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THE TOWN OF KILL DEVIL HILLS
NORTH CAROLINA

PLANNING DEPARTMENT

December 13, 2021

Memorandum

To: Debbie Diaz, Town Manager

From: Cameron Ray, Assistant Planning Director 

Subject: Proposed Zoning Amendment — 153.076(A)(13) Off Street Parking and Loading to add sidewalk requirements for Cottage Courts & Cluster Homes

During the recent cluster home review, it has come to staff's attention if Cottage Courts and Cluster homes are allowed in the entire Commercial Zone, as proposed in the zoning amendment request by Eddie Goodrich, staff would like to clarify that sidewalks will be required along US158, similar to all other multi-family and commercial developments.

On November 16, 2021 the Planning Board recommended approval of the below attached amendment to 153.076(A)(13)

§ 153.076 OFF-STREET PARKING AND LOADING.

(A) *Detailed specifications.* Required off-street parking spaces are permanent areas and shall not be used for any other ground purpose; and shall be constructed in accordance with generally accepted engineering practices.

(13) *Sidewalk requirements for commercial, cottage courts, cluster homes, and multi-family development abutting US 158 in the Commercial Zoning District.* Sidewalk improvements shall be installed along the entire length of properties fronting US 158. The sidewalk improvements shall be a minimum width of five feet and meet all NCDOT standards.

Staff recommends setting the required public hearing for January 10, 2022.

PLANNING BOARD REPORT

Per NCGS 160D-604(b), Zoning Amendments. – Subsequent to initial adoption of a zoning regulation, all proposed amendments to the zoning regulation or zoning map shall be submitted to the planning board for review and comment. If no written report is received from the planning board within 30 days of referral of the amendment to that board, the governing board may act on the amendment without the planning board report. The governing board is not bound by the recommendations, if any, of the planning board.

Per NCGS 160D-604(d), Plan Consistency – When conducting a review of proposed zoning text or map amendments pursuant to this section, the planning board shall advise and comment on whether the proposed action is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the governing board 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 comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board. If a zoning map amendment qualifies as a "large-scale rezoning" under G.S. 160D-602(b), the planning board statement describing plan consistency may address the overall rezoning and describe how the analysis and policies in the relevant adopted plans were considered in the recommendation made.

PLANNING BOARD RECOMMENDATIONS

Proposed Amendment Title: Proposed Zoning Amendment—§153.076(A)(13) Off Street Parking and Loading to add sidewalk requirements for Cottage Courts & Cluster Homes

Approval/Denial: Planning Board finds that the Proposed Zoning Amendment §153.076(A)(13) Off Street Parking and Loading to add sidewalk requirements for Cottage Courts & Cluster Homes is/is not consistent with the adopted Land Use Plan.

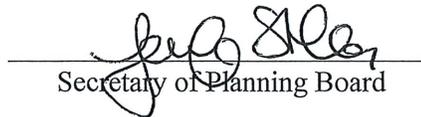
Therefore, the Planning Board finds the proposed amendment is consistent/inconsistent with the objectives and policies contained in the Kill Devil Hills Land Use Plan and/ or other officially adopted plans of the Town that are applicable.

This report reflects the recommendation of the Planning Board with a vote of 6 to 0, this the Sixteenth day of November, 2021.

Attest:



Planning Board Chairman



Secretary of Planning Board