



TOWN OF KILL DEVIL HILLS

Land Where Flight Began

MEMORANDUM

May 24, 2023

TO: Mayor and Board of Commissioners

FROM: Ben Sproul

REF: Mayor's Agenda

1. Proclamations and Resolutions (Attached MA-1A)

A. Resolution in Support of Municipal Zoning Approaches and Balanced Zoning Changes by the North Carolina General Assembly

This resolution highlights the importance of balancing the State's zoning regulation oversight with the integral role that municipal zoning authority plays in the addressing the needs of our residents, businesses, and visitors.

I recommend approval of this resolution, and a motion would be in order for its adoption.



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WHEREAS, North Carolina is composed of 552 municipalities, with the vast majority being small or mid-sized, each having a unique identity, history, and governance; and

WHEREAS, planning and zoning options in all communities must adhere to state statutes, local ordinances vary greatly, based on the needs of each community's residents and businesses; and

WHEREAS, threats to these municipalities can arise when developers attempt to convince legislators to strip local zoning requirements to meet their needs, or allow the developers to opt out of local zoning ordinances altogether. Threats may also arise when advocates for increased housing demand that legislators support homogenization in zoning, arguing that all types of housing should be allowed everywhere; and

WHEREAS, the Town of Kill Devil Hills is a resort community in the Outer Banks barrier islands, and has had long-established zoning ordinances consistent with the needs of the community, balancing the needs of its residents, businesses, and visitors; and

WHEREAS, the Town of Kill Devil Hills has worked diligently since its incorporation in 1953 to craft local zoning ordinances that are responsive to the needs of its residents and businesses, as well as to builders and developers; to this end, the Town's Planning Board, with public input, most recently reviewed and painstakingly updated the Town's Land Use Plan in 2020 and has worked with residents, businesses, the development community, and the Board of Commissioners to periodically update local zoning; and

WHEREAS, the Town's Land Use Map specifically outlines the community's residential areas and protects those areas for long-term residents and controls density in the residential areas. Kill Devil Hills' zoning ordinances reflect a strong commitment to individual property rights while striving to retain a low-density residential district; and

WHEREAS, Kill Devil Hills has already adjusted the Town's zoning requirement to allow accessory dwelling units (ADUs) in almost all zoning districts with long-term residency restrictions in our strictest residential zones. The amendments made to permit ADUs were adopted specifically to address the housing issue on the Outer Banks, and have conditions that balance the needs of our community; any legislation that undermines the voices of our citizens and their needs will negatively impact our community and our elected officials, along with their ability to govern; and

WHEREAS, we acknowledge the State of North Carolina's oversight over all municipalities, respect the limitations and requirements established by the current state statutes, and recognize the desire to address the state-wide housing issues. At the same time, the Town of Kill Devil Hills believes that one-size-fits-all efforts that mandate significant, across the board changes to local zoning authority is misguided and will result in far-reaching, negative impacts; and

WHEREAS, Kill Devil Hills acknowledges the State of North Carolina's authority to regulate the North Carolina Building Code to promote and protect public safety, but recognizes there is a balancing line between ensuring safety and hindering a municipality's ability to effectively review plans and specifications thoroughly and completely. The Town's building inspection staff work in a timely and consistent manner, but not all projects are of the same complexity; arbitrary timelines are reducing the Town's ability to ensure compliance with the adopted North Carolina Building Code; now, therefore be it

RESOLVED, that the Kill Devil Hills Board of Commissioners urges legislators to work with local municipal leaders and the North Carolina League of Municipalities to craft incentives and targeted approaches appropriate to housing issues in specific areas, allowing local leaders to direct municipal staffs on the daily operations for plan review approval and permitting. We ask our legislators to balance their oversight with respect for the critical role local zoning plays in maintaining the civic health of our state while balancing the needs of the residents with those of builders and developers.

BE IT FURTHER RESOLVED, The Board of Commissioners strenuously objects to state bills that seek to homogenize, significantly weaken, or otherwise interfere in local zoning authority, on the basis that such interference threatens a town's ability to determine its unique identity and future within the limitations and requirements established by state statutes. More specifically, the Town objects to the following legislation:

- House Bill 332/Senate Bill 275, which would impose a 21-day shot clock on local building inspectors review process disregarding the complexity of the project and removing the building inspector authority with third party intervention.
- House Bill 409, which would preempt local government regulation of accessory dwelling units on lots where single family dwellings are permitted uses with no regard to locally adopted Land Use Plans, density control, or current municipalities' efforts to permit ADUs while also creating regulation appropriate for the community.
- House Bill 488/Senate Bill 378, which creates a new residential building code that expands the current code for one- and two-family residential structures, creates a residential building code council, and makes numerous changes to private street, stormwater, and sewer rules detrimental to locally adopted regulations.
- House Bill 600 and Senate Bill 686, which modifies stormwater regulations to limit local ability to reduce runoff and reduces single-family dwelling wastewater systems daily flow rates significantly causing concern for water quality in areas where onsite wastewater is predominate. Additionally, House Bill 600 mandates a maximum parking space size, eliminating local authority to create a safe standard for parking size that meet the needs of the community.

This _____ day of _____, 2023.

SEAL

Benjamin A. Sproul
Mayor

ATTEST:

James Michael O'Dell
Town Clerk