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THE TOWN OF KILL DEVIL HILLS
NORTH CAROLINA

PLANNING DEPARTMENT

April 22, 2020

Memorandum

To: Debbie Diaz, Town Manager

From: Cameron Ray, Assistant Planning Director 

Subject: Proposed Zoning Amendment—§153 Setbacks (Each Zoning District)—
Additional 2 Feet of Side Yard Setback for Single-Family and Duplex Dwellings
Greater Than 6,000 Square Feet with Exception for Fire Suppression Systems

During the January 22, 2020 Board of Commissioners joint work session with the Planning Board, staff was given direction to draft an amendment to address community fire safety issues related to large single family dwellings. A draft amendment intended to incentivize installation of fire suppression systems in single-family and duplex dwellings greater than 6,000 square feet of gross floor area was presented to the Board of Commissioners at the March 09, 2020 meeting.

The Board of Commissioners directed staff to forward a proposed amendment to the Planning Board. The proposal would be incorporated into all zoning districts and requires a two-foot increase in the side yard setback for single-family/duplex dwellings greater than 6,000 square feet of gross floor area. However, such dwellings can be exempt from this requirement, providing a fire suppression system is reviewed, approved, and inspected annually by the Fire Marshal. The intent of the amendment is to provide safeguards for persons occupying such dwelling, in addition to adjacent properties, and overall community.

The Planning Board reviewed this request on March 17, 2020 and forwarded it to the Board with a favorable recommendation with staff's modification. 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 Setbacks (Each Zoning District)— Additional 2 Feet Side Yard Setback for Single-Family and Duplex Dwellings Greater Than 6,000 Square Feet

Approval/Denial: Planning Board finds that the proposed zoning amendment to §153 Setbacks (Each Zoning District)— Additional 2 Feet Side Yard Setback for Single-Family and Duplex Dwellings Greater Than 6,000 Square Feet 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:



Planning Board Chairman



Secretary of Planning Board

OCEAN IMPACT RESIDENTIAL ZONE (OIR)

§ 153.101 SETBACKS.

(A) *Side yard.*

(1) The minimum side yard setback requirements on a lot less than 75 feet in width shall be 10 feet from each side.

(2) For all lots 75 feet to 99 feet in width, the minimum side yard widths shall be 12 feet.

(3) For all lots or aggregate of lots combined for single development 100 feet or greater in width, the minimum side yard setback shall be 12 feet.

(4) All multi-family dwellings in excess of a duplex, hotels and motels shall install and maintain a vegetative buffer of evergreen, salt-tolerant species along the side yards of useable property in conjunction with development in this zone and such may be located within the area of the required setback lines.

(5) Single-family and duplex dwellings greater than 6,000 square feet of total gross floor area shall have an additional 2 feet of side yard setback.

(6) Single-family and duplex dwellings greater than 6,000 square feet of total gross floor area equipped with a fire suppression system reviewed, approved, and inspected annually by the Fire Chief or his/her designee, shall be exempt from 153.101 (A) (5).

LOW DENSITY RESIDENTIAL ZONES (RL)

§ 153.121 SETBACKS.

(A) *Side yard.*

(1) The minimum side yard setback requirements on a lot with an area of 5,000 square feet or less shall be 6 feet from each side.

(2) The minimum side yard setback requirements on a lot with an area of more than 5,000 square feet but not more than 7,500 square feet shall be 8 feet from each side.

(3) The minimum side yard setback requirements on a lot with an area exceeding 7,500 square feet shall be 10 feet from each side.

(4) Single-family and duplex dwellings greater than 6,000 square feet of total gross floor area shall have an additional 2 feet of side yard setback.

(5) Single-family and duplex dwellings greater than 6,000 square feet of total gross floor area equipped with a fire suppression system reviewed, approved, and inspected annually by the Fire Chief or his/her designee, shall be exempt from 153.101 (A) (4).

MARITIME FOREST ENVIRONMENTAL DISTRICT (MFED)

§ 153.141 SETBACKS.

(A) *Side yard.* The minimum side yard setback requirements shall be 20 feet.

(1) Single-family and duplex dwellings greater than 6,000 square feet of total gross floor area shall have an additional 2 feet of side yard setback.

(2) Single-family and duplex dwellings greater than 6,000 square feet of total gross floor area equipped with a fire suppression system reviewed, approved, and inspected annually by the Fire Chief or his/her designee, shall be exempt from 153.101 (A) (1).

HIGH DENSITY RESIDENTIAL ZONE (RH)

§ 153.161 SETBACKS.

(A) *Side yard.*

(1) The minimum side yard setback requirements on a lot with an area of 5,000 square feet or less shall be 6 feet from each side.

(2) The minimum side yard setback requirements on a lot with an area of more than 5,000 square feet but not more than 7,500 square feet shall be 8 feet from each side.

(3) The minimum side yard setback requirements on a lot with an area exceeding 7,500 square feet shall be 10 feet from each side.

(4) Single-family and duplex dwellings greater than 6,000 square feet of total gross floor area shall have an additional 2 feet of side yard setback.

(5) Single-family and duplex dwellings greater than 6,000 square feet of total gross floor area equipped with a fire suppression system reviewed, approved, and inspected annually by the Fire Chief or his/her designee, shall be exempt from 153.101 (A) (4).

GOVERNMENT AND INSTITUTIONAL ZONE (G&1); PRIVATE OWNERSHIP

§ 153.271 SETBACKS.

(A) *Side yard.* The minimum size for a side yard shall be ten feet. For any structure over 35 feet in total building height, there shall be two feet of side yard setback for each foot of building height over 35 feet in addition to the minimum side yard setback.

(1) Single-family and duplex dwellings greater than 6,000 square feet of total gross floor area shall have an additional 2 feet of side yard setback.

(2) Single-family and duplex dwellings greater than 6,000 square feet of total gross floor area equipped with a fire suppression system reviewed, approved, and inspected annually by the Fire Chief or his/her designee, shall be exempt from 153.101 (A) (1).

* Commercial Zone, Light Industrial One Zone, Light Industrial Two Zone permitted uses for Single-Family/Duplex dwellings abide by the setback requirements of the High Density Residential (RH) Zone.