

**AN ORDINANCE UPDATING THE DEFINITION AND STANDARDS FOR *LOT*
COVERAGE IN THE ZONING ORDINANCE OF THE TOWN OF DUCK,
NORTH CAROLINA**

Ordinance 24-04

WHEREAS, as property owners have more frequently proposed alternative landscaping and ground surface materials, the Town of Duck has identified the need to update 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 July 10, 2024; 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 allowances for the use of pervious or semi-pervious ground cover that increases stormwater infiltration and reduces stormwater runoff.

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:

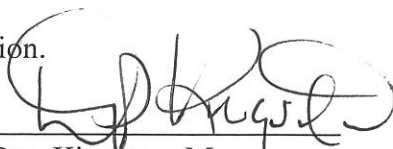
PART I. The definition of *Lot Coverage* in Town Code Section 156.002 be amended to read as follows:

LOT COVERAGE. That portion of the lot area, expressed as a percentage, that is occupied and obstructed by an improvement or a structure on or 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) Artificial turf installed over an entirely pervious base shall be excluded from the calculation of ***LOT COVERAGE***.

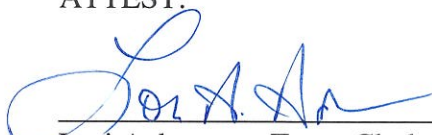
- 6) The water area of a swimming pool shall be excluded from the calculation of **LOT COVERAGE**.
- 7) Driveways and parking areas consisting of alternative materials that are entirely pervious, including pervious pavers and similar surfaces, shall not be included in the calculation of **LOT COVERAGE**. An N.C. licensed engineer must prepare a design and specifications certifying that such materials are 100% pervious for a 10-year, two-hour storm event. Prior to the issuance of a certificate of completion, the licensed engineer must certify that the proposed improvements have been constructed in accordance with the project design and specifications. The engineer must also submit a maintenance plan for the pervious surface materials to maintain perviousness over time. It is the responsibility of the property owner to record the design specifications, maintenance plan, and certification of the owner's responsibility for maintenance at the Dare County Register of Deeds Office and maintain the pervious materials consistent with the recorded maintenance plan.
- 8) Other semi-pervious surfaces used for driveways or parking, such as pervious concrete, shall be considered 60% impervious for the purpose of **LOT COVERAGE** calculation. Similarly, other types of improvements located elsewhere on a site shall be considered 60% impervious for the purposes of **LOT COVERAGE** calculation. Such materials must either be documented for perviousness and certified 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 engineer's or manufacturer's specifications to maintain perviousness over time. It is the responsibility of the property owner to record the design specifications, maintenance plan, and certification of the owner's responsibility for maintenance at the Dare County Register of Deeds Office and maintain the pervious materials consistent with the recorded maintenance plan.
- 9) 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.
- 10) 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: January 8, 2025

Motion to adopt by: Kevin Lingard

Vote: 4 AYES 0 NAYS