



DRAFT AGENDA

**Town of Nags Head Planning Board
Nags Head Municipal Complex Board Room
Tuesday, October 15th, 2024; 9:00 a.m.**

- A. Call To Order
- B. Approval Of Agenda
- C. Public Comment/Audience Response
- D. Approval Of Minutes
 - September 17th, 2024 Planning Board Meeting
 - September 18th, 2025 Public Input Session - ADUs

Documents:

[SEPTEMBER 17 2024 DRAFT MINUTES.PDF](#)
[SEPTEMBER 18 2024 ADU PUBLIC INPUT DRAFT MINUTES.PDF](#)

- E. Action Items

- 1. Consideration Of A Sketch Plan Review
 - for construction of a 6,760 square foot Dare County EMS Station located at 105 W. Seachase Drive.
- 2. Consideration Of Text Amendment
 - related to the minimum parking standard for the hotel use.

Documents:

[HOTEL PARKING AMENDMENT FOR PB REVIEW.PDF](#)

- F. Report On Board Of Commissioners Actions
 - October 2nd, 2024

Documents:

[OCT 2 2024 BOC ACTIONS KW HIGHLIGHTS.PDF](#)

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

1. Discussion Of Hotel Overlay District
2. Continued Discussion
related to Accessory Dwelling Units (ADUs).
3. Planning & Development Directors Report
September 26th, 2024

Documents:

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

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

**Town of Nags Head
Planning Board
September 17th, 2024
- DRAFT -**

The Planning Board of the Town of Nags Head met on Tuesday, September 17th, 2024, in the Board Room at the Nags Head Municipal Complex.

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

Members Present

Megan Vaughan, Meade Gwinn, Molly Harrison, David Thompson

Members Absent

Gary Ferguson, Kristi Wright

Others Present

Kelly Wyatt, Joe Costello, Andy Garman, Lily Nieberding

Approval of Agenda

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

Public Comment/Audience Response

None

Approval of Minutes

Chair Vaughan asked for a motion to approve the minutes of the August 20th, 2024, meeting. Meade Gwinn moved to approve the minutes as corrected; David E seconded, and the motion passed unanimously.

Discussion and Community Engagement Session on potential allowance of Accessory Dwelling Units (ADUs) within the town.

Planning Director Kelly Wyatt explained that the Planning Department had previously researched and presented a draft ADU ordinance to the Board of Commissioners in September 2019, though it was not adopted, it's been a topic of discussion since that time.

To advance discussions on a potential ADU ordinance, staff presented this item to the Board of Commissioners at their July meeting, highlighting the similarities and interconnections between ADUs, partial home short-term rentals, and duplexes. This same presentation was also shared with the Planning Board at their July meeting.

In order to better understand the potential impact of an ADU ordinance, staff believes it is critical to openly discuss and clarify what is currently allowed within the town, the definitions and regulations governing these uses, and the overlap between these uses. Ensuring regulatory consistency is key.

At their August meeting, the Planning Board emphasized the importance of community awareness and engagement on this issue. As a result, two public input sessions were scheduled... today's morning session and a second session tomorrow evening to accommodate those unable to attend the morning meeting.

Staff will begin each session with a brief informational presentation, followed by an open forum to hear feedback from attendees.

Ms. Wyatt proceeded to present slides highlighting what the Town currently allows and doesn't allow, definitions of different terms including "Boarding House" and other pertinent information including Pros and Cons. Ms. Wyatt emphasized that many of the existing partial-home short-term rentals within the town share similar characteristics and functions with accessory dwelling units. Both provide additional living spaces that can be rented as separate, independent units, with comparable operational features. Ms. Wyatt also noted that additionally, many of these existing partial-home short-term rentals, along with attached ADUs, if permitted, would resemble duplexes in terms of structure and use.

Ms. Wyatt stated that Deputy Planning Director Joe Costello had put together a survey to help get the discussion going. Ms. Wyatt encouraged anyone who was interested to take the survey.

Dave Carroll, Nags Head resident, spoke in favor of allowing ADUs stating that it is a good but not the only solution for the long-term housing crisis. Mr. Carroll is on the Northeast Workforce Development Committee and believes that lack of housing is a national issue. Mr. Carroll understands wanting to protect the character of Nags Head but encourages the Town on anything "we can do in our community" to help address the issue.

Action Items

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.

Ms. Wyatt presented a revised site plan to the Board and explained that Michael Strader of Quible & Associates, PC & Chis Nason of Beacon Architecture, working on behalf of the Town of Nags Head, had submitted a Special Use Permit/Site Plan Review for the purpose to construct 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. The property is located at 425 W. Health Center Drive. The existing land use is Medical Offices - Community Care Clinic, and Ms. Wyatt noted that Lynn Jenkins, the Executive Director of the Community Clinic was in attendance at today's meeting.

Ms. Wyatt noted that the property is zoned SED-80, Special Environmental District and there will be some additional discussion related to the environmental impacts to the property. All the surrounding properties are also in the SED-80 District. The 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.

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.

Ms. Wyatt proceeded to review the 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.* Ms. Wyatt noted that 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.* Ms. Wyatt noted that 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.* Ms. Wyatt noted that 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.* Ms. Wyatt noted that 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.* Ms. Wyatt noted that as proposed, this two-story dormitory/duplex would house no more than 16 occupants at any time.

- Lot Coverage within the SED-80 lot coverage is less than it is in other districts. The 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.

Ms. Wyatt explained that 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%.

The increase in lot coverage beyond the current allowable limit constitutes a site nonconformity. According to 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.

Staff 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.

- 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.
- 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. Staff have requested that the architect incorporate a few other elements such as workable shutters and column trim.
- 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. Ms. Wyatt did reach out to Ms. Jenkins to get some feedback on approximate number of employees at the highest shift.

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.

Ms. Wyatt noted that the UDO 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. 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.

- 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. Ms. Wyatt noted that there will be some land disturbance due to the fact that they will be removing the existing helio pad.
- 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.

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, Staff would bring the request to the Planning Board and Board of Commissioners for approval.

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

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

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.

The project will be required to comply with all applicable NC Fire Prevention Code requirements as part of building permit application review and issuance. Ms. Wyatt noted that because this will be a Duplex, the plan is to sprinkler protect the structure.

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

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.

Based upon their review, Staff recommends approval of the Special Use Permit/Site Plan Review as submitted conditioned upon the proposed lot coverage not exceeding 28.6% and Dare County Health approval.

Lyn Jenkins, Executive Director of the Community Clinic of Dare spoke briefly and expressed some concern about parking. She stated that the clinic offers full medical, full dental, a pharmacy and hosts two night clinics a month. There are times when they have over 15 people there, plus Staff and Volunteers and have sometimes had to have overflow parking on helipad.

Ms. Wyatt confirmed for Ms. Jenkins that the property might be vacant during wintertime, however there is a provision that states that if there was a community need it might be available for someone (a teacher, someone from CSI, etc.) but would need approval from the Town Manager. Ms. Wyatt confirmed that at no point would the occupancy exceed 16.

Ms. Wyatt also confirmed that Code Enforcement Officer Ed Snyder went by the property several times at different times of the morning and evening and on any given day there were 13 to 15 parking spots vacant, more so in the afternoon and evening than in the daytime.

Mr. Elder noted that some Ocean Rescue staff might decide to bike or carpool if they are going to the same place. Ms. Wyatt acknowledged but believes that they should still have enough parking but would encourage Ms. Jenkins to reach out to the Town if there were any issues.

David Elder moved to recommend approval of the proposed Special Use Permit/Site Plan Review. David Thompson seconded, and the motion passed unanimously.

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.

Ms. Wyatt explained that 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.

Ms. Wyatt explained that 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." Ms. Wyatt reviewed these for the Board.

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

Ms. Wyatt reviewed the policy considerations noting that the Land Use Plan encourages land uses that serve the needs of both year-round and seasonal residents in support of the town's overall vision for the community. Planning Staff finds the proposal to be consistent with the 2022 Comprehensive Land Use Plan and recommend adoption of the amendment as presented.

Ms. Wyatt confirmed for Mr. Gwinn that the Town of Nags Head owns the former BB&T Building, it is currently used as the fitness center; the quilt shop is owned by a private owner.

The Board briefly discussed vehicular access for the ambulances and how it will work with the existing traffic light at Seachase and the Fire Department.

David Elder moved to recommend approval of the proposed amendments. David Thompson seconded, and the motion passed unanimously

Report on Board of Commissioners Actions – September 4th, 2024

Ms. Wyatt gave an update on the Board of Commissioner Actions, of note: On the consent agenda was a request for Public Hearing to consider the rezoning of the parcel behind TW's from C-3 to C-2. A Public Hearing was held 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. Several members of the public spoke concerning the multi-family issue. The Board tabled consideration of the ordinance and scheduled a workshop for Sep 18th at 9 am with action tabled until the Oct 2nd Board meeting. A Public Hearing was held to consider a text amendment submitted 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; the Board adopted the ordinance as presented. A Public Hearing was held to consider amendments to the UDO as it pertains to dormitory use in the SED-80; the Board adopted the ordinance as presented. The Board discussed the results of the Board-requested 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. The Board discussed the Septic Loan Program and is looking into approving a repayment extension from three to five years. The Mayor recognized Town Manager Andy Garman for 10 years of service.

Town Updates

None

Discussion Items

Discussion and Possible Amendment of minimum required parking standards for hotel use and restaurant use.

Ms. Wyatt noted that 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 Staff is still awaiting a response from Kill Devil Hills, Ms. Wyatt did hear back from the Town of Kitty Hawk. Their Planning Director 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.

Ms. Wyatt noted that the previous Hotel parking standard that the Town had prior to the UDO was 1.2 spaces for each hotel unit plus 1 parking space for every four employees. Ms. Wyatt gave as an example, the Inn at Whalebone stating that if that standard had been applied it would have gone from 87 spaces to 105. The standard in Kill Devil Hills is 1.2 spaces for each hotel unit plus one for

each employee. Kitty Hawk requires 1.5 spaces per rented room plus one additional per three employees.

Chair Vaughan and Mr. Thompson noted that the Kitty Hawk Hilton has a lot of conference space noting that is the only time you see the parking lot fill up is if they have all three rooms being used.

Ms. Wyatt confirmed for Mr. Gwinn that the parking standard was reduced from 1.2 to one space per unit around the time of the UDO but she was unsure why that reduction had occurred.

Ms. Wyatt confirmed for Mr. Thompson that in all towns the parking is based on units and not bedrooms. However, she noted that the old Town standard did address bedrooms and allocated more for employee parking.

Mr. Elder noted that some people use hotel parking to access the beach accesses near the hotels, Mr. Elder also expressed concern about hotels that have restaurants or other amenities. Ms. Wyatt confirmed that for any accessory uses to a hotel would have additional parking requirements.

After some further discussion the Board agreed that they were in favor of the older standard of 1.2 parking spaces for each unit to be rented, or one space per bedroom whichever is greater plus one parking space for each two employees on the largest shift.

Ms. Wyatt will put what the Board discussed with regards to hotel parking into ordinance form for their next meeting to facilitate further discussion noting that restaurant parking will be a longer discussion.

August 28th, 2024, Director's Report

Ms. Wyatt discussed her Director's Report with the Board which included an update on the Electric Vehicle Chargers at Town Hall, Sand Relocation/Sand Grant - \$400K was allocated by the BOC for the FY 24-25 program; the Town was awarded a grant to renovate June Street Beach access; and an update on Dowdy Park which continues to grow – concerts and summer markets are done for the season but fitness classes are still going strong and the holiday markets are ramping up.

Planning Board Members' Agenda

None

Planning Board Chairman's Agenda

Chair Vaughan reminded everyone about tomorrow night's ADU workshop and encouraged everyone to attend.

Adjournment

A motion to adjourn was made by David Elder. The time was 11:20 AM.

Respectfully submitted,
Lily Campos Nieberding

**Town of Nags Head
Planning Board
September 18th, 2024
- DRAFT -**

The Planning Board of the Town of Nags Head held a Public Input Session on Accessory Dwelling Units on Wednesday, September 18th, 2024, in the Board Room at the Nags Head Municipal Complex.

Chair Vaughan opened the workshop at 6:00 p.m. Chair Vaughan welcomed everyone and encouraged them to take the survey to facilitate the discussion.

Members Present

Megan Vaughan, Meade Gwinn, David Elder, Molly Harrison, David Thompson, Gary Ferguson

Members Absent

Kristi Wright

Others Present

Kelly Wyatt, Joe Costello, Andy Garman, Mayor Ben Cahoon, Chris Trembly, Lily Nieberding

Presentation

Planning Director Kelly Wyatt presented an overview of the topic including a brief history of ADUs, proposed regulations, and what had been presented to the Planning Board and Board of Commissioners. Ms. Wyatt noted that the Planning Board really wanted community awareness and engagement on this issue.

Ms. Wyatt proceeded to present slides highlighting what the Town currently allows and doesn't allow, definitions of similar terms including "Boarding House" and the difference between Accessory Structures and ADUs. Ms. Wyatt emphasized that many of the existing partial-home short-term rentals within the town share similar characteristics and functions with accessory dwelling units. Both provide additional living spaces that can be rented as separate, independent units, with comparable operational features. Ms. Wyatt noted that additionally, many of these existing partial-home short-term rentals, along with attached ADUs, if permitted, would resemble duplexes in terms of structure and use. Ms. Wyatt then discussed the Pros and Cons of allowing ADUs.

Deputy Planning Director Joe Costello then led the audience through the public input survey, discussed real-time results and encouraged public comment.

The following persons spoke concerning this issue:

Webb Fuller, Nags Head Resident – Doesn't think that the Town really needs to do anything, but if they do, they need to keep it simple; we are making things more complex than we have to. Don't need detached ADUs, don't want increased density (houses), don't add more houses in environmentally protected areas, consider impact on infrastructure.

Susan Lee, Nags Head Resident – Concerns about safety, too many cars, traffic and parking issues, concerned about septic impact, stormwater, how would regulations be enforced? Whatever is allowed she wants it to be respectful for the people that are already here.

Winborne Evans – Born and raised in Nags Head, was drawn to Nags Head because it wasn't over developed. Look at the dwellings that exist instead of adding more. Looking at possibly limiting STRs. Wants to preserve the integrity and heart of the town.

Shelly Gates, Nags Head resident – She has a partial home STR, helps pay her bills; this area is no longer an affordable place to live. The definitions need to be cleared up; she was grateful for the Town having an evening workshop, look at what is good for the entire community, doesn't understand why there is a distinction between STRs and long-term rentals.

Steven Smith, real estate agent on the beach, spoke against deed restrictions, a lot of smaller homes that used to be for long term residents were sold and turned into STRs; deed restrictions limit buyers' ability to increase wealth.

Brooke Burr, Nags Head property owner, rents her home for a few months out of the year. Need to focus on what the goal is, believes workforce housing should be the focus; also regulations need to be better enforced.

Louisa Farr, Nags Head resident, hard for young people to find housing and make a living; she doesn't understand why there is such a distinction and limitations between a STR and long-term housing.

Kim Ansell, Nags Head resident - believes in property owner rights, let property owners decide whether to rent long term or short term.

Bethany McKenny – Nags Head resident – She and her husband have a partial STR in their home; they also use it for extended family members and friends needing temporary housing. They rely on the income from the STR to help pay their bills.

Tim Koch, Nags Head Resident - believes in property owner rights, agrees in relaxing rules when it comes to long-term rentals; before the town looks at more development let's look at what is already available, allowing partial home (long-term) rentals might alleviate some of the problem.

Lauren Nelson – Nags Head resident – ADUs are an essential need for the community that should be considered as possible workforce housing.

Dave Siler – Nags Head property owner – lives in Richmond, STRs his entire house, we need to control density which has increased over the years, if you allow additional structure on a lot you are increasing density.

Jodie Futch – Nags Head resident - has had a partial STR for the last four years; there is a saturation of STRs so has seen diminished rentals, after listening to others' comments she now agrees with allowing long-term partial home rentals.

Mark Dunlevy – Nags Head Resident – Agrees that we need more housing for workforce; asked if Town decides to allow ADUs what happens if they conflict with neighborhood covenants? Staff confirmed for him that the Town does not enforce HOA covenants.

Ms. Wyatt confirmed that for the Town, 30 day is the maximum for a short-term rental and it's part of the definition in the town ordinance. However, the Town defines long-term rental as anything over 90 days.

Paula Houck, Nags Head resident – Concerned for Public Safety, septic contamination of water, etc. Absentee owners create issues by not maintaining the integrity of their properties and because they don't live in Town, they don't see the impact of parking and trash issues.

Ms. Wyatt reminded everyone that ADUs can be attached or detached and noted that there are a lot of properties that could support an attached ADU. However, she confirmed that staff has not done an analysis of how many lots could accommodate a detached ADU, but it would be dependent on lot coverage; most lots have already maximized their lot coverage, so she doubts that it's an incredibly high number; Ms. Wyatt stated that they were not looking at changing lot coverage requirements.

It was suggested that maybe they should be looked at separately, for example, allow attached ADUs but not allow detached ones.

Chair Vaughan thanked everyone for coming to the session and encouraged continued input.

The Public Input Session concluded at 7:30 PM.

Respectfully submitted,
Lily Campos Nieberding



MEMORANDUM

Town of Nags Head

Planning & Development Department

To: Planning Board

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

Date: October 11, 2024

Subject: Consideration of a text amendment for Hotel parking standards within the Town.

At their meeting on September 17, 2024, the Planning Board continued deliberations on amending the town's minimum required parking standards for hotels. Noting that some hotel rooms/units include multiple beds, which may result in guests arriving in more than one vehicle, the Planning Board suggested that any revised parking standard should consider both the number of units and additional bedrooms.

The Planning Board members reached a consensus that the parking standard used by the Town in the late 1980s and through the 1990s was likely the most appropriate: 1.2 parking spaces per rentable unit, or one (1) parking space per bedroom—whichever is greater—plus one (1) parking space for every two (2) employees on the largest shift. This standard would accommodate the extra parking needs for hotels offering multi-bedroom options, such as family suites, executive suites, and extended-stay rooms.

To illustrate, had this standard been applied to the recently approved 87-unit hotel, Inn at Whalebone, the required parking would have been 108 spaces.

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

POLICY CONSIDERATIONS

LU-23, Require sufficient parking for commercial businesses with parking area design regulations that limit impacts on neighbors and surrounding land uses.

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.

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.

Staff will be available for further discussion on this topic at the Planning Board's October 15, 2024 meeting.

(DRAFT)
**AN ORDINANCE AMENDING THE TOWN CODE AND UNIFIED DEVELOPMENT ORDINANCE OF
 THE TOWN OF NAGS HEAD, NORTH CAROLINA AS IT PERTAINS TO PARKING
 REQUIREMENTS FOR HOTEL USES WITHIN THE TOWN.**

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, at their August 7, 2024, meeting the Nags Head Board of Commissioners requested that staff review the Town’s existing parking standards for hotel use and determine if they are adequate and reflective of the town’s current needs.

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 10.16, Required Parking by Use**, shall be amended as follows:

Table 10-2: Required Parking by Use		
Use Category/Class	Use Type	Required Parking
Residential-Group	Hotels	One parking space for each hotel unit without kitchen facilities; 1.2 spaces for each unit with kitchen facilities <u>or one (1) parking space per bedroom, whichever is greater, plus one (1) parking space for every two employees on the largest shift;</u> plus, one parking space for every 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.

PART II. 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



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

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 20th 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 - Group	Hotels	One parking space for each hotel unit without kitchen facilities; 1.2 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.
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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.
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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.
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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.
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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.
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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.
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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

Town	Type of Establishment	Parking Requirement
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



BOC ACTIONS
WEDNESDAY, OCTOBER 2, 2024

1. Call to order - Mayor Cahoon called the meeting to order at 9 a.m. He announced a moment of silence to think of fellow North Carolinians that are in crisis mode and to send them good thoughts and support as able.
2. Agenda – The Board adopted the Oct 2nd agenda as presented.
3. Recognition

Public Services Director Carawan introduced new employees Facilities Maintenance Technician John Stewart and Sanitation Equipment Operator Steve Farrow who were welcomed by the Board to Town employment.

Town Mgr Garman introduced Fire Chief Randy Wells who was recognized by the Board for five years of svc.

4. Proclamation – The Board adopted the Proclamation concerning the upcoming Fire Prevention Week, scheduled for Oct 6 – 12, 2024. The theme is *Smoke Alarms – Make Them Work For You*. Everyone was invited to the Open House scheduled for Oct 10th at 5 pm at the Douglas Remaley Fire Station #16.
5. Comr. Brinkley Resignation - Attorney Leidy explained that the process changed since his first discussion with Comr. Brinkley concerning Comr. Brinkley's move out of Town. Attorney Leidy's recent discussion with the State Board of Elections indicated that when someone moves to another municipality or election district with the intention of remaining, that person shall be considered to have lost their place of residence in the prior municipality.

Comr. Brinkley stated that this was not how he saw his term playing out but knew that this was best for his family to take advantage of this opportunity. Mayor Cahoon, with great sadness, accepted Comr. Brinkley's resignation. Comr. Brinkley left the Board meeting after a brief recess.

6. Public Comment - David Elder, Nags Head resident and Planning Board member; he spoke concerning the multi-family ordinance stating that the process was difficult to follow; it was difficult for him to let people in his area know how it was moving forward as it wasn't clearly moving and information wasn't accessible; he doesn't feel that there is any reason to not split the ordinance and have the Small Multi-family move forward and the Large Multi-family to be considered at a later time.

7. Consent Agenda - The Consent Agenda was approved as presented and consisted of the following:
Budget Amendment #4 to FY 24/25 Budget
Tax Adjustment Report
Approval of minutes
Seventh amendment to Verizon lease of Town Hall monopole
Great Trails State Program Grant application for multi-use path engineering
Resolution authorizing execution of NC-DEQ grant contract for the June St Beach Access

Consideration of Capital Project Fund ordinance amendments:

- Amendment #5 to Capital Project Fund (General) for Public Services Complex
- Amendment #3 to Capital Project Fund (Water) for AMI and Public Services Complex

Modification to Rules of Procedure re: time allotted for speakers

Resolution accepting NC-DEQ Local Assistance for Stormwater Infrastructure Investments (LASII) funding offer; Authorization for Town Manager to execute contract with McAdams

Request for Public Hearing – for Special Use/Site Plan Review for construction of a 2-story, 8-BR dormitory
Request for Public Hearing – for various amendments to the UDO within SPD-C, Village for new use EMS Stn

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

Mayor Pro Tem Siers was recused from this item as he had a conflict of interest. The Board adopted the ordinance amending the zoning map for Lot 2a-1r of the Charles Sineath Subdivision from C-3 Commercial Services to C-2 General Commercial as presented which includes various findings and a consistency statement.

9. Planning Director - Planning Director Kelly Wyatt summarized her monthly Planning Dept report which was well received.

10. From Sep 4th Board meeting – Multi-Family Dwelling Ordinance - Town Manager Andy Garman explained that the Board of Commissioners conducted a public hearing on the draft multi-family ordinance at its Sep 4th meeting. Based on extensive public comments received at the public hearing, the Board of Commissioners scheduled a workshop which was held on Sep 18th. The Board unanimously adopted the multi-family ordinance as presented - to include the required findings.

11. Committee Reports

Mayor Cahoon – He and Town Manager Garman attended a NCLM legislative business session in Rocky Mount – Mayor Cahoon is hopeful that some of the issues brought forward, such as getting houses off the beach, will be included for possible legislation consideration.

Mayor Pro Tem Siers – Dare County Housing Task Force – some great sessions have taken place; He anticipates a public announcement to be made soon by the Housing Task Force Chair, Donna Creef.

Comr. Lambert – Government Access Channel Committee – Public Information Officer Roberta Thuman attended the recent meeting with Comr. Lambert; more updates to follow in the coming months re: the Film Festival; she reported on the Board of Education Forum recently held and the upcoming Dare County Board Forum sponsored by the League of Women Voters.

Former Comr. Brinkley's committees - Mayor Cahoon noted that Comr. Brinkley represented the Town on the Septic Health Advisory Committee and the Jennette's Pier Advisory Committee. He stated that Comr. Lambert had shown interest in the Septic Health Advisory Committee. The Board appointed Comr. Lambert to replace Comr. Brinkley as Board representative on the Town's Septic Health Advisory Committee.

Personnel Grievance Panel – The Board reappointed Tina Adderholdt to another 3-year term on the Personnel Grievance Panel, pending her acceptance.

Board of Adjustment – The Board reappointed Alice Coffey to another 3-year term on the Board of Adjustment, pending her acceptance.

12. Estuarine Shoreline Management Project Areas 1 and 2 Engineering and Design – The Board passed motions to:

- Adopt the resolution authorizing Town Manager Garman to execute the contract with NC-DEQ for the Estuarine Shoreline Management Project grant as presented,
- Authorize the Town Manager to enter into a contract with McAdams for ESMP areas 1 and 2 at the Nags Head Woods Preserve & Villa Dunes Drive and W Soundside Road, as presented,
- Approve the associated budget amendment for the \$40,000 local portion of the grant as presented.

13. Fire Truck purchase – The Board passed a motion to authorize the Town Manager to enter into a contract with Atlantic Emergency Solutions for the Pierce Custom Pumper fire truck purchase as presented.

14. Application to NC-DEQ Division of Water Infrastructure for Septic Health Project Grant; Consideration of revised Septic Health Loan Policy – The Board passed motions to:

- Adopt the resolution authorizing application to NC-DEQ for the Septic Health Project grant as presented,
- Approve the extension of the loan payment time to up to five (5) years as provided for in the updated Septic Health Loan Policy.

15. Stormwater Master Plan process/public engagement – The Board passed a motion to authorize the Town Manager to execute the planning proposal with McAdams in the amount of \$208,000 as presented to begin the Stormwater Master Plan process.

16. Town Manager Garman – Engineer David Ryan introduced Beth Sciaudone and Ayse Karanci of Moffat & Nichol who provided a summary of the Annual Beach Condition Survey results – The Board passed motions to:

- Approve the additional fall beach condition survey and to authorize Town Manager execution of the change orders for McKim & Creed and Moffat & Nichol as presented.
- Approve Capital Project Ordinance #12 to transfer funds for the surveying and monitoring line item as presented.

17. Town Manager Garman - Town Engineer David Ryan provided an update on the Public Services Facility construction. Staff is currently operating out of the new fleet bays and servicing the Town fleet; Solar Panels are now online; the former Public Works office building was recently demolished.

18. Town Manager Garman – The Board approved the Statewide Mutual Aid Agreement for 2023 as presented.

19. Mayor Cahoon – Upcoming election - Mayor Cahoon spoke of the resolution the Board adopted a couple of years ago entitled: *A Resolution Showing Appreciation And Support For Dare County Elections Staff And Precinct Workers*. He cited from the resolution: "... the Dare County Board of Elections ensures that these elections are free, fair, accurate, convenient and accessible to all voters in Dare County ...".

20. Mayor Cahoon – Vacant BOC seat - Mayor Cahoon reported that between now and the Nov 6th Board meeting a process will be determined on filling the Board of Commissioners seat now vacant due to Comr. Brinkley's resignation earlier in today's meeting. Information will be provided on the process at the Nov 6th Board meeting.

21. Adjournment - The Board recessed to the Board Retreat on Friday, Oct 18th at 8:30 am at the Public Services Dept. The time was 11:30 a.m.



MEMORANDUM

Town of Nags Head

Planning & Development Department

To: Board of Commissioners
Planning Board

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

Date: September 26, 2024

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

This memo provides an overview of selected Planning and Development Department activities, projects, and initiatives. If requested, Staff will be prepared to discuss any of this information in detail at the Board of Commissioners meeting on October 2nd, 2024.

Monthly Activity Report

Attached for the Board's review is the *Planning and Development Monthly Report for August 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 September:

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

Planning Board - Pending Applications and Discussions

The Planning Board's most recent meeting was held on Tuesday, September 17, 2024. The following items were heard:

- 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 (duplex). The property is zoned SED-80, Special Environmental District and is located at 425 W. Health Center Drive. The Planning Board voted unanimously to recommend approval of the SUP/Site Plan Review as presented. This item is on the Board of Commissioners October 2nd Consent Agenda requesting Public Hearing to be held on November 6th, 2024.
- Consideration of text amendments within the SPD-C, Village at Nags Head Commercial-1 Zoning designation to accommodate future construction of a Dare County EMS Station. The Planning Board voted unanimously to recommend adoption of the proposed amendments as

presented. This item is on the Board of Commissioners October 2nd Consent Agenda requesting Public Hearing to be held on November 6th, 2024.

- Continued discussion of minimum required parking standards for hotel uses and restaurant uses. Based upon discussion staff will present a draft ordinance to the Planning Board at their October 15th meeting outlining a hotel parking standard of 1.2 parking spaces for each unit to be rented or one (1) parking space per bed, whichever is greater, plus one (1) parking space for every two employees on the largest shift. Staff will continue to discuss minimum required parking standards for restaurant uses with the Planning Board in the coming months.
- The Planning Board held two public input sessions, one at their regularly scheduled meeting on Tuesday, September 17th at 9am, the second on Wednesday, September 18th at 6pm. Between these two community engagement sessions the Planning Board received comments from approximately 16 individuals. The majority of attendees were generally supportive of ADU's if items such as parking, noise, and sanitation were properly addressed. Many felt as though attached ADU's (within the existing footprint of the home), were more acceptable than detached ADU's, especially with concerns of increased lot coverage, stormwater runoff, and density. There was support expressed for allowing both long-term and short-term rental of ADU's should they be permitted. Some individuals expressed a concern with having any type of ADU, attached or detached, on the west side of US 158.

The Planning Board's next meeting is scheduled for Tuesday, October 15th, 2024. Currently, the agenda is expected to include consideration of a Site Plan Review submitted by SRE Mustang, LLC and Timmons Group, on behalf of Outlets Nags Head for construction of a 2,400 square foot restaurant, consideration of Sketch Plan Review for construction of a 6,760 square foot EMS Station located at 105 W. Seachase Drive, continued discussion of parking standards for hotel and restaurant uses, and continued discussion related Accessory Dwelling Units (ADU's).

Board of Adjustment – Recent and Pending Applications

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

Additional Updates

- **DWMP/Septic Health Advisory Committee** – The Septic Health Advisory Committee is scheduled to meet on Monday, October 21st, 2024. The Planning Department is hosting an intern, Ella Trainor, a rising Junior at UNC-Chapel Hill through the Outer Banks Field Site at CSI, over the next few weeks. Ella's project while here is working along side Environmental Planner, Conner Twiddy and Deputy Planning Director, Joe Costello to geolocate existing conventional septic systems and drain fields and uploading data to create an interactive map of the towns septic infrastructure. We anticipate having Ella attend the upcoming SHAC meeting.
- **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. The town has received an initial scope from Biohabitats in anticipation of the receiving and executing the grant contract. 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 project along the causeway.

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- **Electric Vehicle Action Plan** – The two Level II EV Chargers have been installed and are available for use. We have submitted the reimbursement package and will be scheduling the final inspection from DEQ.
 - **Sand Relocation and Dune Management Cost Share Program** – Staff are preparing for the upcoming Sand Relocation season which will begin on November 15th, 2024. We will begin accepting applications for sand relocation on November 1st for review purposes only. An educational presentation and Q&A session will be provided on Tuesday, October 15th for all equipment operators, property owners, and other interested parties wishing to participate in the sand relocation and dune management cost share program this year.
 - **Public Beach and Coastal Waterfront Access Grant Program** – The town was awarded \$207,669 through the NC Public Beach and Waterfront Access Program for improvements to the June Street Beach Access. Once the contract has been fully executed, we will put out a Request for Qualifications (RFQ). (Attachment E-6, Consent Agenda)
 - **Dowdy Park Events/Farmers Market/Holiday Markets/Art & Culture** – The following events are coming up in October:
 - Free yoga sessions will continue through October, every Tuesday at 7:30am at Dowdy Park.
 - Friday Night Movie on October 4th, beginning around 6:45pm. This movie is being shown in partnership with Outer Banks Health – *The Goonies*.
 - Holiday Market application will be available online Wednesday, October 16th from 8am – 10am. After 10am the application will no longer be accessible. Market Rules have been updated regarding the required percentage of handmade or handcrafted items and the radius for vendors producing handcrafts, original artwork and perishables. You will also need to provide your NC sales tax number as part of the application process. For more information, please visit the Dowdy Park Events Facebook page.
 - Event Coordinator, Paige Griffin is collaborating with Nags Head Elementary School to host a Young Entrepreneur Market in conjunction with the Great Pumpkin Fair, held on Friday October 18th, 4pm – 7pm.

Upcoming Meetings and Other Dates

- Tuesday, October 1st - Technical Review Committee Meeting
- Wednesday, October 2nd - Board of Commissioners Meeting
- Wednesday, October 9th – Committee for Art and Culture Meeting
- Thursday, October 10th – Board of Adjustment Meeting (no hearings scheduled)
- Tuesday, October 15th – Planning Board Meeting
- Tuesday, October 15th – Sand Relocation and Dune Management Contractor Meeting
- Wednesday, October 16th – Board of Commissioners mid-month meeting
- Monday, October 21st – Septic Health Advisory Committee Meeting
- Dowdy Park Movie Night, Friday, October 4th at 6:45pm – The Goonies

Brought to you by - NHES pumpkin fair & the Town of Nags Head

PLEASE JOIN US FOR THE

YOUNG ENTREPRENEUR FALL MARKET



AT DOWDY PARK
3005 S. CROATAN HWY AT BONNETT ST.

**FRIDAY
18TH OF OCTOBER
4 TO 7PM**

**HANDMADE ITEMS
ART • JEWELLERY • POTTERY**

YOUNG VENDORS REGISTER NOW:



JOIN THIS ANNUAL EVENT AS WE CELEBRATE OVER FOOD, GAMES, AND FALL FESTIVITIES.

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

DATE SUBMITTED: September 7, 2024

	Aug-24	Aug-23	Jul-24	2024-2025 FISCAL YTD	2023-2024 FISCAL YTD	FISCAL YEAR INCREASE/ DECREASE
BUILDING PERMITS ISSUED - RESIDENTIAL						
New Single Family	1	1	3	4	1	3
New Single Family, 3000 sf or >	2	0	1	3	0	3
Duplex - New	0	0	0	0	0	0
Sub Total - New Residential	3	1	4	7	1	6
Miscellaneous (Total)	32	24	21	53	55	(2)
<i>Accessory Structure</i>	4	3	3	7	5	2
<i>Addition</i>	2	3	0	2	4	(2)
<i>Demolition</i>	0	0	0	0	0	0
<i>Move</i>	0	0	0	0	0	0
<i>Remodel</i>	7	4	5	12	11	1
<i>Repair</i>	19	14	13	32	35	(3)
Total Residential	35	25	25	60	56	4
BUILDING PERMITS ISSUED - COMMERCIAL						
Multi-Family - New	0	0	0	0	0	0
Motel/Hotel - New	0	0	0	0	0	0
Business/Govt/Other - New	0	0	0	0	0	0
Subtotal - New Commercial	0	0	0	0	0	0
Miscellaneous (Total)	3	6	7	10	10	0
<i>Accessory Structure</i>	1	3	1	2	5	(3)
<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>	2	3	1	3	5	(2)
<i>Repair</i>	0	0	5	5	0	5
Total Commercial	3	6	7	10	10	0
Grand Total	38	31	32	70	66	4
SUB-CONTRACTOR PERMITS						
Electrical	54	52	61	115	113	2
Gas	2	5	2	4	9	(5)
Mechanical	36	37	45	81	81	0
Plumbing	12	10	2	14	20	(6)
Fire Sprinkler	0	1	0	0	1	(1)
VALUE						
New Single Family	\$400,000	\$535,000	\$1,634,157	\$2,034,157	\$535,000	\$1,499,157
New Single Family, 3000 sf or >	\$1,998,000	\$0	\$1,000,000	\$2,998,000	\$0	\$2,998,000
Duplex - New	\$0	\$0	\$0	\$0	\$0	\$0
Misc (Total Residential)	\$1,013,209	\$841,275	\$791,232	\$1,804,441	\$1,852,141	(\$47,700)
Sub Total Residential	\$3,411,209	\$1,376,275	\$3,425,389	\$6,836,598	\$2,387,141	\$4,449,457
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)	\$47,211	\$380,420	\$196,537	\$243,748	\$560,620	(\$316,872)
Sub Total Commercial	\$47,211	\$380,420	\$196,537	\$243,748	\$560,620	(\$316,872)
Grand Total	\$3,458,420	\$1,756,695	\$3,621,926	\$7,080,346	\$2,947,761	\$4,132,585

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

DATE SUBMITTED: September 7, 2024

	Aug-24	Aug-23	Jul-24	2024-2025 FISCAL YTD	2023-2024 FISCAL YTD	FISCAL YEAR INCREASE/DECREASE
ZONING						
Zoning Permits	42	32	35	77	76	1
Soil & Erosion	3	0	5	8	0	N/A
Stormwater Plans	3	3	1	4	3	N/A
CAMA						
CAMA LPO Permits	0	3	1	1	4	(3)
CAMA LPO Exemptions	5	0	1	6	3	0
Sand Relocations						N/A
CODE COMPLIANCE						
Cases Investigated	31	31	42	73	59	14
Warnings	3	2	2	5	4	1
NOVs Issued	27	29	40	67	55	12
Civil Citations (#)	0	0	0	0	0	0
Civil Citations (\$)	\$0	\$0	\$0	\$0	\$0	\$0
SEPTIC HEALTH						
Tanks inspected	7	15	8	15	32	(17)
Tanks pumped	8	7	6	14	16	(2)
Water quality sites tested	21	32	46	67	52	15
Personnel Hours in Training/School	18	39	39	57	64	(7)



Kelly Wyatt, Planning Director