REQUEST FOR BOARD ACTION

ITEM NO. _15_

DATE OF MEETING: January 20, 2015

REQUESTED BY: Megan O'Hare, Senior Planner, Planning & Community Development Department

SHORT TITLE: Resolution to Amend the Pender County Unified Development Ordinance, Sections 7.10.1 Off Street Parking and Loading/Parking Requirements, specifically Day Care minimum parking requirements; and 7.10.5 Surfacing standards for parking areas, for alternative surfacing requirements to five (5) or fewer parking spaces. Also requested is amendment to Section 5.3.12.G Portable Storage Containers, to further specify the use standards required for permitting of these structures.

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

SPECIFIC ACTION REQUESTED: To hold a public hearing and consider a resolution to amend the Pender County Unified Development Ordinance; Section 7.10.1 Off Street Parking and Loading/Parking Requirements, specifically Day Care minimum parking requirements; and 7.10.5 Surfacing standards for parking areas, for alternative surfacing requirements to five (5) or fewer parking spaces. Also requested is amendment to Section 5.3.12.G Portable Storage Containers, to further specify the use standards required for permitting of these structures.

RESOLUTION

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

on January 20, 2015 the Pender County Board of Commissioners (approved, modified, denied) a zoning text amendment request, 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: Williams___ Brown ___ McCoy___ Piepmeyer___ Tate ___

_____ 1/20/2015
J. David Williams, Chairman Date

_____ 1/20/2015
ATTEST DATE
Delivered

PLANNING STAFF REPORT
Zoning Text Amendment

SUMMARY:

Hearing Date: Planning Board – December 2, 2014
Board of County Commissioners – January 20, 2014
Applicant: Pender County
Application Number: ZTA 11245

Text Amendment Proposal: The request is to amend Sections 7.10.1 Off Street Parking and Loading/Parking Requirements, specifically Day Care minimum parking requirements; and 7.10.5 Surfacing standards for parking areas, for alternative surfacing requirements to five (5) or fewer parking spaces. Also requested is amendment to Section 5.3.12.G Portable Storage Containers, to further specify the use standards required for permitting of these structures.

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

Administrator Recommendation: The Administrator respectfully recommends amending the Unified Development Ordinance as described in the following staff report. At their December 2, 2014 meeting the Pender County Planning Board unanimously voted to approve the proposed text amendments.

Section 7.10 Off-Street Parking and Loading/ Parking Requirements
The minimum parking requirement for Section 7.10.1 of the Pender County Unified Development Ordinance specifying parking requirements for Day Care Facilities, which has been deemed onerous (1 per employee + 1 per each attendee) and inconsistent with other similar jurisdictions requirements. One (1) per employee and one (1) space for every attendee ten attendees or fraction thereof is the proposed text which can be seen in the attachment for Section 7.10 Off- Street Parking and Loading/Parking Requirements.

Further, Staff is proposing to allow flexibility within the prescribed parking standards by enabling developments which would be required to have five (5) or fewer parking spaces relief from the paving requirements of the current Pender County Unified Development Ordinance in an effort to reduce private costs and public externalities. As proposed Section 7.10.5.D. will allow for alternative surfacing such as: porous pavers, grid pavers, porous asphalt, pervious concrete, non-compacting gravel, ABC stone or other materials as deemed acceptable by the Administrator at the time of site plan submittal. With this a new definition of Aggregate Base Course Stone shall be added to the Definitions section of the Ordinance.

7.10 Off-Street Parking and Loading/Parking Requirements

7.10.1 Minimum

A. 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.

Day Care	All day care	One (1) per employee and one (1) space for ~~every attendee~~ ten attendees or fraction thereof.

B. Parking lots consisting of five (5) spaces or fewer shall utilize one of the following requirements:

1) Parking Spaces comply with 7.10.5 Surfacing.
2) In the event that an alternative surface is utilized, the parking lots must comply with 7.10.5.D.

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 MDP 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:

   1. The current zoning of the site
   2. The size and type of the proposed and existing development(s) on-site
   3. Site access
   4. The mix and traffic generation of all uses on site
   5. The anticipated rate of parking turnover
   6. 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
   7. Total existing on-site parking as well as existing conditions within two blocks of the site

8. Alternative transportation options available to the site
9. The 85-95% peak utilization threshold for both the UDO minimum and the applicant's supply proposal
10. 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 ft^2))
8) The Minimum, Maximum, Median and Mode shall be reported
9) An assessment of existing conditions within two blocks of the site
10) Most recent 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).

7.10.3 Maximum

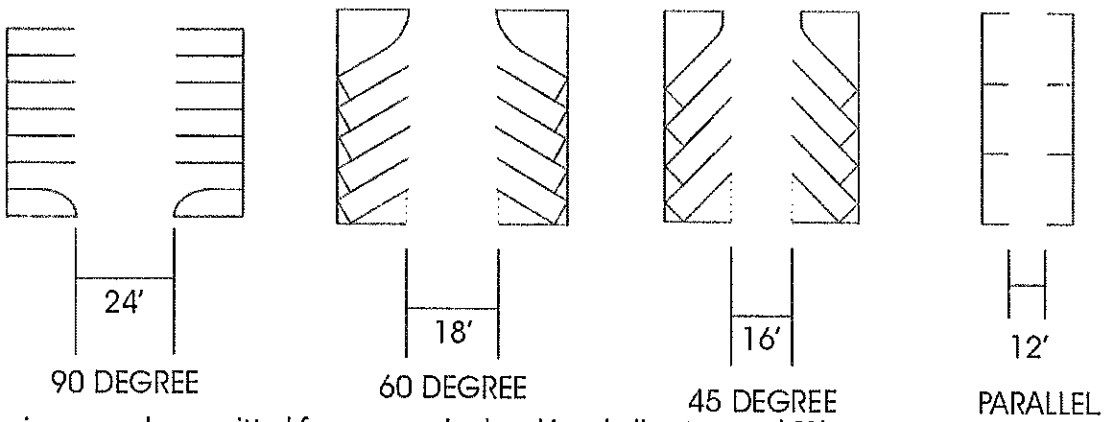
The number of off-street parking spaces shall not exceed 125% of the minimum number of required spaces provided in Section 7.10.1 and shall comply with the provisions of Section 8.3.2.H.2.

7.10.4 Parking Space Design Standards

A. Each required off-street parking space shall open directly onto an aisle or driveway which is designed to provide safe and efficient access to each parking space. Parking shall not be allowed to impede traffic movement on alleys or streets or to impede pedestrian or bicycle activities.

B. Dimensions

1) Standard Spaces - A required off-street parking space shall be at least eight feet, six inches (8'6") in width and 18 feet in length exclusive of any access drives, aisles, or columns; however, for non-residential uses, parking spaces of a reduced size may be permanently designated, by signs, for compact vehicles.
2) Parallel Parking - Parallel parking spaces shall be increased by five feet in length for regular parking.
3) All spaces shall have a minimum vertical clearance of eight feet.
4) Aisles shall not be less than 24 feet wide for 90 degree parking, 18 feet wide for 60 degree parking, 16 feet wide for 45 degree parking and 12 feet wide for parallel parking. The angle shall be measured between the centerline of the parking space and the centerline of the aisle. No parking shall be allowed in the aisles.



5) The maximum grade permitted for any required parking shall not exceed 8%.
6) Parking spaces using geometric standards other than those specified in this Ordinance may be approved if developed and sealed by a registered engineer with expertise in parking facility design subject to a determination by the Administrator that the proposed facility will satisfy off-street parking requirements as adequately as would a facility using standard Ordinance dimensions.

C. Parking design shall include required landscaping standards per Section 8.3.

D. Plan - Parking design for non-residential and multifamily uses shall be approved as part of site plan review.

7.10.5 Surfacing

A. Non-Residential Uses in the RA District

1) All required off-street parking spaces shall be covered with an all-weather surface designed to support anticipated loads. Loose material surfaces shall be contained with a permanent edging. The surface shall be maintained so that traffic may move safely in and out of the parking area. Parking blocks that help designate individual parking spaces and keep vehicles within the surfaced area shall be required in lots with greater than 10 parking spaces.

B. Non-Residential Uses in all other Zoning Districts

1) Required Parking Spaces - All required off-street parking spaces shall be sealed by an appropriate licensed professional and paved in accordance with NCDOT base course and pavement surface standards as prescribed by the "Secondary Road Manual".
2) Historic Preservation - Site(s) recognized by the National Register of Historic Places (NHRP) may be exempted from the surfacing requirements of the Unified Development Ordinance (UDO).
   a) Developments attempting to qualify for the Historic Preservation exemption must provide a copy of the National Parks Service listing, along with a narrative briefly requesting the aforementioned relief and how the surfacing standards would conflict with the historic significance of the property.
   b) A site plan shall be provided designating a parking area meeting the minimum parking and access requirements of the UDO.
   c) The Administrator must determine that the relaxation of standards will be consistent with the promotion of the health, safety, and general welfare of the residents of Pender County.

C. Parking spaces provided in excess of the minimum required shall be constructed to use low impact design of excess parking facilities. Additional low impact design may be provided, if not otherwise prohibited by other provisions of the UDO, in the following areas:
1) Adjacent to parking lot landscape islands to allow for the percolation of water and the exchange of oxygen for the tree roots.
2) Grass paving or turf block areas may be utilized in low impact areas or infrequent use areas such as churches or the outlying parking areas of malls or other shopping areas.

D. Parking facilities required to contain five (5) or fewer parking spaces, may comply with the following provisions:
1) Surfacing may be comprised of, but not limited to; porous pavers, grid pavers, porous asphalt, pervious concrete, non-compacting gravel, ABC stone or other materials as deemed acceptable by the Administrator.
2) Each space and drive aisle shall comply with the dimensional standards set forth in 7.10.4 Parking Design Standards and to the greatest extent possible.
3) Each parking space and the general parking area shall be designated by an encroachment barrier or edging as to contain alternate surfacing material and identify parking spaces (i.e. wheel stops, timbers, planters, bollards or other object deemed sufficient to delineate individual space(s) and parking areas as determined acceptable by the Administrator).

Definitions:

Aggregate Base Course (ABC Stone) - A mixture of various gradation of stone material, small and large, that is compacted together to provide a dense surface for different uses; Usually gray in color, consists of crushed granite or run stone, mixed with 3/4 inch average size crushed stone gravel; Also known as "crush and run" or "crusher run". Installation of ABC stone shall comply with current NCDOT depth standards.

Section 5.3.12 Portable Storage Containers

In November 2011 the Unified Development Ordinance was amended to include provisions for portable storage containers. Since this revision occurred, multiple inquiries and discussions with the Planning Board and citizen comments. Staff has prepared an amendment reflecting previous discussion and direction from the Planning Board as well as input derived from the public hearing on October 7, 2014. The following text shall replace Section 5.3.12.G of the Pender County Unified Development Ordinance.

5.2.3 Permitted Use Table

		Zoning Districts									
Use Type	Ref NAICS	RA	RP	RM	MH	PD	CB	OI	IT	GI	SFC
MISCELLANEOUS USES											
Portable Storage Containers		D	D	D	D	D	D	D	D	D	

5.3.12

G. Portable Storage Containers

1) All portable storage containers located on private property ~~to be placed for sixteen or more consecutive days~~ must apply for and obtain a permit. Each individual shall submit a complete application, site plan, and fee for review and approval by the Administrator or their agent. Applicants shall submit a site plan showing any permanent container and the relationship of this structure to the overall site. The site plan shall indicate how the container meets all permanent requirements including but not limited to; stormwater considerations, traffic circulation, screening requirements, other development codes and inspection requirements including engineered design plans to demonstrate the permanent storage container meets NC Building Code.
2) Permanent portable storage container use shall be restricted to non-residential districts: GB, General Business Zoning District, O&I, Office and Institutional Zoning District, GI, General Industrial Zoning District and IT, Industrial Transition Zoning District.
3) Portable storage containers may be permitted as an accessory structure, for storage purposes only.
4) ~~More than one portable storage container shall be allowed on a single lot as long as the total square footage of all containers does not exceed 160 square feet.~~
   A maximum of one (1) portable storage container per site shall be permitted on lots of one (1) acre or less. One (1) additional portable storage container may be permitted for lots greater than one (1) acre. No more than two (2) portable storage containers may be permitted on one (1) single property.
5) A portable storage container may be placed for ~~fifteen~~ thirty or less consecutive days in any twelve month period without issuance of a permit in all zoning districts, except Environmental Conservation.
6) Portable storage containers shall be allowed no more than two (2) times on a lot for a period no longer than 60 days within a twelve (12) month period when the following items are met:
   a. The principal structure is damaged and dilapidated and is undergoing repairs, reconstruction, or renovation.
   b. A building permit has been issued for the repairs, constructions, reconstruction, or renovation, if required, and is valid throughout the extension.
   c. An extension may be granted for portable storage containers located in all districts, excluding Environmental Conservation, up to sixty (60) additional days within a twelve (12) month period as approved by the Administrator.

7) ~~All portable storage containers located in the front or side yard must be placed in an area primarily used for vehicular access such as a driveway or other paved surface.~~
Portable storage containers shall not be permitted in any parking areas, required buffers or setbacks.

8) ~~All containers must adhere to the minimum setbacks for the zoning district when possible and must be five (5) feet from all other structures.~~
Portable storage containers must meet minimum accessory use and structure setback and separation requirements.

9) Portable storage containers shall meet all yard setback requirements and be located on the rear of the lot.

10) ~~No portable storage container shall be greater than twenty (20) feet in length, eight (8) feet in width, or eight (8) feet in height.~~
Portable storage containers shall not exceed the dimensions of forty (40) feet in length, eight (8) feet in width and ten (10) feet in height.

11) Stacking of portable storage containers shall not be permitted.

12) No sign shall be attached to a portable storage container other than the provider's contact information.

13) All portable storage containers shall be screened from view from any public right-of-way, private street or access easements and any residential use or residential zoning district. Screening shall be accomplished by a combination of fencing or landscaping which is contiguous and at least six (6) feet in height.

14) Portable storage containers must be off-chassis.

15) No permanent off-chassis portable storage containers shall be permitted in loading areas.

16) Portable storage containers shall not be permitted to be rented or leased to a use not located on the same lot.

17) The structure shall be maintained in good condition free from structural damage, rust and deterioration.

Evaluation:
As prescribed in the Pender County Unified Development Ordinance Section 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 amendments, the central issue before the County Commissioners 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:
There are no conflicting policies within any adopted land use documents for either of the proposed text amendments within any adopted planning documents. The proposed zoning text amendment is in compliance with the following goals and policies in the 2010 Pender County Comprehensive Land Use Plan:

Policy1A.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 as an opportunity to allow more development flexibility while setting higher standards for sustainable development.

Staff Recommendation:
The proposed text amendments are consistent with the Pender County Unified Development Ordinance and the 2010 Pender County Comprehensive Land Use Plan. Planning Staff and Planning Board are respectfully recommending approval of the zoning text amendments as presented.

Planning Board

Motion: Edens Seconded: Boney

Approved: x Denied: Unanimous x

Williams: __ McClammy: _x_ Baker: __ Boney: _x_ Edens: _x_ Marshburn: __ Nalee: _x_