

**AN ORDINANCE AMENDING THE FLOOD DAMAGE PREVENTION ORDINANCE  
OF THE TOWN OF DUCK, NORTH CAROLINA**

Ordinance 15-02

**WHEREAS**, the 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 amendment contains standards consistent with criteria from Federal Emergency Management Agency (FEMA) standards and technical bulletins; and

**WHEREAS**, maintenance of the two foot *Free and Clear of Obstruction* standard is provides the Town of Duck with credit toward its CRS insurance rating; and

**WHEREAS**, the Town Council has determined that is in public interest to amend the definition of *Free and Clear of Obstruction* in order to minimize hazards in VE flood zones and eliminate any confusion as to how this standard is applied.

**NOW THEREFORE BE IT ORDAINED** by the Town Council for the Town of Duck, North Carolina that the Flood Damage Prevention Ordinance shall be amended as follows:

**PART I.** The definition of *Free and Clear of Obstruction* in Town Code Section §150.05 shall be amended to read:

**FREE AND CLEAR OF OBSTRUCTION.** The required space below the lowest floor of an elevated structure located in a coastal high-hazard area or V-zone that is open and is designed to allow floodwaters to flow freely beneath the structure, experiencing only minimal resistance from supporting structural elements such that floodwaters transfer only minimal lateral forces to the foundation system. For the purposes of this chapter, the space below the structure that is unobstructed as described herein shall be a minimum vertical distance of 2 feet measured from the highest adjacent grade below the structure to the bottom of the lowest horizontal structural member of the lowest floor. Non-bearing solid breakaway walls, open lattice panels and insect screening are not considered obstructions that will impede the free flow of floodwaters and may be allowed below the lowest floor of the structure.

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

  
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Don Kingston, Mayor

ATTEST:

Lori A. Kopec  
Lori Kopec, Town Clerk

Date adopted: March 4, 2015

Motion to adopt by: Councilor Nancy Guinness

Vote: 5 AYES 0 NAYS

