



**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, A text amendment was requested by to add new uses "Dormitory" and "Dormitory/Multifamily, Mixed Development" as a permissible use within the Town of Nags Head; and

WHEREAS, the Town of Nags Head 2010 Land Use Plan Vision Statement states that important elements in developing and maintaining the economy are "A diverse supply of accommodations, including single family homes, hotels, and multi-family dwelling units, that attract and are accessible to visitors from a wide range of economic and social strata; and

WHEREAS, the Town of Nags Head 2010 Land Use Plan states that the Town recognizes that the shortage of affordable "workforce" housing represents a problem in drawing qualified applicants to Town positions. Stated objective:

The Town will continue to work with public and private community organizations and partnerships to develop solutions to the shortage of affordable "workforce" housing.

WHEREAS, the Town finds that the proposed amendment is/is not consistent with the Land Use Plan and the Town's desired development patterns and uses; 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 Section **48-7, Definitions of Specific Words and Terms**, be amended as follows:

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Dormitory means a commercial facility used for monthly rental housing of unrelated residents in a communal non-transient living arrangement. The facility shall consist of separate sleeping, bathing and common living areas.

PART II. That **Section 48-407(c), Conditional Uses within the C-2 General Commercial District**, be amended as follows:

(34) Dormitory provided that the following additional requirements and conditions are met:

- a. A minimum lot area of 25,000 square feet and a minimum lot width of 100 feet shall be required.
- b. The minimum front yard, side yard and rear yard requirements shall be as set forth under subsection 48-407(d) for commercial development.
- c. Unless the fire marshal has approved an alternate life safety/fire evacuation plan, a 12-foot wide paved fire lane shall be provided to the rear or side of each establishment, separate from customer, pedestrian and vehicular traffic flow. The edge of the paved access nearer the structure shall be no closer than ten feet or farther than 30 feet from the sides of the structure.
The structure must meet section 503 1.1 of the North Carolina Fire Prevention Code which states "Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 ft. of all portions of the facility and all portions of the exterior walls of the first story of the building measured by an approved route around the exterior of the building.
- d. Screened dumpsters shall be provided in accordance with chapter 30 of this Code.
- e. A sidewalk or boardwalk constructed to provide a grade separation from vehicular traffic of at least six inches shall connect all buildings. Pedestrian passageways shall be striped when crossing traffic lanes.
- f. No portion of any building shall be farther than 250 feet or closer than 50 feet to a fire hydrant. Fire hydrants shall be protected from traffic in accordance with section 20-1 and shall be marked with stripes on the pavement within the protected area.
- g. If the structure is not considered sprinkler protected according to the applicable North Carolina Building and Fire Protection Codes, the fire flow of the hydrants serving or intended to serve the structure shall be tested at the developer's expense by the town fire department or by an independent testing firm. If the test is conducted by an independent testing firm, it shall be made under the direct supervision of the town fire chief or his designee. A fee, in accordance with the most recently adopted consolidated fee schedule, shall be paid by the developer. If the flow is found to be deficient according to the insurance service office standards applicable to the town, the developer shall bring the fire flow up to the established requirements set out in the insurance service office standards. The fire flow test shall be made during the period of peak water demand as determined from water consumption data maintained by the town water department. The structures shall meet the requirements of the North Carolina Building and Fire Prevention Codes and shall also be sprinkler protected in accordance with section 20-121 et seq. A fire flow test of the water supply for the sprinkler system serving or intended to serve the structures shall be conducted at the developer's expense by the town fire department or by an independent testing firm. If the test is conducted by an independent testing firm, it shall be made under the direct supervision of the town fire chief or his designee. A fee, in accordance with the most recently adopted consolidated fee schedule, shall be paid by the developer. If the flow is found to be deficient according to the insurance service office standards applicable to the town, the developer shall bring the fire flow up to the established requirements set out in the insurance service office standards. The fire flow test shall be made prior to the issuance of a building permit.
- h. Lighting in accordance with article IX of this chapter shall be installed in all parking and service areas. Minimum lighting requirements shall be determined by the commercial use component(s) of the proposed development.
- i. A buffer shall be maintained along property lines abutting any neighboring lots not a part of the commercial/residential mixed development in accordance with subsections 48-482(2) or (3), buffer yard B or C.

- j. The design of all buildings shall comply with requirements section 48-371, Commercial design standards.
- k. Sleeping rooms shall have a minimum floor area of 70 square feet for the first occupant and a minimum floor area of 50 square feet for each additional occupant.
- l. At least one restroom in the facility shall have a minimum of two water closets, two sinks and two showers. In all cases, reference the North Carolina Plumbing Code for required number of dormitory bathroom fixtures.
- m. A minimum floor area of 20 square feet per occupant is required for adequate common living areas (including kitchen and dining) but not less than 220 square feet per unit or floor. Circulation spaces less than 6 feet wide shall not be counted as common living areas.
- n. No dormitory facility shall house more than twenty-five (25) occupants.

(35) Dormitory, Multifamily, Mixed development, provided that the following additional requirements and conditions are met:

- a. A minimum lot area of 25,000 square feet and a minimum lot width of 100 feet shall be required.
- b. The minimum front yard, side yard and rear yard requirements shall be as set forth under subsection 48-407(d) for commercial development.
- c. Unless the fire marshall has approved an alternate life safety/fire evacuation plan, a 12-foot wide paved fire lane shall be provided to the rear or side of each establishment, separate from customer, pedestrian and vehicular traffic flow. The edge of the paved access nearer the structure shall be no closer than ten feet or farther than 30 feet from the sides of the structure.

The structure must meet section 503.1.1 of the North Carolina Fire Prevention Code which states "Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 ft. of all portions of the facility and all portions of the exterior walls of the first story of the building measured by an approved route around the exterior of the building.

- d. Screened dumpsters shall be provided in accordance with chapter 30 of this Code.
- e. A sidewalk or boardwalk constructed to provide a grade separation from vehicular traffic of at least six inches shall connect all buildings. Pedestrian passageways shall be striped when crossing traffic lanes.
- f. No portion of any building shall be farther than 250 feet or closer than 50 feet to a fire hydrant. Fire hydrants shall be protected from traffic in accordance with section 20-1 and shall be marked with stripes on the pavement within the protected area.

- g. If the structure is not considered sprinkler protected according to the applicable North Carolina Building and Fire Protection Codes, the fire flow of the hydrants serving or intended to serve the structure shall be tested at the developer's expense by the town fire department or by an independent testing firm. If the test is conducted by an independent testing firm, it shall be made under the direct supervision of the town fire chief or his designee. A fee, in accordance with the most recently adopted consolidated fee schedule, shall be paid by the developer. If the flow is found to be deficient according to the insurance service office standards applicable to the town, the developer shall bring the fire flow up to the established requirements set out in the insurance service office standards. The fire flow test shall be made during the period of peak water demand as determined from water consumption data maintained by the town water department. The structures shall meet the requirements of the North Carolina Building and Fire Prevention Codes and shall also be sprinkler protected in accordance with section 20-121 et seq. A fire flow test of the water supply for the sprinkler system serving or intended to serve the structures shall be conducted at the developer's expense by the town fire department or by an independent testing firm. If the test is conducted by an independent testing firm, it shall be made under the direct supervision of the town fire chief or his designee. A fee, in accordance with the most recently adopted consolidated fee schedule,

shall be paid by the developer. If the flow is found to be deficient according to the insurance service office standards applicable to the town, the developer shall bring the fire flow up to the established requirements set out in the insurance service office standards. The fire flow test shall be made prior to the issuance of a building permit.

- h. Lighting in accordance with article IX of this chapter shall be installed in all parking and service areas. Minimum lighting requirements shall be determined by the commercial use component(s) of the proposed development.
- i. A buffer shall be maintained along property lines abutting any neighboring lots not a part of the commercial/residential mixed development in accordance with subsections 48-482(2) or (3), buffer yard B or C.
- j. The design of all buildings shall comply with requirements section 48 371, Commercial design standards.
- k. Sleeping rooms shall have a minimum floor area of 70 square feet for the first occupant and a minimum floor area of 50 square feet for each additional occupant.
- l. At least one restroom in the facility shall have a minimum of two water closets, two sinks and two showers. In all cases, reference the North Carolina Plumbing Code for required number of dormitory bathroom fixtures.
- m. A minimum floor area of 20 square feet per occupant is required for adequate common living areas (including kitchen and dining) but not less than 220 square feet per unit or floor. Circulation spaces less than 6 feet wide shall not be counted as common living areas.
- n. No dormitory facility shall house more than twenty-five (25) occupants.

PART III. That **Section 48-401, (3)** Residential Prohibited and Permitted Uses Chart, be amended as follows:

TYPE OF USE	ZONING DISTRICTS							OVERLAY DISTRICTS				COMMENTS			
	R-1	R-2	R-3	CR	C-1	C-2	C-3	C-4	SPD -C	SPD -20	SED -80		CO	Hotel	O&S
Dormitories & Residence Halls	X	X	X	X	X	X	X	X	X	X	C	X	X	X	X

PART IV. That **Section 48-167, Required Parking by Use**, be amended as follows

(1) Residential and Related Uses	Required Parking
Dormitory	One parking space for each bedroom

PART V. 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 4th day of **October 2017**.


Robert C. Edwards, Mayor
Town of Nags Head

ATTEST:


Carolyn F. Morris, Town Clerk

APPROVED AS TO FORM:


John Leidy, Town Attorney



Date adopted: October 4, 2017

Motion to adopt by Commissioner _____
Motion seconded by Commissioner _____
Vote: _____ AYES _____ NAYS