



TOWN OF KILL DEVIL HILLS

Land Where Flight Began

NOTICE OF PUBLIC MEETING

NOTICE is hereby given that on Tuesday, April 15, 2025, at 5:30 p.m., the Kill Devil Hills Planning Board will hold its regular meeting in the Town Hall Meeting Room located at 102 Town Hall Drive, Kill Devil Hills.

A printed packet is available for public inspection in the Office of the Town Clerk, 102 Town Hall Drive. To schedule an inspection time, contact the Department at 252-449-5300. Packet materials can be viewed on the Town's website at <https://www.kdhnc.com/593/Agendas-Packets-and-Minutes>. Written public comments for the Planning Board can be emailed to info@kdhnc.com. Comments must include your name and address and are limited to three minutes for individuals, and five minutes when speaking for a group.

AGENDA

Call to Order

Agenda Approval

Approval of the Minutes of the March 18, 2025, meeting

Public Comment

Response to Public Comment

Ongoing Business

New Business

1. Site Plan Review — 504 W Lake Drive, Building 3, Unit W (Warehouse Complex) — Proposed Mezzanine Office Space Addition in the Light Industrial 1 Zone
2. Proposed Zoning Amendment — 153.121 Residential Low Setbacks & 153.161 Residential High Setbacks — Amend double frontage setbacks for lots 5000 SF or less

Public Comment

Response to Public Comment

Board Member Comment

Adjournment

Posted this 11th day of April 2025.

Jennifer Stecher

Administrative Assistant/Deputy Town Clerk

Copies to: Mayor and Board of Commissioners, Planning Board members in their packet materials; Town Manager; Town bulletin boards; Town Sunshine List, including all local news media; Electronic Distribution List; Town website and social media; file

Minutes of the Tuesday, March 18, 2025, meeting of the Kill Devil Hills Planning Board held at 5:30 p.m. in the Town Hall Meeting Room, 102 Town Hall Drive, Kill Devil Hills, North Carolina.

Members Present: Chairperson Howard Buchanan, Jenniffer Albanese, Becky Breiholz, Sandie Markland, and Ron Seidman, II, and Phillip Wayland

Members Absent: Billy Dorn

Others Present: Cameron Ray, Assistant Planning Director; Michelle Nichols, Permit Services Administrator; and Jennifer R. Stecher, Deputy Town Clerk

Call to Order

At 5:30 p.m., Chairperson Howard Buchanan called the Tuesday, March 18, 2025, meeting of the Kill Devil Hills Planning Board to order and welcomed everyone present.

Agenda Approval

Sandie Markland moved to approve the meeting agenda for this meeting, as presented. Becky Breiholz seconded the motion, which was approved by a unanimous, 5-0, vote.

Approval of the Minutes of the November 12, 2024 meeting

Ron Seidman moved to approve the November 12, 2024, meeting minutes, as presented. Ms. Markland seconded the motion, which was approved by a unanimous, 5-0, vote.

Public Comment

Ongoing Business

New Business

1. Elect of Chairperson and Vice Chairperson

Jennifer Stecher, Clerk to the Planning Board, opened the floor to nominations for Chairperson. Ms. Breiholz nominated Mr. Buchanan as Chairperson for a term to expire in January 2026. Jenniffer Albanese seconded the nomination. There being no other nominations, they were closed, and Mr. Buchanan was elected Chairperson by a vote of 5-0.

Ms. Stecher opened the floor to nominations for Vice Chairperson for a term to expire in January 2026. Ms. Breiholz nominated Mr. Seidman as Vice Chairperson and Ms. Markland seconded the nomination. There being no other nominations, they were closed, and Mr. Seidman was elected Vice Chairperson by a vote of 5-0.

2. Proposed Zoning Amendment – §153.101 Ocean Impact Residential Zone Setbacks – Add Setback Requirements for Residential Lot(s) not Abutting Atlantic Ocean or NC12

The proposed zoning amendment to Town Code section 153.101 Ocean Impact Residential Zone – Setbacks to add setback requirements for residential lots not abutting the Atlantic Ocean. Currently, setback requirements for development in the Ocean Impact Residential Zone (OIR) are based off of the lots abutting the Atlantic Ocean and NC12. The setbacks on these lots are graduated based off lot width at the road and CAMA setback in the rear, which is not applicable to lots that are not abutting the Atlantic Ocean or NC12.

As proposed, the applicable setbacks for residential development on these lots will follow the High-Density Residential (RH) Zoning district, which are graduated setbacks based off of lot size. This is consistent with how setbacks are determined on similar residential lots in other zoning districts. Within the OIR zone, there are several lots within originally platted subdivisions and cottage courts that will fall under the proposed amendment and provide appropriate applicable setbacks.

Staff recommended forwarding the proposed zoning amendment, as presented, with attached consistency statement to the Board of Commissioners with a favorable recommendation.

Jennifer Albanese moved to forward the Proposed Zoning Amendment – §153.101 Ocean Impact Residential Zone Setbacks – Add Setback Requirements for Residential Lot(s) not Abutting Atlantic Ocean or NC12 as presented, with consistency statement, to the Board of Commissioners with a favorable recommendation. Ms. Breiholz seconded the motion, which passed with a unanimous, 5-0, vote.

Public Comment

Response to Public Comment

Board Member Comment

Adjournment

There being no further business before the Planning Board at this time, Ms. Markland moved to adjourn the meeting. Mr. Seidman seconded the motion, which was approved by a unanimous, 4-0, vote. It was 5:38 p.m.

Submitted by:

Jennifer R. Stecher
Administrative Assistant/Deputy Town Clerk

Director of
Planning and Inspections
MEREDITH GUNS

Building Inspector
MARTY SHAW
CHARLES THUMAN

Code Enforcement Officer
JORDAN BLYTHE



Assistant Director of
Planning and Inspections
CAMERON RAY

Senior Planner
RYAN LANG

Permit Services Administrator
MICHELLE NICHOLS

THE TOWN OF KILL DEVIL HILLS
NORTH CAROLINA

PLANNING DEPARTMENT

April 15, 2025

Memorandum

To: Planning Board

From: Ryan Lang, Senior Planner *RL*

Subject: SITE PLAN REVIEW —504 W Lake Drive, Building 3, Unit W (Warehouse Complex),
Proposed Mezzanine Office Space Addition in the Light Industrial 1 Zone

Enclosed is a site plan review submittal by Beach Realty and Construction for a proposed interior mezzanine addition at 504 W Lake Drive, Building 3, Unit W in the Light Industrial 1 Zone. The proposed plan calls for construction of a 995 square foot 2nd floor office space addition. No changes are proposed to the existing site. The *Storage Warehouse (S)* is a permitted use in the *Light Industrial 1 Zone 153.226*. Attached you will find the commercial site plan application, building plan, revised site plan, and Dare County Environmental Health Department Approval.

The applicant has addressed all of staff's technical review comments. Staff recommends that the Planning Board forward the plan to the Board of Commissioners with a favorable recommendation.

REVISED
12/3/27/15

Town of Kill Devil Hills Planning and Inspections
Commercial Site Plan Review Application*



Applicant

Name: Angie Walker / Beach Realty Construction

Address: 4826 N. Croatan Hwy
Kitty Hawk, NC 27949

Phone: 261-3815

Fax: _____

Cell: 202-7769 - Matt Shealey

Property Owner

Name: NFS LLC / Jimbo Ward

Address: 4826 N. Croatan Hwy Kitty Hawk NC 27949

Phone: 261-3815

Fax: _____

Cell: 202-6490

Property Location

Address: 504 W Lake Dr. unit W

Lot, Block: _____

Subdivision: L033

Pin#: 98831693641710

Zoning District: Commercial LI-1 LI-2 OIR

Total Lot Size: _____ Sq. Ft.

Disturbed Area: _____ Sq. Ft.

Contractor

Company Name: Beach Realty Construction / Jimbo Ward

License Number: 23201

Name: _____

Phone: 261-3815

Address: 4826 N. Croatan Hwy
Kitty Hawk NC 27949

Cell: 202-7769 - Matt Shealey

Fax: _____

Town Privilege License Number: _____

Construction Information

Type of Construction: _____

- Assembly Business Educational Factory/Industrial High Hazard
- Institutional Mercantile Residential Storage Utility/Misc.
- New Construction Addition Repair/Replace Remodel Other: _____

Square Footage Proposed:

Interior Space: _____ Sq. Ft. Covered Deck(s): _____ Sq. Ft. Storage: _____ Sq. Ft.

Garage: _____ Sq. Ft. # of Bedrooms: _____ # of Open Deck(s): _____

Proposed Square Footage: 995 + Existing Square Footage: 16000 = 16995 Total Sq. Ft.

% Impervious Coverage: _____ + % Pervious Coverage: _____ = _____ Total % Coverage

of Parking Spaces: Existing: _____ Proposed: _____ Total: 10.2

Septic Tank Permit #: _____ Construction Type: Wood Framing

Estimated Construction Cost (including labor and materials): \$ 24,875

Flood Information

Flood Zone: VE AE X

Base Flood Elevation: _____

Proposed First Floor Elevation: _____

Sq. Ft Below Base Flood Elevation: _____

*This form is designed as a guide for Commercial Site Plan Review.
Additional plans and information will be required prior to building permits.

Project Description

Construct Mezzanine upper level office space

★ Change existing gym to storage warehouse with office space

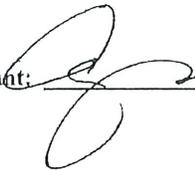
Required Site Plan Information Checklist:

- Permit Application (Completed)
- Site Plan Including the following
 - Submittal Requirements:
 - Vicinity Map
 - 15 Copies of Site Plan & Building Plan Elevations – Front, Side, and Rear
 - Tentative Health Department Approval
 - Site Plan Development Review Fee Paid in Full
 - Existing Conditions:
 - Boundary of Entire Lot
 - Width and Location of Existing Right of Ways
 - Nature, Purpose, Locations, and Size of Existing Easements
 - Iron Pins and Concrete Monuments
 - Scale (1" = 50" Minimum)
 - North Arrow
 - Streets Including Width of Pavement
 - All Underground Utilities, Gas/Propane Below or Above Grade
 - Dare Co. Register of Deeds Map Book/Subdivision Ref.
 - Street Address
 - Present Recorded Owner, Developer, Engineer contacts
 - Adjacent Property Owners, Adj. Use & Zone
 - Corp. of Engineers Report / Wetland Study
 - NFIP Flood Zone (ref: Elevation Datum (NAVD 1988))
 - Minimum, Lot Size indicated
 - Proposed Improvements:
 - Zoning Use Compliance/Setbacks labeled
 - Landscaping Plan / Buffers / Screening (per section 153.073)
 - Lighting Plan - photometric showing point output (section 153.074)
 - Sedimentation & Erosion Control Plan including details
 - Disturbed Areas delineated & areas calculated
 - Location of Sidewalks on the Croatan Highway and Curbs
 - Location of Sewer Facilities and Drain field
 - Proposed Building Type, # of Floors and dimensions, floor area ratio, Height
 - Existing and Finished Grades of Entire Site
 - Storm Water Management Plan including calculations
 - Total Units and Density per Acre (Multi-Family) or floor area ratio (in OIR)
 - Lot Size and Lot Coverage Calculation
 - Utility Plan indicating location & sizes of proposed improvements
 - Water Service Sizing Checklist
 - Layout, Size and Number of Parking Spaces including handicap w/ setbacks (Each Space Numbered)
 - Fire Lane and Driveways
 - Loading Zone (Commercial Sites)
 - Mail Delivery Cluster Sites (Multi-Family)

- Proposed First Floor Elevation
- Dumpster Pad Location
- Proposed Sign Location
- Sight triangle shown
- Commercial Building Plans showing architectural compliance
- Plans to N.C.D.O.T. (if required)
- NC Engineer/Land Surveyor Seal on Site Plan

*** The items listed in the Site Plan portion of the above checklist represent information that must be indicated on any site plan submitted for review by the Kill Devil Hills Planning Department, Planning Board, and Board of Commissioners. All of the above required documents shall be submitted on or before the 3rd Tuesday of each month. Upon completion of review, the Planning Board shall transmit its recommendations to the Board of Commissioners. The Board of Commissioners shall review site plans on the second Monday of each month.

Signature of Applicant:



(Date) 3/6/25

County of Dare
PO Box 669
Manteo NC 27954



EA
Copy

S13-30035

Phone: (252) 475-5080

DARE COUNTY DEPARTMENT OF PUBLIC HEALTH
Authorization for Wastewater System Construction

Parcel: 004891012

PIN: 988316936417

Permit: S13-30035

Owner Name: WFS II LLC
Owner Address: 4826 N CROATAN HWY
KITTY HAWK, NC 27949

Permit Date: 01/13/2025

Location: 504 W LAKE DR V – KILL DEVIL HILLS
Subdivision: LAKE DR IND PARK BLDGS 1 & 3 C

LOT: UNIT V BLK: SEC:

1. Issued by  JDC

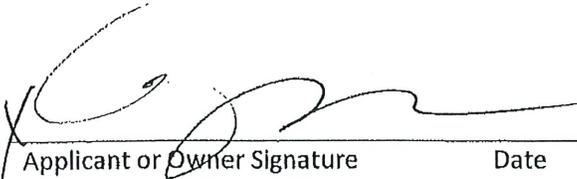
2. Any alteration in soil conditions (including location of structures and appurtenances) or modification in use, design wastewater flow or wastewater characteristics as specified in the associated Improvement permit and application, may subject this authorization and associated permit(s) to revocation.

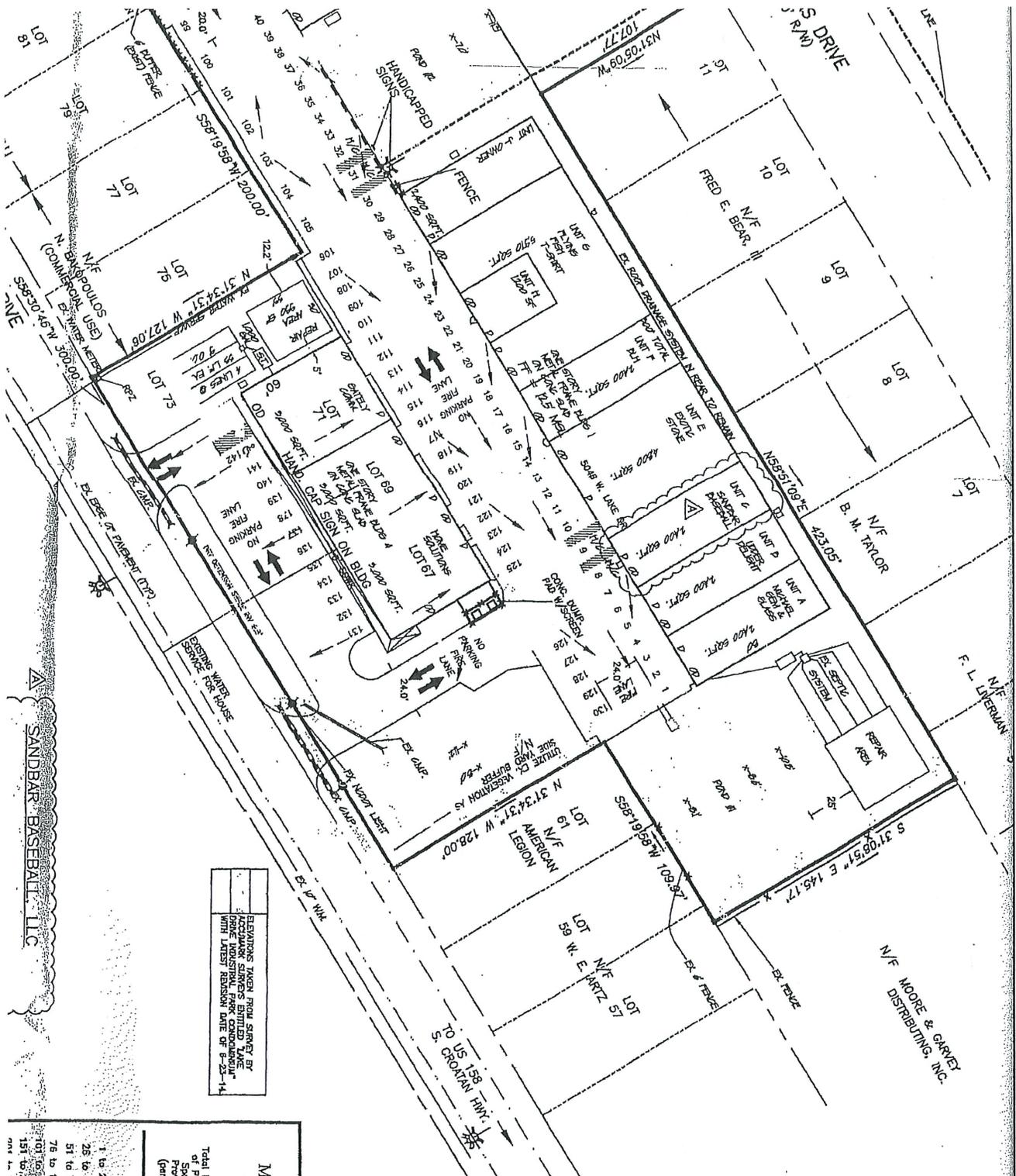
3. Comments:
EXISTING SYSTEM APPROVAL. PERMIT TO ADD NEW OFFICE SPACE AND CONFERENCE ROOM. *NEW LAUNDRY ROOM IS CONDITIONAL- CAN ONLY BE USED SPORADICALLY. OCCASSIONAL USE FOR LINENS. CANNOT BE USED DAILY FOR BULK WASHING. OTHER PERMITS REQUIRED BY KILL DEVIL HILLS.

This CA is valid as long as the IP remains valid (SL 2014-120).

Disclaimer: This permit does not relieve you of the responsibility to obtain any other necessary Federal, State or Local permit(s).

Owner Certification

 1-13-25
Applicant or Owner Signature Date
Applicant: ANGIE WALKER



REVISIONS TAKEN FROM SURVEY BY
 AQUADAM SURVEYING LIMITED, L.L.C.
 FROM INDUSTRIAL PARK CONDOMINIUM
 WITH ADDED RESURFACE DATE OF 8-22-14

SANDBAR BASEBALL LLC

Minimum Number of Accessible Parking Spaces
 ADA Standards for Accessible Design 4.1.2(5)

Total Number of Parking Spaces (per lot)	Total Minimum Number of Accessible Spaces (per lot)	Van Accessible Parking Spaces with min. 96" wide spaces	Accessible Parking Spaces with min. 60" wide spaces
1 to 25	2	1	0
26 to 50	3	1	1
51 to 75	4	1	2
76 to 100	5	1	3
101 to 150	6	1	4
151 to 200	7	1	5

Septic Layout Approved
 by DCDHHS, DPH, EH Unit
 On 01/13/25
 By [Signature]

M.B. PC. 167

NOTES

1. THIS PLAN IS A PART OF THE SUBMITTAL TO THE CITY OF WASHINGTON AND SHALL BE KEPT WITH THE PERMITS AND SHALL BE SUBJECT TO THE CITY'S REVIEW AND APPROVAL. THE CITY'S REVIEW AND APPROVAL DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED HEREON.
2. THE INFORMATION PROVIDED HEREON IS BASED ON THE INFORMATION PROVIDED BY THE CLIENT AND THE DESIGNER HAS NOT CONDUCTED A FIELD SURVEY TO VERIFY THE ACCURACY OF THE INFORMATION PROVIDED.
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REFERENCES AND GENERAL NOTES

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REVISIONS

Rev.	Description	Date
1	Revised site plan/footing for proposed building	12/15/23
2	Revised site plan/footing for proposed building	12/15/23
3	Revised site plan/footing for proposed building	12/15/23
4	Revised site plan/footing for proposed building	12/15/23
5	Revised site plan/footing for proposed building	12/15/23
6	Revised site plan/footing for proposed building	12/15/23
7	Revised site plan/footing for proposed building	12/15/23
8	Revised site plan/footing for proposed building	12/15/23
9	Revised site plan/footing for proposed building	12/15/23
10	Revised site plan/footing for proposed building	12/15/23

HOUSE ENGINEERING P.C.
 ASSOCIATION
 1745 W. 13th Street, Suite 100, North Carolina, NC 27701
 OFFICE: (252) 317-4500, FAX: (252) 317-0282
 EMAIL: info@houseengineering.com, www.houseengineering.com

Revision C - Beach Realty & Const.
 Lot 12 & 13 Ocean Acres, Tract 3 Gateway-Cropps Subdivision
 West & Lane 05, 05, 07, 71, & 81 Lake Dr. Development
 Atlantic Township-Williston Hills-Dare County-Virginia
 ENGINEER SEAL

APPROVALS

APPROVALS	DATE
DESIGNED BY: B. SPANIEL	2/22/18
CHECKED BY: B. SPANIEL	2/22/18
PERMITTED BY: B. SPANIEL	2/22/18
REVISIONS BY: B. SPANIEL	2/22/18
APPROVED BY: B. SPANIEL	2/22/18

PROJECT INFORMATION

PROJECT NUMBER: 164874
 DRAWING NUMBER: D S1
 SCALE: AS SHOWN



Minimum Number of Accessible Parking Spaces
 ADA Standards for Accessible Design (4.1.2.4)

Category	1 to 25	26 to 50	51 to 75	76 to 100	101 to 150	151 to 200	201 to 250	251 to 500	501 to 750	751 to 1000	1001 and over
Category A	2	3	4	5	6	7	8	9	10	11	12
Category B	1	2	3	4	5	6	7	8	9	10	11

REQUIRED PARKING FOR BUILDINGS 1, 2, 3, & 4

Building	Area	Office	Warehouse	Total Spaces Required
1	Office	1000	0	1000
	Warehouse	0	1000	1000
	Office	1000	0	1000
	Warehouse	0	1000	1000
2	Office	1000	0	1000
	Warehouse	0	1000	1000
	Office	1000	0	1000
	Warehouse	0	1000	1000
3	Office	1000	0	1000
	Warehouse	0	1000	1000
	Office	1000	0	1000
	Warehouse	0	1000	1000
4	Office	1000	0	1000
	Warehouse	0	1000	1000
	Office	1000	0	1000
	Warehouse	0	1000	1000

EXISTING COVERAGE CALCULATION

1. SITE AREA: 217,881 SQ. FT.
2. EXISTING COVERAGE: 1,162,009 SQ. FT.

CONCRETE: 71,941 SQ. FT.
MISC.: 357 SQ. FT.
TOTAL: 137,298 SQ. FT.

58.5% OF ALLOWED COVERAGE

EXISTING COVERAGE CALCULATION

Category	Area	Office	Warehouse	Total Spaces Required
1	Office	1000	0	1000
	Warehouse	0	1000	1000
	Office	1000	0	1000
	Warehouse	0	1000	1000
2	Office	1000	0	1000
	Warehouse	0	1000	1000
	Office	1000	0	1000
	Warehouse	0	1000	1000
3	Office	1000	0	1000
	Warehouse	0	1000	1000
	Office	1000	0	1000
	Warehouse	0	1000	1000
4	Office	1000	0	1000
	Warehouse	0	1000	1000
	Office	1000	0	1000
	Warehouse	0	1000	1000

EXISTING COVERAGE CALCULATION

Category	Area	Office	Warehouse	Total Spaces Required
1	Office	1000	0	1000
	Warehouse	0	1000	1000
	Office	1000	0	1000
	Warehouse	0	1000	1000
2	Office	1000	0	1000
	Warehouse	0	1000	1000
	Office	1000	0	1000
	Warehouse	0	1000	1000
3	Office	1000	0	1000
	Warehouse	0	1000	1000
	Office	1000	0	1000
	Warehouse	0	1000	1000
4	Office	1000	0	1000
	Warehouse	0	1000	1000
	Office	1000	0	1000
	Warehouse	0	1000	1000

Director of
Planning and Inspections
MEREDITH GUNS

Building Inspector
MARTY SHAW
CHARLES THUMAN

Code Enforcement Officer
JORDAN BLYTHE



Assistant Director of
Planning and Inspections
CAMERON RAY

Senior Planner
RYAN LANG

Permit Services Administrator
MICHELLE NICHOLS

THE TOWN OF KILL DEVIL HILLS
NORTH CAROLINA

PLANNING DEPARTMENT

April 15, 2025

Memorandum

To: Planning Board

From: Meredith Guns, Planning Director 

Subject: Proposed Zoning Amendment — 153.121 Residential Low Setbacks & 153.161
Residential High Setbacks — Amend double frontage setbacks for lots 5000 SF or less

Attached to this memorandum is a proposed amendment to double frontage setbacks for lots 5,000 SF or less in the Residential Low and Residential High Zoning Districts. Currently, the setbacks for double frontage lots 5,000 SF or less set the rear yard setback to be 20% of the depth of the lot. This has recently caused some confusion as to which road frontage is determined as the front and the rear. Larger double frontage lots simply are required to apply the front yard setback on both road fronts. The proposed amendment will modify the setback to be the front yard setback on both road frontage consistent with all other double frontage lots.

Additionally, there is a proposed amendment to 153.121 Residential Low Setbacks to specifically exclude those properties that abut Harding Street and Scott Street from the double frontage requirements. Staff is recommending this change because Scott Street and Harding Street are 30-foot wide right-of-ways that are designated not to be improved with streets. In accordance with the adopted unimproved right-of-way assessment map, Scott Street and Harding Street are designated as future greenways, drainage or recreation. These streets are unique in Town and the double frontage requirements are not necessary on these streets.

Staff request the Planning Board forward the attached amendments to Chapter 153.121(D) Residential Low and Chapter 153.161(D) Residential High Setbacks to modify setbacks for double frontage lots 5,000 SF or less and to exclude lots abutting Harding Street and Scott Street from double frontage requirements and consistency statement to the Board of Commissioners with a favorable recommendation

**AN ORDINANCE AMENDING THE
KILL DEVIL HILLS CODE OF ORDINANCES,
CHAPTER 153, ZONING**

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

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 six 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 eight feet from each side.

(3) The minimum side yard setback requirements on a lot with an area exceeding 7,500 square feet shall be ten 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 two 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 or her designee, shall be exempt from division (A)(4) above.

(B) *Front yard.*

DRAFT Amendment
Chapter 153, Zoning, Low Density Residential Zone (RL) –
153.121 Setbacks and High Density Residential Zone (RH) 153.161 Setbacks:
Amend Double Frontage Setbacks for Lots 5,000 sq. or Less

(1) The minimum front yard setback requirements on a lot with an area of 5,000 square feet or less shall be 15 feet from the front property line.

(2) The minimum front 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 30 feet from the front property line.

(3) The minimum front yard setback requirements on a lot with an area exceeding 7,500 square feet shall be 30 feet from the front property line.

(C) *Rear yard.* The minimum rear yard setback requirements on any lot shall be 20% of the total depth of the lot but shall not exceed 30 feet from the rear property line.

(D) *Double frontage.*

~~—(1) The minimum rear yard setback requirements on any double frontage lot with an area of 5,000 square feet or less shall be 20% of the lot depth.~~

~~(1)(2) On all lots over 5,000 square feet, the required front yard setback shall be provided on both front and rear of a double frontage lot: except lots abutting Harding Street and Scott Street.~~

HIGH DENSITY RESIDENTIAL ZONE (RH)

§ 153.161 SETBACKS.

(B) *Front yard.*

(1) The minimum front yard setback requirements on a lot with an area of 5,000 square feet or less shall be 15 feet from the front property line.

(2) The minimum front 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 30 feet from the front property line.

DRAFT Amendment
Chapter 153, Zoning, Low Density Residential Zone (RL) –
153.121 Setbacks and High Density Residential Zone (RH) 153.161 Setbacks:
Amend Double Frontage Setbacks for Lots 5,000 sq. or Less

(3) The minimum front yard setback requirements on a lot with an area exceeding 7,500 square feet shall be 30 feet from the front property line.

(C) *Rear yard.* The minimum rear yard setback requirement on any lot shall be 20% of the total depth of the lot, but shall not exceed 30 feet from the rear property line.

(D) *Double frontage.*

~~(1) The minimum rear yard setback requirements on any double frontage lot with an area of 5,000 square feet or less shall be 20% of the lot depth.~~

(1)~~(2)~~ The required front yard setback for all lots over 5,000 square feet shall be provided on both front and rear of a double frontage lot.

BE IT FURTHER ORDAINED that it is the intent of the Board of Commissioners that the provisions of this ordinance shall be made a part of the Kill Devil Hills Code of Ordinances; the sections of this ordinance may be re-numbered or re-lettered; and the word “ordinance” may be changed to “section,” “article,” “chapter,” or other appropriate designation to accomplish such intention as needed.

This amendment to Chapter 153, Zoning, shall be in full force and effect from and after the ____ day of _____, 202_. Adopted and approved by the Board of Commissioners of the Town of Kill Devil Hills at a regular meeting held on the ____ day of _____, 202_, by a vote of ____ in favor and ____ opposed.

SEAL

John Windley
Mayor

ATTEST:

James Michael O’Dell
Town Clerk

DRAFT Amendment
Chapter 153, Zoning, Low Density Residential Zone (RL) –
153.121 Setbacks and High Density Residential Zone (RH) 153.161 Setbacks:
Amend Double Frontage Setbacks for Lots 5,000 sq. or Less

APPROVED AS TO FORM:

Casey C. Varnell
Town Attorney

DRAFT Amendment
Chapter 153, Zoning, Low Density Residential Zone (RL) –
153.121 Setbacks and High Density Residential Zone (RH) 153.161 Setbacks:
Amend Double Frontage Setbacks for Lots 5,000 sq. or Less



TOWN OF KILL DEVIL HILLS

Land Where Flight Began

Planning Board Report

N.C.G.S. 160D-604(b) Zoning Amendments. – Subsequent to initial adoption of a zoning regulation, all proposed amendments to the zoning regulation or zoning map shall be submitted to the planning board for review and comment. If no written report is received from the planning board within 30 days of referral of the amendment to that board, the governing board may act on the amendment without the planning board report. The governing board is not bound by the recommendations, if any, of the planning board.

N.C.G.S. 160D-604(d) Plan Consistency. – When conducting a review of proposed zoning text or map amendments pursuant to this section, the planning board shall advise and comment on whether the proposed action is consistent with any comprehensive or land-use plan that has been adopted and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the governing board 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 comprehensive or land-use plan shall not preclude consideration or approval of the proposed amendment by the governing board. If a zoning map amendment qualifies as a "large-scale rezoning" under G.S. 160D-602(b), the planning board statement describing plan consistency may address the overall rezoning and describe how the analysis and policies in the relevant adopted plans were considered in the recommendation made.

Planning Board Recommendations

Proposed Amendment Title:

Proposed Zoning Amendment — 153.121 Residential Low Setbacks & 153.161 Residential High Setbacks — Amend double frontage setbacks for lots 5000 SF or less

Approval / Denial: The Planning Board finds that the Proposed Zoning Amendment is / is not consistent with the Town’s adopted Land Use Plan.

Therefore, the Planning Board finds the proposed amendment is consistent / inconsistent 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 ____ to ____, at its regularly called meeting on _____, 2025.

Attest:

Planning Board Chairperson

Clerk to Planning Board