

**AN ORDINANCE AMENDING THE ZONING ORDINANCE
OF THE TOWN OF DUCK, NORTH CAROLINA TO UPDATE
STANDARDS FOR DUNE WALKOVER STRUCTURES**

Ordinance No. 17-06

WHEREAS, the Town of Duck is conducting its first beach nourishment project along a 1.7 mile stretch of beach extending north of the U.S. Army Corps of Engineers Field Research Facility; and

WHEREAS, the sand added during the beach nourishment project will effectively bury many existing dune walkover improvements and change the profile of the top and east side of the frontal dune system in the project area; and

WHEREAS, the Duck Town Council and Planning Board have found that the proposed standards address the competing needs of maintaining the frontal dune system and providing reasonable beach access for residents and visitors to Duck; and

WHEREAS, the Duck Town Council and Planning Board have found that these standards are 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 the Zoning Ordinance shall be amended as follows:

PART I. Subsection 156.124(C)(1) shall be amended by the addition of Subsections 156.124(C)(1)(e) and (f) with the following wording:

“(e) Within the beach nourishment project area, dune walkover structures must be constructed to meet the following standards:

1. A dune walkover structure on the western side of the dune may consist of a hardened structure (ramp/stairway), beach access matting, or any material consistent with the standards of this chapter.
2. A dune walkover extending over the top of a dune may only be constructed of beach access matting.
3. A dune walkover is permitted to extend down to the toe of the eastern side of the dune. This walkover may only be constructed of beach access matting.

(f) Where a lawful dune walkover structure exists on July 5, 2017 within the beach nourishment project area that could not be built under the terms of Subsection (e) above, the structure may be continued so long as it remains lawful, subject to the following provisions.

1. The non-conforming dune walkover structure may not be enlarged or altered

in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.

2. Should the non-conforming portion of a dune walkover structure be destroyed by any means to an extent of more than 50% of its replacement cost at the time of destruction, it shall not be reconstructed, except in conformity with the provisions of this chapter.

3. If located at an elevation higher than the top of the dune, an extension of the non-conforming dune walkover structure, not exceeding five feet in length, may be added to lower the walkover structure to the elevation at the top of the dune.”

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



Don Kingston, Mayor

ATTEST:



Lori Ackerman, Town Clerk



Date adopted: July 5, 2017

Motion to adopt by: Chuck Burdick

Vote: 5 AYES 0 NAYS