



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, August 20, 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 July 16, 2019 meeting

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

Old Business

New Business

1. Proposed Zoning Amendment—§ 153.073 Landscaping Requirements – Modify Landscaping Requirements to Include Single-Family and Duplex Dwellings with Greater Than 6,000 Square Feet Lot Coverage
2. Proposed Zoning Amendment – § 153.076 Off-Street Parking and Loading – Modify Parking Requirements for Single-Family and Duplex Dwellings with Eleven Bedrooms or More

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 15th day of August 2019.

Rachel Tackett
Office Assistant

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

Minutes of the July 16, 2019 meeting of the Kill Devil Hills Planning Board held at 5:30 p.m. in the Meeting Room of the Administration Building, 102 Town Hall Drive, off Colington Road.

Members Present: Chair Howard Buchanan, Mark Evans, Mike Lowack, Ron Seidman, II, Mary Simpson, and Eddie Valdivieso

Members Absent: James Almoney

Others Present: Cameron Ray, Assistant Planning Director; Ryan Lang, Senior Planner; Derek Dail, Assistant Public Services Director; and Harriet Banner, Administrative Assistant

Call to Order

At 5:30 p.m., Chair Howard Buchanan called this meeting of the Kill Devil Hills Planning Board to order and welcomed everyone present.

Agenda Approval

Mark Evans made a motion to approve the agenda for this meeting as presented. Ron Seidman seconded that motion, and the vote was 4-0.

Approval of the Minutes of the March 19, 2019 meeting

Mr. Seidman made a motion to approve the minutes of the March 19, 2019 meeting as presented. Mike Lowack seconded that motion, and the motion carried by 4-0 vote.

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

Response to Public Comment

Old Business

New Business

1. Election of Chair and Vice Chair

Both the Chair and the Vice Chair positions expired in June 2019.

DRAFT

Mr. Lowack made a motion to reappoint Howard Buchanan to Chair of the Planning Board for a one-year term to expire in June 2020. Ms. Simpson seconded that motion and the vote was 4-0.

Mr. Evans made a motion to reappoint James Almoney to Vice Chair of the Planning Board for a one-year term to expire in June 2020. Mr. Seidman seconded that motion and the vote was 4-0.

2. Proposed Zoning Amendment – §153.070 Stormwater Management – Clarify One- and Two-Family Dwelling Requirements and Create Maintenance Requirements

A proposed zoning amendment to the Stormwater Management ordinance was included in the packet for consideration. The language would clarify requirements for one- and two-family dwellings and create maintenance requirements. The proposal would require all new and substantial improvements to commercial and one- and two-family dwellings that exceed 6,000 square feet in lot coverage to provide a comprehensive plan for proper drainage of all surface water and meet the design criteria as stated in the ordinance. 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. To develop a 15,000 square foot lot to the maximum lot coverage, stormwater should be kept on-site. The ordinance currently requires 3,000 square feet to have a stormwater management plan but it did not specify the number to refer to lot coverage or gross floor area and also used the word “may” rather than “shall” for the requirement. 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 there is that possibility in the future.

Additionally, staff recommended 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 stormwater management maintenance for proper operation even if the State regulations do not require a stormwater permit. Certification by a registered professional engineer is also amended to read a registered “design professional,” which is the current language used throughout the code.

Eddie Valdivieso entered the meeting at 5:34 p.m.

Mr. Valdivieso distributed a copy of revised language that he had composed for the group’s consideration and it is included with the other packet materials.

Assistant Planning Director Cameron Ray said he would take this revised language under review and return it for the Planning Board’s consideration. Revisions could be considered at a future meeting.

Mr. Evans made a motion to forward the proposed amendment to §153.070 *Stormwater Management – Clarify One- and Two-Family Dwelling Requirements and Create Maintenance Requirements* along with the consistency statement to the Board of Commissioners recommending approval. Mr. Seidman seconded that motion, and approval was by 5-0 vote.

DRAFT

3. Proposed Zoning Amendment – §153.072 Sewage Disposal – Update Sewage Disposal

This language would clarify and update the ordinance that was originally developed in the early 1990's. It has come to staff's attention that the language is outdated and does not properly address the sewage options and associated regulations. The proposed amendment specifies the requirements for authorization, approval, and/or appropriate applications with engineering certificates satisfactory for all sewage systems regulated by the N.C. Department of Environmental Quality. The amendment updates regulatory agencies and sewage options currently available.

Mr. Ray explained that Assistant Public Services Director Derek Dail had assisted with the proposed language. Mr. Dail explained that a customer with a building permit application for a sewer force main extension and claimed that the Town's ordinance did not specify that a State permit was needed.

Mr. Lowack made a motion to forward the proposed amendment to §153.072 *Sewage Disposal – Update Sewage Disposal* to the Board of Commissioners along with the consistency statement recommending approval. Ms. Simpson seconded that motion. The motion carried, 5-0.

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

Response to Public Comment

Board Member Comment

Other Business

Adjournment

There being no further business before the Planning Board at this time, Mr. Valdivieso moved to adjourn this meeting. Mr. Seidman seconded the motion and approval was by a 5-0 vote. It was 5:42 p.m.

Submitted by:

Harriet B. Banner
Administrative Assistant

DRAFT

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**

PLANNING DEPARTMENT

August 20, 2019

Memorandum

To: Planning Board

From: Cameron Ray, Assistant Planning Director 

Subject: Proposed Zoning Amendment—§153.073 Landscaping Requirements— Modify Landscaping Requirements to Include Single Family and Duplex Dwellings with Greater Than 6,000 Square Feet of Lot Coverage

During the August 12, 2019 Board of Commissioners meeting staff was given direction to create landscaping buffer requirements for large single family and duplex development. Attached is an amendment to 153.073 Landscaping Requirements for single family and duplex dwellings with greater than 6,000 square feet of lot coverage to provide a vegetative buffer. Large single family and duplex dwellings greater than 6,000 square feet of lot coverage create large areas of coverage, increased density, large parking areas, large structure size, and noise, air, and light glare pollution that is non-compatible with abutting single family and duplex dwellings with less than 6,000 square feet of lot coverage. Providing landscaping requirements, including screening requirements, will improve the appearance of the development, provide spatial separation of land uses, and protect, preserve, and promote the aesthetic and visual character of the Town.

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

§ 153.073 LANDSCAPING REQUIREMENTS.

(A) *Intent and objectives.*

(1) The intent of this section is to improve the appearance of parking areas and properties abutting public rights-of-way; to provide buffering between noncompatible land uses; to provide spatial separation of land uses; to protect, preserve and promote the aesthetic and visual character of lands particularly adjacent to major thoroughfares; and to promote public health and safety through the reduction of noise pollution, air pollution, visual pollution, air temperature and artificial light glare within the town.

(2) Landscaping includes not only trees, shrubbery, grass and ground cover but open paving stones, benches, fountains and exterior lighting fixtures as well. Buildings, vehicles, boats, equipment, parking areas or storage areas shall not be included in required landscaped areas. No more than 20% of a required perimeter landscaped area may be utilized for sidewalks, walkways or private roads. Landscaping standards may be satisfied within required setbacks.

(3) Any existing natural landscape shall be preserved whenever possible. Preservation of trees and further landscaping is the goal rather than destruction of existing trees or plant life. The planting of drought-tolerant vegetation common to the immediate natural coastal environment is encouraged to ensure proper plant life development and maturation.

(4) While the above objectives are general in form, proper design and location of trees, shrubbery and other landscape amenities will be subject to the town's plan review procedure.

(5) Landscaped areas may be used for nitrification fields.

(B) *Jurisdiction.* The requirements of this section shall apply to all zones.

(C) *Applicability.* All new development and redevelopment shall comply with the requirements of this section, except single-family detached residences and duplexes with less than 6,000 square feet of lot coverage, which shall meet the requirements of division (M) below.

(D) *Plan review and approval.*

(1) A landscape plan shall be submitted at the time application is made for site plan approval covering new development or redevelopment.

(2) The plan shall include the location and size of all proposed structures or improvements, landscape materials, including botanical and common names, and all existing vegetation by their common names as specified by the following:

(a) A tree survey: show all existing trees which have a diameter of six inches or greater, measured three feet from the base and also all major vegetation with an index of those trees and vegetation;

(b) Total site area;

(c) Parking area;

(d) Landscape area required and provided for in the project;

(e) Number of trees which are provided for the project;

- (f) Irrigation plan, if any;
- (g) Total amount of interior landscaped area.

(E) *Parking lot landscape requirements.*

(1) If more than 40 parking spaces are provided, landscaping of 10% of the total parking areas, including aisles, shall be required. This landscaping shall be established within the interior of the parking lot.

(2) The interior landscaped areas shall be located in a manner that:

- (a) Assists and helps to control the movement of vehicular and pedestrian traffic;
- (b) Provides visual relief from a large expanse of paving;
- (c) Preserves existing trees, where possible; and
- (d) Screens loading and service areas.

(3) A landscaped aisle shall be provided at the end of each parking row adjacent to the travel lane serving the parking aisle.

(4) In order to encourage the required landscaped areas to be properly dispersed, no required landscape area shall be larger than 350 square feet unless a larger area is necessary to save or protect existing vegetation.

(5) Interior landscaped areas shall contain a minimum of 75 square feet. Within these landscaped areas there shall be a minimum of one small tree per ten parking spaces in addition to other plant materials and ground cover. See division (L) of this section and Appendix A of this chapter.

(6) Required perimeter landscape areas shall not be used in the calculation of required interior landscape areas.

(F) *Perimeter landscaped areas.*

(1) *General.* A perimeter landscaped area, with a minimum depth of five feet, shall be required along property lines. Along property lines abutting any street, the minimum depth shall be ten feet. Driveways, sidewalks and similar facilities may traverse perimeter landscaped areas.

(2) *Screening requirements.*

(a) *Buffer between incompatible uses.* Restaurants, retail sales, shopping centers, automotive sales or repair, taverns, amusement or entertainment establishments, industrial uses, warehouses, wholesale businesses or trucking facilities, business or professional offices, places of worship, schools, daycare centers, parking lots, ~~and~~ townhouse or multi-family developments, and single family and duplex dwellings with greater than 6,000 square feet of lot coverage must provide screening on their property for certain adjacent uses. Where abutting single-family dwellings or duplexes with less 6,000 square feet of lot coverage to the rear or to the side, such property line shall have a wall constructed of wood, masonry wall, vinyl or composite materials or a vegetative buffer six feet in height along the property line. Along property lines abutting single-family or duplex dwellings with less than 6,000 square feet of lot coverage a fence or

dense vegetative screen shall be provided. Fences shall be constructed of wood, masonry, vinyl or composite materials and be a minimum of six feet in height. In addition, ornamental landscaping shall be provided if a fence is utilized as a buffer. Dense vegetative screens shall contain shrubs at least 30 inches high at the time of installation planted two-and-one-half feet on center. The type of shrub used needs to be capable of attaining a height of at least six feet at maturity. A dense vegetative screen utilized as a buffer will also satisfy the ornamental landscaping requirements below. In all cases where a fence is constructed, the required landscaped area shall be located between the fence and property line.

(b) *Ornamental landscaping.* Along property lines not abutting single-family or duplex dwellings with less than 6,000 square feet of lot coverage, the landscape plan shall indicate at least one tree for each 30 linear feet of landscape area and one shrub for each ten feet of landscape area. For new construction or substantial improvements in the Commercial Zone, the landscape plan shall indicate at least one tree and one shrub for each ten linear feet of landscape area along the front property line. Ornamental landscaping need not be evenly spaced, but rather dispersed throughout the landscape area to create a natural appearance. In all cases where a fence is constructed, the required landscaped area shall be located between the fence and property line.

(c) No vehicles, motor or otherwise, shall be parked on landscaped areas. In all cases where a fence is constructed, the required landscaped area shall be located between the fence and property line. No temporary signs or other structures shall be placed on any landscaped area without issuance of a permit by the Building Inspector or Zoning Administrator.

(G) *Grass and ground cover.* Ground cover shall be placed or planted on all disturbed portions of exposed ground or earth not occupied by natural or other landscape material.



TOWN OF KILL DEVIL HILLS

Land Where Flight Began

MEMORANDUM

August 12, 2019

TO: Mayor and Board of Commissioners

FROM: Commissioner Mike Hogan

REF: Commissioners' Agenda

Lately we've heard many comments about the negative effects of large houses on adjoining properties. It's an issue that's been around for years and is a continuing concern to many in our town.

As a result of speaking with staff I would like to suggest several changes that would help in minimizing those effects without restricting bedrooms or house size.

My proposals are:

1. Require landscape buffers similar to buffers required between commercial structures and residences;
2. Increase parking setbacks to 7 feet for the large parking area;
3. In the interest of safety, require an emergency access lane and limit stacked parking to 4 vehicles.

If the Board agrees going forward with these ideas, we can ask staff to develop amendments for our consideration and send to the Planning Board for formal review.

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—§153.073 Landscaping Requirements— Modify Landscaping Requirements to Include Single Family and Duplex Dwellings with Greater Than 6,000 Square Feet of Lot Coverage

Approval: Planning Board finds that the Proposed Zoning Amendment§153.073 Landscaping Requirements— Modify Landscaping Requirements to Include Single Family and Duplex Dwellings with Greater Than 6,000 Square Feet of Lot Coverage 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 sixteenth day of April, 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
JORDAN BLYTHE



Assistant Director of
Planning and Inspections
CAMERON RAY

Senior Planner
RYAN LANG

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DONNA ELLIOTT

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

PLANNING DEPARTMENT

August 20, 2019

Memorandum

To: Planning Board

From: Cameron Ray, Assistant Planning Director 

Subject: Proposed Zoning Amendment—§153.076 Off-Street Parking and Loading—
Modify Parking Requirements for Single Family and Duplex Dwellings with
Eleven Bedrooms or More

During the August 12, 2019 Board of Commissioners meeting, staff was given direction to create increased off-street parking requirements for large single family and duplex dwellings including increased setbacks for parking areas, access aisle, and limit stacked parking. Attached is a zoning amendment revising 153.076 Off-Street Parking and Loading.

As proposed, an increased side yard parking setback to seven feet, required access aisle to the structure, and limiting no single row of stacked parking to exceed six spaces would apply to all single family and duplex dwellings with eleven bedrooms or more. The increased side yard setbacks for driveways, access aisles, and parking areas would change from five feet to seven feet and will improve spatial separation, safety, and environmental protections for the large required parking areas associated with large single family and duplex dwellings. An access aisle is proposed with a minimum of ten feet in width and shall be open within 40 feet of the dwelling. The access aisle will be allowed to have no more than two parking spaces stacked. An open access aisle within forty feet of the dwelling will improve safety for the dwelling and provide better circulation and movement for vehicles. Additionally, parking areas will be limited to no single row of stacked parking shall exceed six stacked required parking spaces. This will create smaller less congested parking areas and allow for improved vehicular movement.

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

§ 153.076 OFF-STREET PARKING AND LOADING.

(10) *Parking requirements for single-family and duplex structures.*

(a) *Yards.*

1. Dwellings with four bedrooms or less:

a. Driveways and parking areas shall not exceed a single or combined width of 80% of the total lot width, not to exceed 40 feet, whichever is less; and

b. Driveways and parking areas shall maintain a minimum of a two-foot side yard setback and must maintain a five-foot setback in rear yards.

2. Dwellings with ~~five or more~~ five to ten bedrooms:

a. A minimum of one but no more than two paved driveways of at least ten feet in width and not exceeding a single or combined width of 20 feet shall be permitted in this area. Parking setback shall be equal to the total width of the driveway(s) measured from the property line. Width of the driveway at the property line shall be maintained for a minimum of five feet. Driveways in the required parking setback area cannot be ~~sued~~ used for calculation of required parking.

b. ~~Parking setbacks for the side and rear yard~~ shall be a minimum of five feet from the property line for both driveways and parking areas.

c. Turn around area for properties abutting highways, thoroughfares and/or collector streets shall be within the designated parking area outlined in this section. Driveways with a minimum width of 20 feet may utilize the driveway area within the required setback as the turn around area.

3. Dwellings with eleven bedrooms or more:

a. A minimum of one but no more than two paved driveways of at least ten feet in width and not exceeding a single or combined width of 20 feet shall be permitted in this area. Parking setback shall be equal to the total width of the driveway(s) measured from the property line. Width of the driveway at the property line shall be maintained for a minimum of five feet. Driveways in the required parking setback area cannot be used for calculation of required parking.

b. Parking setbacks shall be a minimum of seven feet from the property line for driveways, access aisles, and parking areas.

c. Turn around area for properties abutting highways, thoroughfares and/or collector streets shall be within the designated parking area outlined in this section. Driveways with a minimum width of 20 feet may utilize the driveway area within the required setback as the turn around area.

e. Minimum of one access aisle shall be designed open and unobstructed to within 40 feet of the primary dwelling. Minimum access aisle width shall be ten feet. No more than two required parking spaces may be located within the access aisle.

e. No single row of stacked parking shall exceed 6 required spaces.



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If the Board agrees going forward with these ideas, we can ask staff to develop amendments for our consideration and send to the Planning Board for formal review.

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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—§153.076 Off-Street Parking and Loading— Modify Parking Requirements for Single Family and Duplex Dwellings with Eleven Bedrooms or More

Approval: Planning Board finds that the Proposed Zoning Amendment—§153.076 Off-Street Parking and Loading— Modify Parking Requirements for Single Family and Duplex Dwellings with Eleven Bedrooms or More 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 sixteenth day of April, 2019.

Attest:

Planning Board Chairman

Secretary of Planning Board