



TOWN OF KILL DEVIL HILLS
Land Where Flight Began

MEMORANDUM

February 20, 2019

TO: Mayor and Board of Commissioners

FROM: Debora P. Díaz, Town Manager

REF: Public Hearing

1. Requested amendment to Chapter 153, Zoning

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 (Attached PH-1A)

This public hearing was originally scheduled at the October 8, 2018 Board of Commissioners meeting. The proposed zoning amendment was submitted by Lake Drive Corporation to permit chain link fences not to exceed seven feet high on unimproved property in the Light Industrial One Zone (LI-1).

The Planning Board reviewed the proposed amendment on October 2, 2018, and voted to forward it and its accompanying consistency statement, to the Board of Commissioners recommending denial, by a 4-1 vote.

The proposed amendment was then tabled by the Board of Commissioners at its November 14, 2019, and was rescheduled for further consideration at this February 20, 2019, public hearing.

At the conclusion of this public hearing, a motion will be in order to approve, disapprove, or table the amendment for further consideration. Additionally, a finding must be established by the Board with respect to the change. Therefore, in the motion to approve or disapprove the amendment, the following language should be included:

“The Board of Commissioners finds that the requested amendment to Chapter 153, Zoning - §153.082 (B)(2)(g) Exceptions – request to allow seven-foot high chain link fences on unimproved property in the Light Industrial One Zone – is (consistent) (inconsistent) with all comprehensive plans or other officially adopted plans of the Town of Kill Devil Hills that are applicable and that the amendment is (reasonable) (unreasonable) in the public interest because _____.”



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NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on Wednesday, February 20, 2019, 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.

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 30th day of January 2019.

James Michael O'Dell
Deputy Town Clerk

Copies to: Mayor and Board of Commissioners, Town Manager, Town Attorney in their packet materials; all department heads; all Town bulletin boards; KDH Sunshine List, including all local news media; KDH Electronic Distribution List; social media; website; file

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 _____, 2019. Adopted and approved by the Board of Commissioners of the Town of Kill Devil Hills at a regular meeting held on the ____ day of _____, 2019, by a vote of ____ in favor and ____ opposed.

SEAL

Sheila F. Davies, Ph.D.
Mayor

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 _____, 2019 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 10th October

Attest:



Planning Board Chairman



Secretary of Planning Board