

**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:

**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 two feet of side yard setback.

Adopted Amendment  
Chapter 153, Zoning, Ocean Impact Residential Zone (OIR) – §153.101 Setbacks:  
Add Setback Requirements for Residential Lot(s) not Abutting Atlantic Ocean

(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 or her designee, shall be exempt from division (A)(5) above.

(B) *Front yard.* All oceanfront lots shall front on NC Highway 12 (Virginia Dare Trail) and all structures erected on these lots shall be set back from the front property line a minimum of 30 feet. The minimum front yard setback shall be 30 feet from the front property line. The front yard is considered the opposite yard of the Atlantic Ocean for all oceanfront properties.

(C) *Rear yard.*

(1) Lots that border the Atlantic Ocean shall be designated as having a rear yard on the Atlantic Ocean.

(2) 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.

(3) For each lot developed that has a rear yard on the Atlantic Ocean, the rear yard shall be determined by the setback multiplier established for ocean hazard areas of environmental concern (AEC) as administered by the local permit officer representing the North Carolina Office of Coastal Management as per the North Carolina Coastal Area Management Act of 1974.

(D) *Double frontage.* Not applicable.

(E) *Corner lot.* For lots 50 feet or less in width, the side street setback requirements shall be ten feet on those sides that abut a street or beach access. For lots greater than 50 feet in width, the minimum side street setback requirements shall be 15 feet on those sides that abut a street or beach access.

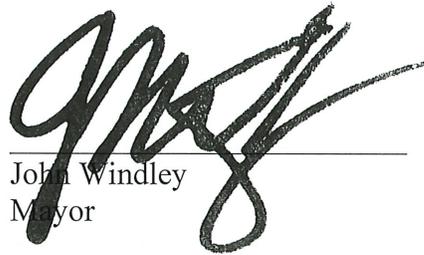
(F) Lots with buildings erected in the ocean impact residential zone for residential purposes that do not border the Atlantic Ocean shall abide by the setback requirements of the High Density Residential (RH) Zone governing such buildings.

**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.

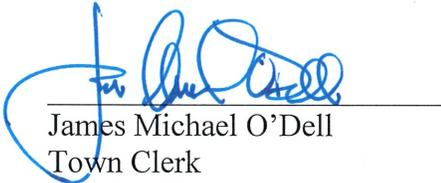
This amendment to Chapter 153, Zoning, shall be in full force and effect from and after the 12<sup>th</sup> day of May, 2025. Adopted and approved by the Board of Commissioners of the Town of Kill Devil Hills at a regular meeting held on the 12<sup>th</sup> day of May, 2025, by a vote of 5 in favor and 0 opposed.

SEAL



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

ATTEST:

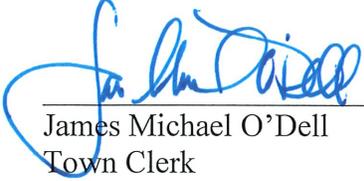
  
\_\_\_\_\_  
James Michael O'Dell  
Town Clerk

APPROVED AS TO FORM:

  
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Casey C. Varnell  
Town Attorney

Adopted Amendment  
Chapter 153, Zoning, Ocean Impact Residential Zone (OIR) – §153.101 Setbacks:  
Add Setback Requirements for Residential Lot(s) not Abutting Atlantic Ocean

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 15<sup>th</sup> day of May, 2025, at 9:00 a .m.

  
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James Michael O'Dell  
Town Clerk

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