



**AGENDA**  
**Town of Nags Head Planning Board**  
**Nags Head Municipal Complex Board Room**  
**Tuesday, February 18, 2020; 9:00 a.m.**  
**- D R A F T -**

- A. Call To Order
- B. Approval Of Agenda
- C. Joint Discussion With Board Of Commissioners  
to Review Draft Flood Damage Prevention Ordinance Amendments
- D. Public Comment/Audience Response
- E. Approval Of Minutes  
January 21, 2020 Planning Board Meeting
- F. Establishment Of Regular Meeting Dates For Calendar Year 2020

Documents:

[2020 SUBMITTAL DATES.PDF](#)

G. Action Items

- 1. Continued Consideration Of A Text Amendment  
to the Unified Development Ordinance submitted by a property owner to expand the principal sale items from outdoor stands to include reservations and tickets for events/activities.

Documents:

[MEMO WITH ATTACH TO PB RE OUTDOOR SALES AMENDMENT FOR TICKETS\\_2.13.2020.PDF](#)

- 2. Consideration Of A Text Amendment  
to the Unified Development Ordinance to correct identified typographical errors.

H. Report On Board Of Commissioners Actions  
February 5, 2020 BOC Meeting

Documents:

[FEB 5 2020 BOC ACTIONS.PDF](#)

I. Town Updates - As Requested

J. Discussion Items

1. Continued Discussion Of Regulation Of Large Occupancy/Event Homes

Documents:

[EVENT HOME PDF FOR PB.PDF](#)

2. Discussion Of Residential Stormwater Regulations

3. Discussion Of FY20-21 Planning & Land Use Work Plan

K. Planning Board Members' Agenda

L. Planning Board Chairman's Agenda

M. Adjournment

## Town of Nags Head

Telephone: 252-441-7016

FAX: 252-441-4290

Planning and Development 2020 Submittal Dates					
	Tech. Review <sup>1</sup>	Planning Board	Board of Commissioners	Board of Adjustment <sup>2</sup>	
Submittal Date	Meeting Date	Meeting Date	Meeting Date	Meeting Date	Deadline
December 19, 2019	January 7, 2020	January 21, 2020	February 5, 2020	January 9, 2020	December 10, 2019
January 16, 2020	February 4, 2020	February 18, 2020	March 4, 2020	February 13, 2020	January 7, 2020
February 13, 2020	March 3, 2020	March 17, 2020	April 1, 2020	March 12, 2020	February 11, 2020
March 19, 2020	April 7, 2020	April 14, 2020	May 6, 2020	April 9, 2020	March 10, 2020
April 16, 2020	May 5, 2020	May 19, 2020	June 3, 2020	May 14, 2020	April 14, 2020
May 14, 2020	June 2, 2020	June 16, 2020	July 1, 2020	June 11, 2020	May 12, 2020
June 18, 2020	July 7, 2020	July 21, 2020	August 5, 2020	July 9, 2020	June 9, 2020
July 16, 2020	August 4, 2020	August 18, 2020	September 2, 2020	August 13, 2020	July 14, 2020
August 13, 2020	September 1, 2020	September 15, 2020	October 7, 2020	September 10, 2020	August 11, 2020
September 17, 2020	October 6, 2020	October 20, 2020	November 4, 2020	October 8, 2020	September 8, 2020
October 15, 2020	November 3, 2020	November 17, 2020	December 2, 2020	November 12, 2020	October 13, 2020
November 12, 2020	December 1, 2020	December 15, 2020	January 6, 2021	December 10, 2020	November 10, 2020
December 17, 2020	January 5, 2021	January 19, 2021	February 3, 2021	January 14, 2021	December 15, 2020
January 14, 2021	February 2, 2021	February 16, 2021	March 3, 2021	February 11, 2021	January 12, 2021
Board of Commissioner Submittal/Meeting Dates may be obtained from Carolyn Morris, Town Clerk at 252-441-5508.					
* <b>Planning Board Items are due by 1 PM on submittal date: site plan check-in takes about 15 minutes.</b>					
* <b>Digital version of submittal is required in addition to required paper copies.</b>					
<sup>1</sup> Tentative dates - meetings subject to cancellation/change					
<sup>2</sup> Meetings scheduled as necessary					



# MEMORANDUM

## Town of Nags Head

### Planning & Development Department

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To: Planning Board

From: Michael Zehner, Director of Planning & Development  
Kelly Wyatt, Deputy Director of Planning & Development

Date: February 13, 2020

Subject: Continued consideration of a text amendment to the Unified Development Ordinance submitted by a property owner to expand the principal sale items from outdoor stands to include reservations and tickets for events/activities.

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### OVERVIEW

As the Planning Board is aware, this proposed text amendment (the applicant for the amendment is Kate Creef, Assistant General Manager, on behalf of Outlets Nags Head) was discussed preliminarily at the Board's January 21, 2020 meeting. At that time, the proposal was to amend the UDO to allow "outdoor kiosks" for the sale of tickets and reservations for on-site and off-site recreational facilities. Mrs. Creef had explained to the Board that a vendor had approached the Outlets about the idea of having a kiosk located on the property to allow patrons to book charter fishing excursions, a concept which was believed would enhance the customers' shopping experience. Mrs. Creef indicated that there would be a preference to allow two outdoor stands (where the regulations only allow for one) and confirmed for the Board that the plan was to locate the kiosk in the terrace area.

Based on the discussion and feedback provided at the meeting, the applicant submitted an adoption ordinance for the proposed text amendment and markup of the relevant sections of the Unified Development Ordinance. Modifying the original proposal, the request is now seeking to amend Section 7.76.1 to expand the principal sale items allowed to be sold from outdoor stands to include "reservations or ticket sales," and to amend Section 7.76.2. to increase the number of outdoor stands allowed per site from one (1) to two (2).

### BACKGROUND

The current version of the allowances and standards for *Outdoor Stands, Accessory to Shopping Center & Group Development* are the result of numerous changes over the course of the last ten (10) years; actions of note are as follows:

- The allowance of outdoor fresh produce stands as an accessory use to shopping centers was first established in mid-2009;
- In late-2009, an amendment was adopted to allow hotdog vending stands as an accessory use to shopping centers;
- In early-2010, an amendment was adopted to allow coffee vending stands as an accessory use to shopping centers;

*Continued consideration of a text amendment to the Unified Development Ordinance submitted by a property owner to expand the principal sale items from outdoor stands to include reservations and tickets for events/activities*

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- In mid-2010, recognizing that one of each of the aforementioned stands could be permitted at any given shopping center, an amendment was adopted to limit the number of accessory outdoor stands at any shopping center site to one (1); additionally, the various stand uses were consolidated under a single use (Outdoor Stands);
- In late-2010, the Ordinance was amended to allow Italian ice and fudge sales;
- In early-2013 ice cream was added as an allowed sale item; additionally, in 2013, a request to expand the allowable number of stands from one (1) to (2) was denied; and
- The provisions were last amended in 2014 when the allowed locations for outdoor stands were expanded to allow as accessory to Group Development (aka Office/Retail Group Development).

## **POLICY CONSIDERATIONS**

There are no direct policies concerning outdoor stands. However, certainly economic development objectives and policies encouraging and supporting small businesses and the viability of existing commercial properties are applicable, and need to be balanced with objectives and policies focused on maintaining the Town's character.

Generally, Staff believes that the request to allow the sale of tickets and reservations is consistent with applicable policies; however, Staff would suggest that the standards be clarified to require that the sale and advertisement of items be confined to stands. With respect to the number of allowed stands on any particular site, Staff would support a maximum of two (2) stands, with no more than one (1) stand selling fresh produce, hot dogs, coffee, ice cream or Italian ice, and/or fudge.

## **STAFF RECOMMENDATION**

Staff recommends that the amendment be adopted with modifications to the standards to require that the sale and advertisement of items be confined to stands and to allow a maximum of two (2) stands, with no more than one (1) stand selling fresh produce, hot dogs, coffee, ice cream or Italian ice, and/or fudge. Additionally, it is suggested that Sections 7.76.3 and 7.76.4. also be amended to provide for a maximum stand area and any time limitations, respectively, for the sale of tickets and reservations; a limitation of 150 square feet and a time limitation consistent with produce stands are likely sufficient. Finally, Staff would recommend that the definition of Outdoor Stand, as follows, be amended consistent with the amendment of Section 7.76.1.:

*Outdoor stand means an approved area where the sale of produce, hot dogs, coffee, ice cream or Italian ice, and fudge occurs from a cart or structure.*

With regard to the Planning Board's review, Staff recommends consideration of the following UDO provisions:

*3.5.3. Action by the Planning Board.*

*3.5.3.1. Every proposed amendment, UDO text amendment or zoning map amendment, shall be referred to the Planning Board for its recommendation and report. The Board of Commissioners is not bound by the recommendations, if any, of the Planning Board.*

*3.5.3.2. Prior to the consideration by the Board of Commissioners of a proposed UDO text amendment or zoning map amendment, the Planning Board shall advise and comment on whether the proposed amendment is consistent with the Comprehensive Plan. The Planning Board shall provide a written recommendation, certified by the UDO Administrator, to the Board of Commissioners that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the Comprehensive Plan shall not preclude consideration or approval of the proposed amendment by the Board of Commissioners.*

*3.5.3.3. Members of the Planning Board shall not vote on recommendations regarding any UDO text amendment or zoning map amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.*

It may also be helpful to the Planning Board to review the following provisions regarding action by the Board of Commissioners:

*3.5.4. Action by the Board of Commissioners.*

*Action upon an UDO text amendment or zoning map amendment, including the scheduling of a public hearing, will be at the discretion of the Board of Commissioners.*

*3.5.4.1. Before an item is placed on the consent agenda to schedule a public hearing, the Planning Board's recommendation on each proposed amendment must be received by the Board of Commissioners. If no recommendation is received from the Planning Board within 30 days from the date when submitted to the Planning Board, the petitioner may take the proposal to the Board of Commissioners without a recommendation from the Planning Board. However, the Planning Board may request the Board of Commissioners to delay final action on the amendment until such time as the Planning Board can present its recommendations. No such limitations shall apply to applications or requests submitted by Town staff or any Town Board.*

*3.5.4.2. After receiving a recommendation from the Planning Board on a proposed amendment, the Board of Commissioners may proceed to vote on the proposed ordinance, refer it to a committee for further*

*study, or take any other action consistent with its usual rules of procedure.*

*3.5.4.3. The Board of Commissioners is not required to take final action on a proposed amendment within any specific period of time. Final action on an UDO text amendment or zoning map amendment submitted by third parties will be taken within a reasonable time. Final action taken within 90 days of the public hearing before the Board of Commissioners shall be presumptively reasonable.*

*3.5.4.4. No member of the Board of Commissioners shall vote on any zoning map amendment or UDO text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial and readily identifiable financial impact.*

*3.5.4.5. Prior to adopting or rejecting any UDO text and/or map amendment, the Board of Commissioners shall adopt one of the following statements which shall not be subject to judicial review.*

*3.5.4.5.1. A statement approving the amendment and describing its consistency with the adopted Comprehensive Plan and explaining why the action taken is reasonable and in the public interest.*

*3.5.4.5.2. A statement rejecting the amendment and describing its inconsistency with the adopted Comprehensive Plan and explaining why the action taken is reasonable and in the public interest.*

*3.5.4.5.3. A statement approving the amendment and containing at least all of the following:*

*3.5.4.5.3.1. A declaration that the approval is also deemed an amendment to the Comprehensive Plan. The Board of Commissioners shall not require any additional request or application for amendment to the Comprehensive Plan.*

*3.5.4.5.3.2. An explanation of the change in conditions the Board of Commissioners took into account in amending the UDO to meet the development needs of the community.*

*3.5.4.5.3.3. Why the action was reasonable and in the public interest.*

*Continued consideration of a text amendment to the Unified Development Ordinance submitted by a property owner to expand the principal sale items from outdoor stands to include reservations and tickets for events/activities*

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*3.5.4.6. In deciding whether to adopt a proposed amendment to this UDO, the central issue before the Board of Commissioners is whether the proposed amendment advances the public health, safety, or welfare. When considering proposed map amendments:*

*3.5.4.6.1. The Board of Commissioners shall consider the entire range of permitted uses in the requested classification.*

**Attachments:**

1. Zoning Amendment Application;
2. Proposed Ordinance; and
3. Markup of Section 7.76, Outdoor Stands, Accessory to Shopping Centers & Group Development

**ZONING AMENDMENT APPLICATION  
TOWN OF NAGS HEAD, NORTH CAROLINA**

Applicant Kate Creef, Assistant General Manager, on behalf of Outlets Nags Head

Mailing address 7100 South Croatan Hwy Nags Head, NC 27959

Explanation of request

- Zoning Ordinance - Section(s) \_\_\_\_\_  
Attach amendment in ordinance form.
- Zoning Map  
Attach copy of current Zoning Map with affected property outlined in red.  
Attach names and mailing addresses of the property owners of all parcels of land abutting the parcel in question.

Nature of request

Request to allow reservation kiosks for on-site and off-site recreational activities as permitted use within retail shopping centers.

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Reason for request

To enhance property use and customer shopping experience.

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Kate Creef, Assistant General Manager, on behalf of Outlets Nags Head  
Applicant  
12/10/19  
Date

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES  
OF THE TOWN OF NAGS HEAD, NORTH CAROLINA PERTAINING TO THE  
REGULATION OF OUTDOOR STANDS, ACCESSORIES TO SHOPPING  
CENTERS & GROUP DEVELOPMENT**

**ARTICLE I. Purpose(s) and Authority.**

**WHEREAS**, pursuant to N.C.G.S. § 160A-381, the Town of Nags Head (the “Town”) may enact and amend ordinances regulating the zoning and development of land within its jurisdiction and specifically the location and use of buildings, structures and land; pursuant to this authority and the additional authority granted by N.C.G.S. Chap. 160A, Art. 19 et. seq, the Town has adopted comprehensive zoning regulations and has codified the same within the Unified Development Ordinance, Part II of the Town Code, adopted pursuant to N.C.G.S. § 160A-363, which allows the Town to combine certain land development ordinances into a unified ordinance; and

**WHEREAS**, an owner of the property within the Town of nags Head proposed the amendment of the Unified Ordinance to alter regulations for outdoor stands, accessory to shopping centers and group development; and

**WHEREAS**, the Board of Commissioners finds that these text amendments are consistent with the goals, objectives and policies of the Town’s adopted Comprehensive Plan, and that this action is reasonable and in the public interest, and is in the interest of and not contrary to the public’s health, safety, morals and general welfare for the Town to amend the Town’s Unified Development Ordinance as stated below.

**ARTICLE II. Construction.**

For purposes of this ordinance amendment, underlined words (underline) shall be considered as additions to existing Town Code language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. Any portions of the adopted Town Code which are not repeated herein, but are instead replaced by an ellipsis (“...”) shall remain as they currently exist within the Town Code.

**ARTICLE III. Amendment of the Unified Development Ordinance.**

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Nags Head, North Carolina, that the Unified Development Ordinance of the Town Code shall be amended as follows:

PART I. That **Section 7.76.1 and 7.76.2**, be amended as follows:

7.76.1 The principle sale of items at an outdoor stand shall be limited to either fresh produce, hot dogs, coffee, ice cream or Italian ice, ~~and~~ fudge, and reservations or ticket sales.

7.76.2 ~~Only one~~ Two outdoor stands shall be allowed per site. The stands shall not be required to be a permanent structure and may be located upon a trailer.

**ARTICLE IV. Severability.**

All Town ordinances or parts of ordinances in conflict with this ordinance amendment are hereby repealed. Should a court of competent jurisdiction declare this ordinance amendment or any part thereof to be invalid, such decision shall not affect the remaining provisions of this ordinance amendment nor the Unified Development Ordinance or Town Code of the Town of Nags Head, North Carolina which shall remain in full force and effect.

**ARTICLE V. Effective Date.**

This ordinance amendment shall be in full force and effect on the adopted effective date of the Unified Development Ordinance.

\_\_\_\_\_  
Benjamin Cahoon, Mayor  
Town of Nags Head

ATTEST:  
\_\_\_\_\_  
Carolyn F. Morris, Town Clerk

APPROVED AS TO FORM:  
Town Attorney \_\_\_\_\_  
Date adopted: \_\_\_\_\_  
Motion to adopt by Commissioner \_\_\_\_\_  
Motion seconded by Commissioner \_\_\_\_\_  
Vote: \_\_\_\_\_ AYES \_\_\_\_\_ NAYS

## **SECTION 7.76 OUTDOOR STANDS, ACCESSORY TO SHOPPING CENTERS & GROUP DEVELOPMENT.**

Outdoor stands, accessory to shopping centers and group development, are permitted in accordance with Section 6.6, Table of Uses and Activities, subject to other requirements of this UDO and provided that the following conditions are met:

**7.76.1.** The principal sale of items at an outdoor stand shall be limited to either fresh produce, hot dogs, coffee, ice cream or Italian ice, ~~and fudge~~ **and reservations or ticket sales**. The sale of any other items shall be incidental and limited to no more than ten percent of the display area or ten percent of sales.

**7.76.2.** ~~Only one~~ **Two** outdoor stands shall be allowed per site. The stands shall not be required to be a permanent structure and may be located upon a trailer. When located upon a trailer, skirting shall be installed around the perimeter to screen the wheels, axles and towing hitch from view.

**7.76.3.** The stand area, inclusive of display counters and awnings, shall not exceed four hundred (400) square feet for produce stands and shall not exceed one hundred fifty (150) square feet for hot dog, coffee, ice cream and Italian ice and fudge stands. Refrigeration units may be utilized within the stand area. The location of the stand on the site shall comply with minimum district yard regulations for principal use structures.

**7.76.4.** Produce stands shall be temporary and may be operated for a period of time not to exceed 180 days annually. The dates of operation shall be limited to between May 1 and November 1 each year. Hot dog, coffee, ice cream and Italian ice and fudge stands may be operated year round but shall not be left on the property overnight and must be removed daily.

**7.76.5.** All stands shall comply with applicable Dare County Health Department regulations and permitting requirements.

**7.76.6.** When located on a site with fifty (50) or more existing parking spaces, no additional parking spaces will be required. When located on a site with less than fifty (50) parking spaces a minimum of three (3) off-street parking spaces in accordance with parking regulations of this UDO shall be provided.

**7.76.7.** When the regulations contained in the subsection are in conflict with the general regulations of Town Code Section 12 Article III, Peddlers and Itinerant Merchants, the provisions of this UDO shall prevail.



**BOC ACTIONS**  
**WEDNESDAY, FEBRUARY 5, 2020**

**1.** Call to order - Mayor Cahoon called the meeting to order at 9:00 a.m.

**2.** Agenda – the Board approved the Feb 5<sup>th</sup> agenda as presented.

**3.** Recognition

Police Chief Phil Webster introduced Police Officer Terrance Flaughter who was welcomed by the Board to Town employment.

Public Works Director Ralph Barile introduced Facilities Maintenance Technician Nehmias Cortez who was welcomed by the Board to Town employment.

Finance Director Amy Miller introduced Dep Finance Officer Brooke Norris who was welcomed by the Board to Town employment.

Public Works Director Ralph Barile introduced Sanitation Supervisor Keefe White who was congratulated by the Board for 25 years of service to the Town.

Town Manager Cliff Ogburn introduced Town Clerk Carolyn F. Morris who was congratulated by the Board for 25 years of service to the Town.

**4.** Jennette’s Pier - Executive Director Mike Remige presented the annual update on Jennette’s Pier with a powerpoint presentation which was well received.

**5.** Public Comment

Susie Walters, Nags Head resident; spoke concerning recyclables which are now being incinerated; she encouraged the Board to allow for incineration of recyclables to continue while more information is gathered.

Al Friedman, Nags Head resident; he participates in Special Olympics events each year; the closest polar bear plunge is in Virginia Beach; he asked the Board to consider bringing this event to this area.

Cheri Pain, Nags Head resident; she has operated a homeowners association management business for 30 years in the Town; she very much appreciates the Town which is shaped by the hard work of the Board and many other individuals, she asked the Board to continue the Town’s recycling program.

David Masters, Jr., Nags Head resident; he mentioned the possibility of the Board rescinding the roll-back trash carts ordinance and is aware there are a lot of issues with this subject; he urged the Board to take another look at this issue rather than striking the ordinance.

**6.** Consent Agenda – The Consent Agenda consisted of the following items:

Budget Adjustment #8 to FY 19/20 Budget  
Consideration of Tax Adjustment Report

Request to advertise delinquent taxes  
Approval of minutes  
Resolution authorizing Town Mgr to execute DEQ grant contract for Islington Beach Access  
Amendments to Consolidated Fee Schedule  
Resolution updating Town officials with banking authority  
Resolution clarifying Dare County Control Group / Town Oct 2015 Memorandum of Agreement  
Ratification of actions from Board of Commissioners Jan 23-24, 2020 Retreat

The Board approved the Consent Agenda – with removal of agenda item #E-8 re: Resolution clarifying Dare County Control Group/Town Oct 2015 MOA - for consideration at the Feb 18<sup>th</sup> mid-month mtg.

**7.** Public Hearing – to consider a Vested Right Site Plan for the Outer Banks Hospital, 4923 & 4927 S. Croatan Highway, 4922, 4926 & 4928 Passage Way, submitted by Quible and Associates P.C. on behalf of Outer Banks Hospital; the application involves the demolition of the Urgent Care Facility and construction of 10,400 square foot addition to the existing Radiation Therapy building. Applicant is seeking a Conditional Use Permit to reduce the number of required parking spaces and modify certain parking requirements, and to rezone the properties at 4922, 4926 & 4928 Passage Way from SPD-C/SF-2 to SPD-C/Hotel District – The following motions were unanimously passed:

Motion #1 - To approve the request to rezone parcels located at 4922, 4926 and 4928 S. Passage Way from the SPD-C/SF-2 District to the SPD-C/Hotel District as presented.

Motion #2 – To approve the vested right site plan/application with the required four (4) findings of fact for conditional use permits.

Motion #3 – To approve the conditional use permit to reduce required parking and loading zone dimensions with five (5) findings of fact and three (3) recommended conditions.

**8.** Planning Director update – Several items were specifically addressed to include the Flood Prevention Ordinance – for discussion at the joint workshop with the Planning Board on Feb 18<sup>th</sup>; Planning Board request for feedback on regulation of large occupancy/event homes; and legacy options in the UDO for discussion at an upcoming Planning Board meeting.

**9.** Workforce Housing – the Mayor suggested that the Board take this report into consideration and come back with recommendations at a future meeting.

**10.** Lunch – The Board recessed for lunch at 11:55 a.m. and reconvened at 1 p.m.

**11.** Audit contract – the Board passed a motion to select Johnson, Mizelle, Straub & Murphy of Kitty Hawk as the Town’s auditor.

**12.** Town Attorney Leidy – he congratulated Town Clerk Carolyn F. Morris on her 25<sup>th</sup> anniversary with the Town.

**13.** Town Manager – Beach Nourishment - *Proposed Municipal Service District (MSD)* – The Board passed a motion directing staff to prepare the MSD Report (includes map, statement, and plan) to include the north end of Town (to Kill Devil Hills Town line) for discussion at the Mar 4<sup>th</sup> Board meeting.

**14.** Town Manager – Sanitation/Recycling

- *Consideration of modification to contract with Bay Disposal dated Feb 5, 2019 re: curbside recycling* – The Board passed a motion to continue the contract with Bay Disposal authorizing them to divert the recyclable materials to be incinerated until the end of this fiscal year.

*Consideration of changes to winter sanitation/recycling schedule* - It was Board consensus to make no changes to the recycling schedule at this time.

*Consideration of ordinance to rescind Town Code Sec. 30-6 (e) Storage and removal of trash and recycling carts* - Town Manager Ogburn asked for additional time to evaluate/research the rescinding of the ordinance requiring the roll back of trash carts – for review at the Mar 4<sup>th</sup> Board meeting.

**15.** Comr. Renée Cahoon – Workforce Housing – she thanked staff for the work already done – she suggested to not expend any more money until additional details are known concerning how the money will be spent.

**16.** Comr. Brinkley – he thanked Susie Walters and Cheri Pain who spoke today expressing interest in maintaining the recycling program. Comr. Brinkley also thanked Al Friedman for speaking about the Special Olympics - Town Manager Ogburn said he would follow up.

**17.** Comr. Fuller – Staff was asked to follow-up on the issue mentioned during today’s discussion on the Outer Banks Hospital facility site plan to make sure La Fogata Restaurant has adequate parking after renting 11 spaces to the Hospital.

**18.** Mayor Cahoon – CIP/Budget Workshops – the schedule was approved as follows:

CIP Workshop / Continuation if needed	Mar 25 <sup>th</sup> - 9 am / Apr 8 <sup>th</sup> – 9 am
Presentation of Manager’s Recommended Budget	May 6 <sup>th</sup> - 9 am
Budget Workshop / Continuation if needed	May 13 <sup>th</sup> - 9 am / May 27 <sup>th</sup> – 9 am
Public Hearing (PH)	Jun 3 <sup>rd</sup> - 9 am
Budget Workshop (w/PH comments incorporated)	Jun 10 <sup>th</sup> - 9 am
Adoption of Budget (mid-month meeting)	Jun 17 <sup>th</sup> - 7 pm

Comr. Brinkley will not be available for the Mar 25<sup>th</sup> workshop; Comr. Renée Cahoon will not be available for the Apr 8<sup>th</sup> workshop. The Soundside Boardwalk item is to be included on a Board meeting agenda for discussion prior to being considered at the CIP Workshop.

**19.** Mayor Cahoon - Envisioning the future of Nags Head – Staff is to include this item under the Mayor’s agenda as a standing item for each upcoming Board meeting.

**20.** Mayor Cahoon – He noted that the Urgent Care Facility that is to be demolished – from today’s Outer Banks Hospital site plan discussion – was a bldg. he worked on as architect many years ago.

**21.** Mayor Cahoon – He shared that he would be out of town tomorrow and Friday (Feb 6-7). Mayor Pro Tem Siers will be available if needed.

**22.** Mayor Cahoon – He reported that next week (week of Feb 9-15) he may be in Puerto Rico assisting Emergency Management with hurricane damage inspection.

**23.** Adjournment - The Board recessed to a Joint Workshop with the Planning Board on Feb 18<sup>th</sup> at 9 am – The workshop will be followed by a Board mid-month mtg at 1 pm. The time was 2:11 p.m.



# MEMORANDUM

## Town of Nags Head

### Planning & Development Department

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To: Planning Board

From: Kelly Wyatt, Deputy Director of Planning & Development  
Michael Zehner, Director of Planning & Development

Date: February 14, 2020

Subject: Discussion of Event Home Regulations

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Following the Planning Board's January 21, 2020 discussion on large occupancy/event homes, Planning Staff provided the Board of Commissioners with a brief memo and update at their February 5, 2020 meeting requesting guidance on how to proceed. The Board of Commissioners noted that event homes had been a discussion at their most recent retreat and that public safety, noise, and off-site impacts, such as parking, were the primary concerns noted with regard to large events being held within single-family residential dwellings.

It was the consensus of the Board of Commissioners that the Planning Board and Staff continue to move forward with discussion on the regulation of such events. Additionally, the Board of Commissioners noted that large occupancy homes are a concern of many municipalities within Dare County and recommended that Staff work jointly with the other towns to consider how best to regulate occupancy. Specifically, regulations that the Town of Kill Devil Hills has discussed related to sprinkler protection, increased buffering, and vehicle stacking within the drive aisle were of interest. Staff would submit that these two items might best be handled separately, as the Board can currently proceed with developing regulations related to events; however, the consideration of additional restrictions on large occupancy homes requires additional time and coordination.

With regard to the regulation of events being held within single-family dwellings within the Town, staff would recommend consideration be given to developing criteria similar to that of the Town of Duck's "Wedding Event Registration Policy". You can review this information here: <https://www.townofduck.com/getting-married-in-duck/> and a copy of the *Wedding Related Event Registration* is attached. In short, if a wedding-related event in the Town of Duck involves more than 50 people you are required to complete a registration form and return it to the Town within 30 days in advance of the event. The form is circulated to neighborhood associations, the property manager or owner of the proposed venue, and the Town of Duck Police and Fire Departments in order to ensure that they are aware of the event plans and also so that they contact can be made prior to or during the event should it be necessary. As part of the registration process, applicants are provided the Towns regulations for signage, noise and trash removal. Additionally, applicants must demonstrate that sufficient onsite parking is provided for the event. If unable to do so any need for the use of off-site parking must be accompanied by the proper permissions to utilize that parking facility.

Staff would recommend that consideration be given to requiring this registration when any proposed event is intended to attract 50 or more attendees at any single-family residential dwelling within the Town, not simply wedding-related events. Additionally, instead of adopting a policy, Staff would recommend that this be considered as amendment to the Town Code, likely within Chapter 4, *Amusements, Entertainments, Mass Gatherings and Commercial-Outdoor Recreational Uses*.

Planning staff will be available for additional discussion with the intention to bring forward a draft amendment to the Town Code for consideration at the Planning Board's March 17, 2020 meeting.



**Town of Duck**  
**Wedding-Related Event Registration Policy**

The qualities that make Duck a great place to live and vacation also make it an attractive location for weddings and special events. Large, well-appointed rental homes can be an ideal venue for large parties. It is important to remember that these homes are located in residential neighborhoods and these events, if not properly managed, can disrupt the quality of life for neighbors and other members of the community. The Town of Duck's economy is tourism based, and it is the position of the Town to encourage and facilitate properly planned events that are cognizant of residents, businesses, and other visitors. For this reason, Duck is asking event planners to fill out the attached form which documents the measures that will be taken to reduce event related impacts such as noise, parking, signage, and trash removal.

If you are planning a wedding-related event in the Town which involves more than 50 people, please fill out the attached form and return it to the Town of Duck Town Hall 30 days in advance of the event. This form will be circulated to neighborhood associations, the property manager or owner of the proposed venue, and the Town of Duck Police and Fire Departments in order to ensure that they are aware of your event plans and also so that they can contact you prior to or during the event, should this be necessary.

The Town of Duck's regulations for signage, noise, and trash removal can be found on the Town's website at [www.townofduck.com](http://www.townofduck.com) and are referenced on the registration form. Please note that these regulations remain in effect at all times and failure to comply with Town regulations could result in penalties or fines as well as the possibility of event disruption or termination. Also, please note that the Duck Police Department will be routinely monitoring conditions during the course of the event, specifically to preempt issues related to noise and parking.

For more information or questions regarding the Wedding-Related Event policy, please call the Department of Community Development at (252) 255-1234 or visit the Town's website at: [www.townofduck.com/planningzoning.htm](http://www.townofduck.com/planningzoning.htm).



# WEDDING-RELATED EVENT REGISTRATION

Registration submission required 30 days in advance of an event.

Submission Date: \_\_\_\_\_

**PLEASE DO NOT LEAVE ANY BLANKS** (Mark N/A as appropriate & use additional sheets if necessary).

## A. Contact and Event Information:

Date(s) of Event #1: \_\_\_\_\_ Time(s) of Event: \_\_\_\_\_

Event #2: \_\_\_\_\_

Event #3: \_\_\_\_\_

*(Events may include wedding ceremony, reception, rehearsal dinners, brunch, etc.)*

Event(s) will be held on private property at the following location/address:

Registrant Name (s): \_\_\_\_\_

Email (please print clearly): \_\_\_\_\_

Home Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

Address: \_\_\_\_\_

Name, cell phone & email of responsible party or wedding planner on-site & available on the day of the event: \_\_\_\_\_

*(Note that the responsible party should be someone who is readily accessible with this cell phone on his or her person during the event in case the Town should need to make contact regarding noise, trash, parking, or similar issues)*

Number of participants expected: \_\_\_\_\_

Neighborhood Association Name/Contact/Phone: \_\_\_\_\_

Property Management/Realty Firm Name/Contact/Phone: \_\_\_\_\_

Rental Property Name and Rental House Number: \_\_\_\_\_; Or,  
Property Owner Name/Address/Phone if property is not in a rental program:

## B. Parking/Traffic Flow:

*Cars may not be parked on the side of the road in Duck. If you plan to use an off-site location for private parking, please demonstrate that you have sufficient permission to use this facility.* Please describe your parking plan (i.e. use of shuttle buses, person to direct traffic, use of other parking facilities, etc.): \_\_\_\_\_

## C. Sound/Noise:

*Please note that Duck has a noise ordinance that is in effect at all times.*

What kind of sound system/amplification/music will be used?

DJ  Band  House Sound System  Other (please describe): \_\_\_\_\_

What will be the hours of operation for the sound system? \_\_\_\_\_

Will the sound system be located outside of the building?  Yes  No

**D. Trash Collection/Removal:**

*Trash Collection is curbside on Monday and Friday from May 1<sup>st</sup> to September 30<sup>th</sup>. The remainder of the year trash collection is on Mondays. Recycling is curbside on Mondays. Please describe your plan to remove overflow trash from your event (i.e. obtain extra trash receptacles, to be handled by rental company etc.):* \_\_\_\_\_

**E. Signage and Decorations**

*Signs, balloons, streamers and similar items are not permitted within the rights of way along NC12 and side streets. Please limit decorations (no more than three days duration) to the property where the event is being held and note that the property line is generally 15 feet or more back from the paved portion of the right of way.*

*Please describe what signage/decorations you are proposing to use for your event:*

**With the signature below, the registrant indicates that (s)he has read and understands the Town of Duck Registration Policy for Wedding-Related Events and will comply with this Policy.**

You are strongly urged to obtain approval from the appropriate homeowner association before your event(s). Failure to do so could result in legal action by the applicable homeowner association to enforce their covenants. Your signature on this application indicates that you understand that the Town of Duck does not enforce or consider the effect of neighborhood covenants when reviewing wedding related event registration applications.

\_\_\_\_\_  
Registrant Signature

\_\_\_\_\_  
Date

The Town of Duck will distribute this information to:

Town Manager  
Chief of Police  
Fire Chief

Property Owner or Manager  
Neighborhood Association  
Property Owner or Manager of Off-Site  
Parking Facility (if applicable)

If you have any questions regarding event registration or this form, please contact the Director of Community Development via email at [info@townofduck.com](mailto:info@townofduck.com) or by phone at 252-255-1234.

***Please submit this form at least thirty days in advance of the event via email to the address above, via fax at 252-255-1236, or via mail to:***

ATTN: Wedding Event Registration  
Town of Duck  
P.O. Box 8369  
Duck, NC 27949

*The Town will send an acknowledgement email or letter so that you know the registration form has been received.*

***Please Accept Our Best Wishes for a Beautiful and Safe Wedding Event!***