

AN ORDINANCE AMENDING THE ZONING ORDINANCE
OF THE TOWN OF DUCK, NORTH CAROLINA BY ESTABLISHING
ALLOWANCES AND STANDARDS FOR ACCESSORY DWELLING UNITS
Ordinance No. 18-08

WHEREAS, the Town Council and Planning Board have found that establishing provisions for the development of accessory dwelling units is reasonable and consistent with the recommendations of the Town's adopted CAMA Core Land Use Plan; and

WHEREAS, the Town Council and Planning Board have determined that establishing provisions for the development of accessory dwelling units is consistent with the Town of Duck's 2022 Vision; and

WHEREAS, the Town Council finds that

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. Amend Section 156.140:

156.140 ACCESSORY DWELLING UNITS.

(A) *Purpose.* The purpose of these provisions for all accessory dwelling units is to allow the efficient use of existing housing stock, parcels of land, and community infrastructure, and to increase the number and variety of residential units while respecting the scale and character of existing neighborhoods.

(B) *General provisions.* Accessory dwelling units are allowed as permitted uses in the Single-Family Residential (RS-1), Single-Family Residential (RS-2), and Medium Density Residential (R-2) zoning districts, subject to the following standards.

(1) An accessory dwelling unit can only be located on a property containing one single-family detached residence. The property may contain other accessory structures and uses as permitted in this ordinance.

(2) Only one accessory dwelling unit is permitted on a lot.

(3) *Building code.* An accessory dwelling unit must be properly permitted, inspected, and comply with all applicable standards of the N.C. Building Code.

(4) *Septic.* The owner must obtain a permit from the Dare County Environmental Health Department that the existing septic system can accommodate or be improved to accommodate the establishment of an accessory dwelling unit.

(C) *Development standards.*

- (1) An accessory dwelling unit will count toward the maximum size of residential development and septic capacity permitted for a property. The development of a property cannot exceed the maximum standards for the size of residential development and septic capacity outlined in Section 156.126.
- (2) *Size of Unit.* The size of an accessory dwelling unit must comply with all of the applicable following standards.
 - (a) A detached accessory dwelling unit or addition to the principal dwelling accommodating an accessory dwelling unit cannot be larger than 800 square feet of heated space.
 - (b) An attached accessory dwelling unit cannot be larger than the square footage of the principal dwelling footprint.
- (3) *Height.* A detached accessory dwelling unit cannot exceed twenty-seven feet (27') in height or the height of the principal dwelling on the property, whichever is lower. An attached accessory dwelling unit cannot exceed the height of the principal dwelling on the property.
- (4) *Setbacks.* An accessory dwelling unit must comply with all applicable minimum building setback requirements.
- (5) *Parking.* An accessory dwelling unit must comply with the following parking requirements.
 - (a) If the establishment of an accessory dwelling unit increases the maximum occupancy permitted on the wastewater permit issued by the Dare County Health Department, then necessary improvements must be completed for the property to maintain compliance with minimum parking standards.
 - (b) Parking space(s) serving the accessory dwelling unit must have access unobstructed by parking spaces for principal dwelling unit.
- (6) *Access.* Access and parking for an accessory dwelling unit must occur via the same driveway as the principal dwelling unit. A separate driveway is not permitted.


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



Don Kingston, Mayor



ATTEST:

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Lori Ackerman, Town Clerk

Date adopted: February 6, 2019

Motion to adopt by: Nancy Guinness

Vote: 4 AYES 0 NAYS