

**TOWN OF DUCK  
PLANNING BOARD  
REGULAR MEETING  
October 16, 2019**

The Planning Board for the Town of Duck convened at the Paul F. Keller Meeting Hall on Wednesday, October 16, 2019.

Present were: Chair Joe Blakaitis, Vice Chair Marc Murray, Tim McKeithan, and James Cofield.

Absent: Member Sandy Whitman.

Also present were: Director of Community Development Joe Heard, Council Liaison Jon Britt, and Permit Coordinator Sandy Cross.

Absent: None.

Others Present: None.

Chair Blakaitis called to order the Regular Meeting of the Planning Board for October 16, 2019 at 6:34 p.m.

**PUBLIC COMMENTS**

None.

**OLD BUSINESS**

**Ordinance 19-07: Text Amendment Proposal to Exempt Gravel Parking Areas from Lot Coverage Calculations in Commercial Zones**

Director Heard stated that the draft ordinance in front of the Board was seeking to accomplish the following objectives. First, to amend the definition of lot coverage by excluding gravel driveways, parking aisles, and parking spaces from lot coverage calculations, similar to the current exemption for residential parking. Secondly, to amend the design standards for commercial parking by the addition of allowances and standards for gravel parking surfaces.

Director Heard stated that while discussing related issues during their meeting on June 12, 2019, the Board members questioned why gravel parking surfaces with greater permeability than asphalt/concrete surfaces are not given the same reduction in lot coverage offered to residential properties. He added that the Board members drafted a memorandum to Town Council requesting authorization to further consider the issue. He stated that at their August 7, 2019 meeting, the Town Council authorized the Planning Board to work with Town staff to develop ordinance amendments that will encourage greater use of pervious or semi-pervious parking surface materials on commercial properties.

Director Heard noted that part of the definition for lot coverage in Section 156.002 of the Town Code states the following: “Additionally, for single-family dwellings, gravel of a sand base or plastic grid reinforced pavement systems shall be excluded from the calculation of lot coverage.” He added that Subsection 156.092(C) of the Town Code states, “required parking spaces shall be graded and improved with loose stone surface, such as gravel, porous pavers, or other similar semi-permeable materials. Loose stone surface shall be bordered in a manner which retains the stone in the parking area. Parking spaces may be improved with asphalt or concrete, subject to review and approval of the Director of Community Development, if there is a topographic condition that warrants such improvement.”

Director Heard stated that Subsection 156.112(C) contained the following standards: (1) All driveway and parking aisles shall be improved with asphalt, concrete or pavers except for areas used for overflow, special events and peak parking. (2) The Town encourages use of pervious materials and new technologies that provide for safe and efficient driveway and parking areas and that appropriately address stormwater runoff issues. No more than 80% of the surface area of the parking area and drive aisles may be constructed using an impervious surface material. (3) Any non-paved surface used for parking spaces shall be improved with pavers or similar dust-free surfaces. He stated that changes that are proposed in this subsection would create allowances for the use of gravel parking surfaces in commercial areas.

Director Heard stated that since the proposed amendments encourage the use of gravel surfaces, it should result in reducing lot coverage and improving stormwater drainage on commercial properties that use these alternatives. He added that staff is recommending approval of the proposed text amendment.

In response to a question from Chair Blakaitis, Director Heard clarified that the 80% standard is already in the ordinance and is not a new standard. Director Heard noted that the Town is already requiring at least 20% of commercial parking areas to be some type of semi-pervious or pervious material.

Member McKeithan stated that if one goes back to the definition of lot coverage, it offers an exemption for gravel over sand based or plastic grid reinforced gravel for single-family dwellings. He added that it also states that other types of permeable or pervious surfaces are given a lot coverage reduction to 60%. He stated that the Town is not doing that for commercial properties and if the Town wants to do that, a possibility under that section would be the following language: “...additionally for single-family dwelling and commercial...” while leaving the definition as is. He noted that it would be the same for commercial as well as residential, giving them the same benefit of the semi-pervious materials. He wondered if it should be in the draft ordinance. Director Heard stated that staff has been interpreting and enforcing that section as it applies to commercial. He stated that the 60% standard does not have the same statement in the ordinance limiting it to residential situations, so staff has been interpreting it and applying it in both commercial and residential situations. He added that Member McKeithan’s point was well taken that the language can be clarified.

Member McKeithan pointed out that the way the section is worded, commercially zoned properties with gravel driveways are encouraged the use of pervious and semi-pervious materials that improve on-site stormwater. He noted that it goes past just the gravel. Director Heard stated

he is correct. Member McKeithan felt it is not consistent to address only gravel parking without also creating similar allowances for pervious and semi-pervious surfaces. He noted that the definition in Section 156.002 is speaking of gravel driveways only and then Section 156.112, is encouraging use of pervious and semi-pervious materials.

Chair Blakaitis thought it was a clarification. Director Heard stated that the definition of lot coverage addresses paving blocks, porous concrete or semi-pervious materials. Member McKeithan stated that the way he reads it, it only applies to single-family dwellings. Director Heard stated the sentence does not state only single-family dwellings, but the previous sentence concerning gravel parking does. He thought it could be clarified. Member McKeithan stated that if that is the case, instead of adding the new definition for commercial, the language can be as follows: "...additionally for single-family dwellings and commercial..." He thought it would be clearer.

Vice Chair Murray asked Member McKeithan if he was suggesting that everything can be done with the text amendment by simply changing the definition. Member McKeithan stated he is. Vice Chair Murray stated that there is still the need for a change in Section 156.112(C). Director Heard agreed, adding that the difference between the two is that residential has specific guidelines for construction. He stated that residential standards deal with a relatively small number of vehicles, but commercial standards have to accommodate a greater amount of traffic and heavier vehicles like delivery trucks. He added that the residential standards are probably not appropriate for commercial, which was one of the reasons for developing other guidelines.

Member McKeithan clarified that Director Heard stated that commercial has always received credit for the permeable blocks, which is 60%. Director Heard stated he is correct. Member McKeithan stated that the way he reads it, the whole paragraph is only applying to single-family. Director Heard reiterated that clarification may be needed. Member McKeithan stated that the Town wants to encourage the commercial development to include the semi-permeable paving blocks and not just gravel.

Member Cofield asked if permeable concrete does what it claims to do. Director Heard stated that it is something that has had a lot of discussion over the years in the planning field. He explained that when it's initially installed, permeable surfaces work as advertised. He added that the issue is that if an owner does not maintain the surface by vacuuming out sand from the crevices, it loses the permeability over time. Member Cofield stated that he never saw the benefit that the material would give someone. Director Heard stated that it works as long as it's maintained, which can be a challenge.

Chair Blakaitis asked when someone uses permeable concrete, does the Town require that they maintain it. Director Heard stated that that type of condition would be very challenging to enforce. Member Cofield thought it had other benefits, but he isn't sure about the permeability.

Member Cofield moved to recommend approval of Ordinance 19-07 to exempt gravel parking areas from the coverage calculations in commercial zones as amended. Member McKeithan seconded.

Motion carried 4-0.

## **NEW BUSINESS**

### **North Carolina Planning & Development Legislation**

Chair Blakaitis stated that the Planning Board was given information on the issue and he found it interesting. He thought some sections were interesting as far as the Town was concerned. He asked what the Planning Board needs to do with it.

Director Heard stated that it is a non-action item. He explained that it was put in the Board's packets as information. He added that he will be receiving more information from the School of Government as well as the North Carolina League of Municipalities on how to address some of the changes. He stated that the reorganization of statutes on planning and development regulations was in development for the past five years and was initiated by the North Carolina Bar Association to better organize and make consistent standards that were pieced together over time. He added that the intent was to not make any substantive changes, but to clarify and reorganize the sections. He noted that one of the things it does is combine the county and municipal statutes into one section. He stated that Duck has until December 2020 to adopt changes, but he wants to make the Board and Council aware of some of the concepts that may need to be addressed.

Chair Blakaitis stated that not much has been accomplished yet. Director Heard stated that a lot has been completed and what the Board had in front of them is a summary of the changes.

Member McKeithan asked that the reorganized document has been published. Director Heard responded that the legislation is available online. The School of Government will be putting out a publication that the Town will acquire to guide staff about what needs to be done to bring its ordinance into compliance.

### **Dare County Flood Maps/Flood Damage Prevention Ordinance**

Director Heard stated that this item was put on the agenda to start some conversation as staff knows this issue will be coming soon. He stated that in the past week, staff received informal notice that the Town will receive a formal notice about adoption of the new Dare County flood maps. He stated that on December 19, 2019 the Town is expected to receive an official letter which starts the six-month countdown for the Town to adopt the new Dare County flood maps and adopt all corresponding ordinance changes to its flood damage prevention ordinance. Amendments required by FEMA and other aspects of the ordinance have been under review for the past couple of years by planners from Dare County and all of the municipalities.

Member Cofield noted that the State Insurance Director will be coming to the Outer Banks to make a presentation some time in the near future. He asked if Director Heard knew the date. Sandy Cross stated that it was at 6:00 p.m. on October 22, 2019 at First Flight High School.

**APPROVAL OF MINUTES**

**Minutes from September 11, 2019, Regular Meeting**

Member McKeithan moved to approve the September 11, 2019 minutes as presented. Vice Chair Murray seconded.

Motion carried 4-0.

**OTHER BUSINESS**

None.

**STAFF COMMENTS**

**Summary of October 2, 2019, Town Council Meeting**

Director Heard gave a short overview of the October 2, 2019 Council meeting.

**Project Updates**

Director Heard gave a short overview on various projects going on in Town.

**BOARD COMMENTS**

None.

**ADJOURNMENT**

Member Cofield moved to adjourn the meeting. Member McKeithan seconded.

There was no vote.

The time was 7:19 p.m.

Approved: \_\_\_\_\_  
/s/ Joe Blakaitis, Chairman