

**AN ORDINANCE AMENDING THE ZONING ORDINANCE
OF THE TOWN OF DUCK, NORTH CAROLINA BY ESTABLISHING
STANDARDS FOR CONSIDERATION AND APPROVAL OF
A SPECIAL EXCEPTION FOR FILLING ACTIVITIES**

Ordinance No. 17-03

WHEREAS, the Duck Town Council and Planning Board have determined that it is fair, reasonable, and more legally defensible to establish specific criteria for the review of special exceptions to add a greater amount of fill than allowed under the Town's standards for land disturbing activities; and

WHEREAS, the Duck Town Council and Planning Board have concluded that establishing such standards benefits all parties by providing reasonable and consistent standards to be applied to every special exception application for fill; and

WHEREAS, the Duck Town Council and Planning Board have found that creating this allowance is reasonable and consistent with the 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 Section 156.128, *Land Disturbing Activities*, of the Zoning Ordinance shall be amended in the following manner:

PART I. Add the following wording as Subsection 156.128(C):

“(C) Special exceptions for fill/grading activities.

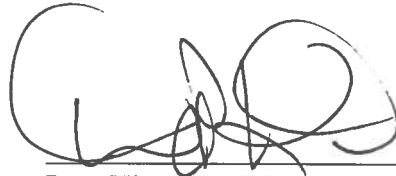
All proposals to add fill on a lot in excess of 36 inches shall require approval of a special exception application by the Town Council in accordance with the procedures established in Section 156.145.

The Town Council may grant a special exception only after determining that the application meets the following criteria:

- (1) The site for the proposed fill is otherwise adequate in size, shape and other characteristics to accommodate the proposed project;
- (2) The applicant has demonstrated that the requirements of this chapter are unreasonable or impractical due to the necessity for the fill, lot shape, topographical features, location of mature vegetation, or location and characteristics of existing improvements on the lot;


- (3) The amount of fill proposed is the minimum necessary to accommodate the proposed project, especially for soundfront properties;
- (4) The proposed fill will not negatively impact adjacent properties or the surrounding area, especially for soundfront properties;
- (5) The special exception will be consistent with any applicable goals, policies and objectives specified in the Town's adopted CAMA Land Use Plan and Vision Statement. This review includes the Town of Duck's evaluation of the proposal's consistency with its adopted CAMA Land Use Plan, which may be more flexible or more stringent than interpretations by others; and
- (6) The applicant has submitted a drainage plan consistent with the requirements described in Subsection 156.128(A)(4)(c).

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



Don Kingston, Mayor

ATTEST:


Lori Ackerman, Town Clerk

Date adopted: June 7, 2017

Motion to adopt by: Don Kingston

Vote: 5 AYES 0 NAYS