



## TOWN OF KILL DEVIL HILLS

Land Where Flight Began

(KDH Town Logo)

### NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on Monday, January 14, 2019, at 5:30 p.m. in the Meeting Room at the Administration Building, 102 Town Hall Drive, off Colington Road, the Kill Devil Hills Board of Commissioners will hold a public hearing to receive public comment, both written and oral, on the following requested zoning amendment to the Kill Devil Hills Town Code:

- A. Eddie Goodrich – amend §153.002 Definitions to add *Zero Lot Line Development*; amend §153.096(L) Ocean Impact Residential Zone Permitted Uses and §153.176(FF) Commercial Zone Permitted Uses, to add *Zero Lot Line Development* as a permitted use in each section; and add a new section: §153.291 *Zero Lot Line Developments* – to create associated regulations

The full text of this requested amendment may be viewed in the Town Clerk's Office or the Planning and Inspections Office, 102 Town Hall Drive, Kill Devil Hills; or, on Kill Devil Hills' website, <https://www.kdhnc.com/438/News>. Written comments, which will be included with the record of the public hearing, may be submitted to the Town Clerk, P.O. Box 1719, Kill Devil Hills, NC 27948, or by e-mail to: [odell@kdhnc.com](mailto:odell@kdhnc.com).

At the conclusion of the public hearing, the Board of Commissioners may take action on the item, with such action to include approval, disapproval, or tabling the item for further consideration.

Posted this 12<sup>th</sup> day of December 2018.

James Michael O'Dell  
Deputy Town Clerk

**Coastland Times: please publish as a legal ad in the following editions: 01/02/2018 & 01/09/2018**

AN ORDINANCE AMENDING THE KILL DEVIL HILLS TOWN CODE,  
CHAPTER 153, ZONING

BE IT HEREBY ORDAINED BY THE Kill Devil Hills Board of Commissioners that Chapter 153, Zoning, of the Kill Devil Hills Town Code, shall be amended by adding the underlined language and deleting the following stricken language to the sections identified below, as follows:

**§ 153.002 DEFINITIONS.**

*CLUSTER HOMES.* Buildings containing separate bathing, kitchen, sanitary, and sleeping facilities designed to be occupied by not more than one family, with the buildings located in such a manner that all sides of any building and any appurtenant thereto are directly on a lot line.

***OCEAN IMPACT RESIDENTIAL ZONE (OIR).***

**§ 153.096 PERMITTED USES.**

(M) Cluster homes (See § 153.291 for additional regulations).

***COMMERCIAL ZONE (C)***

**§ 153.176 PERMITTED USES.**

(GG) Cluster Homes (See §153.291 for additional regulations).

**§153.291 CLUSTER HOMES.**

(A) Cluster Homes. In addition to the below specific standards, shall also abide by the regulations associated with the zoning district where the development is located.

Requested Amendment  
Chapter 153, Zoning, §153.002 Definitions, 153.096(M) Ocean Impact Residential Zone  
Permitted Uses, 153.176 (GG) Commercial Zone Permitted Uses,  
and create new section 153.291 Cluster Homes

(1) Lot dimensions. All parcels shall have a minimum width of 100 feet abutting NC 12.

(2) Lot area. The minimum building site shall be 20,000 square feet.

(3) Size 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 2,500 square feet of gross floor area. One structure may be up to 5000 square feet if it is combined with on-site management or another complementary accessory or principal use. Each detached single-family dwelling unit shall be an independent dwelling unit.

(4) Building separation. Within a Cluster Home development, detached single-family dwelling units shall be separated from one another by a minimum of ten feet.

(5) 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 Marshall 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.

These amendments to Chapter 153, Zoning, shall be in full force and effect from and after the \_\_\_\_ day of \_\_\_\_\_, 2019. Adopted and approved by the Board of Commissioners of the Town of Kill Devil Hills at a regular meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2019, by a vote of \_\_\_\_ in favor and \_\_\_\_ opposed.

SEAL

\_\_\_\_\_  
Sheila F. Davies, Ph.D.  
Mayor

ATTEST:

\_\_\_\_\_  
James Michael O'Dell  
Deputy Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Casey C. Varnell  
Town Attorney

The undersigned hereby certifies that the foregoing official amendment, designated AN ORDINANCE AMENDING CHAPTER 153, ZONING, was placed in the Kill Devil Hills Town Code Book on the \_\_\_\_\_ day of \_\_\_\_\_, 2019 at \_\_\_\_\_ .m.

\_\_\_\_\_  
James Michael O'Dell  
Deputy Town Clerk

Requested Amendment  
Chapter 153, Zoning, §153.002 Definitions, 153.096(M) Ocean Impact Residential Zone Permitted Uses, 153.176 (GG) Commercial Zone Permitted Uses,  
and create new section 153.291 Cluster Homes

## PLANNING BOARD REPORT

Per NCGS 160A-387, all proposed amendments to the zoning ordinance or zoning map shall have a written report provided from the Planning Board to the Town Council within 30 days of referral of the amendment to the Planning Board, or the Town Council may proceed in its consideration of the amendment without the Planning Board report. Furthermore, in no case is the Town Council bound by the recommendations, if any, of the Planning Board.

Per NCGS 160A-383, the Planning Board shall advise and comment on whether the proposed zoning amendment is consistent with all applicable officially adopted plans, and provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the officially adopted plans shall not preclude consideration or approval of the proposed amendment by the Town Council.

### PLANNING BOARD RECOMMENDATIONS

**Proposed Amendment Title:** Zoning Amendment Request—Eddie Goodrich—Amend §153.002 Definitions, §153.096(L) Ocean Impact Residential Zone Permitted Uses, §153.176(FF) Commercial Zone Permitted Uses And Add §153.291 Zero Lot Line Developments—Add Definition Of Zero Lot Line Development, Add Zero Lot Line Development As A Permitted Use And Create Associated Regulations.

**Approval/Denial:** Planning Board finds that the proposed amendment to §§153.002 Definitions, §153.096(L) Ocean Impact Residential Zone Permitted Uses, §153.176(FF) Commercial Zone Permitted Uses And Add §153.291 Zero Lot Line Development to add a definition of zero lot line development, add zero lot line development as a permitted uses and create associated regulations is/is not consistent with the adopted Land Use Plan.

**Therefore,** the Planning Board finds the proposed amendment is consistent/inconsistent with the objectives and policies contained in the Kill Devil Hills Land Use Plan and/or other officially adopted plans of the Town that are applicable.

This report reflects the recommendation of the Planning Board with a vote of 3 to 1, this the 13th day of November 2018.

Attest:

  
\_\_\_\_\_  
Planning Board Chairman

  
\_\_\_\_\_  
Secretary of Planning Board