

AN ORDINANCE AMENDING THE KITTY HAWK TOWN CODE

WHEREAS, the Town Council of Kitty Hawk recognizes the need for clear and internally consistent zoning regulations regarding swimming pools, pool decking, aprons, and associated pool equipment; and

WHEREAS, the Town's zoning ordinance currently contains definitions for "yard" and "setback" that establish that structures or portions of structures less than thirty (30) inches in height are not considered encroachments into required yards; and

WHEREAS, the current regulations governing pool decking and aprons are inconsistent with those adopted definitions by requiring setbacks for certain ground-level improvements that would otherwise not be regulated as encroachments; and

WHEREAS, the proposed amendment clarifies the application of setback requirements to swimming pools, associated decking, aprons, and pool equipment in a manner consistent with the Town's existing zoning definitions; and

WHEREAS, the proposed amendment maintains front yard setback requirements for swimming pools and preserves reasonable separation between pools, pool equipment, and adjacent properties; and

WHEREAS, the proposed amendment will reduce confusion for property owners, applicants, contractors, and Town staff by improving ordinance clarity and eliminating internal inconsistencies within the zoning ordinance; and

WHEREAS, the Planning Board recommended approval of the proposed amendment and further recommended allowing pool equipment to maintain the same side and rear setbacks as swimming pools; and

WHEREAS, the Town Council finds the proposed amendment to be reasonable and in the public interest because it improves consistency, simplifies administration, and better reflects the intent of the Town's adopted zoning definitions; and

WHEREAS, the Town Council has determined that the Town's adopted CAMA Land Use Plan is silent on this matter, but that the proposed amendment remains consistent with the overall intent of the Plan and the Town's zoning regulations;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Kitty Hawk, North Carolina, that Chapter 42, Section 42-504 of the Town Code is hereby amended as follows:

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Sec. 42-504.- Yards generally.

(i)Swimming pools, ~~associated aprons, and decking no greater than 30 inches in height~~ **and associated pool equipment** must meet required front yard building setbacks, but can encroach as close as five feet to side and rear property lines. Any pool structures greater than 30 inches in height (such as an above-ground pool, decking, pool house, ~~or pool equipment~~) must comply with the required setback standards for the district in which they are located.

This ordinance amending the Kitty Hawk Town Code shall take effect the 6<sup>th</sup> day of April, 2026. Passed and adopted at a regular meeting held by the Town Council of Kitty Hawk the 6<sup>th</sup> day of April, 2026, with a unanimous approval vote.

*Charlotte J. Walker*  
Mayor

ATTEST:

*Lauren Oxum*  
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 4<sup>th</sup> day of may, 2026, at 6 o'clock

*pm*

*Lauren Oxum*  
Town Clerk