



TOWN OF KILL DEVIL HILLS

Land Where Flight Began

MEMORANDUM

July 8, 2024

TO: Mayor and Board of Commissioners

FROM: Debora P. Díaz, Town Manager

REF: New Business

3. 2024-2025 North Carolina Public Beach and Coastal Waterfront Access Grant – East Hayman Boulevard (Attached NB-3)

In continuing with the Board's commitment to improving the Town's recreational and shoreline access facilities, Staff submitted a pre-application for the Coastal Area Management Agency's (CAMA's) Public Beach and Waterfront Access Grant to improve the East Hayman Boulevard beach access. The Planning Department's accompanying memorandum and materials highlight the planned improvements, which will be integrated with the current improvements, which include parking spaces, temporary accessible bathroom facilities, and LED-lighted crosswalk. The project will include a 116-foot elevated walkway and stairs.

Staff was informed that the Town has been invited to submit a full application for possible funding. With the program being a 75% State and 25% Town match grant, Kill Devil Hills would be responsible for \$26,326 of the total estimated \$105,754 project cost. One requirement of the grant application process is governing board approval prior to application submittal.

Staff requests Board approval and authorization for Staff to submit the 2024-2025 Public Beach and Coastal Waterfront Access Grant application to construct a dune crossover at East Hayman Boulevard, as presented.

A motion would be in order.

Director of
Planning and Inspections
MEREDITH GUNS

Building Inspector
MARTY SHAW
CHARLES THUMAN

Code Enforcement Officer
JORDAN BLYTHE



Assistant Director of
Planning and Inspections
CAMERON RAY

Senior Planner
RYAN LANG

Zoning Administrator
DONNA ELLIOTT

THE TOWN OF KILL DEVIL HILLS
NORTH CAROLINA

PLANNING DEPARTMENT

July 8, 2024

Memorandum

To: Debbie Diaz, Town Manager

From: Meredith Guns, Planning Director *MBG*

Subject: 2024-2025 North Carolina Public Beach and Coastal Waterfront Access Grant – East Hayman Boulevard

In early April 2024, staff submitted a pre-application for the CAMA Public Beach and Waterfront Access grant for a dune crossover at East Hayman Boulevard beach access. The need for a permanent dune crossover at East Hayman Boulevard is because of the rapidly growing dune system on the site. In the past, the east side was relatively flat (no dune) creating easy access to the dry sand beach. Over the past 5 years, partially due to the success of the Town's beach nourishment project, a robust 23 feet dune has grown between NC12 and the dry sand beach. Additionally, there are existing improvements on the westside of NC 12 including 59 parking spaces with three handicap spaces, a rinse shower, temporary ADA accessible bathroom facilities and a LED lighted marked crosswalk on NC12. The westside parking area was developed in mid-1990's to create the only access with improved paved parking north of East Second Street approximately 1.25 miles south. There are several accesses in the vicinity of East Hayman Access, with the closest being Walker Street to the south and Chowan Street to the north, however all access in close proximity are unimproved pedestrian only accesses with no parking and no constructed dune crossover. No Accesses at the north end of Kill Devil Hills (north of Third Street approximately 1.1 miles south) have elevated walkways or any type of permanent dune crossover. This project will include a 116-foot elevated six-foot-wide walkway and stairs.

The pre-application was well received and the Town has been invited to submit a full application for possible funding. The CAMA Public Beach and Waterfront Access grant is a 75% State and 25% Town match grant and an excellent opportunity to improve our beach access. The total estimated cost of the project is \$105,754 with the Town responsible for \$26,326.

One requirement of the grant is for the Board of Commissioners review and approve the grant application prior to submittal to the State. Attached to this memorandum is the final grant application with all attachments for East Hayman Boulevard dune crossover. Staff request Board approval to submit the 2024-2025 North Carolina Public Beach and Coastal Waterfront Access Grant to construct a dune crossover at East Hayman Boulevard for a total project cost of \$105,754 (\$79,428 in State funding with a \$26,326 local match).



NORTH CAROLINA PUBLIC BEACH AND COASTAL WATERFRONT ACCESS PROGRAM
FINAL APPLICATION 2024-2025

Local Government: Town of Kill Devil Hills Federal ID Number: 56- 6010722

Project Name: Hayman Boulevard Beach Access

Brief Project Description:

The Town will construct a dune crossover on the oceanfront. The walkway will be an elevated walkway to traverse the growing dune system at this site. Hayman Boulevard currently has improved parking with lighting, rinse showers, temporary rest room facilities and LED lit crosswalk on the west side on NC12. The proposed improvements with enhance this access with a full dune crossover on the east side of the improved access.

<p>Local Government Project Administrator</p> <p>Name: <u>Meredith Guns</u></p> <p>Title: <u>Planning Director</u></p> <p>Address: <u>102 Town Hall Drive</u></p> <p>City, State, Zip: <u>Kill Devil Hills, NC 27948</u></p> <p>Telephone: <u>252-449-5318</u></p> <p>Email: <u>meredith@kdhnc.com</u></p>	<p>Lead Elected Official</p> <p>Name: <u>John Windley</u></p> <p>Title: <u>Mayor</u></p> <p>Address: <u>102 Town Hall Drive</u></p> <p>City, State, Zip: <u>Kill Devil Hills, NC 27948</u></p>
<p>Costs rounded to nearest dollar:</p> <p>Grant funds requested: \$ <u>79,428</u> .00</p> <p>Local government's matching funds: \$ <u>26,326</u> .00</p> <p style="padding-left: 20px;">Cash Match: \$ <u>24,976</u> .00</p> <p style="padding-left: 20px;">In-kind Match: \$ <u>1,350</u> .00</p> <p>Total cost of project: \$ <u>105,754</u> .00</p>	<p>Type of Project (choose one):</p> <p><input type="checkbox"/> Land Acquisition <input checked="" type="checkbox"/> Site Improvement <input type="checkbox"/> Site Maintenance</p> <p>Site Control (check all that apply):</p> <p><input checked="" type="checkbox"/> Owned by local government</p> <p><input type="checkbox"/> To be obtained with this land acquisition project</p> <p><input type="checkbox"/> Land acquired under an approved waiver. Expiration date: _____</p> <p><input type="checkbox"/> Leased by applicant for 25 years or more</p> <p><input type="checkbox"/> Easement by applicant for 25 years of more</p> <p><input type="checkbox"/> Owned by other State, Federal, or government agency with a Joint Use Agreement.</p>
<p>Local Government Approval: Each grant application must be reviewed and approved by the local governing board at a duly advertised public hearing or meeting. Provide a memorandum resolution, or copy of the minutes indicating the board's action on the application.</p> <p style="text-align: right;">Date of Public Hearing or Public Meeting: <u>July 8, 2024</u></p>	

Certification

I hereby certify the information contained in the attached application is true and correct and the required matching funds will be available during the project period.

Print or Type Name

Title

Signature

Provide the following ATTACHMENTS and NARRATIVE:

1. **Site location maps:** Provide a regional location map and a detailed vicinity map (street map) showing the location of the proposed project. Include a north arrow, and legible street names.
2. **Parcel information:** Provide the following information for each parcel. ****See Attached Project Narrative****.
 - A. Attorney's Certification of Site Control
 - B. Name and address of owner
 - C. Project site address
 - D. Lot dimensions/Acreage
 - E. Adjacent water body and length of shoreline. Include NC Division of Water Resources [Surface Water Classification\(s\)](#).
 - F. Applicable setbacks (zoning, CAMA, DOT, other) and local zoning and Future Land Use Map designation(s)
 - G. Deed number, book, page and date
3. **Site description:** Provide a description of the site where the project will be located, including natural features, uses on adjacent lots, and existing improvements. Include an evaluation of the sites appropriateness for public access and proximity to closest/other access sites.
4. **National Flood Insurance Program Floodways & Non-encroachment Areas:** Indicate if the project site or improvements are located in Floodway or Non-encroachment area per 40 C.F.R. § 60.3(d)(3). If the project or improvements are located in one of these areas, additional engineering studies may be needed.
5. **For land acquisition:** Provide a boundary survey indicating land area, along with a preliminary appraisal and a letter of intent to sell from the property owner. The community has five years to begin developing beach and water access facilities on an acquired site. Provide a "Plan for Future Development" to include: a description of how the public will be able to use the site until improved access facilities are in place; a conceptual site plan showing proposed future development; and a timeline for developing the site.
6. **Project description for site improvements:** Provide a description of the access facilities to be built, including information on features, and materials.
7. **Project site plan:** Provide a to-scale site plan showing property lines (label existing uses on adjacent lots), proposed site improvements, existing facilities, and significant natural features.
 - Include a legend, north arrow and graphic scale.
 - Improvements shown as an overlay on aerial photos may also be submitted as a supplement to but not in lieu of a site plan.
 - Provide to-scale building elevations and floor plans as applicable.
8. **List the types and sources of utilities proposed; and identify associated costs on Project Budget.** *Note above ground utilities must be identified.*

9. **ADA requirements:** Does this project meet ADA requirements? If yes, describe the handicapped accessible features of this project. If no, describe why a handicapped accessible facility is impracticable and outline how handicapped accessibility needs are met within the area. See [Designing Facilities for ADA](#) in the application packet.
10. **Exceeding ADA requirements:** Does this project exceed ADA requirements? If yes, describe the handicapped accessible features that exceed ADA requirements.
11. **Project justification:** Explain why the project is needed and how it will benefit your community.
12. **Project description for maintenance of a previous funded sites:** describe the repair and maintenance being proposed. Describe why repairs and maintenance are needed at this site.
13. **Is this project identified as high local priority in your certified Future Land Use Plan or local Access Plan?** *If yes, attach a brief description of the plan and a statement of the extent to which the project implements the policies of the plan.*
14. **Is this project reflected in other policy documents or ordinances?** *If yes, attach a brief description of the document or ordinance and a statement of the extent to which the project implements goals of the document or ordinance.*
15. **Pre-project tasks:** Identify tasks that must be completed prior to starting the project
16. **Permits:** List all necessary permits and/or certifications.
17. **Previous Grants:** Have you previously received an Access Grant from DCM at this site? See the [map of previously awarded grants](#). If yes, list the grant(s) by year.
18. **User Fees:** Is a user fee charged at this site? Do you charge user fees at any other DCM funded sites? If yes to either of these questions, provide the most recent annual accounting report as required by [15A NCAC 07M .310\(d\)](#).

Project Budget

This form must be completed and included with your application. Round project costs to the dollar.

If available, attach a detailed breakdown of the cost assumptions upon which the Project Budget is based.

Proposals that include this information increase their likelihood of funding.

Project Elements	Grant	Cash Match	In Kind	Total
Land Acquisition Costs				
	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$
Permit and Design Fees				
Design Survey	\$ 900.00	\$ 300.00	\$	\$ 1,200.00
Engineering and Bidding	\$ 8,550.00	\$ 2,850.00	\$	\$ 11,400.00
CAMA Minor Permit	\$	\$	\$ 150.00	\$ 150.00
Site Improvement Costs: Materials				
Walkover Material cost with ADA railings	\$ 30,276.00	\$ 10,092.00	\$	\$ 40,368.00
	\$	\$	\$	\$
	\$	\$	\$	\$
Site Improvement Costs: Labor				
Walkover Labor Cost	\$ 35,952.00	\$ 11,484.00	\$	\$ 45,936.00
Engineer Construction Oversight	\$ 3,750.00	\$ 250.00	\$	\$ 5,000.00
	\$	\$	\$	\$
Local Administrative Costs				
Project and Grant Administration	\$	\$	\$ 1,200.00	\$ 1,200.00
	\$	\$	\$	\$
	\$	\$	\$	\$

Totals	\$ 79,428.00	\$ 24,976.00	\$ 1,350.00	\$ 105,754.00
Match Percentages	75 %	24 %	1 %	100 %

Proposed Local Match

Local Government: Town of Kill Devil Hills **Project Name:** Hayman Boulevard Beach Access

Instructions: Use the form below to show the sources of your matching funds. Indicate if these funds are currently available or are the funds yet to be approved. If funds are yet to be approved, list the date for approval. If applicable, provide additional narrative related to in-kind match and/or state/federal funds.

Applicants are encouraged to include their local contribution in their budget.

Source of Matching Funds			
Type of Matching Funds	Amount of Funds	Funding Source	Availability (Month/Year)
Cash	\$ 24,976.00	Shoreline Access Capital Reserve	Immediately
In-kind	\$ 1,200.00	Salaries	Immediately
In-kind	\$ 150.00	Permits - General Fund	Immediately
	\$		
	\$		
Total Matching Funds:	\$ 26,326.00		

Additional Narrative:

Provide narrative explaining the relevance of proposed in-kind match to the project.

The Town of Kill Devil Hills has a Shoreline Access Capital Reserve Fund. This fund is used exclusively for shoreline access construction and improvements. See Attachment 14B for Reserve Fund Ordinance and Budget.

If other state and/or federal funds are to be used as local match, indicate the specific project elements that will qualify for joint funding. How viable is the project if complementary funding from another program is not secured?

N/A

Project Timeline

The project timeline establishes benchmarks during the project period to ensure timely completion. Progress monitoring occurs at 6-month intervals over the 18-month contract. We recognize that unexpected events may require adjustments to the timeline. The schedule is meant to be an aid for measuring the progress of the project and a guide to making adequate contract adjustments when necessary.

Task	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Return Contract	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Land Acquisition	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
Permitting Process	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Land Preparation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Construction	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Landscaping	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Final Inspection	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>															
Close-Out	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>															

Project Reporting Periods

PROJECT SCHEDULE AND ACTIVITIES CHART

Provide an outline of the projects schedule and activities to be completed in each 6-month period of the 18-month project. Include the amount of grant and local funds proposed to be spent in each project period. Include a 10% holdback of the total grant award in the third reporting period. Do not include the non-cash match.

Total Grant Funds: \$ 79,428 + Total Local Funds: \$ 26,326 = Total: \$ 105,754

PROJECT PERIOD 1	
<p>Grant funds to be spent \$ <u>9,550</u></p> <p>Local Funds to be spent \$ <u>3,800</u></p>	<p>Work to be completed <u>15</u> %</p> <ul style="list-style-type: none"> • Contract execution. • Final Engineering and Design. • Bidding. • Permitting. •
PROJECT PERIOD 2	
<p>Grant funds to be spent \$ <u>64,728</u></p> <p>Local Funds to be spent \$ <u>21,576</u></p>	<p>Work to be completed <u>80</u> %</p> <ul style="list-style-type: none"> • Order materials • Construct Walkway • Site stabilization • •
PROJECT PERIOD 3	
<p>Grant funds to be spent \$ <u>5,150</u></p> <p>Local Funds to be spent \$ <u>950</u></p>	<p>Work to be completed <u>5</u> %</p> <ul style="list-style-type: none"> • As- Built Survey • Final Inspection • Grant Close Out • •

Attorney's Certification of Site Control for Site Development Projects

Instructions: An attorney must certify that the local government has control of the entire site of a proposed development project for providing public access. One form per parcel must be submitted with the Final Application.

Exception: This certification is not required for applications only proposing land acquisition or applications proposing to acquire the site of a proposed development project.

Local Government: Town of Kill Devil Hills

Project Name: Hayman Boulevard Beach Access Parcel ID # _____

Address: _____ City _____

1. Type of Site Control: Indicate the type(s) of control the applicant has for the project site.	
<input checked="" type="checkbox"/> Fee Simple Title	<input checked="" type="checkbox"/> Entire Site (Acres): <u>7,500 SF</u> <input type="checkbox"/> Portion of site (Acres): _____
<input type="checkbox"/> Lease (25 years or longer)	<input type="checkbox"/> Entire Site (Acres): _____ <input type="checkbox"/> Portion of site (Acres): _____
<input type="checkbox"/> Easement	<input type="checkbox"/> Entire Site (Acres): _____ <input type="checkbox"/> Portion of site (Acres): _____
2. Limitations, Conditions or Encumbrances:	
<input checked="" type="radio"/> No limitations, conditions, or encumbrances <input type="radio"/> Limitations, conditions, or encumbrances <ol style="list-style-type: none"> a. For property owned or to be owned by the local government, describe all easements or encumbrances. b. Describe any conditions or limitations in current or proposed leases, easements or use agreements. Include restrictions on the local government's use of the site or the rights to be reserved by the landowner that may impact the local government's ability to complete the project in a timely manner and/ or provide for public use for at least 25 years. Attach additional pages if needed. 	
3. Attorney's Certification	

I have reviewed the site of the proposed project identified on this page and certify that the information provided above is accurate to the best of my knowledge.

Name: (Printed/typed): _____

Title: _____ NC Bar #: _____

Signature: _____ Date: _____

**Town of Kill Devil Hills - Hayman Bouvard Beach Access
2024-25 Public Beach and Waterfront Access Program Pre- Application
Attachments and Narratives**

1. Site Location Maps

See Survey Attachment 1A and Ortho maps Attachment 1B

2. Parcel Information

A. Attorney's Certification of Site Control

See Attachment 2A

B. Name and address of owner

Town of Kill Devil Hills
PO Box 1719
102 Town Hall Drive
Kill Devil Hills, NC 27948

C. Project site address

2711 East Hayman Boulevard

D. Lot dimensions/Acreage

75 feet x 100 feet; 7,500 SF to static line (.17 acres)

E. Adjacent water body and length of shoreline. Include NC Division of Water Resources [Surface Water Classification\(s\)](#).

SB waters located in the Pasquotank River basin.

F. Applicable setbacks (zoning, CAMA, DOT, other) and local zoning and Future Land Use Map designation(s)

Property is located in the Ocean Impact Residential Zone (OIR). Beach access are a permitted use in the OIR. The 2020 Town of Kill Devil Hills Land Use Plan has the property listed at medium density residential on the future land use map (see attachment 2F). Additionally, in the 2020 Land Use Plan, the management goal for Public Access is "Maximize public access to the beaches and public trust waters of the coastal region." Following this management goal are several policies and implementation actions to support adding access to our beaches and waterways.

G. Deed number, book, page and date:

The legal description of the property is "PT of Hayman Boulevard". There is no lot, book and page since it is a platted right of way end. See attachment 2G. There is a plat recorded for the Virginia Dare Shores subdivision which delineates the right of way in 1935, Book 17 Page 105.

3. Site Description

Hayman Boulevard is an existing right-of-way, 100 feet wide and approximately 75 feet deep to the static line. The right-of-way is a designated public access to the beach. The site developed a steep oceanfront dune in the past 5 years (partially due to beach nourishment) that rises from 11 feet to 23 feet in a very short distance. Over the past five years with a combination of sprigging and existing vegetation, mature vegetation has established on the top and western slope and crest. The western toe of the dune is very close to the NC12 the State right-of-way with little flat area between the toe of the dune except in the location of an existing paved area leading to a private driveway. The NC Division of Water Resources surface water classification for the Atlantic Ocean east of the access is SB waters located in the Pasquotank River basin.

4. National Flood Insurance Program Floodways & Non-encroachment Areas

This site is located in a

This property is located in a VE12 flood zone. This will not require additional engineering due to the nature of the proposed developed being an elevated walkway.

5. Land Acquisition: N/A

6. Project Description for Site Improvement Projects:

The proposed project will be a 116-foot-long elevated walkway at least 2 feet above existing grade and stair system to create a permanent access over the growing dune system. The walkway will be built with a combination of pressure treated wood and composite decking. The existing improvements on the westside of NC 12 includes 59 parking spaces with three handicap spaces, a rinse shower, and temporary ADA accessible bathroom facilities and a LED lighted marked crosswalk on NC12. In the past, the east side was a relatively flat (no dune) creating easy access to the dry sand beach. Over the past 5 years, partially due to the success of the Town's beach nourishment project, a robust 23 feet dune has grown between NC12 and the dry sand beach. This has made it difficult for people to traverse and also started to damage the new dune system.

The westside parking area was developed in mid-1990's to create the only access with improved paved parking north of East Second Street approximately 1.25 miles south. A dune crossover was not constructed when the parking lot was completed because there was no sand dune on the eastside and no need for a walkway. There are several accesses in the vicinity of Hayman Access, with the closest being Walker Street to the south and Chowan Street to the north, however all access in close proximity are pedestrian only accesses with no parking and no constructed dune crossover. No Accesses at the north end of Kill Devil Hills (north of Third Street approximately 1.1 miles south) have elevated walkways or any type of permanent dune crossover.

During construction of the proposed improvements the public will still be able to access the beach through the emergency vehicle access.

7. Project Site Plan:

See Attachment 7

8. List the type and sources of utilities proposed.

No utilities will be included with the walkway

9. ADA Requirements

The proposed project will not meet ADA accessibility standards. The rise and run of the existing dune with limited linear space between the NCDOT right of way and seaward crest of the dune prevents the crossover from including ramps and switchbacks that meet ADA accessibility standards. However, although the proposed project is not fully ADA accessible, the parking area provides ADA parking spaces and an ADA route to the east side. If constructed the dune crossover will provide a stable, more accessible route to the beach for those with limited mobility than the current situation which requires traversing the dune in the sand with no hardened surfaces. There will still be an emergency vehicle access at the access which can be used for beach accessible wheelchairs, which the Town offers free of charge (patrons must request the chair and the Town Lifeguard Beach Services assist the patron). The Town feels that providing a permanent dune crossover will benefit the public and create a more accessible route to the beach for those with mobility issues not requiring wheelchairs or walkers.

10. Exceeding ADA Requirements.

Non-applicable see #9 above.

11. Project Justification:

East Hayman Boulevard is one the Town's most popular beach access and the only access with paved parking at the north end of Town. The closest beach access with improved parking is over a mile south. In the past, the east side of Hayman Boulevard was relatively flat with little to no dune making access quite easy for beach goers (see pictures 11A from 2008 and Picture 11B from 2016). Due to the success of beach nourishment and sprigging of the dune has grown exponentially to a large 23-foot dune (see picture 11C from 2024). Although the dune with mature vegetation is a welcome addition at East Hayman, it has made it difficult for visitors to the beach to traverse such a large dune. Additionally, The Town does not want continuous foot traffic that could damage the new dune. The proposed dune crossover will provide a permanent dune crossover to allow residents and visitors to access the beach more easily and protect the growing dune system and vegetation. This will be a huge benefit to the community creating a fully improved beach access at the north end of Kill Devil Hills while protecting the natural environment.

This proposed project will improve access to the beach and provide the only access at the north end of Town with all amenities including dune crossover, parking, restrooms and sidewalks for visitors and residents.

12. Project description for maintenance of a previous funded sites:

The proposed project will be the first dune crossover constructed at this site.

13. Is this project identified as a high local priority in your Certified Future Land Use Plan or local access plan?

The Town of Kill Devil Hills 2020 Land Use Plan outlines 12 goals that have been heavily influenced by public input received during the planning process, the fourth goal is to promote the Town's Natural Resources and the twelfth is to promote public beach access (see attachment 13A). This project will accomplish both of these goals. Also, in the 2020 Land Use Plan, the Town's goals and strategies for public access include a management goal: "Maximize public access to the beaches and public trust waters of the coastal region." With a policy that states: "The Town supports the provision of access to the shoreline for residents and visitors of Kill Devil Hills, including persons with disabilities." (see attachment 13B). The proposed project will meet all the goals and policies established in the Land Use Plans.

The Town is in the process of updating the 1998 Shoreline Access Plan, however the policy and guidance regarding the Ocean Beach Shoreline remain. The 1998 Shoreline Access Plans states: "The primary environmental consideration at the ocean shore is the protection of the dunes which defend landward development from damage in heavy surf. Vegetation stabilizes the dune, so it is essential that ocean accesses are designed in a way which minimizes the impact of pedestrian and vehicular traffic on the dune vegetation. Pedestrian walkways elevated above the dunes on pilings safeguard the dune and facilitate beach visitors' travel between their automobiles and the beach." (see attachment 13C).

14. Is this project reflected in other policy documents or ordinances?

Town owned and leased facilities, including but not limited to recreational parks, beach accesses areas and bathhouses and governmentally contacted services are listed as permitted uses in the Ocean Impact Residential Zone, as stated in Section 153.096 of the Town of Kill Devil Hills Chapter 153 Zoning Ordinance (attachment 14A). The Town's local cash match will be funded through the Budget Ordinance Capital Reserve Fund for shoreline access (Attachment 14B).

15. Pre-project tasks:

- Construction Drawings
 - Building plans
 - Construction Site Plan

16. Permits:

- CAMA permit
- Building Permit

17. Previous Grants:

No previous grants have been secured.

18. ADA Transition Plan

The Town of Kill Devil Hills is currently in the process of completing an ADA Transition Plan. The Town consultant anticipates the plan to be complete late summer, therefore the proposed project is not currently part of a formal ADA Transition Plan.

19. User Fees:

No fees will be charged for use of the beach access parking or walkover.

April 6, 2017

Rachel Love-Adrick
400 Commerce Ave
Morehead City, NC 28557
(via email: erachel.love-adrick@deq.nc.gov)

Subject: 2024-25 Public Beach and Coastal Waterfront Access Grant Pre Application –
Hayman Boulevard Beach Access

Dear Ms. Owens:

Attached with this letter you will find a pre-application for grant funding for construction of a dune crossover at Hayman Boulevard Beach Access. As stated in the Shoreline Access Plan, the Town is committed to provide for the increasing demand for public ocean access.

The grant request is \$70,620 in state funding. Understanding that limited funds are available for the Public Beach and Coastal Waterfront Access Grants, the Town respectfully requests that this pre-application be viewed favorably for submitting a full application.

If you have questions, please feel free to contact me at 252-449-5318 or PO Box 1719, Kill Devil Hills, NC 27948 or Meredit@kdhnc.com.

Cordially,

Meredith Guns
Planning Director



June 21, 2024

Ms. Meredith B. Guns, Director of Planning & Inspections
Town of Kill Devil Hills
P. O. Box 1719
Kill Devil Hills, NC 27948
By **e-mail**; original will follow by hand-delivery
Subject: **23200 – E Hayman Blvd Beach Access**

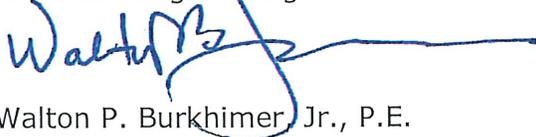
Dear Ms. Guns:

Following is our estimate of the cost of improvements, revised per our discussions about the handrail system.

Item	Quantity	Unit Price	Item Cost
New ramps, landings and steps			
Materials (synthetic deck, aluminum handrail; remainder is treated lumber)	696 sf	\$58/sf	\$40,368
Labor	696 sf	\$66/sf	\$45,936
Design surveying			\$ 1,200
Engineering design and bidding			\$11,400
Construction oversight			\$ 5,000
Subtotal			\$103,904
Total, Rounded			\$103,900

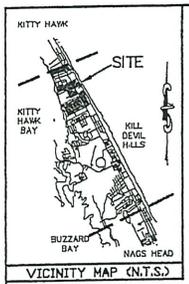
Please let me know if further assistance is required in this matter. Sincerely,

American Engineering Associates – Southeast, PA, Inc.



Walton P. Burkheimer Jr., P.E.
Senior Consultant

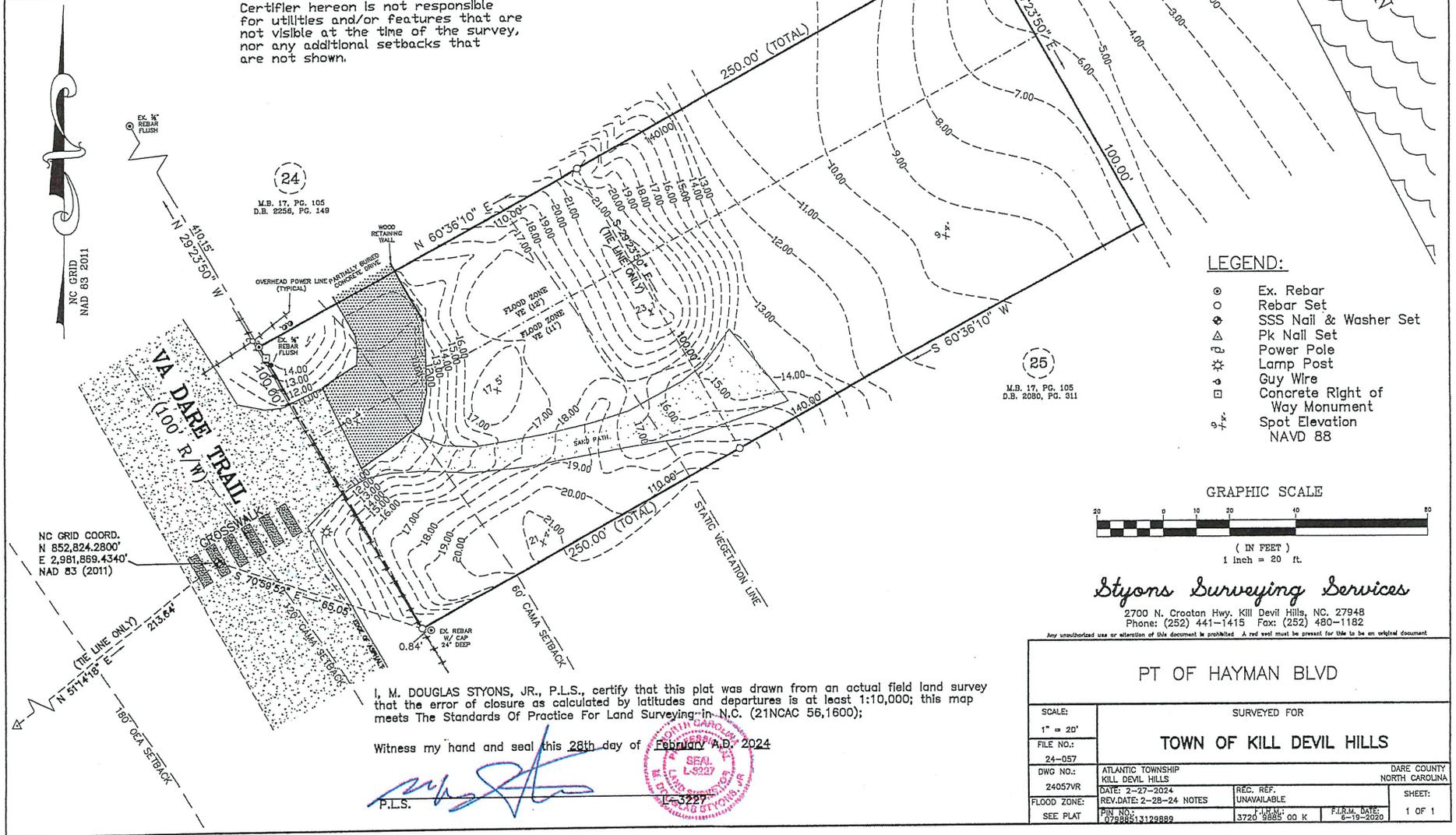
https://Americanea-My.Sharepoint.Com/Personal/Pburkhimer_American-Ea_Com/Documents/Hayman Estimate June 24.Docx



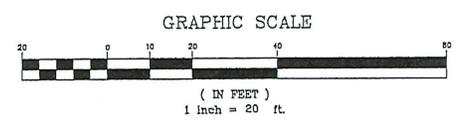
NOTES:
 Current Owner: Town of Kill Devil Hills
 Address: 0 E. Hayman Boulevard
 Lot Area = 25,000 Sq. Ft.
 All distances shown are horizontal ground distances.
 Zoning = DIR

- 1) Class of Survey: Suburban
- 2) Positional Accuracy: 0.07'
- 3) Type of GPS Field Procedure: VRS NETWORK
- 4) Dates of Survey: 2-21-24 & 2-26-24
- 5) Datum/Epoch: NAD 83/2011
- 6) Published/Fixed Control Use: ARCH
- 7) Geoid Model: 2012
- 8) Combined Grid Factor: 0.99997572
- 9) Units: Survey Feet

Certifier hereon is not responsible for utilities and/or features that are not visible at the time of the survey, nor any additional setbacks that are not shown.



- LEGEND:**
- ⊙ Ex. Rebar
 - Rebar Set
 - ⊕ SSS Nail & Washer Set
 - △ PK Nail Set
 - ⊕ Power Pole
 - ⊕ Lamp Post
 - ⊕ Guy Wire
 - Concrete Right of Way Monument
 - ⊕ Spot Elevation
 - ⊕ NAVD 88



Styons Surveying Services
 2700 N. Croatan Hwy. Kill Devil Hills, NC. 27948
 Phone: (252) 441-1415 Fax: (252) 480-1182

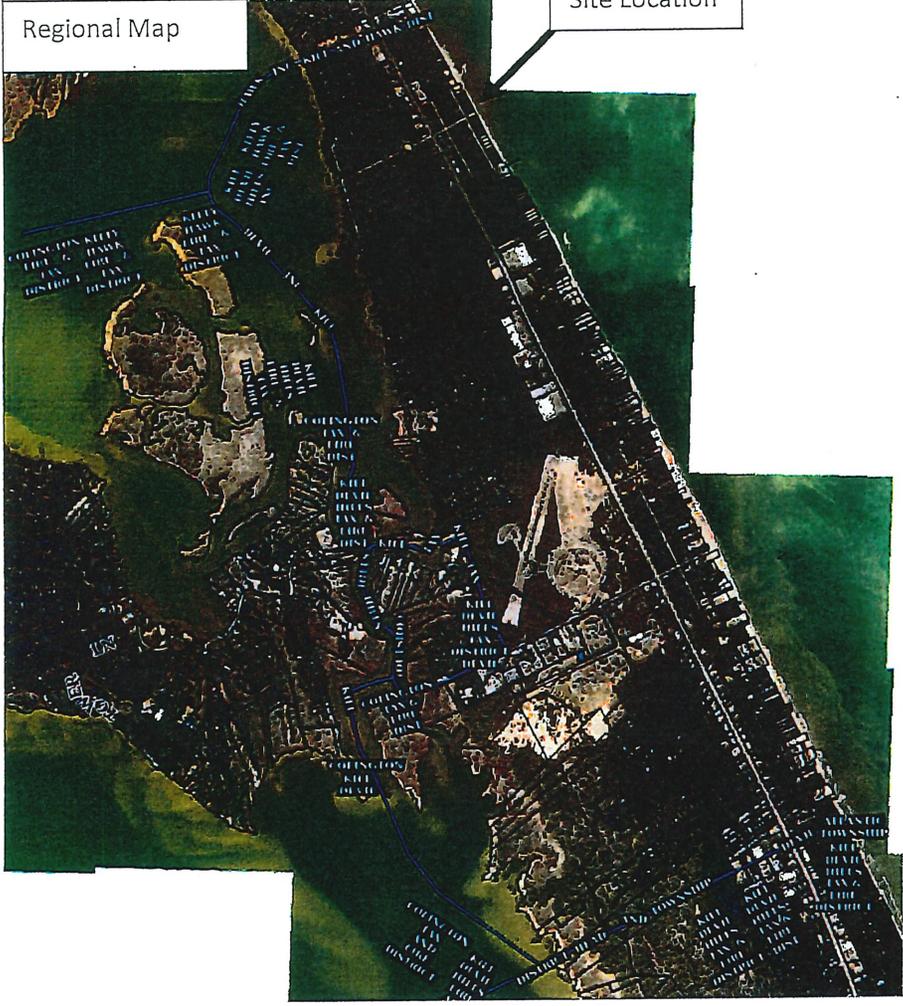
I, M. DOUGLAS STYONS, JR., P.L.S., certify that this plat was drawn from an actual field land survey that the error of closure as calculated by latitudes and departures is at least 1:10,000; this map meets The Standards Of Practice For Land Surveying in N.C. (21NCAC 56,1600);

Witness my hand and seal this 28th day of February A.D. 2024

[Signature]
 P.L.S.

PT OF HAYMAN BLVD	
SCALE: 1" = 20'	SURVEYED FOR
FILE NO.: 24-057	TOWN OF KILL DEVIL HILLS
DWG NO.: 24057VR	ATLANTIC TOWNSHIP KILL DEVIL HILLS DARE COUNTY NORTH CAROLINA
FLOOD ZONE:	DATE: 2-27-2024 REV. DATE: 2-28-24 NOTES
SEE PLAT	REC. REF. UNAVAILABLE FIRM. DATE: 6-19-2020
	SHEET: 1 OF 1

Regional Map



Site Location



Site Location – East Hayman Blvd.

SHARP, GRAHAM, BAKER AND VARNELL, L.L.P.
ATTORNEYS AT LAW

KITTY HAWK, NORTH CAROLINA
TELEPHONE: (252) 261-2126
FACSIMILE: (252) 261-1188

STARKEY SHARP
RONALD G. BAKER
CASEY C. VARNELL
JAMIE G. VARNELL

Website Address
www.ncobxlaw.com

MAILING ADDRESS:
POST OFFICE DRAWER 1027
KITTY HAWK, NC 27949-1027

* JOHN C. GRAHAM, III
Retired

SENDER'S EXTENSION:
244

STREET/SHIPPING ADDRESS:
4417 N. CROATAN HIGHWAY
KITTY HAWK, NC 27949-1027

Sender's E-mail Address:
varnell@ncobxlaw.com

June 19, 2024

Mrs. Meredith Guns
Planning Director
Town of Kill Devil Hills
P.O. Box 1719
Kill Devil Hills, NC 27948

RE: Title Opinion on Hayman Boulevard Public Beach Access
Dare County Parcel Number: 000126555

Dear Mrs. Guns:

As requested, I have reviewed title to the property described above. This property lies east of the public right-of-way known as Hayman Boulevard located in Kill Devil Hills, North Carolina. More particularly, this property rests in between Lots 24 and 25 as shown on Plat B of Virginia Dare Shores subdivision, which is a platted subdivision existing in Kill Devil Hills.

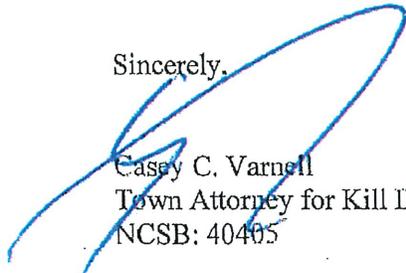
In 1935, a plat was recorded within the Dare County Public Registry in Book 17 at Page 105 which acted to create the oceanfront portion of the subdivision known as Virginia Dare Shores, as the same is referenced directly above. The face of said plat, along with express easements, evidences a dedication by the developer of the streets and rights-of-ways within Virginia Dare Shores to the general public. Subsequent to the recording of the plat, the Town of Kill Devil Hills has taken all necessary steps to accept the dedication of the streets and rights-of-ways shown on the Virginia Dare Shores subdivision plat. The property which is subject of this opinion was previously evidenced as a portion of Hayman Boulevard on the aforesaid plat. Due to erosion, this parcel now serves as a public beach access.

The Town of Kill Devil Hills, for the benefit of the general public, has the right to use the property (exclusive of all others) by virtue of the recorded documents referenced above. The Town has, for more than twenty years, maintained and assumed responsibility of the Hayman Boulevard

public beach access. In my opinion, the Town of Kill Devil Hills, by virtue of its dedicated rights in the property and long-standing, continuous use of the property, has all property rights necessary to construct and maintain any improvements on the property, to include demolition and reconstruction of existing improvements.

If you need any further information, please let me know.

Sincerely,



Casey C. Varnell
Town Attorney for Kill Devil Hills
NCSB: 40405

Town of Kill Devil Hills CAMA Land Use Plan Update



Adopted by the Kill Devil Hills Board of Commissioners: September 14, 2020
Certified by the Coastal Resources Commission: November 2, 2020





INTRODUCTION

This section of the plan addresses Future Land Use including potential build-out of the Town of Kill Devil Hills. The Future Land Use Map provides an illustration of the Town's potential in terms of development and growth. There is not a significant amount of vacant property available for development within the Town of Kill Devil Hills. However, current uses of land as well as potential redevelopment indicate that careful consideration should be given to the future uses of land throughout the Town's planning jurisdiction.

It should be noted that the following portions of the plan are based on the draft Future Land Use Map, which makes the assumption that the existing zoning will primarily remain in place. The Conservation District allows single-family residential use with a two-acre minimum lot size.

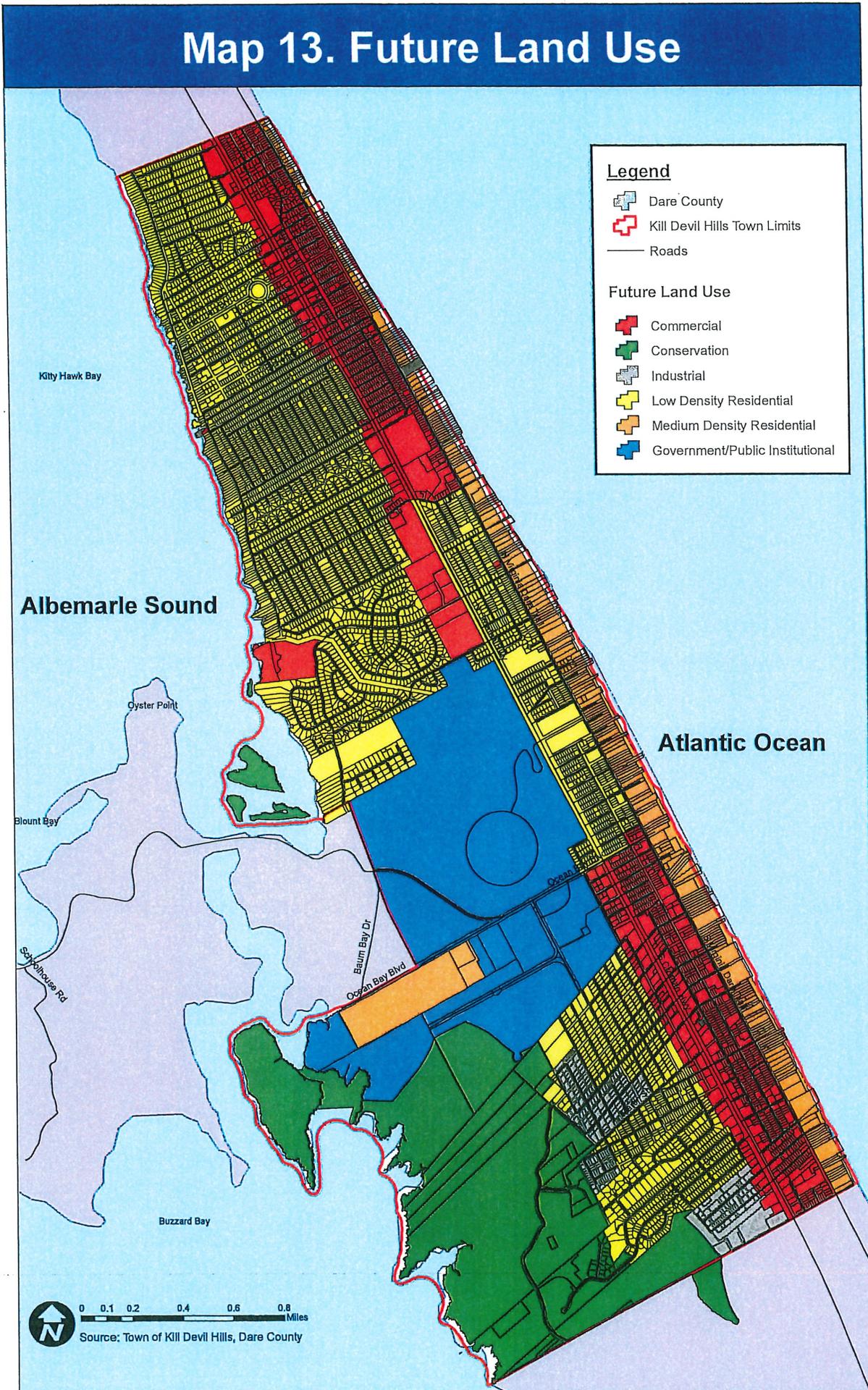
FUTURE LAND USE MAP

Methodology

The Future Land Use Map (Map 13) embodies the Town of Kill Devil Hills' vision for future land use, and should be used as a foundational guide for decisions concerning the zoning/rezoning of property. NCGS 160D-605 requires the following consistency statement with regard to zoning amendments, which shall not be subject to judicial review:

- 1) A statement approving the zoning amendment and describing its consistency with an adopted comprehensive plan and explaining why the action taken is reasonable and in the public interest.
- 2) A statement rejecting the zoning amendment and describing its inconsistency with an adopted comprehensive plan and explaining why the action taken is reasonable and in the public interest.
- 3) A statement approving the zoning amendment and containing at least all of the following:
 - a. A declaration that the approval is also deemed an amendment to the comprehensive plan. The governing board shall not require any additional request or application for amendment to the comprehensive plan.
 - b. An explanation of the change in conditions the governing board took into account in amending the zoning ordinance to meet the development needs of the community.
 - c. Why the action was reasonable and in the public interest.

Map 13. Future Land Use





Dare County - Property Records

000126555

0 E HAYMAN BLVD, KILL DEVIL HILLS, NC, 27948

TOWN OF KILL DEVIL HILLS

P O BOX 1719

KILL DEVIL HILLS, NC,27948, USA

Assessed Value

\$5,800

PARCEL INFORMATION

Parcel ID	000126555	PIN	988513129889
Land Use Code	0090	Land Use Description	VACANT LAND (KILL DEVIL HILLS)
District	KILL DEVIL HILLS	Neighborhood	07021555
Zoning Code	OIR	Zoning Desc.	OCEAN IMPACT RESIDENTIAL DISTRICT
Subdivision Code	0000	Subdivision	SUBDIVISION - NONE
Legal Desc.	LOT: PT OF HAYMAN BLVD BLK: SEC:		
Plat Cab Slide	PL: SL:		
Deed Date	-	Book / Page	=
Tax Status	Exempt		

SECONDARY OWNERS

No data to display

ASSESSMENT DETAILS

REAL ESTATE ASSESSED VALUE

Land Value	\$5,800
Building Value	\$0
Other Improvements	\$0
Total Assessed	\$5,800

BILLING VALUE

Land Value	\$5,800
Building Value	\$0
Other Improvements	\$0
Total Value	\$5,800

LAND

LAND DESCRIPTION	SQFT	ACRES
1 G02-07-Ocean front	5,000	0.1148
Total	5,000	0.1148

BUILDINGS

No data to display

OTHER IMPROVEMENTS

No data to display

RECENT SALES HISTORY

The sales history includes only qualified sales made since January 1, 2016. A sale is qualified when it has been verified, by the appraiser, as an arm's length transaction for fair market value. Only qualified sales are considered in the appraisal process.

No data to display

VALUE CHANGES

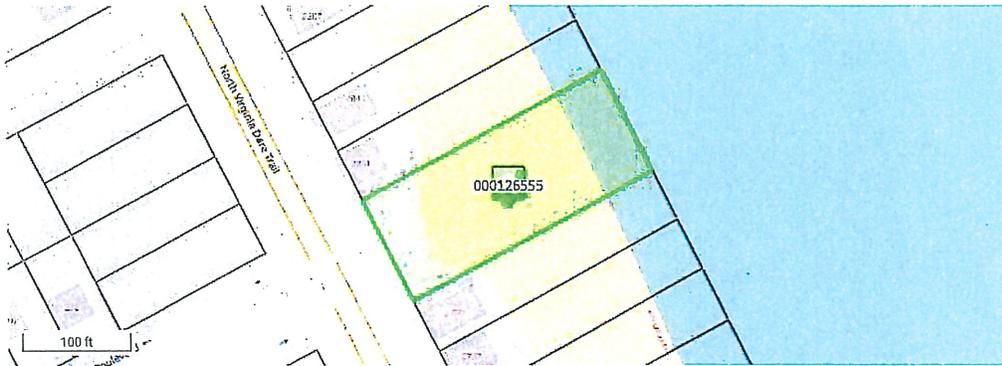
The value change history shows only changes in appraised value; it does not show exemptions, exclusions or deferrals that could reduce a property's taxable value. If any of these are in effect for a particular tax year, it will be shown on the property tax bill for that year. It is also possible that some previous value changes might be missing from this list or listed in the wrong order.

REVALUATION EFFECTIVE DATE	ASSESSED VALUE
01/01/2020	\$5,800
01/01/2013	\$3,300
01/01/2005	\$795,200

PERMITS

Permits issued in the past 6 years. All information deemed reliable but not guaranteed. For more information, please visit Dare County's [searchable permit site](#).

No data to display

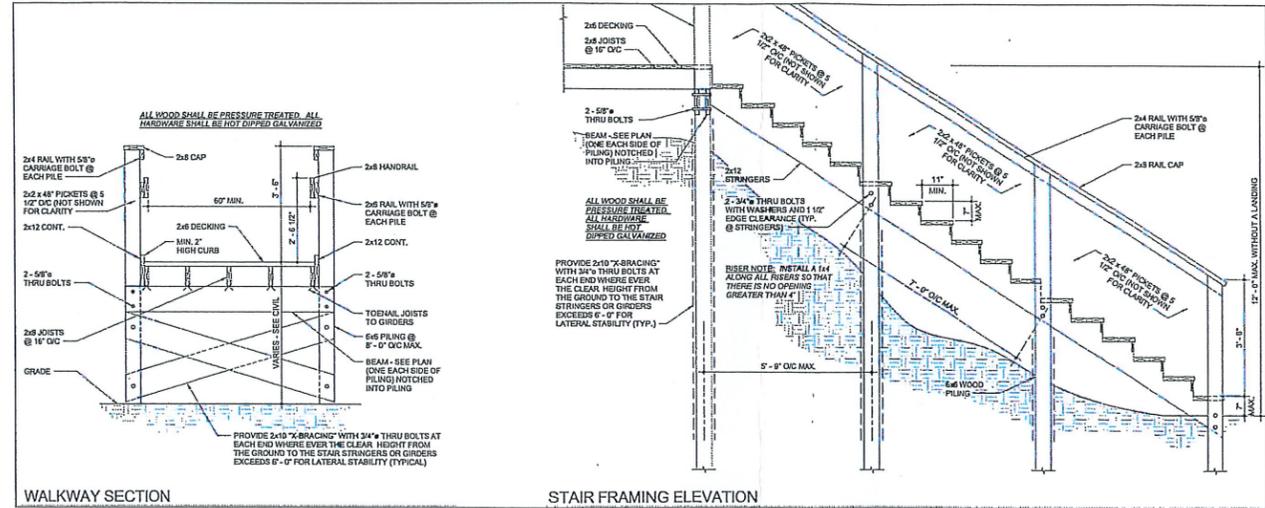
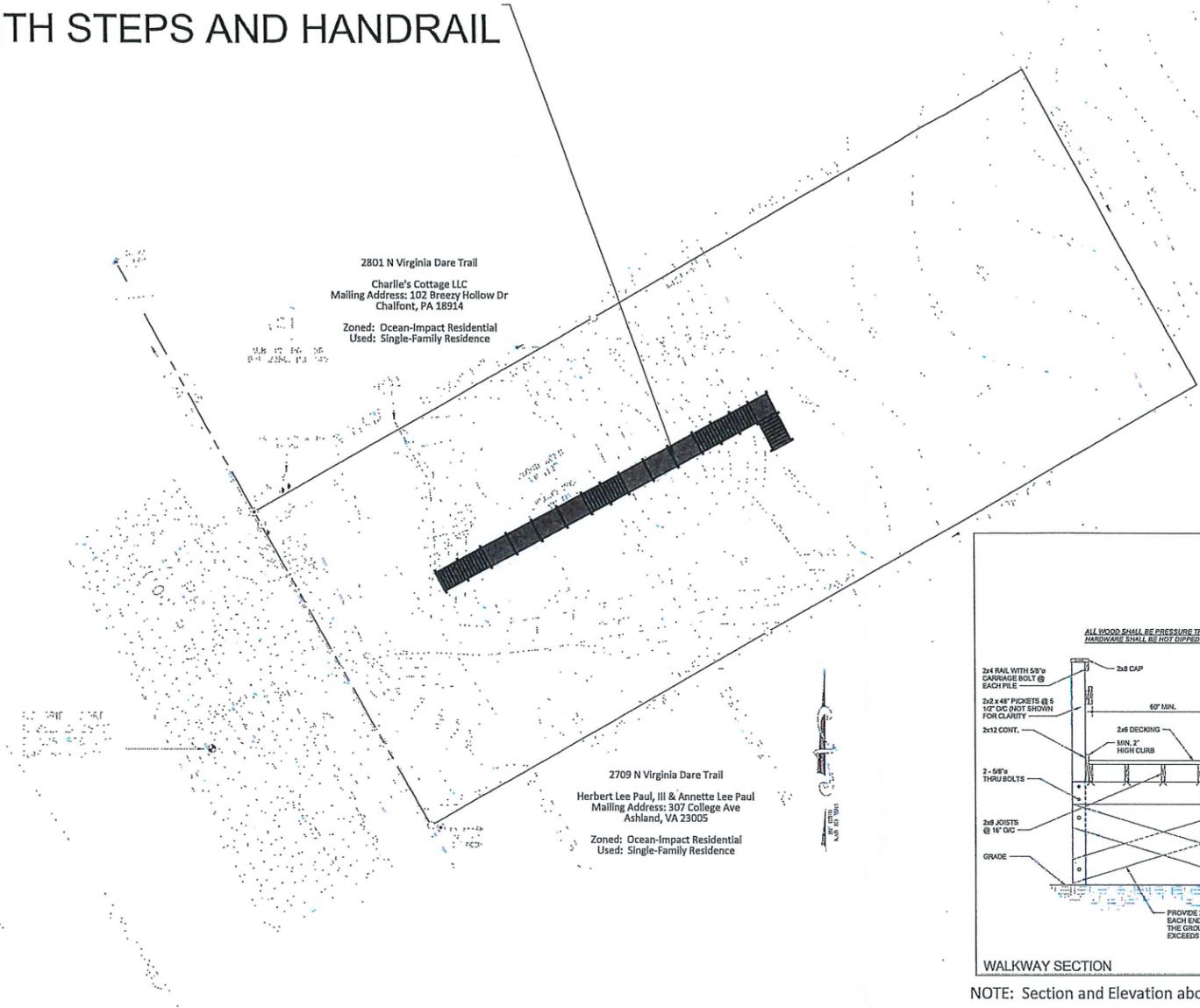


Data last updated: 06/20/2024

116' - 6" WIDE TIMBER WALKWAY WITH STEPS AND HANDRAIL

2801 N Virginia Dare Trail
 Charlie's Cottage LLC
 Mailing Address: 102 Breezy Hollow Dr
 Chalfont, PA 18914
 Zoned: Ocean-Impact Residential
 Used: Single-Family Residence

2709 N Virginia Dare Trail
 Herbert Lee Paul, III & Annette Lee Paul
 Mailing Address: 307 College Ave
 Ashland, VA 23005
 Zoned: Ocean-Impact Residential
 Used: Single-Family Residence



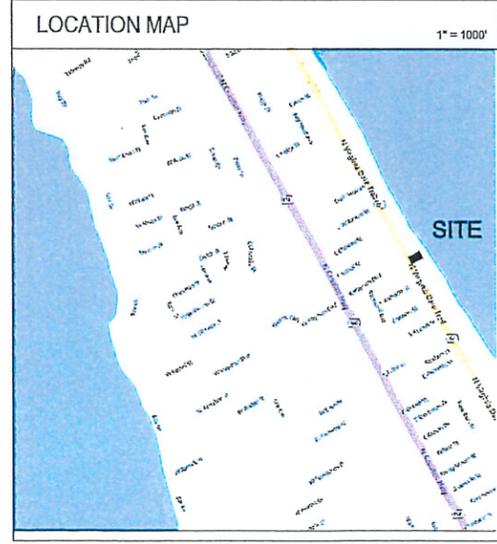
NOTE: Section and Elevation above are shown to illustrate general design parameters and do not constitute a structural design.

- OCEAN IMPACT RESIDENTIAL ZONING SETBACKS:**
- (A) SIDE YARD.
 - (1) THE MINIMUM SIDE YARD SETBACK REQUIREMENTS ON A LOT LESS THAN 75 FEET IN WIDTH SHALL BE 10 FEET FROM EACH SIDE.
 - (2) FOR ALL LOTS 75 FEET TO 99 FEET IN WIDTH, THE MINIMUM SIDE YARD WIDTHS SHALL BE 12 FEET.
 - (3) FOR ALL LOTS OR AGGREGATE OF LOTS COMBINED FOR SINGLE DEVELOPMENT 100 FEET OR GREATER IN WIDTH, THE MINIMUM SIDE YARD SETBACK SHALL BE 12 FEET.
 - (4) ALL MULTI-FAMILY DWELLINGS IN EXCESS OF A DUPLEX, HOTELS AND MOTELS SHALL INSTALL AND MAINTAIN A VEGETATIVE BUFFER OF EVERGREEN, SALT-TOLERANT SPECIES ALONG THE SIDE YARDS OF USABLE PROPERTY IN CONJUNCTION WITH DEVELOPMENT IN THIS ZONE AND SUCH MAY BE LOCATED WITHIN THE AREA OF THE REQUIRED SETBACK LINES.
 - (B) FRONT YARD. ALL OCEANFRONT LOTS SHALL FRONT ON NC HIGHWAY 12 (VIRGINIA DARE TRAIL) AND ALL STRUCTURES ERECTED ON THESE LOTS SHALL BE SET BACK FROM THE FRONT PROPERTY LINE A MINIMUM OF 30 FEET.
 - (C) REAR YARD.
 - (1) LOTS THAT BORDER THE ATLANTIC OCEAN SHALL BE DESIGNATED AS HAVING A REAR YARD ON THE ATLANTIC OCEAN.
 - (2) THE MINIMUM REAR YARD SETBACK REQUIREMENTS ON ANY LOT SHALL BE 20% OF THE TOTAL DEPTH OF THE LOT BUT SHALL NOT EXCEED 30 FEET FROM THE REAR PROPERTY LINE.
 - (3) FOR EACH LOT DEVELOPED THAT HAS A REAR YARD ON THE ATLANTIC OCEAN, THE REAR YARD SHALL BE DETERMINED BY THE SETBACK MULTIPLIER ESTABLISHED FOR OCEAN HAZARD AREAS OF ENVIRONMENTAL CONCERN (AEC) AS ADMINISTERED BY THE LOCAL PERMIT OFFICER REPRESENTING THE NORTH CAROLINA OFFICE OF COASTAL MANAGEMENT AS PER THE NORTH CAROLINA COASTAL AREA MANAGEMENT ACT OF 1974.
 - (4) DOUBLE FRONTAGE. NOT APPLICABLE.
 - (5) CORNER LOT. FOR LOTS 50 FEET OR LESS IN WIDTH, THE SIDE STREET SETBACK REQUIREMENTS SHALL BE 10 FEET ON THOSE SIDES THAT ABUT A STREET OR BEACH ACCESS. FOR LOTS GREATER THAN 50 FEET IN WIDTH, THE MINIMUM SIDE STREET SETBACK REQUIREMENTS SHALL BE 15 FEET ON THOSE SIDES THAT ABUT A STREET OR BEACH ACCESS.



North Carolina
 One-Call Center Inc.
811
 Know what's below
 Call before you dig.

UNDERGROUND UTILITIES AS MARKED BY "UTILITY LOCATORS"
 COMMUNICATIONS (ORANGE PAINT)
 ELECTRIC (RED PAINT)
 GAS (YELLOW PAINT)
 IRRIGATION (PURPLE PAINT)
 SEWER (GREEN PAINT)
 WATER (BLUE PAINT)



DATUM NOTE:
 VERTICAL DATUM REFERENCE:
 NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88)
 HORIZONTAL DATUM REFERENCE:
 NORTH CAROLINA COORDINATE SYSTEM OF 1983
 NAD 1983 (2001 HARN)

TOPOGRAPHICAL SURVEY INFORMATION:
 THE TOPOGRAPHICAL INFORMATION WAS PREPARED BY:
 STYONS SURVEYING SERVICES, EA
 2700 NORTH CROATAN HIGHWAY
 KILL DEVIL HILLS, NC 27948
 PHONE: (252)441-1415

TOPOGRAPHICAL SURVEY INFORMATION:
 THE PLAN DOES NOT GUARANTEE THE EXISTENCE, SIZE, TYPE, LOCATION, ALIGNMENT OR DEPTH OF ANY OR ALL UNDERGROUND UTILITIES OR OTHER FACILITIES. WHERE SURFACE FEATURES (MANHOLES, CATCH BASINS, VALVES, ETC.) ARE UNAVAILABLE OR INCONCLUSIVE, INFORMATION SHOWN MAY BE FROM UTILITY OWNERS RECORDS AND/OR ELECTRIC LINE TRACING, THE RELIABILITY OF WHICH IS UNCERTAIN. THE CONTRACTOR SHALL PERFORM PRIOR TO INSTALLING AFFECTED PIPES, WHATEVER TEST EVACUATION OR OTHER INVESTIGATION IS NECESSARY TO VERIFY LOCATIONS AND CLEARANCE AND SHALL REPORT IMMEDIATELY AND DISCREPANCIES TO AMERICAN ENGINEERING, AT 1-757-468-6800.

PLOTTED: 6/20/2024

V:\2023\23200 - KDH General Services\CAD\IC-101-E Hayman Access Sheet 1.dwg, 6/20/2024 10:00 AM

NO.	DATE	DESCRIPTION

**TOWN OF KILL DEVIL HILLS
 EAST HAYMAN BOULEVARD
 BEACH ACCESS**

TOWN OF KILL DEVIL HILLS DARE COUNTY, NORTH CAROLINA

Project #	V23200
Checked by	P BURKHIMER
Drawn by	P BURKHIMER
Issue Date	06/21/2024
Scale	1" = 20'
SWaM Certification	715559
NC Firm #	C-3881

AMERICAN Engineering
 American Engineering Associates - Southeast, P.A.
 830 Greenbrier Circle | Suite 110
 Chesapeake, Virginia 23320 (757) 468-6800

SHEET NAME	CONCEPTUAL PLAN
SHEET #	1







Town of Kill Devil Hills CAMA Land Use Plan Update



Adopted by the Kill Devil Hills Board of Commissioners: September 14, 2020
Certified by the Coastal Resources Commission: November 2, 2020





Public Meetings

The Planning Board conducted five (5) meetings to review/discuss the preparation of the CAMA Land Use Plan:

- February 20, 2018
- April 17, 2018
- May 15, 2018
- June 19, 2018
- September 18, 2018

On July 19, 2018, the Board of Commissioners and Planning Board conducted a joint public input/project review meeting. The policies/strategies proposed for this plan were reviewed. A Planning Board meeting was conducted on July 21, 2020, to allow the public an opportunity to review and comment on the draft plan prior to the public hearing held on September 14, 2020. All meetings were advertised and open to the public.

GOALS

The following planning process goals have been heavily influenced by public input/opinion received during the planning process and the input of the Planning Board. An annual review of these goals should be conducted by the Board of Commissioners, and adjusted, if necessary, as implementation is accomplished.

- **Goal 1:** Support public involvement in the governance of Kill Devil Hills.
- **Goal 2:** Promote and protect a family values and beach atmosphere.
- **Goal 3:** Promote fiscal responsibility and the value of taxpayer dollars.
- **Goal 4:** Preserve the Town's natural resources.
- **Goal 5:** Achieve strategies which promote appropriate development and redevelopment.
- **Goal 6:** Promote better citizen understanding of land use planning.
- **Goal 7:** Preserve Kill Devil Hills' residential areas.
- **Goal 8:** Support Kill Devil Hills' local economy as a year-round community.
- **Goal 9:** Support actions to diversify Kill Devil Hills' local economy.
- **Goal 10:** Support infrastructure which will adequately serve the Town's future.
- **Goal 11:** Protect recreational water quality.
- **Goal 12:** Promote public beach access.



Public Access

Public access is important to the Town for the provision of recreational access and as a contributor to the Town's tourism industry and quality of life.

Management Goal: Maximize public access to the beaches and the public trust waters of the coastal region.

Planning Objectives: Policies that address access needs and opportunities, with strategies to develop public access and provisions for all segments of the community, including persons with disabilities. For oceanfront communities, establish access policies for beach areas targeted for nourishment.

Policies:

P.1 The Town supports the provision of access to the shoreline for residents and visitors of Kill Devil Hills, including persons with disabilities.

P.2 The Town supports improving its shoreline accessibility.

Implementing Actions:

I.1 Support the recommendations of the Shoreline Access Plan, including acquisition of land and improvements to access facilities including parking, paths, and dune crossovers. The Town favors updating the Shoreline Access Plan every five years as necessary. *Schedule: Continuing.*

I.2 Continue to seek out grant funding for the establishment of new beach and estuarine access sites through the Town's jurisdiction. Special attention will be given to providing access to handicapped individuals. *Schedule: Continuing.*

I.3 Maintain public access within the beach renourishment area to meet the US Army Corps of Engineers standards for participation in beach nourishment projects. *Schedule: Continuing.*

I.4 Monitor the use of personal watercraft and consider regulations for sound and ocean operation, if deemed appropriate. *Schedule: Continuing.*

I.5 Support channel maintenance activities in surrounding waters, particularly at the Dock Street public boat ramp and including partial local funding when necessary. *Schedule: High.*

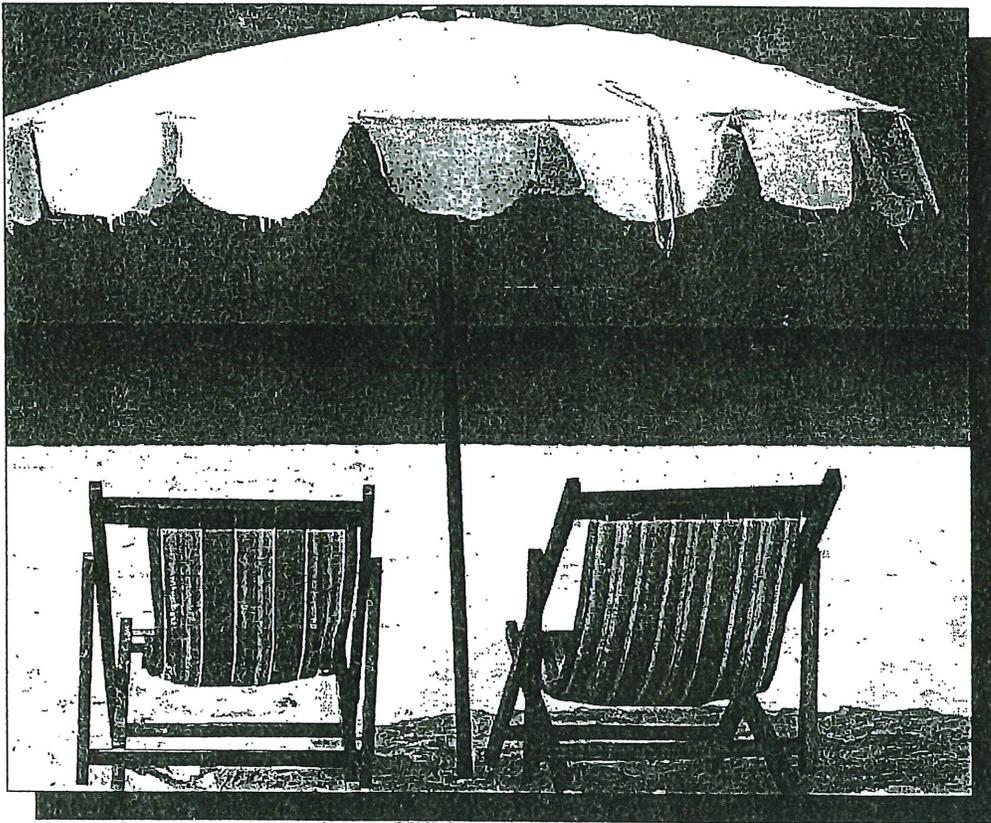
Land Use Compatibility

Land use compatibility is always an important issue as the Town seeks to balance growth with the protection of valuable natural resources. As development occurs, the Town desires to protect its maritime forest, estuarine, and extensive sensitive natural and open space areas. The future land use map reflects the concentration of future development.

Management Goal: Ensure that development and use of resources or preservation of land balance protection of natural resources and fragile areas with economic development, while avoiding risks to public health, safety, and welfare.

Planning Objectives: Policies that characterize future land use development patterns and establish mitigation criteria and concepts to minimize conflicts.

1998 Shoreline Access Plan Update



Town of Kill Devil Hills

Adopted by the Board of Commissioners
February 8, 1999

II. SHORELINE ACCESS DEVELOPMENT

A. Local Shoreline Environment

Planning for shoreline access in Kill Devil Hills must take into account that the Town has two distinct shoreline environments--the ocean beach shoreline to the east and the estuarine (soundside) shoreline to the west. Each shoreline supports different activities and requires site specific consideration of particular environmental conditions.

1. Ocean Beach Shoreline

A sand beach and dune system characterize the ocean shoreline. The primary environmental consideration at the ocean shore is the protection of the dunes which defend landward development from damage in heavy surf. Vegetation stabilizes the dune, so it is essential that ocean accesses are designed in a way which minimizes the impact of pedestrian and vehicular traffic on the dune vegetation. Pedestrian walkways elevated above the dunes on pilings safeguard the dune and facilitate beach visitors' travel between their automobiles and the beach.

The most popular recreational uses of the beach include swimming, sunbathing, surfing, and fishing. These activities require few facilities other than the beach itself. However, it is important to provide facilities for visitors' convenience such as parking areas, restrooms, showers, and litter barrels. While these facilities serve to protect the beach from the impact of visitors, another important consideration is protecting the visitors from potentially hazardous conditions. To this end, Kill Devil Hills provides lifeguard services at a number of access points and considers emergency vehicle access in ocean access design. The Town is committed to providing lifeguard services in areas of high swimming activity, giving careful attention to lifeguard stand placement and the presence of mobile lifeguards in an attempt to provide coverage from stand to stand.

2. Estuarine Shoreline

The estuarine shoreline consists of shallow water, sandy beaches, and marsh. The sound's particular mix of salt and fresh water supports a delicate ecosystem. Development at the sound shoreline should avoid excessive disturbance of the marsh. Recreation at the sound shoreline typically involves nature watching, boating, fishing, windsurfing, and sailing. Facilities which support these activities include walkways, piers, benches, litter receptacles, parking, and small boat launches. Careful initial construction will minimize the impact of shoreline access facilities along the sound. The provision of access facilities as needed will minimize impact from users.

TOWN OF KILL DEVIL HILLS,

NORTH CAROLINA

CODE OF ORDINANCES

2023 S-19 Supplement contains:

Local legislation current through Ord. 19-23, passed 8-14-23

and State legislation current through 2023 A.L.S. #4

Published by:

American Legal Publishing

525 Vine Street, Suite 310

Cincinnati, Ohio 45202

Tel: (800) 445-5588

Internet: <http://www.amlegal.com>

§ 153.095 INTENT.

(A) The Ocean Impact Residential (OIR) Zone is established in an effort to promote health, safety and welfare and to limit the level of peril to the public welfare associated with dwellings and other structures located in that part of the town that borders on the Atlantic Ocean and which is subject to tropical storms, storm surges, hurricanes and shoreline migration.

(B) In the OIR Zone, buildings or lands shall be used for one or more of the following specified permitted uses or special uses and none other.

(Ord. 91-08, passed 11-18-91; Am. Ord. 99-08, passed 5-10-99; Am. Ord. 01-02, passed 2-28-01; Am. Ord. 18-4, passed 6-14-21)

§ 153.096 PERMITTED USES.

In the OIR Zone, building and/or land shall be used for the following purposes:

- (A) Single-family dwellings;
- (B) Duplex dwellings;
- (C) Multi-family dwellings of three or more units per dwelling;
- (D) Hotels and motels;
- (E) On-site accessory uses or buildings to divisions (A), (B), (C), (D) or (F) of this section;
- (F) Fishing piers;
- (G) Swimming pools, tennis courts;
- (H) Bed and breakfasts (See § 153.312 for requirements);
- (I) Town-owned and leased facilities, including but not limited to recreational parks, beach access areas and bathhouses and governmentally contracted services;
- (J) Rooming houses, boarding houses;
- (K) Home occupations;
- (L) Cottage court. (see § 153.310 for additional regulations); and
- (M) Cluster homes (see § 153.311 for additional regulations).

(Ord. 91-08, passed 11-18-91; Am. Ord. 01-02, passed 2-28-01; Am. Ord. 05-12, passed 8-8-05; Am. Ord. 14-29, passed 5-13-15; Am. Ord. 16-19, passed 6-27-18; Am. Ord. 16-23, passed 1-14-19; Am. Ord. 18-4, passed 6-14-21)

§ 153.101 SETBACKS.

(A) *Side yard.*

(1) The minimum side yard setback requirements on a lot less than 75 feet in width shall be 10 feet from each side.

(2) For all lots 75 feet to 99 feet in width, the minimum side yard widths shall be 12 feet.

(3) For all lots or aggregate of lots combined for single development 100 feet or greater in width, the minimum side yard setback shall be 12 feet.

Town of Kill Devil Hills, North Carolina

Adopted Budget for the Fiscal Year 2023 - 2024

Plan Year for 2024 - 2025

BENJAMIN A. SPROUL

Mayor

IVY RAY INGRAM

Mayor Pro Tempore

**TERRY L. GRAY
BERNARD B. MCAVOY, JR.
JOHN L. WINDLEY**

Commissioners

CASEY C. VARNELL

Town Attorney

DEBORA P. DIAZ

Town Manager

JAMES MICHAEL O'DELL

Town Clerk

CHARLENE S. ALLEN

Assistant Town Manager

ANGELL W. DOUGHTIE, CPA

Director of Finance and Tax

MEREDITH B. GUNS

Director of Planning and Development

STEVE ALBRIGHT

Public Services Director

TROY TILLEY

Fire Chief

GARY BRITT

Police Chief



MISSION

The Town of Kill Devil Hills is dedicated to enhancing the quality of life for all citizens and property owners by providing the maximum level of service in the most effective and efficient manner while exercising sound fiscal responsibility. We value: citizen participation, honesty and integrity, unity and teamwork, fairness and equity and our unique natural environment. Our desire is for Kill Devil Hills to be recognized as a wonderful place to live, where our citizens receive high quality services, our employees work in an atmosphere of respect and support and our leadership stimulates cooperation and innovation in our community.

Town of Kill Devil Hills, North Carolina
Capital Project and Capital Reserve Budget Ordinances
Adopted in Prior Years

Kill Devil Hills Board of Commissioners
Capital Reserve Ordinance

Budget Ordinance Number 18-12

CAPITAL RESERVE ORDINANCE FOR THE PURPOSE OF
CONSTRUCTION OF AND IMPROVEMENTS TO SHORELINE
ACCESSSES

BE IT ORDAINED by the Honorable Mayor and Board of Commissioners of the Town of Kill Devil Hills, North Carolina, that the following Capital Reserve Fund is hereby established:

Section 1.

The Board of Commissioners hereby creates a Capital Reserve Fund for the purpose of new construction, renovation, and reconstruction of and improvements to shoreline accesses.

Section 2.

The Kill Devil Hills Board of Commissioners will make appropriations from this fund to finance capital projects which are a part of a multi-year program for the implementation of the adopted Shoreline Access Plan.

Section 3.

The fund will remain operational for a period not to exceed ten years beginning July 1, 2021, and ending June 30, 2031.

Section 4.

The Kill Devil Hills Board of Commissioners will strive to appropriate or transfer an amount each year to this fund.

Section 5.

A portion of the ad valorem tax and other general fund revenues will serve as the source of revenue for this Capital Reserve Fund supplemented by grant funds from the North Carolina Coastal and Estuarine Access Program.

Section 6.

This ordinance shall become effective upon adoption

Adopted June 23, 2021

Town of Kill Devil Hills
 Adopted Capital Reserve Fund
 For the Fiscal Year 2023-24

Object Description	Actual 2020 - 21	Actual 2021 - 22	Original Budget 2022-23	Revised Budget 2022-23	Estimated Actuals 2022-23	Manager's Recommended 2023-24	Adopted Budget 2023-24	Plan Year Budget 2024-25
<i>OTHER FINANCIAL SOURCES</i>								
Transfer from General Fund - Street CRF	\$ 1,166,709	\$ 1,149,981	\$ 886,000	\$ 1,135,893	\$ 1,135,893	\$ 342,828	\$ 342,828	\$ 592,828
Transfer from General Fund - Sidewalk CRF	160,084	180,781	300,000	623,788	623,788	100,000	100,000	100,000
Transfer from General Fund - Shoreline Access CRF	--	-	75,000	75,000	-	100,000	100,000	75,000
Transfer from General Fund - Recreation CRF	-	-	75,000	75,000	-	100,000	100,000	75,000
Transfer from General Fund - Beach Nourishment CRF	368,217	157,671	955,069	955,069	-	935,962	935,962	939,365
TOTAL OTHER FINANCIAL SOURCES	1,695,010	1,488,433	2,291,069	2,864,750	1,759,681	1,578,790	1,578,790	1,782,193
 <i>OTHER FINANCIAL USES</i>								
Reserved for future projects - Streets	1,166,709	1,149,981	886,000	1,135,893	1,135,893	342,828	342,828	592,828
Reserved for future projects - Sidewalks	160,084	180,781	300,000	623,788	623,788	100,000	100,000	100,000
Reserved for future projects - Shoreline Access	-	-	75,000	75,000	-	100,000	100,000	75,000
Reserved for future projects - Recreation	-	-	75,000	75,000	-	100,000	100,000	75,000
Reserved for future projects - Beach Nourishment	368,217	157,671	955,069	955,069	-	935,962	935,962	939,365
TOTAL OTHER FINANCIAL USES	\$ 1,695,010	\$ 1,488,433	\$ 2,291,069	\$ 2,864,750	\$ 1,759,681	\$ 1,578,790	\$ 1,578,790	\$ 1,782,193