



DRAFT AGENDA

**Town of Nags Head Planning Board
Nags Head Municipal Complex Board Room
Tuesday, August 20th, 2024; 9:00 a.m.**

- A. Call To Order
- B. Approval Of Agenda
- C. Public Comment/Audience Response
- D. Approval Of Minutes
July 16th, 2024 Planning Board Meeting.

Documents:

[JULY 16 2024 DRAFT MINUTES.PDF](#)

E. Action Items

- 1. Consideration Of A Map Amendment
request submitted by Chris Greening of Coastal Bluewater Capital, LLC, as authorized by property owner Mazzi, LLC to rezone the property located at 0 W. Satterfield Landing Road, Lot 2a-1r of the Charles Sineath Subdivision, (Parcel # 005618002) from C-3, Commercial Services to C-2, General Commercial. This is the vacant property west of TW's Bait and Tackle.

Documents:

[SATTERFIELD LANDING REZONING REQUEST FOR PB.PDF](#)

- F. Report On Board Of Commissioners Actions
August 7th, 2024

Documents:

[AUG 7 2024 BOC ACTIONS KW HIGHLIGHTS.PDF](#)

- G. Town Updates - As Requested
- H. Discussion Items

- 1. Discussion And Possible Amendment

of minimum required parking standards for hotel use and restaurant use.

2. Discussion And Update On Potential Accessory Dwelling Unit (ADU) Ordinance and existing conditions within the town.

Documents:

[ADU DISCUSSION MEMO 8.15.24.PDF](#)

3. Planning & Development Directors Report
July 30th, 2024

Documents:

[DIRECTORS REPORT FOR AUGUST BOC.PDF](#)

- I. Planning Board Members' Agenda
- J. Planning Board Chairman's Agenda
- K. Adjournment

**Town of Nags Head
Planning Board
July 16, 2024
- DRAFT -**

The Planning Board of the Town of Nags Head met on Tuesday, July 16, 2024, in the Board Room at the Nags Head Municipal Complex.

Chair Vaughan called the meeting to order at 9:00 a.m. as a quorum was present.

Members Present

Megan Vaughan, Meade Gwinn, David Elder, Gary Ferguson, Kristi Wright,

Members Absent

Molly Harrison, David Thompson

Others Present

Kelly Wyatt, Joe Costello, Andy Garman, David Ryan, Lily Nieberding

Approval of Agenda

David Elder moved to approve the agenda as presented. Meade Gwinn seconded, and the motion passed by unanimous vote.

Public Comment/Audience Response

None

Approval of Minutes

Chair Vaughan asked for a motion to approve the minutes of the June 18th, 2024, meeting. David Elder moved to approve the minutes as corrected; Meade Gwinn seconded, and the motion passed unanimously.

Action Items

Consideration of a Text Amendment to the Unified Development Ordinance submitted by Anlauf Engineering, PLLC on behalf of Ark Church, to modify the definition of "Religious Complex" to include an additional single-family residence for church staff, in addition to the existing allowance for an onsite parsonage.

Planning Director Kelly Wyatt explained that Joseph Anlauf, P.E., of Anlauf Engineering, PLLC had submitted a text amendment request on behalf of the Ark Church. If adopted, the text amendment would modify the definition of "Religious Complex" to allow for the construction of a single-family dwelling, in addition to the already permitted parsonage, as a residence for church staff.

Ms. Wyatt reviewed the current definition of "Religious Complex" within the Unified Development Ordinance which states:

"Religious complex means a building primarily used for public divine worship or a church and any related structures including a parsonage, fellowship halls, educational buildings, youth centers, recreational facilities (which include playgrounds), day care centers, parochial schools or similar structures or areas located on a single site."

The applicant stated in the application that the amendment is designed to allow religious complexes the ability to include additional affordable housing options for church staff and their families. More affordable housing options will allow the church to attract and retain additional much needed church staff.

Staff believes that permitting religious complexes to build a single-family dwelling onsite for church staff can offer significant benefits to the church, its staff, and the community, provided all zoning and building regulations are met. Onsite residences could enhance community engagement, ensure staff availability for church-related events and activities, and provide a constant presence to quickly respond to any emergencies involving the church. As noted by the applicant, this capability could be particularly beneficial for attracting and retaining qualified and dedicated staff in an area with high living costs.

It is important to note that nothing in this proposal would eliminate the need for any single-family dwelling associated with a religious complex to comply with all relevant zoning and building standards, such as compliance with principal structure setbacks, building separation, access, parking, lot coverage, stormwater management, and architectural design, if applicable.

Staff reviewed the 2017 Comprehensive Land Use Plan and found the proposed text amendment to be consistent with the policies and would recommend adoption of the amendment as presented.

Ms. Wyatt noted that she as well as Mr. Anlauf were available to answer any questions for the Board.

Mr. Gwinn asked if the church anticipated that in the future there may be a need for additional dwellings and asked why limit it to one dwelling? Mr. Anlauf stated that he discussed this with the church and at this time and while there is more room, they've indicated the desire to have just one additional dwelling and are trying to create an environment where there is privacy for the family living in the dwelling.

Mr. Ferguson inquired if this would be something that would be applicable at other sites in town. Ms. Wyatt said she hadn't done an analysis but imagined that there are a couple of other religious complexes that could accommodate this as well, keeping lot coverage and setbacks in mind.

Mr. Gwinn asked why limit it to one dwelling, why not two or a duplex? Ms. Wyatt noted that the proposed ordinance reflected what the applicant requested but that she could revise the proposed amendment to include more than one if the Board was inclined.

After some further discussion, Mr. Elder moved to recommend approval of the text amendment as presented. Kristi Wright seconded, and the motion passed unanimously.

Consideration Of Various Amendments to the Unified Development Ordinance (UDO) as it pertains to the use of multifamily dwelling developments.

Town Manager Andy Garman explained that last month staff gave a presentation on the draft multi-family housing ordinance developed by the Multi-Family Ordinance Working Group.

The Planning Board discussed various aspects of the ordinance and requested that staff provide a comparison of the draft ordinance to the Sugar Creek Condos, which is the most recent example of a larger multi-family development within the town. This was completed under a previous version of the ordinance. The Planning Board also questioned the adequacy of the existing parking standard for multi-family development and requested an analysis of parking standards. Staff has also reviewed language in the ordinance with the Town Attorney related to HOA requirements: revisions have been provided.

Mr. Garman noted that one of the big questions about this ordinance is how they're going to manage density in terms of building mass and size as well as the number of people that might be on a property. As staff worked through this with the working group, they were trying to figure out ways to preserve the Town's vision for development but also make it a little bit more flexible and remove barriers for multi-family development as well as get unit costs down.

To aid in the discussion regarding density, staff has provided notes from a conversation with a local commercial real estate professional, Bobby Harrell. This information was provided to the Working Group to better understand the market forces that drive the development of multi-family housing. Mr. Harrell also provided suggestions on how the ordinance might be revised to create better conditions for multi-family development.

Staff has also provided a summary of the information presented to the Working Group to evaluate standards for density and unit size, as those were two of the key factors identified by Mr. Harrell to improve conditions for development.

Mr. Garman then proceeded to provide a more in-depth analysis of the Sugar Creek development showing how it compares to the currently proposed standards, noting that it appears controlling factors for density were wastewater requirements, parking, and the presence of wetlands.

Under the new proposed ordinance, there is no ratio of units per acre and unit sizes can be smaller. This allows for more units but still controls building volume and mass. Also, no more than 60% of the units can be from any size category.

The previous version of the Planning Board's recommended ordinance reduced density vs. what the old ordinance allowed. If the Sugar Creek site were developed using that standard (3 units for the first 26,000 sq. ft. of land area and one additional unit for every 4,500 sq. ft. of land) 40 units would have been allowed. This closely matches what was constructed, so approximately 53,000 sq. ft of building area would have been achieved.

The Working Group also considered imposing a total bedroom limitation and/or a bedrooms limitation per acre. Based on the other standards included in the ordinance such as FAR, the unit composition requirements, and the maximum number of units allowed, the Working Group decided not to impose a bedroom limitation. Based on the scenarios above, a limitation of 30 bedrooms per acre would match the density achieved. If all units were two bedrooms, this would be 15 units per acre. If all units were three bedrooms, this would be ten

units per acre. The old density requirement for a five-acre site was approximately 11 units per acre, however there was no limit on unit size or # of bedrooms per unit.

Mr. Ferguson inquired why Sugar Creek did not max out the number of allowed units. Mr. Garman confirmed that they were approved for 45 but only built 41 but was unsure as to why. He believes it was driven by what they could fit on the property to include wastewater and parking.

Chair Vaughan noted that now with the more advanced wastewater treatment options they may have been able to get some more units in.

The Board discussed density in greater detail with Chair Vaughan reminding the Board that these would be long-term housing. Mr. Elder stated that parking will definitely be an issue as there will probably be more people per bedroom noting that the number one problem that comes up with multi-family housing is always parking.

Ms. Wright inquired about the ratio of long-term housing vs. vacation rentals at Sugar Creek. Mr. Garman was unaware of the ratio but believes a lot of them to be short-term rentals.

Chair Vaughan noted that the draft ordinance had been provided to the Town Attorney and he had made some revisions and she inquired about said revisions. Mr. Garman explained that in speaking with Town Attorney John Leidy, Mr. Leidy had noted that they would have to create an HOA for the multi-family development, and whoever lived or owned there would have to be a member of said HOA. Mr. Garman noted that this requirement would apply to both large and small multi-family developments.

The Board agreed that while they supported the small multi-family development, they weren't ready to recommend approval on the large multi-family development at this meeting. Some Board members expressed concern that the large developments would very possibly be built adjacent to residential neighborhoods, and they want to limit the impacts. Chair Vaughan reminded the Board of the recent issue that came up with the hotel and the Lakeside neighborhood. Mr. Elder noted that in the case of Sugar Creek there is no other residential development around it.

The Board then discussed recent changing trends in workforce housing, the rental market and the number of visitors. Mr. Ferguson noted that the Board and the Town need "to take a bigger vision of what we want to be like in the long-term".

Mr. Garman and the Board discussed the proposed ordinance and the different recommendations they could make. Mr. Garman reminded the Board that there is a certain amount of time the Planning Board has to put forth the ordinance to the Board and if the Planning Board doesn't do that the BOC can go ahead and act on the ordinance. The Board could just say they want to stick with their original version of the ordinance, or they could look at the proposed ordinance and tweak some aspects of that to get it closer to what they're comfortable with.

Mr. Gwinn asked if it was possible to limit the number of multi-family developments in town. Mr. Garman noted that he would need to discuss that with the Town Attorney.

Chair Vaughan stated that she personally would like to see the Planning Board suggest revisions to the proposed ordinance that is in front of them.

The Board and Mr. Garman then discussed parking and reviewed the parking analysis that was provided with multi-family standards from other local and coastal communities. The Board liked the

idea of 2.5 parking spots per unit plus one additional, for every 4 units. Mr. Elder would like to see a visual presentation of what a development like that could look like. Chair Vaughan discussed the idea of a maximum number of bedrooms per acre, somewhere in the range between 25 and 30 per acre.

Mr. Garman will be bringing back the ordinance in August with the suggested revisions as well as some type of visual representation of what this could look like.

Consideration of various amendments related to the dormitory use within the SED-80, Special Environmental District zoning designation.

Planning Director Kelly Wyatt explained that at their last meeting, in response to a staff request, the Board initiated a text amendment that would allow a single-family or two-family dwelling to function as a dormitory style use in the SED-80. The Town is looking at developing the property located at 425 W Health Center Drive, formerly the Outer Banks Medical Center and now the Community Care Clinic. These structures would primarily serve as housing for the town's lifeguards.

Town staff have been working with Beacon Architecture and Design, PLLC, and Quible & Associates, PC to develop several potential layouts for these residential structures. Specifically, the town is considering construction in the area of the old, non-functional helipad, removing the existing concrete to offset lot coverage.

Included in the staff memorandum was a timeline on how things developed.

Section 7.41.6 of the supplemental regulation states: *"A dormitory for temporary use by staff of nursing homes may be allowed only in conjunction with nursing home facilities already permitted in the SED-80 District."*

In late 2017 the town processed text amendments requested by Jim Rose, resulting in the creation of a definition for "Dormitory" and permitting dormitory use via a Special Use Permit within the C-2, General Commercial Zoning District. This led to the establishment of supplemental regulations for dormitories now found in Section 7.10 of the Unified Development Ordinance. This context is relevant to highlight that the allowances for a dormitory for temporary use by staff of nursing home facilities within the SED-80 District in Section 7.41 pre-dated the 2017 standards established for dormitory use.

At this time, staff seeks discussion and consideration of allowing the dormitory use, consistent with the 2017 adopted supplemental standards of Section 7.10 of the UDO, while recognizing that the dormitory use afforded to the nursing home staff was not intended to be held to the same standards as it pre-dated them. To accommodate this, staff has proposed modifications to Section 7.41.6 in the draft ordinance.

Ms. Wyatt reminded the Board that the definition and standards adopted in 2017 were included with the staff memorandum. Ms. Wyatt also stated that staff reviewed the Land Use Plan and noted that there were policies in there that support the proposed amendment.

Ms. Wyatt then reviewed the proposed amendment walking the Board through what is being removed and what is being added. Ms. Wyatt pointed out that the Dormitory use for Town Staff would have to meet the supplemental regulations.

David Elder moved to recommend approval as submitted. Meade Gwinn seconded, and the motion passed unanimously.

Report on Board of Commissioners Actions – July 3, 2024

Ms. Wyatt gave an update on the Board of Commissioner Actions, of note:

A Public Hearing was held to consider NC Public Beach and Coastal Waterfront Access grant application - The Board approved the NC Public Beach and Coastal Waterfront Access grant application request as presented. With regards to the Site Plan Modification for the Inn at Whalebone, Board members expressed concern about the neighborhood safety and verified with Town Engineer Ryan that the design presented is the best solution for a number of reasons to include being bound by Town and State laws. Board members would like to see another traffic analysis conducted by NCDOT in the month of July to determine if a traffic signal at Lakeside Street is authorized; staff is to present a Traffic Control Map amendment for a No Parking/Tow Away Zone designation for Lakeside Street at the August Board meeting. The Board approved the modification to the site plan, to include the street improvements, as presented. The vote was 4 – 1 with Comr. Lambert casting the NO vote. Ms. Wyatt noted that Town Manager Garman reached out to the consultant and an updated traffic analysis may be completed within the next two weeks. Ms. Wyatt gave a presentation on Accessory Dwelling Units/Short-Term Rentals. Ms. Wyatt noted she will be giving this same presentation to the Planning Board later on today. Finally, Mayor Cahoon asked if the Building Inspector could look into a certain type of paint that expands in certain situations – he questioned if this would be an option for an applicant to improve the safety of their unit rather than having to rip drywall out.

Town Updates

None

Discussion Items

Discussion of potential Accessory Dwelling Unit (ADU) ordinance and existing conditions within the Town.

Ms. Wyatt explained that in an effort to advance the discussion of a potential Accessory Dwelling Unit (ADU) ordinance, at their July meeting, staff provided the Board of Commissioners with a PowerPoint presentation highlighting the similarities and interconnectedness between Accessory Dwelling Units, Partial-Home Short Term Rentals and Duplexes.

Ms. Wyatt proceeded to present this same PowerPoint to the Planning Board. This presentation included current relevant definitions, existing conditions within the Town, the differentiation between a kitchenette and a full kitchen, findings and considerations, potential next steps, considerations when thinking about Accessory Dwelling Units and their impact on the community, considerations when thinking about Short-term rentals. Finally, Ms. Wyatt presented the Board with two possible options to consider:

Option 1: Take no action on Accessory Dwelling Units (ADUs) at this time and focus on establishing regulations for Short Term Rentals, specifically Partial Home Short Term Rentals.

Option 2: Allow Accessory Dwelling Units (ADUs) and establish regulations, these may include:

- Determine where they can be located (ex: certain geographical areas, zoning districts, etc.)
- No more than one rental unit a property, either attached or detached.
- At least one dwelling unit must be owner or resident occupied.

- ADU shall not contain more than two bedrooms (ensure subordinate and incidental to the principal use).
- Set a maximum allow area for each dwelling unit, perhaps 1,200 square feet.
- Propose revisions to STR's accordingly.

Staff would submit that many existing partial home short-term rentals within the town share similar characteristics and functions with accessory dwelling units. Both accessory dwelling units and short-term rentals provide additional living spaces that can be rented out as separate, independent housekeeping units with similar operational characteristics. Additionally, many of the existing partial-home short-term rentals, and should the Town permit them, attached accessory dwelling units, would be comparable to duplexes in terms of structure and use.

In order to have a better understanding of how a potential ADU ordinance may affect the Town, staff believes it is important to openly discuss and gain understanding of the current situation within the Town, the overlap between these uses, the need for regulatory consistency, and to gain input on steps for moving forward to enhance the safety and functionality of existing and future structures within the Town.

Ms. Wyatt noted that when she gave the presentation to the Commissioners it was well received and the Board members acknowledged that there was a lot of overlap and spoke in favor of Option 2, to keep ADU's and STR's together; no more than two bedrooms, possibly using deed restriction to keep them to long-term rentals.

Mr. Elder noted that this was a good way to take something that is already happening and make it more compliant and safe for the public.

Ms. Wyatt stated that she will bring back some draft language for the next meeting.

June 28th, 2024, Director's Report

Ms. Wyatt briefly discussed her Director's Report with the Board which included various activities involving staff.

Planning Board Members' Agenda

None

Planning Board Chairman's Agenda

None

Adjournment

A motion to adjourn was made by David Elder. The time was 11:32 AM.

Respectfully submitted,
Lily Campos Nieberding



MEMORANDUM

Town of Nags Head

Planning & Development Department

To: Planning Board
From: Kelly Wyatt, Planning Director
Date: August 14, 2024
Subject: Consideration of a proposed zoning map amendment, Lot 2a-1r of the Charles Sineath Subdivision (Parcel # 005618002).

Chris Greening of Coastal Bluewater Capital, LLC, has submitted the attached zoning map amendment request with authorization from current property owner, Mazzi, LLC. If adopted, this map amendment would rezone the property located at 0 W. Satterfield Landing Road (Parcel # 005618002) from C-3, Commercial Services District to C-2, General Commercial District.



Recent History of Property

In late 2017, the property owner at the time, TLG Greenwater Investments, submitted a request to rezone the easternmost 50 feet of this lot from C-3, Commercial Services, to C-2, General Commercial Services. This rezoning was part of a planned transfer and recombination of the affected portion with Lot 1a-1 (TW's Bait and Tackle). After the map amendment was adopted, TW's Bait and Tackle constructed the accessory storage structure currently on the property.

In November 2022, the Board of Commissioners approved a Special Use Permit/Site Plan Review, submitted by Mazzi LLC, for the construction of an 11,200 square foot building that includes 8 units operating a "Trade Center", with parking and all associated improvements. When the November 2022 approval expired, the Board of Commissioners re-approved the same requested scope of work at their February 7, 2024, meeting. This new approval is valid until February 7, 2025. However, it is important to note that if the requested rezoning is

approved, changing the property's zoning designation to C-2, General Commercial, the Trade Center use would no longer be permitted in this zoning district.

Analysis

When considering a possible re-zoning it is helpful to review the intent of both the giving and receiving zoning classification in conjunction with potential outcomes.

Section 6.2.4.3 of the UDO, Zoning Districts, notes that the intent of the C-3, Commercial Services District is to provide for higher intensity land uses that are not compatible with other areas of the Town. The C-3 District accommodates utilities, light industrial uses, warehousing, bulk storage, municipal facilities, etc. The 2017 Comprehensive Land Use Plan states that the C-3 standards are to regulate and buffer uses so that their location or activities will not be detrimental to adjacent uses, the environment, and the sources of potable water. The Commercial Services District must be at least 10 acres in size and must have direct access to a US highway or collector street improved to town standards. If adopted, the requested rezoning would reduce the overall acreage of C-3 by 0.8 acres, leaving approximately 36 acres of C-3 Commercial Services Remaining.

The intent of the C-2, General Commercial District, is to provide for the proper grouping and development of commercial facilities to serve the entire community. The C-2 District allows the broadest range of commercial uses. All C-2 districts shall be at least 5 acres in area and proposed zoning map amendment would result in an increase in the total acre of C-2 designation.

As information, the table of uses and activities allowed within the existing C-3, Commercial Services Zoning District and the C-2, Commercial Services Zoning District can be found in Section 6.6 of the Unified Development Ordinance and [HERE](#).

2017 Comprehensive Land Use Plan Consideration

Pg. 3-20 (LU-10) Discourage high intensity land uses that produce significant noise, light, heavy vehicle traffic, noxious fumes or poor air quality, are unsightly, encourage unsafe behavior, or require large amounts of land for heavy industrial uses, processing, or storage of materials or equipment.

Pg. 3-20 (LU-10b) Maintain the current boundaries of the C-3 District and do not expand these uses to other parts of the Town.

Pg. 3-117 (EC-1) Develop and promote a sustainable economy that supports high quality of life for residents and visitors without compromising the integrity of the natural and cultural resources and sense of place.

Pg. 3-122 (EC-5) Direct new commercial growth into neighborhood commercial nodes, activity centers, or areas currently zoned for commercial development with emphasis on reuse of existing structures.

The property in question is located within the Northern Commercial Character Area and is currently zoned C-3, Commercial Services. It is bordered by C-2, General Commercial to the east (TW's Bait and Tackle) and north (OBX Bowling Center), R-2, Medium Density

Residential to the south (vacant property), and C-3, Commercial Services to the west (Village Real Estate Rental Management). If the rezoning is approved, it would extend the C-2 zoning designation from the north and east.

Staff Recommendation

Based upon the evaluation of the intent of each district and the goals listed in the 2017 Comprehensive Land Use Plan, staff recommends adoption of the proposed zoning map amendment as presented.

Note that any future development of this property would require Site Plan Review and approval from both the Planning Board and Board of Commissioners.

Staff will be available at the Planning Boards August 20, 2024 meeting to participate in the discussion and address any questions that arise.

UNIFIED DEVELOPMENT ORDINANCE TEXT/
ZONING MAP AMENDMENT APPLICATION
TOWN OF NAGS HEAD, NORTH CAROLINA

Applicant Coastal Bluewater Capital, LLC
Mailing address PO Box 969 Nags Head, NC 27959
Explanation of request

- ☐ Unified Development Ordinance (UDO) - 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

Rezone an existing C3 parcel to C2.
Parcel ID 305618002 joins 2230 S. Croatan
which is the lot of current business
operation.

Reason for request

The rezoning of existing C3 to C2
would allow use for workforce housing
and operations to support continued
growth of business at 2230 S. Croatan
Hwy.

Current limitations of C3 do not allow for
best use of property under current zoning.

Coastal Bluewater Capital, LLC
Applicant
7/2/2024
Date



0.25

Miles

Legend

 C2	 Rezone Parcel	 R2
 C3	 Street	 R3
 C4	 Parcel	
 C5	 SPD-20	
 CR		

Rezoning Request From C3 to C2 Parcel 005618002





BOC ACTIONS
WEDNESDAY, AUGUST 7, 2024

1. Call to order - Mayor Cahoon called the meeting to order at 9 a.m.
2. Agenda – the Board approved the August 7th agenda as presented.
3. Recognition

- New Police Administrative Specialist Elizabeth Moran was welcomed by the Board to Town employment.
- Sr. Police Officer/Animal Control Officer Jimmy Pierce was recognized by the Board for 10 years of service.
- Police Systems Administrator Dee Johnson was recognized by the Board for 20 years of service.

Proclamation - Mr. Ralph Buxton presented a power point slide show of the history of the US Life Saving Service in North Carolina and the Outer Banks. The Board approved the Proclamation in support of the 150th Anniversary of the establishment of the US Life Saving Service in North Carolina as presented.

Presentation of Lifesaving Awards - Fire Chief Randy Wells described the response shown by the Town's team on June 9th near the Hollowell Street Beach Access when Mr. Clay White suffered cardiac arrest; the team's combined efforts saved Mr. White's life. The Whites were present and were appreciative of all involved. Ocean Rescue Captain Chad Motz presented lifesaving awards to lifeguards Hage, Lenz, Federline, Gilbertson and Dew; Fire Chief Wells presented lifesaving awards to Fire Captain Wolfe, Lt Tilley, and Engineer Phillips.

4. Public Comment - Colleen Hogan, Kingfisher Street; she would appreciate the Town designating as much No Parking as possible; Lakeside is chaotic and No Parking will help especially when the hotel is built.

Public Comment - Molly Harrison, Lakeside Street; the parking modifications suggested will be a good band aid right now but after the hotel is built may need to be extended for more areas such as further on Lakeside and on Bobwhite; Old Street is a flood zone which causes many to move to Lakeside for parking.

5. Consent Agenda – The Consent Agenda was approved as presented and consisted of the following:

Budget Amendment #2 to FY 24/25 Budget

Tax Documents: FY 23/24 Year End Tax Adjustment Reports, and Year End Tax Settlement Report

Approval of minutes

Resolution to declare surplus/disposition of old water meters

Addition to Fee Schedule re: EV Charger payment fee

Modification to Personnel Policy to incorporate Inclement Weather Policy

Sand Relocation and Dune Management Cost Share Program

- Continuation of year three of a three-year program
- Amendment to Beach Nourishment Maintenance Capital Project Ordinance

Request for Public Hearing re: text amendments to the UDO on the use of multi-family dwelling developments

Request for Public Hearing re: text amendments to the UDO for "Religious Complex" definition modification

Request for Public Hearing re: text amendments to the UDO re: SED-80 dormitory use

6. Planning Director – Planning Director Kelly Wyatt provided an update from the Planning Dept. In response to Mayor Cahoon, Ms. Wyatt provided a summary of the dune management and cost share program.

7. Todd D Krafft Septic Health Initiative - Environmental Planner Conner Twiddy and Dep Planning Director Joe Costello reviewed with Board members a power point presentation summarizing the Septic Health Initiative Program and the long-range data collection and mapping efforts.

8. From July 3rd – Roanoke Shores Subdivision – The Board adopted the ordinance amending the Traffic Control Map which designates No Parking Between Signs – Tow Away Zone on Lakeside as recommended by Police Chief Hale. Town Manager Garman stated that this area will be included for future flood review.

9. From June 5th – Traffic Calming Policy – Comr. Lambert indicated the huge need for this process and Board members agreed. It was Board consensus to remove permanent installation of the radar speed device from Tier 3 and include both temporary and permanent installation of the radar speed device to Tier 2.

10. Committee reports -

Comr. Lambert – GACC/Current TV met on July 24th – the LPDI grant application was submitted and approved; Current TV wants to host a film festival where local films/films highlighting the Outer Banks would be shown.

Comr. Brinkley – He thanked Planning Director Wyatt for the Septic Health Advisory Committee update.

Comr. Sanders – He thanked Planning Director Wyatt for the Estuarine Access Shoreline Committee update.

11. Fishing Tournaments - The Board adopted resolutions authorizing Fall 2024 Tournaments for the Nags Head Surf Fishing Club, Fraternal Order of Eagles, and the Outer Banks Association of Realtors as presented.

12. Fishing practices ordinance – The Board adopted the ordinance regulating certain fishing practices designed to attract sharks from May 1st through October 31st as presented.

13. Kite discussion from July 3rd - Town Manager Garman stated that he reached out to the Dare County Manager to see if kites flying on the oceanfront had caused an issue with helicopters. He said that Manager Outten indicated that according to Dare EMS Director it has not been an issue, due mainly to the elevation they usually fly and that they also do not usually fly along the oceanfront. Manager Garman has discussed this issue with Public Information Officer Thuman and some social media guidelines will be provided.

14. Town Master Plan - Principals Tim Oakley and Ann Collier; and Project Designer Amanda Rider were attending via the Zoom Platform due to Tropical Storm Debby. The draft Master Plan was presented and reviewed with Board members. Town Manager Garman emphasized that staff needs to review, program everything out and make sure adequate space is provided. Mayor Cahoon said that the Master Plan presented today is a draft and the Board and staff are to further review and provide comments.

15. Public Services Facility - Town Engineer David Ryan provided an update - the focus is on the largest building on the site - the combined Fleet Maintenance and Sanitation Building. The Board approved the Public Services Facility Change Order #6 as presented; they adopted the Capital Project Ordinance for the Public Works Complex (Amendment #4) as presented; and they adopted the Water Fund Ordinance for the Water Capital Project for Approved Water CIP Projects (Amendment #2) as presented.

16. Comr. Lambert - Comr. Lambert expressed her concern re: parking requirements vs parking needs at hotels. It was Board consensus to direct staff to look at hotel parking standards with consideration of existing properties and consultation with the industry – include restaurants in the review.

17. Mayor Cahoon - It was Board consensus to schedule a one-day Board Retreat for Friday, October 18th - Mayor Cahoon asked Board members to provide any topics of interest for discussion to Manager Garman.

18. Closed/Open Session - The Board entered Closed Session at 12:01 p.m. to confer with the Town Attorney and re-entered Open Session at 12:38 p.m.

19. Resolutions - The Board adopted resolutions authorizing sale of real property re: Town's interest in Soundside Event site to DCTB, and authorizing sale of real property at 105 Seachase Drive to Dare County.

20. Adjournment - The Board passed a motion to adjourn at 12:41 p.m.



MEMORANDUM

Town of Nags Head

Planning & Development Department

To: Planning Board

From: Kelly Wyatt, Planning Director
Joseph Costello, Deputy Planning Director

Date: August 15, 2024

Subject: Discussion of potential Accessory Dwelling Unit (ADU) ordinance and existing conditions within the Town.

BACKGROUND

Staff delivered a presentation to both the Board of Commissioners and the Planning Board at their meetings on July 3rd and July 16th, respectively. The presentation emphasized the similarities and interconnectedness among Accessory Dwelling Units (ADUs), Partial-Home Short-Term Rentals (STRs), and Duplexes. Staff believes that recognizing these overlaps with existing uses in the town is a critical first step as we begin to explore options for allowing ADUs within the Town.

We noted that many of the existing partial-home STRs share similar characteristics and functions with ADUs. Both types of housing provide additional living spaces that can be rented as separate, independent units with similar operational dynamics. Additionally, both partial-home STRs and, if permitted, attached ADUs, would resemble duplexes in terms of structure and use.

Currently, Short-Term Rentals are permitted in all zoning districts within the Town, except for the C-3, Commercial Services District. However, Accessory Dwelling Units are not allowed in any district. Duplexes, or two-family dwellings, are permitted in the R-2, R-3, CR, C-1, C-2, C-4, and C-5 Districts, with a minimum lot size of 22,500 square feet (30,000 square feet in the R-2 district).

Recognizing that many residents may not be familiar with the current codes and ordinances governing these uses, staff recommends that the Planning Board consider dedicating time at the upcoming September 17th meeting for an overview of these uses and their associated regulations. This session would allow for a discussion on areas of overlap and any aspects requiring further clarification, while also providing an opportunity for citizens to offer their input on potential changes to existing language or proposed future language. Given the range of opinions within the community, particularly regarding ADUs and concerns about density, we want to seek input from both supporters and those with reservations. If there are specific groups, organizations, or individuals that the Planning Board believes should be personally invited to participate, please share that information with staff.



MEMORANDUM

Town of Nags Head

Planning & Development Department

To: Board of Commissioners
Planning Board

From: Kelly Wyatt, Planning Director
Joe Costello, Deputy Planning Director

Date: July 30, 2024

Subject: Planning and Development Director's Report (F-1)

This memo provides an overview of selected Planning and Development Department activities, projects, and initiatives. If requested, Staff will be prepared to discuss any of this information in detail at the Board of Commissioners meeting on August 7th, 2024.

Monthly Activity Report

Attached for the Board's review is the *Planning and Development Monthly Report for June 2024*. In addition to permitting, inspections, code enforcement, and Todd D. Krafft Septic Health Initiative activities, Staff was involved in the following meetings or activities of note during the month of July:

- Tuesday, July 2nd – Technical Review Committee Meeting
- Wednesday, July 3rd - Board of Commissioners Meeting
- Wednesday, July 10th – Committee for Art and Culture Meeting
- Thursday, July 11th – Board of Adjustment Meeting (no hearings)
- Tuesday, July 16th – Planning Board Meeting
- Wednesday, July 17th – Board of Commissioners mid-month meeting
- Thursday, July 25th – Septic Health Advisory Committee Meeting
- Dowdy Park Farmers Market – Thursday, July 4th, 11th, 18th & 25th
- Dowdy Park Summer Concert Series – Wednesday, July 3rd, 10th, 17th, 24th, and 31st

Planning Board - Pending Applications and Discussions

The Planning Board's most recent meeting was held on Tuesday, July 16, 2024. The following items were heard:

- Consideration of a text amendment to the Unified Development Ordinance submitted by Anlauf Engineering, PLLC on behalf of Ark Church, to modify the definition of "Religious Complex" to include an additional single-family residence for church staff, in addition to existing allowance for an onsite parsonage. The Planning voted unanimously to recommend adoption of this text amendment as proposed. This item is on the Board of Commissioners Consent Agenda on August 7th with request for the Public Hearing to be held on September 4th, 2024.
- Consideration of various amendments to the Unified Development Ordinance as it pertains to the use of multi-family dwelling developments. The Planning Board discussed this item at length and requested that staff return with additional information at their August 20th meeting. This item is on the Board of Commissioners Consent Agenda on August 7th with

request for the Public Hearing to be held on September 4th, 2024.

- Consideration of amendments to the Unified Development Ordinance as it pertains to the dormitory use in the SED-80, Special Environmental District. The Planning Board voted unanimously to recommend adoption of the amendment as presented. This item is on the Board of Commissioners Consent Agenda on August 7th with request for the Public Hearing to be held on September 4th, 2024.
- Staff provided the Planning Board with the same presentation given to the Board of Commissioners at their July 3rd meeting on Accessory Dwelling Units (ADU's) and existing within the Town.

The Planning Board's next meeting is scheduled for Tuesday, August 20th, 2024. Currently, the agenda is expected to include consideration various amendments to the UDO related to the use of multi-family dwelling developments and a map amendment request submitted by Chris Greening to rezone the property located 0 Satterfield Landing (Parcel # 005618002) from C-3, Commercial Services to C-2, General Commercial.

Board of Adjustment – Recent and Pending Applications

There were no items for the Board of Adjustments consideration in July 2024.

Additional Updates

- **DWMP/Septic Health Advisory Committee** – The Septic Health Advisory Committee met on Thursday, July 25th and received an update on the number of inspections, pump out credits and loans processed during FY 23-24. The committee also discussed upcoming data collection and mapping initiatives to further the recommendations of the Decentralized Wastewater Management Plan. Additionally, recent water quality advisories for E. Abalone Street and E. Curlew Street were discussed. Environmental Planner Conner Twiddy will present a year-to-date review of the Todd D. Krafft Septic Health Initiative and committee's work at the Board of Commissioners meeting on August 7th, 2024.
- **Estuarine Shoreline Management Plan** – The Town was awarded a grant of \$500,000 under the N.C. Resilient Coastal Communities Program to assist in completing the engineering and design work for the Villa Dunes and Soundside Road estuarine marsh restoration and marsh stabilization projects. It will be November before we know about the NC Land and Water Fund Grant that was applied for to assist with the Harvey Site/OBVB site. Additionally, staff are researching using a combination of Community Conservation Assistance Program (CCAP) funds and Coastal Federation cost share funds for a shoreline stabilization along the causeway.
- **Electric Vehicle Action Plan** – LoWire Technologies has completed the installation of two Level II EV chargers at Town Hall. Shoshin is scheduled to install an outside access point for the charging stations. Once we finalize payment and the station management interface, these units will be available for public use. A DEQ representative will conduct an onsite inspection to ensure all grant requirements for reimbursement have been met
- **Sand Relocation and Dune Management Cost Share Program** – Staff are requesting an allocation of \$400,000 for the Sand Relocation and Dune Management Cost Share Program for FY 24-25. This request is listed as Item E-7 on the Board of Commissioners agenda for the August 7th Meeting.
- **Public Beach and Coastal Waterfront Access Grant Program** – Staff will be completing and filing the final application for the improvements to the June Street Beach Access prior to the submission deadline of Friday, August 2nd.

- **Permitting Update 3rd & 4th Quarter** – See below the total number of permits accepted and the average turnaround time. These numbers do not include trade permits.

2024	Total Permits	Avg Turnaround/days
January	77	2.4
February	73	2.5
March	74	2.5
April	73	3.0
May	48	2.2
June	40	2.3

- **Dowdy Park Events/Farmers Market/Holiday Markets/Art & Culture** – For the month of August, the Town will be hosting the following events and activities:
 - Yoga on the Lawn, Tuesday mornings 7:30 – 8:30am all month long.
 - Fitness Fridays, Friday mornings 7:30 – 8:15am through August 16th.
 - Summer Concert Series, Wednesday evenings 6:30 – 8:00pm.
 - The BarCats Duo on August 7th
 - Haze & Dacey on August 14th
 - Intangible Catz on August 21st
 - Dowdy Park Farmers Markets, Thursdays 9am – 1pm: August 1st, 8th, & 15th. August 15th will be the last market of the summer season. Outer Banks Hospitals “Eat the Rainbow” campaign has been very successful this season.
 - Family Fun Night, Tuesday, August 6th at 4pm – 7pm. Storytelling with Liza Yowel begins at 5:30pm. Tuesday, August 20th is Back to School Night with music by Nature Out Loud. Corolla Wild Horse Fund with Riptide to be rescheduled, previously cancelled due to heat.
 - Movie at Dowdy Park, Friday, August 2nd

Upcoming Meetings and Other Dates

- Tuesday, August 6th – Technical Review Committee Meeting
- Wednesday, August 7th - Board of Commissioners Meeting
- Wednesday, August 7th – Outer Banks Hazard Mitigation Joint Committee Meeting (1pm)
- Thursday, August 8th – Board of Adjustment (no hearings scheduled)
- August 10th – August 14th – Planner Chris Trembly attend Certified Zoning Official Conference
- Wednesday, August 14th – Committee for Art and Culture Meeting
- Tuesday, August 20th – Planning Board Meeting
- Wednesday, August 21st – Board of Commissioners mid-month meeting
- Wednesday, August 28th – CRS Cycle Verification Visit
- Dowdy Park Farmers Market – Thursday, August 1st, 8th, and final market on 15th
- Dowdy Park Summer Concert Series – Wednesday, August 7th, 14th, and 21st

TOWN OF NAGS HEAD PLANNING AND DEVELOPMENT
MONTHLY REPORT
JUNE 2024

DATE SUBMITTED: July 7, 2024

	Jun-24	Jun-23	May-24	2023-2024 FISCAL YEAR	2022-2023 FISCAL YEAR	FISCAL YEAR INCREASE/ DECREASE
BUILDING PERMITS ISSUED - RESIDENTIAL						
New Single Family	0	3	2	16	17	(1)
New Single Family, 3000 sf or >	1	0	1	6	7	(1)
Duplex - New	0	0	0	1	0	1
Sub Total - New Residential	1	3	3	23	24	(1)
Miscellaneous (Total)	31	38	46	497	550	(53)
<i>Accessory Structure</i>	3	3	2	42	51	(9)
<i>Addition</i>	3	3	0	29	30	(1)
<i>Demolition</i>	1	2	0	6	3	3
<i>Move</i>	0	0	1	1	0	1
<i>Remodel</i>	7	10	11	126	134	(8)
<i>Repair</i>	17	20	32	293	332	(39)
Total Residential	32	41	49	520	574	(54)
BUILDING PERMITS ISSUED - COMMERCIAL						
Multi-Family - New	0	0	0	0	0	0
Motel/Hotel - New	0	0	0	0	0	0
Business/Govt/Other - New	0	0	0	0	2	(2)
Subtotal - New Commercial	0	0	0	0	2	(2)
Miscellaneous (Total)	2	4	2	85	83	2
<i>Accessory Structure</i>	1	2	0	32	27	5
<i>Addition</i>	0	0	0	0	0	0
<i>Demolition</i>	0	0	0	1	1	0
<i>Move</i>	0	0	0	0	0	0
<i>Remodel</i>	0	1	1	25	27	(2)
<i>Repair</i>	1	1	1	27	28	(1)
Total Commercial	2	4	2	85	85	0
Grand Total	34	45	51	605	659	(54)
SUB-CONTRACTOR PERMITS						
Electrical	67	78	90	661	633	28
Gas	2	0	3	37	34	3
Mechanical	55	70	57	430	446	(16)
Plumbing	7	2	6	129	104	25
Fire Sprinkler	1	1	0	5	4	1
VALUE						
New Single Family	\$0	\$1,687,121	\$650,000	\$8,802,995	\$9,001,147	(\$198,152)
New Single Family, 3000 sf or >	\$975,000	\$0	\$2,000,000	\$5,617,945	\$7,233,733	(\$1,615,788)
Duplex - New	\$0	\$0	\$0	\$711,000	\$0	\$711,000
Misc (Total Residential)	\$2,253,969	\$1,009,455	\$1,116,214	\$18,779,910	\$18,410,395	\$369,515
Sub Total Residential	\$3,228,969	\$2,696,576	\$3,766,214	\$33,911,850	\$34,645,275	(\$733,425)
Multi-Family - New	\$0	\$0	\$0	\$0	\$0	\$0
Motel/Hotel - New	\$0	\$0	\$0	\$0	\$11,562,356	(\$11,562,356)
Business/Govt/Other - New	\$0	\$0	\$0	\$0	\$6,425,994	(\$6,425,994)
Misc (Total Commercial)	\$139,303	\$85,899	\$65,750	\$4,895,193	\$2,824,641	\$2,070,552
Sub Total Commercial	\$139,303	\$85,899	\$65,750	\$4,895,193	\$20,812,991	(\$15,917,798)
Grand Total	\$3,368,272	\$2,782,475	\$3,831,964	\$38,807,043	\$55,458,266	(\$16,651,223)

**TOWN OF NAGS HEAD PLANNING AND DEVELOPMENT
MONTHLY REPORT
JUNE 2024**

DATE SUBMITTED: July 7, 2024

	Jun-24	Jun-23	May-24	2023-2024 FISCAL YEAR	2022-2023 FISCAL YEAR	FISCAL YEAR INCREASE/ DECREASE
ZONING						
Zoning Permits	38	62	57	658	685	(27)
Soil & Erosion	4	N/A	3	20	N/A	N/A
Stormwater Plans	4	N/A	2	33	N/A	N/A
CAMA						
CAMA LPO Permits	3	3	3	39	37	2
CAMA LPO Exemptions	4	6	15	76	78	0
Sand Relocations				281	279	N/A
CODE COMPLIANCE						
Cases Investigated	44	100	38	349	813	(464)
Warnings	3	6	6	40	107	(67)
NOVs Issued	41	94	32	304	289	15
Civil Citations (#)	0	0	0	1	10	(9)
Civil Citations (\$)	\$0	\$0	\$0	\$0	\$23,150	(\$23,150)
SEPTIC HEALTH						
Tanks inspected	10	15	6	110	142	(32)
Tanks pumped	9	5	10	119	118	1
Water quality sites tested	36	37	26	133	254	(121)
Personnel Hours in Training/School	34	6	32	437	218	219



Kelly Wyatt, Planning Director