

**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.*

Adopted 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.

Adopted 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 28th 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 28th day of May, 2025, by a vote of 5 in favor and 0 opposed.

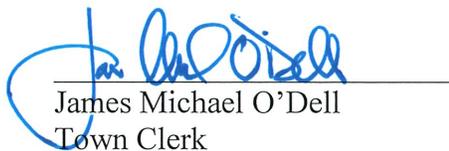
SEAL





John Windley
Mayor

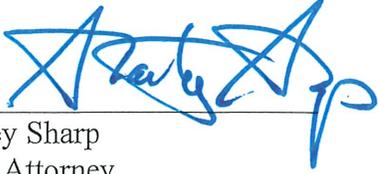
ATTEST:



James Michael O'Dell
Town Clerk

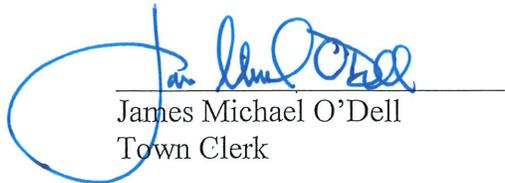
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APPROVED AS TO FORM:



Starkey Sharp
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 29th day of May, 2025, at 9:00 a.m.



James Michael O'Dell
Town Clerk

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