



## **DRAFT AGENDA**

**Town of Nags Head Planning Board  
Nags Head Municipal Complex Board Room  
Tuesday, September 17th, 2024; 9:00 a.m.**

- A. Call To Order
- B. Approval Of Agenda
- C. Public Comment/Audience Response
- D. Action Items
  - 1. Consideration Of A Special Use/Site Plan Review  
submitted by Quible & Associates, P.C. and Beacon Architecture, PLLC, on behalf of the Town of Nags Head, for the construction of a 2-story, 8-bedroom dormitory.  
The property is zoned SED-80, Special Environmental District and is located at 425 W. Health Center Drive.

Documents:

[SED-80 WORKFORCE DORMITORY FOR PB.PDF](#)

- 2. Consideration Of Text Amendments  
within the SPD-C, Village at Nags Head Commercial-1 Zoning Designation to accommodate future construction of Dare County EMS Station.

Documents:

[VILLAGE C-1 EMS AMENDMENTS .PDF](#)

- E. Report On Board Of Commissioners Actions  
September 4th, 2024

Documents:

[SEP 4 2024 BOC ACTIONS KW HIGHLIGHTS.PDF](#)

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

- 1. Continued Discussion  
of minimum required parking standards for hotel uses and restaurant use.

Documents:

[HOTEL PARKING STANDARD DISCUSSION FOR PB.PDF](#)

2. Planning & Development Directors Report  
August 28th, 2024

Documents:

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

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



# MEMORANDUM

## Town of Nags Head

### Planning & Development Department

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To: Planning Board

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

Date: September 13, 2024

Subject: Special Use Permit/Site Plan Review, 425 W. Health Center Drive

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#### **GENERAL INFORMATION**

Applicant: Michael Strader, P.E. of Quible & Associates, PC & Chis Nason, AIA of Beacon Architecture and Design on behalf of the Town of Nags Head.

Application Type: Special Use Permit/Site Plan Review.

Purpose/Request: Construction of an approximately 3,460 square feet, two story, eight-bedroom dormitory (duplex) and all associated site improvements. This dormitory is for use by Town of Nags Head workforce or as approved by the Town Manager.

Property Location: 425 W. Health Center Drive, Nags Head.

Existing Land Use: Medical Offices, Community Care Clinic.

Zoning Classification of Property: SED-80, Special Environmental District.

Zoning Classification of Surrounding Properties: Properties to the north, west, south, and east are zoned SED-80, Special Environmental District (Peak Resources and vacant/Nature Conservancy).

Flood Hazard Zone of Property: Property is located in an X Flood Zone, per the Town of Nags Head local ordinance, the property is subject to an RFPE/LES of 9 ft. The proposed first floor of habitable space will be elevated well above the 9-foot RFPE as existing topographic information shows an elevation greater than 20 ft. msl in the area of the proposed structure.

Land Use Plan Map/Policies: The 2022 Comprehensive Plan, Future Land Use Map classifies this property as Institutional/Community Services. This proposal is consistent with this land use classification and stated Land Use Policies.

#### **SPECIFIC INFORMATION**

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Applicable Zoning Regulations:

- Use Regulations: Pursuant to the text amendment adopted by the Board of Commissioners at their September 4, 2024, meeting, “Dormitory” is a Special Use within the SED-80, Special Environmental District, with supplemental regulations set forth Section 7.10 of the UDO. These supplemental regulations are as follows:

Dormitory is permitted in accordance with Section 6.6, Table of Uses and Activities, provided that the following additional requirements and conditions are met:

**7.10.1.** A minimum lot area of 25,000 square feet and a minimum lot width of 100 feet shall be required. *Staff comment: This property is 123,600 in area with a lot width greater than 250 feet.*

**7.10.2.** Sleeping rooms shall have a minimum floor area of seventy (70) square feet for the first occupant and a minimum floor area of fifty (50) square feet for each additional occupant. *Staff comment: Each floor contains 4 bedrooms with an expected occupancy of 8, a total of 8 bedrooms with an expected occupancy of 16. The proposed sleeping rooms will accommodate two occupants. Each sleeping room is approximately 170 square feet in area. As proposed, this regulation has been met.*

**7.10.3.** At least one restroom in the facility shall have a minimum of two (2) water closets, two (2) sinks, and two (2) showers. In all cases, reference the North Carolina Plumbing Code for required number of dormitory bathroom fixtures. *Staff comment: Each dwelling unit contains two full bathrooms for a total of 2 toilets, 2 sinks, and 2 showers. As proposed, this regulation has been met.*

**7.10.4.** A minimum floor area of twenty (20) square feet per occupant is required for adequate common living areas (including kitchen and dining) but not less than 220 square feet per unit or floor. Circulation spaces less than six (6) feet wide shall not be counted as common living areas. *Staff comment: An area greater than 500 square feet has been provided in each dwelling unit. As proposed, this regulation has been met.*

**7.10.5.** No dormitory facility shall house more than twenty-five (25) occupants. *Staff comment: As proposed, this two-story dormitory/duplex would house no more than 16 occupants at any time.*

- Lot Coverage: Pursuant to Section 8.4.3.3.6.1 of the UDO, Special Development Standards within the SED-80 (Special Environmental District) the maximum allowable lot coverage for this property is 20% of the total lot area. While the exact lot area remains uncertain, using the most conservative estimate, the current site conditions result in approximately 28.6% lot coverage.

Upon researching the history of how this property was developed to such an extent, it was discovered that this area was previously zoned as SPD-40 (Special Planned Development), where the maximum allowable lot coverage was 30%. This zoning designation and the associated dimensional standards date back to the 1982 Official Zoning Map and the Town of Nags Head Zoning Ordinance from 1977, with amendments through February 1983 (attached). It is important to note that the structure on this property was built in 1975.

The increase in lot coverage beyond the current allowable limit constitutes a site nonconformity. According to Section 5.4 of the UDO, nonconforming site conditions may continue but cannot be increased. Therefore, the site is considered legally nonconforming at 28.6% lot coverage. While lot coverage can be removed, replaced, or relocated, it cannot exceed the 28.6% threshold.

The proposed redevelopment of the dormitory, including the removal of the non-functional helipad and various other improvements, conceptually shows a lot coverage of 29.03%, slightly above the allowable 28.6%. However, we are awaiting an opinion from our town attorney regarding the correct boundary of the property. It is likely that once the property boundaries are confirmed, the total lot area will increase, which would reduce the lot coverage percentage to 28.6% or less. Please note the discrepancy between the property boundaries shown in Dare County records versus those on the survey (attached). This conflict will be resolved before the Board of Commissioners reviews the project, and the property will not be deemed compliant until the lot coverage is confirmed to be 28.6% or less of the total lot area

- Height: The maximum allowable building height within the Town is 35 feet; however, pursuant to Section 8.2.1, Dimensional requirements, total height may be increased to 42 feet with the use of an 8:12 roof pitch or greater. The applicant has proposed a structure with an overall height of approximately 32 feet measured from grade, while also proposing an 8:12 roof pitch therefore height is compliant.
- Architecture Design Standards: Section 10.82 of the UDO, Applicability, states that Commercial Design Standards shall apply to all building construction or remodeling projects requiring a special use permit or site plan review. This project must adhere to the Commercial Design Standards set forth within Part VI of the UDO. As proposed this project will comply with standards set forth in Division II – Building Design including a human scale design with a second-floor covered porch, residential style single or double hung windows, board and batten siding, gable brackets, etc. We have requested that the architect incorporate a few other elements such as workable shutters and column trim.
- Parking: Pursuant to Article 10, Table 10-2, *Required Parking by Use*, dormitory uses are required to provide one parking space for every four occupants. For this structure, which will have a maximum occupancy of 16, a total of four (4) parking spaces are required. However, considering that this structure is intended to house the Town of Nags Head workforce, including seasonal lifeguards, it is

understood that actual parking needs will likely exceed the minimum requirement.

Currently, there are 37 existing parking spaces onsite. Based on a liberal application of the medical office parking standard to the Community Care Clinic, which is also located onsite, we estimate that approximately 25 parking spaces are necessary for the clinic. This leaves 12 parking spaces available for dormitory use, providing parking for three-quarters of the dormitory occupants. Ideally, 16 spaces—one per occupant—would be available for this use.

Section 10.15.2.2 provides a mechanism, through the Special Use Permit process, to consider shared parking arrangements when multiple uses on the site have staggered hours or differing peak parking demands (see below). Under this provision, no more than 50% of the required parking spaces for the proposed use can be shared with existing and conforming parking spaces for other uses.

Staff is requesting that the Planning Board consider applying this shared parking provision to address the four (4) additional parking spaces needed to meet the desired total of 16 spaces for the dormitory. The Community Care Clinic operates between 9:00 AM and 4:00 PM, Monday through Friday, and is closed on weekends. In contrast, the Town's ocean rescue staff typically works from 9:00 AM to 6:00 PM, with some early morning training sessions. Given these staggered hours, there should be minimal overlap in parking demand between the clinic and the ocean rescue staff.

***10.15.2.2. Shared Parking Associated with a Special Use Plan or Plan Amendment.***

*Proposed commercial uses in all commercial zoning districts may share a portion of existing and conforming parking spaces with other commercial uses in commercial zoning districts provided that the following conditions are met:*

***10.15.2.2.1.*** *The uses should have staggered or different business hours and parking demands, such as an office building open between 9:00 a.m. and 5:00 p.m. and a restaurant open between 5:30 p.m. and 11:00 p.m., or a business open during the week and a church where parking demand peaks on the weekend;*

***10.15.2.2.2.*** *No more than fifty (50) percent of required parking spaces for the proposed use may be shared with existing and conforming parking spaces of the other commercial use;*

***10.15.2.2.3.*** *Commercial uses must be abutting and integrated with unrestricted traffic and parking flow between them or may be across a Town street or private easement or alley within the same block;*

***10.15.2.2.4.*** *When shared parking is devoted to a use other than parking, or business hours of one or more of the uses change to preclude the shared use of the parking spaces, or one or more*

*uses change, increasing the amount of parking spaces required, or other changes in use or parking configuration occur, the special use permits for both sites must be amended appropriately; and*

**10.15.2.2.5.** *For proposed commercial uses that redevelop existing commercial sites abutting the NC 12 Beach Road corridor from East Gulfstream to Eighth Street, an alternative parking plan may be proposed that provides a ten (10) percent reduction in required parking and may be approved with or without a shared parking arrangement at the discretion of the Board of Commissioners as part of a special use plan.*

- Buffering/Landscaping: Several sections of the Unified Development Ordinance speak to Buffering and Landscaping, however, due to the design and location of this proposed structure and the use of the existing parking lot, they would not be applicable.
- Special Land Disturbance Considerations in the SED-80: Within the SED-80 (Special Environmental District), the removal of any tree with a diameter at breast height (DBH) greater than four (4) inches is prohibited, except in specific areas. These exceptions include trees within the principal building site and a 20-foot perimeter around it, within required accessways, parking lots, driveways, utility installations and a 5-foot perimeter around those areas, and within septic tank drain fields and the surrounding area as determined by the Dare County Health Department to ensure proper septic function. Other exemptions apply to trees that are at risk of falling, as evidenced by cracking, splitting, leaning, or physical damage, as well as trees that pose a threat to public facilities or services, or are in irreversible decline due to disease, or are no longer living. If an applicant wishes to remove a tree larger than four (4) inches DBH outside of these exempted areas, approval must be obtained from the Board of Commissioners.

At this time, no trees are proposed for removal that fall outside of the exempted areas. However, if a tree is later identified for removal that does not meet the exemption criteria, we will bring the request to the Planning Board and Board of Commissioners for approval.

- Lighting: At this time, no additional parking lot lighting is needed or proposed. The dormitory will feature standard residential lighting.
- Signage: No additional signage is proposed.

Water and Sewage Disposal: The Dare County Health Department is currently reviewing the proposed sewage design. This authorization will be required prior to review by the Board of Commissioners.

Traffic Circulation: No changes are proposed to the existing parking lot design or traffic circulation patterns.

Stormwater Management: Section 11.4.1 of the Unified Development Ordinance states, Redevelopment of property within existing commercial uses does not require submission of a stormwater plan under the following circumstances:

- 11.4.1.1. The development is consistent with the zoning regulations of this UDO relating to redevelopment and nonconformities;
- 11.4.1.2. The redevelopment does not result in a net gain of built upon area;
- 11.4.1.3. The redevelopment does not include the importation of any fill material.

Stormwater management is not required for this project, provided that lot coverage remains at 28.6%, with no net increase in built-upon area and no importation of fill material. However, if there is any increase in lot coverage or the addition of fill material, the Town Engineer will require stormwater management to accommodate a 4.3-inch rainfall event for the net increase in built-upon area

Fire: The project will be required to comply with all applicable NC Fire Prevention Code requirements as part of building permit application review and issuance.

Public Works: The Public Works Director has reviewed and approved the proposed site plan as presented.

## **ANALYSIS**

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Planning staff finds that the proposal is consistent with the applicable use and development standards, as well as relevant land use policies.

Additionally, staff finds that the requirements necessary to offer a reduction in parking pursuant to Section 10.15.2.2. of the UDO, Shared Parking Associated with a Special use Plan, has been met given that it will not result in increased traffic congestion or negatively impact existing traffic flow or pedestrian and vehicular safety, will not create parking impacts for adjacent properties or within Town rights-of-way, will not be contrary to the objectives specified in the Comprehensive Plan, is necessary to permit the reasonable use of the subject property, and will not adversely impact adjacent property or the surrounding area.

## **STAFF RECOMMENDATION**

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Based upon staff's review of the proposal, we recommend approval of the Special Use Permit/Site Plan Review as submitted conditioned upon the proposed lot coverage not exceeding 28.6%.

*Attachments: SUP/Site Plan Application and Checklist and Plan Set, Excerpt of 1982 Official Zoning Map, Previous Zoning Regulations, and Dare County Parcel Card.*



TOTAL PROPOSED SQUARE FOOTAGE \_\_\_\_\_ x .50 = \$ \_\_\_\_\_ +

SPECIAL USE ☐ (\$500.00)

(Optional) VESTED RIGHT ☐ (no fee)

= TOTAL FEE DUE \_\_\_\_\_

## TOWN OF NAGS HEAD

DATE RECEIVED \_\_\_\_\_

### SITE PLAN REVIEW APPLICATION & CHECKLIST FOR SPECIAL USES

#### 1. LOCATION AND ZONING INFORMATION

- A. PROJECT TITLE Ocean Rescue Housing
- B. STREET ADDRESS 425 W. Health Center Drive
- C. SUBDIVISION None
- LOT(S) N/A BLOCK N/A SECTION N/a
- D. PRESENT ZONING Special Environmental District SED-80
- E. PRESENT USE Government Owned Medical Office/Clinic
- F. EXISTING NONCONFORMITIES Lot coverage
- G. ABUTTING PROPERTY ZONING R-2 Medium Density Residential/SED-80
- H. ABUTTING PROPERTY USE Nursing Home/Nature Preserve/Single-Family Residential

#### 2. CERTIFICATION AND STANDING

- A. As applicant of standing of the above-named project, I certify that the information on this checklist and the site plan is complete and accurate.

Town of Nags Head

OWNER ☒ AGENT ☐ CONTRACT ☐  
PURCHASER ☐

- B. APPLICANT/DEVELOPER: NAME Town of Nags Head
- ADDRESS PO Box 99
- Nags Head, NC 27959
- TELEPHONE 252-619-0437
- C. CONTACTPERSON: NAME Andrew Garman
- ADDRESS Same as above
- TELEPHONE Same as above

#### 3. ADJACENT OWNERSHIP INFORMATION (TO BE SHOWN ON SITE PLAN)

- NAME/ADDRESS (N) Peak Realty Nags Head LLC, 101 Baines Court, Cary, NC 27511
- NAME/ADDRESS (S) The Nature Conservancy 334 Blackwell Street, Suite 300 Durham, NC 27701/ Town Nags Head
- NAME/ADDRESS (E) Town of Nags Head
- NAME/ADDRESS (W) The Nature Conservancy 334 Blackwell Street, Suite 300 Durham, NC 27701/ Town Nags Head
- (If additional space is needed, please attach separate sheets.)

#### 4. SITE PLAN AND SITE PLAN ATTACHMENT DATA

A. Site plan preparer Cathleen Saunders, PE Phone# 252.202.7112  
NC Registered ☒ Engineer ☐ Architect ☐ Surveyor. License# 043652

B. The design for the attached Stormwater Management Plan includes:

- ☐ 1.5", 2-hour rainfall: retained on-site.  
☒ 4.3", 2-hour rainfall: no important access or health-related impacts.  
☐ 5.0", 2-hour rainfall: no unapproved impacts.

Drainage calculations have been prepared ☒ YES ☐ NO ATTACHED ☐ YES ☐ NO

**Note: Stormwater Management Plan MUST be approved by the Town Engineer prior to Planning Board review for all listed permitted uses in the zoning ordinance.**

C. Sewage disposal approval is being submitted in the form of:

- ☐ Attached tentative approval letter dated \_\_\_\_\_  
☒ Attached final permit dated \_\_\_\_\_  
☐ State ☒ County

D. Project involves condominium ownership.

- ☒ NO ☐ YES, Three copies of condominium documents attached.

E. Amount of land-disturbing activity proposed 23,145 square feet.

A Soil Erosion and Sedimentation Control Plan has been prepared.

- ☐ NO ☒ YES; (1) Copy attached,  
(2) Copy submitted to Dare County Soil Conservation Service, Manteo NC 27954.

F. Coastal Area Management Act (CAMA) permit. ☐ YES ☒ NO

#### 5. INFORMATION TO BE SHOWN ON SITE PLAN

Twelve (12) copies for Planning Board review

| A. Property and ownership                                                                                                                                          | YES | COMMENTS |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|----------|
| 1. Present recorded owner and map book/cabinet reference of the site property.                                                                                     | YES |          |
| 2. Current PIN Number.                                                                                                                                             | YES |          |
| 3. Site Address.                                                                                                                                                   | YES |          |
| 4. Owners' names, lot numbers or map book and page reference of all adjacent property owners.                                                                      | YES |          |
| 5. Boundary of the entire parcel by course and distance.                                                                                                           | YES |          |
| 6. Widths of the existing rights-of-way that abut the site.                                                                                                        | YES |          |
| 7. Nature or purpose, location and size of existing easements.                                                                                                     | YES |          |
| 8. At all lot comers, points of tangents and any angle point along a given course of the site, iron pins minimum 3/8-inch diameter or 4x4-inch concrete monuments. | YES |          |
| 9. Plan to at least 1"=50' scale, showing north arrow and whether true or magnetic.                                                                                | YES |          |
| 10. Signature and seal of preparer.                                                                                                                                | YES |          |
| B. Existing features                                                                                                                                               |     |          |
| 1. Streets, curbs, and sidewalks with type and width of pavement.                                                                                                  | YES |          |
| 2. Topographic features of site and existing grades for any streets, storm drainage system including existing grades at four comers of all structures.             | YES |          |

|                                                                                                                                                                                                                                                                                                 | YES | COMMENT |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|---------|
| 3. Flood zone(s) as determined by latest FEMA Flood Insurance Rate Map, with notation, "flood zone subject to change by FEMA."                                                                                                                                                                  | YES |         |
| 4. All underground utilities and facilities including gasoline tanks and existing septic facilities (including tanks and fields).                                                                                                                                                               | YES |         |
| 5. If the lot is within an ocean hazard Area of Environmental Concern, the location of the first line of stable natural vegetation, the CAMA setback line, and contour lines at 2-foot intervals depicting any dunes located within an oceanfront AEC that are to be disturbed by construction. | N/A |         |
| 6. The location of any marsh areas or estuarine waters or US Army Corps of Engineers 404 wetlands within or abutting the lot.                                                                                                                                                                   | N/A |         |
| 7. If the lot is within the small surface water supply watershed AEC (within 1,200 feet from the Fresh Water Pond), the distance between the pond and proposed septic or sewage treatment system.                                                                                               | N/A |         |
| 8. Percentage of site to be included in calculation for undisturbed vegetation preservation compliance in Article 10, Part I of the Unified Development Ordinance.                                                                                                                              | N/A |         |
| <b>C. Site improvements</b> in accordance with regulations of state of North Carolina, Dare County, and Town of Nags Head                                                                                                                                                                       |     |         |
| 1. Proposed building type (e.g., concrete or frame), number of floors and dimensions.                                                                                                                                                                                                           | YES |         |
| 2. Proposed building elevations of all sides of building labeled in accordance with proposed architectural design criteria of Article 10, Part VI of the UDO.                                                                                                                                   | YES |         |
| 3. Total height and number of stories of proposed structure(s). If increased height is being proposed in conjunction with increased setbacks, show increase allowed in tabular form on plan. Note definition of height in Appendix A of the Unified Development Ordinance.                      | YES |         |
| 4. Existing and proposed ground elevations at the corners of proposed structure(s).                                                                                                                                                                                                             | YES |         |
| 5. Sanitary sewer facilities with connection to sewer system or septic tank.                                                                                                                                                                                                                    | YES |         |
| 6. Approximate locations of proposed underground utilities and any necessary easements.                                                                                                                                                                                                         | YES |         |
| 7. Screened dumpster pad(s) accessible to left-side loaders and sized in accordance with the Town Code of Ordinances.                                                                                                                                                                           | N/A |         |
| 8. Proposed fire hydrants and extensions of water distribution lines.                                                                                                                                                                                                                           | YES |         |
| 9. Location and height of proposed free-standing signs. See requirements of Article 10, Part III of the Unified Development Ordinance.                                                                                                                                                          | N/A |         |
| 10. Location of all sidewalks, curbs, drives, and parking within the site and proposed finished elevations.                                                                                                                                                                                     | YES |         |
| 11. Handicapped parking spaces, walks, ramps, and entrances in accordance with the NC State Building Code. Handicapped parking spaces to be 13 feet wide, marked with a free-standing handicapped sign.                                                                                         | YES |         |
| 12. The Vegetative Buffer Yard areas have been identified and the proper buffer yard provision(s) have been identified as outlined in the Unified Development Ordinance.                                                                                                                        | YES |         |
| 13. Layout of numbered stalls/loading zones in accordance with Article 10, Part II of the Unified Development Ordinance.                                                                                                                                                                        | YES |         |

| Commercial <input type="checkbox"/><br>Residential <input type="checkbox"/>                                                                               | Parking Spaces<br>Required                                             | Parking Spaces<br>Shown                                | Loading<br>Spaces |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|--------------------------------------------------------|-------------------|
| <u>Proposed 2</u> STORIES<br><br>BUILDING SQUARE<br>FOOTAGE:<br><br>PRINCIPAL <u>2,143 sq.ft.</u><br><br>ACCESSORY _____<br><br>TOTAL <u>2,143 sq.ft.</u> | For existing building:<br><br>4,365 SF * 1 space/300<br>sf = 15 spaces | 37 Parking Spaces<br>Shown (Including 2<br>ADA spaces) | N/A               |
| # EMPLOYEES <u>Ten Existing</u>                                                                                                                           | Ten employees @ 1<br>space/employee = 10<br>spaces                     |                                                        | N/A               |
| #DWELLING/LODGING<br>UNITS <u>Eight</u>                                                                                                                   | Proposed two-story<br>building:<br>1 space/bedroom = 8<br>spaces       |                                                        | N/A               |
|                                                                                                                                                           | 33 required spaces total                                               | 37 provided spaces total                               |                   |

**D. EXPLANATORY NOTES**

1. Vicinity map.
2. Total square feet of land area to undergo land-disturbing activity.
3. The total required parking spaces versus the total parking spaces provided. Parking spaces to be numbered.
4. Cross-section details of all streets, roads, ditches, and parking lot improvements.
5. The number of dwelling/commercial units. If more than one use is proposed (e.g., large hotel with shops, etc.), show breakdown of units or square footage by building.
6. If additional height above 35 feet is being proposed, the additional height and increased setbacks shall be laid out in tabular form.
7. Total site coverage calculations. (Refer to UDO to calculate lot coverage for lots abutting ocean or sound).
8. Components of the lighting plan (pole location, pole height, type of fixture, wattage, source of illumination, etc.). See Article 10, Part IV of the Unified Development Ordinance.
9. A completed architectural points worksheet for commercial structures subject to residential design criteria.

**6. PLAN AND ATTACHMENT PREPARER CERTIFICATION**

- A. I certify that all information for which I am responsible is complete and accurate.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE OF ENGINEER ☐ ARCHITECT ☐ SURVEYOR ☐

- B. The following individuals have contributed information or attachments to the plan:

| Name  | Phone# | Information Provided |
|-------|--------|----------------------|
| _____ | _____  | _____                |
| _____ | _____  | _____                |
| _____ | _____  | _____                |

## Site Specific Development Plan Option - Vested Right for Site Plans

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Please be advised that as the owner, or agent for the owner, you have the opportunity to apply for and receive a Site-Specific Development Plan that will establish a Vested Right for this project for a period of time not to exceed two (2) years from the date the Board of Commissioners approves the plan. You must secure a building permit for this project within two (2) years of the approval date, or your Site-Specific Development Plan will expire. If you elect not to apply for a Site-Specific Development Plan, you must secure a building permit within six (6) months or else your site plan will expire.

If you choose the Site-Specific Development Plan option, please keep in mind the following concerns:

1. Although your project may be classified as a permitted use, by requesting a Site-Specific Development Plan your project will be processed as a Special Use for which a public hearing will be held, and an additional fee of \$200.00 will be charged to process your application.
2. Once your Site-Specific Development Plan has been approved with vested rights status no modifications can be made to the plan.

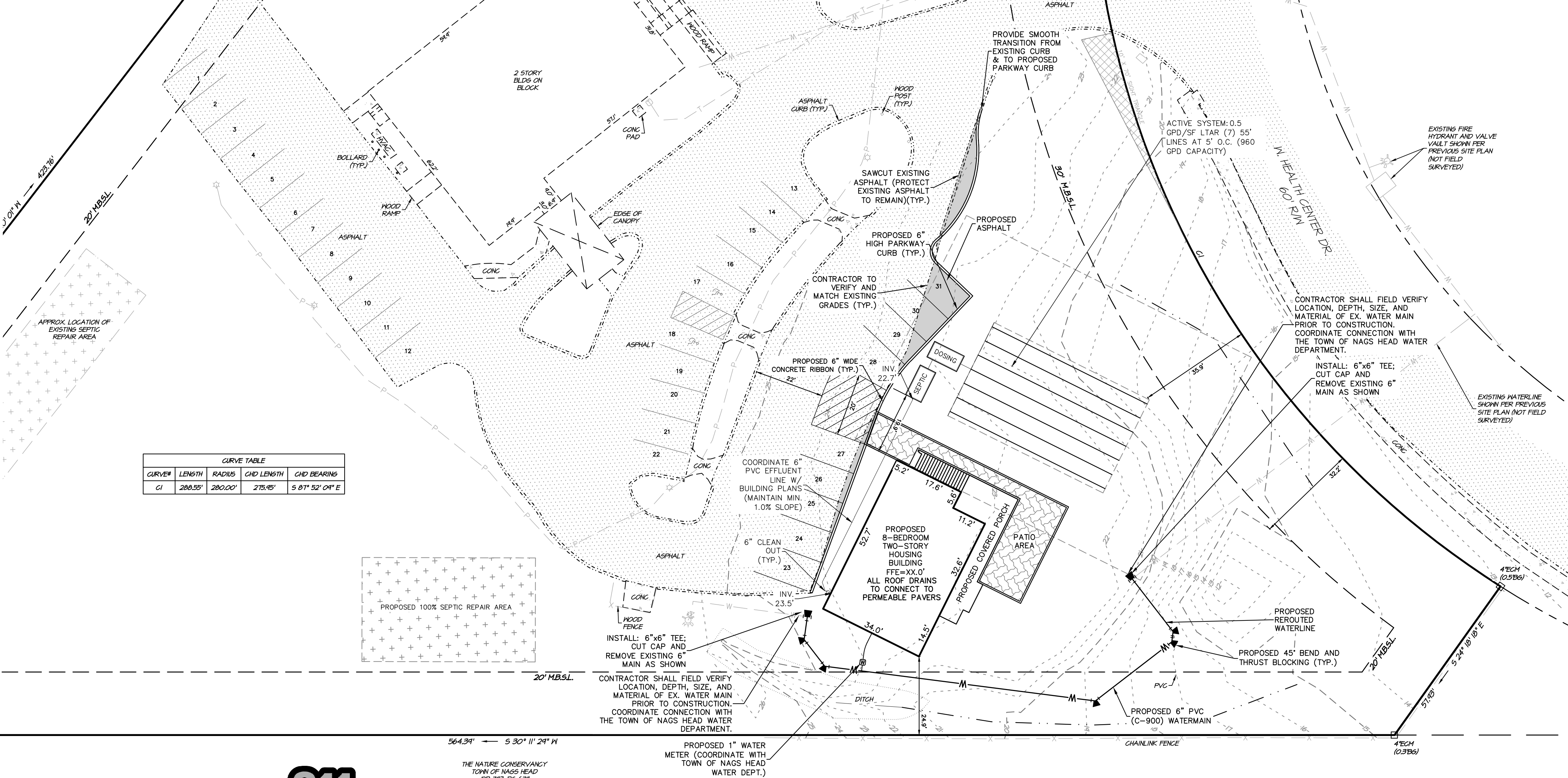
**If you wish to take advantage of the Vested Right process, please check off the Vested Right box on page one. If you do not, then leave the box blank.**

NOTES:

- PROPERTY OWNER/ADDRESS: TOWN OF NAGS HEAD  
P.O. BOX 99  
NAGS HEAD, NC 27959
  - PROPERTY INFORMATION: 425 W. HEALTH CENTER DRIVE
  - PARCEL ID NUMBER: 989209175322
  - ZONE: SOCIAL ENVIRONMENT DISTRICT (SED-80)
  - RECORDED REFERENCE: BK. 0324, PG. 0641
  - PROPERTY IS LOCATED IN FIRM ZONE X (0.2%) AND SUBJECT TO CHANGES BY FEMA. BASED ON COMMUNITY PANEL 3720989200J DATED 9-20-06.
  - TOTAL PARCEL AREA 123,600 sqft / 2.84 acres
  - LOT COVERAGE
- EXISTING TO REMAIN
- |                                   |          |                |
|-----------------------------------|----------|----------------|
| BUILDINGS & DECKS.....            | 6,314.0  | SQ.FT.         |
| SIDEWALK, HVAC, & PUMP HOUSE..... | 484.3    | SQ.FT.         |
| ASPHALT.....                      | 25,759.0 | SQ.FT.         |
| TOTAL.....                        | 32,557.3 | SQ.FT. (26.3%) |
- PROPOSED COVERAGE
- |                                           |          |                 |
|-------------------------------------------|----------|-----------------|
| BUILDINGS.....                            | 2,143.0  | SQ.FT.          |
| PERMEABLE PAVERS (W/ 0.67 REDUCTION)..... | 522.8    | SQ.FT.          |
| CONCRETE RIBBON/ASPHALT.....              | 660.4    | SQ. FT.         |
| TOTAL.....                                | 35,883.5 | SQ.FT. (29.03%) |
- MAXIMUM ALLOWABLE (29.08%) = 35,942.88 SF
- PARKING CALCULATIONS
- EXISTING PARKING (COMMUNITY CARE CLINIC):
- MEDICAL USE CENTER:  
ONE PARKING SPACE FOR EACH 300 SQUARE FEET OF GROSS FLOOR AREA, PLUS 1 SPACE PER EMPLOYEE/DOCTOR
- |                                    |                          |
|------------------------------------|--------------------------|
| 4,365 SF * 1 SP / 300 SF           | = 15 SPACES              |
| 10 EMPLOYEES @ 1 SPACE / EMPLOYEES | = 10 SPACES              |
| REQUIRED                           | = 25 SPACES FOR EXISTING |
- PROPOSED PARKING:
- BOARDING HOUSE: 1 PARKING SPACE FOR EACH BEDROOM
- |                          |                     |
|--------------------------|---------------------|
| 8 BEDROOMS @ 1 SPACE/1BR | = 8 PARKING SPACES  |
| REQUIRED                 | = 8 SPACES          |
| TOTAL REQUIRED           | = 33 SPACES (2 ADA) |
| TOTAL PROVIDED           | = 37 SPACES (2 ADA) |
- WATER SUPPLY PER TOWN OF NAGS HEAD. WATER CONNECTION MUST BE MADE IN ACCORDANCE WITH TOWN OF NAGS HEAD SPECIFICATIONS AND SHALL BE PERFORMED BY A LICENSED WATER UTILITY CONTRACTOR. NOTIFY TOWN PRIOR TO INSTALLATION.
  - ALL UTILITIES TO BE PLACED UNDERGROUND UNLESS OTHERWISE NOTED
  - LANDSCAPING AND BUFFERYARDS TO BE IN ACCORDANCE WITH ARTICLE 10 OF THE TOWN OF NAGS HEAD UNIFORM DEVELOPMENT ORDINANCES.
  - SITE WILL BE LIGHTED IN ACCORDANCE WITH ARTICLE 10, PART IV "OUTDOOR LIGHTING" OF THE TOWN OF NAGS HEAD CODE OF ORDINANCES.
  - PRIOR TO LAND DISTURBANCE, A TOWN APPROVED SOIL EROSION AND SEDIMENTATION CONTROL PLAN IS REQUIRED.
  - NO U.S.A.C.O.E. SECTION 404 JURISDICTIONAL WETLANDS EXIST ON SITE.
  - EXISTING VEGETATION TO BE PRESERVED WHERE POSSIBLE.
  - THE CONTRACTOR SHALL TAKE ALL NECESSARY PRECAUTIONS TO PROTECT ALL PROPERTY MONUMENTS DURING CONSTRUCTION. DISTURBED OR REMOVED PROPERTY MONUMENTS SHALL BE REPLACED BY A NORTH CAROLINA LICENSED PROFESSIONAL LAND SURVEYOR.
  - ALL WORK WITHIN THE NC DOT RIGHT-OF-WAY REQUIRES AN APPROVED NC DOT RIGHT-OF-WAY ENCROACHMENT AGREEMENT.
  - A STATE HIGH DENSITY STORMWATER PERMIT IS REQUIRED IN ADVANCE OF ANY ONSITE DISTURBANCE.
  - THE ENTIRE SITE WILL BE IN FULL COMPLIANCE WITH ALL APPLICABLE NFPA REGULATIONS PERTAINING TO FIRE PROTECTION INCLUDING BUT NOT LIMITED TO NFPA 30 AS WELL AS VOLUME V OF THE NC STATE BUILDING CODE.
  - ALL BUILDING SIGNAGE SHALL BE IN ACCORDANCE WITH ARTICLE VIII SECTION 48-284 OF THE TOWN OF NAGS HEAD CODE OF ORDINANCES.
  - THIS PLAN SHALL COMPLY WITH VOLUME 1C OF THE NC BUILDING CODE.
  - THE PROPOSED BUILDING SHALL COMPLY WITH CHAPTER 10 OF THE TOWN OF NAGS HEAD CODE OF ORDINANCES.
  - BUILDING CONSTRUCTION TO CONFORM TO 2018 NC FIRE PREVENTION CODE OR LATEST EDITION.
  - THE LOCATION, DIMENSIONS, AND ELEVATION OF EXISTING UTILITIES SHOWN ARE BASED ON THE BEST AVAILABLE DATA AND ARE APPROXIMATE. THE CONTRACTOR SHALL VERIFY ALL DATA IN THE FIELD PRIOR TO CONSTRUCTION TO HIS/HER OWN SATISFACTION. THE CONTRACTOR SHALL PERFORM ANY TEST PIT WORK OR PROVIDE LOCATION SERVICES AS REQUIRED TO AVOID CONFLICTS WITH EXISTING UTILITIES. CONTACT NORTH CAROLINA ONE-CALL AT TELEPHONE NO. 1-800-632-4949, 48 HOURS PRIOR TO PERFORMING ANY EXCAVATION TO HAVE UTILITIES MARKED.
  - THE CONTRACTOR SHALL PROVIDE SMOOTH TRANSITIONS FROM PROPOSED FEATURES TO EXISTING FEATURES AS NECESSARY.
  - THE CONTRACTOR SHALL SEAL THE EDGE OF EXISTING ASPHALT PAVEMENT WITH TACK COAT IN ACCORDANCE WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS WHERE NEW PAVEMENT JOINS EXISTING PAVEMENT.
  - ALL PAVEMENT JOINTS SHALL BE SAW-CUT PRIOR TO PAVING TO PROVIDE A DURABLE AND UNIFORM JOINT.
  - PROOF ROLL ALL NEW PAVED AREAS. NOTIFY OWNER AND ENGINEER OF ANY UNACCEPTABLE AREAS.
  - SEE LANDSCAPING PLAN PREPARED BY GARDEN DESIGN + CONSULTATION, DATED 8/9/22

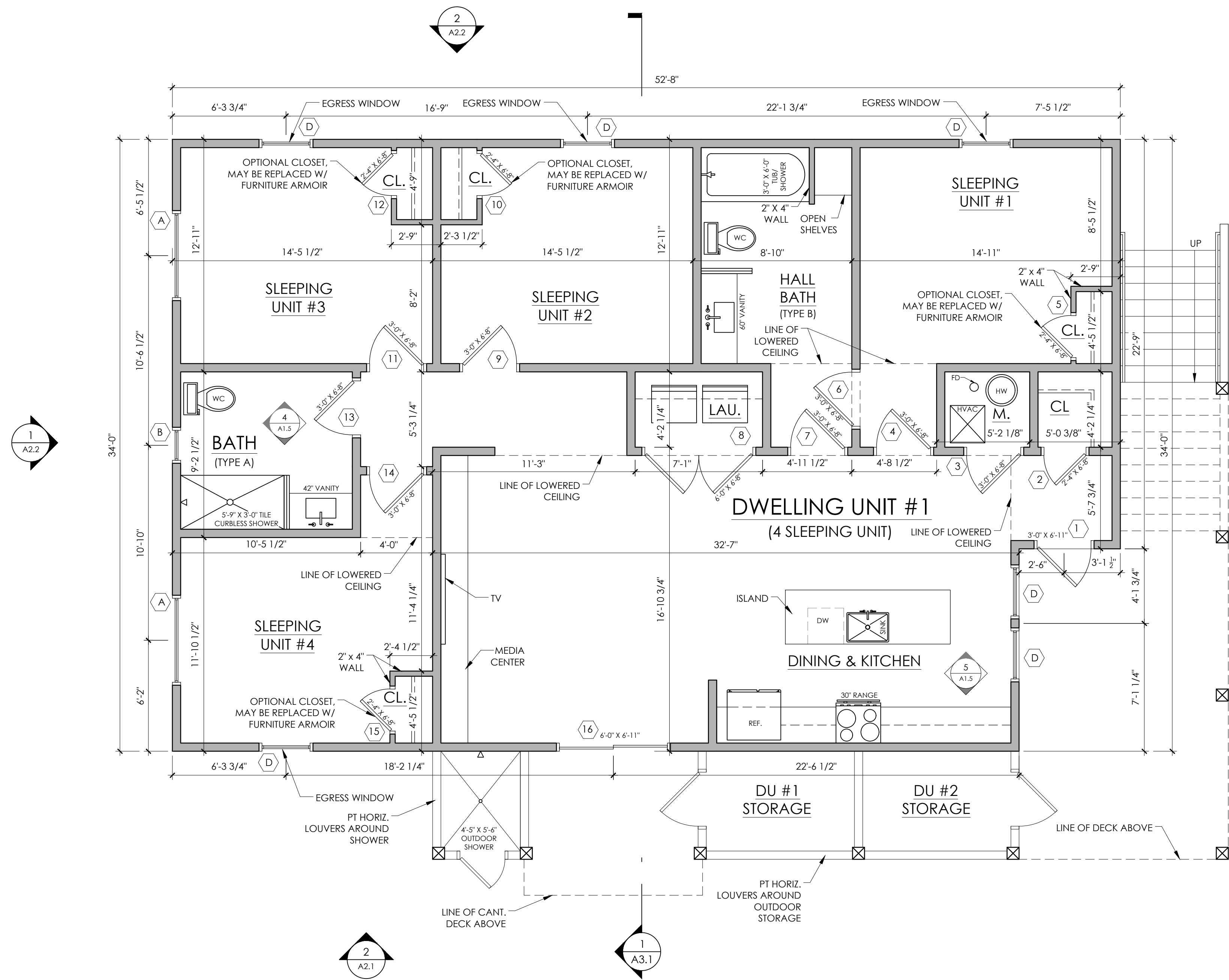
WASTEWATER NOTES:

- CONTRACTOR IS RESPONSIBLE FOR LOCATING EXISTING UNDERGROUND UTILITIES IN AREAS OF WORK PRIOR TO ANY WORK. PROVIDE ADEQUATE MEANS OF SUPPORT AND PROTECTION IF UTILITIES ARE TO REMAIN IN PLACE.
- REMOVE TREES, GRASSES, SHRUBS AND OTHER VEGETATION, IMPROVEMENTS OR OBSTRUCTIONS INTERFERING WITH INSTALLATION OF NEW CONSTRUCTION UNLESS NOTED OTHERWISE.
- NEW WASTEWATER SYSTEM DESIGN PARAMETERS:  
DESIGN FLOW RESIDENTIAL LOT: 8-BEDROOM SFD @ 120 GPD/BEDROOM = 960 GALLONS PER DAY (GPD)  
ACTIVE: LONG TERM APPLICATION RATE (LTAR): 0.5 GPD/SQ.FT. FOR LPP SYSTEM  
960 GPD/0.5 = 1,920 SQ.FT.  
1,920 SQ.FT./5 FT. TRENCH = 384 LN. FT.  
(7) 55' LINES @ 5' O.C. (385 LN. FT. TOTAL)  
ASSUME NO FILL  
REPAIR: LONG TERM APPLICATION RATE (LTAR): 0.5 GPD/SQ.FT. FOR LPP SYSTEM  
1,920 GPD/0.5 = 1,920 SQ.FT.  
1,920 SQ.FT./5 FT. TRENCH = 384 LN. FT.  
(7) 55' LINES @ 5' O.C. (385 LN. FT. TOTAL)  
ASSUME NO FILL
- UNLESS OTHERWISE INDICATED ON THE PLAN, CONSTRUCTION OF SEWAGE COLLECTION, TREATMENT AND DISPOSAL SYSTEM IS TO CONFORM WITH SECTION 1900 "LAWS AND RULES FOR SEWAGE TREATMENT AND DISPOSAL SYSTEMS" OF NORTH CAROLINA ADMINISTRATIVE CODE, DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, DIVISION OF ENVIRONMENTAL HEALTH, ON-SITE WASTEWATER SECTION (15 NCAC 18A.1900).
- CONSTRUCTION OF SEWAGE COLLECTION SYSTEM, TREATMENT AND DISPOSAL SYSTEM IS TO CONFORM WITH ANY CONDITIONS IMPOSED BY THE LOCAL HEALTH DEPARTMENT.
- MATERIAL USED FOR COLLECTION AND DISPOSAL SYSTEM SHALL CONFORM WITH SAME REQUIREMENTS AS #4 ABOVE.
- FILL MATERIAL SHALL HAVE SUCH SOIL TEXTURE TO BE CLASSIFIED AS SAND OR LOAMY SAND (SOIL GROUP I) UP TO THE TOP OF THE NITRIFICATION TRENCHES. THE FINAL SIX INCHES OF FILL USED TO COVER THE SYSTEM SHALL HAVE A FINER TEXTURE (SUCH AS GROUP II, III) FOR THE ESTABLISHMENT OF A VEGETATIVE COVER. THE FILL MATERIAL AND THE EXISTING SOIL SHALL BE MIXED TO A DEPTH OF SIX INCHES BELOW THE INTERFACE. HEAVY VEGETATIVE COVER OR ORGANIC LITTER SHALL BE REMOVED BEFORE THE FILL MATERIAL IS INCORPORATED.
- ALL SURFACE RUNOFF SHALL BE DIVERTED AROUND AND AWAY FROM THE DRAINFIELD AREA. FINISH GRADE SHALL BE LANDSCAPED TO PREVENT PONDING OF SURFACE WATER. VEGETATE DRAINFIELD AREA AS SPECIFIED IN LANDSCAPE PLAN.
- AN AUTHORIZATION TO CONSTRUCT MUST BE OBTAINED FROM DCHD PRIOR TO INSTALLATION OF ONSITE WASTEWATER SYSTEM.

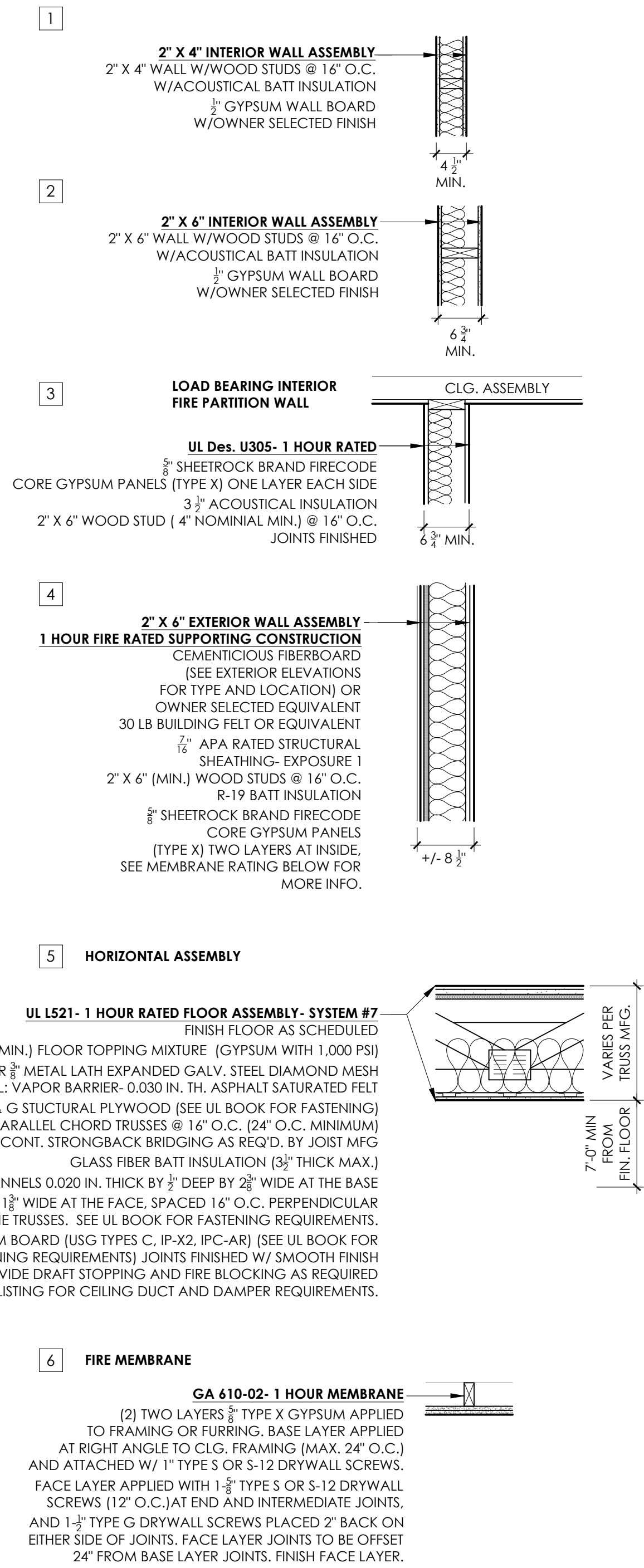


GENERAL NOTES:

1. INSPECT AND VERIFY ALL DIMENSIONS ON THE PROJECT AND SITE AS MAY RELATE TO THE EXTENT OF CONSTRUCTION AND/OR DEMOLITION.
2. THE CONTRACTOR/OWNER SHALL OBTAIN ALL REQUIRED PERMITS AND INSPECTIONS AS MAY BE REQUIRED TO PROCEED WITH DEMOLITION AND CONSTRUCTION.
3. ALL WORK PERFORMED SHALL MEET ALL TOWN, COUNTY AND STATE CODES.
4. DO NOT SCALE DRAWINGS.
5. VERIFY ALL DOOR/WINDOW ROUGH OPENINGS WITH DOOR MFG. SPEC.
6. ALL PILINGS SHALL BE AS DEEP AS REQUIRED TO MEET CODES. CONTRACTOR TO VERIFY IN THE FIELD
7. CONTRACTOR TO USE TEMPERED GLASS IN ANY WINDOW OR DOOR THAT IS WITHIN 18" OF THE FINISHED FLOOR.
8. ALL BEDROOMS TO HAVE A MINIMUM OF ONE WINDOW OR DOOR MEETING THE NORTH CAROLINA EGRESS CODE REQUIREMENTS. CONTRACTOR TO VERIFY.
9. CONTRACTOR TO COORDINATE ELECTRICAL, PLUMBING AND MECHANICAL WORK. ALL SUCH WORK MUST CONFORM TO NORTH CAROLINA CODES.
10. CONTRACTOR TO CONFIRM PLAN DIMENSIONS PRIOR TO CONSTRUCTION WITH EXISTING SITE CONSTRAINTS. CONTRACTOR IS RESPONSIBLE FOR INFORMING THE ARCHITECT OF ANY PROBLEMS PRIOR TO CONSTRUCTION.
11. THE CONTRACTOR SHALL PROVIDE THE OWNER WITH ALL MANUALS AND MAINTENANCE INFORMATION BEFORE THE FINAL PAYMENT. THE CONTRACTOR SHALL WARRANTY THE WORK FOR THE PERIOD OF ONE YEAR.
12. ELEVATOR MFG. SHALL TAKE ANY AND ALL EFFORTS TO MINIMIZE SPACE AT ENTRY BETWEEN FLUSH DOOR AND CABIN DOOR SUCH THAT IT PREVENTS CHILDREN FROM INJURY. SPACE GUARDS SHALL BE REQUIRED FROM THE ELEVATOR MANUFACTURER.
13. SEE 2/2 FOR WINDOW LEGEND.
14. SEE 2/2 FOR DOOR LEGEND.
15. SEE 2/A1.2 FOR TYPICAL STAIR DETAIL.



1 FIRST FLOOR PLAN  
SCALE: 1/4" = 1'-0"



2 WALL ASSEMBLIES  
NOT TO SCALE

PROJECT NAME:  
**TOWN OF  
NAGS HEAD**  
Workforce Housing  
425 Health Center Dr.  
Nags Head, NC

| REVISIONS:     | DATE:       |
|----------------|-------------|
| CLIENT REVIEW  | 2 / 1 / 24  |
| CLIENT REVIEW  | 2 / 9 / 24  |
| CLIENT REVIEW  | 2 / 16 / 24 |
| CLIENT REVIEW  | 5 / 16 / 24 |
| ENGINEERING    | 6 / 10 / 24 |
| PLANNING BOARD | 9 / 5 / 24  |

DRAWING NAME:  
**BUILDING  
PLANS**

PRELIMINARY DRAWINGS  
NOT FOR CONSTRUCTION:

DRAWN BY: CN

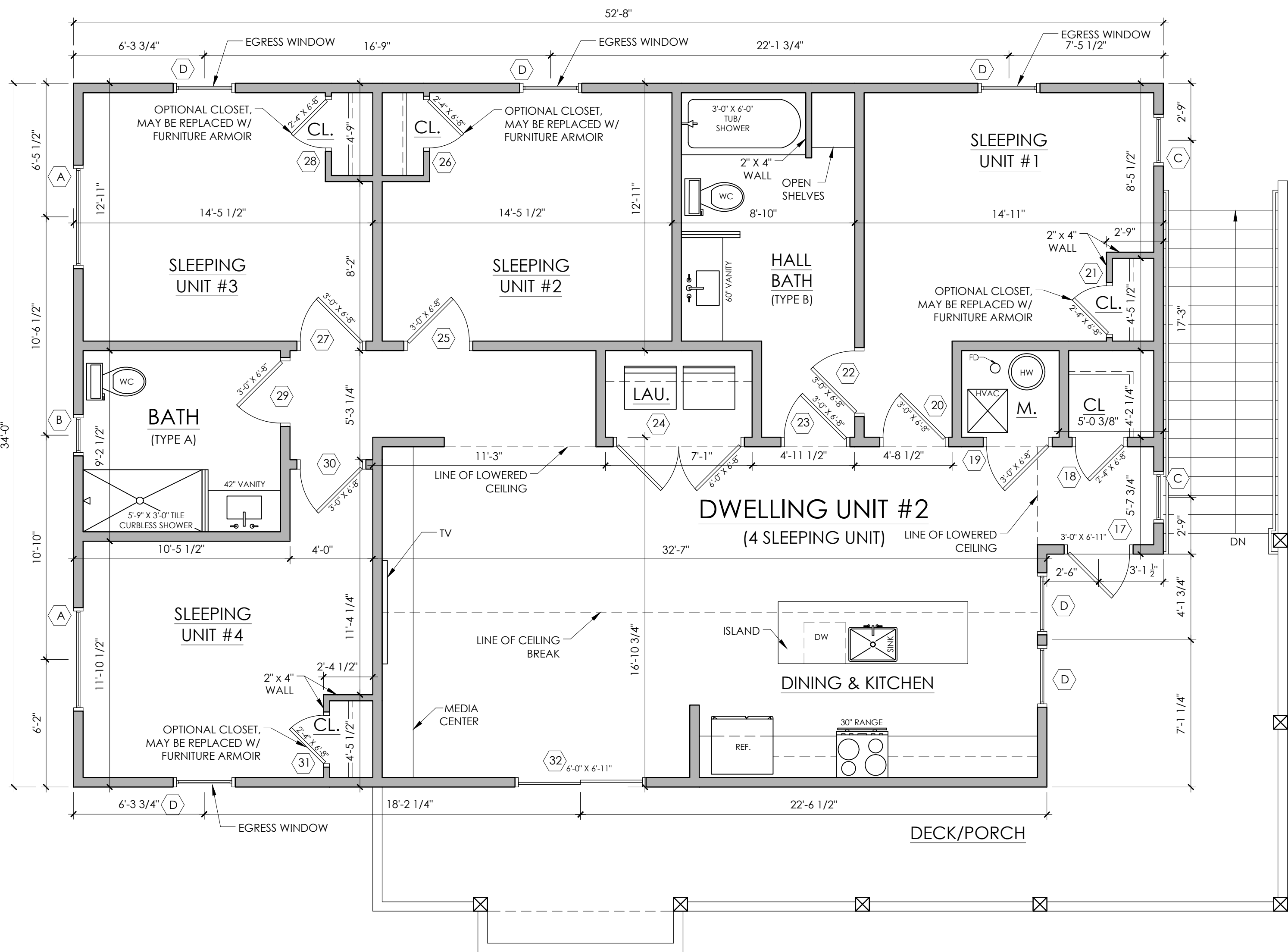
DATE: 9 / 5 / 24

SCALE: -

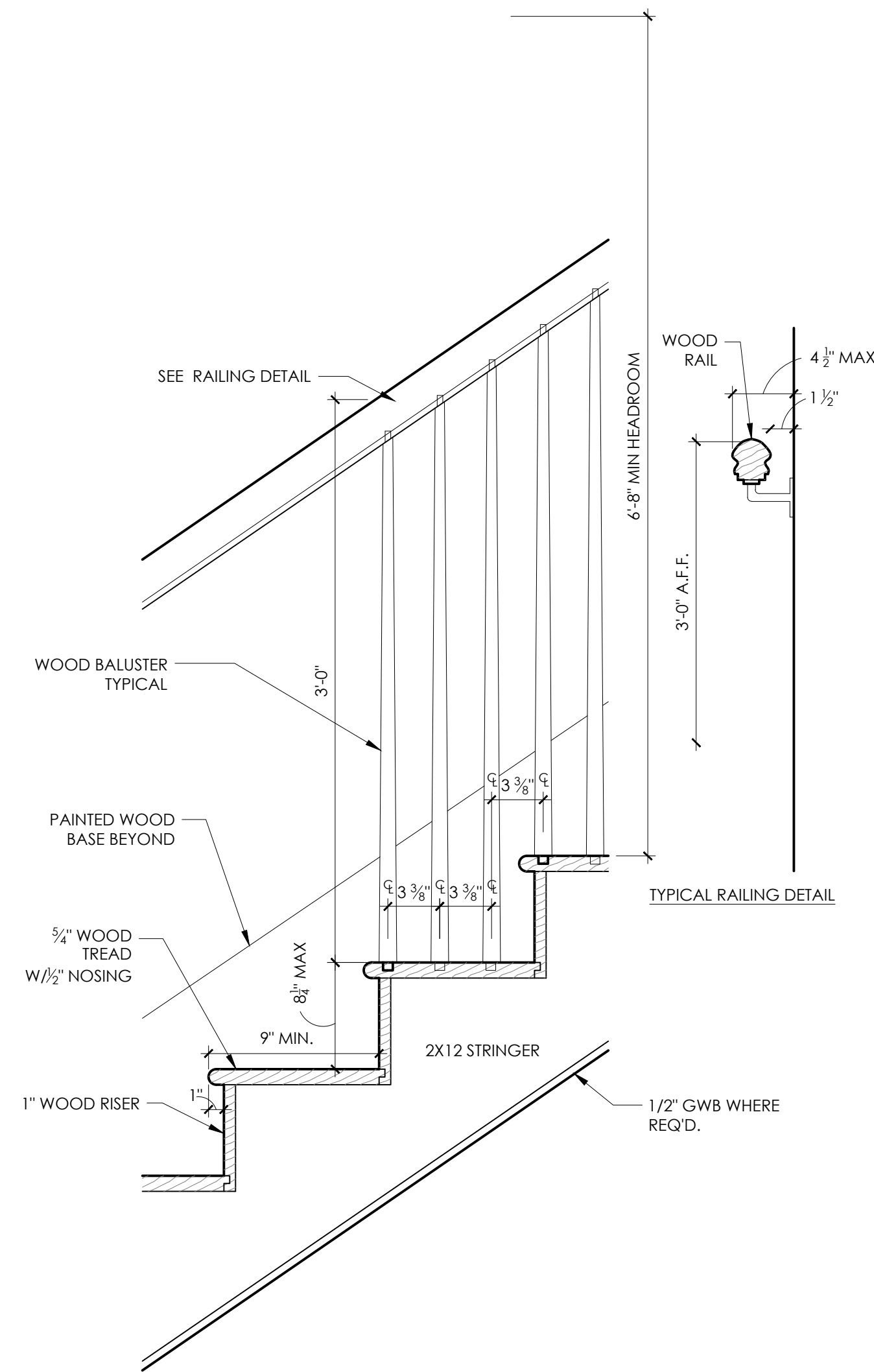
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FOR INTERIM REVIEW  
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OR CONSTRUCTION  
PURPOSES.

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SHEET:  
**A1.1**



1 SECOND FLOOR PLAN  
SCALE:  $\frac{1}{4}" = 1'-0"$



2 TYPICAL STAIR DETAIL  
NOT TO SCALE

**BEACON**  
ARCHITECTURE + DESIGN, P.L.L.C.  
P.O. BOX 1827  
KITTY HAWK, NC 27949  
PH: (252) 441-6767, FAX (252) 261-6045

STRUCTURAL ENGINEER:  
**MICHAEL D. O'STEEN, P.E., PLLC**  
1720 BAY DRIVE, KILL DEVIL HILLS,  
NORTH CAROLINA  
FIRM # P-2112 PH: (252) 423-2300

PME ENGINEER: **COASTAL**  
ENGINEERING  
2406 Princess Anne Road  
Suite 200  
Virginia Beach, VA 23456  
Phone (757) 563-9027  
Facsimile (757) 563-9028

PROJECT NAME:  
**TOWN OF  
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425 Health Center Dr.  
Nags Head, NC

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| ENGINEERING    | 6 / 10 / 24 |
| PLANNING BOARD | 9 / 5 / 24  |

DRAWING NAME:  
**BUILDING  
PLANS**

PRELIMINARY DRAWINGS  
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DRAWN BY: CN

DATE: 9 / 5 / 24

SCALE: -

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SHEET:  
**A1.2**



1 EXTERIOR ELEVATION  
SCALE:  $\frac{1}{4}" = 1'-0"$



2 EXTERIOR ELEVATION  
SCALE:  $\frac{1}{4}" = 1'-0"$

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425 Health Center Dr.  
Nags Head, NC

| REVISIONS:     | DATE:       |
|----------------|-------------|
| CLIENT REVIEW  | 2 / 1 / 24  |
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| CLIENT REVIEW  | 2 / 16 / 24 |
| CLIENT REVIEW  | 5 / 16 / 24 |
| ENGINEERING    | 6 / 10 / 24 |
| PLANNING BOARD | 9 / 5 / 24  |
|                |             |
|                |             |

DRAWING NAME:  
**EXTERIOR  
ELEVATIONS**

PRELIMINARY DRAWINGS  
NOT FOR CONSTRUCTION:

DRAWN BY: CN

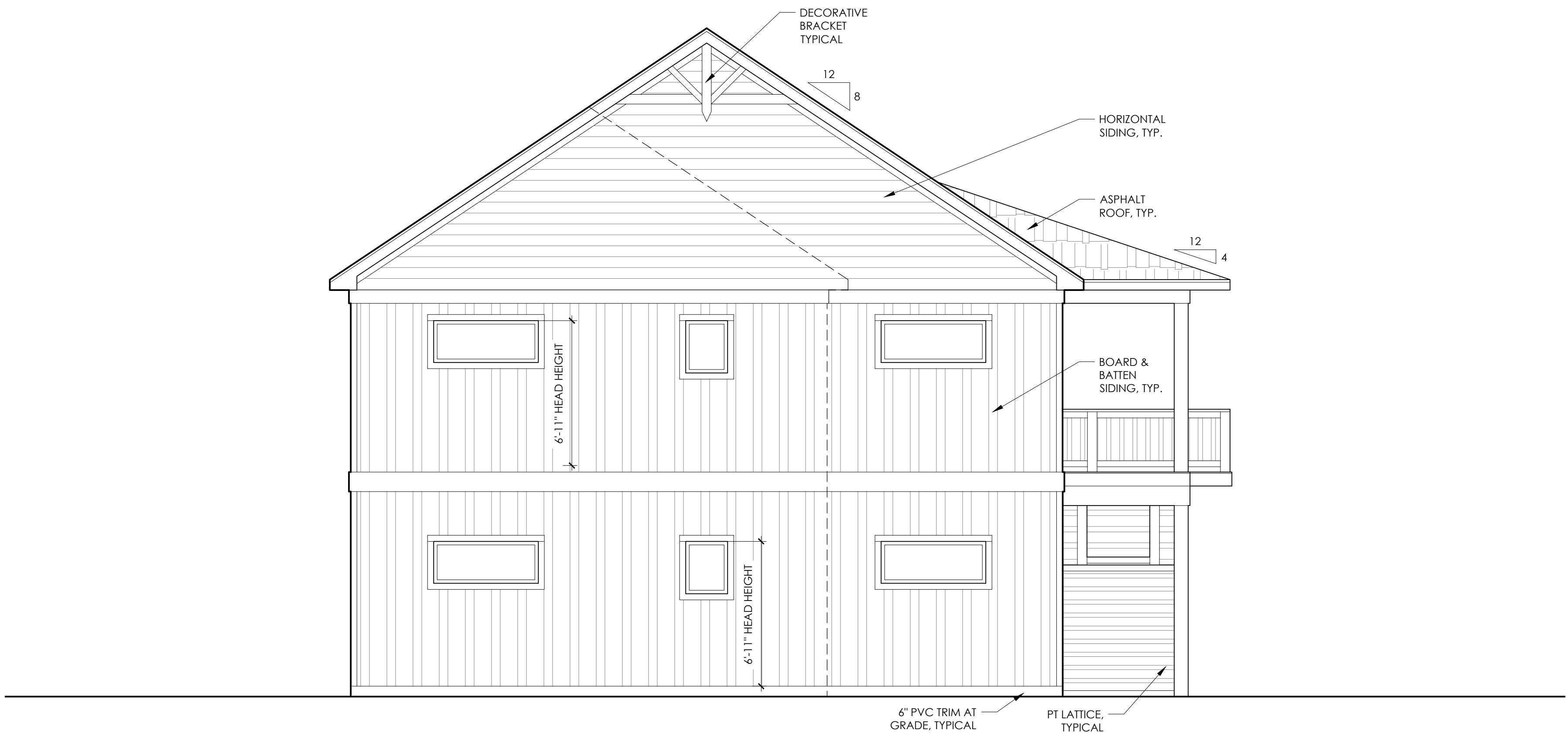
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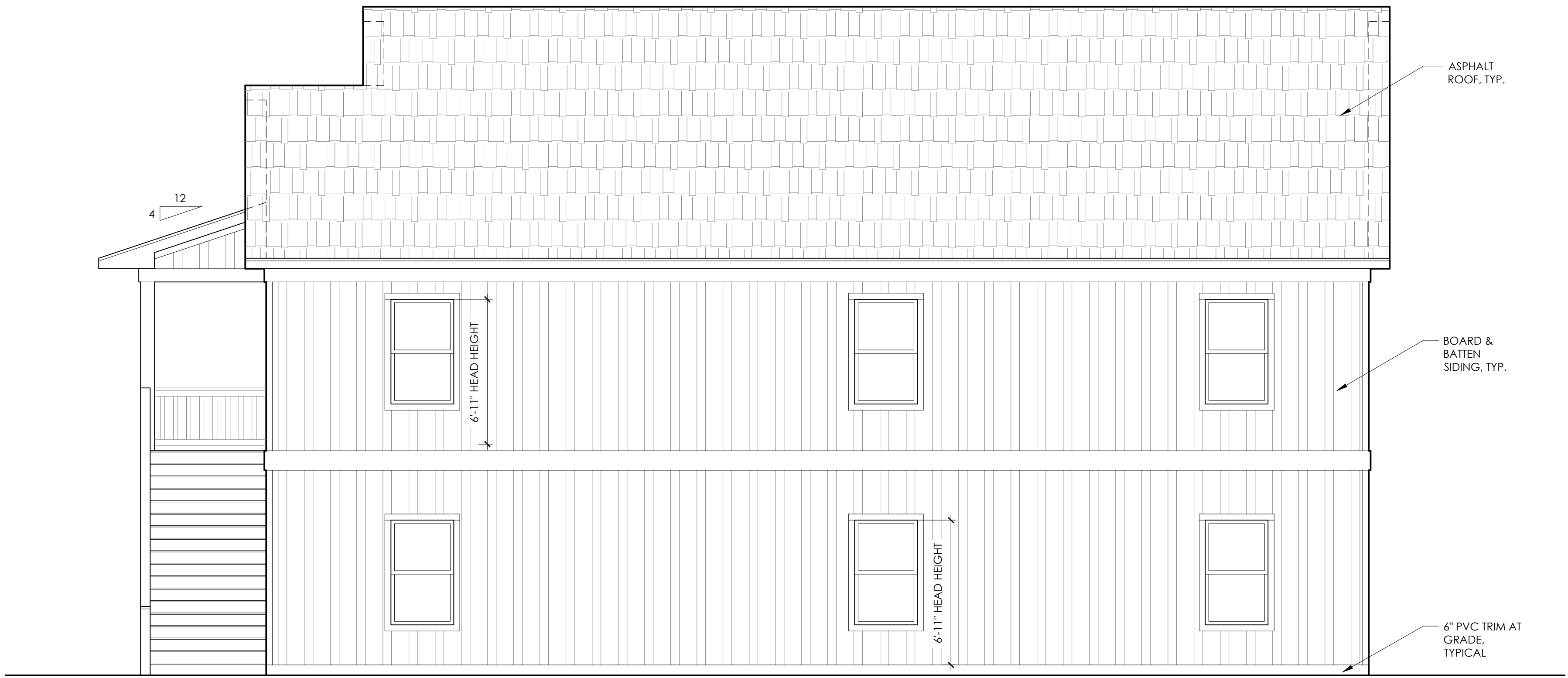
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SHEET:  
**A2.1**



1 EXTERIOR ELEVATION  
SCALE:  $\frac{1}{4}$ " = 1'-0"



2 EXTERIOR ELEVATION  
SCALE:  $\frac{1}{4}$ " = 1'-0"

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| CLIENT REVIEW  | 5 / 16 / 24 |
| ENGINEERING    | 6 / 10 / 24 |
| PLANNING BOARD | 9 / 5 / 24  |
|                |             |
|                |             |

DRAWING NAME:  
**EXTERIOR  
ELEVATIONS**

PRELIMINARY DRAWINGS  
NOT FOR CONSTRUCTION:

DRAWN BY: CN

DATE: 9 / 5 / 24

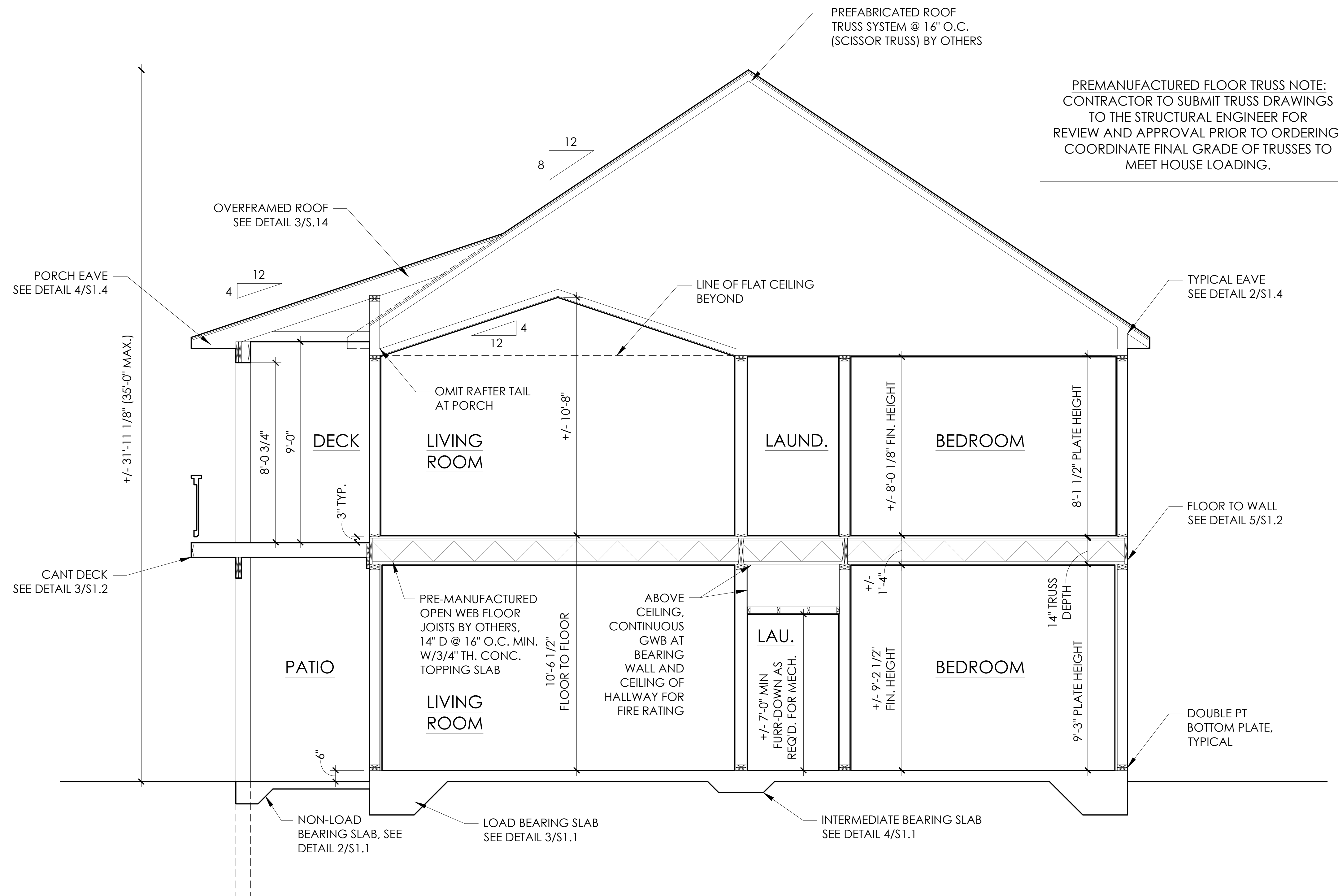
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SHEET:  
**A2.2**

| REVISIONS:     | DATE:       |
|----------------|-------------|
| CLIENT REVIEW  | 2 / 1 / 24  |
| CLIENT REVIEW  | 2 / 9 / 24  |
| CLIENT REVIEW  | 2 / 16 / 24 |
| CLIENT REVIEW  | 5 / 16 / 24 |
| ENGINEERING    | 6 / 10 / 24 |
| PLANNING BOARD | 9 / 5 / 24  |
|                |             |
|                |             |





This map is prepared from data used for the inventory of the real property for tax purposes. Primary information sources such as recorded deeds, plats, wills, and other primary public records should be consulted for verification of the information contained in this map.

425 W Health Center DR  
Nags Head NC, 27959  
Parcel: 005688000  
Pin: 989209175322

Owners: Town Of Nags Head -Primary  
Owner

Building Value: \$523,000  
Land Value: \$562,500  
Misc Value: \$21,000  
Total Value: \$1,106,500

Tax District: Nags Head  
Subdivision: Subdivision - None  
Lot BLK-Sec: Lot: Blk: Sec:  
Property Use: Town Of Nags Head  
Building Type: Medical Office Bldg  
Year Built: 1975



005688-000

14-989209-011A

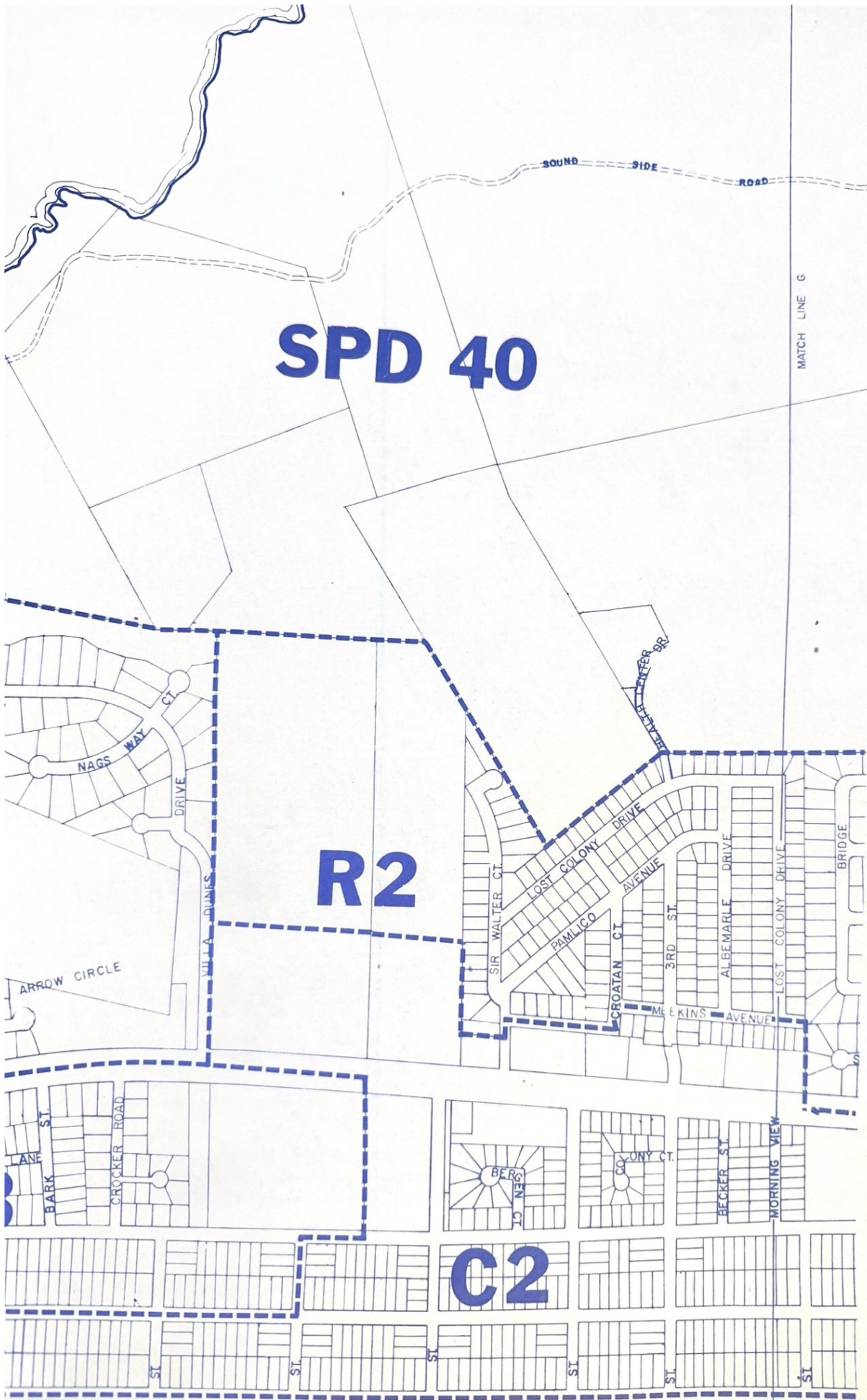
02/11

**SPD 40**

**R2**

**C2**

MATCH LINE G



## SECTION 8.02

- (2) Minimum required lot width per dwelling unit as measured at the building line for subdivided lots (other than residential cluster) 100 feet.
- (3) Minimum required front yard for subdivided lots (other than residential cluster) 15 feet.
- (4) Minimum required side yard for subdivided lots (other than residential cluster) 15 feet.
- (5) Minimum required rear yard for subdivided lots (other than residential cluster) 15 feet.
- (6) Maximum permissible lot coverage by the principal and all accessory buildings including swimming pools (other than residential clusters) shall not exceed thirty (30) percent of the total lot area.
- (7) Accessory buildings including swimming pools shall meet all yard requirements in this section.
- (8) Planned Residential Developments involving residential clusters or townhouses shall meet all requirements of this ordinance except as herein set out:
  - a. Area requirements within a planned residential development utilizing residential clusters and townhouses shall not be less than: for the first unit - 40,000 square feet; for the second, third and fourth units - 20,000 square feet each; and for the fifth and sixth units - 15,000 square feet each; and 10,000 square feet for each additional unit with the approval of the Planning Board and Board of Commissioners as provided in Section 10.04 of this Ordinance.
  - b. Planned Residential Developments shall be subject to the provisions of Section 10.04 of this Ordinance.
  - c. No unit in a Planned Residential Cluster shall be located within one hundred (100) feet of any other cluster, or the boundary of the area designated for Planned Residential Cluster.



# MEMORANDUM

## Town of Nags Head

### Planning & Development Department

---

To: Planning Board

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

Date: September 13, 2024

Subject: Consideration of various amendments to the SPD-C Village at Nags Head Commercial-1 Zoning District.

---

#### **BACKGROUND**

In late 2023, staff presented a brief update to the Planning Board regarding the potential future construction of a Dare County EMS Station at 105 W. Seachase Drive. During that update, staff indicated that amendments to the Unified Development Ordinance (UDO) may be required to facilitate this project. The Planning Board reached a consensus at that time, agreeing that staff should move forward with preparing the necessary amendments if deemed appropriate.

Dare County has been working with Oakley Collier Architects on the proposed design for the county's emergency services project. After reviewing the preliminary site development renderings and analyzing the existing SPD-C Village Commercial-1 District standards, the following amendments to the Unified Development Ordinance (UDO) would be necessary:

- **Amend Section 9.36, Table of Uses and Activities** within the SPD-C, Village at Nags Head Commercial-1 District to include "County EMS Station" as a permitted use in the district.
- **Amend Section 9.21.8.2** to reduce the front yard setback requirement from 75 feet to 45 feet. Upon review of this section, it appears that the current regulations were designed to apply primarily to the large community shopping center within the Village Commercial-1 district (OBX Mall), rather than stand-alone commercial structures that are unaffiliated with or separate from the shopping center. Additionally, Section 9.17, Transportation Standards within the SPD-Village District, specifies a 45-foot setback from US 158, further suggesting that the 75-foot setback applies solely to the shopping center. This amendment would provide clarity and, importantly, would only impact the subject property, as the only other Village Commercial-1 designated property adjacent to US 158 in the Village at Nags Head is the shopping center. The property located at 111 W. Seachase Drive (Rusty Crow Quilt Shop) is zoned Village Commercial-1, however it is not adjacent to US 158.
- **Amend Section 10.16, Required Parking by Use**, to establish a parking standard for the new use category of "County EMS Station."

Staff has provided these draft amendments to the Unified Development Ordinance below for the Planning Boards review and consideration.

#### **POLICY CONSIDERATIONS**

LU-9, Encourage land uses that serve the needs of both year-round and seasonal residents in support of the town's overall vision for the community.

## **STAFF ANALYSIS AND RECOMMENDATION**

Planning staff finds the proposed text amendment to be consistent with the 2022 Comprehensive Land Use Plan and recommend adoption of the amendment as presented.

Note that the Planning Board will be required to review the Site Plan application for any future development of this property.

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

### *3.5.3. Action by the Planning Board.*

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

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

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

(DRAFT)

**AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF NAGS HEAD, NORTH CAROLINA AS IT PERTAINS TO A NEW USE OF COUNTY EMS STATION WITHIN THE SPD-C, VILLAGE AT NAGS HEAD, COMMERCIAL – 1 DISTRICT.**

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

**WHEREAS**, pursuant to N.C.G.S. § 160D-701, the Town of Nags Head (the “Town”) may enact and amend ordinances regulating the zoning and development of land within its jurisdiction and specifically the location and use of buildings, structures and land; pursuant to this authority and the additional authority granted by N.C.G.S. Chap. 160D-702, the Town has adopted comprehensive zoning regulations and has codified the same within the Unified Development Ordinance, Part II of the Town Code, adopted pursuant to N.C.G.S. § 160D-103, which allows the Town to combine certain land development ordinances into a unified ordinance;

**WHEREAS**, Section 2.4.4.3 of the Unified Development Ordinance provides that the powers and duties of the Planning Board include developing and recommending policies, ordinances, development regulations, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner;

**WHEREAS**, Section 3.5.1. of the Town Code makes clear that a zoning ordinance text amendment may be initiated by motion of the Board of Commissioners, by motion of the Planning Board, or by application by any person within the zoning jurisdiction of the Town;

**WHEREAS**, Planning staff requested the Planning Board initiate the amendments necessary to construct a County EMS Station at 105 W. Seachase Drive at their September 2023 meeting;

**WHEREAS**, the requested amendment is consistent with the 2022 Comprehensive Land Use Plan;

**ARTICLE II. Construction.**

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

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

PART I. That **Section 9.36 – Table of Uses and Activities for the SPD-C District**, be amended as follows:

| Use Category/Class | Use Type                                                                                                             | C1       | C2 | I | Hotel | SF-DET | SF-ATT | MF | TH | REC | Supp Reg |
|--------------------|----------------------------------------------------------------------------------------------------------------------|----------|----|---|-------|--------|--------|----|----|-----|----------|
| Institutional      | Municipal building, including fire station, police station, and administrative office, <u>and County EMS Station</u> | <u>P</u> |    | P |       |        |        |    |    |     |          |

PART II. That **Section 9.28.8.2 Table of Development Standards, Minimum Front Yard**, be amended as follows:

**9.21.8.2. Minimum Front Yard.** 75 feet from the main complex or the easternmost portion thereof from US 158. Properties that are not affiliated with the community shopping center shall follow the 45-foot front yard setback provided in Section 9.17, Transportation Standards.

PART III. That **Section 10.16, Table 10:2, Required Parking by Use**, be amended as follows:

| Use Category/Class   | Use Type                                               | Required Parking                                                                                                                     |
|----------------------|--------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|
| <u>Institutional</u> | <u>Emergency Services Facility (Police, Fire, EMS)</u> | <u>1 parking space per employee on duty and 1 parking space per 200 square feet of training facility and customer service areas.</u> |

PART IV. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.  
This ordinance shall be in full force and effect from and after the \_\_\_\_ day of \_\_\_\_ 2024.

\_\_\_\_\_  
Benjamin Cahoon, Mayor

ATTEST:

\_\_\_\_\_  
Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Town Attorney

Date adopted: \_\_\_\_\_

Motion to adopt by Commissioner \_\_\_\_\_

Motion seconded by Commissioner \_\_\_\_\_

Vote: \_\_\_\_\_ AYES \_\_\_\_\_ NAYS



## **BOC ACTIONS SEPTEMBER 4, 2024**

1. Call to order - Mayor Cahoon called the meeting to order at 9 a.m. and recognized former Mayor Bob Muller in the audience.
2. Agenda – The Board approved the Sep 4<sup>th</sup> agenda as presented.
3. Recognition - Fire Engineer Brandon Stallings and Sanitation Equipment Operator II John McDowell were recognized by the Board for five years of service. Tax Collector Linda Bittner was recognized by the Board for ten years of service.
4. Presentation - Outer Banks Visitors Bureau Executive Director, Lee Nettles, introduced the *Outer Banks Promise* initiative and Community Engagement Manager, Jeff Schwartzberg. Mr. Schwartzberg presented a short video on the *Outer Banks Promise* initiative which encourages people to preserve the natural environment and cultural heritage of the Outer Banks by signing an online pledge.
5. Proclamation - Public Information Officer, Roberta Thuman, presented a *CCEDS Challenge at the Coast* powerpoint, prepared by Coastal Community Environmental Data Scholars (CCEDS) made up of ECU PHD candidates in partnership with the Town, CSI, and NSF. The emphasis is on encouraging water quality protection. The Board approved the proclamation proclaiming Sep 16-20, 2024, as Septic Smart Week.
6. Proclamation - Police Chief Perry Hale summarized upcoming National Night Out activities scheduled for Oct 1<sup>st</sup> at Dowdy Park. He is looking forward to this year's event and appreciates the Board's support and participation. The Board approved the proclamation in support of Oct 1<sup>st</sup> as National Night Out as presented.
7. Proclamation – The Board approved the proclamation proclaiming Diaper Need Awareness Week as Sep 23–29, 2024 as presented.
8. Public Comment  
Steve House, Dare County Comr. and president of the Outer Banks Jeep Invasion organization; he thanked the Town and the Town's Police Dept as well as the Dare County Tourism Board for supporting Jeep Invasion events and he is looking forward to this year's event at the Soundside Event Site - Sep 20 – 22, 2024.  
  
Aida Havel, Salvo; she is running for Dare Co Comr; she spoke of the Buxton beach environmental disaster which is now over one year old; she suggested those interested to view two online videos from the Buxton Civic Association; she asked for the Board's continued support for resolution of this issue; she noted the workforce housing issue later on today's agenda and she is looking for creative solutions.
9. Consent agenda – The Consent Agenda was approved as presented and consisted of the following:
  - Budget Amendment #3 to FY 24/25 Budget
  - Tax Adjustment Reports - FY 24/25 Report (New Year and Year-to-date)
  - Approval of minutes
  - Policy for neighborhoods to request traffic calming devices, presented at the Aug 7<sup>th</sup> Board meeting
  - Request for Public Hearing - to consider map amendment to rezone vacant property from C-3 to C-2
10. Public Hearing - to consider text amendments to the UDO as it pertains to the use of multi-family dwelling development - Town Manager Garman provided a series of slides detailing the background of the

multi-family dwelling process. Robin Morgan, David Shufflebarger, Peter Pinto, Valerie Netsch, David Thompson, David Elder, Bob Muller, Duke Geraghty, Haley Morgan; Katie Wilkins, Megan Vaughan, and Molly Harrison spoke concerning the multi-family issue. The Board tabled consideration of the ordinance and scheduled a workshop for Sep 18<sup>th</sup> at 9 am with action tabled until the Oct 2<sup>nd</sup> Board meeting. The motion to table passed 4 – 1 with Mayor Cahoon casting the NO vote.

**11.** Public Hearing - to consider a text amendment to the UDO 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. Bob Muller spoke in support of the amendment. The Board adopted the ordinance as presented.

**12.** Public Hearing - to consider amendments to the UDO as it pertains to dormitory use in the SED-80, Special Environmental District – The Board adopted the ordinance as presented.

**13.** Update from Planning Director - Planning Director Kelly Wyatt summarized her monthly report.

**14.** Traffic Study - Results of the Board-requested Vanasse Hangen Brustlin, Inc. (VHB) traffic study at the intersection of Lakeside St and Hwy 158 were discussed. Mayor Cahoon suggested putting all options forward to locate the necessary funds for the signal which would not take place until 2026 at the earliest.

**15.** Committee Reports

Comr. Brinkley – Jennette's Pier update - the June and July visitation numbers exceeded last year's numbers and the expectations of pier management; it has been a busy summer with week-long camps and fishing programs; Wind turbines are to be inspected by an engineer but there is no timeline yet for that to occur.

Comr. Brinkley - Septic Loan – Staff is to prepare septic loan repayment extension for Board consideration.

**16.** Resolution – The Board passed a motion to adopt the resolution in support of Area of Environmental Control (AEC) protections for Jockey's Ridge State Park as presented.

**17.** Town Manager Garman - Town Engineer David Ryan provided an update on the construction of the Public Services Facility.

**18.** Comr. Brinkley - Comr. Brinkley noted that there are two weeks to the Multi-Family Workshop (on Sep 18<sup>th</sup>) and he encouraged staff to actively promote the workshop.

**19.** Comr. Brinkley - Comr. Brinkley spoke of the Nags Head Lifesaving Station Marker that Ralph Buxton brought forward in his presentation at last month's Board meeting. It was Board consensus to concur with the marker and Comr. Brinkley said that he would work with Mr. Buxton on finding the location.

**20.** Comr. Sanders - Comr. Sanders spoke of a recent water leak at his restaurant that staff found via the new AMI Smart Meter software - he was able to fix and repair the leak before major damage was done.

**21.** Mayor Cahoon - Mayor Cahoon recognized Town Manager Andy Garman for ten years of service, noting that he also worked for the Town from 2000 to 2005.

**22.** Closed Session – The Board entered Closed Session to confer with the attorney re: attorney/client privilege and to discuss possible acquisition of property at 4222 S Croatan Hwy. The time was 12:14 pm.

**23.** Open Session - The Board re-entered Open Session at 12:30 p.m.

**24.** Adjournment – The Board recessed to a mid-month Multi-Family Ordinance Workshop on Wednesday, Sep 18<sup>th</sup> at 9 am in the Board Room. The time was 12:31 p.m.



# MEMORANDUM

## Town of Nags Head

### Planning & Development Department

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To: Planning Board

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

Date: September 13, 2024

Subject: Discussion of parking standards for hotel use and restaurant uses within the Town.

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#### **UPDATED STAFF REPORT FOR PLANNING BOARDS SEPTEMBER 17, 2024 MEETING**

At the August meeting, Planning staff presented the Planning Board with a brief analysis of current and previous parking standards for both hotels and restaurants. Staff noted that while potential amendments to hotel parking standards may be relatively straightforward, addressing restaurant parking is more complex due to additional factors such as outdoor dining and entertainment areas, which are not currently contemplated in our standard, and likely should be. Several Board members expressed interest in understanding whether neighboring localities had encountered any issues with their parking standards or if they found them adequate.

While we are still awaiting a response from Kill Devil Hills, I did hear back from Rob Testerman, the Planning Director of Kitty Hawk. He indicated that there have been no concerns or complaints suggesting their hotel parking standards are inadequate. He also noted that only two hotels have been constructed under their current standards—the Hilton and the Holiday Inn Express.

Planning staff will be available for further discussion. If the Planning Board comes to a consensus on any amendments to the hotel parking standard, staff will bring those back to the Planning Board in October as an action item.

The staff report and Attachment A from the August 20<sup>th</sup> meeting are included below as information.

#### **STAFF REPORT FROM PLANNING BOARDS AUGUST 20, 2024 MEETING**

##### **BACKGROUND**

At their August 7, 2024 meeting, the Board of Commissioners requested that staff review the Town's existing parking standards for hotel use and restaurant use to determine if they are adequate and reflective of the town's current needs. A brief analysis is provided below for your consideration and to help facilitate discussion.

##### **Hotel Parking Review**

The current standard for hotel parking is provided below and was applied to the recently approved 87-room hotel, Inn at Whalebone.

|                        |        |                                                                                                                                                                                                                                                                                                                                                                                        |
|------------------------|--------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Residential<br>- Group | Hotels | One parking space for each hotel unit without kitchen facilities; <a href="#">1.2</a> parking spaces for each unit with kitchen facilities; plus one parking space for every 100 square feet of conference or assembly area. For other accessory uses such as restaurants or retail, parking requirements shall be calculated at 75% of the standard for each permitted accessory use. |
|------------------------|--------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

The hotel parking standard found in Town Code Supplement 47, dated January 16, 2019, and prior to the adoption of the Unified Development Ordinance (UDO) is provided below.

|       |                                                                                                                               |
|-------|-------------------------------------------------------------------------------------------------------------------------------|
| Hotel | 1.2 parking spaces for each hotel unit or hotel efficiency unit to be rented, plus one parking space for each four employees. |
|-------|-------------------------------------------------------------------------------------------------------------------------------|

This parking standard would have resulted in a minimum of 105 parking spaces to accommodate the 87 hotel units proposed with Inn at Whalebone. This does not account for required employee parking.

The hotel parking standard found in Town Code Supplement 5, dated August 1989 is provided below.

|                                                       |                                                                                                                                                                              |
|-------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Hotel, tourist home, motel, rooming or boarding house | 1.2 parking spaces for each unit to be rented or one (1) parking space per bedroom, whichever is greater, plus one (1) parking space for each employee on the largest shift. |
|-------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

In addition, Attachment A included in the packet is a breakdown of how other coastal communities in North Carolina regulate hotel parking.

## Restaurant Parking Review

The current standards for restaurant parking are provided below. Definitions and the Supplemental Regulations associated with these uses are provided for your consideration as well.

|              |                           |                                                                                                                                                                                                                                                                                        |
|--------------|---------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Food Service | Restaurant - Drive In     | One parking space per 55 square feet of customer service area or a minimum of 20 parking spaces, whichever is greater, plus required parking spaces for any other use including, but not limited to drive-through restaurant.                                                          |
| Food Service | Restaurant - Neighborhood | One parking space for every 55 square feet of indoor customer service area. In addition, a neighborhood restaurant may have on-site outdoor customer service area in an amount up to 50% of the indoor customer service area which will be exempt from restaurant parking requirement. |
| Food Service | Restaurant - Sit Down     | One parking space for every 55 square feet of indoor customer service area.                                                                                                                                                                                                            |
| Food Service | Restaurant - Take Out     | One parking space for every 200 square feet of customer waiting and retail area plus 1 parking space for each employee, but no less                                                                                                                                                    |

|  |  |                                 |
|--|--|---------------------------------|
|  |  | than 2 employee parking spaces. |
|--|--|---------------------------------|

### Current Definitions

***Restaurant*** means an establishment engaged in the service of food and/or beverages to patrons seated inside a building. A restaurant site may contain more than one principal restaurant building, or one principal restaurant building in combination with another principal drive-in restaurant, drive-through restaurant, or takeout restaurant building.

***Restaurant, drive-in*** means an establishment whose principal business is the serving of prepared food, desserts and/or beverages to a customer, either within a motor vehicle parked upon the premises or at other facilities on the premises outside the restaurant building.

***Restaurant, drive-through*** means an establishment where drive lane facilities are provided for the serving of prepared food, frozen desserts or beverages directly to a customer in a motor vehicle by a means which eliminates the need for the customer to exit the motor vehicle.

***Restaurant, neighborhood*** means a restaurant situated and designed to serve a small client base fronting on NC 12 comprised of less than 1,000 square feet of indoor customer service area.

***Restaurant, sit-down*** means an establishment that sells food and beverages in a ready-to-consume state primarily to persons who are seated within the building or outside on the premises.

***Restaurant, takeout*** means an establishment engaged in the preparation of food and/or beverages which are delivered or picked up and consumed by patrons off-premises.

***Customer service area*** means the area within a restaurant or restaurant drive-in, open to the general public and designated for the purchase and/or consumption of food, drink, or other similar items. Customer service area shall include indoor and/or outdoor seating areas, indoor and/or outdoor lounge and bar areas, decks, porches, and patios but shall not include stairs, stair landings, handicapped ramps, restrooms, kitchen and food preparation areas, private offices, loading areas, hallways, exit access and exit discharge areas, and any other areas not open to the general public. Customer service area shall not include outdoor seating areas, or outdoor decks, porches or patios where such areas are not designated for the purchase of food, drink, or similar items and instead are used primarily as waiting areas for customers who are waiting to be seated in indoor customer service areas. Additionally, customer service area shall not include any outdoor areas used by the customers of restaurants located in shopping centers.

### Supplemental Standards for Restaurant Uses

#### Section 7.28 - Restaurant, Drive-In.

Restaurant, drive-in, is permitted in accordance with [Section 6.6](#), Table of Uses and Activities, subject to other requirements of this UDO and provided that the following conditions are met:

- 7.28.1. In addition to the buffering requirements of [Section 10.93](#), Landscaping, Buffering, and Vegetation Preservation, the site shall be buffered from all adjacent properties utilizing a 10-foot wide Commercial Transitional Protective Yard as prescribed in [Section 10.93](#).

#### Section 7.29 - Reserved.

Editor's note— Ord. No. [24-03-004](#), Art. III, Pt. II, adopted March 6, 2024, deleted §§ 7.29—7.29.2, which pertained to drive-through restaurants.

### Section 7.30 - Restaurant, Neighborhood.

Restaurant, neighborhood, is permitted in accordance with [Section 6.6](#), Table of Uses and Activities, subject to other requirements of this UDO and provided that the following conditions are met:

- 7.30.1. To be classified as a neighborhood restaurant, the indoor customer service area shall be less than 1,000 square feet.
  - 7.30.2. An on-site outdoor customer service area in an amount up to 50% of the indoor customer service area is also permitted.
  - 7.30.3. A restaurant site may contain more than one principal restaurant building, or one principal restaurant building in combination with another principal drive-in restaurant, or takeout restaurant building.
  - 7.30.4. Uses qualifying as a restaurant shall meet the following criteria:
    - 7.30.4.1. A food preparation area that is at least twenty (20) percent of the gross building square footage of the principal building. The square footage of food preparation area located in an on-site accessory restaurant use building or a second on-site drive-in, drive-through, or takeout restaurant may be applied when calculating this minimum 20% requirement. But when calculated together (principal and accessory or second principal buildings), in no event shall the food preparation area of the principal building be permitted to be less than ten (10) percent of the principal building gross square footage; and
    - 7.30.4.2. At least seventy-five (75) percent of all customer seats shall be designated for full-service, full-menu dining; and
    - 7.30.4.3. No more than fifteen (15) percent of the total building square footage shall be devoted to accessory entertainment uses including but not limited to, dance floor, lounges, bars, stages, live performance, and disc jockey areas. Accessory entertainment uses referenced in this section shall be permitted in a restaurant establishment provided these uses are clearly subordinated in area, extent, hours of operation, and purpose to areas designated for food and/or beverage preparation, service, and consumption.
- (Ord. No. [20-05-005](#), Art. III, Pt. X, 5-6-2020; Ord. No. [24-03-004](#), Art. III, Pt. III, 3-6-2024)

### Section 7.31 - Restaurant, Sit Down.

Restaurant, sit down, is permitted in accordance with [Section 6.6](#), Table of Uses and Activities, subject to other requirements of this UDO and provided that the following conditions are met:

- 7.31.1. A restaurant site may contain more than one principal restaurant building, or one principal restaurant building in combination with another principal drive-in restaurant, or takeout restaurant building.
- 7.31.2. Uses qualifying as a restaurant shall meet the following criteria:
  - 7.31.2.1. A food preparation area that is at least twenty (20) percent of the gross building square footage of the principal building. The square footage of food preparation area located in an on-site accessory restaurant use building or a second on-site drive-in, drive-through, or takeout restaurant may be applied when calculating this minimum 20% requirement. But when calculated together (principal and accessory or second principal buildings), in no event shall the food preparation area of the principal building be permitted to be less than ten (10) percent of the principal building gross square footage; and,
  - 7.31.2.2. At least seventy-five (75) percent of all customer seats designated for full-service, full-menu dining; and,
  - 7.31.2.3. No more than fifteen (15) percent of the total building square footage devoted to accessory entertainment uses including but not limited to dance floor, lounges, bars, stages, live performance, and disc jockey areas. Accessory entertainment uses referenced in this section shall be permitted in a restaurant

establishment provided these uses are clearly subordinated in area, extent, hours of operation, and purpose to areas designated for food and/or beverage preparation, service, and consumption.

The restaurant parking standard found in Town Code Supplement 47, dated January 16, 2019, and prior to the adoption of the Unified Development Ordinance (UDO) is provided below. Definitions of these terms are provided below as well, note that in 2019 the regulations governing these uses were incorporated into the definitions and not as separate supplemental regulations.

|                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                   |
|------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Restaurant                                           | One parking space per 55 square feet of indoor customer service area.                                                                                                                                                                                                                                                                                                                                             |
| Restaurant (sites with multiple principal buildings) | Parking spaces for each principal restaurant use building shall be as provided for in this section. Shared parking among proposed principal use buildings may be permitted if: (1) there is fully integrated on-site parking and traffic flow; and (2) the principal use buildings have staggered or different business hours. Any overlapping of business hours shall preclude the shared use of parking spaces. |
| Restaurant, drive-in                                 | One parking space per 55 square feet of customer service area or a minimum of 20 parking spaces, whichever is greater, plus required parking spaces for any other use including, but not limited to drive-through restaurant.                                                                                                                                                                                     |
| Restaurant, drive-through                            | A minimum of ten additional parking spaces, plus required parking spaces for any other use including, but not limited to, restaurant customer area or drive-in restaurant.                                                                                                                                                                                                                                        |
| Restaurant, neighborhood                             | Parking: One parking space for every 55 square feet of indoor customer service area. In addition, a neighborhood restaurant may have on-site outdoor customer service area in an amount up to 50 percent of the indoor customer service area which will be exempt from restaurant parking requirement.                                                                                                            |
| Restaurant, takeout                                  | One parking space for every 200 square feet of customer waiting and retail area plus one parking space for each employee, but no less than two employee parking spaces.                                                                                                                                                                                                                                           |

The relevant definitions for restaurant uses, including "customer service area", are the same in the 2019 Zoning Ordinance as in the current Unified Development Ordinance with the exception that the percentages of food preparation area, full-service seating, and entertainment associated with restaurants are included in the definition and not within separate supplemental regulations.

The restaurant parking standard found in Town Code Supplement 5, dated August 1989 is provided below.

|                                          |                                                                                                                                                                                                                                                                                              |
|------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Restaurant, Café, or Public Eating Place | One (1) parking space per 55 square feet of customer area to include seating area, lounge and bar areas, decks, porches, and patios, but excluding stairs, stair landings, handicapped ramps, restrooms, kitchen and food preparation areas, and other areas not open to the general public. |
|------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                      |                                                                                                           |
|----------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|
| Drive-in Restaurant, refreshment stand, carry-out food establishment | Thirty (30) parking spaces in addition to the requirements for a restaurant, café or public eating place. |
|----------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|

In 1989 there was no definition for “customer area”.

The restaurant parking standard found in Town Code Supplement 2, dated September 1980 is provided below.

|                                                                      |                                                                                                                           |
|----------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|
| Restaurant, Café, or Public Eating Place                             | One (1) parking space for every three (3) customer seats, plus one additional parking space for each three (3) employees. |
| Drive-in Restaurant, refreshment stand, carry-out food establishment | Thirty (30) parking spaces in addition to the requirements for a restaurant, café or public eating place.                 |

In addition, Attachment B included in the packet is a breakdown of how other coastal communities in North Carolina regulate restaurant parking.

### **STAFF REVIEW**

While both hotel and restaurant parking are discussion items at this time, staff would submit that we can likely come to consensus on what, if any, amendments are needed to the UDO to address hotel use parking much more quickly than we can that off restaurant use parking.

There are several aspects of restaurant parking that require more detailed review and discussion, these include but are not limited to:

- The current parking standard has been applied to sit down restaurants for well over 10 years, any changes to the standard could result in site nonconformities for existing restaurants.
- Regulating restaurant parking by customer service area can become problematic if that area changes unbeknownst to staff. If a restaurant changes hands, the new tenant may wish to increase the amount of customer service area, thus making the existing parking count inadequate. In this scenario, a parking standard based upon gross floor may be more appropriate. What are the pros and cons of regulating based upon gross floor area? Kill Devil Hills, Sunset Beach, Carolina Beach, Oak Island, and Atlantic Beach regulate restaurant parking based upon gross floor area. Southern Shores and Duck regulates restaurant parking based upon customer seats. Wrightsville Beach regulates restaurant parking based upon the maximum occupancy allowed (Attachment B).
- The existing definition of “customer service area” states that it is the area designated for the purchase and/or consumption of food, drink, or other similar items. The definition further goes on to exclude outdoor seating areas not designated for the purchase of food, drink, or similar items and instead are used primarily as waiting areas for customers who are waiting to be seated in indoor customer service areas. Staff submits that these outdoor areas, while initially were primarily used for waiting, gradually transition into areas which may very well need to be included in a parking standard (drinks served while waiting, in some instances appetizers being provided while “waiting”, etc.).

- Should we address outdoor entertainment areas associated with restaurants in the parking requirements? Should we address outdoor entertainment areas generally?
- Should we include a parking requirement for employees/staff? Note that the Town of Duck, Southern Shores, and Wrightsville Beach regulate employee parking (Attachment B).

Staff will be available at the Planning Board's August 20, 2024 meeting for further discussion.

## Hotel Parking Standards from Coastal NC Towns

| <b>Town</b>      | <b>Type of Establishment</b>                                                            | <b>Parking Requirement</b>                                                                       |
|------------------|-----------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|
| Kill Devil Hills | Hotel and motel                                                                         | 1.2 parking spaces per unit, plus 1 space per employee                                           |
|                  | Hotel/motel with restaurant                                                             | 1.2 spaces per unit, plus 1 space per employee, plus 1 space per 200 sq. ft. of gross floor area |
|                  | Hotel/motel with retail, office, meetings                                               | 1.2 spaces per unit, plus 1 space per employee, plus 1 space per 200 sq. ft. for secondary uses  |
|                  | Hotel/motel event gardens                                                               | 1 space per 3 persons the garden is designed to accommodate                                      |
| Kitty Hawk       | (Residential Uses) Hotels, tourist homes, motels, motor courts, rooming/boarding houses | 1.5 spaces per rented room, plus 1 additional space per 3 employees                              |
|                  | Hotel and motel                                                                         | 1.15 spaces per rental room                                                                      |
|                  | Hotel with restaurant in hotel structure                                                | 1 space per 3 restaurant seats for 50% of seating capacity                                       |
|                  | Hotel with restaurant in separate building                                              | 1 space per 3 restaurant seats                                                                   |
|                  | Hotel with retail space in hotel structure                                              | 1 space per 350 sq. ft. of leasable retail space (less 500 sq. ft.) with a minimum of 1 space    |
|                  | Hotel with retail space in separate building                                            | 1 space per 350 sq. ft. of enclosed leasable retail space                                        |
|                  | Hotel with a lounge in hotel structure                                                  | 1 space per 3 lounge seats for 50% of seating capacity                                           |
|                  | Hotel with lounge providing live entertainment                                          | 1 space per 3 lounge seats                                                                       |
|                  | Hotel with lounge in separate building                                                  | 1 space per 3 lounge seats                                                                       |
|                  | Hotel with meeting rooms in hotel structure                                             | 1 space per 3 meeting room seats for 50% of seating capacity                                     |
| Southern Shores  | Hotel, motel                                                                            | 1.5 spaces per rented room, plus 1 space per employee                                            |
| Duck             | Hotel, tourist home, motel, motor court, rooming/boarding house                         | 1.5 spaces per rented room, plus 1 space per 3 employees                                         |
|                  | Hotel resort with ancillary uses                                                        | 1 space per rented room, plus 1 space per 3 employees                                            |

|                    |                                                                          |                                                                                                                               |
|--------------------|--------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|
|                    | Retail, conference center, spa, office, events pavilion (ancillary uses) | 1 space per 200 sq. ft. of gross floor area x 0.75                                                                            |
|                    | Eating establishment (ancillary use)                                     | 1 space per 3 indoor customer seats, plus 1 space per 150 sq. ft. of outdoor dining area, plus 1 space per 3 employees x 0.75 |
| Sunset Beach       | Hotel or motel                                                           | 1 space per sleeping room, plus 1 space per 4 seats in meeting or assembly rooms                                              |
| Wrightsville Beach | Motels, hotels                                                           | 1 space per rented room, 1.5 spaces per 2-room suite, 2 spaces per suite above 2 rooms, plus 1 space per 2 employees          |
| Carolina Beach     | Hotel/motel (not condominiums)                                           | 1 space per sleeping room, plus 1 space per 4 seats in meeting/assembly rooms; 25% parking reduction if 50+ spaces required   |
| Emerald Isle       | Hotels and inns                                                          | 1 space per rental room, plus 1 space per 3 employees on largest shift                                                        |
| Oak Island         | Lodging                                                                  | 1 space per room, plus 1 space per employee                                                                                   |
| Atlantic Beach     | Visitor accommodations, major                                            | 1 space per room, plus 1 space per employee, plus spaces for associated uses                                                  |
|                    | Visitor accommodations, minor                                            | 1 space per room, plus 1 space per employee                                                                                   |



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## MEMORANDUM

### Town of Nags Head

### Planning & Development Department

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To: Board of Commissioners  
Planning Board

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

Date: August 28, 2024

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

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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 September 4<sup>th</sup>, 2024.

#### Monthly Activity Report

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

#### Planning Board - Pending Applications and Discussions

The Planning Board's most recent meeting was held on Tuesday, August 20, 2024. The following items were heard:

- 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 Tackel. The Planning Board voted unanimously to recommend approval of the map amendment request as presented. This item is on the Board of Commissioners September 4<sup>th</sup> Consent Agenda requesting Public Hearing to be held on October 2<sup>nd</sup>, 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 voted 5 to 1 to recommend adoption of the Multi-Family Working Group's draft ordinance with several revisions. The Public Hearing for this item is scheduled for the Board of Commissioners September 4<sup>th</sup>, 2024 meeting.
  - Discussion of minimum required parking standards for hotel use and restaurant use within the Town. Staff will provide the Planning Board with additional requested information at their September 17<sup>th</sup> meeting.
  - Discussion and update on potential Accessory Dwelling Unit (ADU) ordinance and existing conditions within the town. Planning Board members emphasized the importance of hearing from Nags Head citizens, including both supporters of ADUs and those with concerns, before drafting new language. Staff requested that Planning Board members share any groups, organizations, or individuals who should be personally invited to an upcoming meeting. In addition to receiving public comments at their September 17<sup>th</sup> meeting, an evening session has been scheduled for Wednesday, September 18<sup>th</sup>, from 6:00 – 7:00 p.m. in the Board Room for residents unable to attend during work hours. This opportunity for public input has been and will continue to be widely advertised through various channels to encourage community participation.

The Planning Board's next meeting is scheduled for Tuesday, September 17<sup>th</sup>, 2024. Currently, the agenda is expected to include consideration of a Special Use/Site Plan review for construction of a duplex for the purpose of Town of Nags Head lifeguard housing at 425 W. Health Center Drive, continued discussion on parking standards for hotel and restaurant uses, and continued discussion with community engagement regarding Accessory Dwelling Units (ADU's).

### **Board of Adjustment – Recent and Pending Applications**

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

### **Additional Updates**

- **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** – Following the Board of Commissioners' allocation of \$400,000 for the FY 24-25 Sand Relocation and Dune Management Cost Share Program, staff is currently reviewing and updating educational materials and the sand relocation application. The application period is expected to open on November 1, 2024, for review purposes only. In preparation, staff will host an educational presentation and Q&A session in mid-October for equipment operators, property owners, and other interested parties interested in participating in this season's program.

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- **Public Beach and Coastal Waterfront Access Grant Program** – Staff has submitted the final application for the improvements at the June Street Beach Access and anticipates receiving notification regarding the grant award by late September or early October.
  - **Dowdy Park Events/Farmers Market/Holiday Markets/Art & Culture** – As summer winds down, so have some of our events. The Dowdy Park Farmers Markets have concluded for the season. The rescheduled evening market was a great success, with strong attendance and positive feedback from vendors on their sales. Family Fun Nights have also wrapped up, and Kids Night was a huge hit. Special thanks to the Nags Head Police and Fire Departments for their participation.

The Summer Concert Series has ended as well, with Event Coordinator Paige Griffin noting that concert attendance significantly increased this season. There was a growing sense of excitement and community, with many familiar faces returning for each event.

While Fitness Fridays have concluded, Tuesday morning Yoga sessions will continue through October 22nd.

Movies in the Park will run over the next several months. The next movie night is scheduled for September 6th, featuring *Twister* starting around 8 p.m. Additional movie nights are planned for October 4th and November 1st.

Event Coordinator Paige Griffin is currently finalizing the Holiday Market application process. Keep an eye on our website and social media for details!



### Upcoming Meetings and Other Dates

- Tuesday, September 3<sup>rd</sup> - Technical Review Committee Meeting
- Wednesday, September 4<sup>th</sup> - Board of Commissioners Meeting
- Thursday, September 11<sup>th</sup> – Committee for Art and Culture Meeting
- Thursday, September 12<sup>th</sup> – Board of Adjustment Meeting (no hearings scheduled)
- Thursday, September 12<sup>th</sup> – CRS Users Group Meeting
- Tuesday, September 17<sup>th</sup> – Planning Board Meeting
- Wednesday, September 18<sup>th</sup> – Board of Commissioners mid-month meeting
- Dowdy Park Movie Night, Friday, September 6<sup>th</sup> at 8pm – TWISTER

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

DATE SUBMITTED: August 7, 2024

|                                              | Jul-24             | Jul-23             | Jun-24             | 2024-2025 FISCAL<br>YTD | 2023-2024 FISCAL<br>YTD | FISCAL YEAR<br>INCREASE/<br>DECREASE |
|----------------------------------------------|--------------------|--------------------|--------------------|-------------------------|-------------------------|--------------------------------------|
| <b>BUILDING PERMITS ISSUED - RESIDENTIAL</b> |                    |                    |                    |                         |                         |                                      |
| New Single Family                            | 3                  | 0                  | 0                  | 3                       | 0                       | 3                                    |
| New Single Family, 3000 sf or >              | 1                  | 0                  | 1                  | 1                       | 0                       | 1                                    |
| Duplex - New                                 | 0                  | 0                  | 0                  | 0                       | 0                       | 0                                    |
| Sub Total - New Residential                  | 4                  | 0                  | 1                  | 4                       | 0                       | 4                                    |
| Miscellaneous (Total)                        | 21                 | 31                 | 31                 | 21                      | 31                      | (10)                                 |
| <i>Accessory Structure</i>                   | 3                  | 2                  | 3                  | 3                       | 2                       | 1                                    |
| <i>Addition</i>                              | 0                  | 1                  | 3                  | 0                       | 1                       | (1)                                  |
| <i>Demolition</i>                            | 0                  | 0                  | 1                  | 0                       | 0                       | 0                                    |
| <i>Move</i>                                  | 0                  | 0                  | 0                  | 0                       | 0                       | 0                                    |
| <i>Remodel</i>                               | 5                  | 7                  | 7                  | 5                       | 7                       | (2)                                  |
| <i>Repair</i>                                | 13                 | 21                 | 17                 | 13                      | 21                      | (8)                                  |
| <b>Total Residential</b>                     | <b>25</b>          | <b>31</b>          | <b>32</b>          | <b>25</b>               | <b>31</b>               | <b>(6)</b>                           |
| <b>BUILDING PERMITS ISSUED - COMMERCIAL</b>  |                    |                    |                    |                         |                         |                                      |
| 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                       | 0                       | 0                                    |
| Subtotal - New Commercial                    | 0                  | 0                  | 0                  | 0                       | 0                       | 0                                    |
| Miscellaneous (Total)                        | 7                  | 4                  | 2                  | 7                       | 4                       | 3                                    |
| <i>Accessory Structure</i>                   | 1                  | 2                  | 1                  | 1                       | 2                       | (1)                                  |
| <i>Addition</i>                              | 0                  | 0                  | 0                  | 0                       | 0                       | 0                                    |
| <i>Demolition</i>                            | 0                  | 0                  | 0                  | 0                       | 0                       | 0                                    |
| <i>Move</i>                                  | 0                  | 0                  | 0                  | 0                       | 0                       | 0                                    |
| <i>Remodel</i>                               | 1                  | 2                  | 0                  | 1                       | 2                       | (1)                                  |
| <i>Repair</i>                                | 5                  | 0                  | 1                  | 5                       | 0                       | 5                                    |
| <b>Total Commercial</b>                      | <b>7</b>           | <b>4</b>           | <b>2</b>           | <b>7</b>                | <b>4</b>                | <b>3</b>                             |
| <b>Grand Total</b>                           | <b>32</b>          | <b>35</b>          | <b>34</b>          | <b>32</b>               | <b>35</b>               | <b>(3)</b>                           |
| <b>SUB-CONTRACTOR PERMITS</b>                |                    |                    |                    |                         |                         |                                      |
| Electrical                                   | 61                 | 61                 | 67                 | 61                      | 61                      | 0                                    |
| Gas                                          | 2                  | 4                  | 2                  | 2                       | 4                       | (2)                                  |
| Mechanical                                   | 45                 | 44                 | 55                 | 45                      | 44                      | 1                                    |
| Plumbing                                     | 2                  | 10                 | 7                  | 2                       | 10                      | (8)                                  |
| Fire Sprinkler                               | 0                  | 0                  | 1                  | 0                       | 0                       | 0                                    |
| <b>VALUE</b>                                 |                    |                    |                    |                         |                         |                                      |
| New Single Family                            | \$1,634,157        | \$0                | \$0                | \$1,634,157             | \$0                     | \$1,634,157                          |
| New Single Family, 3000 sf or >              | \$1,000,000        | \$0                | \$975,000          | \$1,000,000             | \$0                     | \$1,000,000                          |
| Duplex - New                                 | \$0                | \$0                | \$0                | \$0                     | \$0                     | \$0                                  |
| Misc (Total Residential)                     | \$791,232          | \$1,010,866        | \$2,253,969        | \$791,232               | \$1,010,866             | (\$219,634)                          |
| <b>Sub Total Residential</b>                 | <b>\$3,425,389</b> | <b>\$1,010,866</b> | <b>\$3,228,969</b> | <b>\$3,425,389</b>      | <b>\$1,010,866</b>      | <b>\$2,414,523</b>                   |
| 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                     | \$0                     | \$0                                  |
| Misc (Total Commercial)                      | \$196,537          | \$180,200          | \$139,303          | \$196,537               | \$180,200               | \$16,337                             |
| <b>Sub Total Commercial</b>                  | <b>\$196,537</b>   | <b>\$180,200</b>   | <b>\$139,303</b>   | <b>\$196,537</b>        | <b>\$180,200</b>        | <b>\$16,337</b>                      |
| <b>Grand Total</b>                           | <b>\$3,621,926</b> | <b>\$1,191,066</b> | <b>\$3,368,272</b> | <b>\$3,621,926</b>      | <b>\$1,191,066</b>      | <b>\$2,430,860</b>                   |

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|                                       | Jul-24 | Jul-23 | Jun-24 | 2024-2025 FISCAL<br>YTD | 2023-2024 FISCAL<br>YTD | FISCAL YEAR<br>INCREASE/<br>DECREASE |
|---------------------------------------|--------|--------|--------|-------------------------|-------------------------|--------------------------------------|
| <b>ZONING</b>                         |        |        |        |                         |                         |                                      |
| Zoning Permits                        | 35     | 44     | 38     | 35                      | 44                      | (9)                                  |
| Soil & Erosion                        | 5      | N/A    | 4      | 5                       | N/A                     | N/A                                  |
| Stormwater Plans                      | 1      | N/A    | 4      | 1                       | N/A                     | N/A                                  |
| <b>CAMA</b>                           |        |        |        |                         |                         |                                      |
| CAMA LPO Permits                      | 1      | 1      | 3      | 1                       | 1                       | 0                                    |
| CAMA LPO Exemptions                   | 1      | 3      | 4      | 1                       | 3                       | 0                                    |
| Sand Relocations                      |        |        |        |                         |                         | N/A                                  |
| <b>CODE COMPLIANCE</b>                |        |        |        |                         |                         |                                      |
| Cases Investigated                    | 42     | 28     | 44     | 42                      | 28                      | 14                                   |
| Warnings                              | 2      | 2      | 3      | 2                       | 2                       | 0                                    |
| NOVs Issued                           | 40     | 26     | 41     | 40                      | 26                      | 14                                   |
| Civil Citations (#)                   | 0      | 0      | 0      | 0                       | 0                       | 0                                    |
| Civil Citations (\$)                  | \$0    | \$0    | \$0    | \$0                     | \$0                     | \$0                                  |
| <b>SEPTIC HEALTH</b>                  |        |        |        |                         |                         |                                      |
| Tanks inspected                       | 8      | 17     | 10     | 8                       | 17                      | (9)                                  |
| Tanks pumped                          | 6      | 9      | 9      | 6                       | 9                       | (3)                                  |
| Water quality sites tested            | 46     | 20     | 36     | 46                      | 20                      | 26                                   |
| Personnel Hours in<br>Training/School | 39     | 25     | 34     | 3                       | 25                      | (22)                                 |

  
 Kelly Wyatt, Planning Director