

**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:

LIGHT INDUSTRIAL TWO ZONE (LI-2)

§ 153.206 PERMITTED USES.

Within the Light Industrial Two Zone, the following uses are permitted:

- (A) Single-family dwellings;
- (B) Duplex dwellings;
- (C) Multi-family dwellings of three or more units per dwelling;
- (D) Hotels and motels;
- (E) On-site accessory structures; accessory dwelling units;
- (F) Clinics, hospitals with a maximum of 30 beds;
- (G) Home occupations as defined herein;
- (H) Town-owned and leased facilities;
- (I) Playgrounds;
- (J) Auditoriums or convention centers, assembly halls;
- (K) Places of worship, daycare centers, schools (public or private), libraries and buildings for nonprofit service organizations;

Adopted Amendment

Chapter 153, Zoning - §153.206 Permitted Uses; §153.076 Off Street Parking and Loading, §153.210 Site Requirements, §153.310 Cottage Court(s), and §153.311 Cluster Homes
Allow Cottage Courts and Cluster Homes to be Permitted in the LI-2 Zone

- (L) Banks, financial institutions, business or professional offices;
- (M) Theaters;
- (N) Retail business, including drug or grocery stores, hardware stores, electronic equipment, gift shops and clothing shops, automobile sales, service and repair, convenience store, taxicabs;
- (O) Restaurants, drive-ins and bakeries;
- (P) Places of business where service is rendered, including barber shops, beauty parlors, electronic repair shops, shoe repair shops, clothes tailor;
- (Q) Public or private parking lots;
- (R) Stores or shops for custom work or for producing products to be sold at retail on the premises;
- (S) Storage or bonded warehouses;
- (T) Storage yards for building materials, wood and stone;
- (U) Light manufacturing such as boat construction, cabinet work, stone and concrete works;
- (V) Machine or blacksmith shops;
- (W) Motor or freight terminals;
- (X) Storage of construction equipment;
- (Y) Swimming pools, tennis courts;
- (Z) Mobile home parks and trailer parks, mobile homes, trailers and other portable-type housing.
- (AA) Billiard parlors, video and amusement arcades;
- (BB) Bed and breakfasts (See § 153.312 for requirements); and
- (CC) Telecommunications towers.

Adopted Amendment

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(DD) Shopping center/office complex.

(EE) Internet and/or electronic gaming operations as defined in §153.002 Definitions and regulated in §153.314 Internet and/or Electronic Gaming Accessory Business Use.

[\(FF\) Cottage court. See §153.310 for additional regulations.](#)

[\(GG\) Cottage court. See §153.311 for additional regulations.](#)

§ 153.210 SITE REQUIREMENTS.

(A) Lot dimensions. All parcels shall have a minimum width of 50 feet.

(B) Lot area.

(1) The minimum building site shall be 15,000 square feet.

(2) The minimum building site for a duplex shall be 15,000 square feet.

(3) Exempt recombination plats for lots platted prior to June 14, 1983 shall have a minimum lot size of 7,500 square feet.

(C) Density.

(1) Multi-family dwelling, [Cottage Court, and Cluster Homes](#): The maximum floor area ratio (FAR) shall be up to 0.50 with the following exception described in division (D) below.

(2) Hotel and motel: 36 units per acre.

(D) *Exceptions.*

(1) Where a lot or parcel of land has an area of less than the above required minimum area and was of record on June 14, 1983, such lot may be occupied by one family, provided the minimum side, front and rear requirements are complied with as set forth in § 153.211.

(2) Per division (C)(1) above, increase minimum side yard setbacks by two feet on each side, the FAR shall be up to 0.55.

(3) Per division (C)(1) above, increase minimum side yard buffer as set forth in § 153.184 by two feet on each side and items in division (C) above the FAR shall be up to 0.60.

SPECIAL REGULATIONS

§ 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. [All parcels shall have a minimum width of 100 feet in the Light Industrial Two Zone.](#)

(B) *Lot area.* The minimum building site shall be 20,000 square feet. [The minimum building site shall be a minimum of 1 acre in the Light Industrial Two Zone.](#)

(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 1,800 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'
1500-1800 SF		20'	20'	20'

(D) 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) 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 [and Light Industrial Two 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 one acre in the Low Density Residential Zone [and Light Industrial Two Zone](#).

(C) *Size, height, and arrangement.* 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 and shall contain at least 500 square feet, but no more than 1,800 square feet of gross floor area. 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. 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'

Adopted Amendment

Chapter 153, Zoning - §153.206 Permitted Uses; §153.076 Off Street Parking and Loading, §153.210 Site Requirements, §153.310 Cottage Court(s), and §153.311 Cluster Homes

Allow Cottage Courts and Cluster Homes to be Permitted in the LI-2 Zone

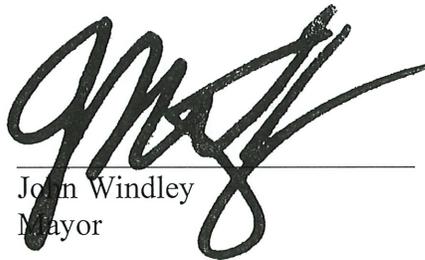
(D) *Driveway access.* Each detached single-family dwelling unit shall have access to a shared driveway. The shared driveway must be designed to a minimum width of 20 feet to allow fire-fighting apparatus to locate within 150 feet of all sides of all structures on the property. The shared driveway may 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) *Setbacks.* In the Ocean Impact Residential Zone, the minimum front yard setback requirement shall be equal to the lot width not to exceed 100’.

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 8th day of December, 2025. Adopted and approved by the Board of Commissioners of the Town of Kill Devil Hills at a regular meeting held on the 8th day of December, 2025 by a vote of 4 in favor and 0 opposed.

SEAL



John Windley
Mayor

Adopted Amendment
Chapter 153, Zoning - §153.206 Permitted Uses; §153.076 Off Street Parking and Loading,
§153.210 Site Requirements, §153.310 Cottage Court(s), and §153.311 Cluster Homes
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ATTEST:



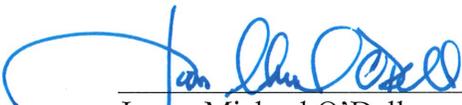
James Michael O'Dell
Town Clerk

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 96, SEASIDE REGULATIONS, was placed in the Kill Devil Hills Town Code Book on the 9th day of December, 2025, at 9:00 a.m.



James Michael O'Dell
Town Clerk