



MEMORANDUM

Town of Nags Head

Planning & Development Department

To: Planning Board

From: Kelly Wyatt, Planning Director
Joseph Costello, Deputy Planning Director

Date: March 15, 2024

Subject: Consideration of text amendments to the UDO as it pertains to the long-term rental of existing hotel units.

Updated Staff Report for the Planning Board March 19th, 2024 Meeting

At their February 20th meeting the Planning Board expressed support for the proposed ordinance that would allow the conversion of hotel units into long-term rental units. After discussing the proposal with the planning staff and considering concerns raised by the applicant, the following key points were agreed upon and have been incorporated into the draft ordinance amendments:

- The Planning Board unanimously agreed, following a presentation by the Deputy Fire Chief, that the converted units must adhere to the current NC Fire Prevention Code requirements, including those related to smoke alarms.
- In light of the focus on workforce housing and recent proposed amendments for multi-family developments, the Planning Board and the applicant concurred that at least 50% of the units designated for long-term rental should be lease-restricted for workforce housing.
- It was determined that, barring any changes, the reversion of units back to transient occupancy could be approved administratively.

With the revisions made, staff would submit that this proposal is likely consistent with the Town's adopted Comprehensive Plan and would recommend adoption of the ordinance as presented.

Staff will be available for further discussion at the Planning Boards March 19th, 2024, meeting.

Previous Staff Report for the Planning Board February 20th, 2024 Meeting

At their December 19th, 2023, and January 16th, 2024 meeting the Planning Board heard and discussed a text amendment request submitted by Albemarle & Associates, Ltd. on behalf of Golasa Holdings, LLC to allow the conversion of existing hotel and motel units to long-term rental units.

Following these discussions, planning staff drafted ordinance language to regulate the conversion of existing hotel units into long-term rental units.

Staff has proposed that the conversion of existing hotel units, intended for transient occupancy, to long-term rental occupancy be subject to review through the Change of Use/Special Use Permit process. This type of conversion essentially transforms hotel use into multi-family use. Therefore, staff believes that this type of conversion warrants additional review and scrutiny, justifying the special use review.

As has been previously noted, when applying the proposed regulations for this use, only five locations would be eligible to take advantage of this ordinance if adopted. The hotels/motels below are located within the C-2, General Commercial zoning district and were constructed prior to November 10, 1972.

- Roadway Inn/Seahorse Inn at 7218 SVDT (zoned C-2, constructed in 1970)
- Owens Motor Court at 7122 SVDT (zoned C-2, constructed in 1960)
- Tarheel at 7010 SVDT (zoned C-2, constructed in 1950)
- First Colony at 6715 SCH (zoned C-2, constructed in 1932)
- Nags Head Beach Inn at 303 Admiral (zoned C-2, constructed in 1960)

Staff did send an email to these businesses to inquire about their average room size and, should this ordinance be adopted, if they would be interested in taking advantage of this option. Tarheel Motel responded and stated their rooms are approximately 264 square feet in area, including the bathroom and that they would be interested in long-term rentals, specifically for traveling nurses and other professionals for shoulder and winter months. First Colony Inn stated that they would not have any interest in offering their units for long-term rentals. We have not yet heard back from Seahorse Inn and Nags Head Beach Inn.

The draft ordinance contains a condition that “all” units within the development must be converted to long-term rental occupancy, that the development could not have both short- and long-term occupancies within the same development. While the applicant has stated this is their preference, this language would preclude Tarheel Motel from utilizing the ordinance as written, as their response indicates that they would prefer combined short- and long-term occupancy options, and only for the off-season.

Definitions of “*Long Term Tenancy/Occupancy*” and “*Workforce Housing*” have been proposed as staff is recommending a condition that all long-term rental units under this use category be subject to a lease restriction requiring that the unit be used exclusively for workforce housing. As part of the Planning Board’s recent effort to craft draft ordinance language for multi-family dwelling developments within the town, and consistent with the Board of Commissioners comments during their August 2, 2023 Joint Workshop, it was the consensus of both boards that any new multi-family dwelling developments within the town should be for the purpose of providing workforce housing, and not for the purpose of adding additional vacation rentals/short term rentals. Based upon this, staff believes the restriction that these units be for workforce housing only is warranted.

Staff met with the applicant on February 2nd to discuss the proposed text amendments. Regarding staff’s recommendation that each unit meet a minimum area, the applicant indicated that adhering to the minimum requirements of the North Carolina Building Code with regard to interior space dimensions for efficiency dwelling units would be achievable by his client. As such, staff has provided this language as a condition of the Change of Use/Special Use Permit approval.

Staff would like to bring attention to the proposed condition in Section 7.12.3.7 of the draft ordinance. At a minimum, every unit shall be supplied with a minimum of one approved and listed smoke alarm. It is important to note that while a new hotel or multi-family development would be required to install a sprinkler system, the conversion of an existing non-sprinklered hotel/motel to a multi-family development would not necessitate the installation of a sprinkler system. Therefore, staff recommends that the Planning Board discuss whether it would be beneficial to require the installation of a commercial fire alarm system as part of the Change of Use/Special Use Permit approval, in the interest of public health, safety, and welfare.

Required parking for this new use category is proposed at two parking spaces per long-term rental unit. Additionally, as previously discussed, language has been included to require that units shall not have individual utility meters and the use shall be operated under a single-unified management operation. These provisions have been included with the intent of discouraging the circumvention of the subdivision ordinance and creating condominium ownership of the individual dwelling units.

In previous meetings, both the Planning Board and staff have expressed concern about the amount of space available for the storage of long-term tenants’ belongings. To address this concern, a

condition has been proposed that would require all storage to be located indoors or in an approved location that is not visible from public rights-of-way or neighboring properties.

Lastly, regarding the draft ordinance, staff has proposed language that would allow a hotel operator to transition back to the prior transient hotel use via the same Change of Use/Special Use Permit process, provided that no alternations had been made to the site or to the structure and units themselves that would result in an increase in the degree of nonconformity.

Staff reports from the December 2023 and January 2024 meeting where this item was discussed have been provided in a separate attachment.

STAFF RECOMMENDATION

Based upon concerns noted in previous iterations of this staff report and the analysis above, the staff does have some concerns with the proposed new use category. Most notably, the Town currently does not allow Multi-Family Dwelling as a use within any zoning designation and the proposed conversion of hotel units from transient occupancy to long-term occupancy, is essentially changing the hotel use to a multi-family use. Other concerns relate to those noted in previous discussions of single-room occupancies (SRO's), the ability gain access into these units for periodic fire inspections based on the schedule in the NC Fire Prevention Code, given their age, these structures pre-date most of the modern fire and building code requirements, the ability to realistically enforce the 90-day long term occupancy requirements and workforce housing requirements, and the potential for parking, noise and behavior concerns.

Planning staff will be available at the Planning Board's February 20th meeting for further discussion as needed.

(DRAFT)
**AN ORDINANCE AMENDING THE TOWN CODE AND UNIFIED DEVELOPMENT
ORDINANCE OF THE TOWN OF NAGS HEAD, NORTH CAROLINA AS IT PERTAINS TO THE
CONVERSION OF EXISTING HOTEL UNITS TO LONG TERM RENTAL UNITS.**

ARTICLE I. Purpose(s) and Authority.

WHEREAS, pursuant to N.C.G.S. § 160D-701, 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. 160D-702, 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. § 160D-103, which allows the Town to combine certain land development ordinances into a unified ordinance;

WHEREAS, Section 2.4.4.3 of the Unified Development Ordinance provides that the powers and duties of the Planning Board include developing and recommending policies, ordinances, development regulations, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner;

WHEREAS, Section 3.5.1. of the Town Code makes clear that a zoning ordinance text amendment may be initiated by motion of the Board of Commissioners, by motion of the Planning Board, or by application by any person within the zoning jurisdiction of the Town;

WHEREAS, a text amendment application has been submitted requesting consideration be given to allowing the conversion of existing hotel units to long-term rental units.

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.

PART I. That **Appendix A – Definitions**, be amended to add the following terms:

Long-term Occupancy/Tenancy means the occupancy of a single-family dwelling/dwelling unit by an owner, tenant, or other lawful occupant for a period of ninety (90) consecutive calendar days or more.

Principal Place of Residence means the home or place in which one’s habitation is fixed, and to which one has present intention of returning after a departure or absence therefrom.

Qualified Person means a person working/employed in Dare County, NC. A qualified person includes but is not limited to any person who has an internship with an employer if the employer’s place of business is physically located in Dare County, NC, or a person who works remotely for an employer if the person’s

principal place of residence and the employer's place of business are both physically located in Dare County, NC.

Workforce Housing or workforce housing unit means the following:

- a. A dwelling unit which is occupied by at least one qualified person under a long- term occupancy/tenancy, and
- b. A dwelling unit which is the principal place of residence for at least one qualified person.

PART II. That **Section 7.12, Supplemental Regulations, Hotels** be amended as follows:

7.12.3. Long-Term Rental of Hotel Units

A hotel operator may choose to seek a Change of Use/Special Use Permit for the conversion of existing hotel units into long term rental units when the following criteria have been met:

7.12.3.1 The hotel or motel was constructed prior to November 10, 1972, and is located within the C-2, General Commercial Zoning District.

7.12.3.2 All the units within the hotel development must be converted to long-term rental occupancy. Occupancy within the structure shall not be split among short- and long-term occupancies.

7.12.3.3 For the purpose of this Section, long term lease/rental shall mean occupancy for a period of 90 consecutive days or more.

7.12.3.4 A minimum of 50% of all of the long-term rental units within the development shall be subject to a lease restriction requiring that the unit be used exclusively for workforce housing. This restriction shall be included in all lease/rental agreements.

7.12.3.5 Consistent with the NC Building Code, Interior Space Dimensions, each unit shall conform to the following requirements:

7.12.3.5.1 The unit shall have a living room of not less than 220 square feet of floor area. An additional 100 square feet of floor area shall be provided for each occupant of such unit, in excess of two.

7.12.3.5.2 The unit shall be provided with a separate closet.

7.12.3.5.3 The unit shall be provided with a kitchen sink, cooking appliances and refrigeration facilities, each having a clear working space of not less than 30 inches in front. Portable electric

cooking equipment shall not fulfill the requirement for cooking appliances. In addition, portable cooking equipment employing flame shall be prohibited from the kitchen area.

7.12.3.5.4 The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.

7.12.3.6 Every unit shall be supplied with facilities providing heat. Portable kerosene heaters are not acceptable as a permanent source of heat.

7.12.3.7 As part of the Special Use Permit approval process for the conversion of transient hotel units into long-term rental units, all current North Carolina Fire Prevention Codes must be met.

7.12.3.8 The minimum parking requirements as noted in Section 10, Part II, Off-Street Parking and Loading Requirements shall be met.

7.12.3.9 Utility meters of any type for individual units are prohibited.

7.12.3.10 The long-term rental of hotel units must operate under a single, unified rental management operation.

7.12.3.11 All goods, materials, and equipment must be stored indoors, or in an approved location, in a manner that is not visible from public rights-of-way or neighboring properties.

7.12.3.12 If after having received approval for the conversion of transient hotel units to long-term rental units, the operator wants to transition the long-term rental units back to transient hotel units, this may be done through the Change of Use process. If no changes or alterations have been made to the structure and/or the site that would increase the degree of nonconformity with zoning regulations, this Change of Use shall be reviewed and approved administratively.

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 ____ day of ____ 2024.

Benjamin Cahoon, Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney

Date adopted: _____

Motion to adopt by Commissioner _____

Motion seconded by Commissioner _____

Vote: _____ AYES _____ NAYS

That **Section 6.6, Table of Permitted Uses and Activities** be amended as follows:

	Use Category/Class	Use Type	Residential Districts			Commercial Districts						Special Districts				Overlay Districts			Supp Regulation
			R-1	R-2	R-3	CR	C-1*	C-2	C-3	C-4	C-5	SPD-20	SED-80	SPD-C*	O&S	CO	HO	SRO	
1.1	Residential-Group	Family Foster Home	P	P	P	P	P	P			P	P	P	P					
1.1	Residential-Group	Long-Term Rental Hotel Units																	Section 7.12.3
1.1	Residential - Group	Hotel																	Section 7.12

That **Section 10.16, Table 10-2, Required Parking by Use** be amended as follows:

Use Category/Class	Use Type	Required Parking
Residential – Group	Long-Term Rental Hotel Units	Two parking spaces per unit
Residential – Group	Hotels	One parking space for each hotel unit without kitchen facilities; 1.2 parking spaces for each unit with kitchen facilities; plus, one parking space for every 100 square feet of conference or assembly area. For other accessory uses such as restaurants or retail, parking requirements shall be calculated at 75% of the standard for each permitted accessory use.

dle (11 lux). *Stairways* in other occupancies shall be governed by Chapter 10.

1205.4.1 Controls. The control for activation of the required *stairway* lighting shall be in accordance with NFPA 70.

1205.5 Emergency egress lighting. The *means of egress* shall be illuminated in accordance with Section 1008.1.

SECTION 1206 YARDS OR COURTS

1206.1 General. This section shall apply to *yards* and *courts* adjacent to exterior openings that provide natural light or ventilation. Such *yards* and *courts* shall be on the same *lot* as the building.

1206.2 Yards. *Yards* shall be not less than 3 feet (914 mm) in width for buildings two *stories* or less above *grade plane*. For buildings more than two *stories above grade plane*, the minimum width of the *yard* shall be increased at the rate of 1 foot (305 mm) for each additional *story*. For buildings exceeding 14 *stories above grade plane*, the required width of the *yard* shall be computed on the basis of 14 *stories above grade plane*.

1206.3 Courts. *Courts* shall be not less than 3 feet (914 mm) in width. *Courts* having windows opening on opposite sides shall be not less than 6 feet (1829 mm) in width. *Courts* shall be not less than 10 feet (3048 mm) in length unless bounded on one end by a *public way* or *yard*. For buildings more than two *stories above grade plane*, the *court* shall be increased 1 foot (305 mm) in width and 2 feet (610 mm) in length for each additional *story*. For buildings exceeding 14 *stories above grade plane*, the required dimensions shall be computed on the basis of 14 *stories above grade plane*.

1206.3.1 Court access. Access shall be provided to the bottom of *courts* for cleaning purposes.

1206.3.2 Air intake. *Courts* more than two *stories* in height shall be provided with a horizontal air intake at the bottom not less than 10 square feet (0.93 m²) in area and leading to the exterior of the building unless abutting a *yard* or *public way*.

1206.3.3 Court drainage. The bottom of every *court* shall be properly graded and drained to a public sewer or other approved disposal system complying with the *International Plumbing Code*.

SECTION 1207 SOUND TRANSMISSION

1207.1 Scope. This section shall apply to common interior walls, partitions and floor/ceiling assemblies between adjacent *dwelling units* and *sleeping units* or between *dwelling units* and *sleeping units* and adjacent public areas such as halls, *corridors*, *stairways* or *service areas*.

1207.2 Air-borne sound. Walls, partitions and floor/ceiling assemblies separating *dwelling units* and *sleeping units* from

each other or from public or service areas shall have a sound transmission class of not less than 50, or not less than 45 if field tested, for air-borne noise when tested in accordance with ASTM E90. Penetrations or openings in construction assemblies for piping; electrical devices; recessed cabinets; bathtubs; soffits; or heating, ventilating or exhaust ducts shall be sealed, lined, insulated or otherwise treated to maintain the required ratings. This requirement shall not apply to entrance doors; however, such doors shall be tight fitting to the frame and sill.

1207.2.1 Masonry. The sound transmission class of concrete masonry and clay masonry assemblies shall be calculated in accordance with TMS 0302 or determined through testing in accordance with ASTM E90.

1207.3 Structure-borne sound. Floor/ceiling assemblies between *dwelling units* and *sleeping units* or between a *dwelling unit* or *sleeping unit* and a public or service area within the structure shall have an impact insulation class rating of not less than 50, or not less than 45 if field tested, when tested in accordance with ASTM E492.

SECTION 1208 INTERIOR SPACE DIMENSIONS

1208.1 Minimum room widths. *Habitable spaces*, other than a kitchen, shall be not less than 7 feet (2134 mm) in any plan dimension. Kitchens shall have a clear passageway of not less than 3 feet (914 mm) between counter fronts and appliances or counter fronts and walls.

1208.2 Minimum ceiling heights. Occupiable spaces, *habitable spaces* and *corridors* shall have a ceiling height of not less than 7 feet 6 inches (2286 mm). Bathrooms, toilet rooms, kitchens, storage rooms and laundry rooms shall have a ceiling height of not less than 7 feet (2134 mm).

Exceptions:

1. In one- and two-family *dwelling*s, beams or girders spaced not less than 4 feet (1219 mm) on center shall be permitted to project not more than 6 inches (152 mm) below the required ceiling height.
2. If any room in a building has a sloped ceiling, the prescribed ceiling height for the room is required in one-half the area thereof. Any portion of the room measuring less than 5 feet (1524 mm) from the finished floor to the ceiling shall not be included in any computation of the minimum area thereof.
3. The height of *mezzanines* and spaces below *mezzanines* shall be in accordance with Section 505.1.
4. Corridors contained within a *dwelling unit* or *sleeping unit* in a Group R occupancy shall have a ceiling height of not less than 7 feet (2134 mm).
5. Ceiling mounted electrical fixtures shall be a minimum of 80 inches (2032 mm) above the finished floor unless mounted over a barrier that prevents occupants from traveling under the fixture.

1208.2.1 Furred ceiling. Any room with a furred ceiling shall be required to have the minimum ceiling height in two-thirds of the area thereof, but in no case shall the height of the furred ceiling be less than 7 feet (2134 mm).

1208.3 Room area. Every dwelling unit shall have no fewer than one room that shall have not less than 120 square feet (11.2 m²) of net floor area. Other habitable rooms shall have a net floor area of not less than 70 square feet (6.5 m²).

Exception: Kitchens are not required to be of a minimum floor area.

1208.4 Efficiency dwelling units. An efficiency living unit shall conform to the requirements of the code except as modified herein:

1. The unit shall have a living room of not less than 220 square feet (20.4 m²) of floor area. An additional 100 square feet (9.3 m²) of floor area shall be provided for each occupant of such unit in excess of two.
2. The unit shall be provided with a separate closet.
3. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.
4. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.

SECTION 1209 ACCESS TO UNOCCUPIED SPACES

1209.1 Crawl spaces. Crawl spaces shall be provided with not fewer than one access opening that shall be not less than 18 inches by 24 inches (457 mm by 610 mm).

1209.2 Attic spaces. An opening not less than 20 inches by 30 inches (559 mm by 762 mm) shall be provided to any attic area having a clear height of over 30 inches (762 mm). Clear headroom of not less than 30 inches (762 mm) shall be provided in the attic space at or above the access opening.

1209.3 Mechanical appliances. Access to mechanical appliances installed in under-floor areas, in attic spaces and on roofs or elevated structures shall be in accordance with the *International Mechanical Code*.

SECTION 1210 TOILET AND BATHROOM REQUIREMENTS

[P] 1210.1 Required fixtures. The number and type of plumbing fixtures provided in any occupancy shall comply with Chapter 29.

1210.2 Finish materials. Walls, floors and partitions in toilet and bathrooms shall comply with Sections 1210.2.1 through 1210.2.4.

1210.2.1 Floors and wall bases. In other than dwelling units, toilet, bathing and shower room floor finish materials shall have a smooth, hard, nonabsorbent surface. The

intersections of such floors with walls shall have a smooth, hard, nonabsorbent vertical base that extends upward onto the walls not less than 3 inches (76 mm).

1210.2.2 Walls and partitions. Walls and partitions within 2 feet (610 mm) of service sinks, urinals and water closets shall have a smooth, hard, nonabsorbent surface, to a height of not less than 4 feet (1219 mm) above the floor, and except for structural elements, the materials used in such walls shall be of a type that is not adversely affected by moisture.

Exception: This section does not apply to the following buildings and spaces:

1. Dwelling units and sleeping units.
2. Toilet rooms that are not accessible to the public and that have not more than one water closet.

Accessories such as grab bars, towel bars, paper dispensers and soap dishes, provided on or within walls, shall be installed and sealed to protect structural elements from moisture.

1210.2.3 Showers. Shower compartments and walls above bathtubs with installed shower heads shall be finished with a smooth, nonabsorbent surface to a height not less than 72 inches (1829 mm) above the drain inlet.

1210.2.4 Waterproof joints. Built-in tubs with showers shall have waterproof joints between the tub and adjacent wall.

[P] 1210.3 Privacy. Privacy at water closets and urinals shall be provided in accordance with Sections 1210.3.1 and 1210.3.2.

[P] 1210.3.1 Water closet compartment. Each water closet utilized by the public or employees shall occupy a separate compartment with walls or partitions and a door enclosing the fixtures to ensure privacy.

Exceptions:

1. Water closet compartments shall not be required in a single-occupant toilet room with a lockable door.
2. In toilet rooms in child care facilities in areas used exclusively by children five years of age and under, the following are permitted:
 - 2.1. Toilet stall enclosures, toilet stall doors and partitions between toilets may be omitted.
 - 2.2. Doors into toilet rooms may be omitted.
 - 2.3. Walls enclosing toilet rooms may be full height with vision panels, or may be partial height at least 42 inches (1067 mm) high in areas for children four and five years of age and 36 inches (914 mm) high in areas for children under four years of age.
3. This provision is not applicable to toilet areas located within Group I-3 occupancy housing areas.

1107.5.3.1 Accessible units. At least 10 percent, but not less than one, of the *dwelling units* and *sleeping units* shall be *Accessible units*.

Exception: Entry doors to *Accessible dwelling units* or *sleeping units* shall not be required to provide the maneuvering clearance beyond the latch side of the door.

1107.5.3.2 Type B units. In structures with four or more *dwelling units* or *sleeping units intended to be occupied as a residence*, every *dwelling unit* and *sleeping unit intended to be occupied as a residence* shall be a *Type B unit*.

Exception: The number of *Type B units* is permitted to be reduced in accordance with Section 1107.7.

1107.5.4 Group I-2 rehabilitation facilities. In hospitals and rehabilitation facilities of Group I-2 occupancies that specialize in treating conditions that affect mobility, or units within either that specialize in treating conditions that affect mobility, 100 percent of the *dwelling units* and *sleeping units* shall be *Accessible units*.

1107.5.5 Group I-3. *Accessible units* shall be provided in Group I-3 occupancies in accordance with Sections 1107.5.5.1 through 1107.5.5.3.

1107.5.5.1 Group I-3 sleeping units. In Group I-3 occupancies, at least 3 percent of the total number of *sleeping units* in the facility, but not less than one unit in each classification level, shall be *Accessible units*.

1107.5.5.2 Special holding cells and special housing cells or rooms. In addition to the *Accessible units* required by Section 1107.5.5.1, where special holding cells or special housing cells or rooms are provided, at least one serving each purpose shall be an *Accessible unit*. Cells or rooms subject to this requirement include, but are not limited to, those used for purposes of orientation, protective custody, administrative or disci-

plinary detention or segregation, detoxification and medical isolation.

Exception: Cells or rooms specially designed without protrusions and that are used solely for purposes of suicide prevention shall not be required to include grab bars.

1107.5.5.3 Medical care facilities. Patient *sleeping units* or cells required to be *Accessible units* in medical care facilities shall be provided in addition to any medical isolation cells required to comply with Section 1107.5.5.2.

1107.6 Group R. *Accessible units*, *Type A units* and *Type B units* shall be provided in Group R occupancies in accordance with Sections 1107.6.1 through 1107.6.4.

1107.6.1 Group R-1. *Accessible units* and *Type B units* shall be provided in Group R-1 occupancies in accordance with Sections 1107.6.1.1 and 1107.6.1.2.

1107.6.1.1 Accessible units. *Accessible dwelling units* and *sleeping units* shall be provided in accordance with Table 1107.6.1.1. Where buildings contain more than 50 *dwelling units* or *sleeping units*, the number of *Accessible units* shall be determined per building. Where buildings contain 50 or fewer *dwelling units* or *sleeping units*, all *dwelling units* and *sleeping units* on a *site* shall be considered to determine the total number of *Accessible units*. *Accessible units* shall be dispersed among the various classes of units.

1107.6.1.2 Type B units. In structures with four or more *dwelling units* or *sleeping units intended to be occupied as a residence*, every *dwelling unit* and *sleeping unit intended to be occupied as a residence* shall be a *Type B unit*.

Exception: The number of *Type B units* is permitted to be reduced in accordance with Section 1107.7.

TABLE 1107.6.1.1
ACCESSIBLE DWELLING UNITS AND SLEEPING UNITS

TOTAL NUMBER OF UNITS PROVIDED	MINIMUM REQUIRED NUMBER OF ACCESSIBLE UNITS WITHOUT ROLL-IN SHOWERS	MINIMUM REQUIRED NUMBER OF ACCESSIBLE UNITS WITH ROLL-IN SHOWERS	TOTAL NUMBER OF REQUIRED ACCESSIBLE UNITS
1 to 25	1	0	1
26 to 50	2	0	2
51 to 75	3	1	4
76 to 100	4	1	5
101 to 150	5	2	7
151 to 200	6	2	8
201 to 300	7	3	10
301 to 400	8	4	12
401 to 500	9	4	13
501 to 1,000	2% of total	1% of total	3% of total
Over 1,000	20, plus 1 for each 100, or fraction thereof, over 1,000	10 plus 1 for each 100, or fraction thereof, over 1,000	30 plus 2 for each 100, or fraction thereof, over 1,000

1107.6.2 Group R-2. *Accessible units, Type A units and Type B units* shall be provided in Group R-2 occupancies in accordance with Sections 1107.6.2.1 through 1107.6.2.3.

1107.6.2.1 Live/work units. In *live/work units* constructed in accordance with Section 419, the nonresidential portion is required to be *accessible*. In a structure where there are four or more *live/work units intended to be occupied as a residence*, the residential portion of the *live/work unit* shall be a *Type B unit*.

Exception: The number of *Type B units* is permitted to be reduced in accordance with Section 1107.7.

1107.6.2.2 Apartment houses, monasteries and convents. *Type A units and Type B units* shall be provided in apartment houses, monasteries and convents in accordance with Sections 1107.6.2.2.1 and 1107.6.2.2.2.

1107.6.2.2.1 Type A units. In Group R-2 occupancies containing more than 15 *dwelling units* or *sleeping units*, at least 5 percent but not less than one of the units shall be a *Type A unit*. All Group R-2 units on a *site* shall be considered to determine the total number of units and the required number of *Type A units*. *Type A units* shall be dispersed among the various classes of units. Bedrooms in monasteries and convents shall be counted as *sleeping units* for the purpose of determining the number of units. Where the *sleeping units* are grouped into suites, only one *sleeping unit* in each suite shall count towards the number of required *Type A units*.

Exceptions:

1. The number of *Type A units* is permitted to be reduced in accordance with Section 1107.7.
2. *Existing structures* on a *site* shall not contribute to the total number of units on a *site*.

1107.6.2.2.2 Type B units. Where there are four or more *dwelling units* or *sleeping units intended to be occupied as a residence* in a single structure, every *dwelling unit* and *sleeping unit intended to be occupied as a residence* shall be a *Type B unit*.

Exception: The number of *Type B units* is permitted to be reduced in accordance with Section 1107.7.

1107.6.2.3 Group R-2 other than live/work units, apartment houses, monasteries and convents. In Group R-2 occupancies, other than *live/work units*, apartment houses, monasteries and convents falling within the scope of Sections 1107.6.2.1 and 1107.6.2.2, *Accessible units* and *Type B units* shall be provided in accordance with Sections 1107.6.2.3.1 and 1107.6.2.3.2. Bedrooms within congregate living facilities shall be counted as *sleeping units* for the purpose of

determining the number of units. Where the *sleeping units* are grouped into suites, only one *sleeping unit* in each suite shall be permitted to count towards the number of required *Accessible units*.

1107.6.2.3.1 Accessible units. *Accessible dwelling units* and *sleeping units* shall be provided in accordance with Table 1107.6.1.1.

Exception: Condominiums.

1107.6.2.3.2 Type B units. Where there are four or more *dwelling units* or *sleeping units intended to be occupied as a residence* in a single structure, every *dwelling unit* and every *sleeping unit intended to be occupied as a residence* shall be a *Type B unit*.

Exception: The number of *Type B units* is permitted to be reduced in accordance with Section 1107.7.

1107.6.3 Group R-3. In Group R-3 occupancies where there are four or more *dwelling units* or *sleeping units intended to be occupied as a residence* in a single structure, every *dwelling unit* and *sleeping unit intended to be occupied as a residence* shall be a *Type B unit*. Bedrooms within congregate living facilities shall be counted as *sleeping units* for the purpose of determining the number of units.

Exception: The number of *Type B units* is permitted to be reduced in accordance with Section 1107.7.

1107.6.4 Group R-4. *Accessible units* and *Type B units* shall be provided in Group R-4 occupancies in accordance with Sections 1107.6.4.1 and 1107.6.4.2. Bedrooms in Group R-4 facilities shall be counted as *sleeping units* for the purpose of determining the number of units.

1107.6.4.1 Accessible units. In Group R-4 Condition 1, at least one of the *sleeping units* shall be an *Accessible unit*. In Group R-4 Condition 2, at least two of the *sleeping units* shall be an *Accessible unit*.

1107.6.4.2 Type B units. In structures with four or more *sleeping units intended to be occupied as a residence*, every *sleeping unit intended to be occupied as a residence* shall be a *Type B unit*.

Exception: The number of *Type B units* is permitted to be reduced in accordance with Section 1107.7.

1107.7 General exceptions. Where specifically permitted by Section 1107.5 or 1107.6, the required number of *Type A units* and *Type B units* is permitted to be reduced in accordance with Sections 1107.7.1 through 1107.7.5.

1107.7.1 Structures without elevator service. Where no elevator service is provided in a structure, only the *dwelling units* and *sleeping units* that are located on stories indicated in Sections 1107.7.1.1 and 1107.7.1.2 are required to be *Type A units* and *Type B units*, respectively. The number of *Type A units* shall be determined in accordance with Section 1107.6.2.2.1.