

AN ORDINANCE AMENDING THE KITTY HAWK TOWN CODE

WHEREAS, the Town Council recognized that the intent of the required 50' separation area between residential and commercial zones is to separate commercial structures from residences; and

WHEREAS, in situations where a commercial zone abuts a dedicated recreational use or open space, that separation may already be accounted for; and

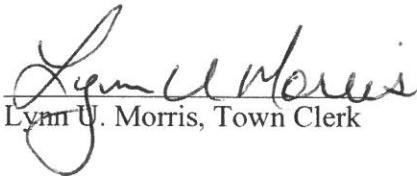
WHEREAS, requiring an additional 50' separation from the residential zone can create an unnecessary burden on the commercial property owner; and

WHEREAS, the Town Council of Kitty Hawk has found this amendment to be consistent with the Town's adopted CAMA Land Use Plan.

BE IT ORDAINED by the Town Council of Kitty Hawk that Section 42-250(d)7 of the Kitty Hawk Town Code be amended as follows:

Sec 42-250(d)7. No building or other facility (such as parking areas, trash collection areas, etc.), shall be located nearer than 50 feet to the boundaries of any residential district. The width of a driveway or a road and its right-of-way along such boundary may be included as part, or all, of the 50-foot separation zone, and subsurface wastewater disposal systems and stormwater runoff collection and disposal systems may be located within the separation zone. The planning board may require vegetation to be planted and maintained in the 50-foot separation zone. **Notwithstanding the preceding, the width of the separation zone may be reduced from 50 feet to 20 feet for that portion of the commercial lot which is adjacent to any dedicated open space or any recreational area of an adjoining residential development.**

This ordinance amending the Kitty Hawk Town Code shall take effect the 7th day of February, 2022. Passed and adopted at a regular meeting held by the Town Council of Kitty Hawk the 7th day of February, 2022, with a vote of 5 to 0.

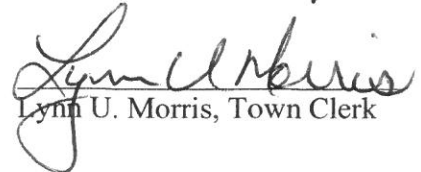

Lynn U. Morris, Town Clerk


D. Craig Garriss, Mayor

APPROVED AS TO FORM:

Casey Varnell, Town Attorney

The undersigned certifies that the foregoing official ordinance designated ORDINANCE AMENDMENT OF THE TOWN CODE OF KITTY HAWK, NORTH CAROLINA was filed in the Kitty Hawk Ordinance Book on the 8th day of February, 2022, at 4 o'clock p.m.


Lynn U. Morris, Town Clerk