



REQUEST FOR BOARD ACTION

ITEM NO. 21.

DATE OF MEETING: September 16, 2013

REQUESTED BY: Ed McCarthy, Planner II, Planning & Community Development

SHORT TITLE: Resolution to Approve a Text Amendment to the Pender County Unified Development Ordinance.

BACKGROUND: Pender County is requesting an amendment to the Pender County Unified Development Ordinance; Section 7.10, Off-Street Parking and Loading/Parking Requirements by adding a Parking Study option; a detailed description of the amendment is available in the Planning Department offices for review.

SPECIFIC ACTION REQUESTED: To Hold a Public Hearing and Consider the Approval of a Text Amendment to the Pender County Unified Development Ordinance.

RESOLUTION

NOW, THEREFORE BE IT RESOLVED by the Pender County Board of Commissioners that:

The Board hereby (approved, modified, denied) a zoning text amendment, as described herein. The Chairman/County Manager is authorized to execute any/all documents necessary to implement this resolution.

AMENDMENTS:

MOVED _____ SECONDED _____

APPROVED _____ DENIED _____ UNANIMOUS

YEA VOTES: Brown ___ McCoy ___ Tate ___ Ward ___ Williams ___

Chairman 9/16/2013

Date

ATTEST 9/16/2013
Date

PLANNING STAFF REPORT
Zoning Text Amendment

SUMMARY:

Hearing Date: Planning Board – September 10, 2013
Board of County Commissioners – September 16, 2013

Applicant: Administrator, Division of Planning
Application Number: ZTA 10995 Pender County

Text Amendment Proposal: The request consists of amending Section 7.10, Off-Street Parking and Loading/Parking Requirements; within the Pender County Unified Development Ordinance.

Background: The following text amendment is the result of various administrative discussions and situational circumstances that have been brought to Staff's attention since the effective date of the Pender Country Unified Development Ordinance.

Administrator/Planning Board Recommendation: The Administrator respectfully recommends amending the Unified Development Ordinance as described in the staff report. The Planning Board, at their September 10, 2013 regular meeting unanimously recommended approval of the proposed text amendment.

The proposed amendment serves to create a process that will bring greater flexibility in both the Administration of and compliance with the parking requirements of the Unified Development Ordinance. Currently, commercial site development applicants are required to comply with **7.10.1 Minimum** (minimum parking requirements) for their commercial development(s). It is staffs understanding that these requirements, when strictly enforced, do not apply to all developments, uniformly. Accordingly, staff has devised a "Parking Study Option", which may be utilized by commercial developers as an alternative to the current parking minimum.

Staff is proposing to allow flexibility within the prescribed parking standards by requiring sufficient evidence to be submitted by a traffic/parking professional. This evidence shall address several key factors affecting a reduction (below the required minimum) or increase (above the 125% maximum) in the provision of parking to ensure that the public health, safety and general welfare of all stakeholders are being met. Some factors include: site specific access, mix and traffic loads, anticipated parking turnover and alternative transportation option availability.

To date, the Unified Development Ordinance requires parking to be enforced as stated below:

7.10 Off-Street Parking and Loading/Parking Requirements

"Off-street parking spaces shall be provided for all uses listed below in the amounts specified below. Uses not listed shall be reviewed by the Administrator for a determination of the required spaces. Buildings with multiple uses shall calculate parking based on the square footage of each use in the building." Generally, minimum parking requirements are based on the square footage, number of

employees or service areas. However, these requirements may not always correspond directly with actual realized parking utilization rate(s).

Evaluation:

As prescribed in the Pender County Unified Development Ordinance (UDO) Article 3.18.5 in evaluating any proposed ordinance text amendment, the Planning Board and the County Commissioners shall consider the following:

- 1) The extent to which the proposed text amendment is consistent with the remainder of the Ordinance, including, specifically, any purpose and intent statements;
- 2) The extent to which the proposed text amendment represents a new idea not considered in the existing Ordinance, or represents a revision necessitated by changing circumstances over time;
- 3) Whether or not the proposed text amendment corrects an error in the Ordinance; and
- 4) Whether or not the proposed text amendment revises the Ordinance to comply with state or federal statutes or case law.

In deciding whether to adopt a proposed Ordinance text amendment, the central issue before the Board is whether the proposed amendment advances the public health, safety or welfare and is consistent with any adopted County Land Use Plan documents and the specific intent of this Ordinance.

Comprehensive Land Use Plan Compliance:

The Zoning Text Amendment is in compliance with Goals and Policies in the Comprehensive Land Use Plan:

Policy 1A.1.4 The County should develop and utilize innovative and flexible land planning techniques that encourage developments to efficiently use land resources that result in more compact urban areas, infill development, redevelopment, and the adaptive re-use of existing buildings.

Policy 1A1.5 The County supports a pro-business/pro-growth attitude, balanced by a concern for preserving the natural assets and quality of life factors that make the area attractive to visitors and permanent residents alike.

Policy 3A1.2 Use the creation of the Unified Development Ordinance (UDO) as an opportunity to allow more development flexibility while setting higher standards for sustainable development.

There are no conflicting policies within any adopted land use documents.

Staff Recommendation:

The proposed text amendment is consistent with the Unified Development Ordinance and Comprehensive Land Use Plan. Therefore, staff is recommending approval of the amendment as presented.

Planning Board

Motion: McClammy Seconded: Marshburn

Approved: X Denied: Unanimous X

Boney: X Marshburn: X Baker: X Edens : McClammy: X Nalee: Williams: X

Attachment 1

7.10.2 Parking Study Option

A. General

Innovative approaches which enable overall flexibility with regard to the administration of the UDO within Pender County are encouraged when the public interest is served and protected. The Administrator or Planning Board, as specified, may reduce or increase the amount of off-street parking required where developer-submitted parking data, prepared and sealed by a professional parking consultant or transportation engineer with proven experience providing similar studies, illustrates that the standards of 7.10 Off-Street Parking and Loading/Parking Requirements do not accurately apply to the specific development. The parking study may be used to justify reductions in the minimum parking requirements, per 7.10.1 Minimum, up to a maximum of 20% required, and increases over 125% of the minimum parking required. The study shall be presented to the Planning Board at time of Master Development Plan. When an MPD is not required, the Administrator shall serve as the review and recommending authority.

The data submitted for an alternative parking plan shall include, at a minimum:

- 1) Introduction/Background: This section shall include details regarding the application such as application type, proposed use, history, a brief explanation as to why the study was undertaken and any other relevant information including Special Use Permits, restrictions, covenants, etc affecting the site.
- 2) A section shall be provided that details the methodology for the study
- 3) Development Site Detail:
 - The following items shall be addressed in the parking study:
 - a) The current zoning of the site
 - b) The size and type of the proposed and existing development(s) on-site
 - c) Site access
 - d) The mix and traffic generation of all uses on site
 - e) The anticipated rate of parking turnover
 - f) The minimum parking amount required by the UDO as compared to Urban Land Institute (ULI) and/or Institute of Transportation Engineers (ITE) projections; other acceptable projections may be approved by the Administrator on a case by case basis
 - g) Total existing on-site parking as well as existing conditions within two blocks of the site
 - h) Alternative transportation options available to the site
 - i) The 85-95% peak utilization threshold for both the UDO minimum and the applicant's supply proposal
 - j) Most recent NCDOT Traffic volume counts for roadways adjacent to the potential development site
- 4) Survey Site(s) Parking Survey:
 - a) The parking levels for similar use(s) shall be considered and be based on the appropriate NAICS classification and approved by the Administrator. The following shall be included in the survey:
 - 1) The PIN and address of the survey site(s)

- 2) Each day of the week and times that the study was performed; subject to prior approval by the Administrator
 - 3) A description of the existing supply and conditions on the survey site (zoning, parking supply etc.)
 - 4) If the use exists elsewhere (preferably in Pender County) in a similar situation, the study must outline the similarities between the two locations and why they will generate a similar parking demand
 - 5) The survey should occur for two normal business weeks and should capture peak parking demand, based on peak parking periods defined by the Urban Land Institute (ULI) or an alternative peak schedule for that particular use; the schedule shall be pre-approved by the Administrator
 - 6) Observed parking shall separate out legal, illegal, off-site and total
 - 7) Utilization rates for the survey site(s), including overall observed demand ratios as well as daily demand ratios/time of day. This comparison shall also include a comparison to the survey site's structural (not observed) 85-95% utilization rates, based on their existing supply (i.e. 100 spaces exist/85 & 95 spaces=85% & 95%) (The demand ratios should be presented, per square foot (i.e. 1 .8 cars per 250 ft²))
 - 8) The Minimum, Maximum, Median and Mode shall be reported
 - 9) An assessment of existing conditions within two blocks of the site
 - 10) NCDOT Traffic volume counts for roadways adjacent to the survey site(s)
- 5) A justification of peak periods and analysis of any deviations utilizing the Urban Land Institute's "Shared Parking"
- 6) A recommendation concerning future parking needs and the site's capacity; reduction requests shall not exceed 20% of the required minimum parking required, per the Unified Development Ordinance's (UDO) 7.10.1 Minimum parking required.
- 7) A section shall be provided that details the qualifications of the party responsible for preparing the study

B. Evaluation

- 1) *The Administrator or Planning Board shall make a recommendation and decision regarding the required parking supply by considering the following. It is the intent that the Administrator shall review the following criteria prior to making a recommendation or decision:*
 - a) *The completeness of the applicant submitted parking study.*
 - b) *The accuracy of the data submitted.*
 - c) *The relevance of the data submitted.*
 - d) *The minimum parking supply recommended by section 7.10.1 Minimum, of the Unified Development Ordinance.*
- 2) *The review and recommending authority shall be authorized to increase, decrease, accept, modify or reject the applicant supplied parking supply recommendation.*

C. Deferred Parking

1) In the event that parking is to be reduced, the amount over 5 reduced parking spaces shall be reserved on site. Total reductions shall not be greater than 20% of the minimum parking required, per 7.10.1 Minimum.

a) The Administrator shall require a written agreement prior to the issuance of a Certificate of Occupancy that a current utilization study be performed after the Certificate of Occupancy has been issued.

b) The reserved space shall be detailed on a site plan to be approved by the Administrator.

c) In the event that full build out would trigger additional ADA parking requirements, the potential ADA space(s) shall be provided. This space may be converted to a standard space(s), should the Administrator determine that the site has sufficient parking supply, pursuant to the current site utilization evaluation.

2) The owner/applicant or other responsible party, as determined through a written agreement with the Administrator before a Certificate of Occupancy is issued, shall perform a current utilization study of the approved site, not less than 30 days after a Certificate of Occupancy (CO) has been issued and shall begin no later than before 60 days have lapsed since the Certificate of Occupancy (CO) has been issued.

a) The current site utilization study schedule shall be pre-approved by the Administrator and shall be evaluated with regard to conformity with the Parking Study Option (7.10.2) approved site plan. The study shall evaluate the efficiency/deficiency of parking relative to the realized demand from full build out.

3) The Administrator shall make a recommendation to install additional space up to the minimum required, maintain the space in reserve or absolve the area reserved for parking.

a) The Administrator shall be authorized to determine if the intent of the Ordinance is being satisfied.

4) The applicant must comply with all other requirements of the Unified Development Ordinance (UDO).