



TOWN OF KILL DEVIL HILLS

Land Where Flight Began

MEMORANDUM

May 11, 2020

TO: KDH Board of Commissioners

FROM: Debora P. Díaz, Town Manager

REF: Public Hearings

1. Recommended amendments to Chapter 153, Zoning (Attached PH-1A, 1B, 1C, 1D, and 1E)

At the direction of the Board of Commissioners, Staff drafted the following amendments to Chapter 153, Zoning, for review and consideration by the Planning Board. At its April 22, 2020, meeting, the Board of Commissioners scheduled the required public hearings for tonight's meeting.

The recent enactment of SB 704 by the N.C. General Assembly requires electronically conducted public hearings to receive public comment any time between the notice of the public hearing up to 24 hours after the hearing. As a result, the Board can discuss the public hearing items, but cannot take action until a subsequent meeting. Staff proposes action at the Board's May 27, 2020, meeting.

The Town Attorney has reviewed the proposed amendments and has found them to be in compliance with applicable North Carolina law.

A. § 153.076 Off Street Parking and Loading— reduction in parking setbacks with 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.

If approved, this ordinance amendment will establish a seven-foot parking setback from the property line for single-family and duplex structures with 11 or more bedrooms; however, parking setbacks are reduced to five feet with a clearly marked access aisle designed open and unobstructed within 20 feet of the dwelling.

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.

If approved, this ordinance amendment will establish an additional two-foot side yard setback for single-family and duplex structures with a total gross floor area greater than 6,000 square feet; however, such structures are exempt from the additional setback if they are equipped with a fire suppression system reviewed, approved, and inspected annually by the Fire Chief or his designee.

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 this amendment to create 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, the BOC directed Staff 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 a March 25, 2020, public hearing, which has been rescheduled due the March 25th meeting cancellation.

If approved, this ordinance amendment will require single-family and duplex structures with greater than 6,000 square feet of lot coverage to establish vegetative buffering and ornamental landscaping, which will provide spatial separation of land uses and promote the visual aesthetic and character of the Town.

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 a March 25, 2020, public hearing, which has been rescheduled due the March 25th meeting cancellation.

If approved, this ordinance amendment will decrease the minimum lot width requirement for Cottage Courts and Cluster Homes abutting NC 12 from 100 to 75 feet.

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

At its April 16, 2020, meeting, the Planning Board reviewed this recommended amendment and voted to forward it to the BOC for consideration, with a favorable recommendation.

If approved, this ordinance amendment to the Zoning Ordinance will establish a process for administrative approval of commercial site plans which meet the permitted uses requirements. These permitted uses, or "uses by right," are listed within each zoning district in Chapter 153, Zoning. Each district has a different list of permitted land uses, which refer to a use consistent in the district where the property is located. In these instances, if a commercial site plan meets all requirements of the Town Code, and the use is permitted within its zoning district, then a municipality has no basis on which to deny approval of the site plan.

This review process will decrease the time and financial burden for commercial site developers, with administrative approval within approximately 10 – 20 days from submission, subject to the presentation of a complete, compliant, site plan and the complexity of the development.