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

PLANNING DEPARTMENT

August 12, 2019

Memorandum

To: Debbie Diaz, Town Manager

From: Cameron Ray, Assistant Planning Director 

Subject: Proposed Zoning Amendment—§153.070 Stormwater Management— Clarify Commercial and 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.

The Planning Board reviewed this request on July 16, 2019 and forwarded it to the Board with a favorable recommendation. Staff recommends setting the public hearing for the September 11, 2019 Board of Commissioners meeting.

§ 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).