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THE TOWN OF KILL DEVIL HILLS NORTH CAROLINA

PLANNING DEPARTMENT

March 06, 2024

Memorandum

To: Debbie Diaz, Town Manager

From: Cameron Ray, Assistant Planning Director 

Subject: Proposed Zoning Amendment - §153.355(A) Site Plan Requirements & §153.357 Site Plan Review Process for Commercial, Multi-Family and Special Use Applications: Revise Number of Copies Required for Submittal

During the January 24, 2024 Board of Commissioners meeting, the Town Clerk presented a report on ways to reduce the Town's Carbon Footprint as this was one of the Board's goals for Kill Devil Hills. One item that was presented was to decrease the number of paper copies required for site plan review. After consideration, the Board directed Staff to develop an ordinance amendment to decrease the required number to five accompanied by an electronic copy.

Currently, Town code sections 153.355(A) & 153.357 require fifteen copies of plans to be submitted at each submittal, which is a minimum of three submittals for a total of 45 copies. Attached is a proposed amendment to 153.355(A) & 153.357 to decrease the required number of copies for site plan review from fifteen to five accompanied by an electronic copy. As proposed, the reduced total number of copies will significantly reduce the amount of paper resources used for the site plan review process as well as reducing the cost for applicants.

On February 13, 2024, the Planning Board reviewed the attached proposed zoning amendments to §153.355(A) Site Plan Requirements & §153.357 Site Plan Review Process for Commercial, Multi-Family and Special Use Applications and recommended approval. Staff recommends setting the required public hearing for March 27, 2024.

**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:

ADMINISTRATION AND ENFORCEMENT

§ 153.355 SITE PLAN REQUIREMENTS.

(A) Upon submission of commercial, industrial and multi-family site plans for initial staff review, the developer shall have the site plan prepared, stamped or sealed and signed by persons duly authorized by state law. The site plan shall be submitted with tentative Health Department approval and the developer shall pay all site plan review fees as required by the adopted fee schedule. Five paper ~~Fifteen~~ copies and an electronic copy of the site plan shall be delivered to the Planning Director who shall distribute same to the heads of the Public Services Department, the Police Department, the Fire Department and such other town officials and departments as the Board may direct. Each such department head and town official shall review the site plan and report any comments or recommendations in writing to the planning staff at which time the planning staff shall meet with the site plan preparer to address recommendations and comments for revision.

§ 153.357 SITE PLAN REVIEW PROCESS FOR COMMERCIAL, MULTI-FAMILY AND SPECIAL USE APPLICATIONS.

(A) Prior to preparing a site plan for commercial, multi-family and special use applications, the preparer should obtain a site plan requirements list from the Planning Department. This check list covers most items required on site plans, and the site plan preparer should address all items on the list before submitting a site plan. Applicants are encouraged to review their particular cases with the staff in a sketch plan meeting prior to submission of formal application. A sketch plan review by the Planning Board may be recommended.

(B) (1) On or before the third Tuesday of the month prior to Planning Board review, site plan preparer submits the following to the Planning Department staff:

(a) Five paper ~~Fifteen~~ copies and an electronic copy of the site plan, all items on checklist addressed and an engineer's seal on the plan;

(b) Letter of tentative Health Department approval, from the local or state agency having jurisdiction;

(c) Site plan review fee.

(2) The application is then circulated to the appropriate town departments for staff review I.

(C) Staff comments I due to Planning Department on Monday following receipt of plans.

(D) On the fourth Tuesday of the month, site plan preparer meets with the planning staff for a preliminary review of the site plan. This meeting will include discussion of recommendations from the town departments.

(E) On the first Tuesday of the following month, the site plan preparer submits [five paper](#) 15 copies [and an electronic copy](#) of the site plan, revised to address issues raised by the staff at the preliminary site plan review meeting.

(F) On the following Wednesday, staff review II begins.

(G) On the following Monday, staff comments II are due to the Planning Department.

(H) On the second Friday of the month, Planning Board packets will be ready. Copies of the Planning Department staff comments to the Planning Board will be available to site plan preparers. Comments can be obtained after 1:00 p.m. Friday at the Planning Department.

(I) On the third Tuesday of the month, the Planning Board will review the site plan. They will make recommendations to the Board of Commissioners such as: approval as submitted, approval with conditions, disapproval or that the plan be tabled to allow the preparer to address the Planning Board's concerns. In the event that the plan is tabled by the Planning Board, the tabling motion shall expire two years from the date of the tabling motion. Such plan shall be reconsidered only after the applicant:

(1) Pays the full site plan review fee; and

(2) Resubmits the plan through the prescribed site plan approval process as specified in this chapter.

(J) If the Planning Board forwards the plan to the Board of Commissioners, the site plan preparer must submit [five paper](#) 15-copies and [an electronic copy](#) of the site plan, addressing any and all conditions, to the Planning Department by the fourth Tuesday of the month in order to be considered at the Board of Commissioners' regular meeting the next month.

(K) On the first Monday of the following month, staff comments and revised site plan will be sent to the Administration Department by 5:00 p.m.

(L) After 1:00 p.m. on the Friday before the Board of Commissioners meeting, copies of staff comments can be obtained at the Administration Department.

(M) The Board of Commissioners will review site plans on the second Monday of the month. At that time the Board of Commissioners will approve, conditionally approve, disapprove or table the proposed project.

(N) Once a site plan has the Board of Commissioners' approval, the Building Inspector may issue a building permit during the next 365 days, provided that all other requirements of this chapter and other applicable town ordinances are met. If a building permit is not secured within 365 days from final approval of the site plan, the site plan approval expires and the applicant must resubmit the site plan for review by the Planning Board and the Board of Commissioners. In the event the applicant certifies to the Planning Director that there have been no intervening ordinance or regulatory changes affecting siting and use and there is no significant change in the site plan design, then the Planning Director may certify such conditions. Upon such certification, the Planning Director may give the applicant 90 days in which to secure a building permit. In the event no building permit is secured within the 90-day period, the site plan approval extension shall expire and the site plan must be resubmitted through the prescribed site plan approval process as specified in this chapter.

(O) Rejected site plans may be resubmitted in accordance with this chapter when redrafted to meet the specifications of this chapter and upon payment of the required fees.

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

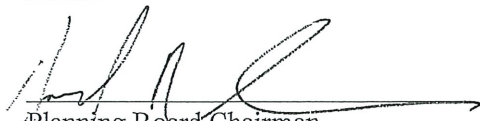
Proposed Amendment Title: Proposed Zoning Amendment – §153.355(A) Site Plan Requirements & §153.357 Site Plan Review Process for Commercial, Multi-Family and Special Use Applications: Revise Number of Copies Required for Submittal

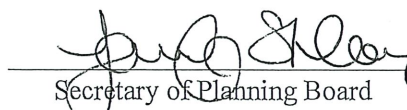
Approval/Denial: Planning Board finds that the Proposed Zoning Amendment – §153.355(A) Site Plan Requirements & §153.357 Site Plan Review Process for Commercial, Multi-Family and Special Use Applications: Revise Number of Copies Required for Submittal is is not consistent with the adopted Land Use Plan.

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 6 to 0, this the thirteenth day of February, 2024.

Attest:


Planning Board Chairman


Secretary of Planning Board