

P11-25
Town of Spring Lake Zoning Code Text Amendment
Off-Street Parking and Loading

(Identical text to original amendment adopted on July 25, 2011; re-written with new section numbers to coincide with the Spring Lake Zoning Code, Chapter 42 of the Town Code of Ordinances, adopted on November 14, 2011)

REVISION AND AMENDMENT TO THE TOWN OF SPRING LAKE CODE OF ORDINANCES, CHAPTER 42 ZONING, AMENDING ARTICLE I, IN GENERAL, SECTION 42-8. DEFINITIONS; AND ARTICLE X. OFF-STREET PARKING AND LOADING, CONTAINING SECTION 42-260. PROVISIONS FOR OFF-STREET PARKING AND LOADING; SECTION 42-261. OFF-STREET PARKING REQUIREMENTS; AND SECTION 42-262. OFF-STREET LOADING; AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE. (SPRING LAKE)

AMEND Article 1. In General, Sec. 42-8. Definitions by inserting the following terms and definitions in alphabetical order:

Article 1. In General

Sec. 42-8. Definitions

Access means a way of approaching or entering a property. Access also includes ingress, the right to enter and egress, and the right to leave.

Alley means a public or private right-of-way primarily designed to serve as ~~which affords only a secondary means of~~ access to the side or rear of those properties whose principal frontage is on a street ~~abutting property~~ and is not intended for general traffic ~~circulation~~.

Certificate of occupancy means the official certification that a premise conforms to the provisions of this chapter (and N.C. Building Code) and may be used or occupied. Such a certificate is granted for new construction or for alterations or additions to existing structures or a change in use upon completion of the building or site final inspection. Unless such a certificate is issued, a structure cannot be occupied or a new use commenced, but a certificate may be issued for a portion of a structure ready for occupancy, such as separate dwelling or commercial units in a structure with multiple units.

Change of use means changing the original purpose of a building to a different use or changing the lot configuration due to changed requirements (e.g., adding display or storage areas).

Code enforcement officer means the individual assigned this position and title within the town's job position classifications that is charged with the day-to-day interpretation and enforcement of this chapter.

Driveway means a private access way, the use of which is limited to persons residing, employed or otherwise using or visiting the parcel in which it is located.

Easement means a right given or reserved by the owner of land for specific limited use of that land.

~~Gross Floor area, gross means the total area of number of square feet within a building measured by taking the outside dimensions of the building at each floor level devoted to a particular use, including the space occupied by such supporting facilities as storage areas, work areas, toilets, mechanical equipment and the like.~~

Floor area, net means the horizontal area of each floor of a building or structure; excluding those areas not directly devoted to the principal, incidental, or accessory use, such as: storage areas, stairwells, elevators, closets, restrooms, maintenance rooms, hallways, and similar areas.

Lateral access means the provision of ingress and egress between adjoining or abutting current or future non-residential uses to facilitate the circulation of vehicular traffic between those uses and designed to relieve traffic congestion, provide protection from through traffic, and limit individual driveway access along public rights-of-way.

Loading space or berth, off-street means an area logically and conveniently located for bulk pickups and deliveries, and accessible to such vehicles. Required off-street loading space is not to be included as off-street parking space in computing required off-street parking space.

Motor vehicle means a machine designed or intended to travel over land or water by self-propulsion or while attached to a self-propelled vehicle, except that said definition shall not include a "manufactured home" or "mobile home" as defined in county health department regulations, the town subdivision regulations, and this chapter.

Motor vehicle parking lot/area means an area of land or plot of land used for, or designated for, the short-term parking of serviceable motor vehicles, either as a principal use or as an accessory use.

Motor vehicle parking lot, commercial means a tract of land which is used for the storage of legally licensed, insured and registered motor vehicles, not accessory to any other use on the same or any other lot, and which contains parking spaces

rented to the general public or reserved for individuals by the hour, day, week, or month.

Motor vehicle parking space means an area of land of not less than 20 feet in length and nine feet in width for each space, plus the necessary access space.

Motor vehicle parking, off-street means a parking space located outside of a street right-of-way.

Public way means any street, alley or similar parcel of land, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

Right-of-way means an area owned and maintained by the town, the state of North Carolina, a public utility, a railroad or a private entity for the placement of such utilities and/or facilities for the passage of vehicles or pedestrians, including roads, pedestrian walkways, utilities or railroads.

Street means a ~~dedicated and accepted~~ public or private right-of-way ~~for vehicular traffic~~ which affords the principal means of access to abutting properties ~~property~~, including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare, except an alley.

Street, private means any road, street, or alley which is not publicly owned and maintained and is used for access by the occupants of the development, their guests, and the general public. This definition does not include neighborhood public roads, cart paths and ingress/egress easements.

Street, public means a dedicated, and accepted for maintenance purposes, public right-of-way for vehicular traffic that affords the principal means of access to abutting properties.

Vehicular surface area means an area primarily used for the parking of private passenger vehicles. "Vehicular surface area" includes the means of ingress and egress to the area where motor vehicles are parked. "Vehicular surface area" includes any median, traffic island, or other traffic control device or structure contained wholly within the designated parking area. "Vehicular surface area" does not include covered vehicle parking areas or multi-level vehicle parking areas.

AMEND Article, X. Off-street parking and loading, Sec. 42-260. Provisions for off-street parking and loading, Sec. 42-261. Off-street parking requirements, and Sec. 42-262. Off-street loading as indicated below:

Article X. Off-street parking and loading

Sec. 42-260. General provisions for off-street parking and loading.

All uses of land, ~~and~~ buildings, or structures shall ~~be~~ provided ~~for~~ ~~with~~ adequate off-street parking and loading spaces to meet at least the minimum standards in accordance with the provisions of this subchapter.

~~(a 1)~~ *Plan approval.* Each application for a zoning permit, conditional use permit, special use permit, or site plan approval ~~or certificate of occupancy~~ shall include information as to the location and dimensions of off-street parking and loading spaces and the means of ingress and egress to such space. This information shall be in sufficient detail to enable the code enforcement officer ~~zoning inspector~~ to determine whether or not the requirements of this article are met.

~~(b 2)~~ *Certificate of occupancy.* The certificate of occupancy for the uses of any building, structure or land where off-street parking spaces or loading spaces are ~~is~~ required shall be withheld by the code enforcement officer ~~zoning inspector~~ until the provisions of this ~~part [article]~~ are fully complied with ~~met~~. If at any time such compliance ceases, any certificate of occupancy previously ~~which shall have been~~ issued for the use of the property shall immediately become void, ~~valid~~ and further use of the premises shall cease until the property is brought into compliance with requirements of this subchapter [article] are met.

~~(3) Combination.~~ ~~The required parking space for any number of separate uses may be combined in one lot but the required space assigned to one use may not be assigned to another use, except that half of the parking space required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night and on Sundays.~~

[Editor's note: The existing sub-section "(3)" (above) has been relocated to Sec. 42-261(h) within this amendment.]

~~(c 4)~~ *Permanency.* The off-street parking and loading spaces required by this article shall be permanent spaces and shall not be used for any other purposes unless other spaces are ~~is~~ provided which will fully meet the requirements of this article.

~~(5) Remote parking space.~~ ~~Except for residential uses, if the off-street parking space required by this chapter cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within~~

~~400 feet of the main pedestrian entrance to such principal use, provided such land is in the same ownership, by deed or long term lease. In such cases, the applicant for a permit for the principal use shall submit with his application an instrument duly executed and acknowledged which subjects such land to parking use in connection with the principal use. Remote parking spaces in the Central Area Business District shall observe the front yard setback required in Sec. 42-192.~~

[Editor's note: The existing sub-section "(5)" (above) has been relocated to Sec. 42-261(i) within this amendment.]

~~(6) Existing parking facilities. Accessory off-street parking facilities in existence on the effective date of [the ordinance from which] this chapter [is derived] and located on the same lot as the use served shall not hereafter be reduced below the minimum requirements of this article.~~

[Editor's note: The existing sub-section "(6)" (above) has been relocated to Sec. 42-261(j) within this amendment.]

(d 7) Permissive parking and loading facilities. Off-street parking or loading facilities, which serve any existing non-residential use of land or buildings, are permitted in any commercial or industrial district provided that all regulations herein governing the location, design, and operation of such facilities are adhered to and provided further that whenever a parking facility serving a non-residential use abuts a residential district, a vegetative buffer at least six feet in height shall be established between the parking facility and the residential district.

(e 8) Increased intensity of existing use. When the intensity of use of any building or premises shall be increased through addition of dwelling units, gross floor area, seating capacity, or other units specified herein for the computation of required parking and loading facilities, parking and loading facilities shall be provided for such increase in intensity of use.

(f 9) Change of existing use. Whenever the existing use of a structure shall hereafter be changed to a new use, parking and loading facilities shall be provided as required for such new use. However, if the structure was erected prior to the effective date of ~~[the ordinance from which] this chapter [is derived]~~, additional parking or loading facilities are mandatory only in the amount by which the requirements for the new use shall exceed those for the existing use.

(g) Maintenance of off-street parking, loading spaces/berths and vehicular surface areas. The property owner shall be fully responsible for the routine maintenance of off-street parking, loading spaces and vehicular surface areas, to include driveways. Proper routine maintenance shall ensure that the original driveway width and profile are retained, operational speed and safety is not reduced by rough or unkempt surfaces, and no damage or deterioration to the public roadway pavement is incurred as a result of driveway conditions, including drainage provisions. The level of maintenance shall also be adequate to ensure that deviation

from the intended circulation pattern is not necessary because of surface irregularities. This maintenance responsibility includes the removal of snow and ice and keeping the portion of the driveway within the public right-of-way in a safe condition.

(Code 1978, § 12.103; Code 1995, § 156.100; Ord. of 1-10-1972)

Sec. 42-261. Off-street parking requirements.

(a) *Minimum off-street parking requirements.* Off-street parking spaces shall be provided and permanently maintained by the owners or occupants of the following types of property uses on the basis indicated:

<u>Uses</u>	<u>Required Off-Street Parking Spaces</u>
All dwelling units	Two spaces for each dwelling unit, <u>except one and one-half spaces for each dwelling unit in a multi-family complex located in R6, R5A, R5, and mixed use developments</u>
Art galleries, libraries, and museums	One space for each 400 square feet of <u>net gross</u> floor area
Automobile gas stations [Editor's note: See <i>Motor vehicle gas stations/ convenience stores</i>]	Fifteen parking spaces
Automobile repair and/or sales garage [Editor's note: See <i>Motor vehicle repair/sales</i>]	One space for each 200 square feet of gross floor not used exclusively for storage area
Banks	One space for each 200 square feet of <u>net gross</u> floor <u>area, space</u> plus one space <u>for each per</u> two employees
Commercial amusement	One space for each four persons in design capacity
Drive-in restaurants [Editor's note: See <i>restaurants</i>]	One space for each four inside seats in addition to any outside serving spaces

Uses - Continued

Required Off-Street Parking Spaces - Continued

Farmers' markets

One space for each 200 square feet of display area or a minimum of five spaces, whichever is greater

Flex offices

One space for each three employees on the largest shift, one space for each vehicle used in the conduct of the use, one space for each 300 square feet of classroom space, and five additional spaces

Funeral homes

One space for each four seats in chapel

Furniture stores

One space for each 400 square feet of ~~net gross~~ floor area

General, professional, and governmental offices

One space for each 300 square feet of ~~net gross~~ floor area

Hospitals

One space for each two beds intended for patient use, ~~plus and~~ one space for each employee on the largest shift

Lodges, fraternal, and social organizations

One space for each four persons in design capacity ~~300 square feet of gross floor area~~

Manufacturing, processing, fabrication, assembly, construction, contracting and building trades

One space ~~for each per~~ vehicle used directly in the conduct of the use, plus two additional extra spaces for each three employees on the largest shift

Manufactured home and travel trailer sales lot

One space for each employee and one space for each 3,000 square feet of display area

Medical clinics, doctor's and dentist's offices

Five spaces for each professional ~~doctor~~ practicing on the premises

~~Mobile home and travel trailer sales lot~~[Editor's note: See *Manufactured home & travel trailer sales lot*]

~~One space for each employee and one space for each 3000 square feet of display area~~

Uses - Continued

Required Off-Street Parking Spaces - Continued

Motor vehicle gas stations/convenience stores

Ten parking spaces

[Editor's note: Current requirement is fifteen spaces]

Motor vehicle repair/sales

One space for each 200 square feet of net floor and/or sales garage area

[Editor's note: Current requirement is essentially the same, but states: "...200 square feet of gross floor not used exclusively for storage area"]

Nursery, kindergarten, elementary, and junior high/middle schools

One space for each employee, plus ten additional spaces

Nursing homes, convalescent and retirement ~~old-age~~ homes

One space for each four beds intended for resident use, plus one parking space for each employee on the largest shift

~~Planned shopping center~~
[Editor's note: See *Retail stores, service shops, etc.*]

~~One space for each 200 square feet of gross floor area~~

Religious worship

One space for each five seats

Retail stores, service shops, food and beverage establishments, including ~~exclusive-of~~ planned shopping centers ~~and furniture stores~~

One space for each 200 square feet of net gross floor area

Rooming or boarding house

One space for each bedroom

Senior high schools

Four spaces for each classroom and administrative office

~~Tourist home, motel, hotel~~
[Editor's note: See *motel, hotel, or other transient lodging*]

~~One space for each room or unit to be rented plus one space per three employees~~

Vocational, ~~and~~ business, post secondary, avocational and trade schools

One space for each four persons in design capacity ~~300 square feet of gross floor area~~

Wholesale establishments

One space for 900 square feet of gross floor area

(b) *Computation.* When determination of the number of off-street parking spaces required by this article results in a requirement of a fractional space, any fraction of one-half or less may be disregarded, while a fraction in excess of one-half shall be counted as one parking space.

(c) *Size.* ~~All~~ A required off-street parking spaces shall be at least nine ~~eight~~ feet, ~~six inches~~ in width and at least 20 feet in length measured at right angles to the axis of the vehicle exclusive of access drives, aisles, or ramps. Such spaces shall have a vertical clearance of at least six feet, six inches. For parallel parking the length of the parking space shall be increased to 23 feet. Compact parking spaces, measuring seven and one-half feet wide and 16 feet in length, are permitted provided that the compact spaces do not exceed more than 25 percent of the total required parking.

~~(d) *Access.* Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement. All commercial and industrial off-street parking areas and all off-street parking lots for residential use where three or more spaces are required shall be so arranged that egress from the parking space is by forward motion of the vehicle.~~

[Editor's note: The existing sub-section "(d)" (above) has been relocated to subsection "(e)" below.]

(d) *Design.* All off-street parking areas requiring four or more spaces based on the use of the property shall be surfaced with a permanent material such as asphalt or concrete up to and including the required paved driveway or entrance to the property, and the individual parking spaces shall be clearly marked or striped. This permanent surfacing provision does not apply to single-family residential group developments. Regardless of any other provision of this chapter, off-street parking spaces, drive areas and entrances to any structure shall be designed and constructed to the standards of the N.C. Building Code, or other applicable Federal, State or local regulations.

Non-residential uses that will result in an increase in vehicular surface area of one acre or more or those non-residential uses with seasonal maximum capacities, such as shopping centers, and with a structure or structures exceeding 10,000 square feet of net floor area shall only permanently surface a maximum of 80 percent of the required vehicular surface area, including the off-street parking area. The remaining 20 percent of parking area shall consist of pervious surfacing material and shall be maintained in such manner as to alleviate stormwater runoff. Regardless of the aforementioned permanent surfacing restriction, the provisions of the *N.C. Fire Code, Appendix D* shall control if in conflict with this sub-section.

(e e) *Access.* Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement. All commercial and industrial off-street parking areas and all off-street parking lots for residential use where three or more spaces are required shall be so arranged that egress from the parking space is by forward motion of the vehicle.

[Editor's note: Sub-section "(e)" above was relocated from Sec. 42-261(d) within this amendment.]

(f e) *Lighting.* Any lighting used to illuminate off-street parking areas shall be directed away from residential districts and public streets.

(g f) *Public areas.* No portion of any street right-of-way or public parking facility shall be considered as fulfilling or partially fulfilling area requirements for off-street parking space required by the provisions of this article.

~~(g) *Residential parking limitation.* Where parking for more than five cars is permitted or required in residential districts, the lot may be used only for parking and not for any type of loading, sales, repair work, dismantling, servicing or long-term storage, either of merchandise or vehicles.~~

[Editor's note: The existing sub-section "(g)" (above) has been relocated to subsection "(k)" below.]

(h-3) *Combination and shared parking.* The required parking space for any number of separate uses may be combined on in one lot as long as but the minimum number of spaces for each separate use is provided, except that the required space assigned to one use within a shopping center may ~~not~~ be assigned to another use, ~~except~~ provided that the hours of operation for each use do not coincide or overlap and one-half of the parking spaces required for religious worship facilities churches, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night and on Sundays.

[Editor's note: Sub-section "(h)" above was relocated from Sec. 42-260(3) within this amendment.]

(i-5) *Remote parking spaces.* ~~Except for residential uses, if~~ lf the off-street parking space required by this article for non-residential uses cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within 400 feet of the main pedestrian entrance to such principal use, provided such land is in the same ownership, by deed or long term recorded lease, and that such land is zoned to allow the non-residential use for which the remote parking is to serve. In such cases, the applicant for a permit for the principal use shall submit with ~~his~~ the permit application an instrument duly executed and acknowledged and recorded with the County Register of Deeds that subjects said such land to parking use in connection with the principal use. Remote parking spaces in the Central ~~Area~~ Business District shall observe the front yard setback required in Sec. 42-192.

[Editor's note: Sub-section "(i)" above was relocated from Sec. 42-260(5) within this amendment.]

(i f) *Existing parking facilities.* Accessory off-street parking facilities in existence on the effective date of ~~[the ordinance from which]~~ this chapter ~~[is derived]~~ or upon being made subject to the provisions of this chapter and located on the same lot as the use served shall not hereafter be reduced below the minimum requirements of this article.

[Editor's note: Sub-section "(j)" (above) was relocated from Sec. 42-260(6) within this amendment.]

(k g) *Residential parking limitation.* Where parking for ~~more than five motor vehicles~~ -cars is permitted or required in residential districts, the lot may be used only for parking and not for any type of loading, sales, repair work, dismantling, servicing or long-term storage, either of merchandise or vehicles.

[Editor's note: Sub-section "(k)" (above) was relocated from Sec. 42-261(g) within this amendment.]

(l) *Handicap parking.* Handicap parking shall be provided in accordance with the standards of the N.C. Building Code and any other applicable federal and /or state regulation. Handicap spaces must be clearly marked and maintained at all times.

(Code 1978, § 12.104; Code 1995, § 156.101; Ord. of 01-10-72; Ord. of 7-28-2003, § 1)

Sec. 42-262. Off-street loading requirements.

(a) ~~[Generally.]~~ Off-street loading spaces accessory to ~~a~~ uses permitted in any district shall be provided in accordance with the following regulations. The code enforcement officer zoning inspector shall determine the sufficiency of loading berths and/or loading spaces permitted or required by this article. Off-street loading berths and/or loading spaces shall be provided and permanently maintained ~~by the~~ by the owners or occupants of the following types of land uses on the basis indicated:

Uses

(1) ~~Commercial Retail~~ operations, ~~and all first floor nonresidential uses~~, with a gross floor area of less than 20,000 square feet; and all wholesale, manufacturing and light industrial operations with a gross floor area of less than 10,000 square feet:

(2) ~~Retail~~ operations, (including restaurant and dining facilities within hotels and office buildings) with a total usable floor area of 20,000 square feet or more devoted to such purposes:

(3) Office buildings and hotels with a total usable floor area of 100,000 square feet or more devoted to such purposes:

(4) Industrial and wholesale operations with a gross floor area of 10,000 square feet or over and as follows:

Square Feet

10,000 to 40,000

Above 40,000 to 100,000

Above 100,000 to 160,000

Above 160,000 to 240,000

Above 240,000 to 320,000

Above 320,000 to 400,000

Each 90,000 above 400,000

Required Space or Berth

One loading space or berth:

One loading space or berth for every 20,000 square feet of gross floor area:

One loading space or berth for every 100,000 square feet of floor area:

~~1~~ One space or berth

~~2~~ Two spaces or berth

~~3~~ Three spaces or berth

~~4~~ Four spaces or berth

~~5~~ Five spaces or berth

~~6~~ Six spaces or berth

~~7~~ One additional space/berth

(b) *Location*. One or more loading berths or other space shall be provided for standing, loading and unloading operations either inside or outside a building and on the same or adjoining premises with every structure erected after the enactment of ~~[the ordinance from which]~~ this chapter or upon being made subject to the provisions of this chapter [is derived].

(c) *Screening.* All motor vehicle loading spaces abutting any residential district shall be completely screened [from view of the residential property](#).

(d) *Size.* A loading berth shall have minimum plan dimensions of 12 feet by 25 feet and 14 feet overhead clearance. A loading berth shall be sufficient [in size and design](#) to allow normal loading operations of a kind and magnitude appropriate to the use served thereby.

(e) *Access.* Each required off-street loading space shall be designed with appropriate means of vehicular access to a street or alley, without hindering the movement of vehicles over a street or alley, and of pedestrians over a sidewalk.

(f) *Utilization.* Space allocated to any off-street loading space shall not, while so allocated, be used to satisfy the space requirements for any off-street parking spaces or access drives or aisles.

(Code 1978, § 12.105; Code 1995, § 156.102; Ord. of 1-10-1972; Ord. of 7-28-2003, § 1)

Secs. 42-263 – 42-287. Reserved.