

AN ORDINANCE AMENDING THE KILL DEVIL HILLS TOWN CODE,
CHAPTER 153, ZONING

BE IT HEREBY ORDAINED BY the Kill Devil Hills Board of Commissioners that Chapter 153, Zoning, of the Kill Devil Hills Town Code, shall be amended by adding the underlined language and deleting the following stricken language to the sections identified below, as follows:

§153.002 DEFINITIONS.

ACCESSORY DWELLING UNIT (ADU). A secondary dwelling unit established on one parcel in conjunction with a principal single-family dwelling unit. Accessory dwelling units shall be subordinate in floor area, bulk, and height to principal single-family dwelling unit. An accessory dwelling unit may be included as part of the principal single-family dwelling unit, attached to the principal single-family dwelling unit by an enclosed walkway, or entirely detached from the principal single-family dwelling unit. The use of manufactured or mobile homes, travel trailers, motorhomes, campers or similar vehicles as an accessory dwelling unit is prohibited.

§153.315 ACCESSORY DWELLING UNITS.

(A) Purpose. The purpose of these provisions for all accessory dwelling units (ADUs) 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 (ADUs) are allowed as permitted uses in Commercial, Light Industrial 1 and Light Industrial 2 Zoning Districts, subject to the following standards:

1. An ADU can only be located on a property containing one single-family detached dwelling. The property may contain other accessory structures and uses as permitted in this section.
2. No more than one ADU shall be permitted per residential lot.
3. ADUs shall not be larger than 50 percent of the living area of the primary residence, or 800 square feet, whichever is lesser.
4. An ADU must comply with all applicable minimum building setback requirements and a detached ADU cannot extend beyond of the front of the primary residence.
5. An ADU must be properly permitted, inspected, and comply with all applicable standards of the N.C. Building Code and Kill Devil Hills Town Code.
6. The owner must obtain a permit from the Dare County Environmental Health Department that the existing wastewater system can accommodate or be improved to accommodate the establishment of an ADU.
7. ADUs shall be parked in accordance with 153.076 Off Street Parking and Loading.
8. Recreational vehicles, travel trailers and/or manufactured homes shall not be used or approved as an ADU.

9. An ADU shall not be subdivided or segregated in ownership from the principal dwelling unit.

§153.076 OFF-STREET PARKING AND LOADING.

(D) *Table of parking requirements.*

Dwellings – single-family, duplex and multi-family (including mobile homes)	2 parking spaces per dwelling unit, plus 1 parking space for each bedroom over 2
<u>Dwellings – Accessory Dwelling Unit (ADU)</u>	<u>1 parking space per Accessory Dwelling Unit plus 1 space for each bedroom over 1</u>

COMMERCIAL ZONE (C)

§153.176 PERMITTED USES.

- (E) On-site accessory structures; Accessory Dwelling Units

LIGHT INDUSTRIAL TWO ZONE (LI-2)

§153.206 PERMITTED USES.

- (E) On-site accessory structures; Accessory Dwelling Units

LIGHT INDUSTRIAL ONE ZONE (LI-1)

§153.226 PERMITTED USES.

- (E) On-site accessory structures; Accessory Dwelling Units

This amendment to Chapter 153, Zoning, shall be in full force and effect from and after the ____ day of _____, 2021. Adopted and approved by the Board of Commissioners of the Town of Kill Devil Hills at a regular meeting held on the ____ day of _____, 2021, by a vote of ____ in favor and ____ opposed.

SEAL

Ben Sproul
Mayor

ATTEST:

James Michael O'Dell
Deputy Town Clerk

APPROVED AS TO FORM:

Casey C. Varnell
Town Attorney

The undersigned hereby certifies that the foregoing official amendment, designated AN ORDINANCE AMENDING CHAPTER 153, ZONING, was placed in the Kill Devil Hills Town Code Book on the _____ day of _____, 2021 at _____ .m.

James Michael O'Dell
Deputy Town Clerk

PLANNING BOARD REPORT

Per NCGS 160A-387, all proposed amendments to the zoning ordinance or zoning map shall have a written report provided from the Planning Board to the Town Council within 30 days of referral of the amendment to the Planning Board, or the Town Council may proceed in its consideration of the amendment without the Planning Board report. Furthermore, in no case is the Town Council bound by the recommendations, if any, of the Planning Board.

Per NCGS 160A-383, the Planning Board shall advise and comment on whether the proposed zoning amendment is consistent with all applicable officially adopted plans, and provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the officially adopted plans shall not preclude consideration or approval of the proposed amendment by the Town Council.

PLANNING BOARD RECOMMENDATIONS

Proposed Amendment Title: Proposed Zoning Amendment For *Accessory Dwelling Unit*: 153.002 Definition - Add Definition for *Accessory Dwelling Unit*; 153.076 Off Street Parking and Loading - Develop Parking Requirements for *Accessory Dwelling Units*; Add 153.315 *Accessory Dwelling Units (New Section)*; and 153.176 Commercial, 153.206 Light Industrial Two and 153.226 Light Industrial One- Add *Accessory Dwelling Unit* as a Permitted Use

Approval: Planning Board finds that the Proposed *Accessory Dwelling Unit* (as listed above) – To Add new section to regulate *Accessory Dwelling units* and allow as permitted uses in Commercial, light Industrial 2 and Light Industrial 1 Zone is consistent with the adopted Land Use Plan.

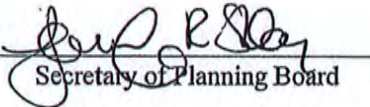
Therefore, the Planning Board finds the proposed amendment is consistent with the objectives and policies contained in the Kill Devil Hills Land Use Plan and/ or other officially adopted plans of the Town that are applicable.

This report reflects the recommendation of the Planning Board with a vote of 6 to 1, this the eighteenth day of January, 2021.

Attest:



Planning Board Chairman



Secretary of Planning Board