

(B) See § 153.077.

(Ord. 91-08, passed 11-18-91; Am. Ord. 01-02, passed 2-28-01)

§ 153.123 OFF-STREET PARKING, DRIVEWAYS, CURBS.

See § 153.076.

(Ord. 91-08, passed 11-18-91; Am. Ord. 01-02, passed 2-28-01)

§ 153.124 BUFFERS AND SCREENING.

See § 153.073.

(Ord. 91-08, passed 11-18-91; Am. Ord. 01-02, passed 2-28-01)

MARITIME FOREST ENVIRONMENTAL DISTRICT (MFED)

§ 153.135 INTENT AND BASIS.

(A) *Intent.* The Maritime Forest Environmental District (MFED) is established to conserve the natural resources and environment located within the town collectively known as the Maritime Forest. The MFED is created to require that any development be compatible with the environmentally-sensitive setting of Nags Head Woods Maritime Forest. Specifically, the MFED is designed to:

(1) Conserve the integrity of the natural canopy of the area and protect features, including but not limited to the following:

(a) Components of the groundwater storage and recharge system which are necessary for growth and maintenance of maritime forest vegetation. Such components include ponds, lowlands, marshes, bay forests and wetlands;

(b) Vegetation acting as soil stabilizers or which provides significant storm or salt protection value, including dune ridge plant communities and scrub forests;

(2) Permit very low density residential development of those portions of the district suitable for residential use and to encourage open space and limited recreational use of portions not suitable for residential use.

(B) *Basis.*

(1) The Nags Head Woods is an irreplaceable maritime forest. It is one of the few remaining maritime forests in North Carolina and consists of ecologically important marshland, pine hammocks, bay forest, ridge forest, hardwood and pine forests, ponds and dunes.

(2) Each part of this natural system is important to the survival of the whole system. Guidelines must be established to protect the fragile nature of the ecosystem and prevent the possibility of imbalance. The Maritime Forest is integral and vital for the groundwater replenishment cycle of the Outer Banks.

(Ord. 91-08, passed 11-18-91; Am. Ord. 01-02, passed 2-28-01)

§ 153.136 PERMITTED USES.

(A) *General.* In MFED buildings and/or land shall be used for the following purposes:

- (1) Single-family dwellings;
- (2) Duplex dwellings;
- (3) On-site accessory structures to subsections (1) or (2) of this division;
- (4) Swimming pools, tennis courts;
- (5) Wildlife and ecological preserves;
- (6) Watershed conservation areas; and
- (7) Town-owned and leased facilities.

(B) *Special use standards.* All development shall be undertaken in such a manner that development and land-clearing activities do not degrade the function of any wetland, swale or pond and that the sum of associated clearing shall not exceed 15% of the total lot area. (See § 153.140(D) for exceptions.) All permitted and conditional uses in MFED are governed by this section and shall abide by the special development standards as follows:

(1) Site alteration shall not occur prior to the issuance of a building permit unless authorized in writing by the Zoning Administrator. Trees shall not be removed except as necessary for the construction of the principal structure, accessory structure, parking area, septic tank, nitrification system and driveway access area. In no case shall a tree in excess of 12 inches in diameter be removed. (See

§ 153.140(D) for exceptions.) Pine trees 12 inches or greater in diameter can be removed when authorized in writing by the Zoning Administrator. Tree diameter shall be determined by measuring the tree 4 feet above the ground surface. Land-disturbing activities and site alteration shall not exceed the minimum necessary to provide for the location of the principal use structure, any accessory use structure, parking area, utility service improvements, septic tank, nitrification system and driveway access.

(2) In addition to normal requirements for a building permit, development of a building site requires the submission of a natural features site plan sealed by a registered North Carolina land surveyor or engineer. The proposed improvements shall be reviewed by the Zoning Administrator and, if required, the town CAMA officer. The natural features shall be drawn to a scale of at least 1 inch equals 50 feet and include at minimum the following information:

- (a) Topographical condition of the entire lot;
- (b) Existing vegetation on the lot, including forest canopy and its height, subcanopy, scrub forest, ridge line trees, salt marshes, rare plants and ground cover;
- (c) Components of the groundwater recharge system, including streams, ponds, marshes, dunes, lowlands, bay forests and wetland swales.
- (d) Location and slopes of any dunes;
- (e) Direction of movement and location of any migrating dunes on or near the lot;
- (f) Soil types;
- (g) Proposed building site;
- (h) Area to be cleared or disturbed.

(Am. Ord. 01-02, passed 2-28-01)

§ 153.137 CONDITIONAL USES.

(A) *Multi-family dwellings.* Multi-family dwellings may be developed at a density of one unit per two acres or 87,120 square feet of land area, provided that the structures are located on the lot in such a manner that development and land-clearing activities do not degrade any wetland, swale or pond and that any associated clearing does not exceed 15% of the total lot area. All multi-family dwelling sites in MFED governed by this section shall abide by the special development standards as stipulated in § 153.136(B).

(B) *Playgrounds and parks.* All playgrounds and parks in the MFED Zone shall be operated by a governmental entity or nonprofit organization. The sponsoring agency shall provide in writing a maintenance schedule and shall designate those parties who shall be responsible for the periodic maintenance and policing of the grounds and resolution of any conflicts.

(C) *Places of worship.*

(Ord. 91-08, passed 11-18-91; Am. Ord. 01-02, passed 2-28-01)

§ 153.138 NONCONFORMITIES.

See §§ 153.050 *et seq.*

(Ord. 91-08, passed 11-18-91; Am. Ord. 01-02, passed 2-28-01)

§ 153.139 BUILDING HEIGHT LIMITS.

(A) No structure shall exceed a living space height of 35 feet as measured from average ground elevation to top plate.

(B) No structure shall exceed a total height of 42 feet.

(C) No structure shall have more than three levels of living space.

(D) Antennas for personal use and chimneys are exempt from height restrictions.

(Ord. 91-08, passed 11-18-91; Am. Ord. 01-02, passed 2-28-01; Am. Ord. 02-16, passed 9-25-02)

§ 153.140 SITE REQUIREMENTS.

(A) *Lot dimensions.* All parcels shall have a minimum width of 150 feet.

(B) *Lot area.*

(1) The minimum building site shall be 2 acres or 87,120 square feet.

(2) The minimum building site for a duplex shall be 4 acres or 174,240 square feet.

(B) *Front yard.* The minimum front yard setback requirements shall be 30 feet from the front property line. For flag lots the front yard setback shall be measured from the point where the lot width meets the minimum width requirements.

(C) *Rear yard.*

(1) The minimum rear yard setback requirements shall be 20% of the total depth of the lot but shall not exceed 30 feet from the rear property line.

(2) Detached garages and accessory structures may be built in the MFED Zone. The minimum front yard setback requirements shall be 30 feet from the front property line. However, any such structure shall be erected a distance of not less than 8 feet from the main building to the garage or accessory structure and not less than 5 feet from any lot line.

(D) *Double frontage.* The minimum rear yard setback requirements on any double-frontage lot shall be 20% of the lot depth not to exceed 30 feet.

(E) *Corner lot.* The minimum setback requirements on a corner lot shall be 30 feet.
(Ord. 91-08, passed 11-18-91; Am. Ord. 01-02, passed 2-28-01; Am. Ord. 03-13, passed 7-14-03)

§ 153.142 SIGNS.

(A) No illuminated sign shall be permitted in the MFED Zone. House numbers may be illuminated.

(B) See § 153.077.
(Ord. 91-08, passed 11-18-91; Am. Ord. 01-02, passed 2-28-01)

§ 153.143 OFF-STREET PARKING, DRIVEWAYS, CURBS.

See § 153.076.
(Ord. 91-08, passed 11-18-91; Am. Ord. 01-02, passed 2-28-01)

§ 153.144 BUFFERS AND SCREENING.

See § 153.073.
(Ord. 91-08, passed 11-18-91; Am. Ord. 01-02, passed 2-28-01)