



TOWN OF KILL DEVIL HILLS
Land Where Flight Began

MEMORANDUM

March 27, 2024

TO: KDH Board of Commissioners
FROM: Debora P. Díaz, Town Manager
REF: Public Hearings

Notice for the following items has been published in the *Coastland Times*, and posted on the Town's bulletin boards, website at <https://www.kdhnc.com/1125/March-27-2024-Board-of-Commissioners-Mee> and social media platforms, and has been disseminated through the Town's electronic distribution list, meeting or exceeding the N.C.G.S. requirements for public hearings. The Planning Department's attached memoranda highlight proposed amendments to the Town Code.

At the conclusion of each hearing, a motion will be in order to approve, disapprove, or table the item for further consideration.

- 1. **Amendments to the Town Code (Attached PH-1A, PH-1B, and PH-1C)**
 - A. **Town Code Amendment - §153.310 Cottage Courts & §153.311 Cluster Homes – Proposed modification to regulations, specifically to include 1,800 square foot maximum per structure, with a 20-foot separation between each structure, in Ocean Impact Residential and Commercial Zones**

At its August 14, 2023, meeting, the Board of Commissioners directed Staff to develop additional regulations for cottage courts and cluster homes. Staff developed a Town Code amendment that reduced the maximum size of dwelling units, created an additional front yard setback in the Ocean Impact Residential Zone (OIR), and created a tiered separation of structures based on gross square footage and heights. Currently, the maximum square footage for this type of development is 2,500 square feet of gross floor area.

During its December 19, 2023, review, the Planning Board reduced the amendment's proposed maximum square footage for these structures from 2,000 square feet to 1,500 square feet of gross floor area, before forwarding it for BOC consideration.

At its February 5, 2024, Public Hearing, the BOC tabled the amendment for further review. During its March 6, 2024, meeting, the BOC scheduled a public hearing for this meeting, with the amendment to specifically include a 1,800 square feet allowable maximum, and a 20 foot separation on each structure, only in and Commercial Zones, with Residential Low Zone remaining 1,500 square feet.

Additionally, a finding must be established by the Board with respect to the proposed amendment; therefore, in the motion to approve or disapprove this amendment, language has been included below:

“The Board of Commissioners finds that the amendment to Chapter 153 Zoning, 153.310 Cottage Courts & 153.311 Cluster Homes – Proposed modification to regulations, specifically to include 1,800 square foot maximum per structure, with a 20-foot separation between each structure, in Ocean Impact Residential and Commercial Zones 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 _____.”

B. Town Code 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 Site Plan Review

At the BOC’s January 24, 2024, meeting, the Town Clerk presented a memorandum on approaches the Town was implementing for the Board’s goal to decrease the Town’s carbon footprint. One recommendation included decreasing the number of paper copies required for site plan review. As a result, the BOC directed Staff develop an amendment to decrease the required number of site plans for submittal to five, accompanied by an electronic copy.

At its February 13, 2024, meeting, the Planning Board reviewed and forwarded the amendment, recommending approval. At its March 6, 2024, meeting, the BOC scheduled a public hearing for this meeting.

A finding must be established by the Board with respect to the proposed amendment; therefore, in the motion to approve or disapprove this amendment, language has been included below:

“The Board of Commissioners finds that the amendment to Chapter 153 Zoning, 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 Site Plan Review 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 _____.”

C. Town Code Amendment - Chapters 10, General Provisions; Chapter 150, Building Regulations; Chapter 151, Flood Damage Prevention; Chapter 152, Subdivisions; and Chapter 153, Zoning: Modify Notice of Violation, Civil Penalties, and Appeals to Clarify Procedures

The proposed amendment, prepared in consultation with the Town Attorney, would modify the Town’s notice of violation, civil penalties, and appeals procedures for clarification. The amendments to Chapters 10 General Provisions, 150 Building Regulations, 151 Flood Damage Prevention, 152 Subdivisions, and 153 Zoning will clarify the appeals process, resulting in a more efficient and user-friendly appeals system.

At its February 13, 2024, meeting, the Planning Board reviewed and forwarded the amendment, which was subsequently scheduled for this public hearing by the BOC at its March 6, 2024, meeting.

A finding must be established by the Board with respect to the proposed amendment; therefore, in the motion to approve or disapprove this amendment, language has been included below:

“The Board of Commissioners finds that the amendment to Chapters 10, General Provisions; Chapter 150, Building Regulations; Chapter 151, Flood Damage Prevention; Chapter 152, Subdivisions; and Chapter 153, Zoning: Modify Notice of Violation, Civil Penalties, and Appeals to Clarify Procedures 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

_____”