



TOWN OF KILL DEVIL HILLS

MEMORANDUM

March 8, 2021

TO: Mayor and Board of Commissioners

FROM: Debora P. Díaz, Town Manager

REF: Public Hearings

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

A. §153.076(D) Off-Street Parking and Loading - modify Table of Parking Requirements for Retail, Office and Related Uses

On October 12, 2020, the Board of Commissioners agreed to review the off-street parking and loading ordinance to examine possible changes that could be beneficial to businesses while maintaining adequate parking. After BOC review of Staff's recommendation for reduction of parking space dimensions, allowing compact car spaces, and reducing parking requirements for specific uses categorized in the Retail, Office and Related Uses, the BOC directed Planning Board review of Staff's recommendation and consideration of other possible amendments, as well.

The PB adjusted Staff's recommendation and the amendment presented for public hearing at this meeting is a result of BOC consideration and direction, and Planning Board and Staff collaboration to achieve BOC goals. The language simplifies the Table of Parking Requirements, establishes a one parking space per 200 square feet of gross floor area for all Retail, Office and Related Uses and provides an exception for these uses to reduce parking based on building size and use provided that the reduced parking spaces remain open area.

The recommended amendment reduces the size of parking area, yet prevents parking reduction from resulting in bigger buildings with less parking.

The final language was reviewed by the Planning Board on January 19, 2021 at which meeting they voted to recommend it to the BOC for public hearing and approval.

At the conclusion of the public hearing, a motion will be in order to approve, disapprove, or table the amendment for further consideration. Additionally, a finding must be established by the Board with respect to the change; therefore, in the motion to approve or disapprove the amendment, the following language must be included:

"The Board of Commissioners finds that the proposed amendment to §153.076(D) Off-Street Parking and Loading - modify Table of Parking Requirements for Retail, Office and Related Uses is (consistent)(inconsistent) with all comprehensive plans or other

official adopted plans of the Town of Kill Devil Hills that are applicable and that the amendment is (reasonable)(unreasonable) in the public interest because _____.”

B. §153.002 Definition add definition for *Accessory Dwelling Unit*; add §153.315 *Accessory Dwelling Units (new section)*; and §153.176 Commercial, §153.206 Light Industrial 2 and §153.226 Light Industrial 1- add *Accessory Dwelling Unit as a Permitted Use*

This recommended amendment is also the result of collaborative effort between the BOC, PB and Staff. In December and January, the BOC discussed several housing options with the intent to relax some existing regulations and create other housing alternatives which are not currently permitted in Kill Devil Hills. The BOC reviewed possible regulations for Accessory Dwelling Units. Discussion on where they might be allowed focused on the Commercial, Light Industrial I and II zones, which currently allow multi-family dwellings, warehouses, single-family and duplex dwellings. On January 19, 2021 the Planning Board reviewed this amendment, which allows Accessory Dwelling Units in the zones identified immediately above, with a favorable recommendation for public hearing and approval.

At the conclusion of the public hearing, a motion will be in order to approve, disapprove, or table the amendment for further consideration. Additionally, a finding must be established by the Board with respect to the change; therefore, in the motion to approve or disapprove the amendment, the following language must be included:

“The Board of Commissioners finds that the proposed amendment to §153.002 *Definitions.*, to add a definition for *Accessory Dwelling Unit*; add §153.315 *Accessory Dwelling Units (new section)*; and §153.176 Commercial, §153.206 Light Industrial 2 and §153.226 Light Industrial 1- add *Accessory Dwelling Unit as a Permitted Use* is (consistent)(inconsistent) with all comprehensive plans or other official adopted plans of the Town of Kill Devil Hills that are applicable and that the amendment is (reasonable)(unreasonable) in the public interest because _____.”

C. 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 2 and §153.230(B)(2) Light Industrial 1

The BOC discussed several housing options at the December 14, 2020 meeting, with the intent to relax some existing regulations, specifically on duplex dwellings. This requested amendment would decrease the minimum lot size for a duplex development from 20,000 to 15,000 square feet in those zoning districts which currently allow multi-family dwellings on the same lot size. At its meeting on January 19, 2021, the Planning Board reviewed the final recommended amendments and voted to forward it for consideration by the BOC.

At the conclusion of the public hearing, a motion will be in order to approve, disapprove, or table the amendment for further consideration. Additionally, a finding must be established by

the Board with respect to the change; therefore, in the motion to approve or disapprove the amendment, the following language must be included:

“The Board of Commissioners finds that the proposed amendment 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 2 and §153.230(B)(2) Light Industrial 1 is (consistent)(inconsistent) with all comprehensive plans or other official adopted plans of the Town of Kill Devil Hills that are applicable and that the amendment is (reasonable)(unreasonable) in the public interest because _____.”

_____.”