



# TOWN OF KILL DEVIL HILLS

*Land Where Flight Began*

## NOTICE OF PUBLIC MEETING

NOTICE is hereby given that on Tuesday, March 18, 2025, at 5:30 p.m., the Kill Devil Hills Planning Board will hold its regular meeting 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 Office of the Town Clerk, 102 Town Hall Drive. To schedule an inspection time, contact the Department at 252-449-5300. Packet materials can be viewed on the Town's website at <https://www.kdhnc.com/593/Agendas-Packets-and-Minutes>. Written public comments for the Planning Board can be emailed to [info@kdhnc.com](mailto: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 November 12, 2024, meeting

Public Comment

Response to Public Comment

Ongoing Business

New Business

1. Elect Chairperson and Vice Chairperson
2. Proposed Zoning Amendment – §153.101 Ocean Impact Residential Zone Setbacks – Add Setback Requirements for Residential Lot(s) not Abutting Atlantic Ocean or NC12

Public Comment

Response to Public Comment

Board Member Comment

Adjournment

Posted this 12<sup>th</sup> day of March 2025.

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; Town Sunshine List, including all local news media; Electronic Distribution List; Town website and social media; file

**Minutes of the Tuesday, November 12, 2024, meeting of the Kill Devil Hills Planning Board held at 5:30 p.m. in the Town Hall Meeting Room, 102 Town Hall Drive, Kill Devil Hills, North Carolina.**

**Members Present:** Chairperson Howard Buchanan, Becky Breiholz, Billy Dorn, Sandie Markland, and Ron Seidman, II

**Members Absent:** Jenniffer Albanese, Phillip Wayland

**Others Present:** Meredith Guns, Planning Director; Cameron Ray, Assistant Planning Director; and Jennifer R. Stecher, Deputy Town Clerk

**Call to Order**

At 5:30 p.m., Chairperson Howard Buchanan called the Tuesday, November 12, 2024, meeting of the Kill Devil Hills Planning Board to order and welcomed everyone present.

**Agenda Approval**

Becky Breiholz moved to approve the agenda for this meeting. Sandie Markland seconded the motion, which was approved by a unanimous, 4-0, vote.

**Approval of the Minutes of the September 17, 2024 meeting**

Ms. Markland moved to approve the September 17, 2024, meeting minutes, as presented. Ms. Breiholz seconded the motion, which was approved by a unanimous, 4-0, vote.

**Public Comment**

Jay Overton, President of Albemarle & Associates, Ltd, 115 West Saint Clair Street, Kill Devil Hills submitted an email for Public Comment which has been made part of the meeting record.

**Response to Public Comment**

**Ongoing Business**

**New Business**

- 1. Proposed Zoning Amendment – 153.076 Off Street Parking and Loading - Modify Minimum Parking Space Size and Table of Parking Requirements**

House Bill 600, which came into effect January 1, 2024, amended NCGS 160D-702(c)(2) Grant of Power to set the maximum parking size a Town or County could require. The new statutory regulations state:

- (c) A zoning or other development regulation shall not do any of the following:
  - (1) Set a minimum square footage of any structures subject to regulation under the North Carolina Residential Code for One- and Two-Family Dwellings.
  - (2) Require a parking space to be larger than nine feet wide by 20 feet long, unless the parking space is designated for handicap, parallel, or diagonal parking.
  - (3) Require additional fire apparatus access roads into developments of one- or two-family dwellings that are not in compliance with the required number of fire apparatus access roads into developments of one- or two-family dwellings set forth in the Fire Code of the North Carolina Residential Code for One- and Two-Family Dwellings.

Included in the meeting packet is a proposed zoning amendment to 153.076 Off Street Parking and Loading, which modifies the required parking space size to be nine feet by 20 feet (9'x10'), instead of ten by 20 feet (10'x20'). Staff recommended a parking space size of 10'x20' because it has been more effective for decades. The result of a smaller parking size will allow greater density on a commercial site, which is in conflict with the adopted Land Use Plan. Therefore, the proposed amendment also modifies the parking table to apply to the recommended parking size of 10'x20' and if the required parking size of 9'x20' is used, the table requirements shall be increased by 20% for all development except single-family dwellings.

The proposed amendment is intended to meet the requirements of 160D while also promoting a safer parking area and regulating density consistently with existing developments.

Staff recommended the Planning Board forward the proposed zoning amendment 153.076 Off Street Parking and Loading - Modify Minimum Parking Space Size and Table of Parking Requirements and consistency statement to the Board of Commissioners with a favorable recommendation.

The group discussed minimum requirement versus recommended and the table that makes a distinction between minimum required and recommended.

Ron Seidman moved to forward the proposed Zoning Amendment Request - §153.315(B)(4) Accessory Dwelling Units (ADU) - Modify (ADU) Site Requirements as presented with consistency statement to the Board of Commissioners with a favorable recommendation. Ms. Markland seconded the motion, which passed with a unanimous, 4-0, vote.

- 2. **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)**

At the October 14, 2024 meeting, the Board of Commissioners (BOC) reviewed options to regulate density, bulk, parking, and promote safety for large single-family dwellings in the Ocean Impact Residential Zone (OIR).

Staff gave a presentation that assisted in understanding the issues identified by the BOC and the proposed regulations; it has been made part of the meeting record. The meeting packet included 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.

Staff recommended forwarding the proposed zoning amendment, as presented, with attached consistency statement to the Board of Commissioners with a favorable recommendation.

Ms. Markland moved to forward the Zoning Amendment Request - 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) as presented, with consistency statement, to the Board of Commissioners with a favorable recommendation. Ms. Breiholz seconded the motion, which passed with a unanimous, 4-0, vote.

### **Public Comment**

**Julie Owens Robinson, 2019 South Virginia Dare Trail, Kill Devil Hills, NC** – Ms. Robinson stated she was thankful for Staff’s presentation and their resolve to reduce the bulk on the ocean front.

**Duke Geraghty, Government Affairs Director of the Outer Banks Home Builders Association (OBHBA)** – Mr. Geraghty stated there was only one complaint from the OBHBA committee meeting last week to request the FAR to be larger. Ultimately 16 out of 17 OBHBA committee members liked the Town’s proposed Zoning Amendment requests presented at this meeting.

### **Response to Public Comment**

### **Board Member Comment**

### **Adjournment**

There being no further business before the Planning Board at this time, Ms. Markland moved to adjourn the meeting. Ms. Breiholz seconded the motion, which was approved by a unanimous, 4-0, vote. It was 6:01 p.m.

Submitted by:

Jennifer R. 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

Permit Services Administrator  
MICHELLE NICHOLS

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

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**PLANNING DEPARTMENT**

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March 18, 2025

Memorandum

To: Planning Board

From: Cameron Ray, Assistant Planning Director 

Subject: Proposed Zoning Amendment – §153.101 Ocean Impact Residential Zone Setbacks –  
Add Setback Requirements for Residential Lot(s) not Abutting Atlantic Ocean

Attached is a proposed zoning amendment to Town Code section 153.101 Ocean Impact Residential Zone - Setbacks to add setback requirements for residential lots not abutting the Atlantic Ocean. Currently, the setback requirements for development in the Ocean Impact Residential Zone (OIR) are based off of the lots abutting the Atlantic Ocean and NC12. The setbacks on these lots are graduated based off lot width at the road and CAMA setback in the rear, which is not applicable to lots that are not abutting the Atlantic Ocean or NC12.

As proposed, the applicable setbacks for residential development on these lots will follow the High-Density Residential (RH) Zoning district, which are graduated setbacks based off of lot size. This is consistent with how setbacks are determined on similar residential lots in other zoning districts. Within the OIR zone, there are several lots within originally platted subdivisions and cottage courts that will fall under the proposed amendment and provide appropriate applicable setbacks.

Staff recommends forwarding the attached amendment to 153.101 Ocean Impact Zone Setbacks with attached consistency statement to the Board of Commissioners with a favorable recommendation.

## OCEAN IMPACT RESIDENTIAL ZONE (OIR)

### § 153.101 SETBACKS.

(A) *Side yard.*

(1) The minimum side yard setback requirements on a lot less than 75 feet in width shall be 10 feet from each side.

(2) For all lots 75 feet to 99 feet in width, the minimum side yard widths shall be 12 feet.

(3) For all lots or aggregate of lots combined for single development 100 feet or greater in width, the minimum side yard setback shall be 12 feet.

(4) All multi-family dwellings in excess of a duplex, hotels and motels shall install and maintain a vegetative buffer of evergreen, salt-tolerant species along the side yards of useable property in conjunction with development in this zone and such may be located within the area of the required setback lines.

(5) Single-family and duplex dwellings greater than 6,000 square feet of total gross floor area shall have an additional two feet of side yard setback.

(6) Single-family and duplex dwellings greater than 6,000 square feet of total gross floor area equipped with a fire suppression system reviewed, approved, and inspected annually by the Fire Chief or his or her designee, shall be exempt from division (A)(5) above.

(B) *Front yard.* ~~All oceanfront lots shall front on NC Highway 12 (Virginia Dare Trail) and all structures erected on these lots shall be set back from the front property line a minimum of 30 feet.~~ The minimum front yard setback shall be 30 feet from the front property line. The front yard is considered the opposite yard of the Atlantic Ocean for all oceanfront properties.

(C) *Rear yard.*

(1) Lots that border the Atlantic Ocean shall be designated as having a rear yard on the Atlantic Ocean.

(2) The minimum rear yard setback requirements on any lot shall be 20% of the total depth of the lot but shall not exceed 30 feet from the rear property line.

(3) For each lot developed that has a rear yard on the Atlantic Ocean, the rear yard shall be determined by the setback multiplier established for ocean hazard areas of environmental concern (AEC) as administered by the local permit officer representing the North Carolina Office of Coastal Management as per the North Carolina Coastal Area Management Act of 1974.

(D) *Double frontage.* Not applicable.

(E) *Corner lot.* For lots 50 feet or less in width, the side street setback requirements shall be ten feet on those sides that abut a street or beach access. For lots greater than

50 feet in width, the minimum side street setback requirements shall be 15 feet on those sides that abut a street or beach access.

(F) Lots with buildings erected in the ocean impact residential zone for residential purposes that do not border the Atlantic Ocean, shall abide by the setback requirements of the High Density Residential (RH) Zone governing such buildings.



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Planning Board Report

N.C.G.S. 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.

N.C.G.S 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 or land-use 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 or land-use 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 – §153.101 Ocean Impact Residential Zone Setbacks – Add Setback Requirements for Residential Lot(s) not Abutting Atlantic Ocean

Approval / Denial: The Planning Board finds that the Proposed Zoning Amendment is / is not consistent with the Town's 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 \_\_\_, at its regularly called meeting on \_\_\_, 2025.

Attest:

Planning Board Chairperson

Clerk to Planning Board