



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

BE IT ORDAINED by the Board of Commissioners of the Town of Nags Head, North Carolina, that Chapter 48, Zoning, of the Code of Ordinances shall be amended as follows:

PART I. That **Section 48-406 C-1 Neighborhood Commercial District, subsection (d) (2)** be amended as follows:

The lot coverage shall not exceed 45 percent. Coverage may be increased to a maximum of 55 percent if open-face paving block, or Turfstone™, or porous paving concrete as approved by the Town Engineer, is used in place of impervious surfaces such as concrete or asphalt. The pavement 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. An Operation and Maintenance Agreement must be filed by the property owner, using a certified engineer, with the Town upon system installation, or change of ownership, with an inspection conducted by the Town biennially for all properties utilizing porous pavement when not already required to do so by NCDENR Division of Water Quality. One square foot of concrete or asphalt can be replaced by 1½ square feet of open-face paving block or porous paving concrete. 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.

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

Lot coverage for single-family and two-family uses shall be in accordance with this subsection (d)(2). The lot coverage for all other uses shall not exceed 55 percent. Coverage may be increased to a maximum of 65 percent if open-face paving block, Turfstone™, or porous paving concrete as approved by the town engineer, is used in place of impervious surfaces such as concrete or asphalt. ~~The service life, hydrological design, and structural design properties of porous pavement concrete shall be designed and installed in accordance with ACI specifications, or equivalent standard, with hydrological, operation and maintenance considerations in accordance within those described in Chapter 18, Permeable Pavement, NCDENR – Division of Water Quality - Stormwater Best Management Practices Manual, latest edition.~~ equivalent to or exceed the use properties of Turfstone Installation and shall be conducted installed by a contractor certified in the installation of this type of pavement system. An Operation and Maintenance Agreement must be filed by the property owner, using a certified engineer, with the Town upon system installation, or change of ownership, with an inspection conducted by the Town biennially for all properties utilizing porous pavement concrete when not already required to do so by NCDENR Division of Water Quality. One square foot of concrete or asphalt can be replaced by one and one-half square feet of open-face paving block or porous paving concrete. 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 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.

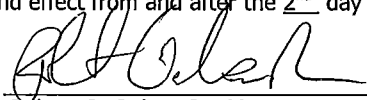
PART III. That **Section 48-409 C-4 Village Commercial District, subsection (d) (2)** be amended as follows:

Lot coverage for single-family and two-family uses shall be in accordance with section 48-404(d)(2). The lot coverage for all other uses shall not exceed 40 percent. Coverage may be increased to a maximum of 50 percent if open-face paving block, or Turfstone™, or porous paving concrete as approved by the Town Engineer, is used in place of impervious surfaces such as concrete or asphalt. The pavement 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. An Operation and Maintenance Agreement must be filed by the property owner, using a certified engineer, with the Town upon system installation, or change of ownership, with an inspection conducted by the Town biennially for all properties utilizing porous pavement concrete when not already required to do so by NCDENR Division of Water Quality. One square foot of concrete or asphalt can be replaced by 1½ square feet of open-face paving block or porous paving concrete. 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 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.

PART IV. That **Section 48-446 Hotel Overlay District, subsection (c) (1) (b)** be amended as follows:

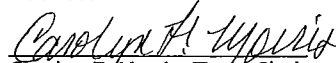
Hotels shall be allowed a maximum total lot coverage of 65 percent. Coverage may be increased to a maximum of 75 percent if open-face paving block, or Turfstone(tm), or porous paving concrete as approved by the Town Engineer, is used in place of impervious surfaces such as concrete or asphalt. The pavement 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. An Operation and Maintenance Agreement must be filed by the property owner, using a certified engineer, with the Town upon system installation, or change of ownership, with an inspection conducted by the Town biennially for all properties utilizing porous pavement concrete when not already required to do so by NCDENR Division of Water Quality. One square foot of concrete or asphalt can be replaced by one and one-half square feet of open-face paving block or porous paving concrete. Open-face paving block shall be installed in accordance with section article V of this chapter. 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. In the event that the 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.

PART V. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. This ordinance shall be in full force and effect from and after the 2nd day of February, 2011.



Robert O. Oakes, Jr., Mayor
Town of Nags Head

ATTEST:


Carolyn F. Morris, Town Clerk

APPROVED AS TO FORM:

John Leidy, Town Attorney

Date adopted: February 2, 2011

Motion to adopt by Commissioner _____

Motion seconded by Commissioner _____

Vote: _____ AYES _____ NAYS