

**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:

SPECIAL REGULATIONS

§ 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 Low Density Residential, High Density Residential, 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% 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 the front~~ exceed the height of the primary residence.

(5) An ADU must be properly permitted, inspected, and comply with all applicable standards of the State Building Code and Kill Devil Hills Town Code.

(6) The owner must obtain a permit from the 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.

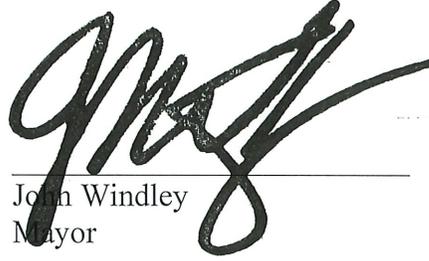
(10) An ADU in Low Density Residential and High Density Residential Zoning Districts shall only be occupied for long-term occupancy as defined in § 153.002. Property owners shall be required to execute and record, with the Dare County Register of Deeds, a long-term use agreement declaring that the dwelling unit shall be used only for long-term occupancy in perpetuity prior to issuance of a building permit.

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 18th day of November, 2024. Adopted and approved by the Board of Commissioners of the Town of Kill Devil Hills at a regular meeting held on the 18th day of November, 2024, by a vote of 5 in favor and 0 opposed.

SEAL





John Windley
Mayor

ATTEST:



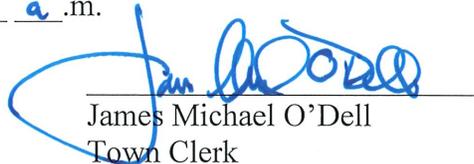
James Michael O'Dell
Town Clerk

APPROVED AS TO FORM:



Casey C. Varnell
Town Attorney

The undersigned hereby certifies that the foregoing official amendment, designated AN ORDINANCE AMENDING THE KILL DEVIL HILLS TOWN CODE, CHAPTER 153, ZONING, was placed in the Kill Devil Hills Town Code Book on the 19th day of November, 2024, at 9:00 a.m.



James Michael O'Dell
Town Clerk