

**AN ORDINANCE AMENDING THE ZONING ORDINANCE
OF THE TOWN OF DUCK, NORTH CAROLINA TO ALLOW THE
INSTALLATION OF ROPE OR RAILING FOR DUNE WALKOVERS**

Ordinance No. 21-03

WHEREAS, the Town of Duck completed a beach nourishment project along a 1.7 mile stretch of beach extending north of the U.S. Army Corps of Engineers Field Research Facility; and

WHEREAS, the sand added during the beach nourishment project buried many existing dune walkover improvements and changed the profile of the top and east side of the frontal dune system in the project area; and

WHEREAS, the Town of Duck has evaluated changing dune conditions and taken public comments regarding beach access over subsequent years; and

WHEREAS, the Duck Town Council and Planning Board have found that the proposed amendments address the need of people with limited mobility to have the support of a rope or railing as they traverse the longer and higher dune to the beach; and

WHEREAS, the Duck Town Council has additionally found that the proposed amendments will encourage traffic over the top and eastern side of the dune in certain locations to promote stabilization of the dune; and

WHEREAS, the Duck Town Council and Planning Board have found that these standards are consistent with the recommendations of the Town's adopted Comprehensive & Land Use Plan.

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. Subsection 156.124(B) shall be amended by the addition of the following definitions for "Post-and-Rail Structure" and "Post-and-Rope Structure":


POST-AND-RAIL STRUCTURE. A single top rail mounted on imbedded posts. To minimize the impact of the structure, a post-and-rail structure shall not include additional structural or decorative elements such as cross-bracing, other horizontal railing, or balusters. For structural support, posts must be embedded at least four feet (4') in the ground. The rails shall have a span no less than six feet (6') and no greater than ten feet (10').

POST-AND-ROPE STRUCTURE. A structure consisting of a single strand of rope strung between imbedded posts typically serving to guide people to a certain location traversing a dune. The span between posts shall be no less than six feet (6') and no greater than ten feet (10').

Subsection 156.124(C)(1)(e) shall be amended to read as follows:


- (e) Within the beach nourishment project area, dune walkover structures must be constructed to meet the following standards:
 1. A dune walkover structure on the western side of the dune may consist of a hardened structure (ramp/stairway), beach access matting, or any material consistent with the standards of this chapter.
 2. A dune walkover extending over the top of a dune or on the eastern side of a dune may include the installation of beach access matting.
 3. A dune walkover may include the installation of a single post-and-rail structure over the top and on the eastern side of the dune. A second post-and-rail structure will be permitted at a common dune walkover owned and maintained by a neighborhood association or similar entity. The post-and-rail structure(s) may extend down the eastern side of the dune from the top of the dune to the toe of the dune.
 4. A dune walkover may include the installation of post-and-rope structures over the top and on the eastern side of a dune. The post-and-rope structures may extend down the eastern side of the dune from the top of the dune to the toe of the dune.
 5. If erosion, migration of the dune, or other forces cause any portion of a post-and-rail or post-and-rope structure to extend eastward of the toe of the dune or expose the supporting posts, that section of the structure must be removed by the owner.
 6. Any portion of a post-and-rail or post-and-rope structure within the area of a beach renourishment or dune maintenance project must be removed by the owner upon notice from the Town of Duck prior to initiation of the project.

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



 Don Kingston, Mayor

ATTEST:



 Lori Ackerman, Town Clerk



Date adopted: June 2, 2021

Motion to adopt by: Monica Thibodeau

Vote: 5 AYES 0 NAYS