

AN ORDINANCE AMENDING THE KITTY HAWK TOWN CODE

WHEREAS, the Town Council adopted a definition of “accessory dwelling unit” to include all detached structures containing conditioned space; and

WHEREAS, some improved residential lots, may not be designed in a manner that could house an ADU while meeting location requirements; and

WHEREAS, the maximum building height was inconsistent with measurement practices in other areas of the zoning district; and

WHEREAS, the required restrictive covenant was deemed to be unnecessary and burdensome to the property owner; and

WHEREAS, the Town Council of Kitty Hawk has found this amendment to be consistent with the Town’s adopted CAMA Land Use Plan.

BE IT ORDAINED by the Town Council of Kitty Hawk that Section 42-250(d)7 of the Kitty Hawk Town Code be amended as follows:

Sec. 42-528.- Accessory dwelling units.

(a) Accessory dwelling units may be attached (located within the principal residence) or in a detached structure on the lot, provided requirements for lot coverage and setbacks for the district are met.

(b) Accessory dwelling units shall not be larger than 50 percent of the living area of the primary residence, or 800 square feet, whichever is lesser.

~~(c) A detached accessory dwelling unit shall be located in the established rear or side yards, provided that the detached accessory dwelling does not extend beyond of the front of the primary residence.~~

(c) Accessory dwelling units shall not be served by a driveway separate from that serving the principal dwelling.

~~(e-d)~~ One additional off-street parking space shall be provided for the accessory dwelling unit.

~~(f-e)~~ No more than one accessory dwelling unit shall be permitted on a single residential lot.

(~~g~~f) Detached accessory dwelling units shall not exceed 28 feet in height, measured from ~~average~~ original finished grade, or the height of the principal dwelling on the property, whichever is lower.


(~~h~~g) The owner must obtain a permit from the county environmental health department that indicates the septic system is sufficient for the increased occupancy. Total occupants residing on the property shall not exceed the number specified by the septic improvement permit.

(~~h~~h) Accessory dwelling units may be used for home occupation uses, in compliance with section 42-522, but in no instance shall more than one home occupation be conducted or permitted on a single lot. Additionally, the accessory dwelling unit is not permitted to be used entirely for commercial purposes.

~~(j) Before obtaining a building permit for an accessory dwelling unit, the property owner shall file with the county register of deeds a declaration of restrictions containing a reference to the deed under which the property was acquired by the present owner stating that the accessory dwelling unit shall not be sold separately from the primary residence.~~

This ordinance amending the Kitty Hawk Town Code shall take effect the 4th day of April, 2022. Passed and adopted at a regular meeting held by the Town Council of Kitty Hawk the 4th day of April, 2022, with a vote of 3 in favor and 2 against.



D. Craig Garriss, Mayor

ATTEST:

Lynn U. Morris, Town Clerk

APPROVED AS TO FORM:

Casey Varnell, Town Attorney

The undersigned certifies that the foregoing official ordinance designated ORDINANCE AMENDMENT OF THE TOWN CODE OF KITTY HAWK, NORTH CAROLINA was filed in the Kitty Hawk Ordinance Book on the 5th day of April, 2022, at 2 o'clock p.m.


Lynn U. Morris, Town Clerk