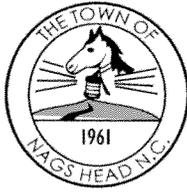


**Department of Planning
and Development**



Elizabeth Teague
Director of Planning
and Development

Town of Nags Head

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April 15, 2012

Charlan Owens, AICP
DCM District Planner-Northeast District
1367 US 17 South
Elizabeth City, NC 27909

Re: Implementation Status Report for the Town of Nags Head 2010 CAMA Land Use Plan

Dear Ms. Owens:

As required by the CAMA Local Planning and Management Grant guidelines, attached is the two year implementation status report for the Town of Nags Head. This report is based on the Policies under the Plan for the Future section of the 2010 Land Use Plan.

The implementation status report addresses the five elements in Rules 15A NCAC 07L.0511.

1. All local, state, federal, and joint actions that have been undertaken successfully to implement the certified CAMA land use plan;
2. Any actions that have been delayed and reasons for the delay;
3. Any unforeseen land use issues that have arisen since certification of the CAMA land use plan;
4. Consistency of existing land use and development ordinances with current CAMA land use plan policies; and
5. Current policies that create desired land use patterns and protection of natural systems.

The policies under the Plan for the Future section of the 2010 Land Use Plan, are sited and actions taken by the Town, in 2011 and 2012, are highlighted in red.

Please do not hesitate to contact me with further questions.

Sincerely,

Elizabeth Teague, AICP
Director of Planning and Development

Attachment: Town of Nags Head 2010 Land Use Plan implementation Status Report

Cc: Cliff Ogburn, Town Manager
Angela Welsh, Planner



Town of Nags Head

Planning and Development
Department

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Town of Nags Head 2010 Land Use Plan implementation Status Report April 15, 2013

All local, state, federal, and joint actions that have been undertaken successfully to implement the certified CAMA land use plan are denoted in red italics. There have been no unforeseen planning issues that have arisen since the 2010 Land Use Plan was certified.

Public Access

1. The Town recognizes that the ocean beaches are our single greatest asset. Fundamental elements important to the Town include, clean beaches, ample recreational access opportunities, no commercialization, reasonable beach driving regulations and the prompt resolution of user conflicts as they arise.

Planning Objective:

A. The Town will not allow or permit any commercialization of the Town's ocean beaches (Highest Priority)

2011 and 2012 actions: The Town has not allowed or permitted commercialization of the ocean beaches. In 2012, the Town revised Zoning Ordinances to address itinerant merchants, rentals of beach equipment and crowd gathering and special events permits to avoid signage or commercial transactions on the beach.

B. When the opportunity arises, the Town will acquire oceanfront property for access and open space. (Highest Priority)

2011 and 2012 actions: The Town eliminated Surfside Drive as a public right-of-way, and continues its involvement in several court cases related to removal of cottages along Seagull. The Town has also looked at multiple properties for purchase, but in the final analysis did not make acquire any new properties.

C. The Town will make a financial commitment including additional personnel and equipment if needed to keep our ocean beaches clean of debris and litter. (Highest Priority)

The Town hires additional personnel during summer months to help with Beach Maintenance and initiated an additional patrol presence on the beach.

D. The Town shall continue to require non-oceanfront hotels and motels to provide private oceanfront beach access facilities for their guests. (Highest Priority)

2011 and 2012 actions: No new non-oceanfront hotels and/or motels have been constructed or permitted. Town facilitated the repair and replacement of private beach accesses damaged by Hurricanes, Irene and Sandy.

2. Multi use paths. The Town places a high value on and encourages the use of alternative means of transportation including multi use paths along NC 12 (Virginia Dare Trail), NC 1243 (South Old

Oregon Inlet Road) and US 158 (Croatan Highway). The Town is currently working with NCDOT on the construction of a detached multi use path along the west side of Croatan Highway. The Town goal is for the multi use path to extend from 8th Street to Hollowell Street (Jockey's Ridge), and then to move northward from Whalebone Junction and the new Whalebone Park.

A. The Town will cooperate with NCDOT and other municipalities in coordinating and developing additional pedestrian multi-use paths on the Outer Banks. (High Priority)

2011 and 2012 actions: The Town has been working with NCDOT and other municipalities to develop the Dare County Comprehensive Transportation Plan as well as The Albemarle Regional Bicycle and Pedestrian Plan.

B. The Town will review and update the Nags Head Pedestrian Transportation System Plan adopted on November 6, 1996. (High Priority)

2011 and 2012 actions: The Town applied for a Bicycle and Pedestrian Planning Grant Initiative Grant through the NCDOT Division of Bicycle and Pedestrian Transportation in 2011 however, we were not selected for the grant. In 2012, the Town applied for the grant again and we are waiting to hear if we were selected for funding.

C. The Town will submit funding requests through the CIP and budget process for the implementation of the five and ten year plans and shall coordinate these plans with NCDOT when appropriate. (High Priority)

2011 and 2012 actions: The Town agreed to fund their portion of the Bicycle and Pedestrian Initiative grant and allocated matching funds for build out of the Multi Use Path in phases and in partnership with the Dare County Tourism Board. The Multi-use Path now runs from Eighth Street to Villa Dunes Drive.

3. The Town will continue to install sidewalks (primarily East-West) within Town right-of-ways to connect with the multi use paths on US 158 and NC 12 to facilitate pedestrian traffic and movement to recreational sites and other areas which generate pedestrian traffic when the need is demonstrated. The Town will install these sidewalk improvements to correspond with existing and proposed NCDOT's signalization plan.

Planning Objective:

A. The Town will identify recreational sites where sidewalks would facilitate pedestrian traffic to these recreational facilities and will submit funding requests through the budget and CIP process. (High Priority)

Some of these areas have been identified through an NC12 and NC1243 safety study completed by the Town's Planning and Development Department in 2012. Others will be addressed as part of the Comprehensive Transportation Plan (in process) and the Local Comprehensive Pedestrian Plan (if funded).

4. The Town shall consider requiring the installation sidewalks and other pedestrian facilities as part of the required infrastructure and improvements for new subdivisions and site plans.

Planning Objective:

A. The Town will consider amendments to the subdivision ordinance requiring the installation of sidewalks and/or multi use paths in areas identified in the "Nags Head Pedestrian Transportation System Plan". (Priority)

No new subdivisions have been approved in 2011-12.

5. The Town shall consider incentives for commercial development which provide pedestrian and bicycle amenities (e.g., sidewalks, bike racks) to improve circulation within and to their site.

Planning Objective:

A. The Town will investigate incentives such as excluding sidewalks from lot coverage calculations and reducing the required number of vehicular parking spaces when areas are provided for parking and storage for bicycles. (High Priority)

2011 and 2012 actions: No action has been taken in these years however; the Town allows commercial businesses a reduction in parking spaces when providing a bicycle storage area (this action was taken in 2010).

6. The continued success of the Town as a tourist and vacation destination depends in part on the continued use of recreational uses and activities on the ocean shoreline and in the sound. The Town shall provide an adequate mix of recreational access sites for residents and visitors in order that they can enjoy the ocean and estuarine shoreline and water recreational opportunities.

Planning Objective:

A. The Town will continue to apply for grants for ocean and sound access sites. (High Priority)

These efforts are on-going. In 2012, the Town applied for CAMA grants to upgrade the Abalone and Blackman beach access sites but we were not awarded funding and made self-funded improvements. In 2013, the Town is applying for assistance with Islington and the Estuarine Accesses.

B. The Town shall consider establishing larger, less traditional estuarine access sites that can function as access sites but also shore recreation areas and parks. (High Priority)

2012 action: The Town initiated planning with landowners along the sound to design and construct a sound side boardwalk.

7. The Town shall actively plan and seek funds for the development of traditional recreation uses, to meet the needs of Town residents of all ages, as the needs are identified and shall consider acquiring and developing small neighborhood recreation areas as funds become available.

Planning Objective:

A. The Town shall through the recreation committee identify funding opportunities for expansion of recreation facilities including parks, play areas and large recreation areas. (High Priority)

The Town adopted a Parks and Recreation Plan, in 2012, which identifies priorities and funding opportunities for recreational areas. The Town applied for and received funding through PARTF for installation of a playground at the Whalebone Park site.

B. The Town shall address recreational needs through the budget and CIP process. (High Priority)

The Town's 2012 Parks and Recreation Plan, includes recommendations for multiple CIP improvements.

8. To the extent practical and allows the Town will fully comply with the handicapped code to install ADA compliant beach accesses.

This action is ongoing. In 2011 and '12, the Town built a new ADA Access Ramp at the Jockey's Ridge Sound Access and invested in several roll-out mats to facilitate wheelchair access across beach sands.

9. If and when the Town's beach nourishment commences the following steps will be taken to provide access to beach areas targeted for nourishment.

Planning Objective:

A. The Town will require access as required by the funding agencies. (High Priority)

The Town completed the beach nourishment project in October of 2011 and complied with all access requirements by funding agencies. The Town continues to monitor the nourishment project through surveys and Benthic monitoring.

10. It is the position of the Town that both the wet sand beach and the dry sand beach east of the first line of vegetation represents public land available for public access and the Town will actively oppose any action to restrict public access to and across the ocean beach.

Planning Objective:

A. The Town will continue to apply for grants for ocean and sound access sites. (High Priority)

On-going (see above): Town applied for CAMA grants to upgrade the Abalone and Blackman beach access sites and we were not awarded funding, but moved forward with improvements on its own from our General Fund. The Town has recently applied for funding assistance to improve accesses as Islington and the Estuarine Park.

B. The Town will not allow or permit any commercialization of the Town's ocean beaches (Highest Priority)

2011 and 2012 actions: The Town has not allowed or permitted commercialization of the ocean beaches. (Also see Item 1 above)

C. The Town may acquire oceanfront property when the opportunity arises. (High priority)

2011 and 2012 actions: The Town has not acquired any new oceanfront property for access and open space.

Land Use Compatibility

1. The Town views the preservation of dunes, vegetation and topography as an important component in the Nags Head image and shall strictly enforce the existing applicable rules and regulations and seek additional measures as needed to preserve these elements as much as possible.

Planning Objective:

A. The Town will consider applying rules and regulations in the commercial districts for the preservation of dunes, topography, and vegetation. (High Priority)

In August of 2011, the Town prohibited bulldozing or pushing by mechanical means to change topography except under certain circumstances. (Ordinance No. 11-08-028)

2. The Commercial Outdoor Recreational Use Overlay Zoning district was established to accommodate the ever-growing commercial recreational development requests made to the Town. It shall be a policy of the Town to periodically review the adequacy of these regulations and make the necessary modifications when public health, safety and welfare issues arise.

Planning Objective:

A. The Town shall not increase the number of rental PWC units allowed to be rented at each site. (Priority)

2011 and 2012 actions: The Town has not allowed an increase in the number of PWC units allowed to be rented at each site.

B. The Town will not permit or allow the land based commercial rental of personal watercraft for use in the Atlantic Ocean. (Priority)

2011 and 2012 actions: The Town has not permitted or allowed the land based commercial rental of personal watercraft for use in the Atlantic Ocean.

3. As the existing housing stock ages, the Town shall consider incentives and regulations to help ensure that the replacement housing stock is in keeping with the "Nags Head image".

Planning Objective:

A. The Town will develop an incentive program designed to help ensure that replacement housing will be in keeping with the "Nags Head image" or vernacular. The Town will continue to enforce and amend, as needed, Section 48-370 of the Zoning Ordinance. (Low Priority)

2011 and 2012 actions: The Town has not amended and continues to enforce Section 48-370 of the Zoning Ordinance.

B. The Town will continue to enforce section 48-370 of the Zoning Ordinance, Residential Design Standards, which sets forth "regulations designed to protect and promote the unique and historical elements of residential architecture." (Low Priority)

C. The Town may not increase and may consider reducing the amount of land zoned commercial. (Low Priority)

2011 and 2012 actions: The Town has not increased and has not considered increasing the amount of land zoned commercial.

D. The Town's current development requirements allow for hotels and motels to be built on the oceanfront. The Town shall not approve any amendment which would allow for a greater density of units, greater height of buildings or allowing these structures in oceanfront districts where they are not allowed now. (R-1, R-2 and SPD-C). The development requirements for hotels and motels can be found under the hotel, motel and cottage court section of the Future Land Use map section of this plan. (Low Priority)

2011 and 2012 actions: The Town has not approved any amendment which would allow for greater density of hotel or motel units, greater height of buildings or allowing them in districts which were not allowed as stated above.

4. Open space and green space are important elements in the Nags Head image. The Town will inventory open space, actively pursue grants and funding opportunities and develop and implement a plan to acquire and preserve open space throughout the Town.

Planning Objective:

A. The Town will identify important areas to be acquired as open space and shall request funds for acquisition of these areas through the budget, CIP, and grant process. (Highest Priority)

The Town 2012 Parks and Recreation Plan, has formed budget, CIP and planning requests. The Town applied for and received funding through PARTF for the Whalebone Park site as well.

B. The Town does not wish to become a regional industrial services area and will not increase the size of the Commercial designation area of the Future Land Use Map or create additional industrial parks or subdivisions. (Highest Priority)

The Town has not increased the size for the commercial designation area of the Future Land Use Map or created additional industrial parks or subdivisions in 2011-12.

C. The Town will not permit fossil and nuclear energy production facilities to be located in Nags Head. (Highest Priority)

2011 and 2012 actions: The Town has not permitted fossil and nuclear energy productions facilities.

5. The Town of Nags Head recognizes that the shortage of affordable "workforce housing" represents a problem in drawing qualified applicants for Town positions.

Planning Objective:

A. The Town will continue to work with public and private community organizations and partnerships to develop solutions to the shortage of affordable "workforce" housing. (High priority)

2011 and 2012:

6. Alternative energy production. The Town is cognizant that many forms of energy production result in the release of carbon dioxide and potentially contribute to global warming. Some forms of alternative energy production do not result in the release of greenhouse gases most notably the use of wind turbines and electric generation by solar energy. While these forms of energy production do not contribute greenhouse gases, they can have a negative visual impact on the aesthetics of the Town.

Planning Objective:

A. The Town will consider, on an experimental basis, the use of wind turbines by government entities only after the Town carefully reviews the advantages and disadvantages of alternative energy production and their effect on the visual environment. (High priority)

2011 action: The Town permitted vertical axis wind turbines in the Hotel overlay, R-1, R-2, R-3 and CR districts (Ordinance No. 11-11-041)

7. The Town considers the following types of development as not desirable in Nags Head and they will not be permitted:

Dry-stack boat storage, floating homes, large (more than ten boats) commercial boat marinas, finger canals, upland excavation for boat marinas, forestry practices in Nags Head Woods (SED-80), mooring buoys to accommodate transient visitors.

2011 and 2012: The Town still considers these types of development as undesirable and they are not permitted.

Infrastructure Carrying Capacity

1. The Town shall provide effective and economical methods for the collection, disposal, and recycling of solid waste.

Planning Objective:

A. The Town shall periodically review existing practices to determine the most effective and economical methods for collecting and processing of solid waste. (Priority)

2011 and 2012 actions: Town continues to provide and maintain 2 recycling collection centers (one at Town Hall and one at Huron), recycling containers at Beach accesses, and offers year-round and seasonal residential collection options for residences.

B. The Town will consider, on a case by case basis, the merits of non-government owned package treatment plants. The Town will not provide public sewage treatment. (Priority)

This is ongoing however no non-government owned package treatment plants have been allowed in 2011 and 2012.

2. The Town will maintain its relative self-sufficiency by providing adequate services and amenities for residents and visitors and shall provide municipal services in a flexible, cost effective, customer friendly manner. The Town will continue to review and modify fees as needed, including the addition of new facilities fees to pay for new and continued development of Town infrastructure while requiring private development fund the installation of infrastructure needed by the proposed development.

Planning Objective:

A. The Town will review and update as needed land development fees in the adopted fee schedule and level of service provided by those fees. (Priority)

Town completed a comprehensive update of its Fee schedule in 2012, and added a Floodplain Permit review fee into the schedule in March of 2013.

3. The Town realizes that vacation rentals and seasonal rentals, and particularly, the rental of large oceanfront homes, while promoting the single-family tourist rental economy, can significantly impact Town municipal resources and infrastructure. The Town shall comprehensively review impacts that these large structures have on the resources, municipal services, and neighboring properties and amend zoning and Town regulation accordingly.

Planning Objective:

A. The Town will not amend the zoning ordinance or any development regulation which would result in either increased density (units/acre) or increased intensity of these homes. See Future Land Use section of this plan for density allowed per land use designation. (High Priority)

2011 and 2012: The Town has not amended the zoning ordinance or any development regulation which would result in increased density or increased intensity.

4. The Town shall continually assess the Town's water processing capacity, storage capacity and distribution system along with monitoring adequate pressure and fire supply and shall make the necessary system improvements when needed. The Town recognizes the importance of a dual or looped water supply system for pressure, service and fire supply and will continue to loop the system when opportunities and funding permits.

Planning Objective:

A. The Town shall develop a five-year and 20 year improvement plan and request funding through either the budget or CIP process to implement that plan. (Low Priority)

2012 actions: One water system extension project (the Memorial Avenue tie-in) has been designed and permitted, and funding requested in the FY 2013-2014 Operating Budget. An additional project, to tie Northridge to Villa Dunes Drive, will require a waterline easement across a portion of Jockey's Ridge State Park. It is currently undergoing review in Raleigh. Both of these projects will meet the objective of eliminating dead-end lines.

5. The Town will evaluate all future development for its impact on traffic congestion and manage this development so as to minimize its impact on traffic. More specifically, the Town encourages development to exit on side streets rather than South Croatan Highway.

Planning Objective:

A. The Town will develop regulations limiting access to US 158; NC 12, NC 1243 and US 64-264 when access can be obtained either through a side street or common drive aisle. (Highest Priority)

2011 and 2012 actions: The Town has been working with NCDOT and other municipalities to develop the Dare County Comprehensive Transportation Plan as well as a Regional Bike and Pedestrian Plan which addresses some of these issues. The Town also applied for a Bicycle and Pedestrian Planning Grant Initiative Grant through the NCDOT Division of Bicycle and Pedestrian Transportation in 2011 however, we were not selected for the grant. In 2012, the Town applied for the grant again and we are waiting to hear if we were selected for funding. Recently, the Town has been participating in, and providing administrative support for, the Outer Banks Bicycle and Pedestrian Safety Coalition to promote safety education.

B. The Town will consider developing regulations which addresses multiple curb cuts onto Town streets. (Highest Priority)

2011 and 2012 actions: As part of the Planning initiatives mentioned above, the Town has recommended and the CTP Committee has agreed to include a US158 Corridor study to look at improving access management and safety along the corridor.

6. The Town conceptually accepts the Outer Banks Thoroughfare Plan dated March 1996 and Town supports improvements, such as adding grassed medians where appropriate on US 158 which are designed to enhance safety for citizens and visitors.

Planning Objective:

A. The Town will work with NCDOT to request changes to the Outer Banks Thoroughfare Plan which reflect the current road and traffic conditions within the Town. (High Priority)

See above.

B. The Town will resist the withdrawal of existing unimproved streets unless it can be shown that such a withdrawal is in the public good. (High Priority)

The Town has not withdrawn existing unimproved streets other than closing Surfside.

7. The Town will work with and petition NCDOT for (1), the necessary road improvements in getting people to the Town, (2) finding ways to reduce the number of vehicles and reduce traffic congestion within the Town on US 158 and (3), increase efficiency on NC 12 and US 158. Such improvements including, but not limited to medians, a flyover at Whalebone Junction, signal coordination, new signals or the removal of existing signals.

Planning Objective

A. The Town will annually review and forward to NCDOT through the TIP process transportation improvement projects, studies, and improvements desired by the Town. (High Priority)

Ongoing - The Town reviews and makes recommendations to the NCDOT transportation improvement projects (TIP) list as part of continued participation in the Albemarle Rural Planning Organization.

B. The Town will encourage interconnectivity between adjacent commercial sites to avoid traffic on US 158 and NC 12. (High Priority)

The Town encourages connectivity between adjacent commercial sites during the Technical Review process as well as Planning Board and Board of commissioners, if required.

Natural Hazard Areas

1. Mitigation represents a proactive approach to reducing the vulnerability of risk to properties in the Town. The Town will investigate innovative programs and seek funds for mitigation measures such as relocation of threatened structures and more stringent building codes for high hazard areas that support the growth management policies of the Town.

Planning Objective:

A. The Town shall investigate the feasibility of adopting more stringent flood requirements and seeking proactive measures for beach nourishment. (High Priority)

In 2012, the Town amended Section 22-32, Flood Damage Prevention Ordinance to define "regulatory flood protection elevation" as the base flood elevation plus the freeboard as specified in the North Carolina Building Codes. (Ordinance No. 12-05-013)

B. The Town will consider amendments to our Flood Ordinance which addresses freeboard and other flood mitigative measures recognized by FEMA and the CRS program to reduce flood losses. (High Priority)

In 2012, the Town amended Section 22-32, Flood Damage Prevention Ordinance to define "regulatory flood protection elevation" as the base flood elevation plus the freeboard as specified in the North Carolina Building Codes. (Ordinance No. 12-05-013)

C. The Town will seek funding from local and regional sources to assist with the local match for local, state and regionally funded beach nourishment projects. (High Priority)

In 2011, the Town raised the local tax rate, effective July 1, 2011, to provide funds for the beach nourishment project.

2. The Town recognizes beach nourishment/renourishment as our preferred alternative for addressing the impacts from barrier island migration and ocean erosion. However, the Town also supports a variety of methods to abate the impacts to ocean erosion, these include, but are not limited to acquisition of threatened structures, relocation of threatened structures and the establishment of innovative technology or designs which may be considered experimental, which can be evaluated by the CRC to determine consistency with 15A NCAC 7M.0200 and the other general and specific use standards with the CAMA rules. The Town, however, is opposed to and will not permit hard structures such as sea walls and bulkheads on the oceanfront regardless of federal or state policies. The Town fully supports the protection of North Carolina's shorelines and the construction of terminal groin and jetty pilot projects along the entire coast of North Carolina as proposed in Senate Bill 599 Session 2007. The proposed bill is currently not consistent with State rules.

Planning Objective:

A. The Town encourages studies designed to determine the financial contribution the beach makes to the Outer Banks and the region. (High priority)

The Outer Banks Tourism Bureau completed an economic study in 2011 that utilized surveys to measure economic impacts of visitors.

B. The Town may acquire oceanfront property when the opportunity arises. (High priority)

The Town has not purchased oceanfront property recently, but did participate in the purchase of the Windmill Point property located on the sound in partnership with the Tourism Bureau.

C. The Town will investigate mitigation programs and grants to assist the property owner in the relocation of threatened structures. (High priority)

In 2011 and '12, the Town applied for funds to elevate three primary residences through the FEMA hazard Mitigation Grant Program. The Town also updated its Hazard Mitigation Plan and

implemented an Incident Command System (ICS) structure for Hurricane events.

3. The Town supports beach nourishment/renourishment projects for the Town beaches subject to commensurate funding from a combination of sources such as appropriations from federal, state and local sources. The Town will support and encourage the establishment of a statewide beach management strategy and policy along with a dedicated funding program designed specifically for beach restoration and nourishment projects.

Planning Objective

- A. The Town shall actively lobby the State for a state policy and strategy on beach nourishment and beach renourishment. (Highest Priority)

The Town completed its beach nourishment project in October of 2011.

- B. The Town shall lobby the State to establish an annually state funded statewide nourishment program. (Highest Priority)

- C. The Town shall lobby for Federal funding to remove/relocate threatened structures by supporting the reinstatement of the Upton-Jones amendment which modified the National Flood Insurance Program. The amendment did not require a homeowner to wait for destruction of their home by erosion but to submit claims and be recompensated if occurrence of damage was imminent. (Highest Priority)

In addition to continued litigation with owners of threatened structures on the oceanfront, the Town applied for funds to elevate three primary residences through the FEMA hazard Mitigation Grant Program. We are closely monitoring the Biggert-Waters Act of 2012 to see how it will affect ocean front property owners. A Resolution of support for reinstating the Upton-Jones amendment was adopted, by the Board of Commissioners on March 5, 2008

Water Quality

1. The preferred form of sewage treatment and disposal shall be the on-site septic systems. The Town realizes that proper maintenance of septic systems and strict enforcement of local and state rules are essential for their safe operation and through the Septic Health Initiative Committee. The Town shall continue to implement the Management Plan as well as preventative and educational programs for distribution to residents and visitors designed to identify and correct failing septic systems.

Planning Objective:

- A. The Town shall continue to implement the Management Plan and educational program to implement the above actions. (Highest Priority)

On an on-going basis, the Town continues to implement the 2005 Wastewater Management Plan and educational programs.

2. Proper placement and maintenance of septic systems located in close proximity to drainage ditches or located near the ocean or sound are essential for maintaining high water quality standards. When septic systems fail, effluent can enter these waters and lead to health concerns and closures. If needed, the Town will support research to determine sources of pollution and consider or lobby for additional regulations or enforcement of existing regulations to prevent further degradation and shall seek measures to enhance water quality where needed.

Planning Objectives:

- A. The Town shall apply for grant funds for projects that are designed to improve or prevent further degradation of water quality of our ocean and sound system. (High Priority)
- B. The Town will fund or assist in funding a water quality-testing program. (High Priority)

C. The Town shall seek funding and shall support water quality testing of the ocean and sound waters to determine the extent, if any of non-point sources of pollution. (High Priority)

Town communications with the State have indicated that our area was not competitive for grant funding in 2011 and 2012. The Town continues to fund a water quality monitoring and testing program at multiple sites.

D. The Town shall consider impervious surface limits, vegetated riparian buffers, natural areas and natural buffers in the event that non-point sources of pollution are discovered.(High Priority)

The Town has allowed porous concrete applications on commercial and residential lots with Engineering approvals.

E. The Town shall seek strict enforcement of existing laws and regulations and shall consider new regulations, if needed, to protect estuarine and ocean water quality. (High Priority)

On-going. The Town enforces existing laws and regulations to protect estuarine and ocean water quality.

F. The Town shall monitor the implementation plan of the CHPP's program. One purpose of the Coastal Habitat Protection Plan (CHPP's) was to document the role of aquatic habitats, provide their status, describe threats, develop management needs and develop management's options for coastal habitats. (High Priority)

On-going. The Town monitors the implementation plan of the CHPP'S program.

3. The Town shall continually assess and evaluate the Stormwater Management Plan and update the plan when necessary and shall actively work to minimize the rate and amount of stormwater runoff into ocean and sound waters and the impact that stormwater has on those waters.

Planning Objective:

A. The Town shall review the adequacy and amend as needed the 2006 Stormwater Management Plan. The Stormwater Management Plan has been implemented and individual projects will be initiated as funds are available. (Low Priority)

The Town has reviewed the 2006 Stormwater management Plan and is in the process of incorporating Low Impact Development practices in our zoning ordinance. In 2012, the Town initiated a text amendment and assigned a sub-committee of the Planning Board to make updates to the local ordinance.

4. The Town recognizes that maintenance is essential for the proper functioning of the ocean and sound outfalls shall actively lobby NCDOT for continued maintenance.

Planning Objective:

A. The Town will investigate the feasibility of land disposal and storm water retention in lieu of outfalls and may seek funds and grants or lobby NCDOT where the feasibility exists for land application of stormwater. (Priority)

The Town replaced and extended 3 of the 4 ocean outfalls as part of the Beach Nourishment Project. The Town has asked NCDOT to replace the fourth and most northern outfall and passed a resolution of support for the state to consider this request.

5. The Town will comply with State rules regarding stormwater control.

Planning Objective:

A. The Town shall continue to review our local policies to ensure compliance with State rules. (High Priority)

The Town is compliant with State rules and local policies.

B. The Town will implement flood control projects discussed in the stormwater systems section of this plan as funds become available. (High Priority)

In 2011 and 2012, the Town undertook two significant stormwater management projects to alleviate flooding in local neighborhoods in the vicinity of Villa Dunes Drive and Lost Colony.

6. The Town will comply with State rules regarding protecting open shell fishing waters and restoring closed shell fishing waters.

Planning Objective:

A. The Town shall continue to review our local policies to ensure compliance with State rules. (High Priority)

B. The Town will implement flood control projects discussed in the stormwater systems section of this plan as funds become available. The use of detention wetlands and filtering systems will be utilized when feasible. (High Priority)

C. The Town will request enforcement of all State agencies rules regarding protection of waters in sub basin 03-01-56 (Pasquotank River basin) (High Priority)

The State enforces rules regarding protection of waters in sub basin 03-01-56, the Pasquotank River Basin. The Town monitors water quality through our Septic Health Initiative and coordinates with NCDENR on public warnings related to swim advisories. The Town also coordinated the Nags Head Woods Conservation Area with an oyster bed restoration project by relocating the Nags Head Woods Road after Hurricane damage and by creating more room for the shoreline restoration portion of the project.

7. The Town supports the use of Advanced Treatment Systems for government owned and operated sewage treatment plants that produce an NSF-40 quality effluent standard described in NCAC 18A.1970 under Laws and Rules for Sewage Treatment & Disposal Systems utilizing Reclaimed Water Facilities designed in accordance as set forth in Subchapter 2T-Waste Not Discharged to Surface Waters Section- 15A NCAC 02T.0906.

Planning Objective:

A. The Town will consider, on a case by case basis, the merits of non-government owned package treatment plants. The Town will not provide public sewage treatment. (Priority)

The Town has not pursued a public sewage treatment facility.

Local Areas of Concern

1. The Town shall consider higher flood regulatory standards for vehicle and equipment storage areas and structures or facilities that produce, use or store highly volatile, flammable, explosive, toxic and or water-reactive materials that may cause environmental problems if flooded or destroyed.

Planning Objective:

A. The Town shall develop a program to identify businesses and material storage areas where significant amounts of toxic or hazardous products are stored which would be subject to flooding. (Highest Priority)

Ongoing.

B. The Town may develop regulations to require fuel tanks, including LP tanks to be adequately anchored to prevent flotation in the event of flooding. (Highest Priority)

Ongoing.

2. During the subdivision process the Town shall require wider rights-of-ways and greater construction standard to proposed Town streets when it can be demonstrated that the proposed street may be required to accept local traffic from other nearby streets which may be damaged or threatened or closed by natural events.

Planning Objective:

A. The Town may develop regulations requiring a greater street standard (dimensional and construction) where it can be reasonable demonstrated that near-by streets may be destroyed by a storm or other natural event and the proposed street will be required to accept greater amounts of traffic due to the loss of nearby streets. (Low Priority)

No new subdivisions have been approved in 2011 and 2012.

3. The Town recognizes that when ocean beaches and estuarine areas and waters are closed for health reasons, proper public notification of the closures is essential for public safety. The Town will work with the respective regulatory agencies to develop a protocol and to ensure that public notification is released in a timely manner after careful monitoring has indicated that the agreed upon standards have been exceeded.

Planning Objective:

A. The Town has initiated meetings with the County and other agencies to develop and establish water quality and monitoring standards and to develop a protocol for public notification when beaches and waters are closed for health reasons. (Priority)

The Town continues to initiate these meetings with the county and other agencies when beaches and waters are closed for health reasons.

4. The Town will communicate with residents and non-resident property owners.

Planning Objective:

A. The Town may publish four newsletters a year. (Highest Priority)

B. The Town may continue to update the Town's web page and add additional components as needed. (Highest Priority)

C. The Town shall assess the effectiveness of various forms of communication. (Highest Priority)

The Town uses Facebook, Twitter, a Sunshine List and weekly updates posted on our webpage and e-mailed to the Sunshine list. The Town also publishes four newsletters per year.

5. The Town shall consider the impact on public safety during the review of site plans and during consideration for proposed changes to the zoning ordinance and shall encourage the use of sprinkler systems, stand pipes and the provision for fire lanes as important fire prevention measures.

Planning Objective:

A. The Department of Public Safety shall recommend changes to the Town code as conditions warrant. (Priority)

2012 actions: Ordinance No. 12-09-028 now makes it a misdemeanor to operate a motor vehicle on the beach without a proper beach driving permit issued by the Town. Ordinance No. 12-03-010 reduced the speed limit from 50 mph to 45 mph on US 158 from Eighth Street to Villa Dunes Drive.

6. It is the policy of the Town to continually assess the police, fire and rescue needs of the Town and to make personnel and resource expenditures commensurate with the needs created by the community.

Planning Objective:

- A. Public safety funding requests shall be considered through the budget and CIP process. (Priority)
- B. The Town shall identify grant opportunities, as they become available. (Priority)

The Fire Department received two radio equipment communications grants in 2011 and a safety grant in 2012. The Police Department has also updated Police car computer equipment.

- 7. The Town recognizes that damaged homes and structures on the oceanfront represent a nuisance eyesore and visual blight and the Town may take appropriate measures to abate this nuisance and will seek changes in NFIP regulations to establish regulations for declaration of destroyed structures.

Planning Objective:

- A. The Town will take a more proactive approach to condemning these structures and taking prompt action including the issuance of civil citations to abate the nuisance. (Highest Priority)
- B. The Town will petition FEMA through our state and regional FIP representatives to consider adopting regulations regarding the determination of destroyed structures.(Highest Priority)

The Town continues its efforts to remove these structures.

- 8. The Town shall continue to address community appearance concerns through Boards such as the Planning Board, Citizens Advisory Committee and Board of Commissioners. The Town shall work toward developing incentives designed to enhance, promote and protect the Town's architectural image and heritage.

Planning Objective:

- A. The Town will investigate the feasibility for an architectural incentive program. (High Priority)
- B. The Town will consider an incentive program rewarding those developers which set aside additional open space in perpetuity. (High Priority)

The Town continues to address community appearance through the Boards listed above and continues to enforce the residential design standards in the zoning ordinance.

- 9. The Historic District represents an irreplaceable part of the Nags Head image and past. The Town shall carefully consider any proposed land use change-not only within the district, but nearby that would diminish the uniqueness of the homes in the district. The Town will promote the creation of a historic district to preserve the historic beachfront cottages. These limits are shown on the Future Land Use map in the appendix.

Planning Objective:

- A. The Town will continue to work with residents within the historic district boundary on the Future Land Use Map to establish a historic district. (Low Priority)
- B. The Town will continue to amend the zoning ordinance by adopting provisions designed to protect the uniqueness of homes on the National Register of Historic Places. (Low Priority)

The zoning ordinance has not been amended to protect these homes as residents do not wish to have a "historic" zoning district placed on them by the Town, however signage has been installed to recognize the Historic District of "Old Cottage Row."

- 10. Over the last 20 years the Town has seen most of its commercial businesses, once numerous along Virginia Dare Trail, move to US 158 or go out of business due to chain restaurants and "big box" retailers building along US 158.

Planning Objective:

A. The Town will investigate the use of incentives to attract and retain locally owned businesses throughout the Town. (High priority)

The Town has refined selected codes and building and zoning review procedures to work with commercial applicants. The Town has provided an outdoor seating incentive for business along the beach road, and is currently working on ordinance updates related to Parking requirements.