

# **ARTICLE 9. PERFORMANCE STANDARDS**

PART I.	BUILDING DESIGN GUIDELINES .....	9-2
Section 9.01	Purpose .....	9-2
Section 9.02	Applicability.....	9-2
Section 9.03	Building Design Standards .....	9-2
Section 9.04	Building Facade Design .....	9-5
Section 9.05	Screening of Dumpsters .....	9-6
Section 9.06	Technical Review Procedure.....	9-6
PART II.	OFF-STREET PARKING REQUIREMENTS.....	9-7
Section 9.07	Purpose .....	9-7
Section 9.08	Use of Parking Facilities.....	9-7
Section 9.09	Off-Street Parking Space Requirements.....	9-8
Section 9.10	Shared Parking .....	9-13
Section 9.11	Plan and Design Criteria .....	9-13
Section 9.12	Off-Site Parking .....	9-16
Section 9.13	Off-Street Loading .....	9-17
Section 9.14	Loading Space Requirements .....	9-18
PART III.	OUTDOOR LIGHTING .....	9-20
Section 9.15	Purpose and Intent .....	9-20
Section 9.16	Applicability.....	9-20
Section 9.17	Exempt.....	9-20
Section 9.18	Lighting Plan .....	9-21
Section 9.19	Site Lighting Design Requirements .....	9-21
Section 9.20	Illumination Levels.....	9-23
Section 9.21	Light Trespass.....	9-24
Section 9.22	Sea Turtle Protection.....	9-24
Section 9.23	Nonconforming Lighting .....	9-25
Section 9.24	Prohibited Lighting.....	9-26

## ARTICLE 9. PERFORMANCE STANDARDS

### PART I. BUILDING DESIGN GUIDELINES

#### SECTION 9.01 PURPOSE

In order to present an attractive ~~Aface~~ for Sunset Beach, buildings along roadways should enhance the image of the Town. The emphasis should be on architectural detail and human-scale design. The purpose of this section is to ensure architectural compatibility and the establishment and preservation of architectural character throughout the Town. Enumerated in the sections below are general requirements for all buildings as well as requirements specific to building use and type. This section is also intended to:

- (A) Promote high standards in architectural design and the construction of creative, innovative, aesthetically pleasing **structures**.
- (B) Encourage landowners, designers, and developers to look closely at local conditions and the **development** site, and produce new **development** that enhances and complements both the built and natural environment.

#### SECTION 9.02 APPLICABILITY

The requirements of this section shall apply to all projects requiring a major **site plan** per Section 5.03(B) of this Ordinance.

#### SECTION 9.03 BUILDING DESIGN STANDARDS

- (A) *General Requirements for All Buildings.*
  - (1) Adjacent buildings shall be compatible in regard to spacing, **setbacks**, proportions, materials, and scale.
  - (2) The primary entrance shall be architecturally and functionally designed on the front facade facing the primary public street (subject to topographical constraints).
  - (3) The front facade of the principal **structure** shall be parallel to the front **lot line** and street (subject to topographical constraints).
  - (4) Ground mounted mechanical equipment shall be located to the rear or **side yard** and screened from view of the street. Roof-mounted mechanical equipment shall be screened from view by a parapet wall matching the primary building materials.

## ARTICLE 9. PERFORMANCE STANDARDS

(B) *Nonresidential Buildings.*

- (1) *Building Materials.* The predominant exterior building materials shall be of high quality material. These include, without limitation: brick, natural decay resistant quality exterior wood siding, cement board, fiber board, rock, stone, or tinted and textured concrete masonry units, and transparent glass windows and doors.
- (2) *Requirements for Building Massing and Articulation.*
  - (a) The design shall help integrate the **development** with its surroundings by breaking down the apparent mass and scale of the building on all sides.
  - (b) The primary (front) facade shall be designed to comply with the requirements of Section 9.04, Building Facade Design.
  - (c) All facades visible from a public roadway shall be given equal design significance. There shall be no blank, featureless walls, including rear walls. The design shall present a continuity of style on all facades visible from the public roadway, except where separated by a party wall located on a **lot line**.
  - (d) **Outparcels** shall be designed and integrated with the main project.
  - (e) All buildings shall be lighted in compliance with Article 9, Part III.
- (3) *Integration into the Street Network.* Internal and new streets shall connect to existing streets or be designed to facilitate future connections to the surrounding street system to the maximum extent practicable.
- (4) *Configuration.*
  - (a) A window or functional general access doorway shall be located along the length of the facade at least every twenty (20) feet. False or display casements may be considered by the **UDO Administrator**.
  - (b) When used, **awnings** and canopies shall be placed at the top of window or doorway openings. No **awning** shall extend more than the width of the sidewalk or ten (10) feet, whichever is less. **Awnings** must be self-

## ARTICLE 9. PERFORMANCE STANDARDS

supporting from the wall. No supports shall rest on or interfere with the use of pedestrian walkways or streets. In no case shall any **awning** extend beyond the street curb or interfere with street trees or public utilities.

(c) Canopies shall be of solid material and complement the color of the building to which they are affixed or associated. **Gas station** canopies shall be located in the side or **rear yard** only and must be set back from the property and right-of-way lines a minimum of the required **setback of accessory structures**, as required in the **zoning** district where located, and must not interfere with street trees or public utilities.

(d) The use of flat roofs on nonresidential structures is prohibited.

(C) **Multi-Family Residential Buildings (Four (4) or more units).**

(1) Exterior materials shall be durable and residential in character. Suggested materials include wood clapboard siding, wood shingles, brick, stone, stucco, vinyl, cement board, or similar materials. Suggested pitched roof materials include asphalt shingles, standing seam metal, slate, or similar materials.

(2) The use of flat roofs on multi-family structures is prohibited.

(D) **Industrial Buildings.**

(1) Front facades of **industrial** buildings shall be primarily brick, stucco, stone, decorative concrete block, or other materials similar in appearance and durability. Standard concrete block, cast concrete, and metal may be used as minority elements (maximum of fifty percent (50%)) on the front facade. All **accessory structures** shall be clad in materials similar in appearance to the principal **structure**.

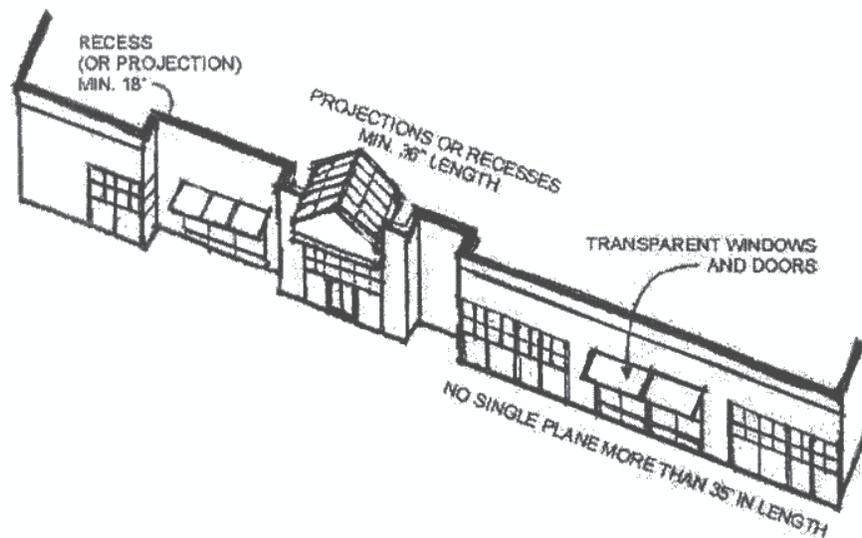
(2) Pitched roofs shall be clad in standing seam metal, long span metal panels, slate, asphalt shingles, or similar material.

(3) Flat roofs shall incorporate parapet walls to conceal the flat portions of the roof elevations that are visible from any public street. Parapet walls shall screen roof-top mechanical equipment from the street.

## ARTICLE 9. PERFORMANCE STANDARDS

### SECTION 9.04 BUILDING FACADE DESIGN

- (A) All street-facing facades shall be constructed such that no more than thirty-five (35) feet of the street facing facade extends unbroken in a horizontal plane (see diagram below) and shall be constructed such that fifty (50) percent of the total area is comprised of one or more of a combination of concrete aggregate, stucco, brick, stone, glass, wood or faced concrete block. Artificial materials which closely resemble these materials shall also be allowed.



- (B) A minimum of twenty-five (25) percent of the first floor of the street facade of a business or mercantile use must be transparent.
- (C) The use of pitched roofs and roof overhangs shall be required within one thousand five hundred (1,500) feet of a Planned Unit Development (as measured from either side of the subject property). Recommended roofing materials include slate shingles, asphalt and fiberglass shingles, metal standing seams or tiles. Partial (occupying less than three (3) sides) mansard roofs are not allowed.

## ARTICLE 9. PERFORMANCE STANDARDS

### **SECTION 9.05 SCREENING OF DUMPSTERS**

Solid waste collection dumpsters which are located on sites used for multi-family residential, commercial, institutional, or industrial purposes shall be screened from the view of adjoined residences, residentially zoned lots, or street right-of-ways. Such screening may consist of natural vegetation, fences, walls, or berms and shall be installed, located, or constructed so as to create an effective screen. Refer to Section 10.01.

### **SECTION 9.06 TECHNICAL REVIEW PROCEDURE**

- (A) *Review and Comment Required.* The **UDO Administrator** will review and comment on proposed architectural drawings and may require the Technical Review Procedure as specified in Article 3, Part II, if deemed necessary. Compliance with the requirements shall be demonstrated through submittal of architectural drawings and architectural permit at the time of **development** plan review. Drawings shall include, but not be limited to, a floor plan, roof plan and all exterior building elevations, and any other information deemed necessary to demonstrate compliance with this section.
- (B) *Alternative Compliance.* Alternative compliance may be obtained provided the design satisfies the intent of this section. In such cases, the **UDO Administrator** shall have the authority to approve the following:
- (1) Materials of construction not listed, provided the materials used are implemented in a manner that enhances the surrounding area.
  - (2) Increase the maximum size of a single retail **structure** as a distinct mass.
  - (3) Reduce transparency requirements.

## ARTICLE 9. PERFORMANCE STANDARDS

### PART II. OFF-STREET PARKING REQUIREMENTS

#### **SECTION 9.07 PURPOSE**

The purpose of this section is to protect and promote the public health, safety, and general welfare by requiring safe and adequate design of ***parking lots*** and the landscaping of such facilities which will:

- (A) Conserve and stabilize property values and otherwise facilitate the creation of a convenient, attractive, and harmonious community;
- (B) Relieve the blighted appearance of ***parking lots*** and generally preserve a healthy and pleasant environment;
- (C) Act as a natural drainage system lessening storm water drainage problems and soil erosion;
- (D) Provide shade; and
- (E) Help to reduce wind and air turbulence, heat and noise and glare;

#### **SECTION 9.08 USE OF PARKING FACILITIES**

- (A) *Limitations on Use of Parking Facilities.*
  - (1) *Permitted Use.* Required ***parking spaces*** approved in accordance with this Ordinance shall only be used for the intermittent parking of licensed motor vehicles of employees, occupants, owners, tenants, or customers utilizing the building served by said required ***parking space***.
  - (2) Storage, repair, dismantling, loading, sales, servicing vehicles, or display of any equipment or merchandise, shall not be permitted. Storage of vehicles for sale at an automobile dealership may be permitted.
- (B) *Limitations on Use of Supplemental Parking Facilities.*
  - (1) Supplemental parking (parking facilities provided but not required) shall only be used for the intermittent parking of licensed motor vehicles of employees, occupants, owners, tenants, or customers utilizing the building served by said ***parking space***.

## ARTICLE 9. PERFORMANCE STANDARDS

- (2) Storage or repair of any equipment or merchandise shall not be permitted. Storage of vehicles for sale at an automobile dealership may be permitted.
- (3) Display and sale of any merchandise shall not be permitted.

### **SECTION 9.09 OFF-STREET PARKING SPACE REQUIREMENTS**

- (A) ***Parking Spaces Required.*** Permanent off-street ***parking spaces*** shall be provided as specified by this section (1) at the time a building is ***erected***, (2) at the time any ***principal building*** is enlarged or increased in capacity, such as by adding ***dwelling*** units, guest rooms, seats, floor area, or other units of measurement used in Table 9-1, or (3) before conversion from one type of use or occupancy to another. Such ***parking spaces*** may be provided in a parking garage or in a graded open area.
- (B) ***Certification.*** Each ***site plan*** which is submitted shall include information as to the number, location, and dimensions of all off-***street*** parking and ***loading spaces*** and the means of ingress and egress to such spaces. This information shall be in sufficient detail to indicate whether or not the requirements of this section are met. In those cases where no ***site plan*** is required, the ***applicant*** must show that the number of ***parking spaces*** and the design and construction of all parking areas meet the requirements of this section in order to receive a ***certificate of occupancy***.
- (C) ***Off-Street Parking Space Schedule.***
  - (1) Unless otherwise required within the following schedule, all employers shall provide one (1) space per two (2) employees of the largest shift. Any visitor and/or company vehicle parking shall not be counted to meet the requirements of this provision.
  - (2) Any nonresidential and/or public assembly use that does not provide for fixed seating and/or is not listed within the table of uses shall have its off-***street*** parking requirements established by the ***UDO Administrator*** as follows:
    - (a) The maximum allowable occupancy number shall be determined in accordance with the North Carolina State Building Code for the proposed use; and then,

## ARTICLE 9. PERFORMANCE STANDARDS

- (b) That number for the proposed use shall be divided by three (3). The quotient of the above calculation shall be the minimum amount of off-**street parking spaces** to be provided.
- (3) All nonresidential uses shall comply with the requirements of the North Carolina Building Code or General Statutes for off-**street parking spaces** for the handicapped, whichever is more stringent.
- (D) *Minimum Number of Required Spaces.* Each principal and **accessory use** of land shall be provided with at least the number of off-**street parking spaces** indicated for that use in Table 9-1.

Table 9-1. Required Off-**Street Parking Spaces**

<b>Building Type</b>	<b>Number of Required <i>Parking Spaces</i></b>
Detached <b>Dwellings</b>	2 per <b>dwelling</b> unit + 0.5 per <b>bedroom</b> over 4 <b>bedrooms</b>
<b>Duplex Dwellings</b>	2 per <b>dwelling</b> unit + 0.5 per <b>bedroom</b> over 2 <b>bedrooms</b>
<b>Manufactured Homes</b>	2 per <b>dwelling</b> unit
<b>Multi-Family Dwellings</b>	2 per <b>dwelling</b> unit + 0.5 per <b>bedroom</b> over 2 <b>bedrooms</b>
Semi-Detached/Attached <b>Dwellings</b>	2 per <b>dwelling</b> unit
<b>Swimming Pool</b> , Public or Private Accessory to a Residential Use**	1 per 75 sq. ft. of water area, however the number of <b>parking spaces</b> required may be reduced by the total number of <b>parking spaces</b> required for the <b>dwellings</b> that are located within 400 feet of the <b>swimming pool</b> .*  *The distance from the <b>dwellings</b> to the <b>swimming pool</b> shall be measured as the reasonable and safe walking route from the main entrance to the pool area to the main entrance of the residential use or edge of the residential <b>lot</b> , whichever is less. **No extra parking is required to serve a private <b>swimming pool</b> located on a <b>single-family</b> residential <b>lot</b> .
<b>Townhouses</b>	2 per <b>dwelling</b> unit + 0.5 per <b>bedroom</b> over 2 <b>bedrooms</b>
Cemeteries	1 per each full-time employee + required spaces for offices
Churches	1 per 3 sanctuary seats, based on one (1) seat for each 18 inches of seating length.
Funeral Homes	1 per 200 sq. ft.
Hospitals	1 per patient bed + 1.25 per each full-time employee (total number of full-time employees regardless of shift size)

## ARTICLE 9. PERFORMANCE STANDARDS

<b>Congregate Care Facility</b>	Independent Living	1 per <b>dwelling</b> unit
	Assisted Living	1 per 2 beds
	Nursing Homes	1 per 2 beds, plus 1 space per doctor and other medical practitioner
Dependent Living Units		1 per staff person
Clinics		1 per 300 sq. ft.
Animal Hospitals		1 per 300 sq. ft.
Colleges		1 per classroom + 1 per 2 students
Research Laboratories		1 per 500 sq. ft.
Elementary, Middle, or Junior High School		2.25 per classroom
High School		1.5 per classroom + 1 per 5 students
Trade Schools		2 per classroom + 1 per 2 students
Dormitories		1 per sleeping room
Day Care Centers		1 per 200 sq. ft. + 1 stacking lane for at least 4 cars
Day Care Homes		3 per home + 1 stacking lane for at least 2 cars
<b>Golf Courses</b>		4 per each hole
Miniature <b>Golf Course</b> , or Par-3 <b>Golf Course</b>		2 per tee, plus 1 per each 200 sq. ft. of floor space of <b>structure</b>
Golf Driving Range		1 per tee
Libraries		1 per 500 sq. ft.
Museums and Planetarium		1 per 500 sq. ft.
Outdoor Amphitheater, Commercial or Governmental		1 per every three seats
Utility Substations		1 per employee
Farm Markets		1.5 per each vendor stall or unit
Radio & TV Broadcasting		1 per 500 sq. ft.
Studios		1 per employee
Parks	<b>Swimming Pool</b>	1 per 75 sq. ft. of water area
	Tennis or Racquet Court	3 per court
Other Outdoor Areas (Park, Boat Landing, Etc.)		Based on <b>Planning Board</b> approval

## ARTICLE 9. PERFORMANCE STANDARDS

Commercial Outdoor Recreation		1 per 200 sq. ft. plus 1 per every 3 persons accommodated by facility at maximum capacity
Caretaker's Residences		2 per unit
<b>Automobile Service Stations</b>		2 per station + 4 per service bay
Bank		1 per 300 square feet
Drive Through Window (Banks)		2 stacking or queuing spaces for each window
Automatic Teller Machine (ATM)		2 per machine
Car Wash	Automatic/Drive Thru	6 per washing or processing area, including stacking or queuing spaces
	Self-service	2 stacking or queuing spaces per wash bay in addition to the bay itself, plus 1 per bay for drying
Convenience Stores		1 per 150 sq. ft.
<b>Hotels and Motels</b>		1 per sleeping room + 1 per 4 seats in meeting or assembly rooms
Offices		1 per 300 sq. ft.
Personal Service Establishments		1 per 200 sq. ft.
Restaurants		1 per 3 seats or 50 sq. ft. (whichever is greater)
Drive-through Window (Restaurants)		3 stacking or queuing spaces for the first window; 3 stacking spaces for each additional window.
Retail Stores		1 per 200 sq. ft.
<b>Shopping Centers</b>		5 per 1,000 sq. ft. of gross leasable area
Vehicle Sales & Rental		1 per 300 sq. ft. of enclosed floor area + 1 per 5,000 sq. ft. of outdoor display area
Drive Through, Other		3 stacking spaces per window or use
<b>Manufacturing, Light</b>		1.5 per 1,000 sq. ft. or 1 per each 0.8 employee, whichever is greater
<b>Manufacturing, Heavy</b>		1.25 per 1,000 sq. ft. or 1 space per 0.75 employee, whichever is greater
Warehouses		1 per 5,000 sq. ft. of <b>gross floor area</b> or 1 per each employee on the largest shift, whichever is greater.
Warehousing & Distribution Establishment		1 per 500 sq. ft.
Fire Stations, EMS Station		1 per 500 sq. ft. (excludes truck bay area)
Clubs and Lodges		1 space for each 100 sq. ft. of gross floor space
Theater		1 per 4 seats

## ARTICLE 9. PERFORMANCE STANDARDS

Bowling Alley	4 per alley
Pool Hall	2 per billiard table
All Others	1 per 200 sq. ft.
Assembly	1 per 100 sq. ft.
<b><i>Electronic Gaming Operation</i></b>	1 per every electronic gaming machine plus 1 per employee on the maximum shift.

NOTES:

1. Requirements based on square feet mean square feet of ***gross floor area***, except as otherwise indicated.
2. Requirements based on the number of seats or students mean the number that is the design capacity of the building.
3. Requirements based on the number of staff or employees mean the largest number of staff or employees on the largest shift, as certified by the ***applicant***.
4. Except for manufacturing and wholesaling uses, all parking must be completed prior to issuance of a ***certificate of occupancy*** for which they serve.

(E) The ***Planning Board*** may reduce the number of ***parking spaces*** required by this section up to ten percent (10%) upon finding that the reduced number of ***parking spaces*** will be sufficient to satisfy the demand for parking expected for the use, considering the nature of the use, the number of trips generated by the use, the times of day when the use generates the most trips, and the extent to which other establishments are located on the same property and may reduce the number of vehicle trips required between different establishments. However, the reduction must be made available by either of the following options:

- (1) Off-site parking as set out in Section 9.12 of this Ordinance.
- (2) Alternative ***parking spaces*** shall be provided as set out in Section 9.11 (D)(18) of this Ordinance.

(F) ***Timing of Construction***. Parking areas intended to serve ***light and heavy manufacturing*** and wholesaling and warehousing uses shall be provided in accordance with Table 9-1; provided however, that the smaller calculation of parking area may be completed prior to the issuance of a ***certificate of occupancy*** for the use or uses which it is intended to serve if a ***site plan*** for the additional parking area is approved prior to the issuance of a building permit and provided that the land for the larger calculation of parking area is reserved for future potential parking use.

## ARTICLE 9. PERFORMANCE STANDARDS

### **SECTION 9.10 SHARED PARKING**

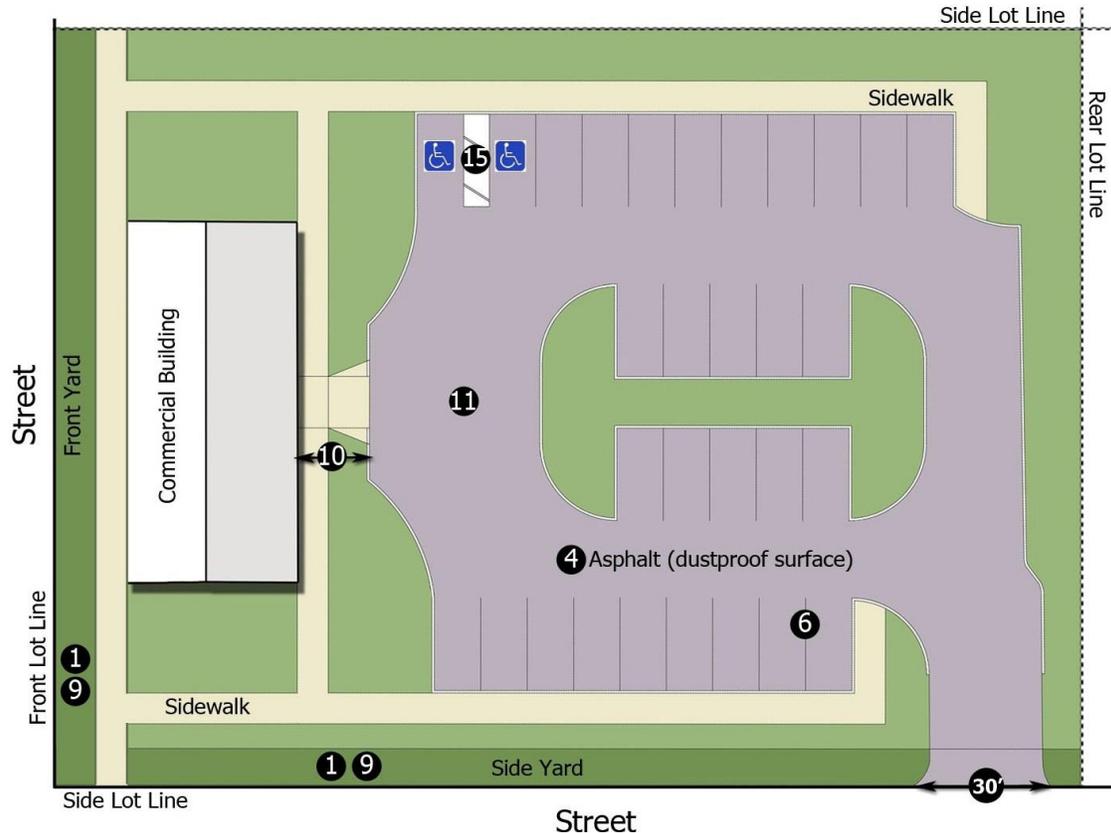
- (A) Those wishing to use shared parking as a means of satisfying off-**street** parking requirements must submit a shared parking analysis to the **UDO Administrator** that clearly demonstrates the feasibility of shared parking. The study must address, at a minimum, the size and type of the **development**, the composition of tenants, the anticipated rate of parking turnover, and the anticipated peak parking and traffic loads for all uses that will be sharing off-**street parking spaces**. A shared parking plan will be enforced through written agreement among all owners of record. An attested copy of the agreement between the owners of record must be approved by the Town Administrator and submitted to Brunswick **County Register of Deeds** for recordation. Recordation of the agreement must take place before issuance of a building permit for any use to be served by the off-site parking area. A shared parking agreement may be revoked only if required off-**street parking spaces** can be otherwise provided.
- (B) **Parking spaces** which are reserved for that specific business (e.g., reserved for doctor's only) shall not be counted toward meeting the above parking requirements, except for those spaces designated and marked for use only by **handicapped persons**.
- (C) The maximum reduction in the number of **parking spaces** required for all uses sharing the parking area shall be thirty-five percent (35%).

### **SECTION 9.11 PLAN AND DESIGN CRITERIA**

- (A) Prior to any work being done or any building or driveway permit being issued, all off-**street** parking facilities of five (5) or more spaces and/or twenty-five hundred (2,500) square feet constructed, reconstructed, revised or enlarged shall have a plan of the facility reviewed by the **UDO Administrator** or his/her designee for compliance with General Statutes, and Town ordinances.
- (B) The plan shall show the number, size, and location of spaces; arrangements of circulation aisles; locations of driveways; provisions for vehicular and pedestrian circulation; locations of sidewalks and curbs on or adjacent to the facility; barriers or wheel stops; interior, perimeter, and **street** side landscaping; locations, legend, and details of **signs**; lighting standards; typical cross-section of pavement; storm drainage facilities; and other pertinent information necessary to indicate compliance with this section.
- (C) All parking areas shall be located and designed so as to avoid undue interference with the use of public **streets** and **alleys**.

## ARTICLE 9. PERFORMANCE STANDARDS

(D) *Parking Lot Requirements - 5 or More Spaces.*



1. Minimum Front Yard: 5 feet; for corner lots the Side Yard shall be 5 feet. Required yards shall be planted and maintained with appropriate vegetation in keeping with the character of adjacent property.
2. Curb bumpers shall be required when a parking space abuts a sidewalk with 3.5 feet of clearance between bumper and sidewalk.
3. Lighting. Any lighting shall be so arranged as to direct the light and glare away from streets and adjacent property.
4. All parking lots with 5 or more spaces shall provide a dustproof surface with adequate drainage facilities.
5. Parking lots shall not drain off-site, onto public sidewalks, or adjacent property except into a natural water course or drainage easement.
6. Markings. Each parking stall shall be marked off and maintained so as to be distinguishable.
7. Driveways of 25 feet measured along the curb line unless such driveways total no more than 30 feet in width at the property line and are less than 5 feet apart.
8. Each parking area shall meet all applicable landscaping, screening, and buffering requirements set forth in Article 10.
9. Curb cut and buffer requirements. Where off-street parking is provided between the building line and the street right-of-way line for any business use, a buffer strip of at least 5 feet in width shall be provided adjacent to such street right-of-way line. Curb cuts through such buffer strips shall be located no closer together than 30 feet unless otherwise approved by the Planning Board.
10. All parking areas shall be separated at least ten feet from all buildings, in order to allow room for

## ARTICLE 9. PERFORMANCE STANDARDS

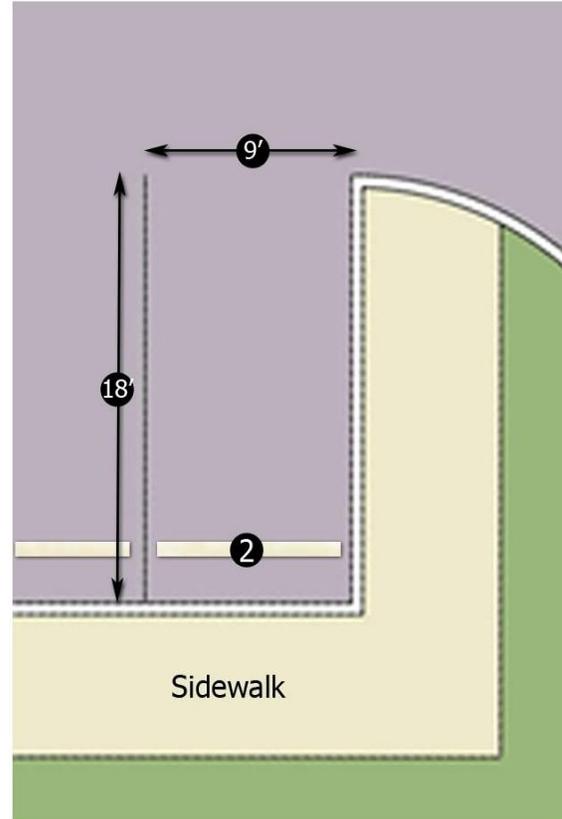
7. Entrances. For corner lots, vehicular openings shall be at least 10 feet from the intersection of the established street right-of-way. No entrance or exit, whether on a corner lot or not, shall exceed 30 feet in width at the property line, or 40 feet at the curb line. There shall be a minimum distance between

sidewalks, landscaping and other plantings between the building and the parking area. This separation between parking areas and buildings may be less than ten feet in the rear of buildings in areas designed for unloading and loading of materials; this applies primarily to industrial and warehousing buildings.

## ARTICLE 9. PERFORMANCE STANDARDS

11. To the extent possible, parking areas should be located to the rear or side of the principal building, rather than between the building and the street.
12. Maneuvering. All parking and loading facilities shall be constructed so that all maneuvering will take place entirely within the property lines of the facility.
13. A standard parking space shall have a minimum width of 9 feet and a minimum length of 18 feet.
14. Spaces larger than the standard size are permitted, provided at least the minimum number of spaces required is furnished.
15. In accordance with the North Carolina Accessibility Code, the following numerical requirements shall apply to all nonresidential uses for handicapped/disabled spaces.

Total Number of Spaces in the Lot	Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 or more	7 plus one for every 100 spaces over 200



16. All parking facilities containing 25 or more spaces shall be paved with concrete, asphalt material, or with alternative paving material determined to exhibit equivalent water resistance and load bearing characteristics as asphalt or concrete.
17. All parking facilities containing between 5 and 24 spaces, inclusive, may be paved or surfaced with a stone material provided that handicap spaces must comply with all applicable codes, ordinances, and technical requirements.
18. Alternative parking surfaces. The Town may require that parking proposed in excess of the minimum standard be stabilized grass parking or an alternative permeable surface appropriate to the specific site. Alternative parking surfaces shall be adequately maintained to provide a stable parking surface.
19. Only one sign identifying the entrance and exit to the parking lot, with a surface area no greater than 2 square feet, and only one non-illuminated sign prescribing parking regulations, with a surface area no greater than four square feet per side, may be erected at each entrance or exit to the parking lot. No other signs shall be erected in conjunction with the parking lot except for handicap signs, parking time limits, and reserved spaces.

## ARTICLE 9. PERFORMANCE STANDARDS

### **SECTION 9.12 OFF-SITE PARKING**

- (A) If some or all of the off-**street parking spaces** required by this section cannot reasonably be located on the same **lot** as the principal use, then such spaces may be provided on land within five hundred (500) feet of the main entrance to such principal use (the required maximum five hundred (500) foot separation of the use from the parking shall be measured from the main entrance to the nearest **parking lot** space following a reasonable and safe walking route), provided that:
- (1) Such land is owned by the same person or persons as the principal use;
  - (2) Such land is not separated from the principal use by a thoroughfare **street**, unless both the use and the parking area are located within the Mixed Use District or specifically approved by the **Planning Board** based on safe pedestrian crosswalks linking the parking with the principal use;
  - (3) Such land is located in a **zoning** district within which the principal use would be allowed as a permitted or special use;
  - (4) Such land shall be used for no other purpose than to provide parking for the principal use;
  - (5) There is or will be a pedestrian walkway or sidewalk connecting the parking area to the use it serves.
- (B) In such cases, the **applicant** for a building permit or **certificate of occupancy** for the principal use shall submit, along with his or her application for such permit or certificate, a legal instrument, duly executed and acknowledged which subjects and restricts the land to use for parking in connection with the principal use. Upon the issuance of a building permit or **certificate of occupancy**, the **applicant** shall register the legal instrument in the office of the **Register of Deeds** for Brunswick **County** and the Building Inspections Department of Sunset Beach shall document that the **applicant** has so registered the instrument.
- (C) In cases where overflow parking is established, no legal instrument is required for approval. Overflow parking will only be permitted when the minimum parking standards have been met.

## ARTICLE 9. PERFORMANCE STANDARDS

### **SECTION 9.13 OFF-STREET LOADING**

- (A) *Location.* All required **loading spaces** shall be located on the same **lot** and shall have the same **zoning** as the use they are to serve. No **off-street loading space** shall be located in a required **front yard** or within a triangular sight distance. Loading facilities shall be constructed so that all maneuvering will take place entirely within the property lines of the facility. Interior **off-street loading spaces** may be located inside the **structure** they serve provided the other provisions of this section, such as size and **access**, are met.
- (B) *Size.* For uses handling goods in quantity, **off-street loading spaces** shall have a minimum width of twelve (12) feet and a minimum length of forty-five (45) feet, exclusive of aisles and maneuvering space. For uses not handling goods in quantity, **off-street loading spaces** shall have a minimum width of twelve (12) feet and a minimum length of twenty-five (25) feet, exclusive of aisles and maneuvering space. In all cases **loading spaces** shall have a minimum vertical clearance of fifteen (15) feet.
- (C) *Surfacing.* All **off-street loading spaces** shall be paved with asphalt or concrete material, or with alternative paving material (e.g., concrete pavers, brick, "turf stone" or similar material) determined to exhibit equivalent wear resistance and load bearing characteristics as asphalt or concrete, of a type and thickness, capable of carrying, without damage, the heaviest vehicle loads reasonably anticipated on such surface.
- (D) *Repair and Service.* No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities, except emergency repair service necessary to relocate a vehicle to a normal repair facility.
- (E) *Utilization.* **Off-street loading space** shall not be used to satisfy the space requirements for off-street parking facilities or portions thereof, nor vice versa.
- (F) *Similar Use Applicable.* The **UDO Administrator** shall apply the off-street loading requirements for the most similar use to any unspecified use.
- (G) *Access.* Each **off-street loading space** shall be provided with unobstructed ingress and egress to a public or **private street**.

## ARTICLE 9. PERFORMANCE STANDARDS

### **SECTION 9.14 LOADING SPACE REQUIREMENTS**

- (A) *Uses Not Handling Goods in Quantity.* Commercial establishments which do not handle large quantities of goods including, but not limited to, office buildings, restaurants, grocery stores, auditoriums, convention halls, exhibition halls, funeral homes, **hotels** and **motels** shall provide off-street loading facilities in the following amounts:

<b>Gross Floor Area (In Square Feet)</b>	<b>Minimum Number of Berths</b>
Less than 40,000	1
40,000-100,000	2
100,001-160,000	3
160,001-240,000	4
240,001-320,000	5
320,001-400,000	6
Each 90,000 above 400,000	1

- (B) *Other Uses.* The **UDO Administrator** shall apply the off-street loading requirements for the most similar use listed to any unspecified use.
- (C) *Waiver or Modification of Requirements.* As part of its review and approval of a **site plan**, the Town **Planning Board** may waive or modify the requirements of this section upon finding that the use does not require **loading spaces** of a number or size required by this section, given the particular operational characteristics of the use and its need or lack of need for the delivery or shipment of goods to and from the site.
- (D) *Location and Screening of Loading Areas.* To the maximum extent possible, all loading berths shall be located between the building and the rear **lot line** of the property and/or shall be screened from the view of the street and adjacent properties. All loading areas shall meet the applicable landscaping, screening, and **buffering** requirements set forth in Article 10. The details of such location and screening shall be reviewed and approved as part of the **site plan** for the **development** and the street right-of-way line for any business use. A **buffer** strip of at least five (5) feet in width shall be provided adjacent to the street right-of-way line. Curb cuts through such **buffer** strips shall be located no closer together than thirty (30) feet unless otherwise approved by the **Planning Board**.

## ARTICLE 9. PERFORMANCE STANDARDS

### PART III. OUTDOOR LIGHTING

#### **SECTION 9.15 PURPOSE AND INTENT**

The outdoor lighting standards of this section are intended to promote "dark sky" lighting principles and protect the public health and general welfare by controlling the adverse impacts of glare and light trespass associated with poorly shielded or inappropriately directed lighting fixtures.

#### **SECTION 9.16 APPLICABILITY**

Unless otherwise expressly exempted, the regulations of this section apply to all outdoor lighting installed after February 1, 2016.

#### **SECTION 9.17 EXEMPT**

- (A) The following activities are exempt from the requirements of this section.
- (1) Outdoor lights used for a temporary event; permitted through the Town.
  - (2) Holiday lights.
  - (3) Residential security lights controlled and activated by motion sensor devices for a duration of 15 minutes or less;
  - (4) Lighting of official government flags;
  - (5) Lights used as part of a safety feature (e.g. warning lights on radio, communication and navigation towers)
  - (6) Outdoor lights used exclusively for recreational activities, concerts, plays, or other outdoor events that are open to the public, provided that the event or function meets all other applicable Ordinance requirements. Such lighting shall be located at least fifty (50) feet from any adjoining residential district or use and shall terminate lighting between 11:00 PM and 7:00AM.
  - (7) Outdoor light fixtures producing light directly by the combustion of fossil fuels, such as, kerosene lanterns or gas lamps;

## ARTICLE 9. PERFORMANCE STANDARDS

- (B) Outdoor lighting for permitted temporary or outdoor events listed in this section shall only be illuminated while the activity takes place and during high traffic periods immediately before and after the event.

### **SECTION 9.18 LIGHTING PLAN**

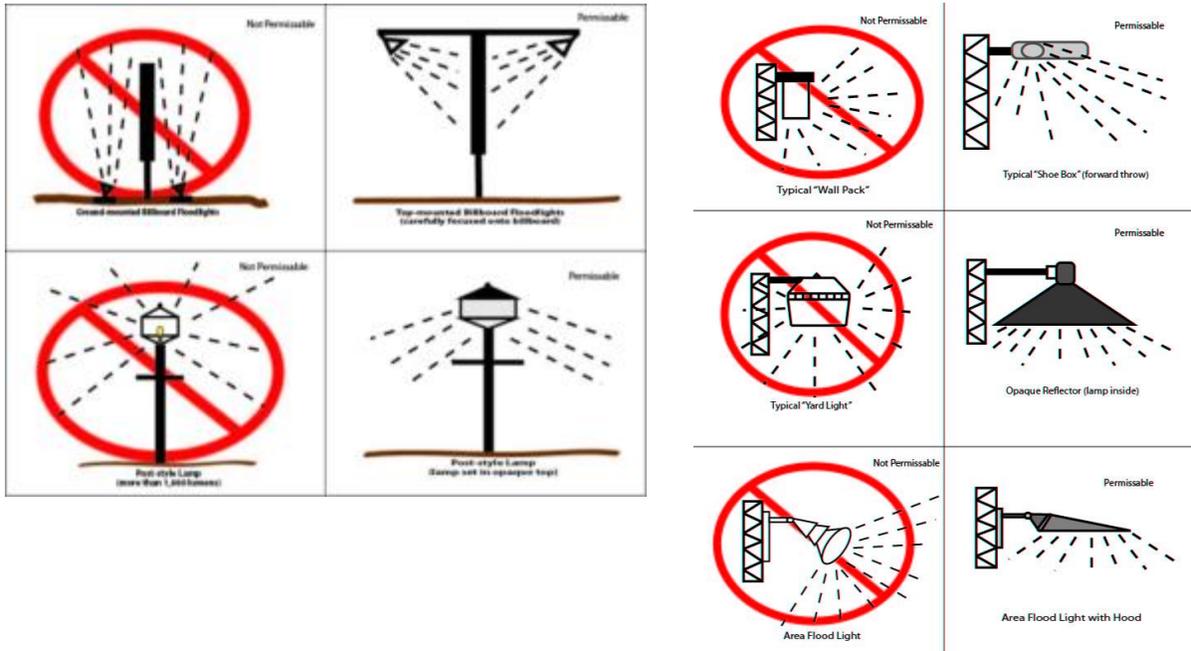
All major site plans, as specified in Article 5, Section 5.03, must indicate, at a minimum, fixture type, pole height and any fixture shielding. In addition, a note must be included on the site plan indicating that the proposed development shall comply with the outdoor lighting standards of this ordinance, including compliance with the light trespass requirement in Section 9.21.

### **SECTION 9.19 SITE LIGHTING DESIGN REQUIREMENTS**

Lighting shall be used to provide safety while accenting key architectural elements and to emphasize landscape features. Light fixtures shall be designed as an integral design element that complements the design of the project. This can be accomplished through style, material, or color. All lighting fixtures designed or placed so as to illuminate any portion of a site shall meet the following requirements:

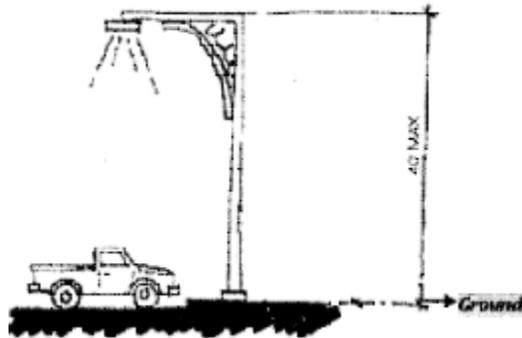
- (A) *Fixture (Luminaire).*
- (1) The light source shall be completely concealed behind an opaque surface and recessed within an opaque housing and shall not be visible from any street right-of-way or adjoining properties. Overhead lighting fixtures shall be designed to prevent light from emitting upwards towards the sky.
  - (2) Under ***canopy*** lighting fixtures should be completely recessed within the ***canopy***.

## ARTICLE 9. PERFORMANCE STANDARDS



(B) *Fixture Height.*

(1) Mainland lighting fixtures for nonresidential uses may not exceed forty (40) feet in height. Lighting fixtures for residential uses shall not exceed twenty five (25) feet in height. Illumination levels shall comply with Section 9.20.



(2) All Island lighting fixtures may not exceed twenty five (25) feet in height or twenty (20) feet in height if within 300ft. of a **primary frontal dune**. Illumination levels shall comply with Section 9.20.

(3) The **UDO Administrator** may allow fixtures above these heights to provide internal lighting for stadiums, arenas, and similar facilities.

## ARTICLE 9. PERFORMANCE STANDARDS

- (C) *Light Source (Lamp).*
- (1) Incandescent, florescent, or metal halide are preferred. Light Emitting Diodes (LEDs) and fiber optics may be used provided the color emitted is between 4,000 and 5,000 Kelvin (white light). High pressure sodium lamps are prohibited.
  - (2) The same light source type must be used for the same or similar types of lighting on any one (1) site throughout any **development**.
- (D) *Mounting.* Fixtures shall be mounted in such a manner that the cone of light is contained on-site and maximum illumination levels off-site do not exceed those found in Section 9.20(B) and not conflict with light trespass requirements found in Section 9.21.
- (E) *Limit Lighting to Periods of Activity.* The use of sensor technologies, timers, or other means to activate lighting during times when it will be needed may be required by the **UDO Administrator** to conserve energy, provide safety, and promote compatibility between different land uses.

### **SECTION 9.20 ILLUMINATION LEVELS**

- (A) To ensure uniform light distribution, all site lighting shall be designed so that the level of illumination as measured in foot-candles (fc) at any one point meets the standards in the table below with minimum and maximum levels measured on the pavement within the lighted area and average level (the overall generalized ambient light level) measured as a not-to-exceed value calculated using only the area of the site intended to receive illumination.

<b>LIGHT LEVEL (foot-candles)</b>			
<b>Type of Lighting</b>	<b>Minimum</b>	<b>Average</b>	<b>Maximum</b>
Architectural Lighting	0.0	1.0 - 1.5	5.0
<b>Canopy</b> Area Lighting	2.0	10.0 - 20.0	20.0
<b>Multi-family Parking Lot</b>	0.5	1.0 - 1.5	8.0
Nonresidential and <b>multi-family</b> entrances	1.0	2.5 - 5.0	15.0
Nonresidential <b>parking lot</b>	0.5	1.5 - 2.0	10.0
Storage area (security lighting)	0.5	1.0 - 1.5	10.0

## ARTICLE 9. PERFORMANCE STANDARDS

Vehicles sales and display	0.5	3.0	15.0
Walkways, landscape, or decorative lighting	0.5	1 - 1.5	5.0

- (B) All outdoor lighting shall be designed and located such that maximum illumination measured in foot-candles complies with the following table:

<b>MAXIMUM ILLUMINATION LEVELS (foot-candles)</b>	
<b>Lighting Measured at:</b>	<b>Maximum Illumination (foot-candles)</b>
Street	5.0
Property Line of Nonresidential Uses abutting Residential Use or Residential District	0.5
Property Line of Nonresidential Use abutting Non Residential Use or Non-Residential District	Conformance with 9.20(A)

### **SECTION 9.21 LIGHT TRESPASS**

All outdoor lighting must be located, angled, shielded or limited in intensity so as to cast no direct light or glare at any abutting residentially-used property, on adjacent streets, or spill into the night sky.

### **SECTION 9.22 SEA TURTLE PROTECTION**

- (A) *Purpose.* The purpose of this section is to protect the threatened and endangered sea turtles that nest along the beaches of the Town by safeguarding egg-laying females and hatchlings from sources of artificial light that deter nesting and cause disorientation and subsequent death. To the maximum extent feasible, and consistent with requirements for **public safety**, it is the policy of the Town that no artificial light shall directly or indirectly illuminate the Town's ocean beach. To comply with this policy, outdoor lighting installed or upgraded within three hundred (300) feet of the **primary frontal dune** after the effective date of this Ordinance shall meet the following additional requirements:

## ARTICLE 9. PERFORMANCE STANDARDS

- (1) Streetlight fixtures shall be shielded and/or utilize lenses to create a light pattern that contains light landward of the ***primary frontal dune***.
  - (2) Where it is impractical to contain light from streetlight fixtures on the landward side of the ***primary frontal dune***, colored lenses that modify light so that it is not disruptive to sea turtle hatchlings shall be employed.
  - (3) Pole-mounted light fixtures installed on private property shall be shielded in such a manner as to contain light on the landward side of the ***primary frontal dune***.
  - (4) Wall-mounted light fixtures shall be fitted with shields and hoods to contain light on the landward side of the ***primary frontal dune***.
  - (5) Residential floodlights, as specified in 9.17(A)(3), installed for security purposes and operated by motion sensors are permitted. These fixtures shall be mounted and aimed in a manner to contain light on the landward side of the ***primary frontal dune***.
  - (6) Where possible, the source(s) of light within the three hundred (300) foot zone must not be visible from the seaward side of the ***primary frontal dune***.
- (B) *Implementation; Compliance.* Building, electrical, and/or ***sign*** permits will state that the ***applicant*** must comply with the requirements of this section, and the requirements of this section must be met prior to the final inspection on the permit.

### **SECTION 9.23 NONCONFORMING LIGHTING**

Lighting fixtures existing as of February 1, 2016, may remain, and shall be considered nonconforming ***structures***. Modifications, replacement, or expansions shall conform to the standards of this Ordinance, except for the following:

- (1) Fixtures may be replaced with like fixtures that meet requirements of Section 9.19(A).
- (2) Maintenance and repairs, excluding replacement of fixtures, modifications, or expansions with like parts such as lamps, photo controls, lens, and ballasts, may be performed.

## ARTICLE 9. PERFORMANCE STANDARDS

### **SECTION 9.24 PROHIBITED LIGHTING**

The following types of outdoor lighting are specifically prohibited:

- (A) Lighting that could be confused for a traffic control device.
- (B) Lighting that is oriented upward, except as otherwise provided for in this Ordinance.
- (C) Searchlights, beacons, and laser source light fixtures are expressly prohibited.
- (D) Lights that blink, flash, move, revolve, flicker, change in intensity, or change color, except lights listed as exempt under 9.17(A).
- (E) Any lamp or bulb when not within a luminaire and which is visible from the property boundary line of the parcel on which it is located, except for landscape ornamental lighting.
- (F) Lighting inside of an awning when the awning material is translucent.
- (G) Area floodlights, not including residential security lighting on timers or motion detection.