

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. Sections 2.2.6 and 2.2.7.B 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:

2.2.6 Pre-Application Meeting

A) *General Overview*

A pre-application meeting is required prior to submission of the following application types: Rezoning (including Planned Development districts), Special Use Permit, Minor or Major Site Plan, Master Subdivision Plan, Variance Permit, or any application within the Small Town Character Overlay District. The purpose of a pre-application meeting is to familiarize the applicant and the Town staff with the applicable provisions of this Ordinance required to permit the proposed development. **The pre-application meeting shall be held prior to the applicant mailing a notice of a neighborhood meeting as required by Sec. 2.2.7.B Neighborhood Meetings.**

...

2.2.7 Neighborhood Notice

...

B) *Neighborhood Meetings*

Neighborhood meetings are required for all applications for Rezoning~~s~~; Major Site Plans~~s~~; residential subdivisions, excluding exempt subdivisions~~s~~; Special Use Permits~~s~~; and Minor Site Plans for the following uses: Day care facility; Government service; School, public or private; Restaurant, drive-through; and Convenience store with gas sales. Upon submittal of an application for one or more of these applications, the petitioner must file in the office of the Director of Planning and Community Development a written report of at least one (1) neighborhood meeting held by the petitioner. The neighborhood meeting shall comply with the following procedures.

1) *General*

The pre-application meeting with the Technical Review Committee shall be held prior to the applicant mailing a notice of a neighborhood meeting. The purpose of the neighborhood meeting is to educate neighbors about the proposed development and application **and any associated long range plan amendments**, to receive neighborhood comments, and to address concerns about the development proposal. At least one (1) neighborhood meeting shall be scheduled and held by the applicant or applicant's agent prior to submission of the initial application. The neighborhood meeting shall take place within six (6) months of submittal of the application; if more than six (6) months have passed at the time of application, the applicant shall hold a subsequent neighborhood meeting.

...

4) *Conduct of Meetings*

At the neighborhood meeting, the applicant shall explain the development proposal and application **and any associated long range plan amendments**, answer any questions, respond to concerns neighbors have about the application and proposed resolutions to these concerns.

...

Section 2. Section 4.4.3.G 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:

4.4.3 *Supplemental Standards; Utilities*

...

G) Utility, Minor

A minor utility use shall comply with the following standards:

...

3) *Water towers*

a) ~~— The height of a water tower may reach up to but not more than 200 feet.~~

ba) The perimeter of the water tower shall be screened from off-site view with large evergreen trees from the ground to a height of eight (8) feet at installation. No trees are required to be planted at the point of ingress and egress.

cb) If a fence is erected at the base of the water tower, the large evergreen trees must be planted on the outside of the fence and the gate across the point of ingress and egress must be opaque.

dc) An obsolete or unused water tower shall be removed within 12 months of cessation of use.

Section 3. Section 8.2.7.A 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:

8.2.7 Fences, Walls, and Berms

...

A) Materials

...

2) All fencing shall be finished on the side facing a public right-of-way or adjacent properties, **except within the Downtown Festival Overlay District where the side facing an alley may be unfinished.**

...

Section 4. Section 8.3.2, Table 8.3-1 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:

Table 8.3-1: Off-Street Parking Schedule "A"

Use	Minimum Number of Motor Vehicle Spaces Required	Minimum Number of Bicycle Spaces Required
Recreational Uses		
Recreation facility, private (multi-family or apartment)	No requirement <u>None</u>	6 spaces or 1 space per 30 dwelling units, whichever is greater

Use	Minimum Number of Motor Vehicle Spaces Required	Minimum Number of Bicycle Spaces Required
Commercial Uses		
Parking garage, commercial	None	2 spaces
Parking lot, commercial	None	2 spaces
<u>Parking garage, public</u>	<u>None</u>	<u>2 spaces</u>
<u>Parking lot, public</u>	<u>None</u>	<u>2 spaces</u>

Section 5. Section 8.3.6.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:

8.3.6.E Parking Lot Design Standards

...

1) *General*

Required off-street parking spaces shall comply with the following **minimum** dimensional standards in addition to parking standards found in the Town of Apex Standard Specifications and Standard Details:

- a) The maximum angle for angled parking shall be 60 degrees.

Table 8.3-4: General Dimensional Standards for Required Off-Street Parking Spaces

Use	Type of Space	<u>Minimum</u> Dimensions (feet)
Residential	Spaces in Garage or Carport	10 x 20
	Uncovered	9 x 18
Nonresidential	Angled and perpendicular spaces	9 x 18
	Compact (see 8.3.2.D)	9 x 15
All	Parallel	8 x 22

...

Section 6. Section 8.3.9.C 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:

8.3.9 Off-Street Parking Alternatives

...

C) Shared Parking

The Director of Planning and Community Development may approve shared parking facilities for developments or uses with different operating hours or different peak business periods if the shared parking complies with the all of following standards.

1) *Location*

Shared parking spaces must be located within 600 feet of the primary entrance of all uses served, unless remote parking shuttle bus service is provided.

2) *Zoning Classification*

Shared parking areas require the same or a more intensive zoning classification than required for the use served.

3) *Shared Parking Study*

Those wishing to use shared parking as a means of satisfying off-street parking requirements must submit a shared parking analysis to the Director of Planning and Community Development that clearly demonstrates the feasibility of shared parking. The study must be provided in a form established by the Director of Planning and Community Development and made available to the public. It must address, at a minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.

Table 8.3-8: Shared Parking Demand by Land Use and Time of Day

Land Use	Weekday		Weekend		Nighttime
	Daytime (6am-5pm)	Evening (5pm-12am)	Daytime (6am-5pm)	Evening (5pm-12am)	(12am-6am)
Residential	60%	100%	80%	100%	100%
Office/warehouse/industrial	100%	10%	10%	5%	5%
Retail	60%	90%	100%	70%	5%
Restaurant	70%	100%	100%	70%	10%
Hotel/motel	75%	100%	75%	100%	100%
Entertainment	40%	100%	80%	100%	10%
Church or place of worship	10%	30 10%	100% <u>during regularly scheduled worship/service times, including 1 hour before and after such times; otherwise 10%</u>	30 10%	5%
Bank	100%	5%	100%	5%	5%
Health/fitness centers and spas	70%	100%	80%	60%	5%
Medical/dental office	100%	50%	100%	5%	5%

To use this table:

- 1) Determine the minimum parking requirements in accordance with Table 8.3-1: Off-Street Parking Schedule "A" for each land use as if it is a separate use.
- 2) Multiply each amount by the corresponding percentages for each of the five time periods.
- 3) Calculate the total for each time period.
- 4) Select the column with the highest total and use this number as the required minimum number of parking spaces

4) *Agreement for Shared Parking*

A shared parking plan will be enforced through written agreement among all owners of record. An attested copy of the agreement between the owners of record must be submitted to the Director of Planning and Community Development for recordation in a form established by the Town Attorney. Recordation of the agreement must take place before issuance of a Certificate of Zoning Compliance for any use to be served by the off-site parking area. A shared parking agreement may be revoked only if all required off-street parking spaces will be provided, in accordance with Off-Street Parking Requirements (Sec. 8.3.2).

Section 7. Amendments in Section 1 shall not apply to projects for which an application for development approval has been submitted before the effective date of this ordinance.

Section 8. The Director of Planning and Community Development 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 9. 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 10. Section 1 of this ordinance is effective September 1, 2022. Any neighborhood meetings conducted in accordance with the Unified Development Ordinance before September 1, 2022 shall be valid and remain in effect after Section 1 becomes effective.

Section 11. Except as provided in Section 10, the ordinance is effective upon enactment on the _____ day of _____ 2022.

Introduced by Council Member _____

Seconded by Council Member _____

Attest:

TOWN OF APEX

Allen Coleman, CMC, NCCCC
Town Clerk

Jacques K. Gilbert
Mayor

Approved As To Form:

Laurie L. Hohe
Town Attorney