

Minutes of the January 19, 2021 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, and Ron Seidman, II, and Mary Simpson.

Members Absent:

Others Present: Meredith Guns, Planning Director; Cameron Ray, Assistant Planning Director; and Jennifer Stecher, Clerk to the Planning Board

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:

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

The panelists included the Planning Board members and Planning Department Staff, all participating remotely in the meeting. The meeting was managed by Jennifer Stecher, Clerk to the Planning Board.

Agenda Approval

Mark Evans moved to approve the agenda for this meeting, as presented. Mike Lowack seconded that motion, and the motion carried unanimously, 7-0, which was recorded by roll call vote:

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

Approval of the Minutes of the December 15, 2020 meeting

T. Dillon Heikens moved to approve the minutes of the December 15, 2020, meeting as presented. James Almoney seconded that motion, and the motion carried by 7-0 vote.

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

Public Comment

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

At the October 12, 2020, Board of Commissioners (BOC) meeting, the BOC 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 15, 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 Retail, Office and Related Uses. The Board discussed eliminating 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 an incentive to build larger buildings.

Planning Director Meredith Guns presented the revisions Staff made based on the previous Planning Board meeting discussions. The revision to Chapter 153.076(D) Table of Parking Requirements (Retail, Office and related uses section only) includes eliminating the extensive list of uses and replaces it with a more generic title of Retail, Office and Related Uses, which is consistent with the remainder of the parking ordinance. Ms. Guns explained that this will simplify the table and reduce confusion since many permitted uses were not listed on the original table. The recommended amendment will set all parking for Retail, Office and Related Uses at 1 space per 200 square feet of gross floor area. However, Planning Director Guns clarified that 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 in an effort to reduce the size of parking area (impervious surface) but preventing this parking reduction from resulting in bigger buildings with less parking.

Mr. Evans moved to approve and forward the Proposed Zoning Amendment Chapter 153.076(D) Off-Street Parking and Loading – Modify Table of Parking Requirements for Retail, Office and Related Uses to the Board of Commissioners for consideration, along with its consistency statement. Mary Simpson seconded the motion, which carried unanimously, 7-0, and was recorded by roll call vote:

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

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

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

The BOC directed Staff to develop regulations to permit Accessory Dwelling Units in the Town. At its January 11, 2021, meeting, the BOC 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 allow multi-family dwellings, warehouses, single family and duplex dwellings. The BOC forwarded the recommendations to the Planning Board for consideration. Staff proposed several amendments, which include the following:

- Creation of a new section of the Zoning Ordinance, 153.315, to develop regulations for Accessory Dwelling Units
- Amendment to 153.002 Definitions, to define Accessory Dwelling Units
- Amendment to 153.076 Parking, to develop parking requirements for Accessory Dwelling Units
- 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

Planning Director Guns specified the definition for Accessory Dwelling Units and a new section of Ordinance 153.15 for Accessory Dwelling Units.

Chair Buchanan asked if other towns were developing similar amendments on Accessory Dwelling Units. Ms. Guns explained that Duck, Dare County, and Kitty Hawk allow Accessory Dwelling Units; the Town used those neighboring codes to create the proposed amendments. Mr. Almoney believed there should be a minimum lot size to add an Accessory Dwelling Unit in any zone within the Town except the Ocean Impact Residential or Maritime Forest Zones. Ms. Guns explained that the BOC’s intent was to start with the mentioned zones and implementing it town-wide if it becomes a successful change. The Board discussed the many requirements necessary to have an Accessory Dwelling Unit permitted as well as the approval of Dare County for septic allowance.

Mr. Lowack moved to approve the Proposed Zoning Amendment for *Accessory Dwelling Units*: 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 presented, with the consistency statement, as a Permitted Use to the Board of Commissioners for consideration. Mr. Seidman seconded the motion, which carried 6-1, and was recorded by roll call vote:

James Almoney	No	Ron Seidman, II	Yes
Mark Evans	Yes	Mary Simpson	Yes
T. Dillon Heikens	Yes	Chairman Howard Buchanan	Yes
Mike Lowack	Yes		

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

Planning Director Guns explained the amendment originally started with the BOC’s intent to lessen some of the regulations, specifically for Duplex Dwelling Units. The BOC proposed decreasing the minimum lot size to 15,000 square feet (from 20,000 square feet) for Duplex Dwelling Units in Residential High, Commercial, Light Industrial Two and Light Industrial One to bring consistency to the ordinance.

Mr. Evans moved to approve requested zoning amendments Chapter 153 to Reduce the 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 and, along with its consistency statement. Ms. Simpson seconded the motion, which carried 7-0, and was recorded by roll call vote:

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

Public Comment

Duke Geraghty with Outer Banks Home Builders Association thanked the Staff and Planning Board for creating the Accessory Dwelling Amendment. Mr. Geraghty feels there should be more options for individuals with varying income levels that want to live in Kill Devil Hills. He felt that the Ordinance needs to be opened up to the Residential area in order for it to fulfill the need for more types of housing.

Response to Public Comment

Mr. Almoney agreed with Mr. Geraghty that the Accessory Dwelling Units should be allowed in Residential areas now, instead of waiting. Chairperson Buchanan agreed with Mr. Almoney and thinks that the Accessory Dwelling Unit Amendment should be approved now for all Zones rather than approving just a few zones.

Board Member Comment

Adjournment

There being no further business before the Planning Board at this time, Ms. Simpson moved to adjourn the meeting. Mr. Heikens seconded the motion, which passed with a unanimous, 7-0, vote. It was 6:16 p.m.