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THE TOWN OF KILL DEVIL HILLS
NORTH CAROLINA

PLANNING DEPARTMENT

April 24, 2019

Memorandum

To: Debbie Diaz, Town Manager

From: Cameron Ray, Assistant Planning Director 

Subject: Proposed Zoning Amendment - **§153.080 Electrical and Communication Services** – Clarify Communication Services

It has come to staff attention that the language in §153.080 is outdated. This regulation requires all new electrical and communication service lines to be placed underground and transformers or other enclosures be mounted on the ground. The regulation specifies “telephone” which was the common form of communication in 1999 when the ordinance was originally adopted. The proposed amendment replaces *telephone* with *communication services* to include all types of communication (telephone, cell phone or other devices) as follows:

§ 153.080 ELECTRICAL AND COMMUNICATION SERVICE.

All new electrical, ~~telephone~~ *communication services* and TV distribution lines and all conduits used for the distribution of such signals located within the town shall be placed underground from the point of separation from the distribution line to the structure of the ultimate user. Existing distribution lines that are in place overhead on the effective date of this regulation may be extended only if such extensions are placed underground. Transformers and enclosures containing switches, meters, capacitors and the like may be pad mounted as an exception to the above.

The Planning Board reviewed this request on April 16, 2019 and forwarded it to the Board with a favorable recommendation. Staff recommends setting the public hearing for the May 13, 2019 Board of Commissioners meeting.

ATTACHMENT CA-4A

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 - §153.080 Electrical and Communication Services – Clarify Communication Services

Approval: Planning Board finds that the proposed zoning amendment - §153.080 Electrical and Communication Services – Clarify Communication Services 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 6 to 0, this the sixteenth day of April, 2019.

Attest:



Planning Board Chairman



Secretary of Planning Board