

**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.

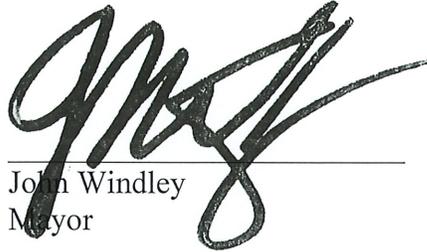
(N) Once a site plan has the Board of Commissioners' approval, the Building Inspector may issue a building permit during the next 365 days, provided that all other requirements of this chapter and other applicable town ordinances are met. If a building permit is not secured within 365 days from final 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.

This amendment to Chapter 153, Zoning, shall be in full force and effect from and after the 27th day of March, 2024. Adopted and approved by the Board of Commissioners of the Town of Kill Devil Hills at a regular meeting held on the 27th day of March, 2024, by a vote of 4 in favor and 0 opposed.

SEAL





John Windley
Mayor

ATTEST:



James Michael O'Dell
Town Clerk

APPROVED AS TO FORM:



Casey C. Warnell
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 28th day of March, 2024, at 9:00 a.m.



James Michael O'Dell
Town Clerk

Adopted Amendment
Chapter 153, Zoning, 153.355 Site Plan Requirements & 153.357 Site Plan Review
Process for Commercial, Multi-Family and Special Use Applications -
Decrease number of plan submissions to five paper copies, with electronic copy submittal
Page - 5 - of 5