

AN ORDINANCE AMENDING THE KITTY HAWK TOWN CODE

WHEREAS, Town Council has acknowledged the Future Land Plan recognizes Kitty Hawk as a “community-focused, family oriented, low-key Outer Banks village”; and

WHEREAS, the Future Land Use Plan encourages residential that fits Kitty Hawk’s character; and

WHEREAS, Town Council has recognized that dwellings in excess of 6,000 square feet and housing more than 14 occupants, do not fit said character, 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 Kitty Hawk Town Code be amended as follows:

42-225.- Kitty Hawk Woods district

(b) *Permitted uses.* The following uses shall be permitted by right:

(1) Detached single-family dwellings, not to include mobile or manufactured homes. Single family dwellings shall not have a maximum septic capacity to serve more than 14 overnight occupants, and shall not exceed 6,000 square feet of conditioned living space.

42-247.- BR-1 low density beach residential

(b) *Permitted uses.* The following uses shall be permitted by right:

(1) Detached single-family dwellings, not to include mobile or manufactured homes. Single family dwellings shall not have a maximum septic capacity to serve more than 14 overnight occupants, and shall not exceed 6,000 square feet of conditioned living space.

42-248.- BR-2 medium density beach residential

(b) *Permitted uses.* The following uses shall be permitted by right:

(1) Detached single-family dwellings, not to include mobile or manufactured homes. Single family dwellings shall not have a maximum septic capacity to serve more than 14 overnight occupants, and shall not exceed 6,000 square feet of conditioned living space.

42-249.-BR-3 high density beach residential

(b) *Permitted uses.* The following uses shall be permitted by right:

(1) Detached single-family dwellings, not to include mobile or manufactured homes. Single family dwellings shall not have a maximum septic capacity to serve more than 14 overnight occupants, and shall not exceed 6,000 square feet of conditioned living space.

42-250.- BC-1 general beach commercial

(b) *Permitted uses.* The following uses shall be permitted by right:

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(10) Detached single-family dwellings, not to include mobile or manufactured homes. Single family dwellings shall not have a maximum septic capacity to serve more than 14 overnight occupants, and shall not exceed 6,000 square feet of conditioned living space. A single-family dwelling must comply with the dimensional requirements of the BR-1 district.

42-251.- BC-2 beach commercial

VR-1; 42-273(d) The minimum lot size is 15,000 square feet of uplands. Marsh and wetland areas, as determined by Federal, State, and Local Agency regulations, may not be used for the minimum lot size. All upland areas must be continuous, contiguous, and connected to meet the minimum lot size requirements, except that for lots comprising a minimum area of one and one-half (1½) acres, uplands shall not be required to be continuous, contiguous, and connected.

42-253.-BH-1 beach hotel district

(c) *Special uses.* The following uses are permitted subject to the requirements of this district and additional regulations and requirements imposed by town council as provided in section 42-100

(1) Detached single-family dwellings, not to include mobile or manufactured homes. Single family dwellings shall not have a maximum septic capacity to serve more than 14 overnight occupants, and shall not exceed 6,000 square feet of conditioned living space. A single-family dwelling must comply with the dimensional requirements of the BR-1 district.

42-273.- VR-1 low density village residential

(b) *Permitted uses.* The following uses shall be permitted by right:

(1) Detached single-family dwellings, not to include mobile or manufactured homes. Single family dwellings shall not have a maximum septic capacity to serve more than 14 overnight occupants, and shall not exceed 6,000 square feet of conditioned living space.

42-274.- VR-2 medium density village residential

(b) *Permitted uses.* The following uses shall be permitted by right:

(1) Detached single-family dwellings, not to include mobile or manufactured homes. Single family dwellings shall not have a maximum septic capacity to serve more than 14 overnight occupants, and shall not exceed 6,000 square feet of conditioned living space.

42-275.- VR-3 high density village residential

(b) *Permitted uses.* The following uses shall be permitted by right:

(1) Detached single-family dwellings, not to include mobile or manufactured homes. Single family dwellings shall not have a maximum septic capacity to serve more than 14 overnight occupants, and shall not exceed 6,000 square feet of conditioned living space.

42-276.- VC-1 village commercial district

(b) *Permitted uses.* The following uses shall be permitted by right as an accessory use to a primary residential use:

(4) Detached single-family dwellings and duplexes in accordance with the dimensional requirements in this section, not to include mobile or manufactured homes. Single-family dwellings shall comply with the dimensional requirements of the VR-1 district. Single family

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dwellings shall not have a maximum septic capacity to serve more than 14 overnight occupants, and shall not exceed 6,000 square feet of conditioned living space.

42-277.- VC-2 commercial district

(b) Permitted uses. The following uses shall be permitted by right:

(1) All permitted uses allowed within the VC-1 village commercial district. Single-family dwellings, not to include mobile or manufactured homes, shall comply with the dimensional requirements of the VR-1 district. Single family dwellings shall not have a maximum septic capacity to serve more than 14 overnight occupants, and shall not exceed 6,000 square feet of conditioned living space.

42-278.- VC-3 village commercial district

(b) *Permitted uses.* The following uses shall be permitted by right as an accessory use to a primary residential use:

(5) Single-family dwellings, not to include mobile or manufactured homes, shall comply with the dimensional requirements of the VR-1 district. Single family dwellings shall not have a maximum septic capacity to serve more than 14 overnight occupants, and shall not exceed 6,000 square feet of conditioned living space.

This ordinance amending the Kitty Hawk Town Code shall take effect the 1st day of July, 2024. Passed and adopted at a regular meeting held by the Town Council of Kitty Hawk the 1st day of July, 2024, with a unanimous approval vote.

D. Craig Davis
Mayor

ATTEST:
Lauren Smith
Town Clerk



APPROVED AS TO FORM:
[Signature]
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 2nd day of August, 2024, at 10 o'clock am.

Lauren Smith
Town Clerk