



TOWN OF KILL DEVIL HILLS
Land Where Flight Began

MEMORANDUM

November 13, 2023

TO: Mayor and Board of Commissioners
FROM: Debora P. Díaz, Town Manager 
REF: New Business

1. Considerations for additional landscaping and buffer requirements for commercial use(s) (Attached NB-1)

Following public input, the Board of Commissioners requested Staff review existing landscaping and buffer requirements for commercial uses, particularly between compatible uses. Town Code §153.073 addresses Landscaping Requirements, which are intended to provide separation of uses, promote aesthetic character, and promote public health and safety through noise, air, and visual pollution reduction.

The Planning Department's meeting memorandum highlights the current regulations for buffers between incompatible uses, noting the concerns regarding commercial uses with greater intensity. Staff has provided options to address some concerns:

- Increased minimum buffer depth. Depth could be graduated based on land use or based on floor area ratio / density.
- Require fencing material to be a wood, block, or engineered sound wall.
- Create additional buffer requirements for commercial developments abutting the Residential Low (RL) Zone.

Following discussion, Staff will develop ordinances for review by the Planning Board. Board guidance is requested.

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THE TOWN OF KILL DEVIL HILLS
NORTH CAROLINA

PLANNING DEPARTMENT

November 13, 2023

Memorandum

To: Debbie Diaz, Town Manager

From: Cameron Ray, Assistant Planning Director 

Subject: 153.073 Landscaping Requirements – Considerations for additional landscaping and buffer requirements for commercial use(s)

Staff was given direction from the Board of Commissioners to bring options to discuss additional landscaping and buffer requirements for commercial use(s), particularly between incompatible uses. Currently, Town Code section 153.073 “Landscaping Requirements” includes regulations for landscaping and buffering that is intended to provide separation of uses, promote aesthetic character, and promote public health and safety through the reduction of noise, air, and visual pollution.

The current Town regulations for buffers between incompatible uses require screening at the property line. Screening shall be either a dense vegetative screen or a six-foot fence with landscaping on the outside. Additionally, the buffer has to have a depth of five feet along property lines and ten feet along property lines abutting streets. Several concerns that previously came up were that the current regulations do not address commercial uses with greater intensity and certain types of fencing used. Primarily, the concern was that these regulations did not address more intense uses or require enough buffer to protect adjacent uses from the affects of more intensive uses.

Staff has developed several options that the Town’s landscaping and buffer ordinance could be amended to address some of these concerns:

- Increase minimum buffer depth. Depth could be graduated based on land use or based on floor area ratio/density.
- Require fencing material to be a wood, block, or engineered sound wall.
- Create additional buffer requirement for commercial developments abutting the RL zone.

Staff recommends the Board of Commissioners discuss and provide staff with direction so an ordinance amendment can be prepared for staff to present to Planning Board.