

**AN ORDINANCE AMENDING THE DEFINITION
OF BUILDING HEIGHT IN FLOOD ZONES**

Ordinance 20-02

WHEREAS, in light of recent amendments to the Town's Flood Damage Prevention Ordinance, it is necessary to make corresponding changes the Town's definition and standards for measuring building height; and

WHEREAS, the Duck Planning Board has recommended approval of this ordinance; and

WHEREAS, the Town Council has found this ordinance to be consistent with the Town's adopted CAMA Land Use Plan; and

WHEREAS, the Town Council has determined that these amendments are in the public interest by providing fair and consistent standards for building height on properties subject to flood elevation requirements.

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 *Building Height* in Town Code Section 156.002 be amended to read as follows:

BUILDING HEIGHT.

(1) 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 average 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.

- (a) In cases where the regulatory flood protection elevation (as defined in Chapter 150) is higher than the average finished grade in AE, AO, or X flood zones, the height measurement shall begin at the top of the slab at grade for enclosures, or from the top of the lowest floor above the regulatory flood protection elevation when no portion of the structure is located at grade, whichever is applicable, provided that the top of the lowest floor does not exceed two feet (2') above the regulatory flood protection elevation.
- (b) In cases where the regulatory flood protection elevation (as defined in Chapter 150) is lower than the average finished grade in AE, AO, or X flood zones, the height measurement shall begin at the top of the slab at the approximate center of the structure or to the average finished grade where no slab is present.

- (c) In a Coastal High Hazard Area (as defined in Chapter 150), the height measurement shall begin at the bottom of the lowest horizontal member consistent with the town's standards for free and clear of obstruction (as defined in Chapter 150).

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



Don Kingston, Mayor

Lori Kopec, Town Clerk

Date adopted: May 20, 2020

Motion to adopt by: Monica Thibodeau

Vote: 5 AYES 0 NAYS