

Director of  
Planning and Inspections  
MEREDITH GUNS



Assistant Director of  
Planning and Inspections  
CAMERON RAY

Building Inspector  
MARTY SHAW  
CHARLES THUMAN

Senior Planner  
RYAN LANG

Code Enforcement Officer  
JORDAN BLYTHE

Zoning Administrator  
DONNA ELLIOTT

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

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**PLANNING DEPARTMENT**

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April 22, 2020

Memorandum

To: Debbie Diaz, Town Manager

From: Cameron Ray, Assistant Planning Director 

Subject: Proposed Zoning Amendment—§153.076 Off Street Parking and Loading—  
Marked Access Aisle (No Parking) for Structures with Eleven or more Bedrooms

During the January 22, 2020 Board of Commissioners joint work session with the Planning Board, staff was given direction to re-draft an amendment to address off street parking issues related to large single family dwellings which had previously been reviewed by the Board of Commissioners. A draft amendment with several options was presented to the Board of Commissioners at the March 09, 2020 meeting.

At the conclusion of the discussion the Board of Commissioners directed staff to forward a proposed amendment to the Planning Board for recommendation. The proposed amendment requires an additional setback for driveways and parking areas of 2 feet for single-family development with required parking greater than eleven spaces. However, the amendment proposes an exemption for the additional setback if a marked access aisle is included within twenty feet of the front of the dwelling. The intent of the amendment is to provide additional circulation and safety measures for the development.

The Planning Board reviewed this request on March 17, 2020 and forwarded it to the Board with a favorable recommendation. Staff recommends setting the public hearing for the next Board of Commissioners meeting.

## 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—§153.076 Off Street Parking and Loading—Marked Access Aisle (No Parking) for Structures with Eleven or more Bedrooms

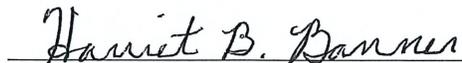
**Approval/Denial:** Planning Board finds that the proposed zoning amendment to §153.076 Off Street Parking and Loading—Marked Access Aisle (No Parking) for Structures with Eleven or more Bedrooms is/is not consistent with the adopted Land Use Plan.

**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 5 to 0, this seventeenth day of March, 2020.

Attest:

  
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Planning Board Chairman

  
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Secretary of Planning Board

**§ 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 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. Driveway width shall be maintained from the point on entry at the property line for five linear feet. Parking setback shall be equal to the total width of the driveway(s) measured from the property line. 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. Driveway width shall be maintained from the point on entry at the property line for five linear feet. Parking setback shall be equal to the total width of the driveway(s) measured from the property line. 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 both driveways and parking areas.

c. Exception: Parking setbacks shall be a minimum of five feet from the property line for driveways, access aisles, and parking areas provided with a clearly marked access aisle including "no parking" with the following design requirements. There shall be a minimum of one access aisle designed open and unobstructed within twenty feet of primary dwelling. Minimum access aisle width shall be ten feet.

d. 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.