

**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:

**§ 153.310 COTTAGE COURT(S).**

Cottage court(s). In addition to the below specific standards, cottage court(s) shall also abide by regulations associated with the zoning district where the development is located.

(A) Lot dimensions. All parcels shall have a minimum width of 75 feet in the Ocean Impact Residential and Commercial Zone.

(B) Lot area. The minimum building site shall be 20,000 square feet.

(C) Size, height, and arrangement. Each detached single-family dwelling unit shall be designed and arranged for occupancy by one family ~~operating as a housekeeping unit~~ and shall contain at least 500 square feet, but no more than ~~2,500~~ 1,800 square feet of gross floor area. ~~One structure may be up to 5,000 square feet if it includes two or more separate but complementary accessory or principal uses, e.g. a dwelling unit and an on-site management office.~~ Each detached single-family dwelling unit shall be an independent dwelling unit. The development shall be limited to following size, height, and separation design regulations in the table below:

| GFA in square feet (SF) | Height (as defined in this chapter) | 30' or less | 31'-38' | Greater than 38' |
|-------------------------|-------------------------------------|-------------|---------|------------------|
| 500-750 SF              |                                     | 10'         | 12'     | 14'              |
| 751-1000 SF             |                                     | 10'         | 14'     | 16'              |
| 1001-1500 SF            |                                     | 12'         | 16'     | 18'              |
| 1500-1800 SF            |                                     | 20'         | 20'     | 20'              |

~~(D)~~ Building separation. Within a cottage court, detached single-family dwelling units shall be separated from one another by a minimum of ten feet.

~~(D)~~~~(E)~~ Driveway access. Each detached single-family dwelling unit shall have access to a shared driveway. The shared driveway must be designed to a minimum width of 20 feet to allow fire-fighting apparatus to locate within 150 feet of all sides of all structures on the property. The shared driveway may be reduced to a minimum width of 12 feet where it is closer than 150 feet to all sides of all structures on the property. A shared driveway width less than 20 feet may be reviewed and approved by the Fire Marshal in conjunction with an approved alternative life safety plan or an approved fire suppression system. The shared driveway material shall support the weight of fire apparatus as determined by the Fire Marshal.

~~(E)~~~~(F)~~ Setbacks. In the Ocean Impact Residential Zone, the minimum front yard setback requirement shall be equal to the lot width not to exceed 100'.

### § 153.311 CLUSTER HOMES.

*Cluster Homes.* In addition to the below specific standards, cluster homes shall also abide by the regulations associated with the zoning district where the development is located.

(A) *Lot dimensions.* All parcels shall have a minimum width of 75 feet in the Ocean Impact Residential and Commercial Zone. All parcels shall have a minimum width of 100 feet in the Low Density Residential Zone.

(B) *Lot area.* The minimum building site shall be 20,000 square feet in the Ocean Impact Residential and Commercial Zone. The minimum building site shall be a minimum of 1 acre in the Low Density Residential Zone.

(C) *Size, height, and arrangement.* ~~In the Ocean Impact Residential and Commercial Zone, In all zoning districts except the Low Density Residential Zone,~~ each detached single-family dwelling unit shall be designed and arranged for occupancy by one family ~~operating as a housekeeping unit~~ and shall contain at least 500 square feet, but no more than ~~2,500~~ 1,800 square feet of gross floor area. ~~One structure may be up to 5,000 square feet if it includes two or more separate but complementary accessory or principal uses, e.g. a dwelling unit and an on-site management office.~~ Each detached single-family dwelling unit shall be an independent dwelling unit. In the Low Density Residential Zone, each detached single-family dwelling unit shall be designed and arranged for long-term occupancy and shall contain at least 500 square feet but no more than 1,500 square feet of gross floor area. ~~Each detached single family dwelling unit shall be an independent dwelling unit.~~ The development shall be limited to following size, height, and separation design regulations in the table below:

| GFA in square feet (SF) | Height (as defined in this chapter) | 30' or less | 31'-38' | Greater than 38' |
|-------------------------|-------------------------------------|-------------|---------|------------------|
| 500-750 SF              |                                     | 10'         | 12'     | 14'              |
| 751-1000 SF             |                                     | 10'         | 14'     | 16'              |
| 1001-1500 SF            |                                     | 12'         | 16'     | 18'              |
| 1501-1800 SF            |                                     | 20'         | 20'     | 20'              |

~~(D)~~ **Building separation.** Within a cottage court, detached single-family dwelling units shall be separated from one another by a minimum of ten feet.

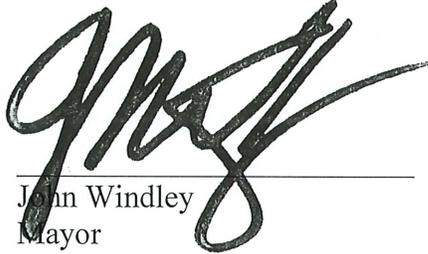
~~(D)~~~~(E)~~ **Driveway access.** Each detached single-family dwelling unit shall have access to a shared driveway. The shared driveway must be designed to a minimum width of 20 feet to allow fire-fighting apparatus to locate within 150 feet of all sides of all structures on the property. The shared driveway may be reduced to a minimum width of 12 feet where it is closer than 150 feet to all sides of all structures on the property. A shared driveway of less than 20 feet may be reviewed and approved by the Fire Marshal in conjunction with an approved alternative life safety plan or an approved fire suppression system. The shared driveway material shall support the weight of fire apparatus as determined by the Fire Marshal.

~~(E)~~~~(F)~~ **Setbacks.** In the Ocean Impact Residential Zone, the minimum front yard setback requirement shall be equal to the lot width not to exceed 100'.

This amendment to Chapter 153, Zoning, shall be in full force and effect from and after the 27<sup>th</sup> day of March, 2024. Adopted and approved by the Board of Commissioners of the Town of Kill Devil Hills at a regular meeting held on the 23<sup>rd</sup> day of March, 2024, by a vote of 4 in favor and 0 opposed.

SEAL

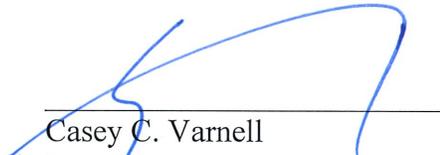


  
\_\_\_\_\_  
John Windley  
Mayor

ATTEST:

  
\_\_\_\_\_  
James Michael O'Dell  
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 28<sup>th</sup> day of March, 2024, at 9:00 a.m.

  
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James Michael O'Dell  
Town Clerk

Adopted Amendment  
Chapter 153, Zoning, §153.310 Cottage Court(s) and §153.311 Cluster Homes –  
Considerations for Additional Regulations