



(DRAFT)
**AN ORDINANCE AMENDING THE CODE OF ORDINANCES
OF THE TOWN OF NAGS HEAD, NORTH CAROLINA PERTAINING TO THE UPDATE OF
STORMWATER REFERENCE MANUALS**

ARTICLE I. Purpose(s) and Authority.

WHEREAS, pursuant to N.C.G.S. § 160D-701, the Town of Nags Head (the "Town") may enact and amend ordinances regulating the zoning and development of land within its jurisdiction and specifically the location and use of buildings, structures and land; pursuant to this authority and the additional authority granted by N.C.G.S. Chap. 160D-702, the Town has adopted comprehensive zoning regulations and has codified the same within the Unified Development Ordinance, Part II of the Town Code, adopted pursuant to N.C.G.S. § 160D-103, which allows the Town to combine certain land development ordinances into a unified ordinance; and

WHEREAS, the Board of Commissioners find that the Town's Low Impact Development Manual and Stormwater Reference Manual contains information that ensures a level of construction and performance consistency in stormwater control measures based upon relevant practice and research, and that incorporation of the Manual and the North Carolina Department of Environmental Quality (NCDEQ) Stormwater Design Manual by reference in the Unified Development Ordinance is necessary to reflect current and relevant regulatory documents;

WHEREAS, the Board of Commissioners finds that these text amendments are consistent with the goals, objectives and policies of the Town's adopted Comprehensive Plan, and that this action is reasonable and in the public interest, and 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 Unified Development Ordinance 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, unless provisions are noted as being deleted and/or replaced in their entirety. Any portions of the adopted Town Code which are not repeated herein, but are instead replaced by an ellipsis ("...") shall remain as they currently exist within the Town Code.

ARTICLE III. Amendment of the Unified Development Ordinance.

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

PART I. That **Section 10.12.3.2.** be amended as follows:

10.12.3.2. As an alternative to the approved parking space surfaces stated above, an applicant may improve up to twenty (20) percent of the required spaces with reinforced turf pavement. The use of reinforced turf pavements shall be designed to support the intended

vehicular loading and in accordance with manufacturer's recommended specifications or other acceptable methods for design of pavement structures. Turf reinforced pavements shall be considered an innovative permeable pavement surface and may be reviewed by the Town Engineer and the fire official having jurisdiction for suitability and shall count as lot coverage in the same manner as other similar permeable pavement surfaces. Turf reinforced pavements shall be installed and maintained in accordance with manufacturers recommended specifications and ~~NCDEQ BMP manual~~ [the North Carolina Department of Environmental Quality \(NCDEQ\) Stormwater Design Manual](#), latest edition. If the turf reinforced pavement is not being maintained in accordance with the provision above, the owner may be required to re-surface the parking in accordance with subsection 10.12.3.1.

PART II. That **Section 10.92.14.3.** be amended as follows:

10.92.14.3. Required parking spaces shall be graded and paved with asphalt, concrete, gravel or alternative permeable pavement materials in accordance with the Town's recommended ~~standard details manual~~ [Town of Nags Head Low Impact Development Manual and Stormwater Reference Manual](#).

PART III. That **Section 10.95.2.** be amended as follows:

10.95.2. The stormwater management system shall be designed in accordance with the standards, methodology, and procedures prescribed in Article 11, Part I, Stormwater, Fill, and Runoff Management, the ~~Town's Stormwater Best Management Practices Manual~~ [Town of Nags Head Low Impact Development Manual and Stormwater Reference Manual](#), and the applicable requirements of the North Carolina ~~Stormwater Best Management Practices Manual (NCDEQ BMP Manual)~~ [Department of Environmental Quality \(NCDEQ\) Stormwater Design Manual, latest edition](#).

PART IV. That **Section 11.3.2.5.** be amended as follows:

11.3.2.5. Maintaining up to date resource materials including ~~the current edition of the North Carolina Best Management Practices Manual; the Town of Nags Head Best Management Manual; and the Town of Nags Head Recommended Standard Details Manual~~ [Low Impact Development Manual and Stormwater Reference Manual and North Carolina Department of Environmental Quality \(NCDEQ\) Stormwater Design Manual](#);

PART V. That **Section 11.5.2.3.** be amended as follows:

11.5.2.3. Guidance for applying and calculating the techniques listed above can be found in the ~~Town of Nags Head Recommended Standard Details Manual~~ [Low Impact Development Manual and Stormwater Reference Manual](#).

PART VI. That **Section 11.5.4.3.1.3.** be amended as follows:

11.5.4.3.1.3. A survey of the site, including topography. The survey shall be prepared by a licensed surveyor and shall include the minimum required elevation information as referenced in the ~~Town of Nags Head Recommended Standard Details Manual~~ [Low Impact Development Manual and Stormwater Reference Manual](#). The survey must also show the location of drainage ditches within the area surveyed, and the location of wetlands, and ponds.

PART VII. That **Section 11.9., and specifically subsections 11.9.1., 11.9.2., and 11.9.3.,** be amended as follows:

Section 11.9 Reference Documents.

11.9.1. The Town has prepared a Town of Nags Head Recommended Standard Details Low Impact Development Manual and Stormwater Reference Manual which includes guidance on specific stormwater control measures and other requirements of this ordinance. The Town will make copies of the most current Town Recommended Standard Details of Nags Head Low Impact Development Manual and Stormwater Reference Manual and the most current NCDEQ BMP manual North Carolina Department of Environmental Quality (NCDEQ) Stormwater Design Manual available to applicants.

11.9.2. Applicants for permits under this Part shall refer to the most current editions of the NCDEQ BMP manual North Carolina Department of Environmental Quality (NCDEQ) Stormwater Design Manual and the Town's manual Town of Nags Head Low Impact Development Manual and Stormwater Reference Manual if citing them for the design, construction and maintenance management practices on the site associated with the application. Stormwater treatment practices that are designed, constructed, and maintained in accordance with the NCDEQ BMP manual North Carolina Department of Environmental Quality (NCDEQ) Stormwater Design Manual and the Town of Nags Head Low Impact Development Manual and Stormwater Reference Manual manual will be presumed to meet the minimum water quality and quantity performance standards of this Part.

11.9.3. Applicants for permits under this Part may propose utilization of a stormwater management practice or practices which are not designed, constructed or maintained in accordance with the NCDEQ BMP manual North Carolina Department of Environmental Quality (NCDEQ) Stormwater Design Manual and/or the Town of Nags Head Low Impact Development Manual and Stormwater Reference Recommended Standard Details Manual. In such cases, the applicant shall have the burden of demonstrating that the practice(s) will satisfy the minimum water quality and quantity performance standards of this ordinance and the practices must be approved by the UDO Administrator.

11.9.4. Upon review and evaluation of an application for a permit under this Part, the Stormwater Administrator may recommend management practices regarding a particular site. If upon review and inspection the UDO Administrator determines that the environmental conditions of a particular site will not support the management practices proposed by an applicant, the UDO Administrator may require reasonable changes to the application, professional certification of a particular design and/or evaluation of the proposal by the Town Engineer. The UDO Administrator may require any reasonable changes to an application proposed by the Town Engineer.

PART VIII. That the following terms and definitions contained in **Appendix A, Definitions**, be amended as follows:

Low impact development solutions to reduce stormwater runoff, or the Town BMP manual of Nags Head Low Impact Development Manual and Stormwater Reference Manual means the local reference guide designed to provide information for low impact development practices and which can be utilized to assist with compliance for residential projects using two feet or less of fill under Article 11, Part I, Stormwater, Fill & Runoff Management. All references herein to the Town BMP manual or "Low Impact Development Solutions to Reduce Stormwater Runoff," "low impact development solutions to reduce stormwater runoff" or to the Town of Nags Head Low Impact Development Manual and Stormwater Reference Manual are to the latest edition or revision of the Manual.

North Carolina Department of Environmental Quality (NCDEQ) Stormwater Design Manual is the stormwater design manual approved by North Carolina, ~~and all~~. All references to the same herein to the NC Stormwater Design manual are to the latest published edition or revision.

Permeable pavement means paving materials that absorb water or allow water to infiltrate through the paving material. Permeable pavement materials include pervious concrete, porous asphalt, permeable interlocking concrete pavers, concrete grid pavers, Turfstone TM, gravel meeting the definition of this section, and other proven technologies available as covered in the NC Best Management Practices Manual North Carolina Department of Environmental Quality (NCDEQ) Stormwater Design Manual and as approved by the Town Engineer for appropriateness to the site and existing conditions. Compacted gravel shall not be considered permeable pavement.

ARTICLE IV. Severability.

All Town ordinances or parts of ordinances in conflict with this ordinance amendment are hereby repealed. Should a court of competent jurisdiction declare this ordinance amendment or any part thereof to be invalid, such decision shall not affect the remaining provisions of this ordinance amendment nor the Unified Development Ordinance or Town Code of the Town of Nags Head, North Carolina which shall remain in full force and effect.

ARTICLE V. Effective Date.

This ordinance amendment shall be in full force and effect upon the date of adoption by the Board of Commissioners.

Benjamin Cahoon, Mayor
Town of Nags Head

ATTEST:

Carolyn F. Morris, Town Clerk

APPROVED AS TO FORM:

John Leidy, Town Attorney

Date adopted: _____

Motion to adopt by Commissioner _____

Motion seconded by Commissioner _____

Vote: _____ AYES _____ NAYS