

**AN ORDINANCE CLARIFYING SETBACK AND ELEVATION REQUIREMENTS FOR
DUNE WALKOVER STRUCTURES IN THE TOWN OF DUCK, NORTH CAROLINA**

Ordinance 22-08

WHEREAS, the Duck Town Council has found it to be in the Town’s interest to grant property owners a minimum setback exemption for neighborhood or shared walkways providing access to the beach or sound; and

WHEREAS, these amendments are intended to establish clear, consistent standards for the appropriate elevation for dune walkover structures and circumstances under which minimum setback requirements apply to walkway structures; and

WHEREAS, the Duck Planning Board thoroughly reviewed these standards and voted to recommend approval of this ordinance at its public meeting on July 13, 2022; and

WHEREAS, the Duck Town Council found these amendments to be consistent with the goals and objectives of the Town of Duck Comprehensive & CAMA Land Use Plan.

NOW THEREFORE BE IT ORDAINED by the Town Council for the Town of Duck, North Carolina:

PART I. Subsection 156.051(D), (E), and (F) of the Duck Town Code shall be amended to read as follows:

“(D) Community ocean and sound access walkway structures located within common property designated as such at the time of subdivision plat recordation, within an easement granted to a subdivision or community association for the purposes of providing community access to the ocean or sound, or within the right-of-way of a private street, are exempt from the minimum yard requirements of this chapter as well as the applicable provisions of Subsection 156.128(A)(2). Dune walkover structures subject to this exemption must still comply with all applicable standards found in Subsection 156.124(C)(1) of the Town Code;”

“(E) Private walkway structures less than 4 feet in width that directly connect to walkway structures listed in division (D) above are exempt from the minimum yard requirements of this chapter as well as the applicable provisions of Subsection 156.128(A)(2). This exemption shall also apply to private walkway structures constructed for the purpose of providing ocean or sound access that are shared between two adjoining property owners. Dune walkover structures subject to this exemption must still comply with all applicable standards found in Subsection 156.124(C)(1) of the Town Code;”

“(F) Private walkway structures less than 4 feet in width constructed less than 12 inches above grade are exempt from the minimum yard requirements of this chapter as well as the applicable provisions of Subsection 156.128(A)(2). Dune walkover structures and sound access walkways are not exempt from minimum yard requirements unless in compliance with the standards of Subsection 156.051(E). Walkway

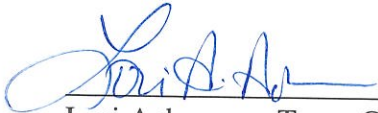
structures are not exempt from minimum yard requirements if the walkway abuts a swimming pool deck or is located within 3 feet of a swimming pool; and”

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



Don Kingston, Mayor

ATTEST:



Lori Ackerman, Town Clerk

Date adopted: September 7, 2022

Motion to adopt by: Sandy Whitman

Vote: 5 AYES 0 NAYS

