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Zoning Administrator  
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THE TOWN OF KILL DEVIL HILLS  
NORTH CAROLINA

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PLANNING DEPARTMENT

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November 18, 2024

Memorandum

To: Debbie Diaz, Town Manager

From: Cameron Ray, Assistant Planning Director 

Subject: Proposed Zoning Amendment – 153.002 Definitions, 153.076 Off Street Parking and Loading, 153.096 Permitted Use Ocean Impact Residential Zone, and 153.100 Site Requirements Ocean Impact Residential Zone – Define Large Single-Family Dwelling, Require an Access Aisle, and Apply Floor Area Ratio (FAR) for Large Single-Family Dwellings (over 6,000 SF)

On October 14, 2024, the Board of Commissioners reviewed options to regulate density, bulk, parking, and promote safety for large single-family dwellings in the Ocean Impact Residential Zone (OIR). Staff prepared a presentation with several options for the Board of Commissioners to consider to meet their vision to limit bulk, density, parking and promote safety in the OIR. At the conclusion of the presentation and discussion, the Board of Commissioners directed staff to develop a Zoning Amendment for Planning Board Review that included:

- Define *Large Single-Family Dwelling* as structures over 6,000 SF (which is consistent with the SF used in the stormwater and landscaping regulations).
- Require an emergency access lane on all large structures over 11 bedrooms (currently it is an incentive)
- Set a Floor Area Ratio (FAR) for large single-family dwellings located in the Ocean Impact Residential Zone.

Attached to this memorandum is a proposed zoning amendment to:

- 153.002 Definitions – to add a definition for *Large Single-Family Dwelling* and *Stacked Parking*;
- 153.076 Off Street Parking and Loading – to remove previous incentives for access aisle and add a requirement for 12' access aisle on single family dwellings with 11 or more bedrooms;
- 153.096 Permitted Uses Ocean Impact Residential Zone- to add *Large Single-Family Dwellings* as a permitted use, and;
- 153.100 Site Requirements Ocean Impact Residential Zone – to add a tiered Floor Area Ratio for *Large Single-Family Dwellings* beginning with FAR of .25 with options to increase FAR to .35.

On November 13, 2024, the Planning Board reviewed the attached proposed zoning amendment to §153.002, §153.076, §153.096, and §153.100 and recommended approval. Staff recommends setting the required public hearing.

**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:

**GENERAL PROVISIONS**

**§ 153.002 DEFINITIONS.**

**DWELLING, LARGE SINGLE FAMILY.** A detached building other than a mobile home designed for or occupied exclusively by one family with a gross floor area greater than 6,000 square feet.

**PARKING, STACKED.** Vehicle parked either parallel or perpendicular to each other with limited egress to drive aisles or right-of-way.

**§ 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.

DRAFT Amendment  
Chapter 153, Zoning

153.002 Definitions, 153.076 Off Street Parking and Loading, 153.096 Permitted Use Ocean Impact Residential Zone, and 153.100 Site Requirements Ocean Impact Residential Zone – Define Large Single-Family Dwelling, require an Access Aisle, and apply Floor Area Ratio (FAR) for Large Single Family Dwellings (over 6,000 SF).

(10) *Parking requirements for single-family and duplex structures.*

(a) *Yards.*

3. Dwellings with 11 bedrooms or more:

a. A minimum of one but no more than two paved driveways of at least ten feet in width and not exceeding a single or combined width of 20 feet shall be permitted in this area. Driveway width shall be maintained from the point on entry at the property line for five linear feet. Parking setback shall be equal to the total width of the driveway(s) measured from the property line. Driveways in the required parking setback area cannot be used for calculation of required parking.

b. Parking setbacks shall be a minimum of ~~seven~~ five feet from the property line for both driveways and parking areas.

c. ~~Exception: Parking setbacks shall be a minimum of five feet from the property line for driveways, access aisles, and parking areas provided with a clearly marked access aisle including "no parking" with the following design requirements. There shall be a minimum of one access aisle designed open and unobstructed within 20 feet of primary dwelling. Minimum access aisle width shall be ten~~ twelve feet. Access aisle shall be clearly marked including "No Parking."

d. Turn around area for properties abutting highways, thoroughfares and/or collector streets shall be within the designated parking area outlined in this section. Driveways with a

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minimum width of 20 feet may utilize the driveway area within the required setback as the turnaround area.

## OCEAN IMPACT RESIDENTIAL ZONE (OIR)

### § 153.096 PERMITTED USES.

In the OIR Zone, building and/or land shall be used for the following purposes:

- (A) Single-family and large single-family dwellings;

### § 153.100 SITE REQUIREMENTS.

- (D) *Density*.

(1) For any multi-family, cottage courts, cluster homes, or hotel development, the maximum Floor Area Ratio (FAR) shall be up to 0.40 with the following exceptions:

(1a) Increase the minimum required side yard setbacks by two feet on each side, the FAR shall be up to 0.45; and

(1b) Provide a dedicated/recorded five-foot public easement along a side property line for public access to the Atlantic Ocean in addition to (1)(a) above, the FAR shall be up to 0.50.

(2) For large single-family dwellings, the maximum Floor Area Ratio (FAR) shall be up to 0.25 with the following exceptions:

(a) Limit stacked parking to four (4) vehicles, the FAR shall be up to 0.30; and

DRAFT Amendment  
Chapter 153, Zoning

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(b) Increase minimum side yard setbacks by two (2) feet on each side in addition to

(2)(a) above, the FAR shall be up to 0.35.

**BE IT FURTHER ORDAINED** that it is the intent of the Board of Commissioners that the provisions of this ordinance shall be made a part of the Kill Devil Hills Code of Ordinances; the sections of this ordinance may be re-numbered or re-lettered; and the word “ordinance” may be changed to “section,” “article,” “chapter,” or other appropriate designation to accomplish such intention as needed.

This amendment to Chapter 153, Zoning, shall be in full force and effect from and after the \_\_\_\_ day of \_\_\_\_\_, 202\_. Adopted and approved by the Board of Commissioners of the Town of Kill Devil Hills at a regular meeting held on the \_\_\_\_ day of \_\_\_\_\_, 202\_, 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

DRAFT Amendment  
Chapter 153, Zoning  
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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 \_\_\_\_\_, 202\_, at \_\_\_\_\_ .m.

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

DRAFT Amendment  
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## 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—§153.002 Definitions, 153.076 Off Street Parking and Loading, 153.096 Permitted Use Ocean Impact Residential Zone, and 153.100 Site Requirements Ocean Impact Residential Zone – Define Large Single-Family Dwelling, Require an Access Aisle, and Apply Floor Area Ratio (FAR) for Large Single-Family Dwellings (over 6,000 SF)

**Approval/Denial:** Planning Board finds that the Proposed Zoning Amendment §153.002 Definitions, 153.076 Off Street Parking and Loading, 153.096 Permitted Use Ocean Impact Residential Zone, and 153.100 Site Requirements Ocean Impact Residential Zone – Define Large Single-Family Dwelling, Require an Access Aisle, and Apply Floor Area Ratio (FAR) for Large Single-Family Dwellings (over 6,000 SF) 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 4 to 0, this the Twelfth day of November, 2024.

Attest:

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

  
\_\_\_\_\_  
Planning Board Clerk