



# TOWN OF KILL DEVIL HILLS

*Land Where Flight Began*

MEMORANDUM

December 12, 2022

TO: Mayor and Board of Commissioners

FROM: Debora P. Díaz, Town Manager

REF: Public Hearing

## 1. Public Hearing

Notice for the following item has been published in the *Coastland Times*, meeting or exceeding the N.C.G.S. requirements for public hearings. The notice has been posted on the Town's bulletin boards, on the Town's website at <https://www.kdhnc.com/1090/December-12-2022-Board-of-Commissioners->, and social media platforms, and has been disseminated through the Town's electronic distribution list.

### **Proposed Zoning Amendment—§153.076(A)(9)(h) & §153.076(D) Off-Street Parking and Loading— Create Parking and Driveway Requirements for Emergency Services Facilities (Attached PH-1)**

The Town's code provisions do not currently address off-street parking and loading requirements necessary for the development of a proposed Kill Devil Hills Fire and Dare County EMS joint station. Assistant Planning Director Cameron Ray's attached memorandum details the proposed changes, which include special entrance requirements for emergency services.

At its October 18, 2022, meeting, the Planning Board voted to forward the attached amendment to the BOC, recommending approval. At its November 14, 2022, meeting, the BOC scheduled this public hearing. At the hearing's conclusion, a motion will be in order to approve, disapprove, or table this amendment for further consideration.

Additionally, a finding must be established by the BOC with respect to each change; therefore in the motion to approve or disapprove the amendment, language has been included:

“The Board of Commissioners finds that the amendment to Chapter 153 Zoning, — §153.076(A)(9)(h) & §153.076(D) Off-Street Parking and Loading— Create Parking and Driveway Requirements for Emergency Services Facilities 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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\_\_\_\_\_”

A motion is in order.

Director of  
Planning and Inspections  
MEREDITH GUNS

Building Inspector  
MARTY SHAW  
CHARLES THUMAN

Code Enforcement Officer  
JORDAN BLYTHE



Assistant Director of  
Planning and Inspections  
CAMERON RAY

Senior Planner  
RYAN LANG

Zoning Administrator  
DONNA ELLIOTT

THE TOWN OF KILL DEVIL HILLS  
NORTH CAROLINA

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PLANNING DEPARTMENT

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November 14, 2022

Memorandum

To: Debbie Diaz, Town Manager

From: Cameron Ray, Assistant Planning Director 

Subject: Proposed Zoning Amendment—§153.076(A)(9)(h) & §153.076(D) Off-Street Parking and Loading— Create Parking and Driveway Requirements for Emergency Services Facilities

During the site plan design process for the proposed Kill Devil Hills Fire and Dare County EMS joint facility, it has been recognized that the Town code provisions do not address off-street parking and loading requirements for this land use. Attached is an amendment to 153.076 Off-Street Parking and Loading including required parking and driveway requirements. The amendment requires emergency services to have one parking space per employee and then an additional one parking space per 200 square feet of training facility and customer service areas. Also, the proposed amendment creates special entrance requirements that meet the needs of emergency services including a maximum width of 115' entrance. The proposed amendment will provide adequate standards for the emergency services uses in Town.

The Planning Board reviewed this proposed zoning amendment and forwarded it to the Board with a favorable recommendation. Staff recommends setting the public hearing for December 12, 2022.

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:

**§ 153.076 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.

(9) Parking requirements for multi-family and commercial establishments.

(h) Special entrance requirements - Emergency Services. Where a lot abuts U.S. 158/Croatan Highway and does not abut any other dedicated public right-of-way, one entrance shall be allowed consistent with the following dimensional requirements: the width of a commercial driveway shall not exceed 115 feet measured at the property line. The outside radius (R) of an entrance/exit connection shall be a minimum of five feet, not to exceed a maximum of 45 feet.

(D) *Table of parking requirements.*

<i>Institutional uses</i>	<i>Required parking</i>
<u>Emergency Services Facility (Police, Fire, EMS)</u>	<u>1 parking space per employee on duty and 1 parking space per 200 square feet of training facility and customer service areas</u>

This amendment to Chapter 153, Zoning, shall be in full force and effect from and after the \_\_\_\_ day of \_\_\_\_\_, 2022. Adopted and approved by the Board of Commissioners of the Town of Kill Devil Hills at a regular meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2022, by a vote of \_\_\_\_ in favor and \_\_\_\_ opposed.

SEAL

\_\_\_\_\_  
Ben Sproul  
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 CHAPTER 153, ZONING, was placed in the Kill Devil Hills Town Code Book on the \_\_\_\_\_ day of \_\_\_\_\_, 2022 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

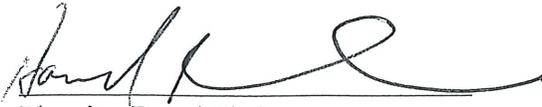
**Proposed Amendment Title:** Proposed Zoning Amendment—§153.076(A)(9)(h) & §153.076(D) Off-Street Parking and Loading— Create Parking and Driveway Requirements for Emergency Services Facilities

**Approval/Denial:** Planning Board finds that the Proposed Zoning Amendment §153.076(A)(9)(h) & §153.076(D) Off-Street Parking and Loading— Create Parking and Driveway Requirements for Emergency Services Facilities 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 Eighteenth day of October, 2022.

Attest:

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

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