

AN ORDINANCE AMENDING THE FLOOD DAMAGE PREVENTION ORDINANCE  
OF THE TOWN OF DUCK, NORTH CAROLINA REGARDING THE DEFINITION OF  
FREE AND CLEAR OF OBSTRUCTION

**Ordinance No. 07-14**

WHEREAS, the Town Council of the Town of Duck may enact ordinances to protect the health, safety, and welfare of its citizens under the North Carolina General Statutes § 160A-174; and

WHEREAS, the Town Council and the Planning Board have solicited public input and professional advice regarding construction standards for foundations in coastal areas; and

WHEREAS, the Town's adopted CAMA Core Land Use Plan provides in Chapter IX, Plan for the Future, a series of goals, policies, and objectives that support the adoption and enforcement of regulations to regulate land use, development and redevelopment of properties in accordance with the Land Use Plan in order to protect the public health, safety, and welfare; and

WHEREAS, within the CAMA Core Land Use Plan, Objectives #1d, #6b, #13a, #17c, and #23d state that the Town will:

*Develop policies that minimize threats to life, property, and natural resources resulting from development located in or adjacent to hazard areas, such as those subject to erosion, high winds, storm surge, flooding, or sea level rise.*

WHEREAS, the CAMA Core Land Use Plan includes the following objectives and policies which clearly support measures to minimize the risks to life and property in coastal high hazard and flood prone areas and to maintain good standing as an active participant in the National Flood Insurance Program:

*OBJECTIVE #13d: Develop regulations for responsible development in flood plains.*

*POLICY #13a: Duck will prevent the disruption of natural hazard areas by adopting and enforcing ordinances and procedures to regulate land use, development, and redevelopment and supports applicable State and Federal laws and regulations regarding land uses and development in areas of environmental concern.*

*POLICY #13f: Allow development and redevelopment within special flood hazard areas subject to the provisions and requirements of the National Flood Insurance Program, CAMA regulations, and the Town's zoning ordinance.*

**NOW THEREFORE BE IT ORDAINED** by the Town Council for the Town of Duck, North Carolina that the Flood Damage Prevention Ordinance shall be amended as follows:

**PART I.** Amend Article II. Definitions, to include a definition of free and clear of obstruction, to read as follows:

*Free and Clear of Obstruction* – means the required space below the lowest floor of an elevated structure located in a coastal high hazard area or V-zone that is open and is designed to allow floodwaters to flow freely beneath the structure, experiencing only minimal resistance from supporting structural elements such that floodwaters transfer only minimal lateral forces to the foundation system. For the purposes of this ordinance, the space below the structure that is unobstructed as described herein shall be a minimum vertical distance of two (2) feet measured from the finished grade or average finished grade below the structure to the bottom of the lowest horizontal structural member of the lowest floor. Non-bearing solid breakaway walls, open lattice panels, and insect screening are not considered obstructions that will impede the free flow of floodwaters and may be allowed below the lowest floor of the structure.

**PART II.** This ordinance shall be effective upon its adoption.

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Neil Morrison, Mayor

ATTEST:

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Town Clerk

Date adopted: October 3, 2007

Motion to adopt by: Nancy Caviness

Vote: 4 AYES 1 NAYS