

**AN ORDINANCE AMENDING § 156.051, BUILDING FEATURES EXEMPT FROM
SETBACKS OR MINIMUM YARD REQUIREMENTS IN THE ZONING ORDINANCE
OF THE TOWN OF DUCK, NORTH CAROLINA**

Ordinance 26-03

WHEREAS, the Duck Town Council and Planning Board have concluded that the proposed text amendments will provide a benefit to the community with clear and consistent standards for development; and

WHEREAS, the Town Council has determined that this amendment is in the public interest by offering property owners reasonable options; and

WHEREAS, the Town Council and Planning Board have found that these changes are reasonable and consistent with the intent and recommendations of the Town's adopted CAMA Core Land Use Plan.

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

PART I. The following sections of the Zoning Ordinance shall be amended as stated:

The standards in §156.051 shall be amended to read as follows:

Building features that may be exempt from minimum yard requirements, setbacks, or building restriction lines are described as follows:

(A) Sills, cornices and similar ornamental features as well as roof eaves and overhangs may project not exceeding 12 inches into any required front, side, or rear yard or beyond any required front, side, or rear setback or building restriction line; and

(B) Bay windows, stoops, covered entryways, stairs and similar features of a principal structure may project not exceeding three feet into any required front yard or beyond any required front setback or building restriction line (plus an additional 12 inches for features as noted in this section); and

(C) Outdoor shower enclosures with functional plumbing and a shower head that are not fully enclosed and attached to a principal structure, with or without a roof covering, may project not exceeding three feet into any required rear yard or beyond any required rear setback or building restriction line (plus an additional 12 inches for features as noted in Section (A)) provided that the length contiguous with the principal structure is no longer than eight feet and the rear setback or building restriction line is not less than 25 feet; and

(D) No ornamental feature, bay window, stoop, stairs, eave, overhang, or similar feature of an accessory structure shall project into any required front, rear or side setback or building restriction lines applicable to accessory structures; and

(E) 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 §156.124(C)(1); and

(F) Private walkway structures less than four 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 §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 §156.124(C)(1); and


(G) Private walkway structures less than four 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 §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 §156.051(E). Walkway structures are not exempt from minimum yard requirements if the walkway abuts a swimming pool deck or is located within three feet of a swimming pool; and

(H) Municipally owned walkways, boardwalks, multi-use paths and sidewalks are exempt from the minimum yard requirements of this Chapter as well as the applicable provisions of §156.128(A)(2).

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


Monica Thibodeau, Mayor

ATTEST:


Lori Ackerman, Town Clerk

Date adopted: February 4, 2026

Motion to adopt by: Mayor Pro Tempore Sandy Whitman

Vote: 5 AYES 0 NAYS

