

AN ORDINANCE AMENDING STANDARDS FOR LOT COVERAGE CALCULATIONS FOR RESIDENTIAL PROPERTIES IN THE TOWN OF DUCK, NORTH CAROLINA

Ordinance 23-02

WHEREAS, the Duck Town Council has found it to be in the Town’s interest to grant an additional 5% allowance toward the maximum lot coverage in instances where a residential property owner provides appropriate stormwater management measures to limit impacts to adjoining properties and roadways; and

WHEREAS, this amendment is intended to provide engineers with clear, consistent standards for stormwater plans and calculations under which residential properties can be granted an allowance of up to 35% maximum lot coverage; and

WHEREAS, the Duck Planning Board thoroughly reviewed these standards over several public meetings and voted to recommend approval of this ordinance at its public meeting on March 8, 2023; and

WHEREAS, the Duck Town Council found this amendment to be consistent with the goals and objectives of the Town of Duck Comprehensive & CAMA Land Use Plan.

NOW THEREFORE BE IT ORDAINED by the Town Council for the Town of Duck, North Carolina:

PART I. Subsections 156.030(D)(6), 156.031(D)(6), and 156.032(D)(6) of the Duck Town Code shall be amended to read as follows:

“(6) Maximum allowable lot coverage by principal use and all accessory structures: 30%. Lot coverage may be increased to 35% provided that stormwater management 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 1.5 inches of rainfall over a two-hour period (1.5” design storm).
- (b) The stormwater management system shall be designed in accordance with the standards, methodology, and procedures prescribed in the state Stormwater Best Management Practices Manual (NCDENR BMP Manual).
- (c) Storage capacity (interstitial storage) within existing soils and/or fill material shall not be counted towards the volume requirement for the stormwater management design.
- (d) The designed stormwater management system may include any of the following low-impact development principles and best management practices as the primary method for the treatment of stormwater:
 1. Landscaped swales
 2. Infiltration basins
 3. Bioretention or rain gardens
 4. Rainwater harvesting to include cisterns and/or rain barrels
 5. Subsurface drainage systems
 6. Other methods approved by the Zoning Administrator
- (e) The bottoms of stormwater swales and basins should maintain twelve inches (12”) above the


seasonal high-water table to avoid long periods of standing water due to elevated water tables. The seasonal high water table elevation must be verified by a soil inspection by a licensed soil scientist or may be verified by a Dare County Health Department Wastewater Site Evaluation.

- (f) The stormwater management systems shall adhere to all setbacks, separations, and standards required by the North Carolina on-site wastewater regulations and building code. In no instance shall open drainage systems be located beneath a building.
- (g) Rainwater harvesting, rain barrels or cisterns must include plans for the ultimate disposal of the collected rainwater (pump to irrigation, slow release through drip tubing etc.). Open systems must include plans to prevent mosquito breeding.
- (h) The stormwater management plan must clearly delineate water sheds or drainage areas within the subject property. This should include a roof plan depicting roof runoff and the method to collect or direct the volume from each portion of the roof area towards the stormwater management system. In some situations, the plan may require a detailed topographic survey and a detailed grading plan.
- (i) Stormwater plans must be prepared by a state licensed professional engineer or surveyor and shall include volumetric calculations. Prior to the issuance of a certificate of completion for the project, a state licensed professional engineer, or surveyor shall certify that the proposed improvements have been constructed in accordance with the project design.
- (j) If permeable surfaces, such as pervious pavement or artificial turf, are used as part of the lot coverage calculation, then the property owner must provide written certification that the surface material was installed and will be maintained according to the manufacturer's specifications."

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

