

**PLANNING BOARD
REGULAR MEETING
March 12, 2025**

The Planning Board for the Town of Duck convened at the Paul F. Keller Meeting Hall on Wednesday, March 12, 2025.

Present: Chair Marc Murray, James Cofield, Bob Wetzel, Bob Webb, Dan Snyder, and Council Liaison Sandy Whitman.

Absent: None

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

CALL TO ORDER

Chair Murray called to order the Regular Meeting of the Planning Board for March 12, 2025 at 4:02 p.m..

WELCOME OF NEW MEMBER/SWEARING IN CEREMONY

Deputy Town Clerk Christy Hanks swore in new Planning Board member, Dan Snyder.

PUBLIC COMMENTS

None.

TEXT AMENDMENTS

a. Text Amendment: Tree Violation Penalties

Chairman Murray began the discussion to reduce tree violation penalties. The discussion focused on reducing the size of replacement trees from 3 inches to 2.5 inches in caliper. Concerns were raised about the availability of 3-inch trees and the financial hardship it causes for contractors. The Board then began to discuss changing the required replacement caliper from 3 inches to 2.5 inches. Member Cofield noted that there was not a compelling reason to reduce the replacement tree size from 3 to 2.5 inches, and that by doing so, it reduces some of the intent, which is to serve as a penalty for violators. The Board expressed the need for a balance between encouraging tree planting and ensuring compliance with regulations. Member Wetzel noted that if we are looking to use the requirement more as a penalty then 3 inches would suffice, however if we were looking to aid local contractors in finding trees then 2.5 would be better. After the discussion, Chairman Murray commented that he would entertain a motion. A motion was made by Wetzel to change

the replacement tree diameter from 3 inches to 2 inches and eliminate the height requirement. Snyder seconded the motion and a vote was completed. Vote was split with 3 in favor (Murray, Snyder, and Wetzel) and 2 opposed (Webb and Cofield). The motion passed to send the recommended change to the Town Council.

b. Text Amendment Discussion: Outdoor Lighting

Cross opened discussion with the Board and encouraged discussing the assignment provided to the Board by staff to visit 12 residential sites and 5 commercial sites to assess outdoor lighting. Board Members assessment reflected mix opinions based on the varied lighting types present. Responses from Board Members based on observation varied from all lighting being well received to others being noted as too bright and generating glare. Cofield recognized that lighting shouldn't inherently be seen as bad, and suggested we pay more attention to the benefits of lighting for safety, security, wayfinding and beautification on properties. He saw a further need to explore how to maintain these aspects without overpowering the night sky. The Board acknowledged that proper lighting enhances safety by illuminating pathways and entrances. Lighting can also contribute to security by deterring crime and providing visibility in public spaces.

Board members discussed the need for potential regulation changes to address issues with floodlights and structural outlining while balancing safety and aesthetic considerations. Community input and existing lighting practices will be considered in future discussions to ensure regulations align with the residents' needs and preferences.

Members observed that floodlights often create complaints due to their brightness and glare affecting neighboring properties, but proceeded to note the importance of balancing lighting for aesthetics, safety and wayfinding with the need to minimize light pollution and disturbance to the community. The use of structural outlining in commercial properties, while currently prohibited by Town code, the Board agreed wasn't objectionable and generally agreeable. Chairman Murray, and Members Wetzel and Webb suggested and acknowledged time limits or curfews on lighting to reduce disturbances.

Concerns about the subjective nature of current lighting ordinance enforcement include: Enforcement relies on individual interpretations of what constitutes "offensive" lighting, leading to inconsistent application of the ordinance. Complaints from residents often stem from personal preferences rather than clear, objective standards, complicating enforcement efforts. The lack of measurable standards for lighting brightness makes it challenging for staff to address violations effectively.

The Board acknowledged that proper lighting enhances safety by illuminating pathways and entrances. Lighting can also contribute to security by deterring crime and providing visibility in public spaces. Cross explained challenges with enforcing current lighting ordinance as many situations are complaint driven.

Cross also noted that the current lighting ordinance lacks clear definitions, leading to subjective interpretations during enforcement. She noted there is a challenge in balancing community

aesthetics with the need for safety and security lighting. Past non-enforcement has created a situation where many properties do not comply with existing regulations, complicating future enforcement efforts. Staff provided examples to further illuminate that establishing measurable standards for lighting, such as lumens and color temperature, could ensure consistency and clarity in regulations. With measurable standards, Staff noted, you ensure public safety, maintain aesthetics and help address concerns about light trespass and environmental impacts.

Cross added that N.C. Senate Bill 382 raises concerns about the potential for limiting local governments' ability to enact more restrictive ordinances related to zoning and land use, which may create legal ramifications if local ordinances are perceived as downzoning, which could lead to challenges from property owners. Local governments may need to carefully evaluate proposed changes to ordinances to ensure compliance with the bill and avoid unintended consequences.

Chairman Murray considered how time limitations could reduce light pollution while allowing flexibility for property owners by ensuring adequate lighting during peak hours and reducing glare at night. He noted this approach could encourage compliance without the need for extensive regulation on specific lighting types and help foster community support. The Board discussed making a distinction between commercial and residential lighting regulations.

Discussion finalized with Member Wetzel suggesting they focus on the need to differentiate between commercial and residential lighting regulations to address varying community needs. The Board members wanted to consider the safety and security implications, as commercial properties often require different lighting standards for visibility compared to residential areas, and possible time regulations on nighttime lighting.

DISCUSSION/SETTING PRIORITIES FOR TEXT AMENDMENT TOPICS

Cross presented a list of text amendment priorities for board consideration. Town staff identified key priorities for text amendments, including outdoor lighting regulations, non-conforming signs, and fill/land disturbing activities. The proposed amendments aim to clarify existing ordinances and address community concerns. Staff plans to seek input from the board and the community during the amendment process. Priorities included: tree violations (now completed), outdoor lighting, non-conforming signs, general nuisances, fill/bulkheads/retaining walls, floodwater discharge policy. The Board discussed ranking these items for future meetings.

The Board decided that the outdoor lighting ordinance will be prioritized for discussion due to its recent relevance and community impact. Land disturbing activities and retaining walls will follow as they address ongoing issues in development. Non-conforming signs and general nuisances related to flooding will be addressed subsequently for clarity and enforcement. Chair Murray summarized the following order of priority: 1) lighting (if downzoning is not an issue), 2) land disturbing/retaining walls, 3) non-conforming signs, 4) floodwater discharge, 5) general nuisances. The Board noted that non-conforming signs could be “squeezed in” at some point due to its smaller scope.

PRESENTATION OF STUDIES/REPORTS

a. Westside Multi-Use Trail Feasibility Study

Cross updated the Board on the westside multi-use trail feasibility study that started in July 2023. Original recommendation for 10-foot and 8-foot-wide trail segments were modified to 8-foot throughout the project area and were based on community input. The project will be phased for funding purposes with grant application in process for survey/design work. Heard let the Board know that staff conducted extensive outreach to property owners and neighborhood associations along the route. The project plans to tie into Southern Shores at the Sea Oats intersection with potential stormwater drainage improvements there.

b. 2025 Trend Report for Planners

Heard introduced the American Planning Association 2025 Trend Report for Planners, which is available for the Board and the Town to use as a resource. While these are national trends, over the next few meetings Staff will focus on trends relevant to our Town and provide Members with useful insight from this resource.

APPROVAL OF MINUTES

Minutes from the January 15, 2025 Meeting

Cofield motioned to approve the minutes from the January 15, 2025 meeting as presented. Wetzel seconded the motion. Motion carried 5-0.

STAFF COMMENTS

a. APA Online Conference – April 23-25, 2025

Staff invited the Board members to participate in the APA online conference (April 23-25). The conference provides an opportunity to engage with various planning topics through multiple sessions. There is access to recorded sessions for later viewing, allowing flexibility in participation. The conference also allows networking with other professionals in the field to share insights and best practices. Webb and Cofield asked to be registered.

b. Summary of March 5, 2025 Town Council Meeting

Gould updated the Board on the Roadside Bar and Grill Special Use Permit Public Hearing at the Town Council meeting. The property at 1193 Duck Rd came under new ownership as of February 2025. The new owners plan to revitalize the backyard area by removing six existing structures and constructing a new outdoor bar. They have received preliminary approval from local health services and aim to complete improvements before the summer season. Town Council approved

request for encroachment of the back bar building on the rear yard setback. The project retains the current parking reduction. Vegetative requirements remain unchanged.

c. Project Updates

Cross reminded the Board that email communication among board members can be considered an open meeting if they discuss board business, suggest action or decisions. Any action suggested in email should not occur unless the public is notified to ensure transparency. It is important to avoid discussions that could lead to a quorum via email to prevent violations of open meeting laws.

Final design plans for the Teresa Court project have been completed as part of the Resilient Coastal Communities Program. The project aims to implement stormwater management solutions to mitigate flooding issues in the neighborhood. Approval from NCDOT is pending, with hopes to bid the project out soon for construction before the summer season.

BOARD COMMENTS

The Board acknowledged Joe Blakaitis passing and his service on the board was remembered by all Board members. Board members also welcomed Dan Snyder as the newest board member. Dan brings fresh perspectives and ideas to the board. His experience will contribute to the board's decision-making process.

ADJOURNMENT

Cofield moved to adjourn the meeting. Webb seconded the motion.

The meeting was adjourned by consensus of Board members at 5:50 p.m.

Approved: _____
/s/ Marc Murray, Chairman