



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. 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.

Documents:

[EMS STATION SKETCH PLAN REVIEW FOR PB.PDF](#)

- 2. Consideration Of Text Amendment
related to the minimum parking standard for the hotel use.

Documents:

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

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

Documents:

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

- F. Town Updates - As Requested

- G. Discussion Items

- 1. Discussion Of Hotel Overlay District

Documents:

[HOTEL OVERLAY DISCUSSION FOR PB.PDF](#)

2. Continued Discussion
related to Accessory Dwelling Units (ADUs).

Documents:

[ADU DISCUSSION MEMO 10.15.24 PB REV.PDF](#)

3. Planning & Development Directors Report
September 26th, 2024

Documents:

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

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



MEMORANDUM

Town of Nags Head

Planning & Development Department

To: Planning Board

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

Date: October 10, 2024

Subject: Sketch Plan Review, Dare County EMS Station # 5, 105 W. Seachase Drive

Please find attached a Sketch Plan Review application submitted by Oakley Collier Architects on behalf of Dare County for the construction of a 6,760 square foot Emergency Management Services (EMS) Station. This property is zoned SPD-C, Village at Nags Head Commercial-1. The Nags Head Board of Commissioners will hold a Public Hearing at their November 6, 2024 meeting to review a text amendment which, if adopted, would allow the use of "County EMS Station" as a permitted use within the SPD-C, Village Commercial-1 zoning designation.

Section 4.3 of the Unified Development Ordinance (UDO), Pre-Application Meeting and Sketch Plan makes sketch plan review mandatory for new development with a total habitable building area greater than 5,000 square feet.

As noted in Section 10.84.1 of the Unified Development Ordinance, "The purpose of the sketch plan is to review projects at a conceptual level for consistency with the requirements of the commercial design standards and the UDO in general. This review should be done at the early stages of project development in order to allow for meaningful input and substantive changes to the design, if necessary. Documentation is not required to be as complete as the formal review. However, it should include rough site plan sketches with the building and parking layout, building renderings, and a narrative describing the proposed project and how it is consistent with the Town development requirements. The site plan sketch shall depict adequate space allocations for the requisite wastewater and stormwater improvements as well as vegetation/buffering requirements and site access. Applicants are encouraged to provide more than one project alternative or variations of the proposed project for review." The applicant is encouraged to incorporate the recommendations of the UDO Administrator and/or the Planning Board) into the development plan before submittal of the formal site plan.

At this time, the Planning Department, Town Engineer, Public Services, Fire Department and Police Department have provided comments on the sketch plan package.

Below is a list of the relevant comments received thus far for your consideration:

Zoning

- *Staff has proposed several text amendments to facilitate the construction of the EMS Station within the SPD-C, Village Commercial-1 Zoning Designation. These include:*
 - *Amend Section 9.36, Table of Uses and Activities to list "County EMS Station" as a permitted use within the Village Commercial-1 District.*

- Amend Section 9.21.8.2, Table of Development Standards, to reduce the front yard setback requirement from 75 feet to 45 feet.
- Amend Section 10.16, Required Parking by Use, to establish a parking standard for the new use category of "County EMS Station".

The Public Hearing for these amendments will be held at the Board of Commissioners November 6, 2024 meeting.

- *The SPD-C, Village Commercial-1 District allows wall signage only, there is no allowance for a freestanding sign.*
- *Section 9.21.7.14 requires a 5-foot wide planted landscape buffer along the west and south sides of the property, this vegetation shall reach a minimum height of 10 feet within 5 years.*

Site Design Standards

- *Development must comply with all provisions of the Flood Damage Prevention Ordinance including elevation in compliance with the Town of Nags Head's local ordinance with Regulatory Flood Protection Elevation (RFPE) of 9 ft. msl. It is likely that the existing grade exceeds 9 ft. msl.*
- *Overall lot coverage and built-upon area have not been provided at this time but will need to be shown on a complete survey prior to Technical Review.*
- *The proposed parking standard for EMS Facilities is one parking space per employee on duty and one parking space per 200 square feet of training facility and customer service areas. A floor plan depicting the area dedicated to training facility and customer service area, along with information on the number of employees on duty will need to be provided to determine that the proposed 21 parking spaces are adequate.*
- *Compliance with Section 10.92.14.4 of the Unified Development Ordinance, requiring 20% of the surface area of parking area and drive aisles be constructed of permeable materials.*
- *Following items shall be addressed on Landscape Plan prior to TRC:*
 - *Compliance with Section 10.93.3.1, Parking Lot Buffers.*
 - *Compliance with Section 10.93.3.5. Buildings Adjacent to Street Frontage. Building walls adjacent to a street frontage shall include foundation landscaping directly adjacent to the building to screen any crawl space, stem wall, lattice work, or open parking areas.*
 - *Compliance with Section 10.93.3.7 as it relates to Interior Parking Lot Landscaping.*
 - *Compliance with Section 10.93.3.8, Vegetation Preservation/Planting Requirements.*
- *Account for the location of mechanical equipment in the site plan.*
- *Provide authorization from Carolina Water with regard to the existing wastewater treatment facility capacity.*
- *A lighting plan consistent with Section 10.37.1 of the UDO will be required prior to issuance of building permits for the proposed use. Architectural lighting will need to be reviewed as well.*

Building Design Standards

Section 10.83 of the UDO, Design Standards, states that buildings and structures are subject to the Commercial Design Standard contained within Article 10, Part VI of the Unified Development Ordinance. Projects shall be reviewed according to the building design standards outlined in Division II of the Commercial Design Standards. Alternatively, projects adding a total habitable building area of less than 10,000 square feet may elect to

comply with the building design requirements by achieving 150 points based on the criteria outlined in the Town of Nags Head Residential Design Guidelines.

The conceptual elevations provided in the packet are preliminary and represent the initial design. Prior to the Technical Review Committee Meeting and formal Planning Board Site Plan Review submittal, compliance with Article 10, Part VI, Commercial Design Standards must be demonstrated.

This project must also be reviewed and approved by the Village at Nags Head Architectural Review Committee (Village ACC).

Town Engineer

- *The applicant may want to consider contacting NCDOT to get preliminary feedback on the deceleration lane configuration.*
- *The site lends itself to maintaining the existing drainage patterns via swales along the property frontage and the north and south property lines.*
- *The applicant should contact the Village Homeowners Association regarding the modification of the Seachase Drive landscape island which is currently maintained by the HOA. There may be consideration for removing the western end of the landscape island, if permitted by maintaining the minimum required open space.*
- *The use of permeable pavers for the parking stalls is recommended to meet the requirements of Section 10.92.14.3 of the Unified Development Ordinance.*

Public Works/Water

- *A location for front load sanitation truck will need to be proposed, ensure that the front load sanitation truck can easily turn into and back out of the entry for dumpster pick up. Pathing exhibit required to ensure turn radius can be met.*
- *Additional information is needed on water service.*

Building Inspections

- *Review is limited until receipt of site plan and full of set of plans, including 2018 Appendix B with Plumbing, Mechanical and Electrical.*

Fire

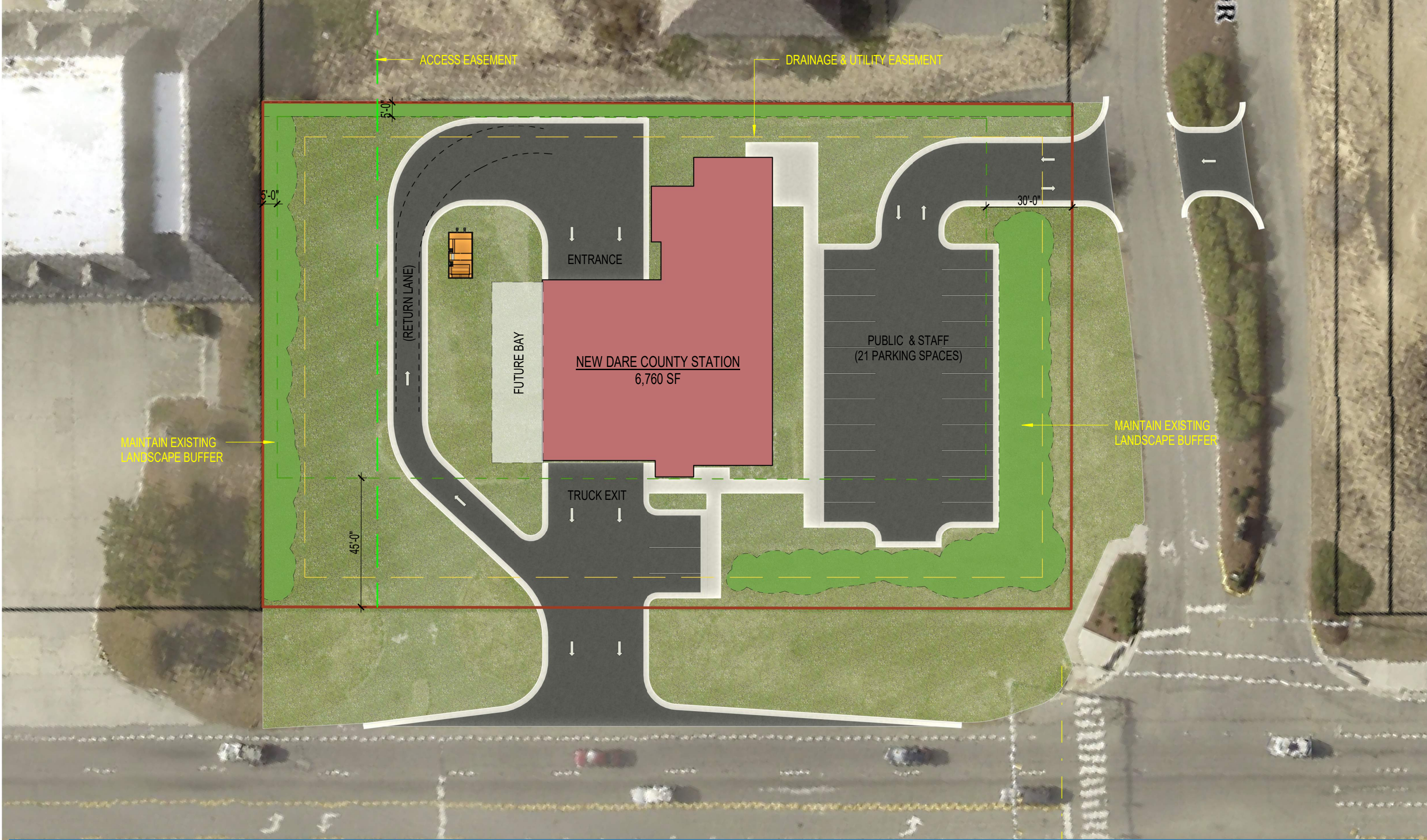
- *Review is limited until receipt of site plan and full set of plans. Questions regarding water mains for the fire protection system and a discussion of where the fire department connection would be located.*
- *Will the RPZ be located interior or exterior in a hot box?*

Police

- *General concern with the proposed cut on W. Seachase Drive, could cause traffic issues and the existing vegetation is large and may create sight distance issues.*

The applicant and planning staff will be available at this meeting for further discussion of this project.

Attachments: Sketch Plan Preliminary Site and Architectural Renderings.









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 Str

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: Planning Board

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

Date: October 15, 2024

Subject: Hotel Overlay District Discussion

Summary

In November 2023, during their retreat, the Board of Commissioners directed planning staff to identify and correct areas of land use incompatibility within the town and correct inconsistencies between the Comprehensive Plan and the Unified Development Ordinance. One item noted for consideration at that time was revisiting the appropriateness of the Hotel Overlay District. This is Action Item 2.2 under the Development Goals of the adopted 2024 Town of Nags Head Strategic Plan. At this time, staff would like to initiate a discussion with the Planning Board on whether the Hotel Overlay District remains in line with the Town's vision and development goals.

In a staff memo to the Planning Board dated October 10, 2001 (attached), staff stated that the Board of Commissioners have been discussing the issues surrounding the demolition of hotels and the replacement of these hotels with large single-family houses. The Board was concerned with the loss of diversity of seasonal housing accommodations of visitors. Staff were asked to present ideas concerning incentives for the development of new hotels/motels. Over the next few years staff considered a variety of factors that would help incentive new hotels, including reductions in lot coverage and setback requirements and an increase in height allowance as well as potentially creating a hotel overlay district. The Hotel Overlay District was established at the Board of Commissioners' Meeting on March 3, 2004 (minutes attached), to encourage new and larger hotel developments.

According to the minutes of that meeting, Town Planner Andy Garman summarized the issue as follows: "On December 8, 2003, the Board of Commissioners and the Planning Board participated in a combined workshop to discuss hotel zoning amendments. The basis for this discussion included the proposed hotel zoning amendments that were considered at the December 3, 2003, Board of Commissioners meeting. Based on the input provided at this meeting and at the direction of the Board of Commissioners, staff has included the attached hotel proposal for review. This proposal includes changes to existing hotel standards in the C-2 zoning district and the creation of a new hotel overlay zoning district. The hotel overlay district includes the C-2 zoning district from just south of the Village at Nags Head to Whalebone junction. This area was selected due to its commercial nature and also due to its proximity away from Jockey's Ridge and the lower density residential neighborhoods north of the Village. To allow for larger hotels, the height and lot coverage standards have been increased within this district."

The stated intent of the hotel overlay district found within the final adopted ordinance was to allow for the location of larger-scale hotels in commercial areas where the increase in height does not significantly affect the viewshed from Jockey’s Ridge and does not diminish the low-density character of the historic district and the neighborhoods within the R-2 Medium Density Residential zoning district.

The final adopted hotel overlay district continued to allow a maximum height of structures to be 60 feet, which was previously allowed in all C2 districts, but was reduced to 35 feet in the C2 district at the same time the overlay district was adopted. A maximum lot Coverage of up to 65 percent was allowed for hotels in the Hotel Overlay District as opposed to 55% in the C2 district. The side yard setback is ten (10) feet, (15) feet for a corner lot; portions of buildings greater than two stories are required to be set back an additional 10 feet for every story over two. In any instance the setback does not need to exceed (30) feet.

Map Hotel Overlay District



Twenty years have passed since the Hotel Overlay District was established and the ordinance was adopted. Recently, the Inn at Whalebone received Site Plan Approval and subsequently development permits have been issued. This would be the only hotel to (potentially) be developed within the Hotel Overlay district since the creation of the Hotel Overlay District.

Below is a comparison of hotel requirements in the current ordinance. The development differences between C2, General Commercial and the Hotel Overlay are highlighted in yellow.

Comparison Hotel Overlay vs. C2 District

TABLE 7-2: DIMENSIONAL REQUIREMENTS FOR HOTELS				
	CR	C-1	C-2	HO
Lot Width	150 feet	100 feet	150 feet	
Front Setback	The minimum front yard along property lines abutting the right-of-way line of S. Virginia Dare Trail/NC 12 or S. Old Oregon Inlet Road/NC 1243 shall be forty-five (45) feet.	15 feet; portions of buildings greater than two stories shall be set back an additional 10 feet.	30 feet; portions of buildings greater than two stories shall be set back an additional 10 feet.	15 feet; portions of buildings greater than two stories shall be set back an additional 10 feet for every story over two. In any instance the setback need not exceed 30 feet.
Rear Setback	25 feet			

TABLE 7-2: DIMENSIONAL REQUIREMENTS FOR HOTELS

	CR	C-1	C-2	HO
Side Setback	A minimum side yard of ten (10) feet is required from any side property line, other than a side property line along a street right-of-way; for buildings with a height greater than thirty-five (35) feet, such minimum required side yard shall increase by one (1) foot for each foot in height greater than thirty-five (35) feet. For any side property lines along a street right of way, the minimum required yard shall be no less than the minimum required front yard or side yard, whichever is greater.	10 feet; 15 feet for corner lot; portions of buildings greater than two stories shall be set back an additional 10 feet.		corner lot; portions of buildings greater than two stories shall be set back an additional 10 feet for every story over two. In any instance the setback need not exceed 30 feet.
Height			35 feet	60 feet
Open Space	A minimum of fifty percent (50%) of the area established by each minimum setback shall be undeveloped and landscaped as open space. Underground components of wastewater systems are allowed to be located within minimum required setbacks.	50% of side yard to remain as open space.		50% of side yard to remain as open space. Minimum 5 feet, Maximum 10 feet.
Lot Coverage	40%		55%	65%

TABLE 7-2: DIMENSIONAL REQUIREMENTS FOR HOTELS

	CR	C-1	C-2	HO
Density	None	Maximum 20 units per site.	None	None
Unit Size (Room)	Minimum 300 sq. ft.	Minimum 300 sq. ft. Maximum 700 sq. ft.		
Unit Size (Eiciency)	Minimum 400 sq. ft.	Minimum 400 sq. ft. Maximum 700 sq. ft.		
Unit Size (Suite)	Minimum 400 sq. ft.	Minimum 400 sq. ft. Maximum 900 sq. ft. Up to 33% of units can be suites.		Minimum 400 sq. ft. Maximum 1,200 sq. ft. Up to 33% of units can be suites.

TABLE 7-2: DIMENSIONAL REQUIREMENTS FOR HOTELS

	CR	C-1	C-2	HO
Minimum Units Per Building	2	2		
Building Separation	20 ft; A sidewalk or boardwalk constructed to provide a grade separation from vehicular traffic of at least six inches shall connect all principal buildings on the site. Separate buildings shall be connected with pedestrian passageways that are striped when crossing traffic lanes.			
Ocean/Sound Access	NA	Hotel parcels east of US 158 must be within 1,000 feet in a straight-line distance to a public ocean access. The access must consist of a minimum five- foot wide improved pedestrian path. Hotels west of US 158 must provide direct, private soundfront access		None.

TABLE 7-2: DIMENSIONAL REQUIREMENTS FOR HOTELS

	CR	C-1	C-2	HO
Accessory Uses	Fishing pier (with CAMA authorization), restaurant, indoor entertainment facility, indoor public assembly, retail, office and on- site rental of beach chairs and umbrellas.	Retail shops, offices, restaurants, indoor entertainment facilities, indoor public assembly for the benefit of occupants, guests and the general public, cottage court.		Uses permitted as accessory to hotels in the C-2 district and outdoor recreation activities as allowed in the HO district.
		Hotel allowed as accessory to other commercial.		Hotel allowed as accessory to other commercial.
		Dormitory for employee housing.		Dormitory for employee housing.
		Single-family dwelling for employee/owner housing.		Single-family dwelling for employee/owner housing.

The largest differences in hotel development within the C2 General Commercial District, and the Hotel Overlay District are the requirement of proximity to ocean and sound access, the overall allowable height, maximum lot coverage and reduced side yard setbacks. Almost all the area within the Hotel Overlay District is zoned C2, General Commercial except at the very northern portion of the overlay district there is some R3, High Density Residential and one parcel that is zoned SPD-C, Village Hotel District, which is the site of the proposed Inn at Whalebone.



POLICY CONSIDERATIONS

LU-2, Develop separate zoning districts and regulations that recognize the appropriate scale and pattern of development for the US 158 and NC 12 corridors.

LU-5, Promote contiguous and cohesive nodes of commercial development of appropriate size and massing for the surrounding area

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.

NR-4, Preserve important estuarine waterfront viewsheds along the Causeway and in the Whalebone area that contribute to the overall quality of life and sense of place.

Staff will be available at the Planning Boards October 15, 2024, meeting for further discussion.

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.



Town of Nags Head

Planning and Development
Department

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Telephone 252-441-7016
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MEMORANDUM

TO: Planning Board
FROM: Planning and Development Staff
DATE: October 10, 2001
SUBJECT: Hotel/Motel Development Incentives

Over the last several months, the Board of Commissioners has been discussing the issues surrounding the demolition of hotels and the replacement of these hotels with large single family houses. More importantly, the Board has been concerned with the loss of diversity in seasonal housing accommodations for our visitors. In part, this concern is stated in our Land and Water Use Plan 2000 under Chapter 15. Housing, which states, *While single-family homes are the primary form of accommodation, the Town shall seek to encourage a wide range of compatible accommodations and housing densities for our residents, workers, and visitors.*

With this in mind, Staff was asked to present some ideas concerning incentives for the development of new hotels/motels. The attached list is a beginning point for discussion with you, the Board of Commissioners, public safety officials, and perhaps hotel owners and developers. At this point, it is Staff's understanding that we would all meet at our regularly scheduled Planning Board meeting in November to review these and any other incentives that would meet our interests. This meeting would occur **Tuesday, November 20, 2001**, after the conclusion of our regular agenda items.

GF

Robert W. Muller
Mayor

George Farah, III
Mayor Pro Tem

J. Webb Fuller
Town Manager



Douglas A. Remaley
Commissioner

R. Brantley Murray
Commissioner

Paula E. Flynn
Commissioner

Town of Nags Head

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MEMORANDUM

TO: Mayor and Board of Commissioners

FROM: J. Webb Fuller

DATE: September 25, 2001

RE: DISCUSSION OF HOTEL/MOTEL DEVELOPMENT INCENTIVES

- FROM SEPTEMBER 19, 2001, BOARD MEETING

At the September 19, 2001, Board of Commissioners meeting, staff was directed to prepare in memo format the list of hotel/motel development incentives briefly discussed. These incentives were prepared as a result of a meeting with hotel/motel owners/developers and are not necessarily advocated by staff. This information is provided for further Board discussion at the October 3, 2001, Board of Commissioners meeting.

1. Modify setback/height ratio
Currently the setbacks for hotels are either 1.75 or two (2) times the height of the largest building on the site. For an allowed 60-foot-tall building, this would mean either 105 or 120-foot setbacks on all four (4) sides of the hotel.
2. Modify requirement for fire lanes on all four (4) sides of building
Depending on public safety concerns, the Town may want to delete, on oceanfront lots, the easternmost fire lane. In addition, required parking areas may also serve as staging areas if approved by the Fire Department.
3. Modify use between lot line and setback line; may only be used for open space at this time
The setbacks noted in item #1 cannot be used for accessory buildings. Parking can occupy only 10 percent of the setbacks on the north and south sides of the buildings and 50 percent on the east and west sides.

4. Review increase in density of rooms per acre
Currently, 16 units are permitted for the first acre and 20 units are permitted for each additional acre.
5. Modify existing requirement that oceanfront access be provided
For other than oceanfront hotels, all other hotels must provide private oceanfront access that is within 3,000 feet of the proposed hotel site plus some on-site parking.
6. Modify 40% lot coverage
The maximum lot coverage for oceanfront hotel development is 40 percent while the maximum for hotels in other commercial zones is 55 percent. Increase in lot coverage on the oceanfront could be accommodated with larger retention areas for the increased stormwater runoff.
7. Modify parking requirement from 1.2 spaces per unit to 1 space per unit
(No comment, but we should study this.)
8. Modify/add allowable improvements to existing structures
We could amend our zoning ordinance specifically to address nonconforming hotels and allow for improvements to exceed the maximum 50 percent threshold. However, we cannot go beyond the limitations imposed by CAMA and/or FEMA if their regulations are being impacted by these improvements.
9. Assistance to hotel/motel employees to get to/from business; possible suggestion is for town to enter into transportation system to provide for workers or create some type of dormitory facility or on-site residency
(No comment.)
10. Adjustment to fee schedule
This is not strongly supported by Planning Staff but is an alternative.
11. Create expedited site plan approval process accompanied by fee reduction
To expedite the approval process, we could consider (1) Planning Staff and other department review only; (2) Staff and Planning Board review or leave it as it is and omit the now required "pre-application" conference with the Planning Board. The minimum turn-around time for all approvals is about three (3) months.
12. Development of a new hospitality position to work with hotel/motel industry
This would be similar position and would have similar duties as an "economic development director" except that this individual would work specifically with the hotel-motel industry to stimulate the development of more hotel-motel accommodations.
13. Review possibility of town partnering with other entities for development of a conference center
The Town could seek a partnership with another public or with various private entities including the hotel-motel industry to develop a conference center and hotel.
14. Development of new cottage court ordinance

Currently cottage courts are not a permitted use. Cottage courts represent an historical use off accommodation. Cottage courts offer an alternative form of accommodation at a higher land use intensity than single family and are generally one and two story buildings.

**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR SESSION
March 3, 2004**

The Town of Nags Head Board of Commissioners met in the Board Room at the Nags Head Municipal Complex at 9:00 a.m. on Wednesday, March 3, 2004.

COMRS PRESENT: Mayor Robert Muller; Mayor Pro Tem Brant Murray; Comr. Anna Sadler
Comr. Wayne Gray; Comr. Bob Oakes

COMRS ABSENT: None

OTHERS PRESENT: Town Manager Webb Fuller; Town Attorney Ike McRee; Deputy Town Manager Rhonda Sommer; Jim Northrup; Tim Wilson; Bruce Bortz; Courtney Gallop; Andy Garman; Charlie Cameron; Butch Osborne; Dave Clark; Roberta Thuman; Shane Baum; Don Hutson; Thurman Cartwright; Jim Fleckner; Mark Kasten; Jay Overton; Colleen Oaksmith; Kerry Oaksmith-Sanders; Bob Sanders; Bill Owen; Charles Evans; Sonny Cobb; Susie Walters; Chuck Blazek; Mike Kelly; Sammy Moore; Constantine Zinovis; Bobby Owens; Harry Thompson; Tim Midgett; Archie Mann; Charlene Heroux; Renée Cahoon; Susan Boncek; Camille Lawrence; Jeanne Acree; Dave Masters; Dru Ferrence; Isabel Cooper; Wayne Hardesty; Louanne Woody; Eddie Goodrich; Nellie Rose; John Eisenlour; Kerstin Everhart; Thomas Sloate; Jim Edwards; Mollie Harrison; Ralph Calfee; Bill Meredith; Al Hibbs; Kay Hibbs; Jo Fessler; Mary Allen; Harvey Houck; Sandra Houck; Charlie Gerber; Pat Gerber; R. L. Couch; A. Crew; Margaret Scott; Don Hutson Dave Masters; Bob Edwards; Dolores Fisher; Dreanne George; Rose Dugger; Carol Clawson; Lanette P. Waters; Dane Eikum; Richard Broyhill; Ann Hines; Don Simpler; Margie Sheffield; Jackie Stefan; Jennifer Frost; Richard Jencen; Matt Artz; Julie LeDeux; and Town Clerk Carolyn Morris

Mayor Muller called the meeting to order at 9:05 a.m. followed by a moment of silent meditation and the pledge of allegiance.

AUDIENCE RESPONSE – DAVE MASTERS

Dave Masters, Nags Head resident, addressed statements made by Comr. Sadler at the January 21, 2004, Adjourned Regular Session; 1) he disagreed with Comr. Sadler's comments that at the November 19, 2003, public comment period on hotels, 45 minutes were spent for the first four (4) speakers – he stated that a review of the videotape indicated that this time was incorrect; at the November 19, 2003, meeting, some individuals left before making their comments, Mr. Masters suggested that staff review the sign-up sheet from November 19, 2003, so that those that were unable to speak at that time may speak first at today's public hearing, if desired; 2) he disagreed with Comr. Sadler's comments concerning what the public knows; he requested that the Board discuss diversity and economics during today's public hearings, he questioned if the Board planned to discuss other issues such as mom/pop hotels, affordable housing, etc.; he feels that the economics of any proposal is based on data and he requested that the public be furnished with that economic data

‘(amended October 6, 1999) (amended April 4, 2001) (amended March 3, 2004)’

A copy of the Public Works job descriptions for Water Plant Superintendent and Deputy Public Works Director/Public Facilities Maintenance Supervisor, as approved, are on file in the Town Clerk’s office.

The memo from Mike Kelly dated February 4, 2004, naming the paved area in Carolinian Circle, as approved, read in part as follows:

"Enclosed is a survey for a cul-de-sac surrounded by four (4) lots. The cul-de-sac is on the north side of Carolinian Circle. I own lots J, K. & L or three (3) of the four (4) facing the cul-de-sac.

'I would like to name the paved area Cajun Tuna Court. I have researched street names in Nags Head and find no conflict or similarity of right-of-way descriptions."

The memo from Rhonda Sommer dated February 24, 2004, concerning ATV replacements, as approved, read in part as follows:

"Upon recommendation of the Fleet Maintenance Supervisor, ATV's 472 and 481 are too deteriorated by rust to remain in service for the upcoming summer season for use by the Town of Nags Head Department of Public Safety. The typical service life of an ATV is five years. These ATV's, however, did not have the undercoating/rustproofing that is on the newer models, therefore it is not anticipated that this problem will shorten the lives of the other ATV's.

'At this time, approval is requested to authorize the purchase of two replacement ATV's at an estimated purchase price of \$3950 each to be financed over three years with first year lease payment of \$2,901 at 5% or \$2,793 at 3% financing. Funding suggested for this purchase from Article 44 Sales Tax revenues in excess of the budgeted amount.

'Director of Public Safety Charlie Cameron can address any specific questions you may have about these ATV's."

PUBLIC HEARINGS

PUBLIC HEARING to consider proposed amendments to Section 22-307 C-2 General Commercial District of the Town Code relating to hotel development standards and to create Section 22-357 Hotel Overlay District to establish a new zoning overlay district with additional standards for hotels within its geographic boundaries

Planner Andy Garman summarized the Planning Board and Planning and Development staff memo dated February 23, 2004, which read in part as follows:

"On December 8, 2003 the Board of Commissioners and the Planning Board participated in a combined workshop to discuss hotel zoning amendments. The basis for this discussion included the proposed hotel zoning amendments that were considered at the December 3, 2003 Board of

Commissioners meeting. Based on input provided at this meeting and at the direction of the Board of Commissioners, staff has included the attached hotel proposal for review. This proposal includes changes to existing hotel standards in the C-2 zoning district and the creation of a new hotel overlay zoning district. The hotel overlay district includes the C-2 zoning district from just south of the Village at Nags Head to Whalebone junction. This area was selected due to its commercial nature and also due to its proximity away from Jockey's Ridge and the lower density residential neighborhoods north of the Village. To allow for larger hotels, the height and lot coverage standards have been increased within this district. Two options for height and lot coverage standards have been included for the Board's consideration. Standards have been modified for all other areas within the C-2 district to include smaller scale hotels not exceeding 35 feet in height.

'As was discussed at the workshop, no changes to the Commercial Residential (CR) District are being proposed at this time. While new hotel development in the CR District is questionable, there are a number of existing hotels/motels in the CR that could possibly benefit from a number of the changes being proposed in the C-2 District. Staff has recently been presented with possible expansion plans of an existing hotel property in the CR District that could be accomplished with changes to setback regulations. Staff would support minimal changes to the CR and Village Hotel regulations primarily to help existing properties.

'Staff, at the direction of the Board of Commissioners and in conjunction with Cahoon and Kasten Architects, has prepared several models to help understand the impacts of the proposed ordinance amendments. These models show the potential build-out scenario of a hypothetical hotel site under existing regulations and under each of the proposed options. Briefly, the models illustrate the impact of changes to density, setbacks, height and lot coverage. Staff has included these models for your review and will elaborate further upon the models at the upcoming meeting.

'Planning Board Recommendation:

At their regular meeting on January 20, 2004 the Planning Board by a 5-1 vote recommended approval of the proposed ordinance as presented selecting option a1/b1 under Section 22-357(c)(1) of the proposed ordinance which provides for a maximum top plate measurement height of 60 feet and a total maximum structure height of 70 feet, and a maximum total lot coverage of 65% which may be increase to a maximum of 75% when open-face pavers are used. Mr. Oaksmith voted against the motion as being opposed to any type of height increase."

Notice of the public hearing was published in the *Coastland Times* on Thursday, February 19, 2004, and on Thursday, February 26, 2004, as required by law.

Architect Mark Kasten, Cahoon and Kasten Architects, presented and summarized various hotel models.

Mayor Muller thanked Mr. Garman, Mr. Kasten, and Comr. Oakes who worked together on the preparations for the hotel/motel modeling.

Mayor Muller noted that the hotel/motel regulation issue has been a divisive issue and he recognizes that everyone interested in this issue is also interested in the Town; he believes that the Town's vision to include a common love of the Outer Banks is shared by all present. He asked speakers to limit their discussion to the hotel proposal only and while there was no time limit to please be as brief as possible.

Mayor Muller announced the public hearing open at 9:47 a.m.

Susie Walters, Nags Head resident, distributed packet to each Board member to include a petition signed by over 700 persons; the petition supports the existing height limit of 60 feet; she thanked the Board for the opportunity to speak and taking time to gather citizen input; results of workshop are a compromise, however, most residents support the current land use plan and single family homes and do not want Nags Head to be a town of high density hotels/motels; she requested that the Board not alter the current height limitation of 60 feet.

Chuck Blazek, Nags Head resident, fully supports hotels and feel that some ordinance changes may help to draw some new hotels to Nags Head; he does not support increasing height from the current 60 feet limit; site plan #2 of the hotel model was most favorable; the changes proposed allow for a bigger hotel without increasing height; the signatures on petition presented indicates that citizens and property owners want height to remain at 60 feet.

Mike Kelly, Nags Head resident and businessman; he distributed packet to Board members; he wants what is best for Nags Head in the long term and tourism is the Town's economic development; Nags Head needs new hotel development – a few more sites, not a lot; this is needed to meet what is required for the new traveler in 2004; no one wants Nags Head to become a Virginia Beach type of community; he accepts the 60 foot height limit and can live with that if it assists in more hotels coming to the area; he is not an advocate of the overlay district; agrees that changing Land Use Plan is needed; many want to just spend a few days in Nags Head; restaurants generate approximately 45 million dollars in sales each year in Nags Head; the food industry is being adversely affected by the loss of hotel/motel rooms; he wants the Town to be the visitor's primary choice of the Outer Banks; he thanked the Board for allowing community input on this very important issue.

Constantine Zinovis (Gus); Nags Head resident and owner of Mulligan's Grille; has no specific opinion on the height of hotels – he is more interested in encouraging more hotel/motel rooms to be built in Nags Head; within ½ mile of his restaurant he has lost approximately 150 rooms in the past several years – rooms that help to sustain his shoulder season; there needs to be initial accommodations for couples.

Bobby Owens, Nags Head resident, member of State Utilities Commission and former Dare County Commissioner; Mayor Muller thanked Mr. Owens for attending today's public hearing; Mr. Owens stated that the reality is that residents enjoy the quality of life they have because of tourism; people and taxes will come no matter what; he is in total support of 60 fee hotel height with adequate setbacks; he spoke of hotels in the past that got Nags Head off on the right foot many years ago, i.e., he feels the big-name chain stores are ruining the quality of life; taxes paid by the tourist are 32% of the revenue of Nags Head, i.e., outside money pays a lot more than what property taxes do; he feels that Nags Head has done good job of controlling growth; he questioned where the weekender/overnighter is going to stay when they have been priced out of the market; he concluded that there should be hotels/motels although not over 60 feet in height; adequate planning will prepare a proper footprint for future growth of Nags Head.

Harry Thompson, Nags Head resident; feels strongly that current 60 feet height limit for hotels/motels should not be changed; the proposals contain hotel height in excess of 60 feet – he recommended that these proposals be disapproved; he recommended that the Board vote on each

individual item proposed to be modified other than height; suggested that staff forward correspondence to all the hotel chains on the expressing the Town's need for new hotel/motel development; he feels if the Town goes into aggressive mode will obtain proposal that will not alter current flavor of Nags Head.

Tim Midgett, chairman of Outer Banks Visitors Bureau (OBVB); spoke on behalf of the OBVB; they recently adopted a resolution in support of the need in Dare County for more hotel rooms; there has been a 40% reduction in hotel rooms county-wide over the past decade and that it is reaching a somewhat critical situation.

Archie Mann, Nags Head resident; his biggest concern on the Town and the Outer Banks is related to sewage issues.

Renée Cahoon, former Nags Head Mayor and current Dare County Commissioner, spoke as Nags Head resident on behalf of her sister Charlene Heroux and their local business; as local business people, there is a need for hotels/motels; after seeing the effects of Hurricane Isabel, weekend visitors are needed; there seems to be a trend of going to houses which bring in great income via occupancy tax but there are also those that come to the area for less than a week; reservations for long holiday weekends are needed; as a local business person, she encouraged the Town to work with developers to allow hotels; the Town does not need cookie cutter hotels but needs hotels that fit the area.

Susan Boncek, Nags Head resident and business owner of Sandspur Cottages; she knows that the Town has always had leaders to make decisions as the situation warranted; feels the Town is shifting from a well-known tourist destination to a suburb of Kill Devil Hills; this is even more so now that families are moving so their kids so they will not be bused to Manteo; with the present trend she is worried that tourists will visit other areas; she asked the Board to do what is necessary to keep Nags Head as a tourist destination; one or two hotels will not turn the Town into a Virginia Beach but will replace some lost hotel rooms and will keep Nags Head a viable flourishing community.

Camille Lawrence, Nags Head resident and business owner; she agrees with maintaining the existing 60 foot height limit but agrees to the other modifications to the ordinances that would encourage hotel/motel development; more people will come if there are more nice places to stay at a reasonable price; she feels that density in a row of large houses is as high or higher than in a moderate-sized hotel.

Jeanne Acree, Nags Head resident and former Nags Head Commissioner; agreed with Bobby Owens' comments; she noted that the Town purchased the Catfish Farm on the west side of the bypass to keep it from being developed and to maintain open space; she asked the Board to not spend all the money on one side of the road.

Dave Masters, Nags Head resident; he has not heard any support for hotel height over 60 feet and he supports no height increase; he has some questions about the proposed overlay district; he suggested that consistency be maintained in the proposals as a lot of different words are used that mean the same thing; the verbiage should be consistently used in the ordinance; he suggested that the wording for the overlay district be modified to allow hotels to furnish to/from public ocean transportation to beach accesses for guests and not limit access to within 300 feet of the hotel; he feels if overlay district is needed then the proposal should allow for transportation.

Dru Ferrence, Nags Head resident; added another page to the existing petition distributed by Susie Walters with over 700 names; if the Board cannot return to the 35 feet town-wide height limit, then would not want the height limit to every go above 60 feet; she displayed the "stewardship" definition on the screen and stated that the Board is the Town's steward and it is the duty of the Board to protect the Town; she is a retiree which she does not feel is an "age" issue; she went to other areas but did not like it and always returned to Nags Head; she displayed on the screen the current issue of National Geographic Traveler magazine which indicates that the Outer Banks is in the category of "Getting Ugly" from becoming overbuilt.

Wayne Hardesty, General Manager of George's Junction Restaurant; first time he came here 20 years ago his neighbors were people who operated cottage courts and hotels; his property is being affected dramatically by the loss of hotel/motel rooms; overnight/weekend guests are the bread/butter for the food industry; those that stay in the large houses do not eat out as much which in turn affects the tax rates; he would like to see the Board encourage existing hotels/motels to be improved and to encourage new hotel/motel development.

Louanne Woody, Nags Head resident; she has not heard anyone say that Nags Head should not change as everyone knows it will continue to change and evolve; feels the proposed setback/lot coverage modifications and maintaining the existing 60 feet height limit would allow for more hotel development; she agreed with Mr. Masters' proposed ordinance changes; she would like to encourage the proposed modifications to that existing hotel/motels can improve their facilities.

Eddie Goodrich, Nags Head developer and has a contract on a Village at Nags Head property; he has developed many multi-family lots/subdivisions in Nags Head; he is currently developing land in Kill Devil Hills for an assisted living facility; no one spoke against hotels today as everyone knows they are needed; he was the original applicant who asked for height to be increased to 90 feet and today he is asking the Board to limit the height to 60 feet; agreed with modifications for lot coverage and allowance of asphalt/impervious concrete; he feels necessary permits for sewage should be obtained to help keep open space.

Nellie Rose, Nags Head resident; spoke in favor of maintaining the current 60 feet height limit for structures.

John Eisenlour, owns Bacu Grill in Nags Head; agrees with 60 feet height limit; he encouraged the Board's motivation of hotel/motel development in the Town.

Kirsten Everhart, owns Bushwacker's Restaurant in Nags Head; encouraged hotel/motel development as this type of development is needed; encouraged the Board to work with developers and not kill the spirit of those wanting to build hotels/motels; she is a firm believer that hotel/motel development is needed in this area.

Jim Edwards; owns Traveler's Inn Motor Lodge; Hurricane Isabel affected his Inn and he has not completely recovered; he reminisced about this area years ago; he is in support of the existing height limit of 60 feet; Isabel removed his roof but he was required to put back his flat roof which he was not happy about as he wanted to install a different, better-looking style roof; many people will continue to go to the small hotels for the service they receive; he is not sure which direction to advise the Board to go other than going "up" is not the way to go as he prefers the smaller hotels.

Molly Harrison; Nags Head resident; agrees with most persons present and does not want to see any height increase; she asked the Board to consider moving the overlay district further south so it will not include her district, at Lakeside Drive, which is residential.

Ralph Calfee, representing Forbes properties and soundside of Nags Head; existing Town Code has punitive standards which has prohibited hotel/motel development; when things were the way they were years ago hotels/motels could be built but changes adopted since then limits this type of development; he feels that the proposal does allow reasonable standards for hotel/motel development but still allows Town control; he supports the Planning Board recommendation of 60 feet to the top plate and supports an additional 10 feet allowance for an architectural roofline (not additional living space) to make building more attractive; there are currently hotel/motel developers interested in building in Nags Head but cannot come into today's punitive ordinances.

Bill Meredith, Nags Head resident and owner of WaterWorks business; his site could be used for a hotel/motel business; the trend has been single-family houses and feels this is why National Geographic Traveler magazine feels the area is becoming ugly; he has an issue with those that do not want tourists because of all the advantages tourists allow the Town; he feels the Town has sections that are getting ugly but feels easing restrictions to encourage more hotel/motel development will not make it uglier; if there is some way to use the Village wastewater treatment plant, it would be advantageous; feels the Town should reward with points in lot coverage, i.e., benefits for doing the right thing.

Jennifer Frost, Nags Head resident; stated that years ago there were not tourists - there were guests; years ago there were mom and pop stores and no chain stores; feels that we do need to replace the hotel/motel rooms that have been lost; she encouraged the use of incentives without destroying the Town; Nags Head is a connecting area to other towns; she urged the Board to approve a 60 feet height limit for the top of the roof – not for the top plate.

Richard Jencen, Nags Head resident; as a retired architect he feels obligated to speak after today's presentation; he does not understand why the presentation was so one-sided, i.e., why were only the ideal conditions portrayed; he questioned why the examples shown were only on the west side of the beach road – Mayor Muller explained that the only changes being considered were for the west side of the beach road; he said that developers will maximize all ordinance limits and he is not concerned about the National Geographic Traveler magazine as they have their own agenda as does everyone; he is not against hotels but feels they should be restricted as to their location and they should be exactly what is desired, i.e., the Board should adopt limitations and stick to them.

There being no one else present who wished to speak, Mayor Muller announced the public hearing closed at 12:03 p.m.

RECESS FOR LUNCH

Mayor Muller recessed the Board for lunch at 12:14 p.m. and scheduled it to reconvene at 12:45 p.m.

RECONVENE FROM LUNCH

The Board reconvened from lunch at 12:45 p.m.

Continuation of hotel/motel development standards discussion

Board members discussed the hotel/motel proposal in detail.

It was Board consensus to:

- Keep the Hotel Overlay District
- Allow no structures over 60 feet in height; no desire to allow an additional 10 feet from top plate
- Within Overlay District, allow 70% lot coverage plus 10% if use open face paving block
- Board will look at porous asphalt and concrete at a later time
- Investigate geoweb as an alternative to treat as paving block and open face paving
- Increase proximity to beach access from 300 to 500 feet
- Keep setbacks as listed in the proposal
- Leave 50% of the sideyard undeveloped – not to exceed 10 feet
- Fire lane on all sides of structure
- Public Safety to develop fire safety plan
- Allow valet parking where desired
- Fifty percent required parking on-site and remainder allowed off-site in C-2 zone - remove 300 feet limit
- Septic treatment onsite and drainfields offsite within 300 feet of hotel and lot coverage calculated individually

MOTION: Mayor Muller made a motion to adopt the proposed hotel/motel ordinance as presented with the following changes:

Part I – para (j) – Public Safety Department - delete "(public safety to develop standards)"

Part I – para (t) – Proximity to ocean beach access - change "300 feet to ocean access" to "500 feet to ocean access"

Part I – para (y) – Off-site parking - delete "Such parking shall be located no more than three hundred (300) feet from the hotel parcel and a sidewalk shall connect the remote parking with the hotel it serves and shall not cross US 158 or NC 12."

Part I – para (z) – Off-site drainfield - add narrative indicating that wastewater treatment system may utilize off-site drainfield as long as off-site location is within C-2 zoning district and no farther than 300 feet from lot where hotel is located; lot coverage calculations for each lot are to be evaluated individually (from property line to property line)

Part II – para (c) (1) (a) – Hotel height - maximum height of structures shall be 60 feet – delete "However, a structure shall be allowed a maximum total height of seventy (70) feet provided that the top plate measurement does not exceed sixty (60) feet."

Part II – para (c) (1) (b) – Lot coverage - keep as proposed, i.e., adopt para (b1); do not adopt paras (a1) and (a2)

The motion was seconded by Comr. Sadler which passed unanimously.

A copy of the hotel/motel ordinance, as adopted, is attached to and made a part of these minutes as shown in Addendum "C".

Discussion of red light cameras - Public Safety Department

The memo from the Director of Public Safety, dated February 23, 2004, read in part as follows:

"Mr. Jim Fleckner, Traffic Engineer, for the City of Wilmington, North Carolina, will make a presentation to the Mayor and Board of Commissioners regarding the Red Light Camera Program in the City of Wilmington. Mr. Fleckner has been the coordinator of the City of Wilmington's highly successful red light camera program, which is known as "Project SafeLight," since the project was implemented in March of 2000. He presently continues to serve as the program's coordinator.

'Following Mr. Fleckner's presentation, he, along with the Director of Public Safety, will be available to answer questions that the Board of Commissioners might have."

Public Safety Director Charlie Cameron reported on traffic accident fatalities that occurred at the Deering Street Post Office intersection last year. Chief Cameron introduced Jim Fleckner, City of Wilmington Traffic Engineering Manager.

Mr. Fleckner provided a powerpoint presentation on the SafeLight program and distributed a handout to Board members. He stated that the SafeLight program has been proven to reduce the number of people who run traffic signals and the injuries caused.

Mayor Muller feels this is an enormous problem in the Town and he would like to see staff investigate this program further.

Chief Cameron explained that the Town has enabling legislation but would need to adopt a local ordinance placing the program in effect; he stressed that the program is not an issue for revenue for the Town – it is much more an issue of safety. Chief Cameron said that he feels that the citizens would be well served provided a public education program is administered first.

It was Board consensus that the red light camera program be investigated by staff for further review by the Board at the April 7, 2004, Board meeting. Staff is to provide a recommended list of intersections to be included in the program.

Board members thanked Mr. Fleckner for his presentation which was well received.



MEMORANDUM

Town of Nags Head

Planning & Development Department

To: Planning Board

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

Date: October 15, 2024

Subject: Potential Accessory Dwelling Unit (ADU) Ordinance Discussion

In November 2023, during their retreat, the Board of Commissioners directed the Planning staff to explore the development of an Accessory Dwelling Unit (ADU) ordinance that incorporates a range of optional provisions and regulatory standards to build community support. This initiative is identified as Action Item #2.2 under the Development Goals of the 2024 Strategic Plan. The range of options for consideration includes permitted zoning districts, geographic areas, minimum lot size requirements, maximum unit size limitations, height restrictions, deed restrictions, and parking considerations.

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 at that time.

To advance discussions on a potential ADU ordinance, staff presented the Board of Commissioners with an overview on July 3, 2024, highlighting the similarities and interconnections between ADUs, partial-home short-term rentals, and duplexes. This same presentation was also shared with the Planning Board on July 16, 2024, and is attached.

Staff would like to emphasize 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. 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.

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 20, 2024 meeting, the Planning Board emphasized the importance of community awareness and engagement on this issue. As a result, two public input sessions were scheduled: Tuesday, September 17th, at 9:00 AM, in the Board Room at 5401 S. Croatan Highway, and a second session on Wednesday, September 18th, from 6:00 PM to 7:30 PM, to accommodate those unable to attend the morning meeting.

Staff began each session with a brief informational presentation, followed by a demonstration of a survey with live results, and lastly an open forum was held to hear feedback from attendees.

Planning staff will be available at the Planning Boards October 15, 2024 for continued discussion and guidance on next steps.

Public Input Session – Discussion Points

- What are Accessory Dwelling Units (ADU's)

Accessory Dwelling Units are smaller, secondary housing units located on the same property as a primary residence. ADU's can include detached units, garage conversions, or in-home apartments.

- Why ADU's?

Accessory Dwelling Units can help address local housing needs, providing more affordable rental options or housing for family members.

Accessory Dwelling Units can offer a way for older family members to live independently and age in place.

Accessory Dwelling Units can allow homeowners to generate rental income, which can help with mortgage payments or property upkeep.

Accessory Dwelling Units typically use less land and resources as compared to a new development.

- What is some PRO's of ADU's?

ADU's can create more affordable housing options.

ADU's offer flexibility for multi-generational living or accommodating family members, caregivers, or tenants.

ADU's can help house local workers who may otherwise struggle to afford housing in the area.

ADU's can encourage long-term rentals over short-term options, supporting housing stability.

- What is some CON's or CONCERNS of ADU's?

Some residents might be concerned about increased traffic, inadequate parking, or noise – especially in quiet areas.

There may be worries about enforcing regulations, such as ensuring ADU's are not turned into unregulated short-term rentals.

There may be concerns about local infrastructure, such as water, septic capacity, and handling increased housing density.

Some homeowners may be concerned about the proximity of ADU's to their own property and potential impacts on privacy.

- Goals for Allowing Accessory Dwelling Units

The primary goal is to increase the housing supply of workforce housing.

- Location of ADU's?

If the Town were to allow Accessory Dwelling Units, are there locations within the Town that you believe are more suitable than others? Specific zoning districts, geographical areas of the Town?

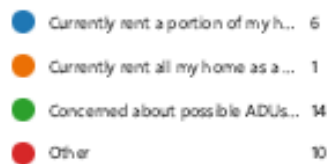
Post-event feedback survey

29 Responses

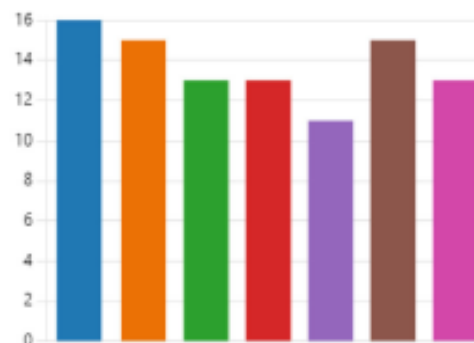
08:18 Average time to complete

Active Status

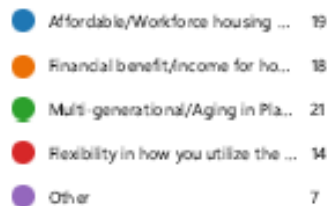
1. Why are you interested in this topic?



2. What are your concerns with ADUs, short term rentals, if any?

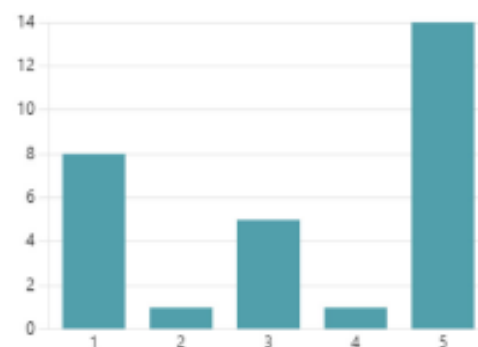


3. What are the potential benefits of allowing ADUs, check all that apply



4. Do you think ADU's should be allowed in the Town of Nags Head?

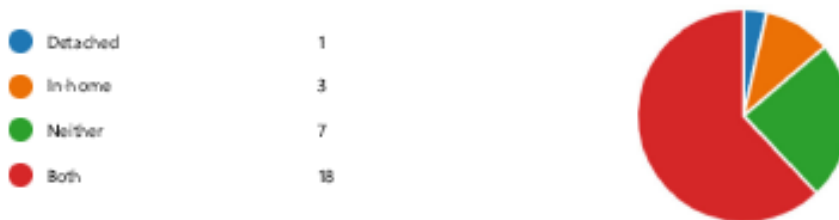
3.41
Average Rating



5. If ADUs were allowed in Town, would you prefer them to be utilized as long-term rentals?



6. If ADUs were allowed in Town, would you prefer them to be in-home or detached?



7. How likely are you to consider adding an ADU if allowed?



8. Do you have any specific feedback you would like to provide as we consider text amendments related to ADUs?

- Destabilize communities
- If the need is for housing of our hospital staff, teachers etc why wouldn't we only allow long term rentals
- Destabilizing peaceful communities
- Don't KDH Nags Head!!
- Existing neighborhoods should not be changed to allow additional development. The sound side neighborhoods were intended for local year round residents. Extra apartments, dwellings, etc in these areas should not be allowed.
- I believe who ever owns the proposed ADUs should be held responsible for maintenance of outside perimeter, and be responsible to displace anyone who creates excessive noise, traffic: as you see with drug traffic and anyone who brings trouble with the law.
- Do not turn our beautiful town into KDH. We love Nags Head the way it is!
- Long term rentals should be encouraged over short term rentals across the board where possible - incentivized, even, to improve the housing crisis.
- Please stop restricting people from employing the highest and best use of their property as they see fit.
- Yes
- Lot size, traffic concerns, storm water management

- ADU is an essential need to our community. Providing housing and income sources for homeowners
- Please consider the financial impact to your constituents if you disallow STR's. We need to apply creative thinking to allow for affordable housing and additional income for the people of Nags Head
- ADU's are not permitted within the Village at Nags Head
- Bad policy. In a single family home community
- Consider the livelihood of local families that rely on STR/Airbnb income.
- Allow owners to do with their property as they see fit
- Too much focus on development. I moved here because it didn't have all the things that other coastal communities had. It was more raw. That is a value that is being forgotten. KDH 🤔
- Keep ADUs available for STR
- Need more housing options

Themes During Workshop

1. Majority of respondents felt ADUs should be allowed in Nags Head and that they would prefer them to be long term rentals.
2. People have concerns about ADU's changing the character of Nags Head.
3. People were more supportive of attached ADUs than detached ADUs

Public Comment Summary

- Don't really need to do anything, if we do something keep it simple. Don't need detached ADUs. Double the density of units on the lot foreign to Nags Head.
- Concerned with safety for young families, speeding, a lot of illegal apartments in North Ridge. Concerned about septic, enforcement around it and it falling on Westside neighborhoods.
- People like Nags Head because it is not super developed, plenty of homes, possibly limiting Airbnb's with lottery system, open up dwellings we already have.
- Currently have partial home Airbnb but can't rent as long term. A lot of people who have homes and like renting a portion of it don't want to change. Some need Airbnb to pay bills, mortgage, etc. What is on the books is not well defined, let's define what an ADU is. Tough to get to morning meetings, but happy for the evening meeting opportunity. Need to have affordable housing in Nags Head.
-
- Do not put deed restrictions on property, prevent highest and best use of property, limits equity gained from investment.
- Don't harm single family homeowners.
- Hard to live here for young people, multiple jobs can't make it work. Want to add an ADU but can't. Do not understand difficulty of long-term renting vs. short term, since there is more vetting and control.
- If the property allows for it via septic and parking, ADUs should be allowed. I believe in property rights.
- Family rents Airbnb during summer and uses space for in-laws during off season. Locals are hardworking but no place to live. Depend on income from Airbnb to sustain.

- Everyone loves Nags Head; property rights are huge. Allow people to long term rent in their house.
- Feels ADU is essential need to provide housing for local and workforce housing and a huge benefit to property owners helps them afford it.
- Development takes away a little bit of the magic of the Outer Banks, ADUs are density. Changes flavor of the neighborhood with density.
- Have an Airbnb but has become saturated not doing as well as during COVID. Is there middle ground, put disagree on survey but mind is changed, older population moving in with children needs somewhere to live, solution may be ADU.
- Agree we need more housing in workforce, but ADU conflicts with covenants of HOA, HOA covenants supersede (if adopted).
- Agree with earlier comments on ADU doubling up and density is bad, but people should be able to rent long term in their home. Absentee owners cause issues.



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
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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