall nonprofit, and Assembly hall for-profit; and amend the minimum drive-aisle width in parking areas based on the angle and design of the parking lot.

~~4. Amendment to Sec. 2.3.14 *Vertebral Rights* in order to make updates based on recent changes to State law.~~

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

Town Council Public Hearing Date and Time: September 17, 2019 7:00 PM

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

Dianne F. Khin, AICP
Planning Director

Published Dates: August 27-September 17, 2019



TOWN OF APEX

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~~4. Amendment to Sec. 2.3.14 *Vested Rights* in order to make updates based on recent changes to State law.~~

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Council Chambers, 2nd Floor

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Dianne F. Khin, AICP
Planning Director

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