

STAFF REPORT

Amendments to the Unified Development Ordinance

August 23, 2022 Town Council Meeting



Requested by Planning Board:

1. **Amendments to Sec. 2.2.6 *Pre-Application Meeting* and 2.2.7.B *Neighborhood Meetings* in order to require applicants to provide information in the neighborhood meeting notification letter and during the neighborhood meeting about amendments to any Long Range plans (ex: Transportation Plan, 2045 Land Use Map, etc.) that are directly associated with the proposed rezoning or development, to require that pre-application meetings with the Technical Review Committee be held prior to the mailing of the neighborhood meeting notification letter, and to make a grammatical change for clarity.**

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 Rezonings; Major Site Plans; residential subdivisions, excluding exempt subdivisions; Special Use Permits; 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.
- ...

Requested by Planning Staff:

2. **Amendment to Sec. 4.4.3.G *Supplemental Standards; Utilities; Utility, Minor* in order to remove the height limitation for water towers.**

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.~~

~~b)~~ 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.

~~c)~~ 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.

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

3. **Amendments to Sec. 8.2.7.A *Fences, Walls, and Berms; Materials* in order to allow the unfinished side of a fence to face an alley.**

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.

...

4. **Amendments to Sec. 8.3.2 *Off-Street Parking Requirements* in order to add standards for the uses "Parking garage, public" and "Parking lot, public" and to change the wording of the parking requirement for "Recreation facility, private (multi-family or apartment)" from "No requirement" to "None" for consistency.**

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
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>

5. **Amendment to Sec. 8.3.6.E *Parking Lot Design Standards, Dimensions* in order to clarify that the standards for parking spaces are minimums not maximums based on a recent change to State law.**

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

...

6. **Amendments to Secs. 8.3.9.C *Shared Parking* in order to increase the percentage of parking for the use “Church or place of worship” that may be shared.**

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).

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of the proposed UDO amendments.

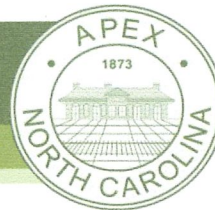
PLANNING BOARD RECOMMENDATION:

The Planning Board heard these amendments at their August 8, 2022 meeting and unanimously recommended approval.

PLANNING BOARD REPORT TO TOWN COUNCIL

Unified Development Ordinance Amendments

Planning Board Meeting Date: August 8, 2022



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: To recommend approval as presented.

Introduced by Planning Board member: Sarah Soh

Seconded by Planning Board member: Elaine Boyle

- ☒ 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 6 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 8 day of August 2022.

Attest:

Mark Steele, Planning Board Vice-Chair

Dianne Khin

Digitally signed by Dianne Khin
Date: 2022.08.08 18:42:01
-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)

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:

Requested by Planning Board:

1. Amendments to Sec. 2.2.6 *Pre-Application Meeting* and 2.2.7.B *Neighborhood Meetings* in order to require applicants to provide information in the neighborhood meeting notification letter and during the neighborhood meeting about amendments to any Long Range plans (ex: Transportation Plan, 2045 Land Use Map, etc.) that are directly associated with the proposed rezoning or development, to require that pre-application meetings with the Technical Review Committee be held prior to the mailing of the neighborhood meeting notification letter, and to make a grammatical change for clarity.

Requested by Planning Staff:

2. Amendment to Sec. 4.4.3.G *Supplemental Standards; Utilities; Utility, Minor* in order to remove the height limitation for water towers.
3. Amendments to Sec. 8.2.7.A *Fences, Walls, and Berms; Materials* in order to allow the unfinished side of a fence to face an alley.
4. Amendments to Sec. 8.3.2 *Off-Street Parking Requirements* in order to add standards for the uses "Parking garage, public" and "Parking lot, public" and to change the wording of the parking requirement for "Recreation facility, private (multi-family or apartment)" from "No requirement" to "None" for consistency.
5. Amendments to Sec. 8.3.6.E *Parking Lot Design Standards, Dimensions* in order to clarify that the standards for parking spaces are minimums not maximums based on a recent change to State law.
6. Amendments to Secs. 8.3.9.C *Shared Parking* in order to increase the percentage of parking for the use "Church or place of worship" that may be shared.

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

Town Council Public Hearing Date and Time: August 23, 2022 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>. Please visit www.apexnc.org on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

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.

In the event that the Town Council meeting is held remotely or with at least one member attending virtually, written comments may be submitted up to 24 hours prior to the scheduled time of the meeting per NCGS §166A-19.24 according to the methods specified above. Virtual meetings may be viewed via the Town's YouTube livestream at <https://www.youtube.com/c/townofapexgov>.

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

Published Dates: August 5-23, 2022

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



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-602 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:

Solicitado por la Junta de Planificación:

1. Enmienda a la sección 2.2.6, *Reunión previa a la solicitud*, y 2.2.7.B, *Reuniones de vecinos*, para pedirles a los solicitantes que brinden información en la carta de notificación de la reunión del vecindario y durante dicha reunión sobre las enmiendas a cualquier plan a largo plazo (p. ej., Plan de Transporte, Mapa de Uso Territorial 2045, etc.) que estén directamente asociadas con la propuesta de rezonificación o desarrollo para solicitar que las reuniones previas a la solicitud con el Comité de Revisión Técnica se lleven a cabo antes del envío de la carta de notificación de la reunión de vecinos y para hacer un cambio gramatical a fin de brindar mayor claridad.

Solicitado por el personal de planificación:

2. Enmienda a la sección 4.4.3.G, *Normas complementarias; Servicios públicos; Utilidad, Menores*, a fin de eliminar la limitación de altura para las torres de agua.
3. Enmienda a la sección 8.2.7.A, *Cercas, muros y bermas; Materiales*, para permitir que el lado de una cerca que no está terminado dé a un callejón.
4. Enmienda a la sección 8.3.2, *Requisitos de estacionamiento fuera de la vía pública*, para agregar normas respecto de los usos "edificio de estacionamiento público" y "estacionamiento público", y modificar el requisito de estacionamiento para "centro recreativo privado (vivienda multifamiliar o apartamento)" de "Sin requisitos" a "Ninguno" por motivos de consistencia.
5. Enmienda a la sección 8.3.6.E, *Normas de diseño de espacios de estacionamiento, dimensiones*, para aclarar que las normas sobre los espacios para estacionar se refieren a valores mínimos y no máximos, según un cambio reciente a las leyes estatales.
6. Enmienda a la sección 8.3.9.C, *Estacionamiento compartido*, a fin de aumentar el porcentaje de estacionamiento para el uso de "iglesias o lugares de culto" que puedan compartirse.

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 agosto de 2022 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>. Por favor visite www.apexnc.org el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

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.

En caso de que la reunión del Consejo Municipal se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

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

Fechas de publicación: 5-23 de agosto de 2022

Dianne F. Khin, AICP

Directora de Planificación y Desarrollo Comunitario



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Lugar de la audiencia pública: Ayuntamiento de Apex

Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

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Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 5-23 de agosto de 2022