



TOWN OF KILL DEVIL HILLS

Land Where Flight Began

NOTICE OF PUBLIC MEETING

Electronic Format Using Zoom Software

NOTICE is hereby given that on Tuesday, January 19, 2021 at 5:30 p.m. the Kill Devil Hills Planning Board will hold its regular meeting of the month. In order to maintain the safety of Town residents, Staff, and Board of Commissioners, the meeting will be electronic using Zoom software. A printed packet is available for public inspection in the Planning Department, 102 Town Hall Drive, off Colington Road. Please contact the Department at 252-449-5318 to schedule an inspection time. Packet materials can also be viewed on the Town's website at <https://www.kdhnc.com/738/Planning-Board>. Written comments for Public Comment can be emailed to: info@kdhnc.com. Comments must include your name and address and should be limited to three minutes when read aloud. Oral comments will also be welcomed through Zoom participation.

The agenda follows, and the meeting can be accessed by the public by joining the Zoom Meeting:

- <https://zoom.us/j/92326986576?pwd=YTBQZG1QTEFpNkNZM01GMS8yM3dJdz09>
- Meeting ID: 923 2698 6576 Password: 834978
- Or Dial: 1 312 626 6799 or 1 929 205 6099 US When prompted, enter meeting ID: 923 2698 6576 followed by the (#) sign. Enter password: 834978 followed by the (#) sign.

AGENDA

Call to Order

Agenda Approval

Approval of the Minutes of the November 17, 2020 meeting

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

Response to Public Comment

Old Business

1. Proposed Zoning Amendment Chapter 153.076(D) Off-Street Parking and Loading – Modify Table of Parking Requirements for Retail, Office and Related Uses

New Business

1. Proposed Zoning Amendment for *Accessory Dwelling Unit*: 153.002 Definition – Add Definition for *Accessory Dwelling Unit*; 153.076 Off Street Parking and Loading – Develop Parking Requirements for Accessory Dwelling Units; Add 153.315 Accessory Dwelling Units (New Section); and 153.176 Commercial, 153.206 Light Industrial Two and 153.226 Light Industrial One – Add *Accessory Dwelling Unit* as a Permitted Use
2. Proposed Zoning Amendments Chapter 153, Zoning – Reduce Minimum Lot Size to 15,000 Square Feet for Duplex Dwelling Units in 153.160(B)(2) Residential High, 153.180(B)(2) Commercial, 153.210(B)(2) Light Industrial Two and 153.230(B)(2) Light Industrial One

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

Response to Public Comment

Board Member Comment

Adjournment

Posted this 13th day of January 2021.

Jennifer Stecher
Planning Board Clerk

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 December 15, 2020, virtual meeting of the Kill Devil Hills Planning Board held remotely and electronically beginning at 5:30 p.m. utilizing Zoom software in order to maintain the safety of Town residents, Staff, and Planning Board members. There were several methods the public could use to participate in or view the meeting, which were detailed on the distributed meeting agenda.

Members Present: Chair Howard Buchanan, James Almoney, Mark Evans, T. Dillon Heikens, Mike Lowack, Ron Seidman, II, Mary Simpson

Members Absent:

Others Present: Meredith Guns, Planning Director; Cameron Ray, Assistant Planning Director; James Michael O’Dell, Deputy Town Clerk; Jennifer Stecher, Planning Board Clerk

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 via Zoom software. He conducted a roll call of Planning Board members:

Chairman Howard Buchanan	Here
James Almoney	Here
Mark Evans	Here
T. Dillon Heikens	Here
Mike Lowack	Here
Mary Simpson	Here

There were several attendees representing members of the public, and the panelists included the Planning Board members, Staff, and the applicant present and participating in the meeting. The meeting was managed by Deputy Town Clerk Michael O’Dell.

Agenda Approval

Mark Evans moved to approve the agenda for this meeting, as presented. James Almoney seconded that motion, and the motion carried unanimously, 6-0, which was recorded by roll call vote:

Chairman Howard Buchanan	Yes
James Almoney	Yes
Mark Evans	Yes
T. Dillon Heikens	Yes
Mike Lowack	Yes

Mary Simpson

Yes

Approval of the Minutes of the November 17, 2020 meeting

Mary Simpson moved to approve the minutes of the November 17, 2020, meeting as presented. Dillon Heikens seconded the motion, which carried unanimously, 6-0, and was recorded by roll call vote:

Chairman Howard Buchanan	Yes
James Almoney	Yes
Mark Evans	Yes
T. Dillon Heikens	Yes
Mike Lowack	Yes
Mary Simpson	Yes

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

Chair Buchanan stated that the Planning Board had received several public comment letters and emails, which will be included as part of the record of the meeting. The clerk read the names and address of each individual that submitted a public comment:

- Susan and Bill Smith of 1524 Baileys Bay Road, Kill Devil Hills
- David Obermeier of 1330 Devonshire Road, Kill Devil Hills
- Nicholas Opencar of 1521 Devonshire Road, Kill Devil Hills
- Lorena de la Garza of 1516 Baileys Bay Road, Kill Devil Hills
- Mike Greco of 1512 Baileys Bay Road, Kill Devil Hills

Response to Public Comment

No response from the Planning Board members regarding Public Comment.

Old Business

1. Conditional Site Plan Review - Bermuda Bay P.U.D. - Section 200A - Amend Site Plan for (2) Four Story Multi-Family Structures and Associated Site Improvements

The Conditional Use Site Plan Review submitted by BB Southampton Mews, LLC, for Bermuda Bay P.U.D., Section 220A, amending the previously approved conditional use site plan. The plan includes an amendment to the conditional use site plan including (2) four story multi-family structures (apartment style, mostly 1 or 2 bedroom units) including 112 units with 192 overall bedrooms and associated site improvements with the development name "Somerset." The packet contains the commercial site plan review application, email from applicant regarding phasing/construction schedule for Bermuda Bay PUD, applicant's attorney response to Staff's most recent technical review comments, and the Town Attorney's response. At its November 17,

2020, meeting, the Planning Board tabled this Conditional Use Site Plan Review for the applicant to address Staff conditions. The applicant has addressed most of Staff’s technical review conditions and only needs to incorporate the phasing plan from the applicant email dated 12/04/2020 into the site plan submittal to the KDH Board of Commissioners. Planning Staff recommended that the Planning Board forward the plan to the Board of Commissioners with a favorable recommendation after the phasing plan is incorporated into the site plan. Bob Howsare, applicant representative, was on the call to address any questions regarding the applicant.

Ms. Simpson asked whether the Town can hold the applicant to the schedule. Assistant Planning Director Ray noted that the schedule is necessary to bring site plan in compliance according to the Town ordinance. The Town Attorney has reviewed the schedule and has approved it. Mr. Almoney wanted clarification regarding homeowner association HOA stance on the development. Assistant Planning Director Ray replied that the Town attorney is satisfied with the information provided by the applicant’s attorney regarding HOA approval of the proposed development.

Mr. Evans moved to forward the Site Plan Review – Bermuda Bay P.U.D. - Section 200A - Amend Site Plan for (2) Four Story Multi-Family Structures and Associated Site Improvements, after the applicant incorporates the phasing plan into the site plan, to the Board of Commissioners for consideration. Mary Simpson seconded the motion, which carried unanimously, 6-0, and was recorded by roll call vote:

Chairman Howard Buchanan	Yes
James Almoney	Yes
Mark Evans	Yes
T. Dillon Heikens	Yes
Mike Lowack	Yes
Mary Simpson	Yes

2. Site Plan Review – 709 North Virginia Dare Trail – Ocean Impact Residential Zone – Proposed Cluster Home Development including (14) Single-Family Dwellings and Associated Site Improvements

The Site Plan Review submittal by SAGA Realty and Construction for a proposed Cluster Home Development at 709 North Virginia Dare Trail is proposed to include (14) detached single-family dwellings, shared driveway, dune walkover including an open and covered deck, and associated site improvements. Each proposed single-family dwelling is not to exceed 2,500 square feet of gross floor area and is designed as either a (A) unit with (4) bedrooms or (B) unit with (5) bedrooms. Additionally, each dwelling includes a pool and required parking is contained beneath the structure. The proposed cluster home development is a permitted use in the Ocean Impact Residential Zone. In the meeting materials, there is a commercial site plan review application, site plan, conceptual building plans, KDHWTP, LLC willingness to serve, and the applicant’s response to Town Staff technical review (1) comments, and most recent staff comments. The Planning Board tabled this Site Plan Review at the November 17, 2020, meeting for the applicant to address the absence of required floor plans and

elevation, as well as the need to provide note of locations where a fence is not being used for a buffer, showing that the landscaping will be buffer landscaping. Mr. Ray stated the applicant had addressed all of Staff's conditions and Staff recommended the plans be forwarded to the Board of Commissioners with a favorable recommendation. Mr. Almoney wanted to mention a response by the applicant to a technical comment regarding sprinkler system for each dwelling despite the applicant's opinion that they are not necessary. The accessibility road to the planned cluster home development does not meet the intent of section 503 of the NC Fire Code, therefore, the development is required to provide means of fire protection for each dwelling. Mr. Ray can explain to the applicant that the NC Fire Code, section 503 is the reason that an approved means of fire protection is necessary, in this case, is fire suppression for each dwelling.

Mr. Lowack moved to approve to forward the Site Plan Review – 709 North Virginia Dare Trail – Ocean Impact Residential Zone – Proposed Cluster Home Development including (14) Single-Family Dwellings and Associated Site Improvements, after the applicant is informed that the NC Fire Code requires sprinklers in each home, to the Board of Commissioners for consideration. Mr. Evans seconded the motion, which carried unanimously, 6-0, and was recorded by roll call vote:

Chairman Howard Buchanan	Yes
James Almoney	Yes
Mark Evans	Yes
T. Dillon Heikens	Yes
Mike Lowack	Yes
Mary Simpson	Yes

New Business

Ron Seidman joined the meeting at this point, it was 5:44 p.m.

1. Chapter 153.076 Off Street Parking and Loading - Review ordinance

Meredith Guns, Director of Planning, explained that at the November 12, 2020, Board of Commissioners meeting, the Board reviewed the off-street parking and loading ordinance to examine possible changes that will be beneficial to businesses while maintaining adequate parking. The Board of Commissioners requested the Planning Board consider changes to reduce parking requirements for large scale commercial projects that do not fall under shopping center/office complex and warehouse. Additionally, it was recommended to review the Parking Table, 153.076(D) specifically *Retail, Office and Related Uses*, to determine if some of these uses could be parked less than one space per 200 square feet of gross floor area. The Board of Commissioners would also like the Planning Board to consider reducing parking space size, possibly allowing for a percentage of spaces to be designated for compact vehicles.

Staff recommended the Planning Board consider the following:

1. Reduce the standard parking space size for commercial and multifamily from 10ft x 20ft to 10ft x 18ft or 10ft x 16ft with a two-foot overhang.

2. Allow for 20% of parking spaces on lots with required parking over 25 spaces be compact spaces 8ft x 16ft with two-foot overhang, which will be clearly marked “compact car.” This is similar to Virginia Beach, Wrightsville Beach, and Atlantic Beach regulations.
3. Reduce parking requirements for the following:
 - a. Medical offices/dentist (not urgent care) to 1 space per 250 square feet of gross floor area. These type of offices typically are by appointment and control the number of people based on services.
 - b. Hairstylist, tanning salons, barber shop to 1 space per 250 square foot of gross floor area. These are typically appointment based businesses.
 - c. Bank and Financial Institutions to 1 space per 250 square foot of gross floor area. Much banking is now done online or via the drive thru windows.
 - d. Business/Professional Office to 1 space per 250 square foot of gross floor area.
 - e. Tier retail building with one business based on size of building much like the shopping center parking requirements:
 - i. Retail less than 5,000SF – 1 space per 200 square feet of gross floor area.
 - ii. Retail 5,000-10,000SF – 1 space per 250 square feet of gross floor area.
 - iii. Retail greater than 10,000SF – 1 space per 300 square feet of gross floor area.

Ms. Guns confirmed that potential options will not create a lot of non-conformities, but will bring more businesses into compliance and will offer local businesses options. There was agreement among the Planning Board members to not allow compact car parking spaces. The Board would like to propose an amendment that will have a parking reduction incentive to reduce parking requirements per square foot if the reduction or reduced number of parking spaces are left as open green-space. Ms. Guns will return at a future meeting with a specific draft ordinance for the Planning Board’s consideration.

2. Proposed 2021 Meeting Schedule

The Board was in consensus to move the December 21 proposed meeting date to December 14 in an effort to avoid scheduling near the Christmas holiday.

Mr. Almone moved to adopt the 2021 meeting schedule with the change of replacing the December 21, 2021 meeting with December 14, 2021. Mr. Seidman seconded the motion, which carried unanimously, 7-0, and was recorded by roll call vote.

Chairman Howard Buchanan	Yes
James Almoney	Yes
Mark Evans	Yes

T. Dillon Heikens	Yes
Mike Lowack	Yes
Ron Seidman, II	Yes
Mary Simpson	Yes

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

The clerk read a comment from Maria Hester via the chat function on Zoom. Ms. Hester asked, “Does Devonshire still have to approve?”

Response to Public Comment

Chairman Buchanan and Planning Director Guns confirmed that the applicant has met the requirements for the Town and any issues the HOA may have with the applicant would not involve the Town.

Board Member Comment

Mr. Seidman apologized that he was late coming into the meeting due to technical difficulties.

Adjournment

There being no further business before the Planning Board at this time, Mr. Evans moved to adjourn this meeting. Ms. Simpson seconded the motion, which carried unanimously, 7-0, and was recorded by roll call vote:

Chairman Howard Buchanan	Yes
James Almoney	Yes
Mark Evans	Yes
T. Dillon Heikens	Yes
Mike Lowack	Yes
Ron Seidman, II	Yes
Mary Simpson	Yes

The time was 6:16 p.m.

Submitted by:

Jennifer Stecher
Clerk to the 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

Zoning Administrator
DONNA ELLIOTT

THE TOWN OF KILL DEVIL HILLS
NORTH CAROLINA

PLANNING DEPARTMENT

January 19, 2021

Memorandum

To: Planning Board

From: Meredith Guns, Planning Director *MG*

Subject: Proposed Zoning Amendment Chapter 153.076(D) Off-Street Parking And Loading - Modify Table of Parking Requirements for Retail, Office and Related Uses

At the October 12, 2020 Board of Commissioners meeting, the Board agreed to review the off-street parking and loading ordinance to examine possible changes that will be beneficial to businesses while maintaining adequate parking.

On December 14, 2020, the Planning Board reviewed the recent changes to the ordinance and staff recommendations for possible amendments. Those amendments included: reducing parking space dimensions, allowing compact car spaces, and reducing parking requirements for specific uses categorized in the Retail, Office and Related Uses.

Planning Board discussion eliminated changes to parking sizes and compact car spaces. However, the Board was interested in an overall parking reduction for some retail uses and also a reduction for larger retail and office spaces where the site seems to be over parked. Additionally, the Planning Board wanted any reduction in parking spaces to be required to be maintained as open area rather than it be an incentive to build larger buildings.

Attached is a revision to Chapter 153.076(D) Table of Parking Requirements (Retail, Office and related uses section only). Staff has removed the extensive list of uses that were previously listed in the table to create a more generic title of Retail, Office and Related Uses which is consistent with the remainder of the parking ordinance. This will simplify the table and reduce confusion since many permitted uses were not listed. The proposed amendment will park all Retail, Office and Related Uses at 1 space per 200 square feet of gross floor area. However, the proposal provides an exception for these uses to reduce parking based on building size (gross

floor area) and use provided that the reduced parking spaces remains open area. The proposed amendment goal is to reduce the size of parking areas (impervious surface) but preventing this parking reduction from resulting in bigger buildings with less parking.

Staff recommends that Planning Board review and be prepared to discuss the proposed amendment for a recommendation to the Board of Commissioners.

153.076(D) Table of Parking Requirements

<u>Retail Office and Related Uses:</u>	<u>1 space per 200 square feet of gross floor area</u>
<u>Exceptions to Retail, Office and Related Use:</u>	
<u>Medical Offices (not urgent care), Dentist, Hairstylist, Barber, Bank and Financial institutions and Business/Professional Offices with 5,000 gross floor area or less</u>	<u>1 space per 250 square feet of gross floor area provided the area that would be required for parking at the ratio above remain open area used for landscaping, stormwater or other use that does not create impervious areas.</u>
<u>5,001-10,000 gross square feet or less</u>	<u>1 space per 250 square feet of gross floor area provided the area that would be required for parking at the ratio above remain open area used for landscaping, stormwater or other use that does not create impervious areas.</u>
<u>10,001 gross square feet and over</u>	<u>1 space per 300 square feet of gross floor area provided the area that would be required for parking at the ratio above remain open area used for landscaping, stormwater or other use that does not create impervious areas.</u>
<u>Furniture stores with a minimum of 4,000 square feet</u>	<u>One parking space per 400 square feet of gross floor area</u>

Remove existing language:

Retail, office and related uses	Required parking – One parking space per 200 square feet of gross floor area for the following uses:	
	Antique shops	Hammocks
	Appliance stores	Hardware stores
	Art galleries	Home care systems (wheelchairs and the like)
	Arts and crafts	Jewelry stores
	Astrology and tarot card reading office	Laundromats
	Auto supplies	Medical offices less than 4,000 square feet with a minimum of 5 spaces
	Automobile sales, rentals, and repair	Motorecycle sales and service
	Bait and tackle shops	Music stores

Bank	Paint and wall treatment stores
Beauty parlors/barber shops/nail salons	Personal spas
Blueprint business (reproductions and the like)	Pet stores
Boat sales, rentals, and repair	Pharmacies/drug store
Body piercing	Photo shops (film processing, sales and the like)
Books	Pools and spas
Broadcast studios	Post office
Business/professional	Produce markets
Carpet and flooring	Rental shops
Clothing	Safety equipment
Clothing (tailor)	Shoe repair
Convenience stores	Sign business
Cycle and skate shops	Tanning salons
Dry cleaners	Taxicab operations
Electronic equipment, sales and repair	Thrift stores/consignment shop
Embroidering/screen printing shops	Toy stores
Financial institutions	Trophy and engraving shop
Florists	Surfboard manufacture shop
Food/produce/grocery store	Video, audio, and lighting
Frames (picture frames, matting and the like)	Water care products and supplies
Furniture	Window and door stores
Gift shops	Wood crafts and hobbies
Government offices	Dental offices

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 Chapter 153.076(D) Off-Street Parking And Loading - Modify Table of Parking Requirements for Retail, Office and Related Uses

Approval: Planning Board finds that the proposed amendments to Chapter 153, Zoning Chapter 153.076(D) Off-Street Parking And Loading to modify table of parking requirements for Retail, Office and Related Uses 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 eighteenth day of January, 2021.

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

Zoning Administrator
DONNA ELLIOTT

THE TOWN OF KILL DEVIL HILLS
NORTH CAROLINA

PLANNING DEPARTMENT

January 19, 2021

Memorandum

To: Planning Board

From: Meredith Guns, Planning Director 

Subject: Proposed Zoning Amendment For *Accessory Dwelling Unit*: 153.002 Definition - Add Definition for *Accessory Dwelling Unit*; 153.076 Off Street Parking and Loading - Develop Parking Requirements for Accessory Dwelling Units; Add 153.315 Accessory Dwelling Units (New Section); and 153.176 Commercial, 153.206 Light Industrial Two and 153.226 Light Industrial One- Add *Accessory Dwelling Unit* as a Permitted Use

At the December 14, 2020 and January 11, 2021 Board of Commissioners meeting, the Board discussed several housing options with the intent to relax some existing regulations and create other housing alternatives not currently permitted in Town.

The Board directed staff to develop regulations to permit Accessory Dwelling Units in the Town. At the January 11, 2021, the Board reviewed possible regulations for Accessory Dwelling Units including where to allow accessory dwelling units in Town. The discussion was primarily focused on the Commercial, Light Industrial I and II Zoning Districts which currently allows multi-family dwellings, warehouses, single family and duplex dwelling. The Board of Commissioners forwarded the recommendations to the Planning Board for consideration.

Attached is a proposed amendment which includes the following:

1. Creates a new section of the Zoning Ordinance, 153.315, to develop regulations for Accessory Dwelling Units
2. Amendment to 153.002 Definitions to define Accessory Dwelling Units
3. Amendment to 153.076 Parking to develop parking requirements for Accessory Dwelling Units
4. Amendments to add Accessory Dwelling Units as a permitted use to the following zones: 153.176 Commercial, 153.206 Light Industrial 2 and 153.226 Light Industrial 1

Staff recommends the Planning Board review the attached ordinance for discussion and action.

Proposed Amendment – Accessory Dwelling Units

153.002 Definitions

Accessory dwelling unit - A secondary dwelling unit established on one parcel in conjunction with a principal single-family dwelling unit. Accessory dwelling units shall be subordinate in floor area, bulk, and height to principal single-family dwelling unit. An accessory dwelling unit may be included as part of the principal single-family dwelling unit, attached to the principal single-family dwelling unit by an enclosed walkway, or entirely detached from the principal single-family dwelling unit. The use of manufactured or mobile homes, travel trailers, motorhomes, campers or similar vehicles as an accessory dwelling unit is prohibited.

153.315 Accessory Dwelling Units (new section)

(A) Purpose. The purpose of these provisions for all accessory dwelling units is to allow the efficient use of existing housing stock, parcels of land, and community infrastructure, and to increase the number and variety of residential units while respecting the scale and character of existing neighborhoods.

(B) General provisions. Accessory dwelling units (ADU) are allowed as permitted uses in Commercial, Light Industrial 1 and Light Industrial 2 Zoning Districts, subject to the following standards:

1. An accessory dwelling unit can only be located on a property containing one single-family detached dwelling. The property may contain other accessory structures and uses as permitted in this section.
2. No more than one accessory dwelling unit shall be permitted per residential lot.
3. Accessory dwelling units shall not be larger than 50 percent of the living area of the primary residence, or 800 square feet, whichever is lesser.
4. An accessory dwelling unit must comply with all applicable minimum building setback requirements and a detached accessory dwelling unit cannot extend beyond of the front of the primary residence.
5. An accessory dwelling unit must be properly permitted, inspected, and comply with all applicable standards of the N.C. Building Code and Kill Devil Hills Town Code.
6. The owner must obtain a permit from the Dare County Environmental Health Department that the existing wastewater system can accommodate or be improved to accommodate the establishment of an accessory dwelling unit.
7. Accessory Dwelling units shall be parked in accordance with 153.076 Off Street Parking and Loading.
8. Recreational vehicles, travel trailers and/or manufactured homes shall not be used or approved as an Accessory Dwelling Unit.
9. An Accessory Dwelling Units shall not be subdivided or segregated in ownership from the principal dwelling unit.

153.076 Off Street parking and Loading

Dwellings – single-family, duplex and multi-family (including mobile homes)	2 parking spaces per dwelling unit, plus 1 parking space for each bedroom over 2
<u>Dwellings – Accessory Dwelling Unit</u>	<u>1 parking space per Accessory Dwelling Unit plus 1 space for each bedroom over 1</u>

153.076 Commercial Permitted Uses

(E) On-site accessory structures; Accessory Dwelling Unit

153.206 Light Industrial 2 Permitted Uses

(E) On-site accessory structures; Accessory Dwelling Unit

153.226 Light Industrial 1 Permitted Uses

(E) On-site accessory structures; Accessory Dwelling Units

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 For *Accessory Dwelling Unit*: 153.002 Definition - Add Definition for *Accessory Dwelling Unit*; 153.076 Off Street Parking and Loading - Develop Parking Requirements for Accessory Dwelling Units; Add 153.315 Accessory Dwelling Units (New Section); and 153.176 Commercial, 153.206 Light Industrial Two and 153.226 Light Industrial One- Add *Accessory Dwelling Unit* as a Permitted Use

Approval: Planning Board finds that the Proposed *Accessory Dwelling Unit* (as listed above) – To Add new section to regulate Accessory Dwelling units and allow as permitted uses in Commercial, light Industrial 2 and Light Industrial 1 Zone 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 eighteenth day of January, 2021.

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
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CAMERON RAY

Senior Planner
RYAN LANG

Zoning Administrator
DONNA ELLIOTT

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

PLANNING DEPARTMENT

January 19, 2021

Memorandum

To: Planning Board

From: Meredith Guns, Planning Director *MG*

Subject: Proposed Zoning Amendments Chapter 153, Zoning – Reduce Minimum Lot Size to 15,000 Square Feet for *Duplex Dwelling Units* in 153.160(B)(2) Residential High, 153.180(B)(2) Commercial, 153.210(B)(2) Light Industrial Two and 153.230(B)(2) Light Industrial One

At the December 14, 2020 Board of Commissioners meeting, the Board discussed several housing options with the intent to relax some existing regulations specifically duplex dwelling units.

The Board directed staff to reduce lot size for duplex dwellings to 15,000 square feet in zoning districts that allow multi-family dwellings on the same lot size. This includes duplex regulations in the Residential High, Commercial, Light Industrial 2 and Light Industrial 1 Zoning Districts.

At the January 11, 2021 Board of Commissioners meeting, the Board forwarded the proposed amendments to the Planning Board for consideration.

Below are the proposed to 153.160(B)(2) Residential High, 153.180(B)(2) Commercial, 153.210(B)(2) Light Industrial 2 and 153.230(B)(2) Light Industrial 1:

153.160(B)(2) Site Requirements Residential High

(B) Lot Area

(2) The minimum building site for a duplex shall be ~~20,000~~ **15,000** square feet.

153.180(B)(2) Site Requirements Commercial

(B) Lot Area

(2) The minimum building site for a duplex shall be ~~20,000~~ **15,000** square feet.

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153.210(B)(2) Site Requirements Light Industrial 2

(B) Lot Area

(2) The minimum building site for a duplex shall be ~~20,000~~ **15,000** square feet.

153.230(B)(2) Site Requirements Light Industrial 1

(B) Lot Area

(2) The minimum building site for a duplex shall be ~~20,000~~ **15,000** square feet.

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 Amendments Chapter 153, Zoning – Reduce Minimum Lot Size to 15,000 Square Feet for *Duplex Dwelling Units* in 153.160(B)(2) Residential High, 153.180(B)(2) Commercial, 153.210(B)(2) Light Industrial Two and 153.230(B)(2) Light Industrial One

Approval: Planning Board finds that the proposed amendments Chapter 153, Zoning to Reduce Minimum Lot Size to 15,000 Square Feet for *Duplex Dwelling Units* in 153.160(B)(2) Residential High, 153.180(B)(2) Commercial, 153.210(B)(2) Light Industrial Two and 153.230(B)(2) Light Industrial One 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 eighteenth day of January, 2021.

Attest:

Planning Board Chairman

Secretary of Planning Board