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Zoning Administrator  
DONNA ELLIOTT

**THE TOWN OF KILL DEVIL HILLS**  
NORTH CAROLINA

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**PLANNING DEPARTMENT**

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August 12, 2024

Memorandum

To: Debbie Diaz, Town Manager

From: Cameron Ray, Assistant Planning Director 

Subject: Zoning Amendment Request — §153.120(E)(4)(c) Low Density Residential Zone Site Requirements — Amend Requirements for Permeable Pavement Lot Coverage Calculations for Lot(s) Greater than One Acre

Attached is a Zoning Amendment Request submitted by George E. Goodrich to amend Town Code section 153.120(E)(4)(c). The amendment request is to modify the requirements for permeable pavement lot coverage calculations for lot(s) greater than one acre in the Low Density Residential Zone.

As you recall, in 2018 this section was amended to allow for lot coverage reductions in this zoning district. Per the Planning Board recommendations several additional requirements were added including limiting the minimum eligible lot size of 7,500 square feet and 50% of the required parking had to be outside the footprint of the structure. These recommendations were incorporated into the new regulations to address the concern of additional lot coverage on smaller lots and the regulations resulting in larger structures.

The proposed amendment request is to eliminate the requirement for the 50% of required parking being outside the footprint on all lots greater than one acre. When the original amendment was being reviewed, cluster homes and cottage courts were not allowed uses in the (RL) zone, which require a minimum of one acre.

On July 16, 2024, the Planning Board reviewed the attached zoning amendment request to §153.120(E)(4)(c) Low Density Residential Zone Site Requirements, to amend permeable pavement lot coverage calculations for lot(s) greater than one acre and recommended approval. Staff recommends setting the required public hearing for September 09, 2024.

**AN ORDINANCE AMENDING THE  
KILL DEVIL HILLS CODE OF ORDINANCES,  
CHAPTER 153, ZONING**

**BE IT ORDAINED** by the Kill Devil Hills Board of Commissioners that Chapter 153, Zoning of the Kill Devil Hills Town Code of Ordinances, shall be amended by adding the underlined language and deleting the following ~~stricken~~ language to the sections identified below, as follows:

**LOW DENSITY RESIDENTIAL ZONES (RL)**

**§ 153.120 SITE REQUIREMENTS.**

(E) *Lot coverage.*

(4) *Permeable pavement lot coverage calculations.*

(a) For lots 7,500 square feet in area or greater, the use of permeable paving systems, including porous concrete, porous asphalt, concrete grid pavers and permeable interlocking concrete pavers for parking spaces, drive aisles, and vehicular circulation areas, shall allow for a reduction in the calculated lot coverage. Material to fill the open cells of the pavement system types shall consist of open graded fine aggregate, open graded washed aggregate, sod turf grasses native to the southeast coastal environment and exhibit medium to high permeability rates. All permeable paving systems shall comply with the criteria of the North Carolina Division of Water Quality Stormwater Best Management Practices Manual (current edition). The following calculated reductions are allowed:

1. Porous concrete without washed stone base: 40% reduction.
2. Porous concrete with at least six inches of washed stone base: 60% reduction.

Adopted Amendment  
Chapter 153, Zoning

– to eliminate the site requirement for the 50% of required parking being outside the footprint on all lots greater than one acre in the Low Density Residential Zone.

3. Porous asphalt, concrete grid pavers, permeable interlocking concrete pavers, and plastic reinforcing grids with at least four inches of washed stone base: 40% reduction.

4. Porous asphalt concrete grid pavers, permeable interlocking concrete pavers, and plastic reinforcing grids with at least seven inches of washed stone base: 60% reduction.

5. The pavement section shall consist of the surface course or layer for infiltration, a bedding course (as required), an aggregate storage layer, and a woven geotextile fabric layer to prevent clogging.

6. Edge restraints shall be provided on all concrete grid pavers, permeable interlocking concrete pavers, and plastic reinforcing grids to confine the pavement installation. The pavement surface course structural properties shall be designed to withstand the applied vehicular loading pursuant to the specified application.

(b) In no case shall the total area that is occupied and obstructed by any structure above the ground, including but not limited to parking and drive aisles exceed 45% of the area of the lot.

(c) For additional coverage under the previous pavement reduction [for all lots less than 1 acre](#), 50% of the required parking shall be outside of the footprint of any structure or covering.

Adopted Amendment  
Chapter 153, Zoning

– to eliminate the site requirement for the 50% of required parking being outside the footprint on all lots greater than one acre in the Low Density Residential Zone.

This amendment to Chapter 153, Zoning, shall be in full force and effect from and after the \_\_\_\_ day of \_\_\_\_\_, 2024. Adopted and approved by the Board of Commissioners of the Town of Kill Devil Hills at a regular meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2024, by a vote of \_\_\_\_ in favor and \_\_\_\_ opposed.

SEAL

\_\_\_\_\_  
John Windley  
Mayor

ATTEST:

\_\_\_\_\_  
James Michael O'Dell  
Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Casey C. Varnell  
Town Attorney

The undersigned hereby certifies that the foregoing official amendment, designated AN ORDINANCE AMENDING THE KILL DEVIL HILLS TOWN CODE, CHAPTER 153, ZONING, was placed in the Kill Devil Hills Town Code Book on the \_\_\_\_ day of \_\_\_\_\_, 2024, at \_\_\_\_\_.m.

\_\_\_\_\_  
James Michael O'Dell  
Town Clerk

## 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—§153.120(E)(4)(c) Low Density Residential Zone Site Requirements — Amend Requirements for Permeable Pavement Lot Coverage Calculations for Lot(s) Greater than One Acre

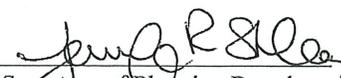
**Approval/Denial:** Planning Board finds that the Proposed Zoning Amendment §153.120(E)(4)(c) Low Density Residential Zone Site Requirements — Amend Requirements for Permeable Pavement Lot Coverage Calculations for Lot(s) Greater than One Acre is not consistent with the adopted Land Use Plan.

**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 4 to 0, this the Sixteenth day of July, 2024.

Attest:

  
\_\_\_\_\_  
Planning Board Chairman  
VICE

  
\_\_\_\_\_  
Secretary of Planning Board