



TOWN OF KILL DEVIL HILLS

Land Where Flight Began

MEMORANDUM

April 22, 2020

TO: Mayor and Board of Commissioners

FROM: Debora P. Díaz, Town Manager

REF: Consent Agenda

1. **Minutes (Attached CA-1A)**
 - A. March 9, 2020
2. **Monthly report (Attached CA-2A)**
 - A. February 2020
3. **Schedule public hearings for recommended amendments to Chapter 153, Zoning, of the Town Code (Attached CA-3A, 3B, 3C, 3D, 3E)**

The Town Attorney has reviewed the recommended amendments and has found them to be in compliance with applicable North Carolina law. All are recommended for public hearing on Monday, June 8, 2020.

- A. **§ 153.076 Off Street Parking and Loading— marked access aisle (No Parking) for structures with 11 or more bedrooms**

At its January 22, 2020, joint worksession, the BOC directed Staff to re-draft an amendment to address large single-family dwelling off-street parking issues, and to present it for review prior to submission to the Planning Board. Four draft options were highlighted at the March 9, 2020 meeting, each of which would propose adding a third category for single-family and duplex structures with eleven required parking spaces or more.

Through consensus, the BOC directed Staff to submit an amendment that combined the second and third options to the Planning Board for consideration. At its March 17, 2020, meeting, the Planning Board voted to forward the amendment to the BOC, with a favorable recommendation.

B. §153 Setbacks in each Zoning District – additional two feet of side yard setback for single-family and duplex dwellings greater than 6,000 square feet with exception for fire suppression systems

At its January 22, 2020, joint worksession, the BOC directed Staff to develop an amendment to address safety issues, with the potential of fire suppression system incentives for large single-family and duplex dwellings. After reviewing the proposed amendment on March 9th, through consensus approval the BOC directed Staff to forward the amendment to the Planning Board for consideration. At its March 17, 2020, meeting, the Planning Board voted to forward the amendment to the BOC, with a favorable recommendation.

C. §153.073 Landscaping Requirements – modify landscaping requirements to include single-family and duplex dwellings with greater than 6,000 square feet lot coverage

At the direction of the BOC, Staff drafted an amendment which creates landscaping buffer requirements for large single-family and duplex development. Following review at its August 20, 2019, meeting, the Planning Board forwarded it to the BOC, with a favorable recommendation. At its October 16, 2019, meeting, the BOC denied the amendment by a vote of 3-2, following a public hearing.

At the January 22, 2020, joint worksession between the BOC and Planning Board, Staff was directed to reintroduce this amendment to the Planning Board for review and recommendation. On February 11, 2020 the Planning Board voted to forward this amendment to the BOC, with a favorable recommendation. At its March 9, 2020, meeting the BOC scheduled this item for public hearing, but it must be rescheduled since the March 25 meeting was cancelled.

D. §153.310 Cottage Court(s) and §153.311 Cluster Homes – modify cottage court(s) and cluster homes minimum lot dimensions abutting NC 12

At the BOC's January 22, 2020, joint worksession with the Planning Board, the Board directed Staff to draft an amendment to change minimum lot dimension requirements for cottage courts and cluster homes that abut NC 12, in order to provide more opportunities for the development of Cottage Courts and Cluster Homes. At its February 11, 2020, meeting, the Planning Board voted to forward this amendment to the BOC with a favorable recommendation.

At its March 9, 2020, meeting the BOC scheduled this item for public hearing, but it must be rescheduled since the March 25 meeting was cancelled.

E. §153.355, §153.357, §153.359, §153.361 – modify approval process for permitted commercial uses to administrative approval process

Permitted uses, or use by right, are listed within each zoning district in Chapter 153, Zoning. Each district has a different list of land uses that are "permitted" or are "uses by right." These terms refer to an owner's land use in a manner consistent with that which is listed as permissible in the zoning district within which the property is located. In these instances, if a

commercial site plan meets all requirements of the Town Code, and the use is permitted, then a municipality has no basis on which to deny approval of the site plan.

This proposed amendment to the Zoning Ordinance establishes a process for administrative approval of commercial site plans which meet the requirements of the preceding paragraph. Developers of commercial sites would be spared the time and financial burden of obtaining Planning Board and Board of Commissioners approval, which is inherent in the current process, and instead be able to obtain site plan approval within approximately 10 – 20 days, subject to presentation of a complete, compliant, site plan and the complexity of the development.

The Planning Board reviewed this proposed amendment on April 16th, and Planning Director Meredith Guns' attached memorandum and the recommended ordinance amendment provide additional information. The Consistency Statement approved by the Planning Board will be executed by Chair Buchanan and sent to the BOC via e-mail, and posted on the Town's website with the April 22nd meeting materials.

Approval of the Consent Agenda will schedule public hearings on the five proposed ordinance amendments listed above for Monday, May 11, 2020 at 6:00 p.m.

4. Recommendation for 2019/2020 lease purchase agreement (Attached CA-4)

The Finance Department has researched available interest rates for the lease/purchase of equipment and vehicles. The total amount to be financed is \$1,235,726.65. BB&T submitted the most favorable financing proposal at an annual interest rate not to exceed 2.43%; to be paid in eight semiannual payments. The loan may be pre-payable at any time without penalty.

Approval of the Consent Agenda will record approval of the attached budget amendment, #19 to record the annual lease for equipment and vehicles and the accompanying resolution. The Town Attorney will review and approve the lease agreement prior to its execution.

5. Budget amendments (Attached CA-5A and B)

- A. #20 - to record sale/trade-in of the surplus excavator; proceeds will be applied to the purchase of a new excavator;
- B. #21 – to record FY 2019/2020 lease payment for new excavator.

Staff recommends approval of the Consent Agenda and a motion will be in order.