

STAFF REPORT

Amendments to the Unified Development Ordinance

June 8, 2021 Town Council Meeting



Proposed amendments to the Unified Development Ordinance:

Requested by Planning Staff:

1. **Amendments to Sec. 8.3 *Off-Street Parking and Loading*, Sec. 8.4.3 *Community Amenities*, and Sec. 12.2 *Terms Defined*.** The purpose of these amendments is to prepare for the trend of increased use of electric vehicles while avoiding unnecessary development of extra parking and to support the Town's sustainability initiatives.

8.3.2 Off-Street Parking Requirements

A) *Off-Street Parking Schedule "A"*

Unless otherwise expressly stated in this Code, off-street motor vehicle and bicycle parking spaces shall be provided in accordance with Table 8.3-1. **Electric vehicle charging space requirements shall be provided in accordance with Sec. 8.3.11 *Electric Vehicle Charging Spaces*.**

8.3.10 Parking Structures

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B) **Electric Vehicle Charging Spaces**

All parking structures shall provide two (2) Level 2 electric vehicle 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, electric vehicle charging spaces shall be provided in accordance with Table 8.3-9 for any use requiring 50 or more motor vehicle parking spaces.

- 1) **If less than 11 motor vehicle spaces are required, no electric vehicle charging spaces or EV-Ready space are required.**
- 2) **If 11 to 49 motor vehicle spaces are required, one (1) EV-Ready space is required.**
- 3) **No more than ten (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

<u>Use</u>	<u>Minimum Number of Required Electric Vehicle Charging Spaces</u>
<u>Multi-family or apartment</u>	<u>3% of all required motor vehicle spaces</u>
<u>Government Service</u>	<u>3% of all required motor vehicle spaces</u>
<u>Commercial Uses</u>	<u>3% of all required motor vehicle spaces, if the minimum motor vehicle parking requirement is at least 100 spaces. One (1) EV-Ready space is required if 11 to 99 motor vehicle spaces are required.</u>
<u>Office, business or professional</u>	<u>3% of all required motor vehicle spaces</u>
<u>Office: Coworking Space</u>	<u>3% of all required motor vehicle spaces</u>
<u>Office: Call Center</u>	<u>3% of all required motor vehicle spaces</u>
<u>Hotel or motel</u>	<u>3% of all required motor vehicle spaces</u>
<u>Industrial Uses</u>	<u>3% of all required motor vehicle spaces</u>
<u>Park, active or passive</u>	<u>2% of all required motor vehicle spaces</u>
<u>Parking Structure</u>	<u>3% of all provided motor vehicle spaces</u>
<u>Parking Structure (School, public or private: Elementary, Junior, or Senior)</u>	<u>2 spaces</u>
<u>School, public or private: Elementary or Junior</u>	<u>3% of all required spaces that are provided in an off-street surface lot</u>
<u>School, public or private: Senior</u>	<u>1% of all required spaces that are provided in an off-street surface lot</u>

B) Accessible Electric Vehicle Charging Spaces

Unless otherwise expressly stated in this Code, electric vehicle charging spaces shall be sized but not marked as exclusively accessible in accordance with Table 8.3-10.

Table 8.3-10 Accessible Electric Vehicle Charging Spaces

<u>Total Required Electric Vehicle Charging Spaces</u>	<u>Minimum Number of Accessible Charging Spaces</u>	<u>Minimum Number of Van-Accessible Charging Spaces</u>
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 ten (10) 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.

8.4.3 Community Amenities

All development subject to Sec. 8.4 shall contribute to the establishment or enhancement of the community and public spaces by providing at least two **(2)** community amenities, including but not limited to a patio seating area, water feature, clock tower, pedestrian plaza with benches, planters, public art, decorative bicycle parking, or focal feature. Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the building and the landscape. These amenities may be built so as to terminate a vista, where possible, in order to provide a prominent visual orientation for the development.

In addition, a Level 2 or DC Fast Charging electric vehicle charging space may count as one (1) community amenity for uses listed in Table 8.3-9 that have a minimum parking requirement of less than 50 spaces.

12.2 Terms Defined

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Development (for the purposes of the sign regulations in Sec. 8.7 and Electric Vehicle Charging Spaces in Sec. 8.3.11)

Single-use lots, multiple-use lots, shopping centers with or without out parcels connected thereto as shown on an approved non-residential Master Subdivision Plan, or any other group of nonresidential projects planned as a total entity.

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EV-Ready

Installation of "raceway" (the enclosed conduit that forms the physical pathway for electrical wiring to protect it from damage), dedicated branch circuit(s) (electrical pre-wiring), circuit breakers, and other electrical components, including a receptacle (240-volt outlet) or blank cover needed to support future installation of one (1) or more charging stations.

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Level 2 Charging

208/240 volt AC charging, requiring a 40-amp circuit, open or networked. Level 2 chargers have a cord that plugs directly into the vehicle in the same connector location used for Level 1 equipment.

...

Level 3 / Direct-current (DC) Fast Charging

240/208/440 volt DC charging, 3-phase, 100+ amp circuit, open or networked, the highest-powered electric vehicle chargers available. DC fast chargers have three (3) types of connectors: CHAdeMo, CCS, or Tesla.

Staff Recommendation:

Planning and Community Development Department staff recommend approval of the proposed UDO amendments.

Planning Board Recommendation:

The Planning Board unanimously recommended approval of the proposed UDO amendments at their May 10th meeting.

NOTE – Two changes have been made to the proposed UDO amendments since Planning Board review. These changes are based on the consideration of comments received from the Apex Development Community Stakeholders following the Planning Board’s review of the proposed UDO amendments. These changes were presented to the Environmental Advisory Board at their May 20th meeting.

1. Affordable apartment units are exempt from the proposed electric parking requirements.
2. No more than 10 electric vehicle charging spaces shall be required.

Environmental Advisory Board Recommendation:

The proposed UDO amendments were presented to the Environmental Advisory Board at their May 20th meeting. The Environmental Advisory Board unanimously recommended approval of the proposed amendments.

PLANNING BOARD REPORT TO TOWN COUNCIL
Unified Development Ordinance Amendments - EV Parking

Planning Board Meeting Date: May 10, 2021



Report Requirements:

Per NCGS §160D-604, all proposed amendments to the zoning ordinance or zoning map shall be submitted to the Planning Board for review and comment. If no written report is received from the Planning Board within 30 days of referral of the amendment to the Planning Board, the Town Council may act on the amendment without the Planning Board report. The Town Council is not bound by the recommendations, if any, of the Planning Board.

Planning Board Recommendation:

Motion: Recommend approval as presented.

Introduced by Planning Board member: Tina Sherman

Seconded by Planning Board member: Reginald Skinner

- 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 8 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 10th day of May 2021.

Attest:

Michael Marks Digitally signed by Michael Marks
Date: 2021.05.10 20:31:30 -04'00'

Michael Marks, Planning Board Chair

Dianne Khin Digitally signed by Dianne Khin
Date: 2021.05.10 18:40:37 -04'00'

Dianne Khin, Director of Planning and
Community Development



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:

Amendments to Sec. 8.3 *Off-Street Parking and Loading*, Sec. 8.4.3 *Community Amenities*, and Sec. 12.2 *Terms Defined* regarding electric vehicle charging parking space requirements.

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

Town Council Public Hearing Date and Time: June 8, 2021 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 share comments by noon on Monday, June 7, 2021, 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, the vote on the subject of this public hearing will be delayed per State law to allow for comments to be submitted between publication of any required notice and 24 hours after the public hearing. Comments must be provided according to the means specified above. This item will then be scheduled for the next Town Council meeting. Please note that at this subsequent meeting, Town Council may choose to vote on the item, table the discussion to a later date, or take other action which would delay Council action to another time.

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

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



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



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