

AN ORDINANCE AMENDING THE ZONING ORDINANCE
OF THE TOWN OF DUCK, NORTH CAROLINA REGARDING BUILDING HEIGHT

Ordinance No. 07-15

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 building height; 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 #1c, #6a and #12a state that the Town will:

Adopt and apply development policies that balance protection of natural resources and fragile areas with residential and economic development.

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.

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

PART I. Amend Section 2, Definitions, of the Zoning Ordinance of the Town of Duck, by replacing the definition of building height it in its entirety to read as follows:

Building height - Height means the vertical distance measured from the tallest roofline of a building (not counting chimneys and similar features subject to exception) to the top of the slab at the approximate center of the structure or to the finished grade where no slab is present. Finished grade below the slab shall be established in accordance with the Town's land disturbing activities regulations.

Special flood zone regulations. In any A or V special flood hazard area, height will be measured as follows:

- (1) In cases where BFE is higher than the finished grade or average finished grade, the height measurement shall begin at the top of the slab at grade with non-habitable

space or from BFE when no portion of the structure is located at grade, whichever is applicable.

- (2) Where the finished grade or average finished grade is greater than BFE: for A zones the height measurement shall begin at finished grade or average finished grade; for V zones the height measurement shall begin at two (2) feet above the finished grade or average finished grade consistent with the Town's standards for free and clear of obstruction, as defined in the Town's Flood Damage Prevention Ordinance.

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

Neil Morrison, Mayor

ATTEST:

Town Clerk

Date adopted: October 3, 2007

Motion to adopt by: Denver Lindley, Jr.

Vote: 5 AYES 0 NAYS