



MEMORANDUM

Town of Nags Head

Planning & Development Department

To: Planning Board

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

Date: March 26, 2024

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

Albemarle & Associates, Ltd, on behalf of Golasa Holdings, LLC has a request for a text amendment to the Unified Development Ordinance (UDO), which, if adopted, would permit the long-term rental of existing hotel units within existing older hotels and motels.

While such conversions are common in urban areas, they have not been previously addressed in the UDO. Over the past four (4) months the applicant has collaborated with the Planning Board and planning staff to fine tune the use and develop a proposed ordinance for the Board of Commissioners review.

The current definition of hotel is provided below and states that units are intended for transient guests on a rental basis. The UDO goes on to define transient occupancy as occupancy that is no longer than 30 days combined, see below:

Hotel means a structure containing hotel units, hotel suites, and or efficiency units with 24-hour, on-site management and intended for transient guests on a rental basis.

Transient occupancy means occupancy by the same individual or owner for a combined period of no greater than 30 days in any single calendar year.

Other definitions that are relevant to this discussion are provided below for convenience.

Hotel efficiency unit means a lodging unit having living and cooking facilities and also meeting the following requirements:

- (1) Efficiency units shall be limited to one bedroom.***
- (2) The kitchen area shall comprise no more than ten percent of the entire unit.***

Hotel suite means lodging unit having living and cooking facilities within a hotel and also meeting the following requirements:

- (1) Units shall be limited to two bedrooms.***
- (2) The kitchen area shall comprise no more than ten percent of the entire unit.***

Hotel unit means a lodging unit which does not contain independent cooking facilities and is designed and intended for transient guests on a rental basis. This definition shall include rental units customarily found in motels, hotels, inns and motor lodges.

The proposed ordinance has been drafted with the following considerations in mind.

- Creation of a new use category “Long-Term Rental of Hotel Units”, permitted via the Special Use Permit process, with proposed supplemental regulations in Section 7.12 of the Unified Development Ordinance.
- The applicant’s initial request suggested the term “legacy hotel/motel” be established as a means to define and limit the number of existing hotel and motel structures that this new use category would be available to. The proposed definition stated a legacy hotel or motel would be one built before 1975 that is still functional to support both transient, and long-term occupancy by guests or tenants. Staff recommends setting the cutoff date to November 10, 1972, aligning with the pre-FIRM date for flood insurance regulations. Pre-FIRM structures are likely to be constructed on grade and non-conforming with regard to current FEMA requirements. Therefore, to enhance their preservation, it may be warranted to provide some additional flexibility with respect to the uses allowed given these additional nonconformities. This language is supported by the applicant.
- Noting that this proposed new use is likely not economically viable in an oceanfront setting, staff would further recommend narrowing this proposed use to existing hotels and motels located within the C-2, General Commercial Zoning District. Except for the majority of South Nags Head which is R-2, and excluding the Village at Nags Head, the remainder of Nags Head oceanfront areas are zoned CR – Commercial Residential. Staff would also recommend that this use be considered via the Special Use permit process.

By applying these proposed regulations, the following hotels and motels would be eligible to utilize this proposed new use:

- 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)

Note: 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.

- Requirement 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 concurs and stated that 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.
- Requirement that any hotel operating under this new use category lease/rent units on a long-term basis only and define long-term lease/rent as occupancy for a period of ninety (90) consecutive days or more. This would be consistent with the proposed definition of “Long Term Occupancy/Tenancy” in the draft multi-family development amendments and consistent with the NC Vacation Rental Act. The applicant concurs with this proposed requirement.
- 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. The applicant was not amenable to having all units restricted to workforce housing, however they did agree to language that would require a minimum of 50% of the units being lease restricted to long-term occupancy.

- As a method of enforcement of the lease/rental restriction staff will request any development operating with Special Use Approval for long term rental of hotel units to provide copies of all active lease agreements ensuring that all contain language requiring long-term occupancy and in addition, that 50% of the lease agreements are restricted to workforce housing.
- Requirement that each unit meets the minimum requirements of the North Carolina Building Code regarding interior space dimensions for efficiency dwellings. This portion of the current NC Building Code is provided as an attachment and incorporated into the proposed ordinance language. The applicant has indicated that the existing units within their development meet this requirement.
- A requirement that any existing hotel development transitioning to long-term rental adhere to the current NC Fire Prevention Code Requirements. 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.
- Consider requiring this new use be parked using the same parking standard as single-family, two-family, and multi-family dwelling units at the number of bedrooms minus two, with a minimum of two (2) spaces per dwelling unit. While the applicant would prefer a reduced parking standard, they have agreed to this requirement noting that they will document and/or keep parking analysis should a request for a reduction be made in the future.
- Requirement that would prohibit utility meters of any type for individual units and require that this proposed new use operates under a single, unified rental management operation. Similar language is found within the supplemental regulations for cottage courts and is intended to discourage circumventing the subdivision ordinance and creating condominium ownership of the individual dwelling units. The applicant concurs with this requirement.
- While discussing this item, 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.
- Language that would allow a hotel operator to transition from the long-term rental of units back to the prior transient hotel use via an administrative review 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.

Through the discussions there were several concerns mentioned that should be noted as part of this request. Planning Board members were generally concerned that, should this amendment be adopted, it would conflict with various aspects of the recently drafted amendments for multi-family development. The primary differences are briefly outlined below:

- Minimum site requirements and dimensional standards such as lot width, lot area, setbacks, open space requirements, lot coverage and architectural design may not be met.
- Density allowances would be affected. For instance, Owens Motor Court at 7122 S. Virginia Dare Trail is 68,000 square feet in area. Under the Large Multi-Family standards, this site would accommodate approximately 12 units. The applicant noted that 29 units exist.
- The proposed minimum unit size in the draft multi-family amendments is 800 square feet, we are discussing a minimum 220 square feet for this proposed new use.

Concerns were raised about lighting and how this proposed new use, if adopted, may be regulated. Hotels are considered to have a medium level of activity. This means that parking lot lighting associated with a hotel cannot exceed 7.0 footcandles and shall be a minimum of 0.5 footcandles. Acknowledging that in many ways, this proposed new use is most like a multi-family use, it is considered to have a low level of activity. This means that parking lot lighting associated with multi-family use cannot exceed 3.0 footcandles and shall be a minimum a 0.2 footcandles. All parking lot lighting fixtures must be cutoff fixtures and the maximum maintained horizontal footcandle level at any point on a common property line of improved residential property shall not exceed 1.5 footcandles. Keeping in mind that this new use category would be applicable to a handful of existing hotel properties, staff has not proposed nor has the Planning Board recommended any changes to the lighting standards applicable to this new use category.

Concerns were raised about these units operating as Single Resident Occupancies. Single Resident Occupancies (SROs) are a type of housing arrangement where each individual or household occupies a single room within a larger building. These rooms typically serve as both living and sleeping spaces and may include a private or shared bathroom and kitchen facilities. In review of SRO's, they are often utilized in urban areas to provide affordable housing options, especially for individuals with limited incomes. SRO's are a subject of discussion in urban planning and housing policy debates as they play a role in addressing housing needs of vulnerable populations, but they also raise concerns about living conditions and tenant rights. Staff would submit there are aspects of this proposed new use that resemble the characteristics of SRO's such as individual compact rooms or small living spaces, providing basic amenities designed to meet essential housing needs in a more affordable and space-efficient manner. Ensuring that this proposed housing arrangement, or any housing arrangement for that matter, maintains quality living conditions is of utmost importance. Potential ways to address this is to provide clear zoning regulations to ensure that it meets the needs of families and individuals by providing adequate living spaces, bedrooms, common areas and amenities to promote family friendly environments and to closely monitor and enforce any established use regulations.

POLICY CONSIDERATIONS

The 2017 Comprehensive Land Use Plan provides the policies and actions which would guide the Town's zoning and development actions. Due to the nature of this request, there are numerous pertinent policies that have been provided in separate attachment for the Board of Commissioners' consideration.

STAFF RECOMMENDATION

While there are several unknowns associated with this request as this is a use that we have never contemplated within the town, staff finds that the proposed use is consistent with the 2017 Comprehensive Land Use Plan with the incorporation of the recommended supplemental regulations.

PLANNING BOARD RECOMMENDATION

At their March 19, 2024 meeting the Planning Board voted 5-1 to recommend adoption of the proposed text amendment as presented. While the majority of Planning Board members are supportive of the proposed text amendment noting that it has potential to provide for workforce housing opportunities, they are also concerned about the inconsistencies with the proposed multi-family dwelling development ordinance currently under consideration.

If the Board of Commissioners is inclined to adopt this proposed text amendment, please reference Appendix A for the Statement of Consistency with the Towns adopted Comprehensive Land Use Plan requirements (attached).

Hotel Unit as Long-Term Rental – Comprehensive Land Use Plan Consistency

Policies that are consistent with the proposed text amendment

LU-9 Encourage land uses that serve the needs of both year-round and seasonal residents in support of the town's overall vision for the community.

LU-9a: Evaluate land uses specified in each zoning district and further clarify which uses are appropriate based on the intent of each district, their overall compatibility with current land uses, and desired future development patterns.

LU-9b: Evaluate all current commercial zoning districts, based on this plan and the future land use map, to determine if they are functioning as envisioned and make necessary modifications. This should include review of the existing C-2 district and determination if the C-1 and C-4 districts would be better suited than the current C-2 zoning along NC 12, between the highways, and along US 158 (excluding major shopping center developments).

LU-11 Support mixed use development or accessory residential dwellings that combine commercial and residential uses along NC 12 and in designated commercial activity centers located between US 158 and NC 12.

LU-11a: Create incentives and zoning tools to encourage mixed residential and commercial development at appropriate locations including activity centers (both vertical, horizontal, and detached mixed use) which would enhance the opportunity for locally owned and neighborhood serving businesses.

LU-11b: Promote and infill mixed use commercial development in designated activity centers using available zoning, incentives, and regulatory tools.

LU-11c: Ensure new mixed-use development provides opportunities for healthy and active lifestyles by requiring bicycle and pedestrian circulation/parking, sidewalks, and pedestrian plazas and/or seating areas.

LU-25 Support continued use and improvement of non-conforming properties.

LU-27 Promote and expand the types of housing and accommodations for varying income levels, aging populations, and the seasonal workforce within the town.

LU-27a: Explore incentives and remove regulatory barriers to encourage cottage court development along the oceanfront and beach road areas. The size and scale of individual buildings within cottage court developments should generally be limited to small scale structures (no greater than 2,000 square feet) that are consistent with the size and appearance of traditional cottage court development within the town.

LU-27b: Research and examine barriers that may be inhibiting hotel development in the town.

LU-27c: Research and explore other options to diversify the types of housing and accommodations available within the town. This could include creating allowances for accessory dwelling units and housing appropriate for seasonal populations within the town. The town should ensure that any regulations for accessory dwelling units are consistent with the town's size limitations for large residential dwellings.

LU-27d: Review existing policies and ordinances to remove regulatory barriers preventing accessible housing for the aging population.

EC-6 Support and foster small, local businesses that preserve and uphold the vision and legacy of the town.

EC-6a: Continue to work with the Local Business Committee to further identify and remedy regulatory barriers for opening and operating businesses.

EC-6b: Develop and map an inventory of local businesses representing each sector of the town's economy.

EC-6c: Develop regulatory flexibility that allows existing small, local businesses to upgrade and maintain their facilities in order to remain relevant and competitive in the market.

EC-6d: Evaluate the impact of town processes, related to zoning and permitting, on businesses and streamline to meet the town's needs while supporting business investment.

EC-6e: Expand the availability of town services available on-line to better meet the needs of the business community.

EC-6f: Provide technical assistance through workshops, educational materials, or web-based media to educate business owners on town processes and regulations related to owning and maintaining a business.

EC-6g: Develop a branded wayfinding, safety, and information signage plan to identify types and locations of signage for pedestrians, cyclists, and vehicles. Install appropriate signage. Signage should enable visitors to locate existing town parks, sound and beach access points and trailheads.

EC-7 Recognize the role and importance of the look and feel of legacy development in creating the distinctive heritage, unique lifestyle, and family beach character that is central to the town's vision.

EC-7a: Develop more specific criteria for legacy businesses, based on research and data of existing legacy type buildings.

EC-7b: Inventory, research, and map businesses that fit within the legacy business criteria.

EC-7c: Develop incentives to encourage the preservation of commercial floor space.

EC-7d: Explore ways to aid in the development of cottage courts.

EC-8 Enhance economic health and increase employment opportunities through business retention and expansion.

EC-8a: Partner with the Outer Banks Chamber of Commerce to research and conduct discussions with local, small business owners in order to better understand factors contributing to the sale or loss of businesses.

EC-8b: Coordinate with the Outer Banks Chamber of Commerce to offer education and training for local, small business owners on succession planning.

Staff did not find policies that were inconsistent with the requested amendments, however, there were some policies that were **questionable**, those are below.

LU-1 Ensure that the character of Nags Head is preserved as a single-family residential beach community with ties to its natural environment. This character is defined by:

- Development that blends with the landscape, preserving natural vegetation, dunes, open spaces, and environmental quality.
- A visible and dark night sky maintained by lighting that is minimal and carefully designed.
- Views from the ocean beach of dunes and vegetation and structures that are low in height, blend with the landscape, and don't shade the beach.
- Buildings with a residential scale and appearance with low heights and small footprints that are designed to reflect the heritage of Nags Head.
- Commercial development that serves the needs of residents and visitors but respects the goals of the community related to design and appearance.
- Land uses that are compatible with the community and with adjacent properties that don't create excessive noise, light, unsafe conditions, or other nuisances.
- A land use pattern that preserves residential neighborhoods and establishes walkable nodes of commercial development that attract patrons and strengthen business opportunity.
- Signage that provides adequate communication but does not dominate the landscape.

- Development of low density and intensity served primarily with on-site wastewater systems.

LU-4 Encourage a balance of land uses along the Beach Road characterized by a diversity of accommodations and small, neighborhood serving businesses.

LU-4a: Direct commercial development to activity centers or nodes through incentives or modifications to zoning regulations consistent with the development plans described in Section 2.

LU-4b: Explore incentives and develop regulations to encourage pedestrian friendly, human scale development along the Beach Road.

LU-4c: Explore ways to create cohesiveness in commercial activity centers by limiting certain types of residential uses (single-family) or allowing single-family or residential uses only as accessory to commercial uses. This could include utilizing vertical or horizontal mixed use or detached accessory residential structures.

LU-4d: Identify existing cohesive residential areas that are currently zoned commercial and consider rezoning to residential to preserve their integrity and limit future land use compatibility issues. LU-4e: Develop regulations that prevent incompatible commercial development adjacent to areas with historical designations or significance.

LU-10 Discourage high intensity land uses that produce significant noise, light, heavy vehicle traffic, noxious fumes or poor air quality, are unsightly, encourage unsafe behavior, or require large amounts of land for heavy industrial uses, processing, or storage of materials or equipment.

LU-10a: Evaluate land uses specified in each zoning district and further clarify which uses are appropriate based on the intent of each district, their overall compatibility with current land uses, and desired future development patterns.

LU-10b: Maintain the current boundaries of the C-3 district and do not expand these uses to other parts of the town.

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.

(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 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 and shall be provided annually to the Planning and Development Department for compliance review.

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. 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					
<u>1.1</u>	<u>Residential-Group</u>	<u>Long-Term Rental Hotel Units</u>																	<u>Section 7.12.3</u>
1.1	Residential - Group	Hotel																	Section 7.12

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

Use Category/Class	Use Type	Required Parking
<u>Residential – Group</u>	<u>Long-Term Rental Hotel Units</u>	<u>Two parking spaces per unit</u>
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.

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 ____ 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

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.

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Unified Development Ordinance (UDO) Text Amendment \$750
Zoning Map Amendment \$750 +
\$500/acre or fraction thereof

UNIFIED DEVELOPMENT ORDINANCE TEXT/
ZONING MAP AMENDMENT APPLICATION
TOWN OF NAGS HEAD, NORTH CAROLINA

Applicant Golasa Holdings, Llc

Mailing address P O Box 120, Kitty Hawk, NC 27949

Explanation of request

- Unified Development Ordinance (UDO) - Section(s) 6.2 and Appendix A Definitions
Attach amendment in ordinance form.
- Zoning Map
Attach copy of current Zoning Map with affected property outlined in red.
Attach names and mailing addresses of the property owners of all parcels of land abutting the parcel in question.

Nature of request

This request is to define Legacy Motels, hotels and cottage courts to allow long term rental of existing hotel units . This request also proposes definition of Long Term Retals and Hotel / Studio rooms for rent.
It will provide flexibility in the rental of both transient and long term existing hotel / motel and cottage court rooms while still retaining the character of the legacy motel. It will allow existing motel / hotel rooms to be converted to Studio type rental units for longer term occupancy than is currently allowed in these types of establishments.
This amendment would not allow this use in newer hotel / motels or any proposed future hotel / motels but would allow existing, older hotel / motels greater flexibility for longer term rentals of thier existing units.

Reason for request

The Applicant would like to have the ability to provide long term Hotel / Studio unit rentals while still being considered a hotel. This amendment would then allow the units in the Owens Motorcourt motel to be rented as both transient and / or long term rental units. This amendment would allow the owners to provide much needed seasonal and year round dwelling units for workforce housing while still retaining the ability to provide both transient or longer term rentals of rooms for yearly and sesonal workers. This will provide much needed housing for both year round and seasonal employees.

Golasa Holdings
Applicant

11/17/2023
Date

Golasa Holdings LLC Request for Ordinance Amendment

Ordinance Amendment

Add the Following Definitions to Appendix A Definitions

Long Term Occupancy means occupancy by the same individual or tenant for a combined period of greater than 30 days in any single calendar year.

Hotel / Studio unit means a lodging unit which contains independent cooking facilities and is existing and intended for Long Term or Transient Occupancy by guests or tenants on a rental basis. This definition shall include rental units customarily found in motels, hotels, inns and motor lodges.

Legacy Hotel / Motel means a hotel, motel, motor lodge, or Inn built before 1975 that is non-conforming but still functional to support both transient, and long term occupancy by guests or tenants. Each unit shall qualify as a Hotel/ Studio unit.

Add to Table 6.6 :

Legacy Hotel / Motel as a Permitted or PR Use in C-R, C-1 and C-2 Zoning Districts