



**AN ORDINANCE AMENDING THE CODE OF ORDINANCES
OF THE TOWN OF NAGS HEAD, NORTH CAROLINA**

ARTICLE I. Purpose(s) and Authority.

WHEREAS, pursuant to N.C.G.S. § 160A-381, 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. 160A, Art. 19 et. seq, the Town has adopted a comprehensive zoning ordinance (the "Town's Zoning Ordinance") and has codified the same as Chapter 48 of the Town's Code of Ordinances (the "Town Code"); and

WHEREAS, pursuant to N.C.G.S. § 160A-174 the Town may also enact and amend ordinances that define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the Town; and

WHEREAS, a zoning ordinance text amendment was drafted by Planning Staff and initiated by the Planning Board as relates to the calculation of permeable pavements for lot coverage purposes; and

WHEREAS, the Town finds that these text amendments are consistent with the goals, objectives and policies of the Town's adopted Land Use Plan, and that this is action is reasonable and in the public interest; and

WHEREAS, the Town further finds that in accordance with the findings above it is in the interest of and not contrary to the public's health, safety, morals and general welfare for the Town to amend the Town's Zoning Ordinance and Town Code of Ordinances as stated below.

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 ellipses ("...") shall remain as they currently exist within the Town Code.

ARTICLE III. Amendment of Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Nags Head, North Carolina, that the Town Code shall be amended as follows:

PART I. That Section **48-402(d), R-1 Low Density Residential District, Dimensional Requirements**, be amended as follows:

Sec. 48-402. - R-1 low-density residential district.

(d) Dimensional requirements. Unless otherwise specified in subsection (c) of this section, the following dimensional requirements in the R-1 district shall apply:

(1) A minimum lot area of 20,000 square feet is required for single-family dwellings.

(2) Lot coverage:

a. The lot coverage shall not exceed 30 percent plus 300 square feet or 33 percent, whichever is greater. When performing lot coverage calculations, the residential lot coverage calculation sheet included with the site development application, as amended, shall be completed and submitted for review and approval.

b. Permeable pavement:

i. ~~The use of permeable paving systems shall be credited with a 33 percent reduction in the calculated lot coverage~~

~~for the area of square footage of permeable pavement used. The total calculated lot coverage whenever permeable paving systems are used shall not exceed 40 percent.~~

- ~~i. For the purposes of determining lot coverage, the total square footage of permeable pavement materials is multiplied by 0.67.~~
- ii. Permeable pavement materials include porous concrete, permeable interlocking concrete pavers, concrete grid pavers, Turfstone™, gravel as defined in Town Code section 48-7, and other proven technologies available as covered in the NC best management practices manual and as approved by the town engineer for appropriateness to the site and existing conditions. Porous concrete shall be designed and installed in accordance with ACI specifications, or equivalent standard, with hydrological, operation and maintenance considerations. Installation shall be conducted by a contractor certified in the installation of the type of pavement system chosen.
- iii. Edge restraints shall be provided on all concrete grid pavers, permeable interlocking concrete pavers, and similar type installations to confine the pavement installation. The pavement surface course structural properties shall be designed to withstand the applied vehicular loading pursuant to the specified application.
- iv. No porous concrete shall be used east of NC 1243 (South Old Oregon Inlet Road) or NC12 (South Virginia Dare Trail). Compacted gravel shall not be considered permeable pavement.
- e. For residential uses, the total lot coverage may be increased ~~from 40 percent to 45~~ by five percent when onsite stormwater management facilities are designed, constructed, verified and maintained to retain and infiltrate the runoff from a 3.5-inch, two-hour rainfall event, assuming a standard infiltration rate of ten inches per hour. The stormwater management design standard may be reduced to a three-inch, two-hour rainfall event when more than 15 percent of the lot area is preserved in existing vegetation in accordance with subsection 48-485(b)(1)(3).

PART II. That Section **48-403(d), R-2 Medium Density Residential District, Dimensional Requirements**, be amended as follows:

Sec. 48-403. - R-2 medium-density residential district.

(d) Dimensional requirements. Unless otherwise specified in subsection (c) of this section, the following dimensional requirements in the R-2 district shall apply:

(2) Lot coverage:

- a. The lot coverage shall not exceed 30 percent plus 300 square feet or 33 percent, whichever is greater. When performing lot coverage calculations, the residential lot coverage calculation sheet included with the site development application, as amended, shall be completed and submitted for review and approval.
- b. Permeable pavement:
 - ~~i. The use of permeable paving systems shall be credited with a 33 percent reduction in the calculated lot coverage for the area of square footage of permeable pavement used. The total calculated lot coverage whenever permeable paving systems are used shall not exceed 40 percent.~~

- i. For the purposes of determining lot coverage, the total square footage of permeable pavement materials is multiplied by 0.67.
 - ii. Permeable pavement materials include porous concrete, permeable interlocking concrete pavers, concrete grid pavers, Turfstone™, gravel as defined in Town Code section 48-7, and other proven technologies available as covered in the NC best management practices manual and as approved by the town engineer for appropriateness to the site and existing conditions. Porous concrete shall be designed and installed in accordance with ACI specifications, or equivalent standard, with hydrological, operation and maintenance considerations. Installation shall be conducted by a contractor certified in the installation of the type of pavement system chosen.
 - iii. Edge restraints shall be provided on all concrete grid pavers, permeable interlocking concrete pavers, and similar type installations to confine the pavement installation. The pavement surface course structural properties shall be designed to withstand the applied vehicular loading pursuant to the specified application.
 - iv. No porous concrete shall be used east of NC 1243 (South Old Oregon Inlet Road) or NC12 (South Virginia Dare Trail). Compacted gravel shall not be considered permeable pavement.
- e. For residential uses, the total lot coverage may be increased from ~~40 percent to 45~~ by five percent when onsite stormwater management facilities are designed, constructed, verified and maintained to retain and infiltrate the runoff from a 3.5-inch, two-hour rainfall event, assuming a standard infiltration rate of ten inches per hour. The stormwater management design standard may be reduced to a three-inch, two-hour rainfall event when more than 15 percent of the lot area is preserved in existing vegetation in accordance with subsection 48-485(b)(1)(3).

PART III. That Section **48-404(d), R-3 High Density Residential District, Dimensional Requirements**, be amended as follows:

Sec. 48-404. - R-3 high-density residential district.

(d) Dimensional requirements. Unless otherwise specified in subsection (c) of this section, the following dimensional requirements in the R-3 district shall apply:

(2) Lot coverage:

- a. The lot coverage shall not exceed 30 percent plus 300 square feet or 33 percent, whichever is greater. When performing lot coverage calculations, the residential lot coverage calculation sheet included with the site development application, as amended, shall be completed and submitted for review and approval.
- b. Permeable pavement:
 - i. ~~The use of permeable paving systems shall be credited with a 33 percent reduction in the calculated lot coverage for the area of square footage of permeable pavement used. The total calculated lot coverage whenever permeable paving systems are used shall not exceed 40 percent.~~

i. For the purposes of determining lot coverage, the total square footage of permeable pavement materials is multiplied by 0.67.

- ii. Permeable pavement materials include porous concrete, permeable interlocking concrete pavers, concrete grid pavers, Turfstone™, gravel as defined in Town Code section 48-7, and other proven technologies available as covered in the NC best management practices manual and as approved by the town engineer for appropriateness to the site and existing conditions. Porous concrete shall be designed and installed in accordance with ACI specifications, or equivalent standard, with hydrological, operation and maintenance considerations. Installation shall be conducted by a contractor certified in the installation of the type of pavement system chosen.
- iii. Edge restraints shall be provided on all concrete grid pavers, permeable interlocking concrete pavers, and similar type installations to confine the pavement installation. The pavement surface course structural properties shall be designed to withstand the applied vehicular loading pursuant to the specified application.
- iv. No porous concrete shall be used east of NC 1243 (South Old Oregon Inlet Road) or NC12 (South Virginia Dare Trail). Compacted gravel shall not be considered permeable pavement.
- e. For residential uses, the total lot coverage may be increased from ~~40 percent to 45~~ by five percent when onsite stormwater management facilities are designed, constructed, verified and maintained to retain and infiltrate the runoff from a 3.5-inch, two-hour rainfall event, assuming a standard infiltration rate of ten inches per hour. The stormwater management design standard may be reduced to a three-inch, two-hour rainfall event when more than 15 percent of the lot area is preserved in existing vegetation in accordance with subsection 48-485(b)(1)(3).

PART IV. That Section **48-405(d), C-R, Commercial Residential District, Dimensional Requirements**, be amended as follows:

Sec. 48-405. - CR commercial residential district.

(d) Dimensional requirements. Unless otherwise specified in subsection (c) of this section, the following dimensional requirements shall apply in the CR district:

- (2) Lot coverage for single-family and two-family uses shall be in accordance with subsection 48-404(d)(2).
- (3) Lot coverage for all uses other than single-family and two-family uses:
 - a. Lot coverage:
 - a. The lot coverage shall not exceed 40 percent. When performing lot coverage calculations, the residential lot coverage calculation sheet included with the site development application, as amended, shall be completed and submitted for review and approval.
 - b. Permeable pavement:
 - ~~i. The use of permeable paving systems shall be credited with a 33 percent reduction in the calculated lot coverage for the area of square footage of permeable pavement used. The total calculated lot coverage whenever permeable paving systems are used shall not exceed 50 percent.~~
 - i. For the purposes of determining lot coverage, the total square footage of permeable pavement materials is multiplied by 0.67.

- ii. Permeable pavement materials include porous concrete, permeable interlocking concrete pavers, concrete grid pavers, Turfstone™, and other proven technologies available as covered in the NC best management practices manual and as approved by the town engineer for appropriateness to the site and existing conditions. Porous concrete shall be designed and installed in accordance with ACI specifications, or equivalent standard, with hydrological, operation and maintenance considerations. Installation shall be conducted by a contractor certified in the installation of the type of pavement system chosen.
- ~~iii. The town encourages use of pervious materials and new technologies that provide for safe and efficient driveway and parking areas and that appropriately address stormwater runoff issues. A minimum of 20 percent of the surface area of the parking area and drive aisles shall be constructed using permeable surface materials, unless it can be demonstrated that a topographic or hydrologic constraint exists that would limit its use and effectiveness.~~

PART V. That Section **48-407(d), C-2, General Commercial District, Dimensional Requirements**, be amended as follows:

Sec. 48-407. - C-2 general commercial district.

(d) Dimensional requirements. Unless otherwise specified in subsection (c) of this section, the following dimensional requirements shall apply in the C-2 district:

(2) Dimensional requirements and lot coverage for single-family and two-family uses shall be in accordance with subsection 48-404(d)(2).

(3) Lot coverage:

a. The lot coverage shall not exceed 55 percent. When performing lot coverage calculations, the residential lot coverage calculation sheet included with the site development application, as amended, shall be completed and submitted for review and approval.

b. Permeable pavement:

~~i. The use of permeable paving systems shall be credited with a 33 percent reduction in the calculated lot coverage for the area of square footage of permeable pavement used. The total calculated lot coverage whenever permeable paving systems are used shall not exceed 65 percent.~~

i. For the purposes of determining lot coverage, the total square footage of permeable pavement materials is multiplied by 0.67.

ii. Permeable pavement materials include porous concrete, permeable interlocking concrete pavers, concrete grid pavers, Turfstone™, and other proven technologies available as covered in the NC best management practices manual and as approved by the town engineer for appropriateness to the site and existing conditions. Porous concrete shall be designed and installed in accordance with ACI specifications, or equivalent standard, with hydrological, operation and maintenance considerations. Installation shall be conducted by a contractor certified in the installation of the type of pavement system chosen.

iii. The town encourages use of pervious materials and new technologies that provide for safe and efficient driveway and parking areas and that appropriately address stormwater runoff issues. A minimum of 20 percent of the

surface area of the parking area and drive aisles shall be constructed using permeable surface materials, unless it can be demonstrated that a topographic or hydrologic constraint exists that would limit its use and effectiveness.

PART VI. That Section **48-409(d), C-4, Village Commercial District, Dimensional Requirements**, be amended as follows:

Sec. 48-409. - C-4 village commercial district.

(d) Dimensional requirements. Unless otherwise specified in subsection (c) of this section, the following dimensional requirements shall apply in the C-4 district:

(2) Lot coverage for single-family and two-family uses shall be in accordance with subsection 48-404(d)(2).

(3) Lot coverage:

a. The lot coverage shall not exceed 40 percent. When performing lot coverage calculations, the residential lot coverage calculation sheet included with the site development application, as amended, shall be completed and submitted for review and approval.

b. Permeable pavement:

~~i. The use of permeable paving systems shall be credited with a 33 percent reduction in the calculated lot coverage for the area of square footage of permeable pavement used. The total calculated lot coverage whenever permeable paving systems are used shall not exceed 50 percent.~~

i. For the purposes of determining lot coverage, the total square footage of permeable pavement materials is multiplied by 0.67.

ii. Permeable pavement materials include porous concrete, permeable interlocking concrete pavers, concrete grid pavers, Turfstone™, and other proven technologies available as covered in the NC best management practices manual and as approved by the town engineer for appropriateness to the site and existing conditions. Porous concrete shall be designed and installed in accordance with ACI specifications, or equivalent standard, with hydrological, operation and maintenance considerations. Installation shall be conducted by a contractor certified in the installation of the type of pavement system chosen.

iii. The town encourages use of pervious materials and new technologies that provide for safe and efficient driveway and parking areas and that appropriately address stormwater runoff issues. A minimum of 20 percent of the surface area of the parking area and drive aisles shall be constructed using permeable surface materials, unless it can be demonstrated that a topographic or hydrologic constraint exists that would limit its use and effectiveness.

PART VII. That Section **48-441(d), SPD-20, Special Planned Development District, Dimensional Requirements**, be amended as follows:

Sec. 48-441. - SPD-20 special planned development district.

(d) Dimensional requirements. Unless otherwise specified in subsection (c) of this section, the following dimensional requirements shall apply in the SPD-20 district:

- (2) ~~The lot coverage shall not exceed 30 percent plus 300 square feet or 33 percent, whichever is greater. Coverage may be increased to a maximum of 40 percent if open-face paving block, Turfstone™, or porous concrete as approved by the town engineer is used in place of surfaces such as concrete or asphalt. The porous concrete shall be designed and installed in accordance with ACI specifications, or equivalent standard, with hydrological, operation and maintenance considerations in accordance with those described in Chapter 18, Permeable Pavement, NCDENR—Division of Water Quality—Stormwater Best Management Practices Manual, latest edition. Installation shall be conducted by a contractor certified in the installation of this type of pavement system. One square foot of concrete or asphalt can be replaced by 1½ square feet of open-face paving block. Open-face paving block shall be installed in accordance with article V of this chapter. In the case of an oceanfront lot, only that area landward of the first line of stable natural vegetation (as defined by CAMA) shall be used for calculating lot coverage. Where an oceanfront lot has little or no stable natural vegetation, the line of such vegetation shall be a line extending between the nearest such vegetation existing north and south of the lot. In the case of lots abutting estuarine waters (as defined by Division of Marine Fisheries and used by CAMA), lot coverage shall be in accordance with the standards listed above, except that in the area waterward of the U.S. Army Corps of Engineers 404 fill line, lot coverage shall not exceed 30 percent. If the U.S. Army Corps of Engineers 404 fill line is not evident or located within the estuarine AEC, as defined by CAMA, lot coverage within the estuarine AEC shall not exceed 30 percent. Lot coverage allowances shall not be transferred from one portion of the lot to another. The area necessary for shared accessways in accordance with section 48-90(a) shall be excluded from the total lot coverage allowance for an individual lot.~~

(2) Lot coverage:

- a. The lot coverage shall not exceed 30 percent plus 300 square feet or 33 percent, whichever is greater. When performing lot coverage calculations, the residential lot coverage calculation sheet included with the site development application, as amended, shall be completed and submitted for review and approval.
- b. Permeable pavement:
- i. ~~The use of permeable paving systems shall be credited with a 33 percent reduction in the calculated lot coverage for the area of square footage of permeable pavement used. The total calculated lot coverage whenever permeable paving systems are used shall not exceed 40 percent.~~
- i. For the purposes of determining lot coverage, the total square footage of permeable pavement materials is multiplied by 0.67.
- ii. Permeable pavement materials include porous concrete, permeable interlocking concrete pavers, concrete grid pavers, Turfstone™, gravel as defined in Town Code section 48-7, and other proven technologies available as covered in the NC best management practices manual and as approved by the town engineer for appropriateness to the site and existing conditions. Porous concrete shall be designed and installed in accordance with ACI specifications, or equivalent standard, with hydrological, operation and maintenance considerations. Installation shall be conducted by a contractor certified in the installation of the type of pavement system chosen.
- iii. Edge restraints shall be provided on all concrete grid pavers, permeable interlocking concrete pavers, and similar type installations to confine the pavement

installation. The pavement surface course structural properties shall be designed to withstand the applied vehicular loading pursuant to the specified application.

- iv. No porous concrete shall be used east of NC 1243 (South Old Oregon Inlet Road) or NC12 (South Virginia Dare Trail). Compacted gravel shall not be considered permeable pavement.

PART VIII. 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 **2nd** day of **September 2015**.



Robert C. Edwards, Mayor
Town of Nags Head

ATTEST:


Carolyn F. Morris, Town Clerk

APPROVED AS TO FORM:

John Leidy, Town Attorney



Date adopted: September 2, 2015

Motion to adopt by Commissioner _____

Motion seconded by Commissioner _____

Vote: _____ AYES _____ NAYS