

## ARTICLE XVIII

### PARKING

#### Section 290 Definitions.

Unless otherwise specifically provided or unless clearly required by the context, the words and phrases defined below shall have the meaning indicated when used in this section.

- (1) *Circulation Area.* That portion of the vehicle accommodation area used for access to parking or loading areas or other facilities on the lot. Essentially, driveways and other maneuvering areas (other than parking aisles) comprise the circulation area.
- (2) *Driveway.* That portion of the vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not part of the vehicle accommodation area.
- (3) *Gross Floor Area.* The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.
- (4) *Loading and Unloading Area.* That portion of the vehicle accommodation area used to satisfy the requirements of Section 300.
- (5) *Vehicle Accommodation Area.* That portion of a lot that is used by vehicles for access, circulation, parking and loading and unloading. It comprises the total of circulation areas, loading and unloading areas, and parking areas (spaces and aisles).
- (6) *Parking Area Aisles.* That portion of the vehicle accommodation area consisting of lanes providing access to parking spaces.
- (7) *Parking Space.* A portion of the vehicle accommodation area set for the parking of one vehicle.

#### Section 291 Number of Parking Spaces Required.

(a) All developments in all zoning districts other than the CD district shall provide a sufficient number of parking spaces to accommodate the number of vehicles that ordinarily are likely to be attracted to the development in question.

(b) The presumptions established by this article are that: (i) a development must comply with the parking standards set forth in subsection (e) to satisfy the requirement stated in subsection (a), and (ii) any development that does meet these standards is in compliance. However, the Table of Parking Requirements is only intended to establish a presumption and should be flexibly administered, as provided in Section 292.

(c) The minimum number of required off-street parking and stacking spaces is indicated in the Table of Parking Requirements [subsection (e)]. When determination of the number of parking spaces required by this table results in a requirement of a fractional space, any fraction of one-half or less may be disregarded, while a fraction in excess of one-half shall be counted as one parking

space. (Amended 7/99)

(d) The Council recognizes that the Table of Parking Requirements set forth in subsection (e) cannot and does not cover every possible situation that may arise. Therefore, in cases not specifically covered, the permit issuing authority is authorized to determine the parking requirements using this table as a guide.

(e) Table of Parking Requirements. (Amended 1/99)

USE	SPACES REQUIRED
<b>Residential Uses</b>	
Family care or group care facilities	1/4 beds plus 1/employee and visiting specialist plus 1/vehicle used in the operation
Multi-family dwellings (including condominiums)	
0 to 1 bedroom units	1.50/unit
2 bedroom units	1.75/unit
3 or more bedroom units	2.00/unit
Homeless Shelter	1/resident staff member, plus 2/3 nonresidential staff members and/or volunteers on the largest shift, plus 1/each vehicle used in the operation
Single-family detached; two-family dwellings; manufactured homes; townhouse dwellings; manufactured home parks	2/dwelling unit on the same lot
<b>Accessory Uses</b>	
Caretaker dwelling	2/unit
Home occupations	1/each non-resident employee
<b>Recreation</b>	
Fairgrounds; skating rinks	1/200 square feet of activity area
Athletic fields	25/field
Auditorium; assembly hall; convention center; stadium	1/5 persons based upon the design capacity of the building

Batting cages, golf driving ranges; miniature golf; shooting ranges	1/cage, tee, or firing point
Billiard parlors; tennis courts	3/table or court
Bowling centers	4/lane
Clubs; coin-operated amusement; physical fitness centers and similar indoor recreation	1/200 square feet of gross floor area
Riding Academy	1/2 stalls
Go-cart raceways	1/go-cart plus 1/employee on the largest shift
Swimming pools	1/100 square feet of water and deck space

### **Educational and Institutional Uses**

Ambulance services; fire stations; police stations	1/employee on the largest shift
Churches	1/4 seats in main chapel
Colleges, universities, technical institutes	7/classroom plus 1/4 beds in main campus dorms plus 1/250 square feet of office space plus 1/5 fixed seats in assembly halls and stadiums
Correctional institutions	1/10 inmates plus 2/3 employees on largest shift plus 1/vehicle used in the operation
Day care, adult or child	1/employee plus 1/10 client served with parking located on-site
Elementary and middle schools	3/room used for offices plus 3/classroom
Government offices; post offices	1/150 square feet of public service area plus 2/3 employees on largest shift
Hospitals	1/4 in-patient or out-patient beds plus 2/3 employees on largest shift plus 1/staff doctor
Libraries; museums and art galleries	1/450 square feet of gross floor area for public use plus 2/3 employees on the largest shift
Nursing and convalescent homes	1/4 beds plus 1/employee and visiting specialist plus 1/vehicle used in the operation
Senior high schools	3/room used for offices plus 7/classroom

**Business, Professional and Personal Services**

Automobile repair services	3/service bay plus 1/wrecker or service vehicle plus 2/3 employees on the largest shift
Banks and financial institutions	*1/200 square feet gross floor area plus stacking for 4 vehicles at each drive-through window or automatic teller machine
Barber and beauty shops	3/operator
Car washes	
Full-service	*stacking for 30 vehicles or 10/approach lane, whichever is greater plus 3 spaces in the manual drying area plus 2/3 employees on the largest shift
Self-service	*3 stacking spaces/approach lane plus 2 drying spaces/stall
Delivery services	2/3 employees on largest shift plus 1/vehicle used in the operation
Equipment rental and leasing	1/200 square feet gross floor area
Funeral homes or crematoria	1/4 seats in main chapel plus 2/3 employees on the largest shift plus 1/vehicle used in the largest operation
Hotels and motels containing...	
) 5,000 square feet or less ancillary space, i.e. restaurant, meeting rooms, lounge or lobby or a restaurant/lounge containing 3,000 square feet or less	1.1/rental unit
) (B) more than 5,000 square feet of ancillary space, i.e. restaurant, meeting rooms, lounge or lobby or a restaurant/lounge containing over 3,000 square feet	1.25/rental unit
Kennels or pet grooming	1/300 square feet of sales, grooming or customer waiting area plus 2/3 employees on the largest shift
Laundromat (coin operated)	1/4 pieces of rental equipment
Laundry and dry cleaning plants or substation	*2/3 employees on the largest shift plus 1/vehicle used in the operation plus stacking for 4 vehicles/pickup station
Laboratories	*2/3 employees on the largest shift plus 1/250 square feet of office space

Medical, dental, or related offices	3/examining room plus 1/employee including doctors
Motion picture production	1/1000 square feet of gross floor area
Offices not otherwise classified	1/250 square feet of gross floor area
Repair of bulky items (appliances, furniture, boats, etc.)	2/3 employees on largest shift plus 1/vehicle used in operation
Theaters (indoor)	1/4 seats
Truck wash	*3 stacking spaces/stall
Veterinary service (other)	4/doctor plus 1/employee including doctors
Vocational, business, or secretarial schools	1/100 square feet of classroom space plus 1/250 square feet of office space
Services and repairs not otherwise classified	1/250 square feet gross floor area plus 1/vehicle used in the operation

<b>Drive-throughs not otherwise classified</b>	*Stacking for 4 vehicles at each bay, window, lane, ordering station or machine in addition to the use requirement
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### **Retail Trade**

Bars; night clubs	1/3 persons based upon the design capacity of building plus 2/3 employees on the largest shift, located on the same zone lot
Convenience stores	*1/400 square feet gross floor area plus 2 stacking spaces at pump islands
Department stores; food stores	1/500 square feet gross floor area
Fuel oil sales, propane sales	2/3 employees on largest shift plus 1/vehicle used in the operation
Furniture; floor covering sales	1/1,000 square feet gross floor area
Motor vehicle, motorcycle, or recreational vehicle sales or rental; manufactured homes sales	5 spaces plus 1/10,000 square feet of display area plus 2/3 employees on the largest shift
Restaurants	*1/4 seats plus 5 total stacking spaces at or before ordering station
Retail sales not otherwise classified	1/400 square feet gross floor area
Retail sales of bulky items (appliances,	1/500 square feet of gross floor area

building materials, etc.)

Service stations, gasoline sales

\*3/service bay plus 1/wrecker or service vehicle plus 2 stacking spaces at pump islands

### **Wholesale Trade**

Market showroom

1/1,000 square feet gross floor area

Wholesale uses

2/3 employees on the largest shift plus 1/200 square feet of retail sales or customer service area plus 1/vehicle used in the operation

### **Transportation, Warehousing and Utilities**

Airport, bus and railroad terminals

1/4 seats plus 2/3 employees on the largest shift

Communications towers; heliports; utility lines or substations

No required parking

Self-storage warehouses

1 space/5,000 square feet devoted to storage

Transportation, warehousing and utility uses not otherwise classified

2/3 employees on the largest shift plus 1/vehicle used in the operation

### **Manufacturing and Industrial Uses**

2/3 employees on the largest shift plus 1/200 square feet of retail sales or customer service area plus 1/vehicle used in the operation

### **Other Uses**

Flea markets; other open air sales

1/1,000 square feet of lot area used for storage, sales, and display

Shopping Centers

1/500 square feet gross floor area in main building(s) (excluding theatres) plus parking as required for out parcels or theatres

/ = Per

\* = NCDOT may require additional stacking spaces on state or federal highways.

### **Section 292 Flexibility in Administration Required.**

(a) The Council recognizes that, due to the particularities of any given development, the inflexible application of the parking standards set forth in Subsection 291(e) may result in a development either with inadequate parking space or parking space far in excess of its needs. The former situation may lead to traffic congestion or parking violations in adjacent streets as well as unauthorized parking in nearby private lots. The latter situation results in a waste of money as well as a waste of space that could more desirably be used for valuable development or environmentally useful open space. Therefore, as suggested in Section 291, the permit-issuing authority may permit deviations from the presumptive requirements of Subsection 291(e) and may require more parking or allow less parking whenever it finds that such deviations are more likely to satisfy the standard set forth in Subsection 291(a).

(b) Without limiting the generality of the foregoing, the permit-issuing authority may allow deviations from the parking requirements set forth in Subsection 291(e) when it finds that:

(1) A residential development is irrevocably oriented toward the elderly;

(2) A business is primarily oriented to walk-in trade.

(c) Whenever the permit-issuing authority allows or requires a deviation from the presumptive parking requirements set forth in Subsection 291(e), it shall enter on the face of the permit the parking requirement that it imposes and the reasons for allowing or requiring the deviation.

(d) If the permit-issuing authority concludes, based upon information it receives in the consideration of a specific development proposal, that the presumption established by Subsection 291(e) for a particular use classification is erroneous, it shall initiate a request for an amendment to the Table of Parking Requirements in accordance with the procedures set forth in Article XX.

### **Section 293 Parking Space Dimensions.**

(a) Subject to subsections (b) and (c), each parking space shall contain a rectangular

area at least eighteen feet long and nine feet wide. Lines demarcating parking spaces may be drawn at various angles in relation to curbs or aisles, so long as the parking spaces so created contain within them the rectangular area required by this section. Stacking space dimensions shall be 12 feet by 20 feet.

(b) In parking areas containing ten or more parking spaces, up to twenty percent of the parking spaces may contain a rectangular area of only eight feet in width by sixteen feet in length. If such spaces are provided, they shall be conspicuously designated as reserved for small or compact cars only.

(c) Wherever parking areas consist of spaces set aside for parallel parking, the dimensions of such parking spaces shall be not less than twenty-two feet by nine feet.

(d) Parking spaces designated for use by a handicapped person shall conform to state regulations pertaining to dimensions and number of spaces for use by a handicapped person.

(e) Without limiting the generality of the foregoing, the permit issuing authority may allow deviations from the parking requirements set forth when it finds that:

- (1) In order to lessen the amount of paved areas, it is desirable to allow two feet of the presumed overhang of a vehicle as outlined in subsection 317 (d) to overhang a landscaped area, thereby allowing the landscaped area to embody two feet of the 18 feet required length of the parking space. *(Amended 1/99)*
- (2) In order to lessen the amount of paved areas, it is desirable to allow two feet of the presumed overhang of a compact car to overhang a landscaped area, thereby allowing the landscaped area to embody two feet of the 16 feet required length of the designated compact car parking space. *(Amended 6/13/95)*

**Section 294 Required Widths of Parking Area Aisles and Driveways.**

(a) Parking area aisle widths shall conform to the following table, which varies the width requirement according to the angle of parking.

Aisle Width	Parking Angle				
	0°	30°	45°	60°	90°
One Way Traffic	13	11	13	18	24
Two Way Traffic	19	20	21	23	24

(b) Driveways shall be not less than ten feet in width for one way traffic and eighteen feet in width for two way traffic, except that ten feet wide driveways are permissible for two way traffic when (i) the driveway is not longer than fifty feet, (ii) it provides access to not more than six spaces, and (iii) sufficient turning space is provided so that vehicles need not back into a public street.

**Section 295 General Design Requirements.**

(a) Unless no other practicable alternative is available, vehicle accommodation areas shall be designed so that, without resorting to extraordinary movements, vehicles may exit such areas without backing onto a public street. This requirement does not apply to parking areas consisting of driveways that serve one or two dwelling units, although backing onto arterial streets is discouraged.

(b) Vehicle accommodation areas of all developments shall be designed so that sanitation, emergency, and other public service vehicles can serve such developments without the necessity of backing unreasonable distances or making other dangerous or hazardous turning movements.

(c) Every vehicle accommodation area shall be designed so that vehicles cannot extend beyond the perimeter of such area onto adjacent properties or public rights-of-way. Such areas shall also be designed so that vehicles do not extend over sidewalks or tend to bump against or damage any wall, vegetation, or other obstruction.

(d) Circulation areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians or other vehicles and without interfering with parking areas.

## **Section 296 Vehicle Accommodation Area Surfaces.**

(a) Vehicle accommodation areas that (i) include lanes for drive-in windows or (ii) contain parking areas that are required to have more than ten parking spaces and that are used regularly at least five days per week are encouraged to be graded and surfaced with an permeable block (pervious concrete) material. Otherwise, asphalt, concrete or other material that will provide equivalent protection against potholes, erosion, and dust shall be utilized. Vehicle accommodation areas provided in excess of the minimum parking requirements for the use in question are required to be surfaced with a pervious material. Specifications for surfaces meeting the standard set forth in this subsection are contained in Appendix D. The use of bumper guards or other means in lieu of curbs and gutters in order to permit runoff to infiltrate the landscape areas is encouraged.

(b) Vehicle accommodation areas that are not provided with the type of surface recommended in subsection (a) shall be graded and surfaced with crushed stone, gravel, or other suitable material (as provided in the specifications set forth in Appendix D) to provide a surface that is stable and will help to reduce dust and erosion. The perimeter of such parking areas shall be defined by bricks, stones, railroad ties, or other similar devices installed in such a manner as to permit runoff to infiltrate the landscaped areas. In addition, whenever such a vehicle accommodation area abuts a paved street, the driveway leading from such street to such area (or, if there is no driveway, the portion of the vehicle accommodation area that opens onto such streets), shall be paved as provided in subsection (a) for a distance of fifteen feet back from the edge of the paved street. This subsection shall not apply to single-family or two-family residences or other uses that are required to have only one or two parking spaces. *(Amended 1/99)*

(c) Parking spaces in areas paved with an impervious surface shall be appropriately demarcated with painted lines or other markings. Parking spaces in areas surfaced in accordance with subsection (b) shall be demarcated whenever practicable.

(d) Vehicle accommodation areas shall be properly maintained in all respects. In particular, and without limiting the foregoing, vehicle accommodation area surfaces shall be kept in good condition (free from potholes, etc.) and parking space lines or markings shall be kept clearly

visible and distinct.

### **Section 297 Joint Use of Required Parking Spaces.**

(a) One parking area may contain required spaces for several different uses, but except as otherwise provided in this section, the required space assigned to one use may not be credited to any other use.

(b) To the extent that developments that wish to make joint use of the same parking spaces operate at different times, the same spaces may be credited to both uses. For example, if a parking lot is used in connection with an office building on Monday through Friday but is generally 90% vacant on weekends, another development that operates only on weekends could be credited with 90% of the spaces on that lot. Or, if a church parking lot is generally occupied only to 50% of capacity on days other than Sunday, another development could make use of 50% of the church lot's spaces on those other days.

(c) If the joint use of the same parking spaces by two or more principal uses involves satellite parking spaces, then the provisions of Section 298 are also applicable.

### **Section 298 Satellite Parking.**

(a) If the number of off-street parking spaces required by this chapter cannot reasonably be provided on the same lot where the principal use associated with these parking spaces is located, then spaces may be provided on adjacent or nearby lots in accordance with the provisions of this section. These off-site spaces are referred to in this section as "satellite" parking spaces.

(b) All such satellite parking spaces (except spaces intended for employee use) must be located within 400 feet of a public entrance of a principal building housing the use associated with such parking, or within 400 feet of the lot on which the use associated with such parking is located if the use is not housed within any principal building. Satellite parking spaces intended for employee use may be located within any reasonable distance. Satellite parking spaces must be located in a zoning district which permits parking lots for the use intended.

(c) The developer wishing to take advantage of the provisions of this section must present satisfactory written evidence that he has the permission of the owner or other person in charge of the satellite parking spaces to use such spaces. The developer must also sign an acknowledgment that the continuing validity of his permit depends upon his continuing ability to provide the requisite number of parking spaces.

### **Section 299 Special Provisions For Lots With Existing Buildings.**

Notwithstanding any other provisions of this chapter, whenever (i) there exists a lot with one or more structures on it constructed before the effective date of this chapter, and (ii) a change in use that does not involve any enlargement of a structure is proposed for such lot, and (iii) the parking requirements of Section 291 that would be applicable as a result of the proposed change cannot be satisfied on such lot because there is not sufficient area available on the lot that can practicably be used for parking, then the developer need only comply with the requirements of Section 291 to the extent that (i) parking space is practicably available on the lot where the development is located, and (ii) satellite parking space is reasonably available as provided in Section 298. However, if satellite parking subsequently becomes reasonably available, then it shall be a continuing condition of the

permit authorizing development on such lot that the developer obtain satellite parking when it does become available.

**Section 300 Loading and Unloading Areas.**

(a) Subject to subsection (e), whenever the normal operation of any development requires that goods, merchandise, or equipment be routinely delivered to or shipped from that development, a sufficient off-street loading and unloading area must be provided in accordance with this section to accommodate the delivery or shipment operations in a safe and convenient manner.

(b) The loading and unloading area must be of sufficient size to accommodate the numbers and types of vehicles that are likely to use this area, given the nature of the development in question. The following table indicates the number and size of spaces that, presumptively, satisfy the standard set forth in this subsection. However, the permit issuing authority may require more or less loading and unloading area if reasonably necessary to satisfy the foregoing standard.

Gross Leasable Area of Building	Number of spaces with minimum dimensions of 12 feet x 55 feet and overhead clearance of 14 feet from street grade
1,000 - 19,999	1
20,000 - 79,999	2
80,000 - 127,999	3
128,000 - 191,000	4
192,000 - 255,999	5
256,000 - 319,999	6
320,000 - 391,999	7

Plus one (1) for each additional 72,000 square feet or fraction thereof.

(c) Loading and unloading areas shall be so located and designed that the vehicles intended to use them can (i) maneuver safely and conveniently to and from a public right of way, and (ii) complete the loading and unloading operations without obstructing or interfering with any public right-of-way or any parking space or parking lot aisle.

(d) No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities.

(e) Whenever (i) there exists a lot with one or more structures on it constructed before the effective date of this chapter, and (ii) a change in use that does not involve any enlargement of a structure is proposed for such lot, and (iii) the loading area requirements of this section cannot be satisfied because there is not sufficient area available on the lot that can practicably be used for loading and unloading, then the developer

need only comply with this section to the extent reasonably possible.

### **Section 301 Parking Area Landscaping.**

(a) In addition to the shading requirements of Section 317, every vehicle accommodation area containing 10 or more parking spaces shall be landscaped in accordance with the standards delineated in the remainder of this section. The parking areas of developments located within the IW zoning district are exempt from the requirements of this Section.

(b) The presumption established by this article is that: A development must comply with the landscaping standards set forth in subsections (c), (d), (e), and (f) to satisfy the requirements stated in subsection (a).

(c) A minimum 10-foot perpetually maintained natural or planted buffer yard must be provided to screen any vehicle accommodation area (where such area is not screened visually by an intervening building) from an adjoining street right-of-way or property line. The buffer yard shall contain at least one tree for each 40 linear feet of buffer yard, evenly distributed throughout vehicle accommodation areas so as to maximize the number of parking spaces that receive shade. Each tree shall be a species which can be expected to attain a minimum height of 20 feet at maturity, except where planted along a street right-of-way without a tree lawn of sufficient width for large street trees but with overhead clearance. In such cases, trees planted along the street right-of-way shall be large shade trees reaching at least 50 feet at maturity. All trees selected by the developer shall meet the standards set forth in Appendix E. Trees planted in buffer yards must provide a minimum 30-foot diameter canopy at maturity if they are to be considered in meeting the requirements of Section 317.

(d) The required buffer yard shall also contain evergreen shrubs, planted four feet on center, which are 3-gallon size, 18 inches in width or height at the time of planting, and are a species which can be expected to attain a height of between 24 inches and 40 inches, and form a continuous landscape buffer at maturity. A combination of natural vegetation, fences, walls and berms may be utilized to achieve the screening requirements of this section. All shrubs selected by the developer shall meet the standards set forth in Appendix E.

(e) All portions of the buffer yard not planted with trees or shrubs or covered by a wall or other barrier shall be planted with grass, ground cover, or natural mulch of a minimum depth of three inches.

(f) A minimum of ten percent of the interior of a vehicle accommodation area shall be devoted to landscaping. Landscaping provided through Section 317(c) shall be credited towards meeting this interior requirement.

(g) Land uses required by Section 308 to provide a type A or B screen between adjoining uses or a street frontage are exempt from the requirements of this subsection subsections (c), (d), and (e).

(h) In parking areas consisting of not more than two aisles and three rows of parking spaces, not exceeding ten spaces per row, where adjoining landscaped areas exceed the sum of the buffer yard and interior landscaping requirements, the interior landscaping requirements may be waived.

(i) Prior to the issuance of a building permit, a detailed landscape plan showing the interior landscaping areas, buffer zones, screens and shade tree locations required by this ordinance shall be submitted and approved by the land use administrator and if applicable, the Planning Board/Town Council in conjunction with the applicable review criteria. The Town of Edenton Tree Committee shall be advised of such plans. No certificate of occupancy shall be issued until the landscaping is completed as certified by an onsite inspection by the land use administrator, unless a bond or other acceptable guarantee of improvements has been posted. *(Amended 2/12/91, 6/13/95, 1/99, 1/14/03)*

### **Section 302 Landscaping of Preexisting Vehicle Parking Areas.**

(a) The Town Council recognizes that requiring preexisting parking areas as defined in Section 301 (a) to comply with the requirements of Section 301 (b) would create an undue burden on the owners of those parking areas. Therefore, no owner of a preexisting parking area as defined in Section 301 (a) shall be required to comply with the requirements of Section 301 (b) except as follows:

- (1) If the owner of the parking area discontinues use of the business that the parking lot serves or discontinues use of the parking lot itself for 180 days or discontinues use of the parking lot or the business which the parking lot serves for any period without a present intention to continue to use the parking lot or the business, then in such a situation the owner of said parking lot shall be required to comply with the provisions of Section 301 (b).
- (2) If the owner of the parking lot expands either the business that the parking lot serves or the parking lot itself by more than 5 percent of its present actual size, then said parking lot would be required to comply with the requirements of Section 301 (b).
- (3) If a change of ownership occurs after 180 days of discontinued use, then the new owner of the said business will be required to comply with the requirements of Section 301 (b).

(b) If pursuant to the provisions of Section 302 (1), (2), and (3), the owner of a preexisting parking lot is required to comply with the provisions of Section 301 (b) then in such case:

- (1) The owner of the parking lot would have 60 days to submit a landscaping plan to the land use administrator for approval and 12 months to comply with the provisions of Section 301. The Town of Edenton Tree Committee shall be advised of such plans. In certain cases where existing properties cannot physically meet the standards of Section 301 (b), the Board of Adjustment may grant a variance from the strict letter of the ordinance. The Town of Edenton Tree Committee should be advised if such instances occur. *(Amended 1/1/4/03)*
- (2) No expenditure made for removing existing asphalt and concrete, constructing planting areas, and adding soil and plant materials which is necessary to comply with Section 301 (b) shall be required in excess of 2 percent of the total assessed real property tax value of the business that the parking lot serves and the parking lot itself and no reduction in the number of parking spaces in excess of 10 percent shall be required of the owner of the preexisting parking lot when meeting the requirements of Section 301 (b).

(c) If the zoning administrator finds that any provision of this ordinance is being violated, he shall send written notice to the property owner indicating the nature of the violation and ordering the action necessary to correct it. If after 30 days, the violation has not been cured or the administrator's decision appealed in accordance with the procedures of this ordinance, then the property owner shall be subject to a civil penalty of \$50.00 per day from the date of notice for each day the violation continues and the Town of Edenton may initiate proceedings before a court of competent jurisdiction to collect penalties as allowed by law.

(d) Any preexisting parking lots that are located in areas which are annexed by the Town of Edenton shall be subject to the same requirements as preexisting parking lots within the town's present jurisdiction. *(Amended 3/12/96, 1/99)*

### **Section 303 Flexibility in Administration Required.**

(a) The Council recognizes that, because of the wide variety of types of developments and the relationships between them, it is neither possible nor prudent to establish inflexible landscaping requirements. Therefore, as provided in Section 302(a), the Board of Adjustment may permit deviations from the presumptive requirements of Section 301(b) and may require either more or less landscaping whenever it finds such deviations are likely to satisfy the standards set forth in Section 301(a). The Town of Edenton Tree Committee should be advised if such instances occur. *(Amended 1/14/03)*

(b) Whenever the Board of Adjustment allows or requires a deviation from the presumptive requirements set forth in Section 301(b), it shall enter on the face of the site plan the landscaping requirements that it imposes to meet the standard set forth in Section 301(a). *(Amended 6/13/95, 1/14/03)*