

AN ORDINANCE AMENDING THE KITTY HAWK TOWN CODE

WHEREAS, Town Council has recognized the value in the use of permeable materials for stormwater management purposes; and

WHEREAS, Town Council also has opted to incentivize the use of such materials in residential uses with extra lot coverage; and

WHEREAS, the Town Council of Kitty Hawk has found this amendment to be consistent with the Town's adopted CAMA Land Use Plan.

BE IT ORDAINED by the Town Council of Kitty Hawk that Kitty Hawk Town Code be amended as follows:

Sec 42-1.- Definitions

Lot coverage means a measure of the developed intensity of land use. The term "lot coverage" includes, but is not limited to, all areas covered by buildings, parking areas, accessory structures, improved driveways, roads, sidewalks, decks and any area of concrete or asphalt. Permeable pavement (see permeable pavement definition) lot coverage shall be reduced, upon site plan approval by the town, by the built-upon area (BUA) credit established in section C-5, Permeable Pavement, of the NC DEQ Stormwater Design Manual, latest edition, or if a proposed permeable pavement BUA credit has not been assigned by the NCDEQ Stormwater Design Manual, the BUA credit will be as confirmed by NC DEQ Stormwater Section upon evaluation.

(1) The "wet" or water area of a swimming pool shall be exempt from the lot coverage calculations up to 500 square feet. Any pool water area in excess of 500 square feet will count towards lot coverage calculations.

(2) For single-family residential applications:

- (a) artificial turf, plastic turf reinforcing grids (PTRGs or geocells) shall be exempt from lot coverage calculations, provided that the materials and construction methods have been certified by a state licensed engineer to be 100 percent pervious and will remain so for the life of the installation.
- (b) Uncovered open-slatted decks that allow water to penetrate through to open, pervious material shall be exempt from lot coverage calculations.
- (c) Gravel or loose stone used for walkways, patios or landscaping shall be exempt from lot coverage calculations.

Lot coverage physical area means the total area of all areas physically covered by buildings, parking areas, accessory structures, driveways, roads, sidewalks, any area of concrete or asphalt including impervious areas and permeable lot coverage without reduction for built-upon area credits. Lot coverage physical area shall not exceed the limits set out in the dimensional requirements of each zoning district.

Permeable pavement means pedestrian or vehicular pavement materials installed, operated, maintained, tested and repaired to permit passage of water through the pavement, including porous concrete, porous asphalt, permeable interlocking concrete pavers, concrete grid pavers (e.g., turfstone), reinforced turf, pavement edge restraints, and other similar proven technologies.

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Permeable pavement shall be not less than 100 percent pervious or built-upon area credit (lot coverage credit) as established in section C-5, Permeable Pavement, of the NC DEQ Stormwater Design Manual, latest edition, or All permeable paving systems shall comply with the criteria of the North Carolina Division of Water Quality Stormwater Best Management Practices Manual (current edition); for permeable pavement not evaluated by the NC DEQ Stormwater Design Manual, as confirmed by NC DEQ Stormwater Section upon evaluation.

Sec. 42-247(d)4; Sec. 42-248(d)4; Sec. 42-249(d)4 ; Sec. 42-273(d)4 ; Sec. 42-274(d)4 ; Sec 42-275(d)4

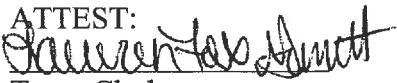
The maximum allowable lot coverage by principal use and all accessory structures is 30 percent. Maximum lot coverage physical area of 38 percent, provided that any lot coverage physical area in excess of 30 percent is comprised of permeable pavement. Permeable pavement failure shall require that the failed permeable pavement is removed and replaced by a pavement meeting the definition of permeable pavement herein with design pavement performance equal to, or better than, the represented performance of the approved pavement.

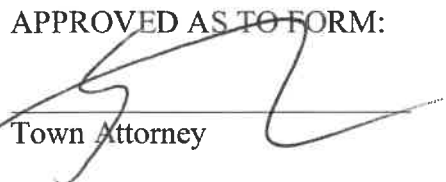
Sec. 42-250(d)5; Sec. 42-251(d)5; Sec. 42-253(d)5; Sec. 42-276(d)8; 42-277(d)5 ; Sec. 42-278(d)(2)d. ; Sec. 42-446(e)

The maximum allowable lot coverage by principal use and all accessory structures is 60 percent. Use of permeable pavement shall allow a mMaximum lot coverage physical area of 72 percent, provided that any lot coverage physical area in excess of 60 percent is comprised of permeable pavement. Permeable pavement failure shall require that the failed permeable pavement is removed and replaced by a pavement meeting the definition of permeable pavement herein with design pavement performance equal to, or better than, the represented performance of the approved pavement.

This ordinance amending the Kitty Hawk Town Code shall take effect the 5th day of August, 2024. Passed and adopted at a regular meeting held by the Town Council of Kitty Hawk the 5st day of August 2024, with a unanimous approval vote.


Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney

The undersigned certifies that the foregoing official ordinance designated ORDINANCE AMENDMENT OF THE TOWN CODE OF KITTY HAWK, NORTH CAROLINA was filed in the Kitty Hawk Ordinance Book on the 16th day of September, 2024, at 9 o'clock am .

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Lauren Robinson
Town Clerk