

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE TOWN OF DUCK, NORTH CAROLINA BY ESTABLISHING STANDARDS FOR THE SCALE OF RESIDENTIAL DEVELOPMENT**

**Ordinance No. 18-06**

**WHEREAS**, the Town of Duck's 2027 Vision, CAMA Core Land Use Plan, and adopted ordinances reflect the Town's strong interest in preserving its community character and small-town atmosphere by regulating building intensity and the size of structures; and

**WHEREAS**, the North Carolina General Assembly's passage of Session Law 2015-86 in June 2015 revoked the authority of local governments to limit the number and type of rooms in a residence; and

**WHEREAS**, the Duck Town Council and Planning Board have determined that setting fair and reasonable standards for the scale of residential development is consistent with the Town's 2027 Vision and adopted CAMA Core Land Use Plan; and

**WHEREAS**, at its public meeting on July 11, 2018, the Planning Board voted to recommend approval of this zoning text amendment to Town Council;

**NOW THEREFORE BE IT ORDAINED** by the Town Council for the Town of Duck, North Carolina that the wording of Section 156-126 the Zoning Ordinance shall be amended to read as follows:

**PART I.**

**"156.126 STANDARDS FOR THE SCALE OF RESIDENTIAL DEVELOPMENT.**

- (A) *Intent.* The purpose of establishing this section is to set forth a comprehensive set of regulations designed to maintain and enhance the scale and character of residential development in the Town of Duck. These standards are intended to ensure that future residential development is compatible with existing developed neighborhoods to protect the interests of both permanent residents and seasonal visitors occupying these structures in the furtherance of public safety and welfare.
- (B) *Definitions.*
- (1) *Large residence* means a single-family or two-family dwelling that exceeds the maximum total of heated square feet outlined on the table in Subsection 156.126(C).
  - (2) *Heated square feet or heated square footage* for large residences includes any enclosed living space that is present in accessory structures located on the same lot as the principal structure.

(C) *Maximum Size of Residences.* The maximum size calculation includes any enclosed living space that is present in the principal and accessory structures located on the same property, as shown on the following table:

<b>Lot Size</b>	<b>Maximum Size</b>
9,999 or less s.f.	3,500 s.f.
10,000-14,999 s.f.	4,000 s.f.
15,000-19,999 s.f.	4,500 s.f.
20,000-24,999 s.f.	5,500 s.f.
25,000 or greater s.f.	7,000 s.f.

(D) *Large residences,* as defined in Subsection 156.126(B), are subject to the following requirements:

- (1) *Lot area.* The minimum lot area for establishment of a large residence is 15,000 square feet.
- (2) *Building setbacks.* Large residences are subject to minimum building setbacks two feet (2') greater than the standard setbacks (excluding side setbacks) for the zoning district in which the property is located. The following table summarizes the building setbacks for large residences:

<b>MINIMUM BUILDING SETBACKS FOR LARGE RESIDENCES</b>	
<b><u>Setback Type</u></b>	<b><u>Minimum Setback</u></b>
<b>Front</b>	27
<b>Side</b>	10
<b>Rear</b>	27
<b>Side Street</b>	20

NOTE: Increased minimum building setbacks apply only to the principal structure. Accessory structures are subject to the standard minimum setback requirements for the zoning district in which the property is located.

- (3) *Landscaping/canopy coverage requirements.* Properties containing a large residence must preserve and maintain a minimum of ten percent (10%) of the lot's total area with existing natural vegetation. Areas designated for the preservation of existing vegetation shall contain significant examples of native vegetation.


In addition, such property must provide for the planting or retention of trees on the site to provide minimum vegetative lot coverage of twenty percent (20%) of the lot's total area minus the footprint of the building. Such vegetation shall be installed or retained according to the standards outlined in Subsection 156.137(G) of the Town Code.

The above landscaping requirements may be altered by the zoning administrator due to unique and unusual physical conditions or characteristics of the property, including the reduction of landscaping requirements for oceanfront properties and other lots containing significant dune features that will be preserved in equal proportion.


The property owner shall be responsible for maintaining the landscaped areas required by this section, including the replacement of dead and missing vegetation.

- (4) *Building facades.* To limit the massive appearance of larger residences, no section of any building façade shall extend more than thirty feet (30') without architectural features or significant architectural elements to break up the massing of the façade.
- (5) *Wastewater disposal.* The total maximum permitted wastewater capacity for a property containing a large residence cannot exceed 1,080 gallons per day.
- (6) *Maximum Size.* No large residence shall exceed a maximum size of 7,000 square feet.

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

  
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Don Kingston, Mayor

ATTEST:

  
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Lori Ackerman, Town Clerk

Date adopted: December 5, 2018

Motion to adopt by: Mayor Don Kingston

Vote: 3 AYES 2 NAYS

