



## Planning and Inspections Department

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### RESIDENTIAL BUILDING GUIDE

*This guide contains planning and zoning related topics that may apply to your project. Additional regulations may also apply. Please consult with staff if you have any questions.*

**AS-BUILT SURVEY:** A residential "as-built" survey shall be required for the certificate of occupancy. It shall include, but not be limited to: the residential structure, accessory buildings, gravel, drives, walkways, pools, any roof overhangs, upper floor fireplace or chimneys, eaves, bay windows, or greenhouse windows, cantilevered decks, cantilevered living areas, porches, decks, stairs or steps, gutters, landing area and similar fixtures and flood zone lines, flood zone and base flood elevation. The "as-built" survey must provide a lot coverage calculation. Please reference the checklist "Information Required on Residential As-Built Site Plan" for a complete list of requirements.

**HEIGHT CERTIFICATION:** Maximum height of structure is 35 feet or less measured from the average of the four corners of the structure at finished grade. Cupolas, domes, ornamental towers, similar architectural features, and architectural elements housing mechanical equipment are allowed to extend up to 4 feet above the maximum building height when not used for human occupancy. This information can be provided on the as-built plan, in the notes of an elevation certificate, or by a certified letter from the engineer/surveyor.

**LOT COVERAGE:** The proposed project and long term plans for your lot may not exceed 30% lot coverage. Lot coverage includes, but is not limited to, the following: structure, accessory buildings, gravel, wooden decks, drives, walkways, pools, cantilevered decks and living area, stairs, landing areas, etc. Lot Coverage calculations must be shown on an "as-built" survey to obtain a certificate of occupancy.

**STRUCTURES IN REQUIRED YARD SETBACK:** Only structures 30 inches or less above finished grade are allowed in any yard setback. Absolutely no living space including cantilevered living space, are allowed in any yard setback.

#### **Exceptions:**

- 1) **Side Yard Setbacks:** 2 feet of eaves, bay windows, or chimneys with no living space and not extended to grade. HVAC units and stands can encroach 5 feet. Fire walls are allowed to encroach into side yard setbacks per North Carolina Building Code.
- 2) **Front Yard Setback:** 4 feet of uncovered deck, including cantilevered decks, and steps.
- 3) **In ground pools and aprons** may encroach 5 feet from side and rear property lines.

If any unapproved encroachments are shown on the "as-built" survey you will not receive a certificate of occupancy until the matter is resolved.

**MINIMUM SETBACK REQUIREMENTS:**

<b>House size</b>	<b>Front Yard Required</b>	<b>Side Yard Required</b>	<b>Rear Yard Required</b>
3000 & under	25 ft	10 ft	25 ft
3001-3500	25 ft	12.5 ft	25 ft
3501-4000	25 ft	15 ft	25 ft
4001-5000	25 ft	17.5 ft	25 ft
5001-6000	25 ft	20 ft	25 ft
6001 & over	25 ft	25ft	25 ft

**PARKING:** Parking in the Beach and Village Residential zoning districts shall be at a rate of one parking space for every two occupants authorized by the septic improvement permit issued by the Dare County Department of Environmental Health or one parking space per 600 square feet of total heated space, whichever is lesser. A minimum of two parking spaces will be required for any single-family residence. This parking shall be on-site and each parking space shall be a minimum of 9 feet 6 inches in width by 18 feet long. A drive isle of a minimum of 10 feet wide is required in Beach Residential, but not in Village Residential. Stacking of vehicles in areas other than a drive aisle shall be limited to 2 vehicles per stacked lane. Driveways and parking spaces are required to be concrete, asphalt or turf stone for Beach Residential and the driveway entrance to a public or private road shall not exceed 20 feet in width. Village districts may use grass or gravel for driveway/parking surfaces, but any surface will be counted as lot coverage.

**ELEVATIONS AND ELEVATION CERTIFICATE:** The Town of Kitty Hawk requires a 1 foot freeboard above Base Flood Elevation in the VE & AH Zones; 1 foot freeboard above the highest flood depth number specified on the FIRM; 3 feet freeboard above BFE in the AE Zone, or an elevation of 8 foot NAVO, whichever is higher; and an elevation of 8 foot NAVO requirement in X & Shaded X Zones. All building utilities including electrical, heating, ductwork, ventilation, plumbing, air conditioning, and fuel piping, must be elevated or protected to the freeboard level and all portions of the building below the freeboard must be constructed using materials resistant to flood damage. This includes your heat pump stand. If the garage floor is below the freeboard level, the garage must meet the opening requirements for enclosures. An elevation certificate will be required for all construction prior to the rough inspection and before the certificate of occupancy will be issued. The elevation certificate form must have the date of December 2019 in the bottom left corner.

**EVERYTHING MUST BE FLOOD RESISTANT:** Everything below **Regulatory Flood Protection Elevation** must be flood resistant. This includes but is not limited to: floor joist, OSB boards, studs, insulation, HVAC ductwork, electrical wiring, plumbing, gas lines, etc. Nails must be galvanized. All wood must be decay resistant.

**HABITABLE FLOORS:** Single family residential structures shall comply with the following requirements:

- 1) the structure shall not have more than 1 full kitchen and food preparation area, unless approved for an attached ADU (Accessory Dwelling Unit)
- 2) the structure shall not exceed a total height of 35 feet from finished grade.

**FENCES:** The construction of a residential fence shall not have any portion of the fence taller than 6 feet from finished grade and shall not be placed in any right-of-way.

**CONDITIONAL USE PERMIT:** A conditional use permit and application is needed if you are proposing a home in a commercial zoning district.

**ON-SITE REQUIREMENTS:** Before beginning construction, a dumpster or similar device shall be placed on site for the disposal of scrap lumber and material. The site shall remain free of blowing debris. A construction entrance must be established prior to construction to protect the existing pavement of town or state roads where applicable. Temporary toilet facilities must be provided on site. However, temporary facilities are not needed on site for crews on a job site for no more than one (1) working day and having transportation readily available to nearby toilet facilities. All construction signs, temporary toilet facilities, construction debris, and temporary poles shall be removed upon completion of any construction and prior to the issuance of the Certificate of Occupancy.

**SURETY BOND FOR ROAD DAMAGE:** A surety bond shall be provided, in the amount of \$5,000.00 payable to the town, for any damage to public rights-of-way or town property, including streets, waterlines, and utilities which may occur during construction. These matters must be settled prior to issuance of certificate of occupancy.

**UNIMPROVED RIGHTS-OF-WAY:** If the new construction is located on an unimproved Town right-of-way, you must obtain a municipal waiver that you acknowledge that public services such as, but not limited to, garbage collection, law enforcement protection and security, fire protection, emergency medical services, solid waste collection, public water utility lines and connections, as well as other government or public services which require access to the above referenced property by a vehicle may be restricted or unavailable.

**ROADSIDE SWALES AND CULVERTS:** If there is an existing roadside swale, no swale can be filled or reduced in volume by any means. A driveway that crosses a swale must have a culvert that is a minimum of 15 inches in diameter.

**UTILITIES:** All utilities shall be placed underground.

**CAMA OR ARMY CORPS OF ENGINEERS PERMIT:** If any structure is located adjacent to a navigable waterway (ditch or canal), the proper CAMA approval to perform the work must be secured prior to issuance of a building permit. No wetlands can be filled without proper approval from the Army Corps of Engineers. If wetlands have been or will be filled, a copy of your wetlands permit will need to be provided prior to obtaining your building permit.

**EROSION & SEDIMENTATION CONTROL PLAN:** An Erosion and Sedimentation Control Plan is required for ALL land disturbing activities in areas of greater than 5,500 square feet of disturbance. The filling of a lot or the runoff from the structure shall not displace water or soil onto adjacent property.

**LAND DISTURBANCE:** If the proposed ground disturbance is 5,500 square feet or less, a Land Disturbance Permit will be required. Cutting down trees on an undeveloped lot will also require a Land Disturbance Permit.

**I have read the above and understand that they may apply to my project. Failure to meet any of the above conditions shall result in my certificate of occupancy being delayed until the item is corrected.**

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Signature of Homeowner/Contractor/Agent

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Date

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Print Name