

§ 156.002 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUILT UPON AREA (BUA). That portion of a development project that is covered by impervious materials or partially impervious surfaces and used to calculate stormwater run-off potential, including buildings; pavement and compacted gravel areas such as roads or parking lots, and paths and recreation facilities such as athletic courts and concrete pool decks. Built-upon Area does not include the surface area of pools, wooden slatted decks, or un-compacted, washed gravel, or pervious or partially pervious paving material to the extent that the paving material absorbs water or allows water to infiltrate through the paving material. Built-upon Area is distinct from “lot coverage” as calculated under the Zoning Ordinance. For the purposes of this ordinance, Built-upon Area shall be calculated in accordance with the methodology prescribed in the NCDENR BMP Manual.

DESIGN STORM. Rainfall event, expressed in depth, measured in inches, for the purposes of this chapter and independent of storm duration, utilized for the calculation of storage volume required for BMP’s.

IMPERVIOUS SURFACE. Any material that prevents the natural infiltration of water into the soil.

LOT COVERAGE. That portion of the lot area, expressed as a percentage, that is occupied and obstructed by an improvement or a structure above the ground, including but not limited to buildings, covered decks, concrete patios, gazebos, pools, concrete, asphalt or similar paved parking areas, concrete, asphalt or similar paved private sidewalks, concrete, asphalt or similar paved driveways and roadways, and any accessory use or structure requiring location above ground. Impervious components of peat systems to be installed shall be included in the calculation of **LOT COVERAGE**. Uncovered decks and open arbors, pergolas, overhangs and similar structures located over pervious surfaces shall be excluded from the calculation of **LOT COVERAGE**. Additionally, for single-family dwellings, gravel over a sand base or plastic grid reinforced gravel pavement systems shall be excluded from the calculation of **LOT COVERAGE**. Paving block, pavers, permeable interlocking concrete pavers (PICPs), and porous concrete and similar materials installed on a pervious base (not to include clay) shall be considered 60% impervious for the purposes of **LOT COVERAGE** calculation. 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. Ground mounted components of solar energy systems shall be excluded from the calculation of **LOT COVERAGE**; however, no more than 5% of the total lot area may be covered with a solar energy system.

LOW IMPACT DEVELOPMENT. A stormwater management design framework aimed at minimizing the negative impacts of stormwater run-off by mimicking pre-development hydrology.

NORTH CAROLINA STORMWATER BEST MANAGEMENT PRACTICES MANUAL OR “NCDENR BMP MANUAL”. The stormwater design manual approved by the North Carolina Division of Energy, Mineral and Land Resources. All references herein to the NC BMP Manual are to the latest published edition or revision.

STORMWATER BEST MANAGEMENT PRACTICES (BMPs). Hereafter referred to as “Best Management Practices” or “BMPs”; actions to control storm water runoff and can include

“structural BMPs” such as infiltration devices, retention ponds, filters and constructed wetlands; and “non-structural” BMPs such as maintenance practices, street sweeping, public education and outreach programs.

STORMWATER RUNOFF. The flow of surface water resulting from precipitation.

OFF-STREET PARKING AND LOADING

§ 156.091 MINIMUM OFF-STREET PARKING REQUIREMENTS.

(G) Each off-street parking space required by this subchapter shall have a minimum length of 20 18 feet and a minimum width of 10 9 feet. It shall have vehicular access to a publicly dedicated street or alley (or private street as platted), except as may otherwise be authorized by this subchapter.

§ 156.092 OFF-STREET PARKING REQUIREMENTS FOR SINGLE-FAMILY AND 2-FAMILY (DUPLEX) DWELLINGS.

(D) The parking area and driveway, the surface materials, and dimensions shall be depicted on a survey and presented at the time a building permit for the subject property is obtained. Installation of the parking improvements shall be verified by the Zoning Administrator before the release of the certificate of occupancy. Individual parking spaces do not need to be demarked in any fashion on the site; however, the required amount of parking area shall be drawn to scale on a site survey. The parking area may be located within the front yard setback area of the property but no closer than 5 feet to any property line and shall conform to all applicable Dare County Health Department regulations for on-site wastewater treatment. The lot coverage calculations shall include only the impervious surfaces, as defined in § 156.002, located on the site. No parking areas, pervious or impervious shall be altered subsequent to the issuance of an occupancy permit unless otherwise provided herein.

(H) Driveway and parking areas shall be designed to prevent the direct flow of stormwater runoff to streets or adjacent properties.

(H)(I) All legally existing parking areas or parking areas under construction with an approved building or land disturbance permit as of August 1, 2007 are grandfathered with respect to the materials used for improvement of the parking areas. Future development activity on such grandfathered sites with concrete, asphalt, or pavers in parking areas shall not be required to replace such materials with gravel. However, all newly installed parking areas will be required to meet the standards in this section.

§ 156.093 PARKING LOT REQUIREMENTS FOR ALL USES OTHER THAN SINGLE-FAMILY AND 2-FAMILY (DUPLEX) DWELLING UNITS.

Permanent off-street parking spaces shall be provided in accordance with the following requirements prior to the completion of construction of any building or structure, or at the time any building or structure is enlarged or increased in capacity by adding dwelling units or before conversion from 1 zoning use or occupancy to another.

(D) *Surfacing.* All parking lots shall be improved with asphalt, concrete, pavers, porous pavement or similar dust proof surface. Surfacing shall be provided in accordance with the guidelines established in § 156.112.

(E) *Drainage.* Parking lots shall not drain onto or across public roads, streets or sidewalks or into adjacent property, except into a natural watercourse or a drainage easement in accordance

with state and federal rules, laws or regulations. Site plans for parking lots must demonstrate adequate drainage facilities designed in accordance with § 156.113 below.

COMMERCIAL DEVELOPMENT AND DESIGN STANDARDS

§ 156.110 PURPOSE AND APPLICABILITY.

In order to ensure that new development, renovations and reconstructions are designed, sized and sited to complement the area in which they are located and the character of the town in general; and to minimize traffic hazards and situations which endanger public safety; and to protect existing development and property values through the promotion of high standards of design and compatibility; and to provide for a high quality of life for our citizens, the following standards and site plan requirements shall apply to all development in the VC, C-1 and C-2 Zoning Districts unless otherwise noted.

§ 156.112 PARKING, PAVING AND ACCESS DESIGN STANDARDS FOR LOTS.

(C) Paving.

(1) (a) All driveway and parking aisles shall be improved with asphalt, concrete or pavers except for areas used for overflow, special events and peak parking.

(b) The town encourages use of pervious materials and new technologies that provide for safe and efficient driveway and parking areas and that appropriately address storm water runoff issues. No more than eighty percent (80%) of the surface area of the parking area and drive aisles may be constructed using an impervious surface material.

(2) Any non-paved surface used for overflow, special events and peak parking that cannot be maintained with healthy, living turf grass or similar ground cover shall be improved with asphalt, concrete, pervious pavement or pavers.

(3) Any non-paved surface used for parking spaces shall be improved with pavers or similar dust-free surfaces.

(D) Aisles.

(1) (a) No more than 2 parking aisles (defined as a travel lane and the parking located on each side) shall abut.

(b) Otherwise, parking aisles shall be separated from each other by planted medians which may include pedestrian walkways. (See § 156.115 below for landscaping requirements).

(c) As an alternative for parking lots designed for any single large retail store or any shopping center containing 300 or more parking spaces, up to 4 parking aisles may abut provided the interior landscaping and design requirements for large parking lots are met within the parking lot excluding any perimeter, streetyard, internal driveway, required buffer or other landscape area required by § 156.115 below.

(d) The maximum distance between required landscape medians shall be no greater than 250 feet.

(2) No more than 15 parking spaces shall be contiguous and adjoining in a single row of parking spaces except as provided for large parking lot landscaping and design in § 156.115 below.

(3) Aisles shall be a minimum of 24 20 feet in width if serving two-way traffic and a minimum of 12 feet in width if serving one-way traffic. During the site plan review process, the Fire Chief or Fire Marshal may require a drive aisle of up to 24 feet in width in specified locations if it is determined that this is necessary to accommodate fire service operations.

(4) No parking aisle serving the general public that contains more than 10 parking spaces

shall deadend. Any parking aisle that deadends shall be provided a suitable turnaround.

(5) For dead end drive aisles containing less than six parking spaces, the width of the drive aisle may be reduced to no less than 18 feet if serving two-way traffic and 12 feet if serving one-way traffic.

§ 156.113 DESIGN STANDARDS FOR SERVICES AND UTILITIES.

In order to subordinate the appearance of services and utilities on individual sites and throughout the town, the following standards shall apply to all services and utilities.

(E) *Engineered storm water control facilities.* Projects shall incorporate storm water control facilities to capture and retain stormwater runoff in accordance with the following criteria:

- (1) All stormwater runoff from the project's built-upon area must be directed into an approved stormwater management system designed to accommodate the volume of runoff generated by a 1.5" design storm.
- (2) The stormwater management system shall be designed in accordance with the standards, methodology, and procedures prescribed in the North Carolina Stormwater Best Management Practices manual (NCDENR BMP Manual).
- (3) (To the extent practicable), project designs shall utilize low-impact development principles and best management practices as the primary method for the treatment of stormwater.
- (4) Stormwater plans shall be prepared by a North Carolina Licensed Professional Engineer. Prior to the issuance of a certificate of completion for the project, a North Carolina Licensed Engineer shall certify that the proposed improvements have been constructed in accordance with the project design.
- (5) All storm water detention and/or retention ponds and basins shall be designed as an integral part of the development site and shall be aesthetically pleasing (e.g. neatly landscaped, well-maintained, vegetated slopes, decorative fencing if fencing is used).

§ 156.114 DESIGN STANDARDS FOR NATURAL AREAS AND FEATURES.

In order to protect our natural resources while continuing to support healthy economic growth, the following standards shall apply to all natural resource areas and features in all zoning districts unless otherwise noted.

(A) Natural landscapes and areas of mature trees shall be protected to the extent practical during development.

(B) Open space systems shall be designed to incorporate and protect significant natural features whenever practicable.

§ 156.128 LAND DISTURBING ACTIVITIES.

(2) Land disturbing activities, excluding necessary clearing and grubbing shall not be permitted within 5 feet from any property line with the exception of drainage and storm water improvements and underground utilities. Landscaping and fences located within this area are permitted as long as they do not impede the flow of storm water. Land disturbances on front (street) property lines for driveways shall be limited to culvert, drainage and driveway improvements and shall comply with all provisions of this chapter.

Fill is not allowed within 5 feet of any side or rear property line except to directly match a higher adjacent grade at the property line. Fill is not allowed within 5 feet of the front (street) property line except to directly match the grade at the street and to accommodate driveway improvements as approved by the Planning Director or Town Council.

Except as provided in § 156.128(A)(3) above, a lot shall not be filled/graded higher than the adjacent grades or nearer than 5 feet to any property line in any of the following circumstances:

(g) Driveways shall taper back to existing grade no less than 5 feet from the front property line and shall be designed to prevent the direct flow of stormwater runoff to streets or adjacent properties.

(h) Storm water retention areas may be located up to property lines provided no fill therefore is located within 2 feet of the property lines.

(i) Guttering and rooftop rainwater collection systems shall not flow directly onto driveways, impervious surfaces, or adjacent properties.

§ 156.030 RS-1 SINGLE-FAMILY RESIDENTIAL DISTRICT.

The following regulations shall apply to the RS-1 Single-Family Residential District:

(D) *Dimensional requirements.*

(1) Minimum lot size:

(a) Single-family lots served by a private well and an on-site septic tank/drain field system: 20,000 square feet of area;

(b) Single-family lots served by a central water supply and an on-site septic tank/drain field system: 15,000 square feet of area; and

(c) Single-family lots served by a central water supply and a central wastewater disposal system: 15,000 square feet of area.

(2) Minimum lot width: 75 feet, measured at the building setback line.

(3) Minimum front yard: 25 feet.

(4) Minimum side yard: 10 feet, an additional 10-foot side yard adjacent to the street is required for a corner lot.

(5) Minimum rear yard: 25 feet.

(6) Maximum allowable lot coverage by principal use and all accessory structures: 30%. Lot coverage may be increased to 35% provided that stormwater improvements meeting the following criteria are provided on the development site:

(a) Stormwater runoff from the built-upon area of the site must be directed into an approved stormwater management system designed to accommodate the volume of runoff generated by a 1.5" design storm.

(b) The stormwater management system shall be designed in accordance with the standards, methodology, and procedures prescribed in the North Carolina Stormwater Best Management Practices manual (NCDENR BMP Manual).

(c) (To the extent practicable), project designs shall utilize low-impact development principles and best management practices as the primary method for the treatment of stormwater.

(d) Stormwater plans shall be prepared by a North Carolina Licensed Professional Engineer. Prior to the issuance of a certificate of completion for the project, a North Carolina Licensed Engineer shall certify that the proposed improvements have been constructed in accordance with the project design.

(7) Height limitation: 35 feet.

§ 156.031 RS-2 SINGLE-FAMILY RESIDENTIAL DISTRICT.

(D) *Dimensional requirements.*

- (1) Minimum lot size:
 - (a) Single-family lots served by a private well and an on-site septic tank/drain field system: 20,000 square feet of area;
 - (b) Single-family lots served by a central water supply and an on-site septic tank/drain field system: 15,000 square feet of area; and
 - (c) Single-family lots served by a central water supply and a central wastewater disposal system: 15,000 square feet of area.
- (2) Minimum lot width: 75 feet, measured at the building setback line.
- (3) Minimum front yard: 25 feet.
- (4) Minimum side yard: 10 feet, an additional 10-foot side yard adjacent to the street is required for a corner lot.
- (5) Minimum rear yard: 20 feet.
- (6) Maximum allowable lot coverage by principal use and all accessory structures: 30%. Lot coverage may be increased to 35% provided that stormwater improvements meeting the following criteria are provided on the development site:
 - (a) Stormwater runoff from the built-upon area of the site must be directed into an approved stormwater management system designed to accommodate the volume of runoff generated by a 1.5" design storm.
 - (b) The stormwater management system shall be designed in accordance with the standards, methodology, and procedures prescribed in the North Carolina Stormwater Best Management Practices manual (NCDENR BMP Manual).
 - (c) (To the extent practicable), project designs shall utilize low-impact development principles and best management practices as the primary method for the treatment of stormwater.
 - (d) Stormwater plans shall be prepared by a North Carolina Licensed Professional Engineer. Prior to the issuance of a certificate of completion for the project, a North Carolina Licensed Engineer shall certify that the proposed improvements have been constructed in accordance with the project design.
- (7) Height limitation: 52 feet.

§ 156.032 R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT.

(D) *Dimensional requirements.*

- (1) Minimum lot size:
 - (a) Single-family lots served by a private well and an on-site septic tank/drain field system: 20,000 square feet of area;
 - (b) Single-family lots served by a central water supply and an on-site septic tank/drain field system: 15,000 square feet of area;
 - (c) Single-family lots served by a central water supply and a central wastewater disposal system: 15,000 square feet of area; and
 - (d) Duplex: 25,000 square feet; except, that if served by an approved public or community sewage disposal system, lot size may be reduced to 15,000 square feet.
- (2) Minimum lot width: 75 feet, measured at the building setback line.
- (3) Minimum front yard: 25 feet.
- (4) Minimum side yard: 10 feet. An additional 10-foot side yard adjacent to the street is

required for a corner lot.

(5) Minimum rear yard: 20% of lot depth, but the yard need not exceed 20 feet.

(6) Maximum allowable lot coverage by principal use and all accessory structures: 30%. Lot coverage may be increased to 35% provided that stormwater improvements meeting the following criteria are provided on the development site:

(a) Stormwater runoff from the built-upon area of the site must be directed into an approved stormwater management system designed to accommodate the volume of runoff generated by a 1.5" design storm.

(b) The stormwater management system shall be designed in accordance with the standards, methodology, and procedures prescribed in the North Carolina Stormwater Best Management Practices manual (NCDENR BMP Manual).

(c) (To the extent practicable), project designs shall utilize low-impact development principles and best management practices as the primary method for the treatment of stormwater.

(d) Stormwater plans shall be prepared by a North Carolina Licensed Professional Engineer. Prior to the issuance of a certificate of completion for the project, a North Carolina Licensed Engineer shall certify that the proposed improvements have been constructed in accordance with the project design.

(7) Height limitation: 35 feet.