



APPROVED

**PLANNING BOARD
REGULAR MEETING
April 08, 2026**

The Planning Board for the Town of Duck convened at the Paul F. Keller Meeting Hall on Wednesday, April 08, 2026.

Present: Chair Bob Wetzel, Vice Chair Bob Webb, James Cofield, Dan Snyder, Irine Devroude, and Council Liaison Sandy Whitman.

Also present: Assistant Town Manager Connor Winstead, Planning and Permits Manager Sandy Cross, Community Planner Jim Gould, and Deputy Town Clerk Christy Hanks.

Absent: None.

CALL TO ORDER

Chair Wetzel called to order the Regular Meeting of the Planning Board for April 08, 2026 at 4:00 p.m.

PUBLIC COMMENTS

None.

APPROVAL OF MINUTES

Minutes from the March 11, 2026, Meeting

Cofield motioned to approve the minutes as presented. Webb second the motion.

Motion carried 5-0.

PLANNING AND ZONING E-MODULE LEARNING

a. Types of Land Use Decisions

The Planning Board watched a 20-minute e-module presented by the UNC School of Government regarding the basics of local development regulations. Wetzel questioned whether the Town had any recent zoning changes. Cross explained that not in at least 4 years in which a small location was changed from residential to village commercial.

ZONING TEXT AMENDMENTS

a. Chapter 156: Land Use

i. General Provisions, Subsection 156.001 -156.012 Review

The Planning Board discussed the proposed ordinance updates, focusing primarily on whether to define “arcade,” which is currently not included in the town’s definitions. Staff explained that while the draft ordinance contains markup and comments, direction from the Board was needed on this issue due to prior feedback and differing viewpoints. Board members generally agreed that any definition should be simple and broad rather than overly detailed, noting that excessive specificity could create limitations or quickly become outdated. The discussion explored whether the definition should include a minimum number of machines and whether it should distinguish between types of games, such as video games or simulators, with an overall preference to avoid unnecessary complexity.

Cross clarified the distinction between defining an arcade and regulating it, emphasizing that the definition should strictly describe what an arcade is, while operational requirements and restrictions should be addressed separately within the ordinance. The Board then discussed whether arcades should be permitted in town. Opinions varied, with some members supporting allowing arcades through a special use permit process so proposals could be evaluated on a case-by-case basis, while others felt arcades have historically not been supported and should not be permitted. Another perspective suggested allowing a limited number of machines as an incidental use within existing businesses, such as restaurants or retail spaces.

The Board noted that there are currently no known arcade businesses operating in town, with the only recent example being a former establishment that is no longer in operation. Much of the discussion centered on determining a numerical threshold to distinguish an arcade from incidental amusement devices. Suggested thresholds ranged from one or more machines to as many as five, with several members agreeing that too low a threshold would effectively prohibit arcades altogether. Ultimately, the Board favored a 4-1 consensus that an arcade should be defined as a use consisting of four or more amusement machines, while fewer than four machines would be considered incidental to another business.

The Board formally voted in favor of adding a definition of “arcade” to the ordinance. Staff was directed to draft a proposed definition using a broad description of amusement devices and incorporating the agreed-upon threshold of four or more machines, to be presented at a future meeting. Outstanding issues, including whether arcades will be permitted, permitted by special use, or prohibited, as well as any specific regulatory standards, were deferred for further discussion.

Cross continued the discussion by reviewing the definition of “dwelling,” including prior conversations related to seasonal vacation use and language tied to mobile and manufactured homes. Cross noted that previous meeting notes did not reflect any recommended changes to the definition and sought confirmation from the Board. The current definition was read aloud, describing a dwelling as any building, structure, manufactured home, or mobile home used or intended for human habitation, including associated appurtenances, but excluding such units when used solely for seasonal vacation purposes. Several members questioned this exclusion, expressing concern that the duration or frequency of use should not determine whether a structure qualifies as a dwelling. Examples were raised noting that many homes are used only seasonally but are still clearly considered dwellings.

Staff explained that the exclusion may relate to existing regulations prohibiting the use of recreational vehicles (RVs) for living or sleeping on residential properties. An example was provided where enforcement action had been taken against individuals using an RV for habitation. Clarification was provided through a review of the town code, which explicitly prohibits the use of recreational equipment, including RVs, campers, and similar units—for living, sleeping, or housekeeping purposes while parked or stored on residential premises, regardless of duration. Based on this, several members indicated that the seasonal-use exclusion in the dwelling definition may be unnecessary. Staff agreed to conduct additional research on the origin of this language, including whether it was carried over from prior ordinances or influenced by county or state regulations, and to report back with further context.

The Board also briefly discussed the distinction between “dwelling” and “dwelling unit,” with staff noting uncertainty and indicating that further research would be needed, particularly regarding how the term may relate to accessory dwelling units or rental uses. Additional clarification was requested on how these definitions interact within the code.

The discussion then shifted to other definitions. Regarding “use” or “occupied,” some members initially questioned its clarity; however, others noted that including “intended use” language is standard in zoning codes and can be important for enforcement. After brief discussion, the Board reached general agreement to retain the definition as written.

Finally, the Board revisited the term “court,” which had been previously discussed. Staff reported that the term appeared only in limited contexts, such as “tennis court” or “athletic court,” and was not broadly defined elsewhere. Given its potential ambiguity—since “court” could refer to various types of spaces such as courtyards or recreational areas—staff recommended removing the standalone term from the definitions. The Board concurred with this recommendation, and “court” was removed.

Cross proceeded to discuss the definition of “building setback line,” including concerns about embedded regulatory language within the definition itself. Staff recommended simplifying and broadening the terminology by removing “building setback line” and replacing it with the more general term “setback.” This change would ensure the definition applies not only to buildings but also to other structures such as pools and accessory features like pool cabanas. Staff proposed defining setback as the minimum distance by which any building or structure must be separated from a street right-of-way or lot line, thereby creating a more comprehensive and flexible standard. A Board member sought clarification on whether this revised definition would also apply to decks, indicating a need to ensure that all relevant structural elements are clearly encompassed.

Cross continued working through additional definitions and revisions within the ordinance. Staff confirmed that the proposed “setback” definition would apply broadly, including to decks and other structures, noting that further detail would be addressed in the regulatory section. With no objections, staff proceeded with incorporating that change into the markup.

The discussion then moved to “decibel,” where staff explained that although the updated noise ordinance had not yet been adopted, relevant definitions were incorporated into the draft, including

replacing “decibel (dB)” with “decibel (dBA)” to reflect weighted sound measurement standards. This change was presented as straightforward, and no concerns were raised.

For “development,” staff incorporated language from existing ordinances, including floodplain regulations (Chapter 150) and Areas of Environmental Concern (Chapter 154), with modifications shown in the markup. Staff clarified that “development” is intended to be a broad term encompassing activities such as construction, alteration, and demolition, while “redevelopment” would be treated as a subset with more specific regulatory implications. The Board discussed prior concerns about distinguishing development from redevelopment, ultimately agreeing with staff’s approach to minimizing redundancy while maintaining clarity between the terms.

The definition of “landscape area” was also reviewed. Staff proposed defining it as an area set aside from structures and parking, developed and maintained with natural materials for the purpose of growing vegetation such as trees, shrubs, grass, and other plantings. Questions were raised about whether decorative elements like gravel or stone could be included. Staff clarified that such materials could be part of a landscaped area if used in conjunction with vegetation, but areas consisting primarily of gravel and accessible from the street would be considered parking.

Relatedly, the Board reviewed revisions to “open space,” which was updated to mean an unoccupied natural or landscaped area open to the sky and free of structures or impervious surfaces. The Board expressed agreement with the revised language.

The definition of “parking space” was substantially reworked. Cross proposed defining it as a clear area accessible to vehicles and used for the primary purpose of parking. Discussion focused on removing language that required such areas to be permanently devoid of vegetation, as this could conflict with certain designs such as grass-paved driveways or strips between tire tracks. The Board agreed to strike the “devoid of vegetation” requirement and supported using the term “primary” rather than “sole” to allow flexibility for incidental uses.

Cross discussed the definition of “impervious surface.” Staff revised the language to describe materials that “substantially reduce or prevent” water infiltration, rather than completely preventing it, to account for semi-pervious materials that are currently given partial credit. The revised definition also references manufacturer specifications as a basis for determining permeability. While one member noted that the term “substantially” could lead to interpretation challenges, staff indicated that such determinations could be supported objectively through documentation. The question of crush and run over time becoming impervious was mentioned and Cross informed she would confirm that no inconsistencies were being created with this revision. No objections were raised to the proposed revision.

The Board concluded its review of additional ordinance definitions with discussion of “redevelopment,” “structure,” and “yard.” Staff explained that the definition of redevelopment was developed using a combination of general dictionary sources, as it is not consistently defined in planning references. The proposed definition describes redevelopment as any new construction on a site with pre-existing uses, including demolition and reconstruction of existing buildings, or expansion, addition, or modification of existing structures. Staff emphasized that the intent is to

distinguish redevelopment from development on vacant lots, focusing instead on already developed properties.

The Board then reviewed revisions to the definition of “structure.” Staff retained the core concept that a structure is anything constructed or erected that requires location on the ground or attachment to something located on the ground. However, the language was modified to include “more or less permanent” placement, in order to account for features such as pavers, which may not be permanently affixed in a traditional sense but function as installed site elements. The definition also incorporated examples of included structures such as signs, sheds, garages, swimming pools, decks, porches, patios, and similar features, while explicitly excluding fences, walls, posts, artificial turf, and customary yard accessories or furnishings. The Board expressed general agreement with the revised approach, with no objections raised.

Finally, the Board discussed the definition of “yard,” including associated terms such as front yard, rear yard, and side yard. Staff explained that regulatory language and references to structures were removed from the definition, as these concepts are now addressed within the revised “structure” definition and setback provisions. This consolidation was intended to reduce redundancy and improve clarity across related terms. Staff noted that updated diagrams illustrating yard classifications would be provided at a future meeting, as prior reference materials relied on outdated terminology such as “building setback line.” Staff requested additional time to refine graphical representations and return with revised visuals for Board review at the next meeting.

ii. District Regulations, Subsections 156.025 – 156.040 Review

Cross made several suggestions as noted in the ordinance markup with the intent to bring those revisions back to the May meeting.

iii. Exemptions Generally, Subsections 156.050-056

It was noted that this section was for initial reading and further discussion would occur at the May meeting.

STAFF COMMENTS

Summary of Town Council Meetings, April 1, 2026

Cross updated the Board letting them know that the Council has asked staff to monitor and record noise levels throughout the summer before making any changes to the ordinances. Council also approved revisions to the peddler and itinerant merchant ordinance revisions allowing brick-and-mortar businesses to utilize campers with proper permitting.

Gould added that Duck Sweep would be coming back up starting that Friday and dates on future would be provided out. Parks and Recreation Advisory Committee had a meeting coming up and lots of good movements and ideas were established for the pollinator garden. Kim Pittman had volunteers to assist and permeable pavers were on site. Town also received a grant through the State to assist in combating invasive species along the shoreline. This should help assist with the

phragmites and staff will work towards seeing if spraying versus removing is a longer providing solution.

Project Updates

Town has signed contract for Teressa Court project that will start after the fall Jazz Festival. Currently all other projects are completed, and staff is working on a grant for a public restroom.

BOARD COMMENTS

Snyder made the Board and staff aware that he will be in D.C. for the May meeting and will reach out about possible remote participation.

ADJOURNMENT

Wetzel adjourned.

The time was 5:57 p.m.

Approved: RE Wetzel
Bob Wetzel, Chairman