



MEMORANDUM

Town of Nags Head

Planning & Development Department

To: Board of Commissioners

From: Michael Zehner, Director of Planning & Development

Date: November 25, 2019

Subject: Proposed text amendments to the Unified Development Ordinance pertaining to off-street parking requirements associated with alternative and reduced parking, including bicycle parking, and associated conditional use permitting requirements (Attachment G-6)

OVERVIEW

At the Board of Commissioners' Retreat on September 12, 2019, the Board and Staff discussed perspectives with regard to the reduction of required parking. The discussion focused on the reduction of parking based on the provision of bicycle parking, as well as the reduction of parking by Conditional Use Permit; also discussed was whether, in certain circumstances, bicycle parking should be a requirement. Following the discussion, the Board directed Staff to work with the Planning Board to consider amendments to the Unified Development Ordinance ("UDO") that 1) made the reduction of parking based on the provision of bicycle parking a Conditional Use Permit and took into consideration whether sites had access to bike-friendly routes, 2) standardized findings for all parking-related Conditional Use Permits, and 3) established minimum standards for required bicycle parking.

The Planning Board discussed this matter and considered amendments at their meetings on October 15, 2019 and November 19, 2019. At least with respect to items 1 and 2, Section 10.15, *Alternative and Reduced Commercial Parking Requirements*, provides the applicable provisions. As it pertains to item 1, currently Section 10.15.5, *Reduction of Required Parking for Commercial Uses with the Use of Bicycle Racks*, does not require a Conditional Use Permit. Given this, it could be viewed as a performance-based standard, where a reduction is entitled if the standards are met; however, the reduction is qualified in that "the Board of Commissioners may allow" the total parking requirement to be reduced.

With regard to item 2, while there are four (4) types of parking-related Conditional Use Permits under Section 10.15, only one, Section 10.15.6., *Modification of Parking Requirements by Conditional Use Permit*, provides specific findings that must be met in addition to those standards for all Conditional Use Permits; these additional findings are as follows:

10.15.6.3.1. Will not result in increased traffic congestion or otherwise negatively impact existing traffic flow or pedestrian and vehicular safety;

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10.15.6.3.2. Will not create parking impacts for adjacent properties or within Town rights-of-way.

10.15.6.3.3. Will not be contrary to the objectives specified in the Comprehensive Plan;

10.15.6.3.4. Is necessary to permit the reasonable use of the subject property; and

10.15.6.3.5. Will not adversely impact adjacent property or the surrounding area.

Finally, with respect to item 3, as noted above there is currently no minimum requirement for bicycle parking.

Staff prepared amendments for consideration by the Planning Board. Ultimately, the Planning Board, at their November 19 meeting, voted 5-0 to recommend UDO amendments to the Board of Commissioners that addressed the following (a draft ordinance and markup of affected UDO sections are attached):

- Article 10, Part II., Off-Street Parking and Loading Requirements, is proposed to be amended to allow a reduction of parking based on bicycle parking without a conditional use permit (i.e. by-right), but only where the property has frontage along NC12/S. Virginia Dare Trail or NC1243/S. Old Oregon Inlet Road.
- Article 10, Part II., Off-Street Parking and Loading Requirements, is proposed to be amended to allow a reduction of parking based on bicycle parking with a conditional use permit, but only where the property has frontage along a two-lane roadway, or a sidewalk or similar path crosses the property or is located along the frontage of the property. A reduction for bike parking is not otherwise allowed with a conditional use permit.
- Article 10, Part II., Off-Street Parking and Loading Requirements, is proposed to be amended to standardize conditional use permit findings for the five parking reduction or modified standard methods.
- Section 10.92.15., Pedestrian Access/Facilities, of Article 10. Part VI., Commercial Design Standards, Division III., Site Design, Section 10.92., Street Access, Parking Lot Design, and Pavement Standards, is proposed to be amended by retitling the Section accordingly and to require “a bike rack...on all properties in non-residential use with parking lots having ten (10) or more vehicle parking spaces, when such properties and located on the east side of US 158 and have frontage on a two-lane roadway; such bike racks shall support at least five (5) bicycles and be accessible to the public.”
- Updated references to Section 10.15.6. in Section 5.4.4. (to Section 10.15.2.6.), update the title of Section 10.15 as included in Section 7.35.2., and update the reference to Section 10.15.5 in Section 8.6.6.7.4. (to Section 10.15.1.2.).

BACKGROUND

As noted above, the proposed amendments are the result of discussions at the Board of Commissioners' Retreat on September 12, 2019 where the Board discussed perspectives with regard to the reduction of required parking, and ultimately directed Staff to develop amendments in response to the issues discussed.

With regard to the current provisions allowing for a parking reduction for bike racks, this allowance was adopted in 2010 (the provisions were slightly amended by the amendments adopted in 2015 and discussed below); a copy of the ordinance, as well as the minutes from the January 6, 2010 and January 20, 2010 Board of Commissioners meetings where the amendment was considered, are attached. As noted in the minutes, the intent of the provision was to "promote the use of bicycles as an alternative means of transportation within the Town while allowing for a reduction in required parking spaces for commercial business that incorporate bike racks into their site and parking design."

With respect to the current form of off-street parking ordinance, this was the result of amendments that were adopted in 2015 based on the efforts of the Planning Board Parking Subcommittee from 2013 to 2014. While the parking reduction for bike parking and shared parking reductions existed, the amendments did establish the broader provision allowing a conditional use permit to modify parking requirements. A copy of the 2015 ordinance is attached for the Board's review.

POLICY CONSIDERATIONS

The most direct policies in the Comprehensive Plan pertaining to parking, including accommodations for bicycles, are contained in the Land Use Element, within 3.2.4., Site Development Characteristics, F. Parking, below, and policy LU-23 and related actions, as follows:

F. Parking - A comprehensive revision to the town's parking standards was completed in 2015. The goal of this revision was to identify parking standards in the town's ordinance that were leading to excess parking on development sites. Prior to this, the town had recently completed a new stormwater ordinance and excess parking was identified as a major contributing factor to stormwater runoff. The town is largely dependent on automobile transportation, and off street parking will continue to be a necessary component of the town's land use requirements. The town should continue to require adequate parking for all land uses while it continues to work towards its other goals for increasing nonmotorized transportation and reducing automobile dependency. Incentives have and should continue to be considered for sites that provide facilities for bicycles and that are also served by pedestrian facilities. As future ordinance revisions occur, the town should maintain consistency between permitted land uses and its parking tables and

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evaluate changes as necessary to correlate parking standards with actual parking demand based on best available data and information.

LU-23 - Require sufficient parking for commercial businesses with parking area design regulations that limit impacts on neighbors and surrounding land uses.

LU-23a: Explore incentives or regulations that encourage bike and pedestrian infrastructure to be incorporated into site design.

LU-23b: Monitor the use of parking and utilize this information to evaluate changes in parking standards.

LU-23c: Explore maximum limits on the number of parking spaces for each land use.

PLANNING BOARD RECOMMENDATION

As noted above, the Planning Board, at their November 19 meeting, voted 5-0 to recommend amendments to UDO as summarized, and contained in the attached draft ordinance. In making their recommendation, the Planning Board noted their opinion that the proposed amendments were consistent with the relevant policies contained in the Comprehensive Plan.

STAFF RECOMMENDATION

Staff recommends adoption of the amendments as proposed. Staff is of the opinion that the amendments pertaining to bicycle parking are consistent with relevant policies contained in the Comprehensive Plan as they both support the incorporation of bike infrastructure into site design and provide for reasonable allowances to reduce required parking where bike parking is provided and supporting infrastructure exists. Further, the amendments serve to standardize findings for all parking-related conditional use permits, allowing the boards to consider impacts specific to parking.

Please note, the UDO provides expanded and more explicit provisions regarding text amendments and action by the Board of Commissioners under Article 3, *Legislative/Quasi-Judicial Procedures*, Part II, *Legislative Procedures*, Section 3.5, *UDO Text Amendment/Zoning Map Amendment*, as follows. Staff would encourage that particular attention be given to Section 3.5.4.5. and the requirement that the Board adopt a statement prior to adopting or rejecting any text amendment.

*3.5.4. Action by the Board of Commissioners.
Action upon an UDO text amendment or zoning map amendment, including the scheduling of a public hearing, will be at the discretion of the Board of Commissioners.*

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3.5.4.1. Before an item is placed on the consent agenda to schedule a public hearing, the Planning Board's recommendation on each proposed amendment must be received by the Board of Commissioners. If no recommendation is received from the Planning Board within 30 days from the date when submitted to the Planning Board, the petitioner may take the proposal to the Board of Commissioners without a recommendation from the Planning Board. However, the Planning Board may request the Board of Commissioners to delay final action on the amendment until such time as the Planning Board can present its recommendations. No such limitations shall apply to applications or requests submitted by Town staff or any Town Board.

3.5.4.2. After receiving a recommendation from the Planning Board on a proposed amendment, the Board of Commissioners may proceed to vote on the proposed ordinance, refer it to a committee for further study, or take any other action consistent with its usual rules of procedure.

3.5.4.3. The Board of Commissioners is not required to take final action on a proposed amendment within any specific period of time. Final action on an UDO text amendment or zoning map amendment submitted by third parties will be taken within a reasonable time. Final action taken within 90 days of the public hearing before the Board of Commissioners shall be presumptively reasonable.

3.5.4.4. No member of the Board of Commissioners shall vote on any zoning map amendment or UDO text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial and readily identifiable financial impact.

3.5.4.5. Prior to adopting or rejecting any UDO text and/or map amendment, the Board of Commissioners shall adopt one of the following statements which shall not be subject to judicial review.

3.5.4.5.1. A statement approving the amendment and describing its consistency with the adopted Comprehensive Plan and explaining why the action taken is reasonable and in the public interest.

3.5.4.5.2. A statement rejecting the amendment and describing its inconsistency with the adopted Comprehensive Plan and explaining why the action taken is reasonable and in the public interest.

3.5.4.5.3. A statement approving the amendment and containing at least all of the following:

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3.5.4.5.3.1. A declaration that the approval is also deemed an amendment to the Comprehensive Plan. The Board of Commissioners shall not require any additional request or application for amendment to the Comprehensive Plan.

3.5.4.5.3.2. An explanation of the change in conditions the Board of Commissioners took into account in amending the UDO to meet the development needs of the community.

3.5.4.5.3.3. Why the action was reasonable and in the public interest.

3.5.4.6. In deciding whether to adopt a proposed amendment to this UDO, the central issue before the Board of Commissioners is whether the proposed amendment advances the public health, safety, or welfare. When considering proposed map amendments:

3.5.4.6.1. The Board of Commissioners shall consider the entire range of permitted uses in the requested classification.

Attachments:

1. An Ordinance Amending the Code of Ordinances of the Town of Nags Head, North Carolina Pertaining to Off-Street Parking, November 25, 2019 Draft;
2. A markup of affected sections within Article 10, Part II., *Off-Street Parking and Loading Requirements*, and Section 10.92, *Street Access, Parking Lot Design, and Pavement Standards*, dated November 25, 2019;
3. Ordinance No. 10-01-003, adopted January 20, 2010;
4. Minutes of the January 6, 2010 Board of Commissioners Meeting;
5. Minutes of the January 20, 2010 Board of Commissioners Meeting; and
6. Ordinance No. 15-03-009, adopted March 4, 2015.

(DRAFT)
**AN ORDINANCE AMENDING THE CODE OF ORDINANCES
OF THE TOWN OF NAGS HEAD, NORTH CAROLINA PERTAINING OFF-
STREET PARKING**

ARTICLE I. Purpose(s) and Authority.

WHEREAS, pursuant to N.C.G.S. § 160A-381, the Town of Nags Head (the “Town”) may enact and amend ordinances regulating the zoning and development of land within its jurisdiction and specifically the location and use of buildings, structures and land; pursuant to this authority and the additional authority granted by N.C.G.S. Chap. 160A, Art. 19 et. seq, the Town has adopted comprehensive zoning regulations and has codified the same within the Unified Development Ordinance, Part II of the Town Code, adopted pursuant to N.C.G.S. § 160A-363, which allows the Town to combine certain land development ordinances into a unified ordinance; and

WHEREAS, the Board of Commissioners requested preparation of an ordinance amending provisions pertaining to off-street parking requirements associated with alternative and reduced parking, including bicycle parking, and associated conditions use permitting requirements; and

WHEREAS, the Town of Nags Head 2017 Comprehensive Plan includes policies supporting regulations requiring the provision of sufficient parking, as well as those encouraging an increase in the use of nonmotorized transportation, bicycles specifically; and

WHEREAS, the Board of Commissioners finds that these text amendments are consistent with the goals, objectives and policies of the Town’s adopted Comprehensive Plan, and that this action is reasonable and in the public interest, and is in the interest of and not contrary to the public’s health, safety, morals and general welfare for the Town to amend the Town’s Unified Development Ordinance as stated below.

ARTICLE II. Construction.

For purposes of this ordinance amendment, underlined words (underline) shall be considered as additions to existing Town Code language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. Any portions of the adopted Town Code which are not repeated herein, but are instead replaced by an ellipsis (“...”) shall remain as they currently exist within the Town Code.

ARTICLE III. Amendment of the Unified Development Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Nags Head, North Carolina, that the Unified Development Ordinance of the Town Code shall be amended as follows:

PART I. That **Section 10.14., Minimum Parking Requirements, subsection 10.14.1.**, be amended as follows:

November 25, 2019 DRAFT

The number of off-street parking spaces required by this section shall be provided on the same lot with the principal use, except as may be permitted and approved pursuant to Section 10.15, Modified and Reduced Parking Requirements, or a variance provided with parking reductions approved as part of shared parking agreements, inter-parcel connections, conditional use permits or variances granted by the Town, or in accordance with the parking reduction schedule in Section 10.15, Alternative and Reduced Commercial Parking Requirements. The required number of off-street parking spaces specified for each use shall be considered as the absolute minimum.

PART II. That **Section 10.15., Alternative and Reduced Parking Requirements**, be deleted in its entirety and replaced with the following:

SECTION 10.15 MODIFIED AND REDUCED PARKING REQUIREMENTS.

10.15.1. Performance-Based Parking Reduction Methods.

The number of required parking spaces for uses other than single and two-family dwellings may be reduced by the following methods without a conditional use permit. These methods may be used jointly, but may not be used in conjunction with methods requiring a conditional use permit, except for those permitted by Section 10.15.2.6.

10.15.1.1 Shared Parking Associated with a New Use or New Development on Adjacent Property.

If proposed parking facilities intended to serve any proposed use are to abut and be integrated with existing and conforming parking facilities serving other uses, the parking requirement for the proposed use may be reduced in accordance with this section, provided that:

10.15.1.1.1. Cross-easements are recorded in the Dare County Register of Deeds that allow unrestricted parking and traffic flow between the proposed and existing lots; and

10.15.1.1.2. Accumulated reduction of parking spaces does not exceed 50 percent of the number of spaces in the existing parking lot.

10.15.1.2. Reduction of Required Parking with the Use of Bicycle Racks.

The total parking requirement for a proposed non-residential use may be reduced by up to three parking spaces at a rate of one parking space per bike rack if one or more bicycle racks are located on the site provided that:

10.15.1.2.1. The subject property has frontage along NC12/S. Virginia Dare Trail or NC1243/S. Old Oregon Inlet Road;

10.15.1.2.2. Each bicycle rack must be highly visible and conveniently located in close proximity to the entrance of the principal structure;

10.15.1.2.3. Each bicycle rack must support at least five (5) bicycles; and

10.15.1.2.4. The parking reduction shall not exceed more than one (1) parking space per ten (10) parking spaces provided.

10.15.2. Parking Modification or Reduction Methods Requiring a Conditional Use Permit.

Parking requirements or the number of required parking spaces for uses other than single and two-family dwellings may be modified or reduced by the following methods with a conditional use permit in accordance with Section 3.8, Conditional Use Permits. Only one of these methods may be used to reduce required parking, although other parking requirements may be modified pursuant to 10.15.2.6. in conjunction with a requested reduction. In addition to conditions that may be imposed as authorized by Section 3.8, in acting upon any conditional use permit sought under this Section, the Board of Commissioners may require upgrades or alterations to the existing parking area to address issues associated with stormwater management, backing into Town streets, or to facilitate inter-parcel connectivity.

10.15.2.1. Required Findings.

In addition to the requirements of Section 3.8, Conditional Use Permits, no conditional use permit may be issued for the following methods until the applicant has clearly demonstrated that the request:

10.15.2.1.1. Will not result in increased traffic congestion or otherwise negatively impact existing traffic flow or pedestrian and vehicular safety;

10.15.2.1.2. Will not create parking impacts for adjacent properties or within Town rights-of-way;

10.15.2.1.3. Will not be contrary to the objectives specified in the Comprehensive Plan;

10.15.2.1.4. Is necessary to permit the reasonable use of the subject property; and

10.15.2.1.5. Will not adversely impact adjacent property or the surrounding area.

10.15.2.2. Shared Parking Associated with a Conditional Use Plan or Plan Amendment.

Proposed commercial uses in all commercial zoning districts may share a portion of existing and conforming parking spaces with other commercial uses in commercial zoning districts provided that the following conditions are met:

10.15.2.2.1. The uses should have staggered or different business hours and parking demands, such as an office building open between 9:00 a.m. and 5:00 p.m. and a restaurant open between 5:30 p.m. and 11:00 p.m., or a business open during the week and a church where parking demand peaks on the weekend;

10.15.2.2.2. No more than fifty (50) percent of required parking spaces for the proposed use may be shared with existing and conforming parking spaces of the other commercial use;

10.15.2.2.3. Commercial uses must be abutting and integrated with unrestricted traffic and parking flow between them or may be across a Town street or private easement or alley within the same block;

10.15.2.2.4. When shared parking is devoted to a use other than parking, or business hours of one or more of the uses change to preclude the shared use of the parking spaces, or one or more uses change, increasing the amount of parking spaces required, or other changes in use or parking configuration occur, the conditional use permits for both sites must be amended appropriately; and

10.15.2.2.5. For proposed commercial uses that redevelop existing commercial sites abutting the NC 12 Beach Road corridor from East Gulfstream to Eighth Street, an alternative parking plan may be proposed that provides a ten (10) percent reduction in required parking and may be approved with or without a shared parking arrangement at the discretion of the Board of Commissioners as part of a conditional use plan.

10.15.2.3. Shared Parking When Two or More Commercial Uses Exist on One Commercial Site or Adjoining Commercial Uses on Separate Properties within a Common Development Plan. Proposed commercial uses in commercial zoning district C-3 may share a portion of existing and conforming spaces with other commercial uses on the same or adjoining site provided that the following conditions are met:

10.15.2.3.1. No more than sixty (60) percent of the required spaces for the proposed use may be shared with existing and conforming parking spaces of the other commercial use;

10.15.2.3.2. If, in the event, the proposed use has patrons or clients that are not of legal driving age (e.g., dance class for youths that

are not legal driving age) both commercial uses may be in operation at the same time as long as integrated traffic pattern is developed which allows for a safe drop-off site for patrons. Such traffic pattern must be approved by the Town Engineer; and

10.15.2.3.3. If such shared parking is devoted to a use other than parking, or one or more of the uses change, increasing the amount of parking spaces required, or other changes in use or parking configuration occur, the conditional use permits for both sites must be amended appropriately.

10.15.2.4. Off-Site Parking to Meet Use Requirements.

Proposed commercial uses in all commercial zoning districts may use an off-site lot in a commercial zoning district to meet the minimum parking requirements of this section, provided the following conditions are met:

10.15.2.4.1. The off-site lot does not have to adjoin the principal commercial use site, but shall be located no further than three hundred (300) feet from the principal use site and shall not be located on the opposite side of US 158 or US 64/264 from the principal use site. A sidewalk or multi-use path connection must exist between off-site lot and the principal use when located along US 158;

10.15.2.4.2. No more than fifty (50) percent of the required parking for the use shall be permitted off-site. All required parking shall be conforming and constructed in accordance with the minimum requirements of this UDO. Lot coverage requirements for the principal use site and the off-site lot for parking shall be calculated separately;

10.15.2.4.3. Parking shall be the only use of the off-site lot, upon which no other principal or accessory uses shall be allowed; and

10.15.2.4.4. An applicant for off-site parking must prove possession and control of the off-site parking property by the same person or entity having possession and control of the principal commercial use site. Such proof may be provided via copies of deeds or leases showing ownership and/or control of both the off-site parking property and the principal use property. The transfer of ownership or expiration of a lease agreement for either property may be grounds for revocation of the certificates of occupancy for the principal commercial site until additional sufficient off-site parking has been obtained and authorized.

10.15.2.5. Reduction of Required Parking for Commercial Uses with the Use of Bicycle Racks by Conditional Use Permit.

By conditional use permit, total parking requirement for a proposed non-

residential use may be reduced by up to three parking spaces at a rate of one parking space per bike rack if one or more bicycle racks are located on the site provided that:

10.15.2.5.1. The subject property has frontage along a two-lane roadway, or a sidewalk or similar path crosses the property or is located along the frontage of the property;

10.15.2.5.2. Each bicycle rack must be highly visible and conveniently located in close proximity to the entrance of the principal structure.

10.15.2.5.3. Each bicycle rack must support at least five (5) bicycles.

10.15.2.5.4. Parking reduction shall not exceed more than one (1) parking space per ten (10) parking spaces provided.

10.15.2.6. Modification of Parking Requirements or General Reduction of Required Parking.

A conditional use permit may be sought to modify any requirements pertaining to parking as contained in Article 10, Part II., Off-Street Parking and Loading Requirements, or Sections 10.91 or 10.92, Street Access, Parking Lot Design, and Pavement Standards, of Article 10, Part VI., Commercial Design Standards, or to reduce the amount of required parking.

PART III. That **Section 10.92., Street Access, Parking Lot Design, and Pavement Standards, subsection 10.92.15., Pedestrian Access/Facilities**, be amended by retitling the subsection as “Pedestrian **and Bicycle** Access/Facilities” and adding subsection 10.92.15.3., as follows:

10.92.15.3. A bike rack shall be provided on all properties in non-residential use with parking lots having ten (10) or more vehicle parking spaces, when such properties are located on the east side of US 158 and have frontage on a two-lane roadway; such bike racks shall support at least five (5) bicycles and be accessible to the public.

PART IV. That the reference to “**section 10.15.6.**” in **Section 5.4.4.** be changed to “**section 10.15.2.6.**”, the reference to “**subsection 10.15.5**” in **Section 8.6.6.7.4.** be changed to “**subsections 10.15.1.2., 10.15.2.5., and/or 10.92.15.3.**”, the title of **Section 10.15** as included in **Section 7.35.2.** be changed to “**Modified and Reduced Parking Requirements**”, and the Table of Contents to **Article 10** be updated to reflect **Parts II and III** of this Ordinance.

ARTICLE IV. Severability.

All Town ordinances or parts of ordinances in conflict with this ordinance amendment are hereby repealed. Should a court of competent jurisdiction declare this ordinance amendment or any part thereof to be invalid, such decision shall not affect the remaining provisions of this ordinance amendment nor the Unified Development Ordinance or Town Code of the Town of Nags Head, North Carolina which shall remain in full force and effect.

ARTICLE V. Effective Date.

This ordinance amendment shall be in full force and effect upon the date of adoption by the Board of Commissioners.

Benjamin Cahoon, Mayor
Town of Nags Head

ATTEST:

Carolyn F. Morris, Town Clerk

APPROVED AS TO FORM:
Town Attorney _____
Date adopted: _____
Motion to adopt by Commissioner _____
Motion seconded by Commissioner _____
Vote: _____ AYES _____ NAYS

PART II. OFF-STREET PARKING AND LOADING REQUIREMENTS

****NO CHANGES TO SECTIONS 10.11. TO 10.13.****

SECTION 10.14 MINIMUM PARKING REQUIREMENTS.

10.14.1. The number of off-street parking spaces required by this section shall be provided on the same lot with the principal use, except as ~~may be permitted and approved pursuant to Section 10.15, Modified and Reduced Parking Requirements, or a variance provided with parking reductions approved as part of shared parking agreements, inter-parcel connections, conditional use permits or variances~~ granted by the Town, ~~or in accordance with the parking reduction schedule in Section 10.15, Alternative and Reduced Commercial Parking Requirements.~~ The required number of off-street parking spaces specified for each use shall be considered as the absolute minimum.

10.14.2. Accessory buildings used for customer service area associated with restaurants shall be included with principal buildings in the measurement for determining parking requirements.

10.14.3. Gross floor area shall be measured from the outside walls of all structures.

10.14.4. Where a fraction of a space is required by this section, the next whole number shall be provided.

10.14.5. All space requirements which are based in part or in whole upon employment shall be computed on the basis of the greatest number of persons that are on duty at any one period during the day or night during the peak season.

10.14.6. A developer shall evaluate his own needs to determine if they are greater than the minimum specified by this section.

10.14.7. Required off-street parking spaces and loading spaces are permanent areas and shall not be used for any other above ground purpose other than uses associated with a crowd gathering permit, disaster recovery or other permitted temporary uses.

SECTION 10.15 ~~ALTERNATIVE MODIFIED AND REDUCED COMMERCIAL~~ PARKING REQUIREMENTS.

10.15.1. ~~Performance-Based Parking Reduction Methods.~~

~~The number of required parking spaces for uses other than single and two-family dwellings may be reduced by the following methods without a conditional use permit. These methods may be used jointly, but may not be used in conjunction with methods requiring a conditional use permit, except for those permitted by Section 10.15.2.6.~~

10.15.1.1 Shared Parking Associated with a New Use or New Development on Adjacent Property.

If proposed parking facilities intended to serve any proposed use are to abut and be integrated with existing and conforming parking facilities serving other uses, the parking requirement for the proposed use may be reduced in accordance with this section, provided that:

10.15.1.1.1. Cross-easements are recorded in the Dare County Register of Deeds that allow unrestricted parking and traffic flow between the proposed and existing lots; and

10.15.1.2.1.2. Accumulated reduction of parking spaces does not exceed 50 percent of the number of spaces in the existing parking lot; ~~and.~~

~~10.15.1.3. Only one reduction option as provided in this section shall apply to any proposed use except as prescribed in subsection 10.15.5.~~

10.15.1.2. Reduction of Required Parking with the Use of Bicycle Racks.

The total parking requirement for a proposed non-residential use may be reduced by up to three parking spaces at a rate of one parking space per bike rack if one or more bicycle racks are located on the site provided that:

10.15.1.2.1. The subject property has frontage along NC12/S. Virginia Dare Trail or NC1243/S. Old Oregon Inlet Road;

10.15.1.2.2. Each bicycle rack must be highly visible and conveniently located in close proximity to the entrance of the principal structure;

10.15.1.2.3. Each bicycle rack must support at least five (5) bicycles; and

10.15.1.2.4. The parking reduction shall not exceed more than one (1) parking space per ten (10) parking spaces provided.

10.15.2. Parking Modification or Reduction Methods Requiring a Conditional Use Permit.

Parking requirements or the number of required parking spaces for uses other than single and two-family dwellings may be modified or reduced by the following methods with a conditional use permit in accordance with Section 3.8, Conditional Use Permits. Only one of these methods may be used to reduce required parking, although other parking requirements may be modified pursuant to 10.15.2.6. in conjunction with a requested reduction. In addition to conditions that may be imposed as authorized by Section 3.8, in acting upon any conditional use permit sought under this Section, the Board of Commissioners may require upgrades or alterations to the existing parking area to address issues associated with stormwater management, backing into Town streets, or to facilitate inter-parcel connectivity.

10.15.2.1. Required Findings.

In addition to the requirements of Section 3.8, Conditional Use Permits, no conditional use permit may be issued for the following methods until the applicant has clearly demonstrated that the request:

10.15.2.1.1. Will not result in increased traffic congestion or otherwise negatively impact existing traffic flow or pedestrian and vehicular safety;

10.15.2.1.2. Will not create parking impacts for adjacent properties or within Town rights-of-way;

10.15.2.1.3. Will not be contrary to the objectives specified in the Comprehensive Plan;

10.15.2.1.4. Is necessary to permit the reasonable use of the subject property; and

10.15.2.1.5. Will not adversely impact adjacent property or the surrounding area.

10.15.2.2. Shared Parking Associated with a Conditional Use Plan or Plan Amendment.

Proposed commercial uses in all commercial zoning districts may share, ~~as a conditional use,~~ a portion of existing and conforming parking spaces with other commercial uses in commercial zoning districts provided that the following conditions are met:

~~10.15.2.1. Application and approval for shared parking shall be in accordance with the application requirements for conditional uses under Section 3.8, Conditional Use Permits.~~

~~10.15.2.2.1.~~ The uses should have staggered or different business hours and parking demands, such as an office building open between 9:00 a.m. and 5:00 p.m. and a restaurant open between 5:30 p.m. and 11:00 p.m., or a business open during the week and a church where parking demand peaks on the weekend.;

~~10.15.2.3.2.2.~~ No more than fifty (50) percent of required parking spaces for the proposed use may be shared with existing and conforming parking spaces of the other commercial use.;

~~10.15.2.4.2.3.~~ Commercial uses must be abutting and integrated with unrestricted traffic and parking flow between them or may be across a Town street or private easement or alley within the same block.;

~~10.15.2.5.2.4.~~ When shared parking is devoted to a use other than parking, or business hours of one or more of the uses change to preclude the shared use of the parking spaces, or one or more uses change, increasing the amount of parking spaces required, or other changes in use or parking configuration occur, the conditional use permits for both sites must be amended appropriately.;

~~10.15.2.6.2.5.~~ For proposed commercial uses that redevelop existing commercial sites abutting the NC 12 Beach Road corridor from East Gulfstream to Eighth Street, an alternative parking plan may be proposed that provides a ten (10) percent reduction in required parking and may be approved with or without a shared parking arrangement at the discretion of the Board of Commissioners as part of a conditional use plan.

10.15.3.2.3. Shared Parking When Two or More Commercial Uses Exist on One Commercial Site or Adjoining Commercial Uses on Separate Properties within a Common Development Plan; ~~Conditional Use.~~ Proposed commercial uses in commercial zoning district C-3 may share, ~~as a conditional use,~~ a portion of existing and conforming spaces with other commercial uses on the same or adjoining site provided that the following conditions are met:

~~10.15.3.1. Application and approval for shared parking shall be in accordance with the application requirements for conditional uses under Section 3.8, Conditional Use Permits.~~

~~10.15.3.2.3.1.~~ No more than sixty (60) percent of the required spaces for the proposed use may be shared with existing and conforming parking spaces of the other commercial use.;

~~10.15.3.3.2.3.2.~~ If, in the event, the proposed use has patrons or clients that are not of legal driving age (e.g., dance class for youths that are not legal driving age) both commercial uses may be in operation at the same time as long as integrated traffic pattern is developed which allows for a safe drop-off site for patrons. Such traffic pattern must be approved by the Town Engineer.;

~~10.15.3.4.2.3.3.~~ If such shared parking is devoted to a use other than parking, or one or more of the uses change, increasing the amount of parking spaces required, or other

changes in use or parking configuration occur, the conditional use permits for both sites must be amended appropriately.

10.15.4.2.4. Off-Site Parking to Meet Use Requirements; ~~Conditional Use.~~

Proposed commercial uses in all commercial zoning districts may, ~~as a conditional use,~~ use an off-site lot in a commercial zoning district to meet the minimum parking requirements of this section, provided the following conditions are met:

~~10.15.4.1. Application and approval of off-site parking shall be in accordance with Section 3.8, Conditional Use Permits.~~

~~10.15.4.2.4.1.~~ The off-site lot does not have to adjoin the principal commercial use site, but shall be located no further than three hundred (300) feet from the principal use site and shall not be located on the opposite side of US 158 or US 64/264 from the principal use site. A sidewalk or multi-use path connection must exist between off-site lot and the principal use when located along US 158;

~~10.15.4.3.2.4.2.~~ No more than fifty (50) percent of the required parking for the use shall be permitted off-site. All required parking shall be conforming and constructed in accordance with the minimum requirements of this UDO. Lot coverage requirements for the principal use site and the off-site lot for parking shall be calculated separately;

~~10.15.4.4.2.4.3.~~ Parking shall be the only use of the off-site lot, upon which no other principal or accessory uses shall be allowed; and

~~10.15.4.5.2.4.4.~~ An applicant for off-site parking must prove possession and control of the off-site parking property by the same person or entity having possession and control of the principal commercial use site. Such proof may be provided via copies of deeds or leases showing ownership and/or control of both the off-site parking property and the principal use property. The transfer of ownership or expiration of a lease agreement for either property may be grounds for revocation of the certificates of occupancy for the principal commercial site until additional sufficient off-site parking has been obtained and authorized.

10.15.5.2.5. Reduction of Required Parking for Commercial Uses with the Use of Bicycle Racks by Conditional Use Permit.

~~The Board of Commissioners may allow the~~ By conditional use permit, total parking requirement for ~~the a~~ proposed non-residential use ~~to~~ may be reduced by up to three parking spaces at a rate of one parking space per bike rack if one or more bicycle racks are located on the site provided that:

~~10.15.2.5.1.~~ The subject property has frontage along a two-lane roadway, or a sidewalk or similar path crosses the property or is located along the frontage of the property;

~~10.15.2.5.1.2.~~ Each bicycle rack must be highly visible and conveniently located in close proximity to the entrance of the principal structure.

~~10.15.2.5.2.3.~~ Each bicycle rack must support at least five (5) bicycles.

~~10.15.2.5.3.4.~~ Parking reduction shall not exceed more than one (1) parking space per ten (10) parking spaces provided.

~~10.15.6.2.6. Modification of Parking Requirements or General Reduction of Required Parking by Conditional Use Permit.~~

A conditional use permit may be sought to modify any requirements pertaining to parking as contained in Article 10, Part II., Off-Street Parking and Loading Requirements, or Sections 10.91 or 10.92, Street Access, Parking Lot Design, and Pavement Standards, of Article 10, Part VI., Commercial Design Standards, or to reduce the amount of required parking.

~~10.15.6.1. Upon application, the Board of Commissioners may treat any permitted or conditional use allowed in a zoning district as a conditional use and modify the parking and loading requirements of this section in accordance with the procedures and limitations established for conditional use permits set forth in Section 3.8, Conditional Use Permits.~~

~~10.15.6.2. Conditional use permits shall be subject to conditions deemed necessary by the Board of Commissioners to ensure compatibility with surrounding land uses and conditions.~~

~~10.15.6.3. In addition to the requirements of Section 3.8, Conditional Use Permits, no modification or waiver of parking or loading requirements shall be granted until the applicant has clearly demonstrated that the request:~~

~~10.15.6.3.1. Will not result in increased traffic congestion or otherwise negatively impact existing traffic flow or pedestrian and vehicular safety;~~

~~10.15.6.3.2. Will not create parking impacts for adjacent properties or within Town rights-of-way.~~

~~10.15.6.3.3. Will not be contrary to the objectives specified in the Comprehensive Plan;~~

~~10.15.6.3.4. Is necessary to permit the reasonable use of the subject property; and~~

~~10.15.6.3.5. Will not adversely impact adjacent property or the surrounding area.~~

~~10.15.6.4. In approving conditional use permit requests to modify parking and loading space requirements, the Board of Commissioners may require upgrades or alterations to the existing parking area to address issues associated with stormwater management, backing into Town streets, and to facilitate inter-parcel connectivity.~~

SECTION 10.16 REQUIRED PARKING BY USE.

Minimum required parking by use shall be as follows. For sites with multiple principal uses, the parking requirements for each use must be met on-site or through shared parking in accordance with Section 10.15, ~~Alternative and Reduced Commercial Parking Requirements Modified and Reduced Parking Requirements~~. Also see Section 10.17, Off-Street Loading.

****NO CHANGES TO SECTIONS FOLLOWING 10.16.****

SECTION 10.92 STREET ACCESS, PARKING LOT DESIGN, AND PAVEMENT STANDARDS.

****NO CHANGES TO SECTIONS 10.92.1. TO 10.92.14.****

10.92.15. Pedestrian and Bicycle Access/Facilities.

10.92.15.1. Buildings with uses requiring public access shall provide the primary pedestrian access from the street front or from a pedestrian way designed to facilitate access in shopping centers, mixed use sites, or group developments.

10.92.15.2. The approaches to loading and unloading areas in commercial districts shall be designed to minimize conflict with onsite vehicular, pedestrian and bicycle traffic and with adjacent residential uses.

10.92.15.3. A bike rack shall be provided on all properties in non-residential use with parking lots having ten (10) or more vehicle parking spaces, when such properties are located on the east side of US 158 and have frontage on a two-lane roadway; such bike racks shall support at least five (5) bicycles and be accessible to the public.

****NO CHANGES TO SECTIONS FOLLOWING 10.92.15.****



**AN ORDINANCE AMENDING THE CODE OF ORDINANCES
OF THE TOWN OF NAGS HEAD, NORTH CAROLINA**

BE IT ORDAINED by the Board of Commissioners of the Town of Nags Head, North Carolina, that the Code of Ordinances shall be amended as follows:

PART I. That **Section 48-165, Alternative Commercial Parking Requirements**, be amended to add subsection (e) as follows:

(e) Reduction of required parking for commercial uses with the use of bicycle racks.
During the site plan approval process the governing body may allow the total parking requirement for the proposed use to be reduced by one (1) parking space if one or more bicycle racks are located on the site provided that each such rack:

- (1) must be highly visible and conveniently located in close proximity to the entrance of the principal structure.
- (2) must support at least five (5) bicycles.

PART II. That **Section 48-90, Exclusion from lot coverage calculation**, be amended to add subsection (d) as follows:

(d) Up to a maximum of 200 square feet of lot coverage if one or more bicycle racks are located on improved surfaces in compliance with the requirements of Section 48-165(e).

PART III. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. This ordinance shall be in full force and effect from and after the 20th day of January 2010.

Robert O. Oakes, Jr., Mayor
Town of Nags Head

ATTEST:

Carolyn F. Morris, Town Clerk

APPROVED AS TO FORM:

John Leidy, Town Attorney

Date adopted: January 20, 2010

Motion to adopt by Commissioner _____

Motion seconded by Commissioner _____

Vote: _____ AYES _____ NAYS

There being no one present who wished to speak, Attorney Leidy announced the Public Hearing closed at 9:25 a.m.

Comr. Sadler said that she had no issues with keeping the use within commercial districts - but not within residential areas. She stated that she was adamantly opposed to having the use in residential districts.

MOTION: Comr. Remaley made a motion to adopt the staff-recommended ordinance which permits "taxi and limousine service" in commercial districts only. The motion was seconded by Comr. Sadler which passed unanimously.

The ordinance concerning "taxi and limousine service" as a home occupation in commercial districts, as adopted, is attached to and made a part of these minutes as shown in Addendum "C".

Public Hearing to consider a zoning ordinance amendment, initiated by Planning Board, to Town Code Sec 48-165, Parking Reduction Requirements - to allow the use of bicycle racks in lieu of required parking spaces for all commercial uses

Attorney John Leidy introduced/opened the Public Hearing concerning the use of bicycle racks in lieu of required parking spaces for all commercial uses at 9:30 a.m. Zoning Administrator Kelly Wyatt summarized her memo which read in part as follows:

"The attached zoning ordinance text amendment was initiated by the Planning Board at their October 20, 2009 meeting and was originated at the request of the Nonconforming Commercial Committee. This committee was established by the Board of Commissioners on April 15, 2008 and consists of three Planning Board members. This committee was tasked with reviewing the zoning ordinance and reporting on areas which may need revision in an effort to promote small business within the Town. This proposed ordinance specifically pertains to the use of bike racks in an effort to promote the use of bicycles as an alternative means of transportation within the Town while allowing for a reduction in required parking spaces for commercial business that incorporate bike racks into their site and parking design.

'Several municipalities within North Carolina have standards for bicycle parking within their zoning ordinances. I've included a few of those standards for your review:

- A secure bicycle rack may reduce the number of required parking spaces by one parking space for every one secure bicycle slot, not to exceed 10% of the total number of required parking spaces. (Provided by Centralina Council of Governments)
- For all uses a maximum of 5% of the required number of parking spaces can be bicycle stalls. Accommodation for 2 bicycles shall be provided for each parking space replaced. Bicycle racks should be highly visible from the street or building entrance, located within 50 feet of the buildings main entrance and separated from motor vehicle parking by a curb barrier. (Provided by City of Winston Salem)
- Development Review Board may allow a new or existing development to convert up to 5% of its motorized vehicle spaces to non-required additional bicycle parking as long as its located

conveniently near a building entrance. Converted parking spaces shall yield at least 6 bicycle spaces per motorized vehicle space. (Provided by County of Durham)

- Reduction of one parking space if bicycle parking is provided. (Provided by Town of Carrboro)

'The Land Use Plan does not specifically address the use of bike racks therefore staff finds that the proposed zoning ordinance text amendment is consistent with the Land Use Plan.

'Planning staff does not support eliminating parking spaces for providing bicycle racks. The majority of commercial activity and associated parking is utilized by tourists vacationing and visiting the area, not the resident population. It is the resident population who most commonly use bicycles, not the visitors. Visitors take advantage of passive and active outdoor opportunities during the day, a lot of the shopping and dining takes place at night. Staff would submit that encouraging bicycling at night is unsafe and not recommended. Shopping and dining tends to peak on rainy days, visitors and residents are not likely to ride their bikes in inclement weather. While NC 12 has the multi-use path, separate pedestrian/bike facilities for safe use on Highway 158 are limited to only one side of the highway in the northernmost part of the town. Staff would submit that reducing parking standards in lieu of providing bike racks is not recommended unless done in conjunction with provisions for new public transportation facilities and services (sidewalks, public parking areas, public transit, etc.) that can reasonable and safely accommodate alternative forms of transport. Lastly, our development pattern, largely dictated by our geography is long and linear, not the more compact radial and traditional block development patterns which are ideal for bicycling to multiple destinations.

'Demographics, geography, existing development pattern, existing public transportation facilities/services, and safety concerns do not support adoption of this ordinance and therefore staff would recommend denial.

'Staff submits that providing bicycle racks in addition to required parking is a good practice and therefore would not object to exempting bike racks, when placed on hardened or otherwise determined impervious area, to be exempt from lot coverage calculations. The exemption would be limited to a maximum of 180 square feet and require that the bike rack be designed to hold at least five (5) bicycles.

'Planning Board Recommendation

The Planning Board voted unanimously to recommend adoption of the zoning ordinance text amendment."

Notice of the Public Hearing was published in the *Coastland Times* on Tuesday, December 22, 2009 and on Tuesday, December 29, 2009 as required by law.

There being no one present who wished to speak, Attorney Leidy closed the Public Hearing at 9:36 a.m.

MOTION: Comr. Remaley made a motion to adopt the ordinance concerning bicycle racks and required parking as presented. The motion was seconded by Mayor Oakes.

WITHDRAWAL OF MOTION: Comr. Remaley and Mayor Oakes withdrew their motion and second.

MOTION: Comr. Remaley made a motion to adopt the ordinance allowing reduced parking by one parking space when a bicycle rack is provided and to exempt the bicycle rack from lot coverage equal to the area of one parking space. The motion was seconded by Comr. Sadler.

WITHDRAWAL OF MOTION: Comr. Remaley and Comr. Sadler withdrew their motion and second.

It was Board consensus to table adoption of the ordinance concerning bicycle racks and required parking until the February 2009 Board meeting to allow staff to prepare the revised proposal in ordinance form.

Public Hearing to consider zoning ordinance amendment, initiated by Planning Board, to Town Code Sec 48-85(a)(c), Commercial Zoning Districts - to permit commercially zoned property to utilize adjoining commercially zoned property for wastewater treatment facilities

Attorney John Leidy introduced/opened the Public Hearing concerning utilizing adjoining commercially zoned property for wastewater treatment facilities at 9:42 a.m. Planner Angela Welsh summarized her memo which read in part as follows:

"At their October 20, 2009 meeting the Planning Board initiated the attached zoning ordinance amendment to Town Code Section 48-85 to allow commercially zoned property to utilize a lot abutting the lot where the principal structure is located for waste water treatment facilities.

'In January of 2009, the Board of Commissioners amended Section 48-85 by adding a new sub section 48-85(c) to allow a commercial use in one district to utilize a lot "across the street" for active or repair drainfields. Commercial uses are now able to utilize lots in either residential or commercial districts for primary and repair septic drainfields provided certain conditions are met. It also requires all lots used to be owned by the same legal entity. Lot coverage calculations for each lot are also required to be evaluated separately. It does not transfer "development rights" (such as parking, open space, buffering etc.) from one lot to another lot but simply allows drain field and repair areas on abutting lots.

'The proposed amendment would allow a commercial use in a commercial district (C-2, General Commercial, C-3 Commercial Services and CR, Commercial Residential) to utilize an abutting lot in a commercial district for waste water treatment facilities, both the treatment plant and nitrification field, provided certain conditions are met. The lot(s) must abut the lot where the principal commercial structure is located. Any land disturbance must be limited to the minimum amount necessary for the waste water treatment facility. It also requires all lots used to be owned by the same legal entity.

'Section 48-85(a), Statement of Intent, will also be amended to reflect consistency with the changes proposed in subsection (c).

'Staff would like to note that the recent Jennette's Pier amendment was for both the package treatment plant and the nitrification field to be located off-site. The reasoning applied by the Board of Commissioners in the Jennette's Pier amendment was the system proposed by the Pier was a state

CONSIDERATION OF BUDGET ADJUSTMENT TRANSFER FOR SEPTIC HEALTH LOAN PROGRAM

Septic Health Coordinator Todd Kraft provided an overview of the Town's Septic Health Loan Program. The memo from Planning Director Tim Wilson and Mr. Krafft was provided to Board members and read in part as follows:

"Requesting increase of \$20,000 to current Septic Loan Line Item #725 578400. Its current balance is only \$1,325.00, which is insufficient for making further loans under the program.

'Due to the recent increase in the number of pump to fill systems, or fill in general needing to be brought in for overly saturated sites, the overall costs to replace a gravity "conventional" septic system hinges on what area the system is being replaced in and whether or not it will require an additional tank and pump and amount of fill to make the system work properly in saturated conditions.

'Based on current site conditions and costs, this additional appropriation would allow perhaps as few as 5 additional loans for the remainder of the fiscal year."

MOTION: Comr. Remaley made a motion to provide the requested funding to support the Septic Health Loan Program with a budget transfer in the amount of \$20,000. The motion was seconded by Mayor Pro Tem Gray.

Comr. Sadler agreed with Comr. Remaley that the Septic Health Loan Program is a good program but she questioned if there was a time for a good thing to end.

CONTINUATION OF MOTION: The motion passed 4 - 1 with Mayor Oakes casting the NO vote.

CONSIDERATION OF REVISED ZONING ORDINANCE TEXT AMENDMENT TO PERMIT A REDUCTION IN REQUIRED PARKING SPACES FOR COMMERCIAL BUSINESSES THAT INCORPORATE BIKE RACKS INTO THEIR SITE AND PARKING DESIGN - FROM JAN 6, 2010 BOARD MEETING

Planning Director Tim Wilson summarized the zoning ordinance text amendment that would permit a reduction in required parking spaces for commercial businesses that incorporate bicycle racks into their site and parking design. The agenda summary sheet read in part as follows:

"On January 6, 2010 the Board of Commissioners conducted a public hearing on a proposed zoning ordinance text amendment that would permit a reduction in required parking spaces for commercial business that incorporate bike racks.

'After the close of public hearing and deliberation by the Board, the Board requested that the proposed ordinance be modified to (i) allow reduced required parking by one parking space when a bicycle rack is provided, and (ii) to exempt the bicycle rack from lot coverage equal to the area of one improved parking space.

'The modified ordinance is attached for final consideration by the Board."

Mayor Pro Tem Gray questioned what the proposed ordinance does for the Town; Mr. Wilson stated that the ordinance encourages bike use in the Town and provides lot coverage exception if a business is in need.

MOTION: Comr. Remaley made a motion to adopt the ordinance concerning bike racks and required parking spaces for commercial businesses as presented. The motion was seconded by Comr. Sadler which passed unanimously.

The ordinance concerning bike racks and lot coverage, as adopted, is attached to and made a part of these minutes as shown in Addendum "A".

DISCUSSION OF OPENING BEACH ACCESSES FOR TROUT FISHERMEN



**AN ORDINANCE AMENDING THE CODE OF ORDINANCES
OF THE TOWN OF NAGS HEAD, NORTH CAROLINA**

ARTICLE I. Purpose(s) and Authority.

WHEREAS, pursuant to N.C.G.S. § 160A-381, the Town of Nags Head (the "Town") may enact and amend ordinances regulating the zoning and development of land within its jurisdiction and specifically the location and use of buildings, structures and land. Pursuant to this authority and the additional authority granted by N.C.G.S. Chap. 160A, Art. 19 et. seq, the Town has adopted a comprehensive zoning ordinance (the "Town's Zoning Ordinance") and has codified the same as Chapter 48 of the Town's Code of Ordinances (the "Town Code"); and

WHEREAS, pursuant to N.C.G.S. § 160A-174 the Town may also enact and amend ordinances that define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the Town; and

WHEREAS, the Town has long regulated the use of land for parking in relation to associated land uses and for purposes intended to promote the health, safety and welfare of its citizens by providing for adequate parking facilities for particular uses of land and ensuring safe access to and use of rights-of-ways within the Town; and

WHEREAS, the Town further finds that in accordance with the findings above it is in the interest of and not contrary to the public's health, safety, morals and general welfare for the Town to amend the Town's Zoning Ordinance and Town Code of Ordinances as stated below.

ARTICLE II. Construction.

For purposes of this ordinance amendment, underlined words (underline) shall be considered as additions to existing Town Code language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. Any portions of the adopted Town Code which are not repeated herein, but are instead replaced by an ellipses ("...") shall remain as they currently exist within the Town Code.

ARTICLE III. Amendment of Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Nags Head, North Carolina, that the Town Code shall be amended as follows:

PART I. That **Town Code Sec. 48-7. Definitions of specific words and terms** be amended as follows:

...

~~Customer accessible area shall mean the gross floor area of the building or unit less all areas designated for storage of merchandise or designated for employee use only which are not customarily available for public view and access.~~

Drive aisle means the area of driveway necessary for vehicles to access parking stalls and for emergency management vehicle access to structures.

Driveway means an improved access way for vehicular traffic with the purpose of providing access to parking or maneuvering space from a public street or highway into an abutting property.

Driveway apron means that portion of a driveway which connects to the adjacent street or highway, usually within the right-of-way for that street.

Gravel means a clean or washed loose aggregation of well-rounded spherical stones, commonly referred to as pea gravel or river rock, that are up to 3 inches in diameter where 50% is larger than the #4 sieve ¼ inch with less than 5% fines. Gravel is not crushed stone or rock.

Level of Service (LOS) means the qualitative ability of a particular street or highway facility to safely move traffic. The LOS of a particular street or highway facility is determined via the consideration of criteria, including, but not limited to entries and exits, geometrics, flow capacity, travel distance, turnover rate, maneuverability, surrounding land usage and user duration.

Oversized Vehicle, means any motor vehicle, boat or trailer, which exceeds either 10 feet in width or 20 foot in length, exclusive of fixtures or accessories.

Parking, off-street, means a designated vehicular storage space located outside of any dedicated public right-of-way and contained within a property boundary.

Parking, on-street, means a vehicular storage space as permitted by the town within a public right-of-way (see Chapter 42 Traffic and Motor Vehicles).

Parking space or stall means a designated vehicular storage space of not less than ten by 20 feet, plus the necessary access space. It shall always be located outside any dedicated right of way within a public or private parking area.

Reinforced turf means a turf or grassed surface which is reinforced through an underlying grid, honeycomb or other reinforcement structure which holds up under light automobile traffic and parking use while providing a porous, vegetated medium that allows stormwater to infiltrate.

PART II. That **Chapter 48, Article IV. NONCONFORMITIES** be amended as follows:

Sec. 48-124. Nonconforming site and parking areas.

Where a nonconforming site exists that was legal at the time of its creation but which would not be permitted by the regulations imposed by this chapter, the nonconforming site may continue, subject to the following provisions:

- (1) No structure on a nonconforming site may be enlarged or altered in a way which increases the nonconformity of the site.
- (2) No use on a nonconforming site may be expanded, enlarged or increased in a way which increases the nonconformity of the site.
- (3) For a nonconforming site which contains a nonconforming structure, the regulations of section 48-123(a) and (b) shall apply in addition to subsection (1) of this section.
- (4) For a nonconforming site which contains a nonconforming use of land, the regulations of section 48-125(a) shall apply in addition to subsection (1) of this section.
- (5) For a nonconforming site which contains a nonconforming use of a structure, the regulations of section 48-126(a), (b) and (c) shall apply in addition to subsection (1) of this section.
- (6) The change of use of a structure on a nonconforming site from one permitted use to another permitted use shall be allowed, provided that there is no increase in the degree of nonconformity of the site. ~~Where the site is nonconforming due to the parking area being insufficient for the current use, an increase in the degree of the nonconformity of the site that arises solely due to a lack of sufficient parking area for the new use which cannot be addressed by the application of section 48-165, will be allowed and the parking area may be retained in its existing configuration if the standards of section 48-165(f)(1)-(5) are met during application and consideration of the proposed new use. Where the site is nonconforming due to an insufficient number of parking spaces for the proposed new use, the Board of Commissioners may approve a change of use without requiring additional parking spaces in accordance with the procedures set forth in section 48-165(f).~~
- (7) ~~An existing nonconforming parking area retained pursuant to section 48-124(6) may be upgraded or altered in a manner which does not otherwise increase the nonconformity of the site if the standards of section 48-165(g)(1)-(3) are met during application and consideration of the proposed new use.~~

PART III. That **Chapter 48, Article V. OFF-STREET PARKING AND LOADING REQUIREMENTS** be amended as follows:

Sec. 48-161. Intent Purpose of Article.

~~It is the intent of this article to require the appropriate amount and location of off-street parking and off-street loading to provide the needed levels of service to the citizens of and visitors to the town and its environs, to avoid undue congestion on the streets, to protect the capacity of the street system to move traffic, to avoid unnecessary conflicts between vehicles and pedestrians, to mitigate the adverse effects of off-street parking on the environment, to maintain and protect the visual attractiveness and community character of the town and to facilitate access from streets to off-street parking lots and off-street loading spaces.~~

The purpose of this article is to proactively protect, maintain and enhance the public health, safety, environment and general welfare by establishing requirements to provide the appropriate amount and location of off-street parking and off-street loading which will:

1. Maintain and increase the level of service of the town's streets and ability of the town's street system to safely move traffic;
2. Facilitate safe access to and from streets;
3. Avoid conflicts between motorized and non-motorized vehicles, and pedestrians;
4. Maintain and protect the visual attractiveness and community character of the town;
5. Promote environmentally sensitive design low-impact development which emphasizes stormwater management, the use of vegetative buffering and landscapes, and the preservation of open space;
6. Maximize the re-use of existing parking areas; and
7. Promote re-use of existing commercial sites by allowing for redevelopment to use existing parking configurations in appropriate circumstances.

Sec. 48-162. Parking lot requirements for single-family and two-family (duplex) dwelling units.

Permanent off-street parking spaces shall be provided in accordance with the following requirements prior to the completion of construction of any building or structure, or at the time any principal building or structure is enlarged or increased in capacity by adding dwelling units or before conversion from one zoning use or occupancy to another:

(1) Reserved for the use intended: Required off-street parking spaces and loading spaces are permanent areas and shall not be used for any other aboveground purpose.

(2) Safety on busy streets: A turnaround area having ~~S~~sufficient maneuvering space, not less than ten feet x ten feet, shall be provided between the designated parking spaces and a minimum of five feet from the right-of-way, so that no vehicle will be required to back into the public right-of-way. Homes which do not front on S. Virginia Dare Trail (NC 12), S. Croatan Hwy (U.S. Hwy. 158), S. Old Oregon Inlet Rd. (NC 1243), streets and sidewalks and oceanfront homes that have lost access due to erosion, shall be exempt from this requirement. (See also section 48-84).

(3) Surface materials appropriate for use: Improvement standards for single-family and two-family dwelling units:

(3) Surface materials appropriate for use: Improvement standards for single-family and two-family dwelling units:

- a. Required parking spaces shall be graded and paved with asphalt, concrete, gravel, or other surface material porous paving as approved designed to support the intended vehicular loading and in accordance with manufacturers recommended specifications or other acceptable methods for design of pavement structures, determined by the town engineer to have similar durability, weight-bearing capacity, usability and porousness to the previously listed materials. This provision shall not apply in situations where a CAMA permit cannot be obtained for these surface materials, or an open face paving block over sand and filter cloth base, provided that the open face paving block is equivalent to Turfstone™ with regards to compressive strength, density, absorption and durability.

b. As an alternative to the open face paving block, as approved parking space surfaces stated above, an applicant may improve up to 20 percent of the required spaces with plastic turf reinforced turf pavement products utilizing curb stops to clearly delineate the parking space. The use of such product reinforced turf pavements shall be designed to support the intended vehicular loading and in accordance with manufacturers recommended specifications or other acceptable methods for design of pavement structures. Turf reinforced pavements shall be considered an innovative permeable pavement surface and may be reviewed and approved by the town engineer and the fire official having jurisdiction for suitability and shall count as lot coverage in the same manner as other similar permeable pavement surfaces. Turf reinforced pavements shall be installed and maintained in accordance with manufacturers recommended specifications and NCDENR BMP manual, latest edition. If the turf reinforced pavement is not being maintained in accordance with the provision above, in the event that the town engineer determines that the situation and circumstances will cause the reinforced turf surface to be unable to be adequately maintained, or that the fire official determines that the reinforced turf surface will not provide sufficient support for emergency vehicles, the parking spaces shall be surfaced in accordance with section 48-162(3)a. If reinforced turf surfaces are initially allowed for a development, but the town engineer determines that their impervious capabilities are not being adequately maintained, the owner may be required to re-surface the parking in accordance with section 48-162(3)a.

(4) Number of parking spaces required:

Parking spaces shall be based on the following formula: $N-2$, with N representing the number of bedrooms authorized by the septic improvement permit issued by the county department of environment health or the appropriate permitting agency. The minimum number of parking spaces shall be two.

(5) Home occupations: Parking for a home occupation shall be met by off-street parking provided for the residence.

(46) Prior to issuance of a certificate of completion for the construction of any additional bedroom or bedrooms to an existing single-family or two-family dwelling, all required parking spaces shall be installed in accordance with this article.

(57) Dimensional Requirements: All residential parking lot area dimensions shall at a minimum conform to the dimensional requirements shown in the tables below:

Residential Dimension	Single Side Parking	Double Side Parking
W = aisle width	12.0	12.0
X = curb-to-curb width	30.0	48.0
Y = curb-to-aisle width	18.0	18.0
Z = minimum stall width	10.0	10.0
Parallel parking	10' width by 20' length	
*Figures A and B illustrate parking and drive aisle dimensional requirements, setbacks, and acceptable stacking configurations		

See the following diagram:

Single and Two-Family Uses

(68) Drive aisle width and stacking requirements: Drive aisles shall be a minimum 12 feet in width and shall be improved up to the front plane of the dwelling. One parking space may be located at the end of the drive aisle closest to the dwelling. Other stacking of vehicles in the drive aisle is prohibited. Stacking of vehicles under the dwelling or outside of the required 12 foot driveway is unlimited. (7) Stacking of vehicles in other parking areas other than a drive aisle shall be limited to two vehicles per stacked lane. All parking areas shall be located to allow clear use of a designated turn-around area.

(8) Nonrental parking deferral. Installation of all required parking, except for two improved parking spaces for single family and four improved parking spaces for two family uses may be deferred, provided that:

a. The dwellings are occupied year round and are not participating or listed in any rental and/or leasing program.

b. A valid survey shall be submitted designating an area on the lot in accordance with this section indicating the required number of parking spaces as determined by subsections ~~48-164~~ 48-167 and approved by the town.

(9) Setbacks for parking and drive aisles:

a. All parking spaces, turnarounds areas, and drive aisles shall be located no closer than two feet from any adjacent property line except where drive aisles and driveways are shared between adjacent properties. This two-foot setback does not apply to the required driveway apron which is located between the edge of roadway pavement and the roadway right-of-way limits or to shared drive aisles between adjoining properties.

b. Parking spaces, turnaround areas, and drive aisles shall be set back from the adjacent right-of-way a minimum of five feet, not including the driveway and driveway apron which connects the parking areas and drive aisle to the roadway pavement.

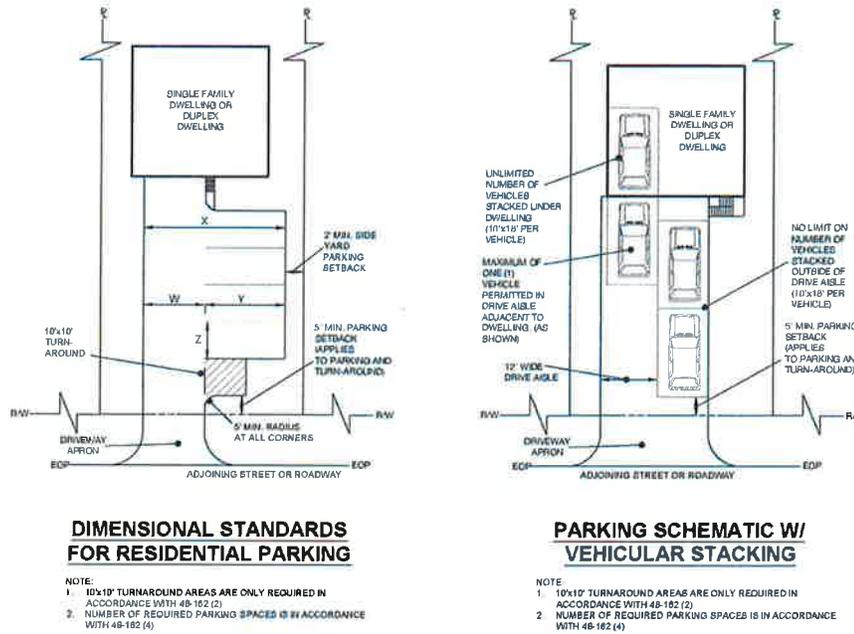


Figure A.

Figure B.

Sec. 48-163. Parking lot requirements for all uses other than single-family and two-family (duplex) dwelling units.

Permanent off-street parking spaces shall be provided in accordance with the following requirements prior to the completion of construction of any building or structure, or at the time any principal building or structure is enlarged or increased in capacity by adding dwelling units, hotel units, seats or gross floor area, or before conversion from one zoning use or occupancy to another:

(1) Reserved for the use intended: Required off-street parking spaces and loading spaces are permanent areas and shall not be used for any other aboveground purpose other than uses associated with a crowd gathering permit, disaster recovery or other permitted temporary uses.

(2) Safety on busy streets: Sufficient maneuvering space shall be provided so that no vehicle will be required to back into the public right-of-way of S. Virginia Dare Trail (NC 12), S. Croatan Hwy (U.S. Hwy. 158), and S. Old Oregon Inlet Rd. (NC 1243).

(3) Restricted use of front yard setback for multifamily: No parking spaces for multifamily uses shall may be located in the required front yard setback.

(4) ~~Improvement standards for all uses other than single family and two family dwelling units~~
Surface materials appropriate for use:

a. ~~Required parking spaces shall be graded and paved with asphalt, concrete, gravel, porous paving as approved by the town engineer or an open face paving block over sand and filter cloth base, provided that the open face paving block is equivalent to Turfstone™ with regards to compressive strength, density, absorption and durability~~ aggregate base course (ABC) or alternative permeable pavement materials in accordance with the following standards:-

1. Permeable pavement materials include porous concrete, permeable interlocking concrete pavers, concrete grid pavers, Turfstone™, and other proven technologies available as covered in the NC BMP Manual and as approved by the town engineer as appropriate to the existing conditions for the site of application. (See section 34-2 – Definitions).

2. Permeable pavement areas shall be designed and installed in accordance with all applicable national codes and industry specifications, as well as the NCDENR – Division of Water Quality, Stormwater Best Management Practices, latest edition.

b. ~~As an alternative to the open face paving block, as stated above, an applicant may improve up to 20 percent of the required spaces with plastic turf reinforced products utilizing curb stops to clearly delineate the parking space. The use of such product shall be reviewed and approved by the town engineer and by the public safety department and shall count as lot coverage. (5) All interior drive aisles with the exception of drive aisles within the C-3 zoning district, and all parking lot entrances and driveways providing access to required parking spaces and loading spaces shall be graded and paved with asphalt, or concrete, or alternative pavement materials consisting of porous concrete, or concrete pavers in accordance with the following standards:- As an alternative, within interior drive aisles, porous concrete is permissible as approved by the town engineer. The porous concrete~~

1. Pavement section shall be structurally designed to withstand the intended vehicular loading associated with the development use, and in accordance with North Carolina Fire Code, latest edition, Section 503 Fire Apparatus Access Road-Surface, (503.2.3).

2. The pavement section Porous concrete and concrete pavers shall also be designed and installed in accordance with current ACI specifications, or equivalent standards, with hydrological and operation and maintenance considerations in accordance with those described in Chapter 18 Permeable Pavement, all applicable national codes and industry specifications, as well as the NCDENR-Division of Water Quality, Stormwater Best Management Practices, latest edition.

~~Operation and maintenance agreement documents shall be executed and filed with the town in accordance with section 34-9 of this Code, operation and maintenance, and in accordance with Chapter 18 Permeable Pavement, NCDENR BMP Manual, as noted above. Records of operation and maintenance shall be submitted to the town on an annual basis or made available upon request.~~

c. ~~Within the C-3 District, and wWhen~~ porous concrete is proposed within the interior drive aisles as noted above, all parking lot entrances providing access to required parking spaces and loading spaces shall be graded and paved with asphalt or concrete extending a minimum of 50 feet from the right-of-way as measured along the centerline of the parking lot entrance. Interior drive aisles established beyond the required asphalt or concrete parking lot entrance may be graded and paved with porous paving permeable pavement as approved by the town engineer ~~or an open face paving block over sand and filter cloth base, provided that the open face paving block is equivalent to Turfstone™ with regards to compressive strength, density, absorption and durability and the fire official having jurisdiction.~~

d. Installation of all paved surfaces shall be conducted by a contractor having the necessary qualifications, experience and equipment to correctly install the surface to the manufacturers' specifications.

e. For religious complexes and public facilities which host special events an overflow parking plan may be permitted to allow for infrequent peak demand or limited time periods. Up to 30% of the required parking area may utilize reinforced turf products. Turf parking areas may not count toward parking requirements for other commercial uses as part of a shared parking agreement. The outer perimeter of the overflow parking area shall be clearly delineated by above ground markers with defined points of ingress/egress and shall not require individual parking stall wheel stops.

f. For all other uses, up to 20 percent of the required parking area may utilize reinforced turf products and must use curb stops to clearly delineate the parking space.

g. Reinforced turf parking shall receive the same lot coverage credit as other permeable systems as prescribed in Chapter 48, Article XI.

h. In order to install an alternative paving surface, the owner of the site must execute and file with the town an operation and maintenance agreement meeting the requirements for such agreements under with Chapter 34, and in accordance with Chapter 18 Permeable Pavement, NCDENR BMP Manual. Records of operation and maintenance shall be made available to the town on an annual basis or made available upon request. In the event that the town engineer determines that the situation and circumstances will cause the alternative paved surface to be unable to be adequately maintained, or that the fire official having jurisdiction determines that the alternative paved surface will not provide sufficient support for emergency vehicles, the parking spaces shall be surfaced in accordance with section 48-163(4)a using a different material. If alternative paved surfaces are initially allowed for a development, but the town engineer determines that their impervious capabilities are not being adequately maintained, the owner may be required to re-surface the parking in accordance with section 48-163(4)a using a different material.

(65) Street access and internal circulation: The street access and internal circulation plan of parking lots shall be reviewed approved by the town engineer for consistency with generally accepted engineering practices and standards. Failure to comply with such standards may result in a request for site plan modifications or denial of a permitting request.

(76) Markings: Each parking space shall be marked and maintained so as to be distinguishable.

(87) Lighting: All parking lots shall be lighted in accordance with Article IX of this chapter.

(98) Solid waste containers requirements: Sufficient space shall be provided on the premises for the location of a solid waste container or containers as required by the ordinance of the town which regulates the collection and disposal of trash and garbage (Chapter 30 of this Code). Such solid waste container location may be in a required parking lot; provided, however, that such location does not occupy a required parking space or maneuvering space and further provided that such solid waste container location shall provide convenient and safe access to the servicing vehicle. Solid waste containers may be located within parking lot areas in accordance with requirements of Chapter 30. Such solid waste containers shall be located so as not to occupy a required parking space or drive aisle, shall not interfere with driver visibility or safety of vehicular movements, and shall provide convenient and safe access to the servicing vehicle.

(109) Handicapped Accessible parking spaces: All parking lots shall meet the requirements of the state building code for handicapped parking. Handicapped Accessible parking spaces shall be provided in compliance with the Americans with Disabilities Act and in accordance with the North Carolina Building Code.

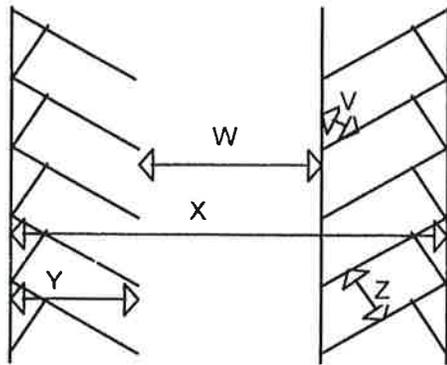
(1110) CAMA compliance: Off-street parking spaces and lots required for any use shall comply with all CAMA regulations and setbacks applicable to the project location, be located landward of the greater of the following setback distances:

a. The applicable oceanfront setback line established under the Coastal Area Management Act (CAMA) for small structures or for large structures; or

b. The town oceanfront setback line, i.e., 150 feet from mean high water.

(1211) Dimensional Requirements: All commercial parking lot dimensions areas shall conform to the tables as follows following:

a. The designations "v" through "z," as used in subsections (1211)b, c, and d of this section, are defined as shown in the following illustration:



Parking Lot Dimensions
 v = Angle of parking space (in degrees)
 w = Aisle width (in feet)
 x = Curb to curb width (in feet)
 y = Curb to aisle (in feet)
 z = Minimum stall width (in feet)

Parking Lot Dimensions

- v = Angle of parking space (in degrees)
- w = Aisle width (in feet)
- x = Curb to curb width (in feet)
- y = Curb to aisle (in feet)
- z = Minimum stall width (in feet)

b. For one-way aisles, the various dimensions shall be as follows:

v = angle	20°	30°	40°	45°	50°	60°	70°
w = aisle width	11.0	11.0	12.0	13.0	15.0	18.0	18.0
x = curb-to-curb width	27.7	30.2	32.9	34.6	37.1	40.6	40.5
y = curb-to-aisle width	16.7	19.2	20.9	21.6	22.1	22.6	22.3
z = minimum stall width	10.0	10.0	10.0	10.0	10.0	10.0	10.0

For angles between those shown above the required dimensions shall be determined by interpolation.

c. For one-way aisles using zero-degree (parallel) parking spaces, the dimensions shall be as follows:

	Single Side Parking	Double Side Parking
V = angle	0°	0°
W = aisle width	12.0	12.0
X = curb-to-curb width	22.0	32.0
Y = curb-to-aisle width	10.0	10.0
Z = minimum stall width	10.0	10.0
minimum stall length	20.0	20.0

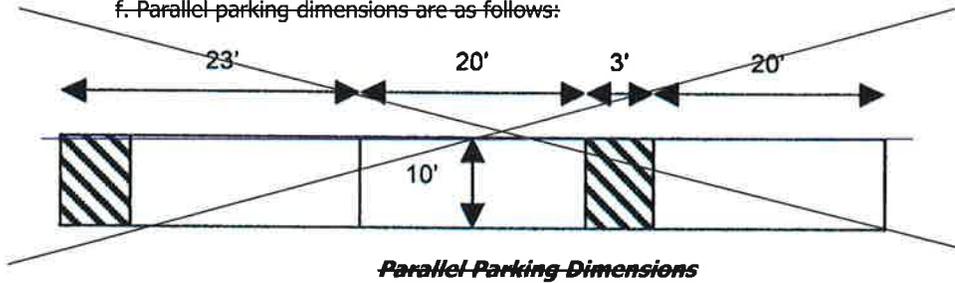
d. For two-way aisles the various dimensions shall be as follows:

V = angle	90°	0°
W = aisle width	22.0	22.0
X = curb-to-curb width	62.0	42.0
Y = curb-to-aisle width	20.0	10.0
Z = minimum stall width	10.0	10.0

e. All zero-degree parking spaces (parallel), shall be a minimum of 20 feet in length with a three-foot access area which may be shared access. All other parking spaces shall have a minimum length of 20 feet. Where it is feasible, the two feet at the end of the parking space opposite the adjacent access lane shall be left unpaved to allow for drainage, in

~~which case a bumper or stop shall be installed. This provision shall not apply to parallel parking spaces, or spaces abutted on both ends by an access lane. For parallel parking, dimensions shall be a minimum of 10 feet in width by 20' in length.~~

f. Parallel parking dimensions are as follows:



~~(1312) Setbacks: Unless otherwise specified, a required yard setback of not less than five feet shall separate parking and loading areas from all front, side and rear property lines. Where off-street parking is provided between the building and the street right-of-way line, a buffer strip of at least five feet in width shall be provided between the parking lot and the street right-of-way line in accordance with section 48-482(3) buffer yard C.~~

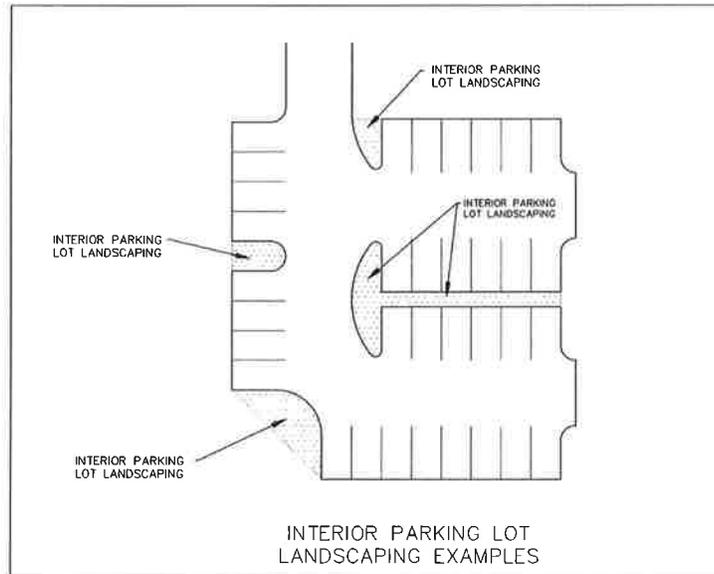
~~(1413) Wheel stops: All parking spaces which abut open space or buffer space shall have a fixed curb or wheel stop of concrete, plastic or chemically-treated wood six inches in height. Allowances shall be made for two feet of overhang within the parking space so that no part of any car can be located within the required yard setback.~~

~~(1514) Curbs: All drive aisles which abut open space that is not being utilized for the purposes of stormwater management shall be marked by a fixed concrete curb six inches in height. Where an abutting open space is being utilized for stormwater management purposes and it can be demonstrated that utilization of an alternative to a concrete six inch curb section will provide improved stormwater management capability, the town engineer may approve an adequately buffered alternative. At drive aisle intersections with adjoining open space, curbs shall be installed along the entire drive aisle perimeter radius (from tangent to tangent) to protect adjoining open space from wheel travel. In other areas curbs shall not be required and parking lot designers are encouraged to minimize vertical curbing and to utilize perimeter and interior open space for stormwater management.~~

~~(15) Interior Parking Lot Landscaping: All parking lots containing 10 parking spaces or more shall provide interior parking lot landscape islands which shall count toward landscaping requirements found in ordinance sections 48-370 and 48-371, and which can be utilized as part of a stormwater plan.~~

~~a. Interior Parking Lot Landscaping shall be provided at a minimum rate equal to 10% of the total area of parking spaces. (for example, 10 parking spaces @ 10' x 20' = 2000 sf will require 200 sf of interior parking lot landscaping).~~

~~b. To qualify as "Interior" Parking Lot Landscaping, Landscape Islands shall be situated either in-between parking spaces, between parking spaces and travel aisles, or between parking rows.~~



c. Interior Parking Lot Landscape Islands may be utilized for stormwater management with designs that direct and capture stormwater run-off from parking area surfaces.

d. Proposed plantings within required Interior Parking Lot Landscape Islands must comply with stormwater, sight distance, and vehicular overhang requirements. Planting materials must not obstruct sight distance and At a minimum, these areas shall be provided a permanent non-erosive vegetative groundcover.

e. Interior Parking Lot Landscaping may be utilized to comply with the landscaping requirements of sections 48-370 and 48-371 of this ordinance.

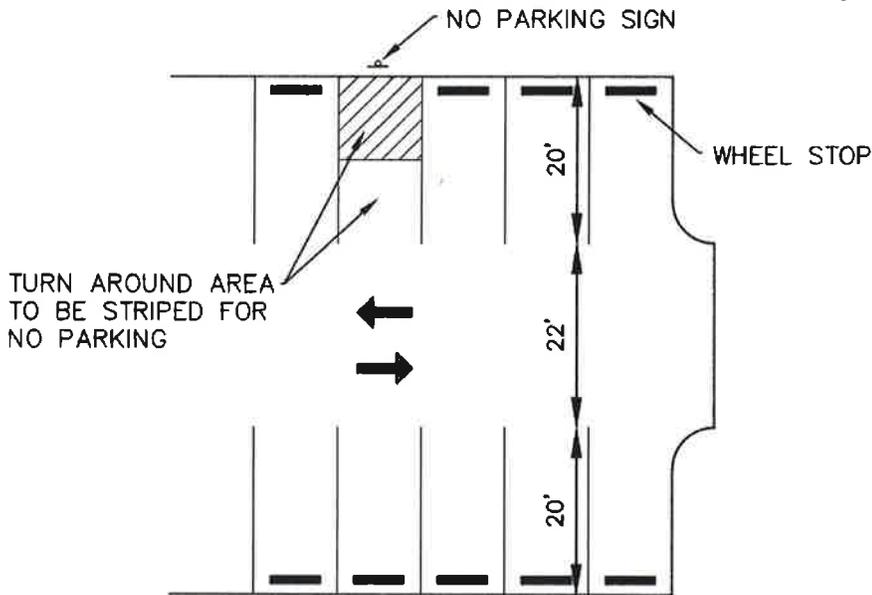
(16) Inter-parcel Driveway Connections: All abutting commercial parking lots are encouraged to provide inter-parcel driveway connections with adjoining commercial parcels, particularly along the US 158 frontage. Provision of an inter-parcel connection (for connection with existing or future connections on adjoining properties) will receive a two four parking space reduction in required parking. Inter-parcel connection shall be a minimum 20' in width for two-way traffic. When inter-parcel access is provided, an inter-parcel access easement shall be recorded with the Dare County Register of Deeds.

(1617) Entrances Commercial Driveway Distances: On all corner lots, no vehicular openings shall be located closer than 30 feet from the point of intersection of the street right-of-way lines. There shall be a minimum distance of 15 feet between driveways measured along the curbline.

(18) Commercial Driveway Dimensions: Driveways Entrances/exits shall not exceed 36 feet in width measured at the property line; however, in instances where parking lots serve tractor/trailer traffic, the driveway entrance/exit may be increased to 40 feet in width. Exits from parking lots onto U.S. 158, N.C. 12, N.C. 1243, and U.S. 64/264 containing more than 36 parking spaces shall contain holding lanes for left-turning and right-turning traffic unless the town engineer determines that due to the physical features of a site, holding lanes would be unsafe and in accordance with established engineering standards, should not be required. There shall be a minimum distance between driveways of 15 feet measured along the curbline.

(1719) Special curb cut requirements: A lot fronting U.S. 158 (South Croatan Highway, N.C. 12/U.S. 64/264 (South Virginia Dare Trail), or N.C. 1243 (South Old Oregon Inlet Road) must have 600 feet of frontage along the street before two curb cuts are allowed on the same street. Nine hundred feet of frontage is needed along either of these streets before three curb cuts are allowed on the street. In no case shall there be more than three curb cuts on any one of the above streets. Curb cuts in excess of one, on streets other than those mentioned above, are allowed if the board of commissioners determines that more than one curb cut is necessary or desirable to facilitate traffic flow.

(18) Dead-end drive aisle: One dead-end turnaround shall be provided for parking lots where dead ends exceed either 100 feet in length or 12 parking spaces in accordance with the following diagram:



DEAD END DRIVE AISLE

Dead-end drive aisle

Sec. 48-164. Minimum parking requirements.

(a) The number of off-street parking spaces required by this article shall be provided on the same lot with the principal use, except as provided ~~with in the parking reductions requirements, approved as part of shared parking agreements, inter-parcel connections, conditional use permits or variances granted by the town, or in accordance with the parking reduction schedule in section 48-165.~~ ~~and~~ The required number of off-street parking spaces specified for each use shall be considered as the absolute minimum.

(b) Accessory buildings used for customer service area associated with restaurants shall be included with principal buildings in the measurement of gross floor area for determining parking requirements. ~~Accessory buildings used only for storage shall not be included in measurements for determining parking requirements.~~

(c) Gross floor area shall be measured from the outside walls of all structures.

(d) Where a fraction of a space is required by this chapter, the next whole number shall be provided.

(e) All space requirements which are based in part or in whole upon employment shall be computed on the basis of the greatest number of persons that are on duty at any one period during the day or night during the peak season.

(f) A developer shall evaluate his own needs to determine if they are greater than the minimum specified by this chapter.

Sec. 48-165. Alternative and reduced commercial parking requirements.

(a) ~~Generally Shared Parking associated with a new use or new development on adjacent property.~~ If proposed parking facilities intended to serve any proposed use are to abut and be integrated with existing and conforming parking facilities serving other uses, the parking requirement for the proposed use may be reduced in accordance with ~~the schedule stated as follows~~ this section, provided that:

- (1) Cross-easements are recorded in the county registry that allow unrestricted parking and traffic flow between the proposed and existing lots; and

(2) Accumulated reduction of parking spaces does not exceed 50 percent of the number of spaces in the existing parking lot.

(3) Only one reduction option as provided in this section shall apply to any proposed use except as prescribed in item 5(e).

(b) Parking reduction schedule.

If the existing parking facilities total:	Required parking for the proposed use may be reduced by:
50 to 150 spaces	15 percent
151 to 251 spaces	25 percent
251 or more spaces	35 percent

(eb) Shared parking; associated with a conditional use plan or plan amendment. Proposed commercial uses in all commercial zoning districts (~~C-1, C-2, C-3, C-4, Village-Commercial 1 and 2, and Village-Hotel~~) may share, as a conditional use, a portion of existing and conforming parking spaces with other commercial uses in commercial zoning districts ~~if the uses have staggered or different business hours, such as an office building open between 9:00 a.m. and 5:00 p.m. and a restaurant open between 5:30 p.m. and 11:00 p.m.,~~ provided that the following conditions are met:

(1) Application and approval for shared parking shall be in accordance with the application requirements for conditional uses under section 48-525.

(2) The uses should have staggered or different business hours and parking demands, such as an office building open between 9:00 a.m. and 5:00 p.m. and a restaurant open between 5:30 p.m. and 11:00 p.m., or a business open during the week and a church where parking demand peaks on the weekend.

(23) No more than 50 percent of required parking spaces for the proposed use may be shared with existing and conforming parking spaces of the other commercial use.

(34) Commercial uses must be abutting and integrated with unrestricted traffic and parking flow between them or may be across a town street or private easement or alley within the same block.

(45) If such When shared parking is devoted to a use other than parking, or business hours of one or more of the uses change to preclude the shared use of the parking spaces, or one or more uses change, increasing the amount of parking spaces required, the certificate of occupancy for all of the uses shall immediately be revoked or other changes in use or parking configuration occur, the conditional use permits for both sites must be amended appropriately.

(6) For proposed commercial uses that redevelop existing commercial sites abutting the NC12 Beach Road corridor from East Gulfstream to Eighth Street, an alternative parking plan may be proposed that provides a 10% reduction in required parking and may be approved with or without a shared parking arrangement at the discretion of the board of commissioners as part of a conditional use plan.

(ec) Shared parking when two or more commercial uses exist on one commercial site or adjoining commercial uses on separate properties within a common development plan; conditional use. Proposed commercial uses in commercial zoning district C-3 may share, as a conditional use, a portion of existing and conforming spaces with other commercial uses on the same or adjoining site ~~if the uses have staggered or different business hours~~ provided that the following conditions are met:

(1) Application and approval for shared parking shall be in accordance with the application requirements for conditional uses under section 48-525 of this Code.

(2) No more than 60 percent of the required spaces for the proposed use may be shared with existing and conforming parking spaces of the other commercial use.

(3) If, in the event, the proposed use has patrons or clients that are not of legal driving age (e.g. dance class for youths that are not legal driving age) both commercial uses may be in operation at the same time as long as integrated traffic pattern is developed which allows

for a safe drop off site for patrons. Such traffic pattern must be approved by the town engineer.

(4) If such shared parking is devoted to a use other than parking, or one or more of the uses change, increasing the amount of parking spaces required, ~~the certificate of occupancy for all of the uses shall immediately be revoked or other changes in use or parking configuration occur, the conditional use permits for both sites must be amended appropriately.~~

(ed) Off-site parking to meet use requirements; conditional use. Proposed commercial uses in all commercial zoning districts (C-1, C-2, C-3, C-4, Village Commercial 1 and 2 and Village Hotel) may, as a conditional use, use an offsite lot in a commercial zoning district to meet the minimum parking requirements of this section, provided the following conditions are met:

(1) Application and approval of offsite parking shall be in accordance with section 48-525, application requirements for conditional uses.

(2) The offsite lot does not have to adjoin the principal commercial use site, but shall be located no further than 300 feet from the principal use site and shall not be located on the opposite side of Highway US 158 or Highway US 64/264 from the principal use site. A sidewalk or multi-use path connection must exist between offsite lot and the principal use when located along US 158.

(3) No more than 50 percent of the required parking for the use shall be permitted offsite. All required parking shall be conforming and constructed in accordance with the minimum requirements of this chapter. Lot coverage requirements for the principal use site and the offsite lot for parking shall be calculated separately.

(4) Parking shall be the only use of the offsite lot, upon which no other principal or accessory uses shall be allowed.

(5) An applicant for offsite parking must prove possession and control of the offsite parking property by the same person or entity having possession and control of the principal commercial use site. Such proof may be provided via copies of deeds or leases showing ownership and/or control of both the offsite parking property and the principal use property. The transfer of ownership or expiration of a lease agreement for either property may be grounds for revocation of the certificates of occupancy for the principal commercial site until additional sufficient offsite parking has been obtained and authorized.

(fe) Reduction of required parking for commercial uses with the use of bicycle racks. ~~During the site plan approval process~~ The governing body may allow the total parking requirement for the proposed use to be reduced by one up to three parking spaces at a rate of 1 parking space per bike rack if one or more bicycle racks are located on the site provided that ~~each such rack~~:

(1) Each bicycle rack must be highly visible and conveniently located in close proximity to the entrance of the principal structure.

(2) Each bicycle rack must support at least five bicycles.

(3) Parking reduction shall not exceed more than one parking space per 10 parking spaces provided.

(f) Modification of parking requirements by conditional use permit.

(1) Upon application, the Board of Commissioners may treat any permitted or conditional use allowed in a zoning district as a conditional use and modify the parking and loading requirements of this section in accordance with the procedures and limitations established for conditional use permits set forth in Town Code Section 48-525.

(2) Conditional use permits shall be subject to conditions deemed necessary by Town Council to ensure compatibility with surrounding land uses and conditions.

(3) In addition to the requirements of Town Code Section 48-525, no modification or waiver of parking or loading requirements shall be granted until the applicant has clearly demonstrated that the request:

a. Will not result in increased traffic congestion or otherwise negatively impact existing traffic flow or pedestrian and vehicular safety;

b. Will not create parking impacts for adjacent properties or within town rights-of-way.

- ~~c. Will not be contrary to the objectives specified in the CAMA land use plan;~~
- ~~d. Is necessary to permit the reasonable use of the subject property; and~~
- ~~e. Will not adversely impact adjacent property or the surrounding area.~~

~~(4) In approving conditional use permit requests to modify parking and loading space requirements, the Board of Commissioners may require upgrades or alterations to the existing parking area to address issues associated with stormwater management, backing into town streets, and to facilitate inter-parcel connectivity.~~

~~An existing parking area meeting the standards of this chapter for the current use of the site, but that does not meet the standards of this article for a proposed new use of the site, may be retained in its existing configuration upon a showing of the following during application and consideration of the proposed new use:~~

~~(1) That the property is adjacent to existing infrastructure, or future infrastructure identified on an adopted plan for pedestrian, bicycle and other non-motorized access;~~

~~(2) That the property is within one quarter mile of on-street or public parking areas (excluding CAMA public beach access parking areas);~~

~~(3) That neither the existing parking lot nor the directly adjacent portions of streets or highways have been the location of more than three (3) minor traffic accidents (damage less than \$1,000 and no personal injury) or any major traffic accident (damage greater than \$1,000, death or personal injury) within the preceding five (5) years. The records of the town's police department shall be presumed conclusive regarding the number and severity of accidents. However, this provision may be met by the certification of a traffic engineer that the number of accidents is within these standards following the exclusion of accidents not caused by the existing parking configuration;~~

~~(4) That neither the existing parking lot nor the directly adjacent portions of any infrastructure used for pedestrian, bicycle or other non-motorized traffic have been the location for any accidents associated with vehicles entering or exiting the parking area within the preceding five (5) years. The records of the town's police department shall be presumed conclusive regarding the number and severity of accidents. However, this provision may be met by the certification of a traffic engineer that the number of accidents is within these standards following the exclusion of accidents not caused by the existing parking configuration; and~~

~~(5) That maintaining the existing parking configuration with the new proposed use will not negatively impact the Level of Service of adjoining streets and highways or the ability to use adjacent properties for their intended purposes.~~

~~(g) A parking area retained pursuant to section 48-165(f) may be upgraded or altered in a manner which does not otherwise increase the nonconformity of the site upon a showing of the following upon application and consideration of the proposed new use:~~

~~(1) The upgrade or alteration will improve the safety of the parking area and the site. Upgrades and alterations which increase the visibility for parking lot users or that reduce the need for parking lot users to turn around in or enter a roadway in reverse shall be considered safety improvements;~~

~~(2) The upgrade or alteration is necessary for the installation of stormwater best management practices; or~~

~~(3) The upgrade or alteration is necessary to accommodate connections to adjacent parking lots as part of a shared parking agreement.~~

Sec. 48-166. Nonrental parking deferral.

Installation of all required parking, except for two improved parking spaces for single-family and four improved parking spaces for two-family uses may be deferred provided that:

(1) The dwellings are occupied year-round and are not participating or listed in any rental and/or leasing program.

(2) A valid survey depicts an area on the lot designated for parking that is adequate to support one parking space per bedroom, as approved by the county health department and approved by the town.

Repealed. Reserved for future use.

Sec. 48-167. Required parking by use.

Minimum Required parking by use shall be as follows: For sites with multiple principal uses, the parking requirements for each use must be met on site or through shared parking in accordance with section 48-165. Also see section 48-168.

(1) Residential and Related Uses	Required Parking
Bed and breakfast	One parking space per dwelling room plus one parking space for each employee.
Boardinghouse or Rooming house	One parking space for each bedroom.
Dwelling, single-family and duplex residential structures	Parking spaces shall be based on the following formula: N-2, with N representing the number of bedrooms authorized by the septic improvement permit issued by the county department of environment health or the appropriate permitting agency. The minimum number of parking spaces shall be two.
Dwelling, two-family	Parking spaces for each unit shall be based on the following formula: N-2, with N representing the number of bedrooms authorized by the septic improvement permit issued by the county department of environment health or the appropriate permitting agency. The minimum number of parking spaces shall be two per dwelling unit.
Home occupation	Two parking spaces per office in addition to residence requirements. Home occupation shall be met by off-street parking provided for the residence. See section 48-367 Home Occupations.
Hotel	1.2 parking spaces for each hotel unit or hotel efficiency unit <u>to be rented</u> , plus one parking space for each four employees.
Hotel conference and meeting rooms	One parking space for every 100 square feet of customer service area
Hotel with accessory fishing pier and additional permitted accessory uses, including but not limited to restaurant, indoor entertainment facility, retail, and office	One parking space for each hotel unit or hotel efficiency unit, plus one parking space for each employee, plus 75 percent of the parking required by this section for each permitted accessory use on the hotel site
Multifamily residence or Townhouse Development	<u>A minimum of 2.5 parking spaces for each dwelling unit plus 0.5 spaces for each additional bedroom over 2.</u>
Private club <u>associated with a residential development plan</u>	One parking space for each 150 square feet of gross floor area, and one parking space for each two employees, plus the additional parking spaces required by the applicable provisions of this section governing recreational uses.
Professional office (other than doctor or dentist) in own residence	Two parking spaces per office in addition to residence requirements.
Roominghouse	One parking space for each bedroom.
Townhouse	Two parking spaces for each dwelling unit.
(2) Institutional and Medical Uses	
Adult day service center	One parking space per employee, plus one parking space for each six adults requiring care.
Child day care center	One parking space per employee, plus one parking space for each

	six children of licensed capacity.
<u>Dialysis center</u>	<u>One parking space for each dialysis machine available for treatment, plus one parking space for each staff member.</u>
<u>Elementary School associated with a religious complex</u>	<u>One parking space for each classroom and administrative office, plus one parking space for every 25 classroom seats. Parking spaces utilized to meet "religious complex" parking standard may count toward this requirement.</u>
<u>Elementary School Complex</u>	<u>25 parking spaces, plus 1.75 spaces for each classroom and one parking space for each 200 square feet of net office area. One parking space for each classroom and administrative office, plus one parking space for every 25 classroom seats.</u>
<u>Funeral home</u>	One parking space for each four seats in the chapel or parlor.
<u>Gymnasium or Auditorium in association with a school</u>	<u>One parking space for each two seats, when provided in conjunction with a school facility and operated during non-school hours, parking provided for school facility may be used to satisfy this requirement.</u>
<u>Hospital</u>	Two parking spaces per bed and one parking space per two employees.
<u>Indoor fitness center</u>	<u>One parking space per 250 square feet of gross floor area.</u>
<u>Medical office</u>	One parking space for every 300 square feet of gross floor area of each building or portion thereof devoted to medical use, plus one parking space for each employee and for each doctor.
<u>Museum</u>	One space per 300 square feet of gross floor area.
<u>Nonprofit/community outreach centers</u>	One parking space per 250 <u>300</u> square feet of gross floor area
<u>Nonprofit/outreach center with aquatic fitness facility</u>	One parking space per 200 <u>300</u> square feet of gross floor area
<u>Nursing home</u>	Two parking spaces for each five beds intended for patient use, and one space for each three employees.
<u>Religious complex</u>	One parking space for each four seats in the sanctuary.
	One parking space for each 25 classroom seats in the elementary school, One parking space for each ten classroom seats in the junior high school, and One parking space for each five classroom seats in the senior high school, plus One parking space for each classroom and administrative office.
<u>School system administrative offices</u>	<u>One parking space for every 200 square feet of net office area.</u>

(3) Recreational Uses	Required Parking
<u>Aerial Adventure Park or Outdoor Ropes Course or outdoor sport-climbing wall</u>	1 parking space per 3 elements within the course, plus a minimum of 4 parking spaces for employees.
<u>Aerobics class/dance/school/karate school</u>	One parking space for each 200 square feet of gross floor area.
<u>Amusement Rides and Games</u> <u>(water balloon battle game, go-cart tracks, bumper boats and bumper cars to be calculated separately, see below)</u>	<u>One parking space for each three amusement ride seats, plus one space for each two employees</u>
<u>Amusement rides and games, including ferris wheels</u>	<u>One parking space for each three amusement ride seats, One parking space for each two employees associated</u>

	with amusements and games plus required parking for any other uses.
Beach recreation equipment rentals and sales	One parking space for each 200 <u>300</u> square feet of gross floor area, plus one parking space for each employee, but no less than two employee parking spaces for each retail unit or establishment.
Boat rental <u>with water access including personal watercraft, kayaks, stand-up paddle boards, or kite or windsurfers.</u>	One parking space for each two <u>every three</u> rental boats or units, plus required parking spaces for any other principal or accessory uses.
Bowling alley	Four spaces per lane, plus one space per 150 square feet of gross floor area for accessory uses open to the public.
Bumper boats, <u>bumper cars and go-carts</u>	One parking space for each <u>every two bumper boats or car units</u> , plus one space per employee, plus any other required spaces for any other use.
Bumper cars	One parking space for each two bumper cars.
Charter boat, guide boat, or water taxi boat (<u>distinct from tour boat below</u>)	One parking space for each two persons on the boat which shall be determined by the greater of the following: The number of rental spaces (seats); OR The rated capacity of the boat as determined by the U.S. Coast Guard; OR When not regulated by the U.S. Coast Guard, the rated capacity of the boat as determined by the manufacturer, PLUS One parking space for each employee
Fishing pier	One parking space for each ten feet of length for piers over 800 linear feet in length with one additional parking space for each <u>every 200 square feet of gross floor space under cover.</u> OR One parking space for each 20 feet of pier length for piers of 800 linear feet or less in length with one additional parking space for each <u>every 200 square feet of gross floor space under cover.</u> AND <u>Fishing pier sites shall provide two parking spaces for each 10 linear feet of oceanfront lot frontage in excess of 150 feet.</u>
Go-cart track	One parking space per two rental go-cart units, plus one space per each two employees, plus any other required spaces for any other uses.
Grass surface putting course <u>Golf Course</u>	Two parking spaces per hole, plus one for each employee, plus required parking for any other principal or accessory use.
Indoor entertainment facility, including amusement arcade, or similar facility	One parking space for each 100 <u>300</u> square feet of gross floor area and one additional space for each two employees.
<u>Indoor fitness and sports center</u>	<u>One parking space per 300 square-feet of gross floor area</u>
<u>Indoor</u> Sport-climbing wall	One parking space for each 150 square feet of gross wall area, plus one parking space for each two employees.
Marina	One parking space per boat slip, plus required parking spaces for any other principal or accessory uses, including but not limited to, hotels and motels,

	restaurants, gross retail floor area, tour boats, charter boats, and guide boats.
Golf course, miniature golf course, or golf driving range, or grass-surface putting course	One parking space per hole or tee, plus four spaces for each 18 holes for backup, plus one for each two employees plus required parking for any other principal or accessory use.
Multipurpose recreation fields associated with a municipally-owned recreation facility	50 30 parking spaces per field.
Municipally-owned recreation facilities	Two parking spaces for each one acre of passive recreation area, excluding acreage used for multipurpose recreation fields, tennis courts, parking areas, or vehicular accessways.
Outdoor aquatics facility	One parking space for each 100 square feet of pool area.
Outdoor tennis courts and tennis courts in conjunction with a private club, excluding single-family residential customary accessory uses	Two 1.5 parking spaces per court.
Personal watercraft rental without water access and as an accessory to a land-based use such as retail.	Must comply with parking requirements for the primary use.
Pools in conjunction with private clubs or SPD-C zoning district, excluding single-family residential customary accessory uses.	If all houses or lots fall within a 300-foot radius of the pool, one handicapped parking space and one service vehicle parking space shall be provided. For these pools serving houses or lots in excess of the 300-foot radius of the pool, one parking space for each 100 square feet of pool area and one space for each every two employees shall be provided.
Private beach access facility	A minimum of ten parking spaces plus, One parking space for each 150 square feet of gross floor area, of club house or bath house facilities excluding dwelling unit space; Two parking spaces for any dwelling unit; Two 1.5 parking spaces for each tennis court or similar facility; One parking space for each 100 square feet of swimming pool area; and One parking space for each employee.
Skate park facility	One parking space for each 500 square feet of the entire skate park facility area.
Skating rink	One parking space per 150 square feet of net area plus one parking space for each two employees. Net area excludes restrooms, storage area, office space, kitchen and other areas not open to the general public.
Stadium	One parking space for each two spectator seats.
Swimming pool in conjunction with private clubs	One parking space for each 100 square feet of pool area and one space for each two employees.
Tennis court in conjunction with private clubs	Two parking spaces per court.
Theater or Auditorium	One parking space for each four seats in the auditorium.

Tour boat	<p>One parking space for each three persons on the boat which shall be determined by the greater of the following:</p> <p>The number of rental spaces (seats); OR The number of passengers as shown on the Certificate of Inspection (on file with the town) as determined by the U.S. Coast Guard; OR When not regulated by the U.S. Coast Guard, the rated capacity of the boat as determined by the manufacturer, PLUS One parking space for each employee</p>
Water balloon battle game	<p>One space for every 400 square feet of water balloon battle game play area, plus one space for each employee</p>
Windsurfer board	<p>One parking space for each three windsurfer boards, plus required parking spaces for any other principal or accessory uses.</p>

(4) Retail or Office Uses	Required Parking
Auction house	<p>One parking space per two seats OR one parking space per 28 sq. ft. of assembly area, whichever is greater.</p>
Banking institutions and financial offices	<p>One parking space for each 300 500 square feet of gross floor space plus one space for each employee.</p>
Boat sales and service	<p>One parking space per employee and one additional parking space per sales agent employee, plus one parking space per 150 300 square feet of enclosed heated sales and display area and customer lounge area, plus three parking spaces per service bay gross floor area.</p>
Car wash	<p>One parking space shall be provided for each employee. Stacking spaces (9 feet x 18 feet each) equivalent to five times the maximum capacity of the car wash shall be provided. Maximum capacity of the car wash shall be determined by dividing the length of the enclosed vehicle lines by 30. If the car wash contains an automobile detail shop, a minimum of two additional parking spaces shall be provided per detail service area. Required parking for any other use shall be provided in accordance with the standard for that use.</p>
Coffee shop	<p>One parking space per 55 square feet of customer service area, plus required parking for any other permitted accessory uses including but not limited to retail sales.</p>
Commercial/residential mixed development	<p>For restaurant use one parking space per 55 square feet of customer service area. For all other permitted commercial uses one space for each 175 200 square feet of gross floor area. For permitted Plus one space for each bedroom in all permitted residential units the number of required parking spaces per unit shall be $N - 2$ ($N =$ Number of bedrooms) with a minimum of two parking spaces per unit.</p>
Dialysis center	<p>One parking space for each dialysis machine available</p>

	for treatment, plus one parking space for each staff member.
Farmers markets	One parking space for each 200 square feet of gross floor area, plus one parking space for each employee, but no less than two employee parking spaces for each retail unit or establishment. See Sec. 48-372. <u>Outdoor stands</u>
Food bank	One parking space for each 200 <u>400</u> square feet of gross floor area, plus one space for each staff person but no less than a <u>minimum of two staff parking spaces.</u>
Furniture or appliance store	One parking space for each 500 square feet of gross floor area.
General contractor's office	One parking space for each 300 square feet of gross floor space plus one space for each <u>a minimum of two employees parking spaces.</u>
General or professional office (other than doctor, or dentist or other medical office)	One parking space for each 200 square feet of gross floor space plus one space for each two employees per office or work space <u>plus a minimum of two customer parking spaces.</u>
Multiple principal uses within one building other than Pier houses or hotels, including uses such as retail, coffee shop, restaurant types, rentals and/or residential, and owner occupied galleries.	1 parking space for each: —*residential unit; —*100 square feet of customer service area associated with food service or coffee shop; —*300 square feet of retail uses within the building; Plus a minimum of two employee parking spaces.
Nonprofit wildlife and ecological preserves	One parking space for each 150 square feet of gross floor area, plus one space for a <u>minimum of two employees staff parking spaces.</u>
<u>Office/retail group development and Commercial mixed use development without residential.</u>	For restaurant use one parking space per 55 square-feet of customer service area and for all office and retail occupancies one space for each 175 <u>300</u> square feet of gross floor area.
Owner occupied art gallery	One parking space for each 300 square feet of gallery area and one parking space for each bedroom within the structure and no loading zone shall be required.
Real estate rental office (see professional office for real estate sales not associated with rental management).	Minimum of ten parking spaces, plus one for each employee or agent.
Restaurant	One parking space per 55 square feet of indoor customer service area.
Restaurant (sites with multiple principal buildings)	Parking spaces for each principal restaurant use building shall be as provided for in this subsection. Shared parking among proposed principal use buildings may be permitted if (1) there is fully integrated onsite parking and traffic flow and (2) the principal use buildings have staggered or different business hours. Any overlapping of business hours shall preclude the shared use of parking spaces.
Restaurant, drive-in	One parking space per 55 square feet of customer service area or a minimum of 20 parking spaces, whichever is greater, plus required parking spaces for any other use including, but not limited to, drive-through restaurant.
Restaurant, drive-through	A minimum of ten additional parking spaces, plus required parking spaces for any other use including, but not limited to, restaurant customer area or drive-in restaurant.

Restaurant, neighborhood	Parking: One parking space for every 55 square feet of indoor customer service area. In addition, a neighborhood restaurant may have on site outdoor customer service area in an amount up to 50 percent of the indoor customer service area which will be exempt from restaurant parking requirement.
Restaurant, takeout	One parking space for every 200 square feet of customer waiting and retail area plus one parking space for each employee, but no less than two employee parking spaces.
Retail shopping center with over 25,000 square feet of enclosed gross floor area	One parking space for each 200 <u>250</u> square feet of customer-accessible gross floor area, plus one parking space for each employee, but no less than two employee parking spaces for each retail unit or establishment.
Retail uses not otherwise listed	One parking space for each 200 250 square feet of gross floor area, plus one parking space for each employee, but no less than a minimum of two employee parking spaces for each retail unit or establishment.
Taxi and limousine service	One parking space per 250 square feet of gross floor area, plus one parking space per employee. Parking spaces must be adequately sized for oversized passenger vehicles as well as providing adequate maneuvering room as approved by the town engineer. One parking space per vehicle that provides service plus one parking space per office employee, not including drivers. Parking spaces shall be sized appropriately based on the size of service vehicles.
Trade association office	One parking space for each 150 <u>every 25</u> square feet of gross floor <u>assembly or classroom area</u> , and <u>plus one parking space for each employee per office or work space.</u>

(5) Public Uses	Required Parking
Auditorium, theater or Performing Arts Center	One parking space for each two <u>four</u> seats in the largest assembly room. <u>When provided in conjunction with a school facility and operated during non-school hours, parking provided for school facility may be used to satisfy this requirement.</u>
Concession building	Four parking spaces per hang gliding kite available for lessons or training, plus one space for each two employees.
Elementary school	25 parking spaces, plus 1.75 spaces for each classroom and one parking space for each 200 square feet of net office area.
Gymnasium	One parking space for each two seats; when provided in conjunction with a school facility and operated during non school hours, parking provided for school facility may be used to satisfy this requirement.
Indoor public assembly or Indoor event space, <u>not associated with a hotel</u>	One parking space per 21 <u>55</u> square feet of customer area. <u>When indoor public assembly is permitted in conjunction with fishing pier use, one parking space per 55 square feet of customer area shall be required.</u> Customer area includes seating area, lounges, decks, porches and patios, but excludes stairs, stair landings, handicapped ramps, restrooms and areas not open to the general public. Paved parking shall be provided at a ratio of one space per 55 square feet of customer area. The remaining required parking may be unpaved, provided that it is compacted, contoured for proper drainage, grassed and regularly maintained.
Municipal building	One parking space for each 200 square feet of net office areas, plus one space for each two seats in the municipal council chambers. Adopted

	5/3/1995.
Public utility building	One parking space for each employee. With customer service facilities, a minimum of five additional spaces.
School system administrative offices	One parking space for each 200 square feet of net office area.

(6) Wholesale, Warehouse or Industrial Uses	Required Parking
Industrial use	Two parking spaces for each three employees, but no less than five spaces <u>plus a minimum of one parking space for over size vehicles or trucks.</u>
Pool and spa sale and service	One parking space for each 200 square feet of office/retail area plus one space for each employee affiliated with any warehouse/storage use with a minimum of two spaces.
Real estate rental management facility	One parking space for each 200 square feet of office space plus one space for each employee affiliated with any warehouse/storage use with a minimum of two spaces.
Trade center	One parking space for each 750 gross square feet of floor area in each unit, but no less than three parking spaces per unit.
Wholesale and warehouse use	One parking space for each employee, but not less than <u>A minimum of five spaces plus a minimum of one parking space for over size vehicles or trucks.</u>

Sec. 48-168. Off-street loading.

(a) One or more loading spaces shall be provided for standing, loading and unloading operations either inside or outside a building and on the same premises with every building or structure erected after the enactment of this chapter and shall be in accordance with the requirements of the following table. A loading berth shall have minimum plan dimensions of 12 feet by 60 feet and a 14-foot overhead clearance. A loading space need not be necessarily a full berth but shall be sufficient to allow normal loading and unloading operations of a kind and magnitude appropriate to the ~~property served thereby~~ use. The town engineer shall determine the sufficiency of loading space but in no case shall the use of such space hinder the free movement of vehicles and pedestrians over a street, sidewalk, parking lot or alley.

(b) Loading spaces shall be located at least 50 feet from any street right-of-way and shall be paved with asphalt, concrete, porous paving as approved by the town engineer or an open-face paving block over sand and filter-cloth base, provided that the open-face paving block is equivalent to Turfstone™ with regards to compressive strength, density, absorption and durability.

Use Classification	Space Requirements
Retail operations, and all first floor nonresidential uses, with a gross floor area of less than 20,000 square feet, and all wholesale and light industrial operations with a gross floor area of less than 10,000 square feet	A loading space (not necessarily a full berth) as defined in this section.
Retail operations, including restaurant and dining facilities within hotels, and office buildings with a gross floor area of 20,000 square feet or more	One loading berth for every 20,000 square feet, or fraction thereof, of floor area.
Office building and hotels with a gross floor area of 100,000 square feet or more	One loading berth for every 100,000 square feet of floor area.
Industrial, wholesale and warehouse operations, trade centers with a gross floor area of 10,000 square feet or over, and as follows:	Minimum number of loading berths required:

10,000 - 40,000 square feet	1
40,000 - 100,000 square feet	2
100,000 - 160,000 square feet	3
160,000 - 240,000 square feet	4
240,000 - 320,000 square feet	5
320,000 - 400,000 square feet	6
Each 90,000 square feet above 400,000 square feet	1
Ministorage	In lieu of loading berths as specified above, a continuous loading apron not less than 20 feet in width, paralleling the accesses to the storage units, shall be provided. Where the loading apron separates parallel storage buildings, the apron shall be at least 30 feet wide. Parking spaces shall be delineated on the pavement as being parallel to the buildings, always leaving an unencumbered aisle for traffic. If the loading apron does not lead to a direct exit from the property, adequate turnaround space, as determined by the town engineer, at the end of the apron shall be provided.

Sec. 48-169. Off-street parking and/or storage of certain vehicles.

(a) Trucks, trailers, semi-trailers (self-propelled or detached) and prefabricated cargo shipping containers or similar containers shall not be used as a storage or other type of accessory structure in any zoning district, except as provided for under ~~subsection (b)~~ of this section. ~~Mobile magnetic resonance imager(s) (MRI), when approved by the town as customary accessory structures to hospitals, are specifically excluded from this regulation.~~

(b) Following a storm event for which a state of emergency has been declared in accordance with Chapter 14 of the Town Code of Ordinances trucks, trailers, semi-trailers (self-propelled or detached), and prefabricated cargo shipping containers may be stored temporarily on a site to store merchandise removed from the damaged structure, provided a storm related building permit has been issued to repair the structure. Trucks, trailers, semi-trailers, and prefabricated cargo shipping containers may be located in any required parking area or drive aisle. Trucks, trailers, semi-trailers, and prefabricated cargo shipping containers shall be allowed on-site for a time period not to exceed six months from date of building permit issuance and shall be removed prior to issuance of the building permit certificate of completion.

(c) Temporary, self-contained storage units used in moving services, including "PODS" which are intended to be picked up and moved to various locations on demand shall be allowed on a parcel for up to 30 days with a zoning permit. Such storage units must be stored within the property boundary and shall be placed so as not to interfere with traffic or as to create a traffic hazard on an adjacent street.

(d) Mobile magnetic resonance imager(s) (MRI), health or other medical vehicles providing mobile health services, and book mobiles when approved by the town manager as customary, mobile services or as part of a crowd gathering or special events permit are specifically excluded from this regulation.

(ee) Nothing in this section shall apply to any vehicle stored in compliance with applicable town codes. This regulation shall not be interpreted to prohibit the timely unloading and loading of commercial trailers or boat trailers in any district.

PART IV. That Chapter 48, Article XI. SCHEDULE OF DISTRICT REGULATIONS be amended as follows:

Sec. 48-402. R-1 low-density residential district.

(d) *Dimensional requirements.* Unless otherwise specified in subsection (c) of this section, the following dimensional requirements in the R-1 district shall apply:

(2) Lot coverage:

b. Permeable pavement:

ii. Permeable pavement materials include porous concrete, permeable interlocking concrete pavers, concrete grid pavers, Turfstone™, gravel as defined in Town Code section 48-7, and other proven technologies available as covered in the NC best management practices manual and as approved by the town engineer for appropriateness to the site and existing conditions. Porous concrete shall be designed and installed in accordance with ACI specifications, or equivalent standard, with hydrological, operation and maintenance considerations. Installation shall be conducted by a contractor certified in the installation of the type of pavement system chosen.

iii. Edge restraints shall be provided on all concrete grid pavers, permeable interlocking concrete pavers, and similar type installations to confine the pavement installation. The pavement surface course structural properties shall be designed to withstand the applied vehicular loading pursuant to the specified application.

iv. No porous concrete shall be used east of NC 1243 (South Old Oregon Inlet Road) or NC12 (South Virginia Dare Trail). Compacted gravel shall not be considered permeable pavement.

Sec. 48-403. R-2 medium-density residential district.

(d) *Dimensional requirements.* Unless otherwise specified in subsection (c) of this section, the following dimensional requirements in the R-1 district shall apply:

(2) Lot coverage:

b. Permeable pavement:

ii. Permeable pavement materials include porous concrete, permeable interlocking concrete pavers, concrete grid pavers, Turfstone™, gravel as defined in Town Code section 48-7, and other proven technologies available as covered in the NC best management practices manual and as approved by the town engineer for appropriateness to the site and existing conditions. Porous concrete shall be designed and installed in accordance with ACI specifications, or equivalent standard, with hydrological, operation and maintenance considerations. Installation shall be conducted by a contractor certified in the installation of the type of pavement system chosen.

iii. Edge restraints shall be provided on all concrete grid pavers, permeable interlocking concrete pavers, and similar type installations to confine the pavement installation. The pavement surface course structural properties shall be designed to withstand the applied vehicular loading pursuant to the specified application.

iv. No porous concrete shall be used east of NC 1243 (South Old Oregon Inlet Road) or NC12 (South Virginia Dare Trail). Compacted gravel shall not be considered permeable pavement.

Sec. 48-404. R-3 high-density residential district.

(d) *Dimensional requirements.* Unless otherwise specified in subsection (c) of this section, the following dimensional requirements in the R-1 district shall apply:

(2) Lot coverage:

b. Permeable pavement:

ii. Permeable pavement materials include porous concrete, permeable interlocking concrete pavers, concrete grid pavers, Turfstone™, gravel as defined in Town Code section 48-7, and other proven technologies available as covered in the NC best management practices manual and as approved by the town engineer for appropriateness to the site and existing conditions. Porous concrete shall be designed and installed in accordance with ACI specifications, or equivalent standard, with hydrological, operation and maintenance considerations. Installation shall be

conducted by a contractor certified in the installation of the type of pavement system chosen.

iii. Edge restraints shall be provided on all concrete grid pavers, permeable interlocking concrete pavers, and similar type installations to confine the pavement installation. The pavement surface course structural properties shall be designed to withstand the applied vehicular loading pursuant to the specified application.

iv. No porous concrete shall be used east of NC 1243 (South Old Oregon Inlet Road) or NC12 (South Virginia Dare Trail). Compacted gravel shall not be considered permeable pavement.

PART V. That Chapter 48, Article XXI. THE VILLAGE AT NAGS HEAD SPD-C ZONING ORDINANCE be amended as follows:

Sec. 48-865. - Detached single-family district.

(d) General development standards. General development standards in the detached single-family district are as follows:

~~(5) Parking: a minimum of two parking spaces per unit which may include visitors. Shall be provided in accordance with Town Code Section 48-167.~~

Sec. 48-866. - Attached single-family district.

(d) General development standards. General development standards in the attached single-family district are as follows:

~~(5) Parking: a minimum of two parking spaces per unit which may include visitors. Shall be provided in accordance with Town Code Section 48-167.~~

Sec. 48-867. - Multifamily district.

(d) General development standards. General development standards in the multifamily district are as follows:

~~(1) Parking: a minimum of two parking spaces per unit which may include visitors. Shall be provided in accordance with Town Code Section 48-167.~~

Sec. 48-868. - Townhouse I district.

(c) Development standards. Development standards in the townhouse I district are as follows:

~~(5) Minimum parking requirements: 2½ spaces per dwelling unit, plus one space for each employee on the largest shift. Shall be provided in accordance with Town Code Section 48-167.~~

PART VI. That Chapter 36, Article I. IN GENERAL be amended as follows:

Section 36-4. Design Standards

(f) Driveway connections.

(2) All single-family and two-family dwelling driveways shall have a driveway apron with a minimum of one but not more than two paved sections of at least 12 feet in width and not exceeding a single or combined width of 26 feet exclusive of a maximum 15-foot radius. The driveways apron shall have a minimum length of ten feet measured from the existing edge of

pavement as shown in the following diagram. This section must be constructed of a minimum of four-inch thick 3,000 psi concrete or ~~four-six (6)~~ inch base of ~~either clay or~~ ABC stone topped by ~~1½~~ two (2) inches of asphalt. The paved area within the right-of-way shall be for access purposes only and shall not be designed or used to support parking or any other use.

ARTICLE VII. Statement of Consistency with Comprehensive Plan and Reasonableness.

The Town's adoption of this ordinance amendment is consistent with the Town's adopted comprehensive zoning ordinance, land use plan and any other officially adopted plan that is applicable. For all of the above-stated reasons and any additional reasons supporting the Town's adoption of this ordinance amendment, the Town considers the adoption of this ordinance amendment to be reasonable and in the public interest.

ARTICLE VIII. Severability.

All Town ordinances or parts of ordinances in conflict with this ordinance amendment are hereby repealed. Should a court of competent jurisdiction declare this ordinance amendment or any part thereof to be invalid, such decision shall not affect the remaining provisions of this ordinance amendment nor the Zoning Ordinance or Town Code of the Town of Nags Head, North Carolina which shall remain in full force and effect.

ARTICLE IX. Effective Date.

This ordinance amendment shall be in full force and effect from and after the 4th day of March 2015.


Robert C. Edwards, Mayor
Town of Nags Head



ATTEST:


Carolyn F. Morris, Town Clerk

APPROVED AS TO FORM:


John Leidy, Town Attorney

Date adopted: March 4, 2015

Motion to adopt by Commissioner _____

Motion seconded by Commissioner _____

Vote: _____ AYES _____ NAYS