



TOWN OF KILL DEVIL HILLS
Land Where Flight Began

MEMORANDUM

October 11, 2021

TO: Mayor and Board of Commissioners
FROM: Debora P. Diaz, 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, posted on the Town's bulletin boards, website at https://www.kdhnc.com/916/October-11-2021-Board-of-Commissioners-M, and social media platforms, and has been disseminated through the town's electronic distribution list.

A. Proposed Zoning Amendment - §153.077 Signs - allowing strings of electric light bulbs for approved Outdoor Dining/Activity Area(s) (Attached PH-1A)

Noosa Beach Grill, LLC, has proposed an amendment to §153.077, Signs, to allow strings of electric light bulbs for approved Outdoor Dining/Activity Area(s) as supplementary lighting for patrons. Assistant Planning Director Cameron Ray's attached memorandum highlights the schedule when such lighting is currently permitted under Town Code.

At its August 17, 2021, meeting, the Planning Board reviewed the proposed amendment and voted to forward it to the BOC for consideration, with a recommendation of approval. At its September 13, 2021, meeting the BOC scheduled this public hearing.

At the conclusion of this public hearing, a motion will be in order to approve, disapprove, or table the amendment for further consideration. Additionally, a finding must be established by the Board with respect to the change, therefore in the motion to approve or disapprove the amendment, the following language should be included:

"The Board of Commissioners finds that the amendment to Chapter 153 Zoning, 153.077 (D)(16) Signs - Outdoor Dining / Activity Area(s) - to allow strings of electric light bulbs for approved Outdoor Dining/Activity Area(s) 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 _____"

A motion is in order.

Director of
Planning and Inspections
MEREDITH GUNS



Assistant Director of
Planning and Inspections
CAMERON RAY

Building Inspector
MARTY SHAW
CHARLES THUMAN

Senior Planner
RYAN LANG

Code Enforcement Officer
JORDAN BLYTHE

Zoning Administrator
DONNA ELLIOTT


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

PLANNING DEPARTMENT

September 13, 2021

Memorandum

To: Debbie Diaz, Town Manager

From: Cameron Ray, Assistant Planning Director 

Subject: Zoning Amendment Request — Outdoor Dining/Activity Area(s) Lighting

Attached is a Zoning Amendment request from Noosa Beach Grille, LLC and staff review comments. The request is to 153.077(D)(16) to allow strings of electric light bulbs for approved Outdoor Dining/Activity Area(s) for the purposes of supplementary lighting for patrons. Currently, strings of electric lights are allowed only from November 22nd through January 07th and July 02nd through July 06th per Town Code 153.077(B)(11). The applicant is requesting 153.077(D)(16) for Outdoor Dining/Activity Area(s) be allowed to have electric strings of lights year around and include several conditions as outlined. During Administrative review, Staff requested revisions to the text to meet staff comments and the applicant has provided in writing their consent to the changes (attached).

On August 17, 2021 the Planning Board recommended approval of the below attached amendment to 153.077(D)(16):

§153.077 SIGNS.

(D) *Detailed specifications for commercial zone and light industrial zones signs.*

(16) Strings of electric light bulbs greater than (2) inches (Café Style Lighting) for the purpose of supplementary site lighting in approved Outdoor Dining/Outdoor Waiting Activity Areas for patrons on commercial sites and permanently attached to the structure that are not flashing or intermittently illuminated or appear to be flashing, fading, glittering, moving, or deemed a traffic distraction shall be permitted in the commercial zone with the following conditions:

- a. Shall be parallel to the ground (no shaped or other outlining permitted)
- b. Shall be limited to one continuous string.
- c. Shall be limited to one color per commercial site.
- d. Shall be located no higher than 15 feet from finished grade on the site.
- e. Shall be permanently attached to the primary structure, accessory structure and permanent piling/poles. Attachment to any free standing or building signage is prohibited.

- f. Shall be maintained and proper working order. Strings that are partially lit or not functioning properly or deemed a traffic distraction will be required to be turned off until removed or repaired.
- g. Shall not be located within required parking, drive aisle, or landscaping buffer.

Staff recommends setting the required public hearing for October 11, 2021.

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:

§ 153.077 SIGNS.

(D) *Detailed specifications for commercial zone and light industrial zone signs.*

- 16) Strings of electric light bulbs greater than two inches (Café Style Lighting) for the purpose of supplementary site lighting in approved Outdoor Dining/Outdoor Waiting Activity Areas for patrons on commercial sites and permanently attached to the structure that are not flashing or intermittently illuminated or appear to be flashing, fading, glittering, moving, or deemed a traffic distraction shall be permitted in the commercial zone with the following conditions:
 - a. Shall be parallel to the ground (no shaped or other outlining permitted).
 - b. Shall be limited to one continuous string.
 - c. Shall be limited to one color per commercial site.
 - d. Shall be located no higher than 15 feet from finished grade on the site.

- e. Shall be permanently attached to the primary structure, accessory structure and permanent piling/poles. Attachment to any freestanding or building signage is prohibited.
- f. Shall be maintained and in proper working order. Strings that are partially lit or not functioning properly or deemed a traffic distraction will be required to be turned off until removed or repaired.
- g. Shall not be located within required parking, drive aisle, or landscaping buffer.

This amendment to Chapter 153, Zoning, shall be in full force and effect from and after the ____ day of _____, 2021. Adopted and approved by the Board of Commissioners of the Town of Kill Devil Hills at a regular meeting held on the ____ day of _____, 2021, by a vote of ____ in favor and ____ opposed.

SEAL

Ben Sproul
Mayor

ATTEST:

James Michael O'Dell
Deputy 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 _____, 2021 at _____ .m.

James Michael O'Dell
Deputy Town Clerk