



APPROVED

**PLANNING BOARD  
REGULAR MEETING  
October 9, 2024**

The Planning Board for the Town of Duck convened at the Paul F. Keller Meeting Hall on Wednesday, October 9, 2024.

Present: Chair Marc Murray, Vice Chair Bob Wetzel, Joe Blakaitis, James Cofield, Bob Webb, and Council Liaison Sandy Whitman.

Absent: None

Also present: Director of Community Development Joe Heard, Senior Planner Sandy Cross, Planner Jim Gould and Deputy Town Clerk Christy Drumheller.

**CALL TO ORDER**

Chair Murray called to order the Regular Meeting of the Planning Board for October 9, 2024 at 5:30 p.m.

**PUBLIC COMMENTS**

None.

**TEXT AMENDMENT**

***Discussion: Zoning Ordinance Corrections & Clarifications***

Director of Community Development Joe Heard informed the Planning Board that the development team had some ordinances that they would like the Board to consider and propose to the Town Council, if deemed necessary.

- Chapter 91 – The Town runs across several situations each year when owners/contractors pump water onto adjoining properties or streets. This issue is exacerbated during flooding conditions like many neighborhoods in Town have experienced recently. Limitations on these potentially harmful activities could be defined more clearly and placed in the Nuisance code.

Heard noted that the Town could benefit from further defining pumping locations and set clearer the penalties of those activities. Cross added that the review of floodwater pumping would include the pumping of pools as well and the pumping of locations that affect the roads and surrounding properties. James Cofield asked what the practical answer to where you can pump your pool water. Cross answered that most property owners should keep the water on their own property as at least 30% of the property is typically available for drainage.

Heard asked if the Board would like to pursue this matter further by bringing it to the Town Council. Murray said yes and there were no objections from the Board to pursue any of the

ordinances. Murray was curious if the Town even dealt with 91 as he is more aware of Chapter 156. Heard let him know that they are running it by the Planning Board as it has to do with development and the council would appreciate the Boards thoughts on the ordinance.

- Subsection 156.116 – Correct a reference to the Town’s outdoor lighting standards.

Heard stated that staff would like to tighten up the ordinance of lighting as this is a frequent complaint from developers and homeowners. The department would like to make the wording more detailed and clearer about what is appropriate for outside lighting. Member Bob Wetzel would like the standards to be clearer about who is stating it is the best practice to be followed. Cross said that they would look more into the Dark Sky standards so that the standards would not read as being subjective.

- Subsection 156.130(F)(5) – The Town’s standards for nonconforming signs are not completely clear and subject to some interpretation. As written, the current standards may not even be consistent with State/case law. This section could be reviewed to clarify the circumstances under which a nonconforming sign loses its “grandfathered” status.

Heard commented that staff would like to clarify what nonconforming signs are allowed and when they need to be brought into compliance.

- Section 156.133 – Presently, the Town’s standards for exterior lighting require some interpretation by staff involved with enforcement. Particularly as the Town has recently highlighted its “Dark Sky” initiative in videos and social media posts, this ordinance could undergo a review.
- Subsection 156.155(B)(1) – Correct a reference to the submittal timeframe for special use permits.

Heard noted that currently the Special Use Permits go straight to Town Council, not to the Planning Board, and the staff would like to update this subsection to correct that reference.

Member James Cofield motioned to approve the staff to present these ordinances to Town Council for further review. The motion was seconded by Member Joe Blakaitis.

Motion was approved 5-0.

Heard also asked the Board to add tree preservation as a topic needing further consideration. There is a penalty cause, even though there isn’t a large monetary amount, that focuses on replacing trees that have been cut down. The issue currently is that tree companies are unable to find trees of the necessary size based on the current ordinance standards. Staff would like to ask for the Planning Board’s approval to investigate a better approach to this, due to the lack of larger trees at regional nurseries. Cofield asked that when they came back with specific recommendations from other Town ordinances as well. Murray suspects that many other locations may have tree ordinances.

Murray asked the Board if they would like to motion to allow the Staff to obtain authorization to amend Section 156.137.

Cofield made the motion. Wetzel seconded the motion.

Motion approved 5-0.

### **APPROVAL OF MINUTES**

#### ***Minutes from the September 11, 2024, Meeting***

Cofield motioned to approve the minutes from the September 11, 2024 meeting as presented. Blakatis seconded. Motion carried 5-0.

### **STAFF COMMENTS**

#### ***a. Summary of October 2, 2024 Town Council Meeting***

#### ***b. Project Updates***

Heard informed the Planning Board of the SUP that it was presented for the use of a retaining wall to support fill at a property on Olde Duck Road. The Council voted 2-2, which is treated as a denial of the SUP. Cross noted that the owners applied for the SUP after the retaining wall was filled and being told that it was not allowed due to the Town's ordinances.

Heard also let the Board know that the Council approved the changes regarding lot coverage and approved for public hearing that will go to Council in November. There are also two more Special Use Permits going to the Council in November. One for the NC Coast and the other will be for fill behind the retaining wall, asking permission before they do it.

### **BOARD COMMENTS**

Member Bob Webb opened discussion up about moving the time of the Planning Board meetings. He offered suggestions of early mornings or earlier in the day. Cofield did not support meeting time changes as he prefers later in the evenings. Blakatis did not want to change as he liked the time frame of current meetings, but did understand the staff would benefit from an earlier meeting. Wetzel was fine with the current time, however, would like a morning start time. Murray asked Webb if morning time frame was an option for him as well. The Board continued discussions between morning and/or earlier in the afternoon. Webb motioned to change the starting time of the meetings from 5:30 p.m. Wetzel second the motion. The vote was 4-1 with Cofield voting no.

Discussion continued on time frame of early morning or early afternoon. Council Liaison Sandy Whitman reminded the Board of summertime events and the morning start times that could cause issues as well. Webb made a motion to move the meeting to 4:00 p.m. Wetzel second the motion. The motion was approved 3-2, Cofield and Blakaitis voting in opposition.

The change of the new time for the Planning Board meetings will start at 4:00 p.m, beginning November 13, 2024.

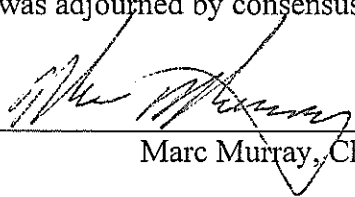
No more Board comments.

**ADJOURNMENT**

Wetzel moved to adjourn the meeting. Webb second the motion.

The meeting was adjourned by consensus of 4 Board members at 5:59 p.m.

Approved:



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Marc Murray, Chairman