

Minutes of the Tuesday, June 20, 2023, meeting of the Kill Devil Hills Planning Board held at 5:30 p.m. in the Town Hall Meeting Room, 102 Town Hall Drive, Kill Devil Hills, North Carolina.

Members Present: Chairperson Howard Buchanan, Becky Breiholz, T. Dillon Heikens, Michael Lowack, Natalie Painter, and Ron Seidman, II

Members Absent: Mary Simpson

Others Present: Cameron Ray, Assistant Planning Director; and Jennifer Stecher, Deputy Town Clerk

Call to Order

At 5:30 p.m., Chairperson Howard Buchanan called this Tuesday, June 20, 2023, meeting of the Kill Devil Hills Planning Board to order and welcomed everyone present.

Agenda Approval

Natalie Painter moved to approve the agenda for this meeting, as presented. Ron Seidman seconded the motion, which was approved by a unanimous, 5-0, vote.

Approval of the Minutes of the May 16, 2023 meeting

Becky Breiholz moved to approve the minutes of the May 16, 2023, meeting, as presented. Mr. Seidman seconded the motion, which was approved by a unanimous, 5-0, vote.

Public Comment

Response to Public Comment

Ongoing Business

New Business

1. Proposed Zoning Amendment – §153.079 Dune Protection: Modify Regulations for Development within Dune Systems

Dillon Heikens arrived at 5:31 p.m.

The Board of Commissioners directed Staff to prepare and bring options to discuss dune regulations that could increase the protection and preservation of dunes throughout Kill Devil Hills. Currently, Town Code section §153.079 “Dune Protection” includes regulations for

permitting development in areas with dunes, while encouraging the preservation of dunes. This ordinance not only regulates the dunes that border our oceanfront but also dunes that are inland. Town Code defines ocean dunes and inland dunes, as they both are considered vital protective barriers to barrier islands against natural hazards such as wind, flood, and erosion. The existing CAMA regulations allow for development in the ocean dune system which has created concern with several of the recent development projects leading the Board to direct Staff to investigate. Staff has consulted with the CAMA regional office in Elizabeth City to ensure that the Town has the ability to adopt higher regulatory standards for dune protection than the existing CAMA regulations. During the May 24, 2023, Board of Commissioner meeting, Staff proposed several options for ways that the Town's Dune Protection ordinance could be amended for greater protection and preservation of the dune system. In response to the discussion, staff was asked to bring an ordinance amendment to the Planning Board for review and recommendation.

Staff recommended the Planning Board forward the proposed amendment, §153.079 Dune Protection and consistency statement to the Board of Commissioners with a favorable recommendation.

Assistant Planning Director Cameron Ray went through the proposed zoning amendment, which is included in the meeting materials, to offer clarification and the changes that Staff made. Mr. Ray met with CAMA employee Braxton Davis to discuss some of the issues that the Town deals with on the oceanfront which helped develop the proposed zoning amendment. Mr. Buchanan recommended that any changes go through the Town and not just CAMA. Ms. Painter asked about the penalties and if there is a land disturbance ordinance or permit. As dunes change and shift Ms. Painter asked if they will be "grandfathered" in or considered non-compliant. Mr. Ray said they would be considered a non-conformity. Ms. Breiholz asked how a building will be considered compliant. The Certificate of Occupancy process requires a complete inspection by Staff and will provide the opportunity for a property owner to fix anything non-compliant. Mr. Lowack asked about private walkways that become buried and covered by sand and if there will be any tightening of regulations. Mr. Ray explained the owners will be responsible for repairs and a new walkway that is elevated must be built if the previous walkway is covered. Mr. Lowack asked about altering the contour of the dune line. Mr. Ray explained the zoning official will determine the appropriate altering of the dune line. Mr. Ray clarified that this zoning amendment will mostly affect in-ground pools. Mr. Heikens asked if the Town permits pools on the west side of the dune. Mr. Ray confirmed that the Town does.

Mr. Seidman moved to forward the proposed zoning amendment to 153.079 Dune Protection with the requested amendment and consistency statement to the Board of Commissioners with a favorable recommendation. Ms. Breiholz seconded the motion, which was approved by a unanimous, 6-0, vote.

Public Comment

Julie Robinson, 2019 S. Virginia Dare Trail, Kill Devil Hills – Ms. Robinson expressed her appreciation of Staff researching and creating an ordinance amendment to protect the dune line. She believes it is important to protect vegetation within the oceanfront to strengthen the integrity of the dune system.

Response to Public Comment

Board Member Comment

Mr. Buchanan inquired if speeding on side roads is within the purview of the Planning Board. Mr. Ray explained the SISPC was the appropriate committee to look into traffic and speeding management. Currently, extra police patrols and speed boxes are being used to manage speeding. The group agreed that they do not want more stop signs. Mr. Ray said they can make a recommendation and it must be consistent with The Manual on Uniform Traffic Control Devices for Streets and Highways, or MUTCD, as it defines the standards used when installing and maintaining traffic control devices on all public streets, highways, bikeways, and private roads open to public travel.

Mr. Lowack asked about reducing the speed limit. Mr. Ray said it was considered at a previous BOC meeting.

Adjournment

There being no further business before the Planning Board at this time, Ms. Breiholz moved to adjourn the meeting. Ms. Painter seconded the motion, which was approved by a unanimous, 6-0, vote.

It was 6:09 p.m.

Submitted by:

Jennifer Stecher
Administrative Assistant/Deputy Town Clerk