



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 48-402 R-1 Low-Density Residential District, subsection (d) (2)** be amended as follows:

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, ~~or~~ 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 1 1/2 square feet of open-faced 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 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 subsection 48-90(a) shall be excluded from the total lot coverage allowance for an individual lot. For residential uses, lot coverage as regulated by this subsection may be increased to a maximum of 40 percent, and further increased to a maximum of 45 percent if open-face paving block, ~~or~~ Turfstone, or porous concrete as approved by the Town Engineer is used, when onsite stormwater management facilities are designed, constructed, verified and maintained to retain and infiltrate the run-off 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 3.0 inch, two-hour rainfall event when more than fifteen 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 R-2 Medium-Density Residential District, subsection (d) (2)** be amended as follows:

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 1 1/2 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 in this subsection (d), 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. The area necessary for shared accessways in accordance with subsection 48-90(a) shall be excluded from the total lot coverage allowance for an individual lot. For residential uses, lot coverage as regulated by this subsection may be increased to a maximum of 40 percent, and further increased to a maximum of 45 percent if open-face paving block, ~~or~~ Turfstone, or porous concrete as approved by the Town Engineer is used, when onsite stormwater management facilities are designed, constructed verified and maintained to retain and infiltrate the run-off 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 3.0 inch, two-hour rainfall event when more than fifteen 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 R-3 High-Density Residential District, subsection (d) (2) be amended as follows:

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 45 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 1 1/2 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 in this subsection (d), 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. The area necessary for shared accessways in accordance with subsection 48-90(a) shall be excluded from the total lot coverage allowance for an individual lot. For residential uses, lot coverage as regulated by this subsection may be increased to a maximum of 40 percent, and further increased to a maximum of 50 percent if open-face paving block, ~~or~~ Turfstone, or porous concrete as approved by the Town Engineer is used, when onsite stormwater management facilities are designed, constructed, verified and maintained to retain and infiltrate the run-off 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 3.0 inch, two-hour rainfall event when more than fifteen 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 CR Commercial Residential 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, 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 1 1/2 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.

PART V. 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, 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 1 1/2 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.

PART VI. 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 surfaces such as concrete or asphalt. ~~The service life, hydrological design, and structural design properties of porous paving 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.

~~equivalent to or exceed the use properties of Turfstone and shall be installed by a contractor certified in the installation of this pavement system.~~ 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. 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 VII. 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, 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 1 1/2 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 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 VIII. That **Section 48-441 SPD-20 Special Planned Development District, subsection (d) (2)** be amended as follows:

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 1 1/2 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.

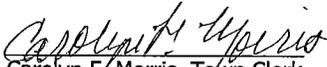
PART IX. That **Section 48-446 Hotel Overlay District, subsection (c) (1) (b)** be amended as follows:

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, 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 one and one-half square feet of open-face paving block. 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 X. 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 March, 2011.


Robert O. Oakes, Jr., Mayor

ATTEST:


Carolyn E. Morris, Town Clerk

APPROVED AS TO FORM:

John Leidy, Town Attorney



Date adopted: March 2, 2011

Motion to adopt by Commissioner _____

Motion seconded by Commissioner _____

Vote: _____ AYES _____ NAYS