



TOWN OF KILL DEVIL HILLS

Land Where Flight Began

MEMORANDUM

April 12, 2021

TO: Mayor and Board of Commissioners

FROM: Debora P. Díaz, Town Manager

REF: Old Business

2. Requested ordinance amendment: Community Appearance Commission update (Attached OB-2)

At its November 9, 2020, meeting, the BOC directed Staff to develop an ordinance amendment to eliminate the Planning Board's representative on the Community Appearance Commission (CAC) and replace it with a regular membership position. Staff provided the BOC with amendment language options that addressed replacement of the Planning Board position and also elimination of CAC requirements that members be selected from specific stakeholder categories, which would allow for more flexibility in the appointment process, and therefore, membership:

- Draft Amendment A: removal of membership requirements and replacement of the Planning Board representative with a regular member
- Draft Amendment B: replacement of the Planning Board representative with a regular member ONLY

Through consensus, the BOC directed the amendment options to the CAC for recommendation. At its March 25, 2021, meeting, the CAC reviewed the draft amendments and unanimously recommended the BOC approve Draft Amendment A.

A motion would be in order.

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:

§ 31.20 APPEARANCE COMMISSION ESTABLISHED.

(A) There is hereby established a commission to be known as the Kill Devil Hills Community Appearance Commission.

(B) The Community Appearance Commission shall consist of ~~seven~~ eight members, including the chairperson, all of whom shall be residents, property owners, or business owners of the town. ~~At least three members shall represent the town's business community (and they may reside in- or out of town) being Kill Devil Hills business owners; at least three members shall represent the town's residential community being either in- or out of town residential property owners; at least one member shall be a year-round resident of the Town of Kill Devil Hills and who does not necessarily own property in Kill Devil Hills. Desirable training and experience for members of the Community Appearance Commission includes a design field, such as architecture, landscape design, horticulture, city planning, or a closely related field; however, interest, commitment, and enthusiasm are characteristics required of all potential appointees.~~

(C) The members of the Community Appearance Commission shall be appointed by the Board of Commissioners to serve terms of three years each; provided, however, that the initial

members shall serve staggered terms. If a vacancy occurs in the membership of the Commission, the Board of Commissioners shall appoint a successor to fill the unexpired term. All members of the Commission shall serve at the pleasure of the Board of Commissioners and may be removed by the Board with or without cause.

(1) A member of the Board of Commissioners.

~~—(2) A member of the Planning Board, appointed by the membership of the Planning Board, shall serve in an ex-officio status on the Community Appearance Commission; this position shall have no vote on matters before the Community Appearance Commission. The Planning Board representative shall provide assistance and guidance on issues and matters under consideration by the Planning Board that may have pertinent bearing on issues and matters before the Community Appearance Commission.~~

~~—(3)(2) The Town Manager shall assign such staff members to provide support to the Community Appearance Commission as deemed necessary and appropriate.~~

(D) At its organizational meeting, the Community Appearance Commission shall select a Chairman and Vice-Chairman. Thereafter, at its first meeting during a new calendar year the Community Appearance Commission shall select a Chairman and Vice-Chairman. The officers shall be eligible to succeed themselves.

(E) Faithful attendance at the meetings of the Commission is considered a prerequisite for the continuation of membership on the Commission. A majority of the Commission members may recommend to the Board of Commissioners, for action, the removal of any member who misses more than one-third of the meetings during any 12-month period.

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
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