

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:

**§ 153.075 TELECOMMUNICATIONS TOWERS**

(C) *Use guidelines and dimensional requirements.*

(9) Setbacks of the base of the tower from all adjacent property lines shall be one foot for each foot of tower height. To encourage shared use of towers, applications for towers which will operate with more than one user immediately upon completion may have a ~~40%~~ 15% reduction in the required setbacks, but in no case shall the setback be less than those required for the underlying zoning district. Also, to encourage the construction of monopole structures, monopole towers may have a ~~20%~~ 25% reduction in the required setbacks. Monopole towers which will immediately operate with more than one user may have a 40% reduction in the required setbacks. To encourage location of towers in forested areas with a minimum depth of 65 feet, the tower may have a 20% reduction in the required setbacks. In no case shall the setback be less than those required for the underlying zoning district. The setback reductions shall only be allowed upon a ~~professional engineering certification by a North Carolina licensed design professional~~ which states that the structure's design and construction are such that, in the event of structural loadings in excess of design and resulting failure or collapse, all portions of the tower will fall

within an identified area (the Fall Zone), and that no buildings or structures on adjacent zoning lots lie within said Fall Zone. Such certification shall consider potential future structures which may be constructed on such adjacent lots, subject to the limitations of existing setbacks and permanent easements on such lots. will cause the tower to crumble inward so that in the event of collapse no damage to structures on adjacent zoning lots will result.

(10) Except where setback reductions are allowed under the previous paragraph, the proposed tower shall be set back from all property lines a distance equal to the proposed tower's radius or extent of the ~~fall zone~~ Fall Zone as certified by a ~~registered~~ North Carolina licensed design professional engineer plus 30 feet.

This amendment to Chapter 153, Zoning, shall be in full force and effect from and after the 13<sup>th</sup> day of May, 2019. Adopted and approved by the Board of Commissioners of the Town of Kill Devil Hills at a regular meeting held on the 13<sup>th</sup> day of May, 2019, by a vote of 5 in favor and 0 opposed.



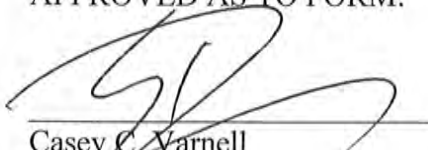
*Sheila F. Davies*

Sheila F. Davies, Ph.D.  
Mayor

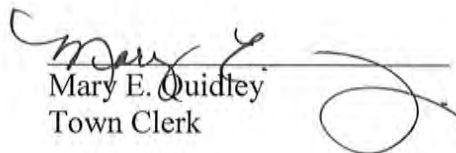
ATTEST:

*Mary E. Quidley*  
Mary E. Quidley  
Town Clerk

APPROVED AS TO FORM:

  
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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 3<sup>rd</sup> day of June, 2019 at 5:00 p.m.

  
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Mary E. Quidley  
Town Clerk