

AN ORDINANCE AMENDING THE KITTY HAWK TOWN CODE

WHEREAS, Town Council has acknowledged the impacts that short term rentals may have on traditionally long-term residence neighborhoods; and

WHEREAS, Town Council also recognizes the importance of short-term rentals to the Outer Banks economy; and

WHEREAS, the restriction of use for properties with an ADU on site is limited to the low density village residential district; 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 Kitty Hawk Town Code be amended as follows:

Sec. 42-1.- Definitions

Long-term tenant means a person or persons using a dwelling unit for living, sleeping, cooking, or eating purposes for a period of 31 or more continual days.

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

(d) No more than one accessory dwelling unit shall be permitted on a single residential lot.

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

(f) 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.

(g) 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 used entirely for commercial purposes.

In addition to the requirements of Sec 42-528 a.-g., the following shall apply to ADU's located within the VR-1 zoning district:

(h) Accessory dwelling units located in the VR-1 zoning district shall have a long term tenant or owner residing in a dwelling on the subject property, as defined in Sec. 42-1.

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This ordinance amending the Kitty Hawk Town Code shall take effect the 5th day of August, 2024. Passed and adopted at a regular meeting held by the Town Council of Kitty Hawk the 5st day of August 2024, with a 4-1 approval vote.

D. Craig Harris
Mayor

ATTEST:
Lauren Smith
Town Clerk



APPROVED AS TO FORM:

[Signature]
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 12th day of September, 2024, at 4 o'clock

pm

Lauren Smith
Town Clerk