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THE TOWN OF KILL DEVIL HILLS
NORTH CAROLINA

PLANNING DEPARTMENT

November 18, 2024

Memorandum

To: Debbie Diaz, Town Manager

From: Cameron Ray, Assistant Planning Director 

Subject: 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 01, 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 9 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.

Attached to this memorandum is a proposed zoning amendment to 153.076 Off Street Parking and Loading which modifies the required parking space size to be 9 feet by 20 feet rather than 10 feet by 20 feet. However, staff is proposing a recommended parking space size of 10 feet by 20 feet because this size has shown to be effective for decades. Additionally, 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 10x20 and if the required parking size of 9x20 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.

On November 13, 2024, the Planning Board reviewed the attached proposed zoning amendment to §153.076 Off Street Parking and Loading 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 REGULATIONS

§ 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.

(1) *Dimensions: standard parking spaces.* In all zones, minimum parking space dimensions will be ~~200~~ 180 square feet, ~~ten~~ nine feet by 20 feet. Recommended parking size is 200 square feet, ten feet by 20 feet. However, for commercial and multi-family residential, only 18 feet of the length need to be paved or constructed of turfstone, permeable pavements, including porous concrete, porous asphalt, concrete grid pavers, permeable interlocking concrete pavers, and plastic reinforcing grids. The remaining two feet of length shall remain pervious, and a concrete curb stop shall be placed at the front end of each space to accommodate vehicle overhang on the remaining two feet of length.

(D) *Table of parking requirements.* The following table is for the recommended parking size of 200 square feet (ten feet by 20 feet). If the minimum parking size is utilized (with the exception

of single-family dwelling less than 11 bedrooms) the minimum number of parking spaces shall be increased by 20% of table requirements.

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

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

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

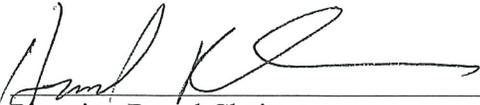
Proposed Amendment Title: Proposed Zoning Amendment—§153.076 Off Street Parking and Loading - Modify Minimum Parking Space size and Table of Parking Requirements

Approval/Denial: Planning Board finds that the Proposed Zoning Amendment §153.076 Off Street Parking and Loading - Modify Minimum Parking Space size and Table of Parking Requirements 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