



TOWN OF KILL DEVIL HILLS

Land Where Flight Began

MEMORANDUM

May 28, 2025

TO: KDH Board of Commissioners

FROM: Debora P. Díaz, Town Manager

REF: Public Hearing

Notice for the following item has been published in the *Coastland Times*, and posted on the Town's bulletin boards, website at <https://www.kdhnc.com/1146/May-28-2025-Board-of-Commissioners-Meeti>, social media platforms, and has been disseminated through the Town's electronic distribution list, meeting or exceeding the N.C.G.S. requirements for public hearings. At the conclusion of this hearing, a motion will be in order to approve, disapprove, or table the item for further consideration.

1. Proposed Zoning Amendment – 153.121 Residential Low Setbacks & 153.161 Residential High Setbacks – Amend double frontage setbacks for lots 5,000 SF or less (Attached PH-1)

The Planning Department's attached memorandum details how the proposed amendment will apply to double frontage lots in the Residential Low and Residential High Zoning Districts. This will eliminate the current confusion over which frontage is used to calculate the front and rear yard setbacks. Additionally, the amendment will exclude properties that abut Scott and Harding Streets from double frontage requirements since these rights-of-way are designated as future greenways, not to be improved with streets.

At its April 15, 2025, meeting, the Planning Board reviewed and forwarded this amendment, recommending approval; Staff also recommends approval of the proposed amendment. At this Board's April 30, 2025, meeting, this public hearing was scheduled.

Following Board consideration, a motion would be in order.

Director of
Planning and Inspections
MBREDITH 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 30, 2025

Memorandum

To: Debbie Diaz, Town Manager

From: Cameron Ray, Assistant 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-way's 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.

On April 15, 2025 the Planning Board reviewed the attached amendments to 153.121 Residential Low Setbacks & 153.161 Residential High Setbacks and recommended approval. Staff recommends setting the required public hearing for May 28, 2025.

**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

The undersigned hereby certifies that the foregoing official amendment, designated AN ORDINANCE AMENDING THE KILL DEVIL HILLS TOWN CODE, CHAPTER 96, SEASIDE REGULATIONS, was placed in the Kill Devil Hills Town Code Book on the _____ day of _____, 2025, at _____ .m.

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



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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 6 to 0, at its regularly called meeting on APRIL 15, 2025.

Attest:



Planning Board Chairperson



Clerk to Planning Board