



TOWN OF KILL DEVIL HILLS
Land Where Flight Began

MEMORANDUM

June 26, 2024

TO: Mayor and Board of Commissioners

FROM: Debora P. Díaz, Town Manager

[Handwritten signature]

REF: 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, the Town's website https://www.kdhnc.com/1133/June-26-2024-Board-of-Commissioners-Meet, social media platforms, and has been disseminated through the Town's electronic distribution list. At the conclusion of this public hearing, which was scheduled by the Board of Commissioners at its April 24, 2024, meeting, a motion will be in order to approve, disapprove, or table the item for further consideration.

Public Hearing

- 1. Town Code Amendment – Overnight parking at beach accesses, which would prohibit overnight parking at the Town's beach accesses from midnight to 3:00 a.m. (Attached PH-1)

Since Kill Devil Hills' incorporation, the Town has strived to equally balance opportunities for all stakeholders, including residents, businesses, and the general public. With the additional growth and development of the oceanfront, it has been a priority for the Town to maintain entry for the public to access the pristine, public trust beaches. Dare County municipalities have the following in place for their public beach accesses:

Table with 2 columns: Location and Access Policy. Rows include Duck, Southern Shores, Kitty Hawk, and Nags Head.

The proposed amendment to the Town Code creates a new section under Chapter 72, Stopping, Standing and Parking, §72.05 Parking in Certain Places and General Regulations, Chapter 96 Seaside Regulations, §96.15 (A) Beach Access Parking, which would prohibit overnight parking at the Town's beach accesses from 12:00 a.m. (midnight) to 3:00 a.m.

Staff recommends approval of the amendment as presented, and requests Board consideration. A motion is in order.



# TOWN OF KILL DEVIL HILLS

Land Where Flight Began

(KDH Town Seal)

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on Wednesday, June 26, 2024, at 6:00 p.m. in the Town Hall Meeting Room, 102 Town Hall Drive, the Kill Devil Hills Board of Commissioners will hold a public hearing to receive public comment, both written and oral, on the following proposed amendment to the Town Code:

- 1. Town Code Amendment – Overnight parking at beach accesses, which would prohibit overnight parking at the Town’s beach accesses from midnight to 3:00 a.m.**

Information on the item may be viewed on Kill Devil Hills’ website: <https://www.kdhnc.com/1133/June-26-2024-Board-of-Commissioners-Meet> or in the Town Clerk’s Office, 102 Town Hall Drive, Kill Devil Hills. Arrangements can be made for personal inspection of the item materials by contacting the Town Clerk at 252-449-5300, or by emailing [info@kdhnc.com](mailto:info@kdhnc.com).

Written comments, which will be included with the records 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: [info@kdhnc.com](mailto:info@kdhnc.com). Comments must include your name and address, and should be limited to three minutes when read aloud (five minutes when speaking for a group).

At this 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 13<sup>th</sup> day of May 2024.

James Michael O’Dell  
Town Clerk

*Coastland Times*: Please publish as a legal ad in the following JUNE editions:

06/12/2024

06/19/2024



**THE TOWN OF KILL DEVIL HILLS**  
NORTH CAROLINA

**ADMINISTRATION**

Post Office Box 1719, 102 Town Hall Drive  
Kill Devil Hills, North Carolina 27948  
Office Hours: 8:00 a.m. – 5:00 p.m. Mon. – Fri.  
(252) 449-5300

Town Manager  
**DEBORA P. DIÁZ**

Assistant Town Manager  
**CHARLENE ALLEN**

Town Clerk  
**JAMES MICHAEL O'DELL**

Deputy Town Clerk/  
Administrative Assistant  
**JENNIFER STECHER**

Public Information Officer  
**RACHEL TACKETT**

Deputy Town Clerk/  
Administrative Specialist  
**PARKER MIDGETT**

April 24, 2024

Memorandum

To: Debora P. Diáz, Town Manager

From: James Michael O'Dell, Town Clerk

Subject: Proposed Town Code Amendment – Chapter 72, Stopping, Standing, and Parking, §72.05, Parking in Certain Places, and Chapter 96, Seaside Regulations, §96.15 Beach Accesses – prohibition of overnight parking at the Town's beach accesses

At the request of Administration and following requests from the public, the Office of the Town Clerk, working in conjunction with the Police Department, has developed a proposed amendment to the Town Code to address overnight parking at the Town's beach accesses.

This was the result of concerns expressed by the public about beach access parking, which is available and free to the Town's citizens, residents, and visitors, regularly being utilized by nearby properties, including large single-family dwellings, along the oceanfront as supplemental parking.

The proposed amendment would prohibit overnight parking at all of the Town's beach accesses from 12 midnight to 3:00 a.m. Any violators would be subject fines and other remedies from our Police Department. However, Staff's main goal would be to educate and inform the public of the parking requirement, which was developed to provide as minimal an impact on the public as possible.

**AN ORDINANCE AMENDING THE KILL DEVIL HILLS TOWN CODE,  
CHAPTERS 72, STOPPING, STANDING AND PARKING  
AND CHAPTER 96, SEASIDE REGULATIONS**

BE IT HEREBY ORDAINED BY THE Kill Devil Hills Board of Commissioners that Chapter 72, Stopping, Standing and Parking, and Chapter 96, Seaside Regulations, 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:

**72.05 PARKING IN CERTAIN PLACES.**

When signs have been erected indicating that parking is restricted or permitted on certain streets, ~~or~~ portions of street, or beach accesses as described on the official traffic-control maps of the town, no person shall park a vehicle on such street, ~~or~~ portion of street, or beach accesses except in compliance with the directions and/or restrictions contained on such signs.

**CHAPTER 96: SEASIDE REGULATIONS**

**§ 96.15 BEACH ACCESSES.**

(A) Parking.

- (1) Parking prohibited between 12:00 a.m. midnight and 3:00 a.m. at beach access parking lots and areas. No vehicle or trailer shall be parked and left unattended at any beach access parking lot or area within the Town of Kill Devil Hills after 12:00 a.m. midnight and before 3:00 a.m.

This amendment to Chapter 72, Parking, Standing and Stopping, and Chapter 96, Seaside Regulations, shall be in full force and effect from and after the \_\_\_\_ day of \_\_\_\_\_, 2024. Adopted and approved by the Board of Commissioners of the Town of Kill Devil Hills at a regular meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2024, by a vote of \_\_\_\_ in favor and \_\_\_\_ opposed.

SEAL

\_\_\_\_\_  
John Windley  
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 THE KILL DEVIL HILLS TOWN CODE, CHAPTER 72, STOPPING, STANDING AND PARKING and 96, SEASIDE REGULATIONS, was placed in the Kill Devil Hills Town Code Book on the \_\_\_\_ day of \_\_\_\_\_, 2024, at \_\_\_\_\_.m.

\_\_\_\_\_  
James Michael O'Dell  
Town Clerk

**info**

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**From:** jamie mackinnon <jmackm6@gmail.com>  
**Sent:** Tuesday, June 11, 2024 9:08 AM  
**To:** info  
**Subject:** Amendment to not allow overnight parking at beach accesses

I am Cheryl MacKinnon, a KDH resident at 1405 Ketch Lane. My closest beach access is Asheville, but even early in the morning parking can be unavailable due to overnight parking from adjacent rental houses. I now, go to Raleigh access, but especially now that there are 14 houses on 1 lot with inadequate parking, it has become a problem! Please pass this amendment!!

Sent from my iPhone

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**From:** jamie mackinnon <jmackm6@gmail.com>  
**Sent:** Wednesday, June 19, 2024 8:16 AM  
**To:** info  
**Subject:** Overnight parking

I'm a KDH resident and I am in favor of the amendment to not allow overnight parking at beach accesses.

Jamie MacKnnon  
1405 ketch lane  
KDH  
2525644046

Sent from my iPhone