

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

Ordinance 23-14

WHEREAS, following amendments to the Town's Flood Damage Prevention Ordinance, Subsection 156.002 of the Zoning Ordinance was amended in May 2020 to make corresponding changes to the Town's definition and standards for measuring building height in different flood zones; and

WHEREAS, amendments were made to the standards for measuring building height for properties in AE, AO, and X flood zones but a similar amendment should also have been made to standards for the Coastal High Hazard Areas (CHHA); and

WHEREAS, at its public meeting on October 18, 2023, the Duck Planning Board voted to recommend approval of this ordinance and found it to be consistent with the Town's adopted Comprehensive & CAMA Land Use Plan; and

WHEREAS, the Town Council has found that this amendment is consistent with the Town's adopted Comprehensive & CAMA Land Use Plan and is in the public interest by establishing clear standards regarding allowances for measuring building height in different flood zones.

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:

Subsection 156.002, Definitions


BUILDING HEIGHT. The vertical distance measured from the tallest roofline of a building (not counting chimneys and similar features) 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.

(1) 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 2 feet above the regulatory flood protection elevation.

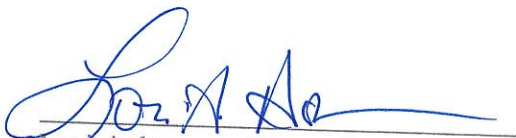
(2) In cases where the regulatory flood protection elevation (as defined in Chapter 150) is lower than the average finished grade in AE, AO, or X flood zones, the height measurement shall begin at the top of the slab at the approximate center of the structure or to the average finished grade where no slab is present.

(3) 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). Such measurement shall begin no higher than three feet (3') above the highest finished adjacent grade.

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


Don Kingston, Mayor

ATTEST:


Lori Ackerman, Town Clerk

Date adopted: December 4, 2023

Motion to adopt by: Monica Thibodeau

Vote: 5 AYES 0 NAYS

