



# TOWN OF KILL DEVIL HILLS

*Land Where Flight Began*

## PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that the Town of Kill Devil Hills Planning Board will hold its only meeting of the month on Tuesday, July 16, 2019 at 5:30 p.m. in the Meeting Room of the Administration Building, 102 Town Hall Drive, off Colington Road. The items to be discussed are listed below:

## AGENDA

### Call to Order

### Agenda Approval

### Approval of the Minutes of the April 16, 2019 meeting

### Public Comment (Time limit of 3 minutes per person; 5 minutes per group)

### Old Business

### New Business

1. Election of Chairperson and Vice-Chairperson
2. Proposed Zoning Amendment – §153.070 *Stormwater Management* – Clarify One- and Two-Family Dwelling Requirements and Create Maintenance Requirements
3. Proposed Zoning Amendment – §153.072 *Sewage Disposal* – Update Sewage Disposal

### Public Comment (Time limit of 3 minutes per person; 5 minutes per group)

### Response to Public Comment

### Board Member Comment

### Adjournment

All citizens are cordially invited to attend.

Posted this 11th day of July 2019.

Harriet Banner  
Administrative Assistant

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*Copies to: Mayor and Board of Commissioners, Planning Board members in their packet materials; Town Manager; Town bulletin boards; Sunshine List, including all news media; Electronic Distribution List; Town website and social media; file*

Director of  
Planning and Inspections  
MEREDITH GUNS

Building Inspector  
MARTY SHAW  
CHARLES THUMAN

Code Enforcement Officer  
JORDAN BLYTHE



Assistant Director of  
Planning and Inspections  
CAMERON RAY

Senior Planner  
RYAN LANG

Zoning Administrator  
DONNA ELLIOTT

**THE TOWN OF KILL DEVIL HILLS**  
NORTH CAROLINA

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**PLANNING DEPARTMENT**

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July 16, 2019

Memorandum

To: Planning Board

From: Cameron Ray, Assistant Planning Director 

Subject: Proposed Zoning Amendment—§153.070 Stormwater Management— Clarify One and Two Family Dwelling Requirements and Create Maintenance Requirements

Attached is a proposed zoning amendment to §153.070 Stormwater management clarifying requirements for one and two family dwellings. This amendment requires all commercial (new and substantial improvements) and one and two family dwellings that exceed 6,000 square feet in lot coverage (new and substantial improvements) to provide a comprehensive plan for proper drainage of all surface water and meet the design criteria as stated in §153.070 Stormwater Management. The lot coverage recommendation of 6,000 square feet was determined by using the minimum lot size of 15,000 square feet and using the most restrictive lot coverage of 40% in the residential low zoning district. The residential low zoning district has not had many stormwater management issues as a result of new development, however the concern comes with larger dwellings and/or maxed out developments that have potential to create issues related to stormwater management and runoff.

Additionally, Staff recommends adding Stormwater management maintenance. Stormwater management features will not function properly unless they are properly maintained. This amendment will ensure that the town can enforce proper stormwater management maintenance ensuring proper operation.

Staff recommends the Planning Board forward the proposed amendment and consistency statement to the Board of Commissioners with a favorable recommendation.

## § 153.070 STORMWATER MANAGEMENT.

(B) Site plans for one and two family dwellings shall be approved by the Public Services Department, Public Works Division. If such dwellings are greater than 3,000 square feet a comprehensive plan of all surface water to systems on and off the property in question to ensure proper drainage. may be required by the Public Services Department. For all commercial development (new or substantial improvements) and one or two-family dwellings greater than 6,000 square feet lot coverage (new or substantial improvements) there shall be provided shall provide a comprehensive plan for the proper drainage of all surface water to systems on and off the property in question. The design criteria as stated in the following divisions or that as may be specified by state or federal agencies, whichever is the most restrictive, will be used. Every reasonable effort will be made to retain a maximum of the runoff on site to the extent feasible and practical. The Stormwater Management Plan shall be certified by a North Carolina registered professional engineer design professional for compliance to requirements of this section.

(Q) Stormwater Management maintenance. To ensure the proper operation the owner shall be responsible for the operation and maintenance of all required stormwater management features:

(1) All features of the approved stormwater management plan must be regularly maintained and repaired as necessary in order for the system to function as originally designed and shall comply with the criteria of the North Carolina Division of Water Quality Stormwater Design Manual (current edition).

## 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:*** Proposed Zoning Amendment—§153.070 Stormwater Management— Clarify One- and Two-Family Dwelling Requirements and Create Maintenance Requirements

***Approval:*** Planning Board finds that the Proposed Zoning Amendment—§153.070 Stormwater Management— Clarify One- and Two-Family Dwelling Requirements and Create Maintenance Requirements is consistent with the adopted Land Use Plan.

**Therefore,** the Planning Board finds the proposed amendment is **consistent** 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 \_\_\_\_ to \_\_\_\_, this the 16th day of July, 2019.

Attest:

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

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

Director of  
Planning and Inspections  
MEREDITH GUNS

Building Inspector  
MARTY SHAW  
CHARLES THUMAN

Code Enforcement Officer  
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**PLANNING DEPARTMENT**

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July 16, 2019

Memorandum

To: Planning Board

From: Cameron Ray, Assistant Planning Director 

Subject: Proposed Zoning Amendment— §153.072 Sewage Disposal— Update Sewage Disposal

Attached is a proposed zoning amendment to update and clarify §153.072 Sewage Disposal which was originally developed in the early nineties. It has come to staff attention that the language in §153.072 is outdated and does not properly address the sewage options and regulations associated with them. The proposed amendment specifies the requirements for authorization, approval, and/or appropriate applications with engineering certifications satisfactory for all sewage systems regulated by NCDEQ. This amendment is housekeeping to update regulatory agencies and sewage options currently available.

Staff recommends the Planning Board forward the proposed amendment and consistency statement to the Board of Commissioners with a favorable recommendation.

## § 153.072 SEWAGE DISPOSAL.

(A) Each application for site plan review shall be accompanied by plans of the proposed methods of sewage disposal with an approval or tentative approval by the appropriate County or State agencies having jurisdiction of such facilities over the land being developed ~~authorizing agency~~. The plans submitted shall be of sufficient detail to demonstrate compliance with applicable sewage disposal regulations and show the exact location of all subsurface facilities, including but not limited to treatment facilities, tanks, piping, laterals and disposal areas.

(B) Any such application shall specify the method or methods to be used and shall describe any special conditions to be met. Such methods, and the approvals required, include but are not limited to the following:

(1) Connection to public sewer operated by a municipality, sanitary district or other governmental agency: connection approval by an authorized officer of such system;

(2) Connection to community sewer operated by a responsible person, firm or corporation other than a governmental agency: connection approval by an authorized officer of such system;

(3) Installation of other than public or community sewer systems: design approval by the appropriate County or State agencies ~~Dare County Health Department~~ and the town.

(C) The sewer system to which connections are to be made shall be authorized as follows:

~~(2) For a septic tank and nitrification, approval by the Dare County Health Department;~~

(1) For on-site sewer disposal systems regulated by the Dare County Health Department, approval from the Dare County Health Department is required.

(2) For sewage systems regulated by the North Carolina Department of Environmental Quality (NCDEQ), approval from NCDEQ and/or appropriate applications with engineering certifications satisfactory for NCDEQ permitting is required.

~~(3) For a sewerage system serving facilities regulated by the North Carolina Department of Environment and Natural Resources, for example, institutions, restaurants, motels and the like, approval by the Dare County Health Department and the town; and~~

~~—(3) For a sewer system serving all other uses, for example, industry, commerce, communities and the like, approval by the North Carolina Department of Environment and Natural Resources and the town.~~

(D) Privately owned facilities treating, processing or transmitting sewage or wastewater are permitted in all zoning districts, subject to the following conditions:

(1) Any new private utility or privately owned facility must be a part of and located within the boundaries of a subdivision or property immediately within or adjacent to the facility or homes being serviced. The person, firm or corporation operating a sewer system for which a rate is charged shall hold a certificate of public convenience and necessity from the State Utilities Commission, and there shall be recorded with a plat of the property the written affidavit of a

registered engineer, engaged in the independent practice of civil engineering, that sewer mains and laterals comply with pertinent standards of the North Carolina State Department of [Environmental Quality](#) ~~Human Resources~~ and a bond or bonds, or trust instruments, or other form of written assurance, satisfactory to the Board, assuring the continuous proper maintenance and operation of such sewer systems. Where a community sewerage system furnishing services for two or more customers within a multi-family or group development project is assessed a periodic fee by a property owners' association and a portion of that fee is used for the purpose of paying the cost and expense of operating, maintaining and repairing the community sewerage system, then all requirements of this subsection must be satisfied;

(2) This facility shall be used and serve only the occupants of the subdivision, multi-family development project or commercial development for which it was constructed and approved by the town;

(3) This section shall not be applicable to individual septic tanks.

(Ord. 91-08, passed 11-18-91; Am. Ord. 01-02, passed 2-28-01)

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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:*** Proposed Zoning Amendment— §153.072 Sewage Disposal— Update Sewage Disposal

***Approval:*** Planning Board finds that the Proposed Zoning Amendment— §153.072 Sewage Disposal— Update Sewage Disposal is consistent with the adopted Land Use Plan.

**Therefore,** the Planning Board finds the proposed amendment is **consistent** 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 \_\_\_to\_\_\_, this 16th day of July, 2019.

Attest:

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

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