



TOWN OF KILL DEVIL HILLS

Land Where Flight Began

NOTICE OF PUBLIC MEETING

NOTICE IS HEREBY GIVEN that on Tuesday, October 18, 2022, at 5:30 p.m., the Kill Devil Hills Planning Board will hold its regular meeting of the month in the Town Hall Meeting Room, located at 102 Town Hall Drive, Kill Devil Hills.

A printed packet is available for public inspection in the Planning Department, 102 Town Hall Drive. To schedule an inspection time, contact the Department at 252-449-5318. Packet materials can be viewed on the Town's website at <https://www.kdhnc.com/743/Meetings-Agendas-Packets-Minutes>.

Written public comments for the Planning Board can be emailed to info@kdhnc.com. Comments must include your name and address and are limited to three minutes for individuals, and five minutes when speaking for a group.

AGENDA

Call to Order

Agenda Approval

Approval of the Minutes of the June 21, 2022, meeting

Public Comment

Response to Public Comment

Ongoing Business

New Business

1. Election of Chairperson
2. Proposed Zoning Amendment – §153.076(A)(9)(h) & §153.076(D) Off-Street Parking and Loading – Create Parking and Driveway Requirements for Emergency Services Facilities
3. Zoning Ordinance Update –Introduction/Report

Public Comment

Response to Public Comment

Board Member Comment

Adjournment

Posted this 12th day of October 2022.

Jennifer Stecher

Administrative Assistant/Deputy Town 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 Tuesday, June 21, 2022, meeting of the Kill Devil Hills Planning Board held at 5:30 p.m. in the Town Hall Meeting Room of 102 Town Hall Drive, Kill Devil Hills.

Members Present: Chairperson Howard Buchanan, Becky Breiholz, T. Dillon Heikens, Mike Lowack, Natalie Painter, Ron Seidman, II, and Mary Simpson

Others Present: Cameron Ray, Assistant Planning Director; and Jennifer Stecher, Administrative Assistant/Deputy Town Clerk

Call to Order

At 5:30 p.m., Chairperson Howard Buchanan called the Tuesday, June 21, 2022, meeting of the Kill Devil Hills Planning Board to order.

Agenda Approval

Ms. Simpson moved to approve the agenda for this meeting, as presented. Mr. Seidman seconded the motion, which carried by a unanimous, 6-0, vote.

Approval of the Minutes of the May 24, 2022 meeting

Mr. Seidman moved to approve the minutes of the May 24, 2022, meeting, as presented. Ms. Painter seconded the motion, which carried by a unanimous, 6-0, vote.

Public Comment

Brian Seawell, PE, House Engineering, New Business 1 Applicant – Mr. Seawell requested that the Planning Board consider eliminating the Town’s ordinance to require 15 copies of paper site plans. He stated that the elimination of the required paper site plans would make the process less costly, more efficient, and less of a burden to the environment and the consumers.

Response to Public Comment

New Business

1. Site Plan Review - 3206 Briggs Street - Proposed Two 4-Unit Townhomes in the Commercial Zone

The proposed site plan at 3206 Briggs Street in the Commercial Zone, to construct two 4-unit townhomes (each unit being 2 bedrooms), 22 parking spaces, and associated site modifications submitted by House Engineering. The proposed multifamily development is a permitted use in the Commercial Zone (C) *Multi Family Dwellings*.

All Staff comments regarding the site plan have been addressed. Staff recommended that the Planning Board forward the plan to the Board of Commissioners with a favorable recommendation.

Clarification was made in regards to the Briggs Street off-street parking on the site plan confirmed that will count as parking for the four two-unit townhomes. The site plan engineer stated that the applicant plans to have the proposed site plan be used for year round rentals and not short-term vacation rentals. The units are presently not for individual sale but may be in the future. The engineer explained how the drain field and the water treatment will work for this property.

Mr. Lowack moved to forward the proposed site plan at 3206 Briggs Street in the Commercial Zone, to construct two 4-unit townhomes to the Board of Commissioners with a favorable recommendation. Ms. Simpson seconded the motion, which carried by a unanimous, 6-0, vote.

Public Comment

Response to Public Comment

Board Member Comment

Chairperson Buchanan welcomed Becky Breiholz as the newest member of the Planning Board.

Adjournment

There being no further business before the Planning Board at this time, Mr. Seidman moved to adjourn the meeting. Ms. Breiholz seconded the motion, which passed with a unanimous, 6-0, vote.

It was 5:39 p.m.

Submitted by:

Jennifer Stecher
Administrative Assistant/Deputy Town Clerk

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

October 18, 2022

Memorandum

To: Planning Board

From: Cameron Ray, Assistant Planning Director 

Subject: Proposed Zoning Amendment—§153.076(A)(9)(h) & §153.076(D) Off-Street
Parking and Loading— Create Parking and Driveway Requirements for
Emergency Services Facilities

During the site plan design process for the proposed Kill Devil Hills Fire and Dare County EMS joint facility, it has been recognized that the Town code provisions do not address off-street parking and loading requirements for this land use. Attached is an amendment to 153.076 Off-Street Parking and Loading including required parking and driveway requirements. The amendment requires emergency services to have one parking space per employee and then an additional one parking space per 200 square feet of training facility and customer service areas. Also, the proposed amendment creates special entrance requirements that meet the needs of emergency services including a maximum width of 115' entrance. The proposed amendment will provide adequate standards for the emergency services uses in Town.

Staff recommends the Planning Board review and forward the proposed amendment and consistency statement to the Board of Commissioners with a favorable recommendation.

§ 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.

(h) Special entrance requirements - Emergency Services. Where a lot abuts U.S. 158/Croatan Highway and does not abut any other dedicated public right-of-way, one entrance shall be allowed consistent with the following dimensional requirements: the width of a commercial driveway shall not exceed 115 feet measured at the property line. The outside radius (R) of an entrance/exit connection shall be a minimum of five feet, not to exceed a maximum of 45 feet.

(D) *Table of parking requirements.*

<i>Institutional uses</i>	<i>Required parking</i>
<u>Emergency Services Facility (Police, Fire, EMS)</u>	<u>1 parking space per employee on duty and 1 parking space per 200 square feet of training facility and customer service areas</u>

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)(9)(h) & §153.076(D) Off-Street Parking and Loading— Create Parking and Driveway Requirements for Emergency Services Facilities

Approval/Denial: Planning Board finds that the Proposed Zoning Amendment §153.076(A)(9)(h) & §153.076(D) Off-Street Parking and Loading— Create Parking and Driveway Requirements for Emergency Services Facilities 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 ____to____, this the Eighteenth day of October, 2022.

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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THE TOWN OF KILL DEVIL HILLS
NORTH CAROLINA

PLANNING DEPARTMENT

October 18, 2022

Memorandum

To: Planning Board

From: Cameron Ray, Assistant Planning Director 

Subject: Zoning Ordinance Update - Presentation

The Town of Kill Devil Hills has recently contracted with Stewart Engineering Community Planning group to perform a focused revision/update to Chapter 153 Zoning Code of the KDH Code of Ordinances. The purpose of the update to the Zoning Code is to improve overall structure, readability, and composition of the ordinance. Additionally, the update will focus on some revisions to reflect existing practices and revise regulation to meet Town goals and remove conflicts. Overall the revisions will create a user-friendly document and while incorporating current best practices on topics such as nonconformities, commercial site plan review, and redevelopment standards. The last update to the Town Zoning Code was in 1999. Attached is a presentation by our consultant that provides additional details. The Planning Board will be the primary board to review the revisions to Chapter 153.



ORDINANCE UPDATE

Facilitated by:



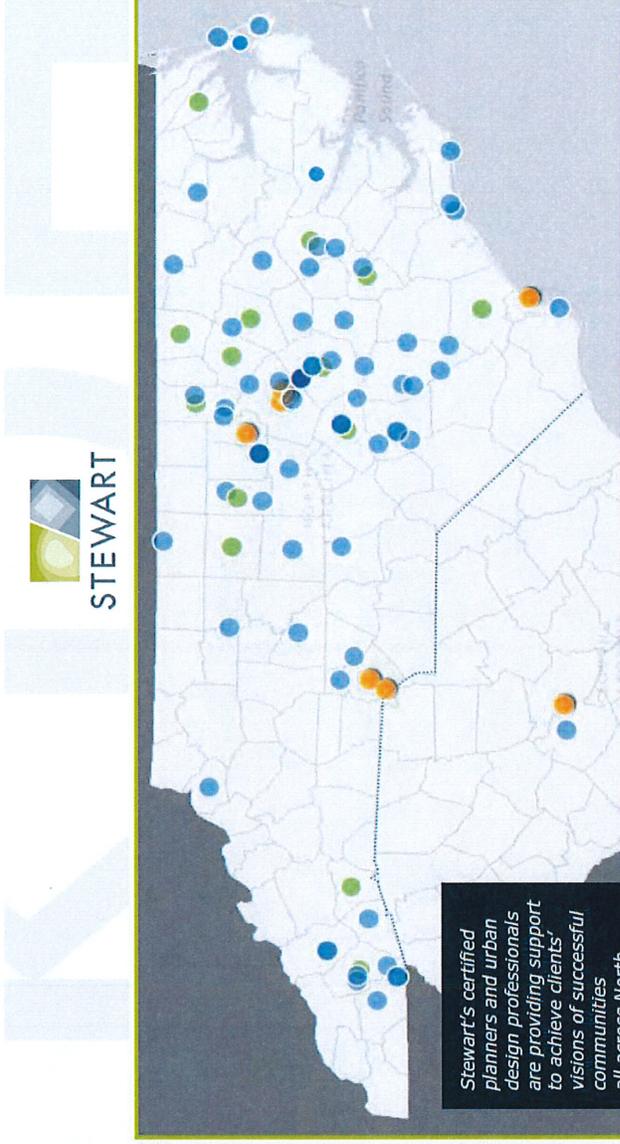
STEWART

PRACTICE AREAS

- Civil Engineering
- **Transportation & Planning**
- Geomatics
- Geotechnical Engineering & Construction Services
- Landscape Architecture
- Structural Engineering

OFFICE LOCATIONS

- Raleigh (HQ)
- Charlotte
- Columbia
- Durham
- Wilmington



Stewart's Community Planning group works with local governments across the Carolinas on land use plan and ordinance mandates

THE PROJECT TEAM



Town Staff

- Meredith Guns
- Cameron Ray

Planning Board

- Howard Buchanan
- Ron Seidman II
- T. Dillion Heikens
- Michael Lowack
- Natalie Painter
- Mary Simpson
- Becky Breiholz



STEWART



Jay McLeod, AICP



Andrea Radford,
AICP Candidate



Jaquasha
Colón, AICP



Ben Cotton, AICP

STEERING COMMITTEE

- Review materials
- Provide reactions to proposed revisions
- Keep stakeholders and the public informed



PROJECT PURPOSE

General – structure, readability, organization, modernization

- Remove redundant procedures and requirements
- Create a more user-friendly document
- Enhance organizational structure and readability
- Review and revise outdated development standards
- Review and revise development review procedures and advise on best practices
- Explore the opportunity for innovative development standards
- Review and revise the format and structure

Specific – review and advise on best practices

- Nonconformities, incl. redevelopment
- Signage – standardize and simplify; recreate graphics
- Site Plan Review
- Nonresidential/Commercial Building Design Standards – consolidate
- Exceptions – relocate and revise as needed
- Add use design standards where needed; relocate when already existing

SCHEDULE AND PROCESS

- 10/18: Joint Board of Commissioners / Planning Board
- 10/24: Stakeholder interviews
- October – January: Ordinance drafting
- January: Public meeting, Q&A on draft ordinance
- February: Planning Board review and recommendation
- March: Board of Commissioners review and adoption



Aug. / Sept. 2022

Mar. 2023

ORDINANCE REVISION PROCESS

Overall Chapter 153 ordinance review and comment based on project scope



Review and revision, article by article



Review and adoption by Town





REORGANIZATION

1. **Establishment:** general provisions, establishment/interpretation, application of regulations
2. **Nonconformities**
3. **Design Standards:** most items from General Regulations, building height limits table, landscaping, etc.
4. **Zoning Districts, Use Regulation, and Standards:** all zoning districts, min. lot size, setbacks, Table of Permitted Uses (TOPU), use standards and special regulations
5. **Administration and Enforcement**
6. **Review Procedures**
7. **Signage**
8. **Definitions**
9. **Appendices**

DEFINITIONS

- Review, revise, simplify, clarify
- Compare to definition in State Building Code: building, dwelling, dwelling unit, bedroom, sleeping unit
- Clarify definitions that relate to nonconformities

DEVELOPMENT REVIEW

- Applications and Plan review – clarify administrative vs. substantive requirements
- Formalize the Zoning Compliance Permit process – certifies the use is in conformity with Chapter 153; gateway to building permit; previously an informal, implied process
- Switch Special Use Permit review to Board of Adjustment
- Clarify triggers for bringing sites into compliance (i.e. – nonconformities)
- Review bodies (Planning Board, Council, BOA, etc.) sections consolidated

CONSOLIDATED TABLES

- Example of a Table of Permitted Uses (TOPU)
- Easy to quickly determine if a land use is allowed in a particular zoning district
- Tables for setbacks, heights, lot size, etc.

Specific Use	Residential Districts				Nonresidential Districts			
	AR	R-80	R-30	R-8	NB	GB	HI	
P=Permitted use (by-right) ¹	S=Special Use Permit required CZ2 = Tier 2 Conditional Zoning required							
RESIDENTIAL USE GROUP (Section 5.3.4)								
Household Living								
Single-Family Dwelling, Detached House	P	P	P	P	-	-	-	-
Two-Family Dwelling, Duplex	P	P	P	P	-	-	-	-
Manufactured home	P	P	P	P	-	-	-	-
Manufactured home subdivision/park	S	-	-	-	-	-	-	-
Multi-Family (condominium/apartment, townhomes)	-	-	-	-	-	-	S	-
Upper-story residence	-	-	-	-	P	P	P	-

ADMINISTRATION

- Clarify duties of Zoning Administrator (aka Planning Director)
- Clarify duties of Planning Board, Board of Adjustment, etc.
- Focus on what is required for each application type and let the administrative items (# copies, when to submit, review timelines, etc.) be handled by the administrative staff

KLRF

NEXT STEPS

- Staff to refine scope and proposed revisions with Stewart.
- Meeting (10/24) with local stakeholders to inform and get initial reaction.
- Stewart to begin revising ordinances.
- Anticipated rollout to the public in January 2023 or before and subsequent public meeting to review and Q&A.

Thank you

Staff contact: Meredith Guns

