



TOWN OF KILL DEVIL HILLS  
Land Where Flight Began

**NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that on Wednesday, November 14, 2018, at 5:30 p.m. in the Meeting Room at the Administration Building, 102 Town Hall Drive, off Colington Road, the Kill Devil Hills Board of Commissioners will hold a public hearing to receive public comment, both written and oral, on the following requested amendment to the Kill Devil Hills Town Code:

- A. Lake Drive Corporation (Joe Lamb) - § 153.082 (B)(2)(g) Exceptions – request to allow seven-foot high chain link fences on unimproved property in the Light Industrial One Zone**

The full text of this requested amendment may be viewed in the Town Clerk's Office or the Planning and Inspections Office, 102 Town Hall Drive, Kill Devil Hills; or, on Kill Devil Hills' website, <https://www.kdhnc.com/438/News>. Written comments, which will be included with the record of the public hearing, may be submitted to the Town Clerk, P.O. Box 1719, Kill Devil Hills, NC 27948, or by e-mail to: [odell@kdhnc.com](mailto:odell@kdhnc.com).

At the conclusion of the public hearing, the Board of Commissioners may take action on the item, with such action to include approval, disapproval, or tabling the item for further consideration.

Posted this 11<sup>th</sup> day of October 2018.

James Michael O'Dell  
Deputy Town Clerk

AN ORDINANCE AMENDING THE KILL DEVIL HILLS TOWN CODE,  
CHAPTER 153, ZONING

BE IT HEREBY ORDAINED BY THE Kill Devil Hills Board of Commissioners that Chapter 153, Zoning, of the Kill Devil Hills Town Code, shall be amended by adding the underlined language and deleting the following stricken language to the sections identified below, as follows:

**§ 153.082 EXCEPTIONS**

(B)(2)(g) Fences and vegetative landscaping shall be exempted from setbacks. Split rail or rope fencing not exceeding four feet in height shall be permitted on lots without a primary structure. For lots located within the Light Industrial One Zone (LI-1), chain link fences not to exceed seven (7) feet in height shall be permitted on lots without a primary structure.

This amendment to Chapter 153, Zoning, shall be in full force and effect from and after the \_\_\_\_ day of \_\_\_\_\_, 2018. Adopted and approved by the Board of Commissioners of the Town of Kill Devil Hills at a regular meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2018, by a vote of \_\_\_\_ in favor and \_\_\_\_ opposed.

SEAL

\_\_\_\_\_  
Sheila F. Davies, Ph.D.  
Mayor

Proposed Amendment  
Chapter 153, Zoning, §153.082(2)(g) Exceptions –  
Permitting seven-foot high chain link fences on unimproved property in LI-1 Zone  
November 14, 2018  
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ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Casey C. Varnell  
Town Attorney

The undersigned hereby certifies that the foregoing official amendment, designated AN ORDINANCE AMENDING CHAPTER 153, ZONING, was placed in the Kill Devil Hills Town Code Book on the \_\_\_\_\_ day of \_\_\_\_\_, 2018 at \_\_\_\_\_ .m.

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

**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 Zoning Amendment to § 153.082 Exceptions – Request To Allow Seven Foot High Chain Link Fences on Unimproved Property in the Light Industrial One Zone

**Denial:** Planning Board finds that the proposed zoning amendment to § 153.082 Exceptions – Request To Allow Seven Foot High Chain Link Fences On Unimproved Property In The Light Industrial One Zone ***is not*** consistent with the adopted Land Use Plan.

**Therefore,** the Planning Board finds the proposed amendment is **not 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 4 to 1, this the ~~twenty first~~ day of ~~August~~, 2018.

and October  
NBB

Attest:

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

  
\_\_\_\_\_  
Secretary of Planning Board