



TOWN OF KILL DEVIL HILLS

Land Where Flight Began

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that the Town of Kill Devil Hills Planning Board will hold its first meeting of the month on Tuesday, February 2, 2016 at 5:30 p.m. in the Meeting Room of the Administration Building, 102 Town Hall Drive, off Colington Road. The items to be discussed are listed below:

AGENDA

Call to Order

Agenda Approval

Approval of the Minutes of January 5, 2016 meeting

Public Comment (Time limit of 3 minutes per person; 5 minutes per group)

Ongoing Business

New Business

1. Proposed Amendment to §152.59 *Recording of Exempt Plats* – Correct a Statutory Reference
2. Proposed Amendment To Chapter 153, Zoning – 153.356 Dimensional Requirements And Development Standards – Require Combination of Lots for Single Developments for New Construction and Substantial Damage/Improvement

Public Comment (Time limit of 3 minutes per person; 5 minutes per group)

Response to Public Comment

Board Member Comment

Adjournment

All citizens are cordially invited to attend.

Posted this 29th day of January 2016.

Michael O'Dell
Administrative Specialist

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 January 5, 2016 meeting of the Kill Devil Hills Planning Board held at 5:30 p.m. in the Meeting Room of the Administration Building, 102 Town Hall Drive, off Colington Road.

Members Present: Chair Stan Clough, James Almone, Skip Jones, Pris Shea, and Ben Sproul

Members Absent: Howard Buchanan, Eddie Valdivieso

Others Present: Greg Loy, Planning Director; Meredith Guns, Assistant Planning Director; Bryan Brightbill, Senior Planner and Michael O'Dell, Administrative Specialist

Call to Order

At 5:32 p.m., Chair Stan Clough called this meeting of the Kill Devil Hills Planning Board to order, and welcomed everyone present.

Agenda Approval

On a motion by Ben Sproul, seconded by Pris Shea, the agenda for this meeting was approved as presented by a unanimous, 4-0, vote.

Approval of the Minutes of December 15, 2015 meeting

On motion by Skip Jones, seconded by Ms. Shea, the minutes of the December 15, 2015, Planning Board meeting were approved by a unanimous vote of 4-0.

Public Comment (Time limit of 3 minutes per person; 5 minutes per group)

Ongoing Business

New Business

1. **Proposed Amendment to §153.078(A) Access To US158/Croatan Highway And NC12/Virginia Dare Trail** – Clarify Regulations To Apply Only To Corner Lots.

Assistant Planning Director Meredith Guns presented the proposed amendment to Section 153.078(A), Access to US158/Croatan Highway and NC 12/Virginia Dare Trail to clarify regulations to apply only to corner lots. She stated this amendment would clarify that the regulations would only apply to corner lots. She noted that over the years, the Town had supported opportunities to minimize driveway cuts along the Town's thoroughfares for safety reasons.

She stated that staff had realized some mid-block lots along these thoroughfares also abut other right-of-ways, but to the rear of the properties. These “non-corner” lots would be adversely impacted by the current regulations, which would not permit a driveway cut along US 158. The current regulation creates a hardship for businesses on mid-block lots since the clientele would need to turn onto an intersecting street and enter the property from a rear right-of-way. She said this proposed amendment corrects the unintended consequence of the original regulation, and eliminates many non-conforming lots along US158 and NC12.

Mr. Jones moved to recommend the proposed amendment to Section 153.078(A), Access to US158/Croatan Highway and NC 12/Virginia Dare Trail as presented, with the consistency statement. Mr. Sproul provided a second, and the motion passed unanimously, 4-0.

Adjournment

There being no further business before the Planning Board at this time, Mr. Sproul moved to adjourn this meeting. James Almoney seconded that motion and approval was unanimous, 4-0. It was 5:39 p.m.

Submitted by:

James Michael O'Dell
Administrative Specialist

Director of
Planning and Inspections
GREG LOY

Chief Building Inspector
MATT LOWCHER

Code Enforcement Officer
CAMERON RAY



Assistant Director of
Planning and Inspections
MEREDITH GUNS

Senior Planner
BRYAN BRIGHTBILL

Zoning Administrator
DONNA ELLIOTT

THE TOWN OF KILL DEVIL HILLS
NORTH CAROLINA

PLANNING DEPARTMENT

February 2, 2016

Memorandum

To: Planning Board

From: Bryan Brightbill, Senior Planner 

Subject: Proposed Amendment To Chapter 153, Zoning – 153.356 Dimensional Requirements And Development Standards – Require Combination of Lots for Single Developments for New Construction and Substantial Damage/Improvement

In August of last year, the Board of Commissioners adopted an ordinance which required developments utilizing multiple lots to recombine said lots or encumber the lots with a legal agreement for the duration of the development. Since adoption of this ordinance, Staff has encountered several unintended consequences that may create undue hardship for a property owner in certain situations. The ordinance reads "In all cases..." which would require lots to be recombined or encumbered even when applying for permits to remodel an existing structure, add a storage room under their house, build a shed in the back yard, etc. Staff feels that this creates undue hardship on property owners who wish to complete relatively simple projects. Therefore, Staff recommends the below amendment which would limit the need for a recombination or encumbrance by legal agreement to new construction, substantially damaged and substantially improved structures.

Staff recommends the Planning Board consider the following amendment and forward it with the attached consistency statement to the Board of Commissioners for consideration:

§ 153.356 DIMENSIONAL REQUIREMENTS AND DEVELOPMENT STANDARDS.

Dimensional requirements and development standards shall be in accordance with the zoning district in which the building is located. ~~In all cases,~~ For new construction, substantial improvements or substantial damage, a development utilizing more than one lot shall be recombined in accordance with 152.53 Recording of Exempt Plats or the

lots shall be encumbered by legal agreement approved by the Town for the duration of the development on the lots.

PLANNING BOARD REPORT

Per NCGS 160A-387, all proposed amendments to the zoning ordinance or zoning map shall have a written report provided from the Planning Board to the Town Council within 30 days of referral of the amendment to the Planning Board, or the Town Council may proceed in its consideration of the amendment without the Planning Board report. Furthermore, in no case is the Town Council bound by the recommendations, if any, of the Planning Board.

Per NCGS 160A-383, the Planning Board shall advise and comment on whether the proposed zoning amendment is consistent with all applicable officially adopted plans, and provide a written recommendation to the Town Council 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 officially adopted plans shall not preclude consideration or approval of the proposed amendment by the Town Council.

PLANNING BOARD RECOMMENDATIONS

Proposed Amendment Title: Proposed Amendment To Chapter 153, Zoning – 153.356 Dimensional Requirements And Development Standards – Require Combination of Lots for Single Developments for New Construction and Substantial Damage/Improvement

Approval: Planning Board finds that the proposed amendments to *153.356 Dimensional Requirements And Development Standards* to require combination of lots for single development for new construction and substantial damage/improvements is consistent with the adopted Land Use Plan.

Therefore, the Planning Board finds the proposed amendment is **consistent** 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 2 day of February 2016.

Attest:

Planning Board Chairman

Secretary of Planning Board

Director of
Planning and Inspections
GREG LOY

Chief Building Inspector
MATT LOWCHER

Code Enforcement Officer
CAMERON RAY



Assistant Director of
Planning and Inspections
MEREDITH GUNS

Senior Planner
BRYAN BRIGHTBILL

Zoning Administrator
DONNA ELLIOTT

THE TOWN OF KILL DEVIL HILLS
NORTH CAROLINA

PLANNING DEPARTMENT

February 2, 2016

Memorandum

To: Planning Board

From: Meredith Guns, Assistant Planning Director 

Subject: Proposed Amendment to §152.59 Recording of Exempt Plats – Correct a Statutory Reference

It has come to staff's attention in Chapter 152 Subdivisions, §152.59 Recording of Exempt Plats, has an incorrect North Carolina General Statute reference. Below is a proposed amendment to correct the general statute reference from G.S. §10A to G.S. §160A:

§ 152.59 RECORDING OF EXEMPT PLATS.

(A) Any plat required to be recorded in the office of the Dare County Register of Deeds of land situated in the town, which complies with G.S. § ~~10A~~ 160A-376 as an exempt plat, may be signed and certified by the Town Planner to be in compliance with such exemption statute.

Staff recommends forwarding the above amendment and attached consistency statement to the Board of Commissioners with a favorable recommendation.

PLANNING BOARD REPORT

Per NCGS 160A-387, all proposed amendments to the zoning ordinance or zoning map shall have a written report provided from the Planning Board to the Town Council within 30 days of referral of the amendment to the Planning Board, or the Town Council may proceed in its consideration of the amendment without the Planning Board report. Furthermore, in no case is the Town Council bound by the recommendations, if any, of the Planning Board.

Per NCGS 160A-383, the Planning Board shall advise and comment on whether the proposed zoning amendment is consistent with all applicable officially adopted plans, and provide a written recommendation to the Town Council 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 officially adopted plans shall not preclude consideration or approval of the proposed amendment by the Town Council.

PLANNING BOARD RECOMMENDATIONS

Proposed Amendment Title: Proposed Amendment to §152.59 Recording of Exempt Plats – Correct a Statutory Reference

Approval: Planning Board finds that the proposed amendment to §152.59 Recording of Exempt Plats to correct a statutory reference for 10A to 160A **is** consistent with the adopted Land Use Plan.

Therefore, the Planning Board finds the proposed amendment is **consistent** 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 2 day of February 2016.

Attest:

Planning Board Chairman

Secretary of Planning Board