

AN ORDINANCE AMENDING THE DEFINITION OF *LOT COVERAGE* IN THE ZONING ORDINANCE OF THE TOWN OF DUCK, NORTH CAROLINA

Ordinance 23-01

WHEREAS, a property owners have more frequently proposed alternative landscaping and surface materials, the Town of Duck has identified the need to clarify the Town's provisions regarding the permeability of such materials; and

WHEREAS, the Duck Planning Board has considered these standards at multiple public meetings and voted to recommend approval of this ordinance at its public meeting on March 8, 2023; and

WHEREAS, the Town Council has found this ordinance to be consistent with the Town's adopted Comprehensive & CAMA Land Use Plan; and

WHEREAS, the Town Council has determined that these amendments are in the public interest by offering property owners reasonable and consistent standards for the use of pervious or semi-pervious ground cover.

NOW THEREFORE BE IT ORDAINED by the Town Council for the Town of Duck, North Carolina that Section 156.002 of the Zoning Ordinance shall be amended as follows:

PART I. The definition of *Lot Coverage* in Town Code Section 156.002 be amended to read as follows:

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 driveways and roadways, and any accessory use or structure requiring location above ground.

- 1) Impervious components of innovative wastewater systems to be installed shall be included in the calculation of ***LOT COVERAGE***.
- 2) Uncovered decks and open arbors, pergolas, overhangs and similar structures located over pervious surfaces shall be excluded from the calculation of ***LOT COVERAGE***.
- 3) 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***.
- 4) On commercially zoned properties, gravel driveways, drive aisles, and parking spaces constructed in accordance with §156.112 shall be excluded from the calculation of ***LOT COVERAGE***.
- 5) For residential and commercial uses, paving block (turfstone or equivalent), permeable interlocking concrete pavers (PICPs), and porous concrete 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.

- 6) Alternative ground cover materials that are entirely permeable, including pervious pavers, artificial turf, and other surfaces, shall not be included in the calculation of **LOT COVERAGE**. However, such materials must either be certified to be 100% permeable by an N.C. licensed engineer or installed according to the manufacturer's specifications for the base and surface. It is the responsibility of the property owner to provide sufficient documentation, including owner certification, of installation consistent with manufacturer's standards and to maintain the surface according to the manufacturer's specifications to ensure maximum permeability.
- 7) 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.
- 8) Public sidewalks and similar public improvements located on privately owned properties shall not be included in the calculation of **LOT COVERAGE**.

PART II. This ordinance shall be effective upon its adoption.



Don Kingston, Mayor

ATTEST:



Lori Ackerman, Town Clerk

Date adopted: May 3, 2023

Motion to adopt by: Monica Thibodeau

Vote: 4 AYES 0 NAYS

