

Kitty Hawk Planning Board Meeting
September 19, 2019 – 6:00pm
Kitty Hawk Municipal Building

AGENDA

1. Call to Order/Attendance
2. Approval of Agenda
3. Approval of Minutes:
 - a. May 16, 2019
4. Administrative Report:
 - a. Town Council Action – June, 2019 Meeting
5. Public Comment
6. Text Amendment:
 - a. **42-94(b)2; 42-247(d)5; 42-248(d)5; 42-249(d)5; 42-273(d)5; 42-274(d)5; 42-275(d)5. Minimum Roof Pitch** – Recent State legislation has made a portion of our ordinance regulating a minimum roof pitch unenforceable.
7. Comments:
 - a. Chairman Richeson
 - b. Planning Board Members
 - c. Town Attorney
 - d. Planning Director

8. Adjourn

1. **Call to Order/Attendance:**

Chairman Richeson called the Kitty Hawk Planning Board Meeting to order at approximately 6:00pm on Thursday, September 19, 2019.

Board Members Present:

John Richeson, Chairman; Bryan Parker, Vice-Chairman; Chuck Heath, Member; Dusty Rhoads, Member; Jim Geraghty, Member; Gary Muir, Alternate; Robert Testerman, Planning Director.

Absent:

Casey Varnell, Town Attorney; Matt Spencer, Alternate.

2. **Approval of Agenda:**

Hearing no objections/changes/corrections to the September 19, 2019 Agenda, the Agenda was approved unanimously.

3. **Approval of Minutes:**

Hearing no objections/changes/corrections to the May 16, 2019 Meeting Minutes, the Minutes were approved with Mr. Parker making the motion to approve and Mr. Richeson seconded and the Minutes were approved unanimously.

September 19, 2019

-2-

4. **Administrative Report:**

- a. Town Council Action from June, 2019 Meeting where the Town Council approved the site plan amendment for the Urgent Care dumpster pad.

5. **Public Comment:**

- Mr. Richeson asked if any member(s) of the audience would like to speak, and if so, to come forward and state their name/address.
- No members of the audience approached to address the Board, but Mr. Richeson welcomed Miss Danielle of "The Coastland Times" who will be attending future Planning Board Meetings to report to the public.

6. **Text Amendment:**

- a. **42-94(b)2; 42-247(d)5; 42-248(d)5; 42-249(d)5; 42-273(d)5; 42-274(d)5; 42-275(d)5;. Minimum Roof Pitch** – Recent State legislation has made a portion of our Ordinance regulating a minimum roof pitch unenforceable.

Background

- Currently, the zoning ordinance sets a minimum roof pitch of three feet by twelve feet.
- Recently, Staff was posed with a question of enforceability of a minimum roof pitch for single-family homes. Legislation was recently passed (NCGS 160A-381) which prohibits Zoning Ordinances from regulating building design elements on one and two-family homes, unless one of a handful of circumstances are met. None of these exceptions are applicable in Kitty Hawk. "Building design elements" specifically include style or materials of roof structures, among other design elements.
- Mr. Testerman met with Town Attorney, Mr. Varnell and Staff was advised that the current minimum roof pitch required by those subsections listed are not enforceable and should be stricken from the Ordinance.
- Also, it was noted that NCGS 160A-381(h) relates to one and two-family homes and multi-family dwellings (3 or more dwelling units) are not included in the prohibition of regulating building design elements. Therefore, should the Town desire to retain the minimum roof pitch requirement for multi-family dwellings it could do so with the following language in the BR-2, BR-3, VR-2 and VR-3 Districts:
 - Maximum total height shall not exceed 35 feet from existing grade exclusive of chimneys, flagpoles, communication masts and aerials. Multi-family dwellings shall have a minimum roof pitch of three feet (3') by twelve feet (12').
- Mr. Richeson then asked if there were any questions from the Board and since there were none, Mr. Richeson made the following motion: ***"I recommend approval of the Staff initiated Text Amendment to amend Sections 42-94(b)2; 42-247(d)5; 42-248(d)5; 42-249(d)5; 42-273(d)5; 42-274(d)5 and 42-275(d)5, eliminating the minimum roof pitch requirement across the board including multi-family dwellings. The Board has found this proposal to be consistent with the Town's Adopted Land use Plan."***
- Mr. Gergahty seconded and the motion was passed unanimously,

Kitty Hawk Planning Board
Meeting Minutes
September 19, 2019

7. **Comments:**

- a. Chairman Richeson – none
- b. Planning Board Members – none
- c. Town Attorney – absent
- d. Planning Director – Mr. Testerman stated that there are future agenda items for the coming months.

8. **Adjourn:**

Chairman Richeson adjourned the September 19, 2019 Planning Board Meeting at approximately 6:10pm

Respectfully submitted by Patricia Merski, Recording Secretary