

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:

OCEAN IMPACT RESIDENTIAL ZONE (OIR)

§ 153.101 SETBACKS.

(A) *Side yard.*

(1) The minimum side yard setback requirements on a lot less than 75 feet in width shall be 10 feet from each side.

(2) For all lots 75 feet to 99 feet in width, the minimum side yard widths shall be 12 feet.

(3) For all lots or aggregate of lots combined for single development 100 feet or greater in width, the minimum side yard setback shall be 12 feet.

(4) All multi-family dwellings in excess of a duplex, hotels and motels shall install and maintain a vegetative buffer of evergreen, salt-tolerant species along the side yards of useable property in conjunction with development in this zone and such may be located within the area of the required setback lines.

(5) Single-family and duplex dwellings greater than 6,000 square feet of total gross floor area shall have an additional 2 feet of side yard setback.

(6) Single-family and duplex dwellings greater than 6,000 square feet of total gross floor area equipped with a fire suppression system reviewed, approved, and inspected annually by the Fire Chief or his/her designee, shall be exempt from 153.101 (A) (5).

LOW DENSITY RESIDENTIAL ZONES (RL)

§ 153.121 SETBACKS.

(A) *Side yard.*

(1) The minimum side yard setback requirements on a lot with an area of 5,000 square feet or less shall be 6 feet from each side.

(2) The minimum side yard setback requirements on a lot with an area of more than 5,000 square feet but not more than 7,500 square feet shall be 8 feet from each side.

(3) The minimum side yard setback requirements on a lot with an area exceeding 7,500 square feet shall be 10 feet from each side.

(4) Single-family and duplex dwellings greater than 6,000 square feet of total gross floor area shall have an additional 2 feet of side yard setback.

(5) Single-family and duplex dwellings greater than 6,000 square feet of total gross floor area equipped with a fire suppression system reviewed, approved, and inspected annually by the Fire Chief or his/her designee, shall be exempt from 153.121 (A) (4).

MARITIME FOREST ENVIRONMENTAL DISTRICT (MFED)

§ 153.141 SETBACKS.

(A) *Side yard.* The minimum side yard setback requirements shall be 20 feet.

Recommended Amendment

Chapter 153, Zoning, §153.101, §153.121, §153.141, §153.161 & §153.271
Setbacks in each zoning district – fire suppression systems exceptions

(1) Single-family and duplex dwellings greater than 6,000 square feet of total gross floor area shall have an additional 2 feet of side yard setback.

(2) Single-family and duplex dwellings greater than 6,000 square feet of total gross floor area equipped with a fire suppression system reviewed, approved, and inspected annually by the Fire Chief or his/her designee, shall be exempt from 153.141 (A) (1).

HIGH DENSITY RESIDENTIAL ZONE (RH)

§ 153.161 SETBACKS.

(A) Side yard.

(1) The minimum side yard setback requirements on a lot with an area of 5,000 square feet or less shall be 6 feet from each side.

(2) The minimum side yard setback requirements on a lot with an area of more than 5,000 square feet but not more than 7,500 square feet shall be 8 feet from each side.

(3) The minimum side yard setback requirements on a lot with an area exceeding 7,500 square feet shall be 10 feet from each side.

(4) Single-family and duplex dwellings greater than 6,000 square feet of total gross floor area shall have an additional 2 feet of side yard setback.

(5) Single-family and duplex dwellings greater than 6,000 square feet of total gross floor area equipped with a fire suppression system reviewed, approved, and inspected annually by the Fire Chief or his/her designee, shall be exempt from 153.161 (A) (4).

GOVERNMENT AND INSTITUTIONAL ZONE (G&1); PRIVATE OWNERSHIP

§ 153.271 SETBACKS.

(A) *Side yard.* The minimum size for a side yard shall be ten feet. For any structure over 35 feet in total building height, there shall be two feet of side yard setback for each foot of building height over 35 feet in addition to the minimum side yard setback.

(1) Single-family and duplex dwellings greater than 6,000 square feet of total gross floor area shall have an additional 2 feet of side yard setback.

(2) Single-family and duplex dwellings greater than 6,000 square feet of total gross floor area equipped with a fire suppression system reviewed, approved, and inspected annually by the Fire Chief or his/her designee, shall be exempt from 153.271 (A) (1).

This amendment to Chapter 153, Zoning, shall be in full force and effect from and after the ____ day of _____, 2020. Adopted and approved by the Board of Commissioners of the Town of Kill Devil Hills at a regular meeting held on the ____ day of _____, 2020, 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 _____, 2020 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

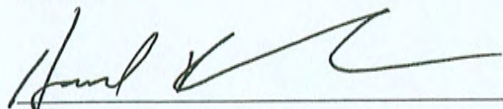
Proposed Amendment Title: Proposed Zoning Amendment—§153 Setbacks (Each Zoning District)— Additional 2 Feet Side Yard Setback for Single-Family and Duplex Dwellings Greater Than 6,000 Square Feet

Approval/Denial: Planning Board finds that the proposed zoning amendment to §153 Setbacks (Each Zoning District)— Additional 2 Feet Side Yard Setback for Single-Family and Duplex Dwellings Greater Than 6,000 Square Feet *is/is not* consistent with the adopted Land Use Plan.

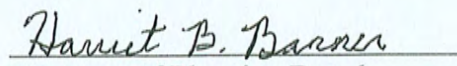
Therefore, the Planning Board finds the proposed amendment is consistent with the objectives and policies contained in the Kill Devil Hills Land Use Plan and/ or other officially adopted plans of the Town that are applicable.

This report reflects the recommendation of the Planning Board with a vote of 5 to 0, this seventeenth day of March, 2020.

Attest:



Planning Board Chairman



Secretary of Planning Board