AGENDA

TOWN OF NAGS HEAD BOARD OF COMMISSIONERS
NAGS HEAD MUNICIPAL COMPLEX – BOARD ROOM
WEDNESDAY, JANUARY 8, 2020; 9:00 A.M.
REGULAR SESSION

A. **CALL TO ORDER**/MOMENT OF SILENCE/PLEDGE OF ALLEGIANCE

B. **ADOPTION OF AGENDA**

C. **RECOGNITION** *(Attachment C)*
FIVE YEARS – Principal Planner Holly White – December 15, 2014

PRESENTATION – Heroic Action Award – Lifeguard Austin Fallon

RETIREMENT – Public Safety Office/Systems Manager Lisa Ward

D. **PUBLIC COMMENT**

E. **CONSENT AGENDA**

1) Consideration of Budget Adjustment #7 to FY 19/20 Budget *(Attachment E-1)*

2) Consideration of Tax Adjustment Report *(Attachment E-2)*

3) Approval of minutes *(Attachment E-3)*

4) Modification to Town Code Chapter 44 *Utilities* re: water billing *(Attachment E-4)*

5) Consideration of revised Septic Health Initiative Program Policy re: the repair/replacement loan program *(Attachment E-5)*

6) Request for Public Hearing to consider Vested Right Site Plan for the Outer Banks Hospital, 4923 & 4927 S. Croatan Highway, 4922, 4926 & 4928 Passage Way, submitted by Quible and Associates P.C. on behalf of Outer Banks Hospital; the application involves the demolition of the Urgent Care Facility and construction of a 10,400 square foot addition (Infusion Facility) to the existing Radiation Therapy building. As part of the application, the applicant is seeking a Conditional Use Permit to reduce the number of required parking spaces and modify certain parking requirements, and to rezone the properties at 4922, 4926 & 4928 Passage Way from the SPD-C Single-Family Two District to the SPD-C Hotel District *(Attachment E-6)*

F. **PRESENTATIONS**

- Report from Auditor – Annual Report – Teresa Osborne, CPA *(Attachment F-1)*

- Beach Nourishment Funding Update - Dare County Mgr/Attorney Bobby Outten *(Attachment F-2)*

G. **PUBLIC HEARINGS**

1) Public Hearing to consider proposed text amendments to the Unified Development Ordinance pertaining to off-street parking requirements associated with alternative and reduced parking, including bicycle parking, and associated conditional use permitting requirements *(Attachment G-1)*

H. **REPORTS AND RECOMMENDATIONS FROM THE PLANNING BOARD AND THE PLANNING AND DEVELOPMENT DIRECTOR**

1) Update on Short-Term Rental (STR) registrations *(Attachment H-1)*

2) Consideration of a Preliminary Plat for a Major Subdivision, known as Coastal Villas, for an approximately 9.86 acre property, zoned R-2 - Medium Density Residential, owned by Nags Head Construction (applicant), located on the west side of US 158, approximately 300 feet south of the intersection of W. Soundside Road and US 158 (Parcel# 006749004; PIN# 989108886987); the Preliminary Plat proposes to create 17 lots, along with an associated street and other required improvements *(Attachment H-2)*

3) Consideration of a Major Site Plan for Gone Coastal Shopping Center, 7531 S. Virginia Dare Trail, submitted by Jim and Stephanie Selckmann, to construct a 6-foot-tall fence along the eastern property boundary and relocate dumpster. The property is zoned C-2, General Commercial, is located in the CO - Commercial-Outdoor Recreational Uses overlay district *(Attachment H-3)*

THE APPLICANT HAS REQUESTED A CONTINUANCE TO MARCH 2020.

4) Consideration of a Major Site Plan for the Christmas Mouse, 2401 S. Croatan Highway, submitted by House Engineering, P.C. on behalf of Robeca, LLC; the application involves the redevelopment of the site, including the construction of a 8,682 sq. ft. building for retail use. The property is zoned C-2, General Commercial *(Attachment H-4)*

5) Update from the Planning Director *(Attachment H-5)*

I. **NEW BUSINESS**

1) Committee Reports *(Attachment I-1)*

2) Consideration of appointment to Jennette's Pier Advisory Committee *(Attachment I-2)*
Consideration of appointment of BOA Chair and Vice-Chair
Consideration of staggered terms for Arts & Culture Committee
Consideration of appointments to Planning Board

J. **ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN ATTORNEY**

K. **ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN MANAGER**

1) Discussion of Dominion Energy Nags Head/Manteo Causeway Plan *(Attachment K-1)*

L. **BOARD OF COMMISSIONERS AGENDA**

1) Comr. Renée Cahoon – Request for Closed Session to discuss personnel matter and Richardson Beach Nourishment Project easement condemnation in accordance with GS 143-318.11(a)(6) and (3) *(Attachment L-1)*

M. **MAYOR'S AGENDA**

1) Review of Jan 23-24, 2020 Board Retreat Agenda *(Attachment M-1)*

2) Request for Closed Session to consider Jul – Dec 2019 Closed Session Minutes in accordance with GS 143-318.11(a)(1) *(Attachment M-2)*

N. **OTHER BUSINESS**

O. **ADJOURNMENT** - TO BOC RETREAT on Jan 23rd at 9 am at the Villas Clubhouse on Villa Dunes Drive

Agenda Item Summary Sheet

Item No: **C**
Meeting Date: **January 8, 2020**

Item Title: Recognition

Item Summary:

Recognition at the January 8th Board meeting includes the following:

FIVE YEARS – Principal Planner Holly White – December 15, 2014

PRESENTATION – Heroic Action Award – Lifeguard Austin Fallon

RETIREMENT – Public Safety Office/Systems Manager Lisa Ward

Number of Attachments: 0

Specific Action Requested:

Provided for Board recognition.

Submitted By: Administration Date: December 30, 2019

Finance Officer Comment:

No unbudgeted fiscal impact.

Signature: Amy Miller Date: December 30, 2019

Town Attorney Comment:

N/A

Signature: John Leidy Date: December 30, 2019

Town Manager Comment and/or Recommendation:

N/A

Signature: Cliff Ogburn Date: December 30, 2019

Agenda Item Summary Sheet

Item No: **E-1**
Meeting Date: **January 8, 2020**

Item Title: Consideration of Budget Adjustment #7 to FY 19/20 Budget

Item Summary:

Budget Adjustment #7 to the FY 19/20 Budget is provided for Board review and approval at the January 8th Board of Commissioners meeting – and is in accordance with the FY 19/20 Budget Ordinance, adopted at the June 5, 2019 meeting. The worksheet associated with Budget Adjustment #7 is attached.

Number of Attachments: 1

Specific Action Requested:

Request Board approval of attached budget amendment #7.

Submitted By: Administrative Services Date: December 30, 2019

Finance Officer Comment:

Request Board approval of attached budget amendment.

Signature: Amy Miller Date: December 30, 2019

Town Attorney Comment:

N/A

Signature: John Leidy Date: December 30, 2019

Town Manager Comment and/or Recommendation:

I concur with staff's request.

Signature: Cliff Ogburn Date: December 30, 2019

BUDGET AMENDMENT REQUEST
FY 2019-2020

BUDGET AMENDMENT NO. 7
AMENDMENT 7.1

SOURCE OF FUNDS				USE OF FUNDS		
CODE	ACCOUNT	AMOUNT		CODE	ACCOUNT	AMOUNT
	General Fund Expenditures-Police				**General Fund Expenditures-Information Technology**	
610-510200	Salaries	13,321		441-510200	Salaries	13,321
610-520600	FICA tax	1,032		441-520600	FICA tax	1,032
610-520800	Retirement	1,199		441-520800	Retirement	1,199
610-521000	401k	266		441-521000	401k	266
TOTAL CHARGES		$ 15,818.00		TOTAL CREDITS		$ 15,818.00

JUSTIFICATION

Transfer budgeted Police retirement pay-out funds to Information Technology. IT retiree's final pay including vacation and longevity pay out was budgeted in the Police department, using the best information staff had at the time. The employee was transferred to the IT department in June 2019 after the budget was adopted. Since the employee's vacation and longevity was accumulated in the Police department, and that is where the employee worked during the budget planning process, all retirement pay out funds were budgeted in Police. This amendment has no budgetary impact other than to transfer funds between departments in the general fund.

ADMINISTRATIVE SERVICES 12/31/2019
RECOMMENDED BY DATE

APPROVED BY BOC: DATE

POSTED TO GENERAL LEDGER: INITIALS

Agenda Item Summary Sheet

Item No: **E-2**
Meeting Date: **January 8, 2020**

Item Title: Consideration of Tax Adjustment Reports

Item Summary:

Attached please find the list of adjustments to the 2019 Tax Levy (per information received from Dare County) for Property and for MSD valuations.

These reports are submitted for your approval at the January 8th Board of Commissioners meeting.

Number of Attachments: 2

Specific Action Requested:

Tax reports provided for Board review and approval.

Submitted By: Linda Bittner, Tax Collector Date: December 30, 2019

Finance Officer Comment:

No unbudgeted fiscal impact.

Signature: Amy Miller Date: December 30, 2019

Town Attorney Comment:

N/A

Signature: John Leidy Date: December 30, 2019

Town Manager Comment and/or Recommendation:

I concur with staff.

Signature: Cliff Ogburn Date: December 30, 2019

Town of Nags Head, North Carolina
ANALYSIS OF CURRENT 2019 MSD TAX LEVY
As of December 30, 2019 for the January 8, 2020 BOC Mtg

	BEACH NOURISHMENT DISTRICT				
	MSD Valuation	Rate	Total Levy	MSD Excluding Registered Motor Vehicles	Registered Motor Vehicles
Original MSD Levy:					
MSD Beach Nourishment at current year's rate	809,869,299	0.00175	1,417,272.90	1,417,272.90	
Registered Motor Vehicles at current year's rate	480,411.00	0.00175	840.76		840.76
Registered Motor Vehicles at 2018 year's rate	754,172.00	0.00175	1,319.80		1,319.80
Registered Motor Vehicles at 2017 year's rate	0.00	0.00000			0.00
Penalties			0.00	0.00	
Total	**811,103,882**		**1,419,433.46**	**1,417,272.90**	**2,160.56**
Discoveries & Adjustments:					
Current year discoveries & adjustments	0.00		0.00	0.00	
Town wide beach nourishment			0.00	0.00	
Penalty Discoveries			0.00	0.00	
Total			**0.00**	**0.00**	
Releases & Adjustments:					
Current year releases & adjustments	0.00		0.00	0.00	
Town wide beach nourishment			0.00	0.00	
Penalty Releases			0.00	0.00	
Total			**0.00**	**0.00**	
Write-offs or Adjustments:			0.00	0.00	
Total MSD Valuation	**811,103,882**				
Net levy		**1,419,433.46**		**1,417,272.90**	**2,160.56**
TOTAL UNCOLLECTED MSD AS OF 12/30/19:		**(106,692.83)**		**(106,692.83)**	**0.00**
CURRENT YEAR MSD COLLECTED:		**1,312,740.63**		**1,310,580.07**	**2,160.56**
CURRENT MSD COLLECTION PERCENTAGE:		**92.483%**		**92.472%**	**100.000%**

Town of Nags Head, North Carolina
ANALYSIS OF CURRENT 2019 TAX LEVY
As of December 30, 2019 for the January 8, 2020 BOC Mtg

	Town-Wide Tax			Total Levy	
	Property Valuation	Rate	Total Levy	Property Excluding Registered Motor Vehicles	Registered Motor Vehicles
Original levy:					
Property taxed at current year's rate	2,383,436,490	0.00317	7,555,496.64	7,555,496.64	
Registered Motor Vehicles at current year's rate	10,076,839.00	0.00317	31,703.90		31,703.90
Registered Motor Vehicles at 2018 year's rate	9,229,951.00	0.00307	28,335.95		28,335.95
Registered Motor Vehicles at 2017 year's rate	3,219.00	0.00297	9.56		9.56
Penalties			5,460.81	5,460.81	
Total	**2,402,746,499**		**7,621,006.86**	**7,560,957.45**	**60,049.41**
Discoveries & Adjustments:					
Current year discoveries & adjustments tax	1,686,283.00		4,309.89	4,309.89	
Town wide beach nourishment tax			455.29	455.29	
Corporate Utilities discoveries & tax	22,078,064.00		64,026.38	64,026.38	
Corporate Utilities beach nourishment tax			5,961.09	5,961.09	
Penalty Discoveries			2,075.47	2,075.47	
Total	**23,764,347**		**76,828.12**	**76,828.12**	
Releases & Adjustments:					
Current year releases & adjustments	(298,688.00)		(866.20)	(866.20)	
Town wide beach nourishment			(80.63)	(80.63)	
Penalty Releases			(487.62)	(487.62)	
Total	**(298,688)**		**(1,434.45)**	**(1,434.45)**	
Write-offs or Adjustments:			0.00	0.00	
Total Property Valuation	**2,426,212,158**				
Net levy		**7,696,400.53**		**7,636,351.12**	**60,049.41**
Uncollected Taxes		(749,800.87)		(749,800.87)	0.00
Uncollected Town Wide Beach Nourishment		(69,647.05)		(69,647.05)	0.00
TOTAL UNCOLLECTED TAXES AS OF 12/30/19:		**(819,447.92)**		**(819,447.92)**	**0.00**
CURRENT YEAR TAXES COLLECTED:		**6,876,952.61**		**6,816,903.20**	**60,049.41**
CURRENT LEVY COLLECTION PERCENTAGE:		**89.353%**		**89.269%**	**100.000%**

Agenda Item Summary Sheet

Item No: **E-3**
Meeting Date: **January 8, 2020**

Item Title: Approval of minutes from Board of Commissioners meetings/workshops

Item Summary:

Attached for Board review and approval are the following Board of Commissioners meeting minutes:

November 18, 2019 Municipal Service District (MSD) Workshop
December 4, 2019 Regular Session
December 11, 2019 Recessed Session

Number of Attachments: 3

Specific Action Requested:

Provided for Board review and approval.

Submitted By: Carolyn F. Morris, Town Clerk Date: December 30, 2019

Finance Officer Comment:

No unbudgeted costs associated with this agenda item.

Signature: Amy Miller Date: December 30, 2019

Town Attorney Comment:

N/A

Signature: John Leidy Date: December 30, 2019

Town Manager Comment and/or Recommendation:

N/A

Signature: Cliff Ogburn Date: December 30, 2019

DRAFT MINUTES
TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
MUNICIPAL SERVICE DISTRICT (MSD) WORKSHOP
MONDAY, NOVEMBER 18, 2019

The Nags Head Board of Commissioners met in the Board Room of the Nags Head Municipal Complex located at 5401 S Croatan Highway in Nags Head, North Carolina on Monday, November 18, 2019 at 9:00 a.m. for a Municipal Service District (MSD) Workshop.

Board members Present:	Mayor Ben Cahoon; Mayor Pro Tem Susie Walters; Comr. Renée Cahoon; Comr. Webb Fuller; and Comr. Michael Siers
Board members Absent:	None
Others present:	Town Manager Cliff Ogburn; Attorney John Leidy; Carteret County Shoreline Manager Rudi Rudolph; Kevin Brinkley; John Cece; Marvin Demers; Andy Garman; Amy Miller; and Town Clerk Carolyn Morris

Mayor Cahoon called the Workshop to order at 9:00 a.m.

Town Manager Ogburn introduced Greg (Rudi) Rudolph, Carteret County Shoreline Manager. Mr. Rudolph presented a powerpoint presentation on the beach nourishment process in Carteret County.

The Carteret County Beach Commission is made up of representatives from Atlantic Beach, Pine Knoll Shores, Emerald Isle, Indian Beach, Bogue Banks, the County, and the County Board. The Commission is an 11-member group entrusted with the decisions concerning the Beach Fund. All entities contribute money to the Beach Fund and all agree that the neediest area receives the nourishment.

Mr. Rudolph's powerpoint presentation is attached to and made a part of these minutes as shown in Addendum "A".

Highlights of Mr. Rudolph's presentation include:

A Master Plan was prepared and approved by each Town/entity.

The Master Plan runs a model for a 25-year storm event – for each Reach. The plan took 10 years to receive approval/receive permitting – from 2008 to 2018 – and uses one engineer. The project encompasses approximately 20 miles.

<u>Costs</u>
Estimated at $230 million for 50 years ($4.6 million/year)
75% comes from the County via the Occupancy Tax
The Plan accounts for worst-case scenario which means no State funding

The room occupancy and tourism tax, which is 6%, provides the funding: 3% is remitted to the County's Tourism Development Authority and 3% is remitted to the Beach Fund.

Hurricane Florence (September 2018) had a major impact to the area and they are now in the post-Hurricane Florence Renourishment Project Phase.

Vegetative sprigs were planted (by Coastal Transplant) using a mechanical planter on top of the dune and hand-planted on the slanted dune. Dune planting was incorporated into the dredging contract.

Board members expressed their appreciation of Mr. Rudolph's presentation and questioned why other coastal entities had not requested it previously; Mr. Rudolph said only Town Manager Ogburn had inquired about their project.

Attorney Leidy – Municipal Service Districts (MSD)

Attorney Leidy reviewed the State Statute pertaining to MSD creation. Beach erosion control and flood hurricane works is permissible for MSD's however the way the entire MSD statute is written does not lend itself to unpredictable projects – it is better for ongoing projects – such as providing for a specific area of Town that needs specific work. The use of MSD's and the way in which taxes are levied and districts created are governed by one article in GS 160A.

When a new district is established, the Town must provide or maintain these services within one year after creation of the district. There does not have to be a tax imposed at any specific time.

If a district is created and used to finance work, then it needs to be approved by the Local Government Commission (LGC); those in the MSD have a brief window of time (five days) to challenge their inclusion in the MSD.

Attorney Leidy recommended waiting to establish/modify a district until ready to tax it. Town Manager Ogburn confirmed that establishment of another MSD would not be effective until July 1st.

Mayor Cahoon, on behalf of the Board, thanked Mr. Rudolph for coming to Nags Head and answering a lot of questions with his presentation. The Carteret County process uses an organized methodology which was very informative for the Town. Mr. Rudolph stated that he feels that the Carteret County model would work well in the Outer Banks.

Board discussion

It was Board consensus to get a conversation started with the County/Towns concerning a more organized project that would benefit the entire area – a presentation to the County Shoreline Committee that was open to the public could be very beneficial.

Town Manager Ogburn mentioned the Town's upcoming RFQ bid opening for the next beach nourishment project for engineering/design and surveying. Mayor Cahoon pointed out that the Town should continue to pursue its own project as well.

Comr. Fuller said that he thought the Board would be discussing municipal service districts and insurance-type models at today's workshop but he agrees in moving forward by starting discussions with the county/municipalities.

Mayor Pro Tem Walters agreed and said that she ultimately sees expanding an area in the MSD based on benefit. She also expressed her appreciation of Mr. Rudolph's enlightening presentation.

Comr. Renée Cahoon said that she would like to explore other options but agreed to look at expanding MSD's only because of the influence the ocean has on various areas; she feels it is not critical to look at today - but to look at comprehensive models in the future.

Comr. Siers said that he would like to see visitors help more with the financing of beach nourishment.

Mayor Cahoon agreed to start with a discussion/presentation to the county/municipalities which he will look into and report back to the Board on the responses received.

Town Manager Ogburn confirmed with Board members/Attorney Leidy that no changes to the MSD are being proposed until the new project is defined. He also pointed out that the Board-adopted Maintenance Plan from 2012 lists 50% or five years as the trigger for a project.

Attorney Leidy suggested for long-range planning to not try to match up districts with the reaches.

Mayor Cahoon said it would be very different to consider all Town/County Beach Nourishment projects and not think in a box with just the Town.

Mr. Rudolph stated that in the Carteret County project all entities pay and they collect each year whether or not their area is being renourished. He said that the South Nags Head erosion situation is similar to Emerald Isle east.

ADJOURNMENT

MOTION: Comr. Fuller made a motion to adjourn. The motion was seconded by Mayor Pro Tem Walters which passed unanimously. The time was 11:34 a.m.

_____
Carolyn F. Morris, Town Clerk

Date Approved: _____

Mayor: _____
Benjamin Cahoon

DRAFT **MINUTES**
TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR MEETING
WEDNESDAY, DECEMBER 4, 2019

The Nags Head Board of Commissioners met in the Board Room of the Nags Head Municipal Complex located at 5401 S Croatan Highway in Nags Head, North Carolina on Wednesday, December 4, 2019 at 9:00 a.m.

Board members Present:	Mayor Ben Cahoon; Mayor Pro Tem Susie Walters; Comr. Renée Cahoon; Comr. Webb Fuller; Comr. Michael Siers; and Comr-Elect Kevin Brinkley
Board members Absent:	None
Others present:	Town Manager Cliff Ogburn; Attorney John Leidy; Andy Garman; Phil Webster; Perry Hale; Randy Wells; Shane Hite; Amy Miller; Michael Zehner; Roberta Thuman; Holly White; David Ryan; Lucille Lamberto; Robert Muller; and Town Clerk Carolyn Morris

CALL TO ORDER

Mayor Cahoon called the meeting to order at 9:00 a.m. A moment of silence was followed by the Pledge of Allegiance.

ADOPTION OF AGENDA

MOTION: Comr. Fuller made a motion to approve the December 4th agenda as presented. The motion was seconded by Mayor Pro Tem Walters which passed unanimously.

RECOGNITION

NEW EMPLOYEE – Public Works Director Ralph Barile introduced Office Assistant Sue Cummings who was welcomed to Town employment by the Board.

NEW EMPLOYEE – Fire Chief Randy Wells introduced Firefighter Skyla Lamberto-Egan who was welcomed to Town employment by the Board.

PRESENTATION - Todd D. Krafft Septic Health Initiative Program - Planning Director Michael Zehner briefly summarized the Town's Septic Health Initiative Program and the importance of Todd Krafft to the program and to the Town and explained the loss to the program and to all who knew Mr. Krafft when he

unexpectedly passed away in September 2019. Director Zehner then introduced former Mayor Bob Muller who was a major figure in the Town's Septic Health Initiative; Mr. Muller provided a brief summary of the history of the program which he explained was adopted by the Board in 2002; Former Town Manager Webb Fuller had moved Todd Krafft from another dept in the Town to head up the program who did such a great job that the program is recognized on local, state, and federal levels. Mr. Muller stated that he feels the proposed resolution to be considered is a wonderful way to recognize the program and the employee who headed up the program. He encouraged its adoption and the renaming of the program to the Todd D. Krafft Septic Health Initiative Program.

Mayor Cahoon read the resolution.

MOTION: Comr. Fuller made a motion to adopt the resolution renaming the program as the Todd D. Krafft Septic Health Initiative Program as presented. The motion was seconded by Mayor Pro Tem Walters which passed unanimously.

The resolution, as adopted, read in part as follows:

"Whereas, the Town of Nags Head and the Outer Banks community lost a valued, forward-thinking leader, and generous and knowledgeable employee on September 16, 2019 with the death of Todd Davis Krafft; and

'Whereas, Todd Krafft dedicated over 20 years of public service to the Town of Nags Head and was a tireless and passionate advocate for the Septic Health Initiative and the understanding and mitigation of other environmental concerns facing the town; and

'Whereas, Todd Krafft took great pride and care in performing the many duties of the Septic Health Coordinator and Environmental Planner positions, helping to establish, implement, and grow the Town of Nags Head's Septic Health Initiative Program; as part of his work, Todd carried out and oversaw the Septic Tank Inspection and Pumping Programs, Water Quality Monitoring Programs and the development of the Decentralized Wastewater Management Plan; and

'Whereas, Todd Krafft valued opportunities to provide environmental education to the community, including presentations at area schools, realtor groups and professional organizations, civic and community associations, and other municipalities interested in developing a similar program; and

'Whereas, Todd Krafft nurtured and fostered partnerships with many local organizations and education facilities, including the Coastal Studies Institute and the OBX Field Site, North Carolina Coastal Federation, North Carolina Sea Grant, and North Carolina State University; and

'Whereas, Todd Krafft left a lasting legacy at the Town of Nags Head and its residents, leaving a positive impression on everyone who had the pleasure to work with him.

'Therefore, be it resolved, that the Town of Nags Head Septic Health Initiative Program be renamed the Town of Nags Head Todd Krafft Septic Health Initiative Program in honor of his work.

'Now, therefore, be it further resolved, that this resolution be included in the minutes of the Nags Head Board of Commissioners as a permanent record of the achievements of and respect for one of Nags Head's most dedicated employees, and that the original be presented to the family of Todd Davis Krafft with sincere sympathy and appreciation."

The original resolution as well as a plaque for each of Mr. Krafft's children was presented to Kayleigh Krafft.

PRESENTATION - Nags Head Woods Annual Report

Steward Aaron McCall presented the annual Nags Head Woods Report via a powerpoint presentation which was well received by Board members as well as the audience. His presentation is attached to and made a part of these minutes as shown in Addendum "A".

Comr. Renée Cahoon, on behalf of the Board, thanked Mr. McCall for his twenty years of service to the Woods. Comr. Fuller pointed out how many years ago Nags Head Woods was slated to be developed; it has been a good partnership with the Nature Conservancy.

PRESENTATION - 2019 Earl Murray, Jr. Employee of the Year Award

Town Manager Ogburn identified the nominees for the 2019 Earl Murray, Jr. Employee of the Year: Tax Collector Linda Bittner, Dep Fire Chief Shane Hite, Police Officer Joseph (JC) Mitchell, Sanitation Superintendent Ricky Spencer, and Code Compliance Officer Ed Snyder.

Mayor Cahoon announced Sanitation Superintendent Ricky Spencer as the winner of the 2019 Earl Murray, Jr. Employee of the Year award.

Mayor Cahoon pointed out that this year's nominees were outstanding and it was very difficult to choose just one during last month's Closed Session.

PRESENTATION - Dare County Motorcycle Toy Run – Terry Gray

Terry Gray, President of the Dare County Motorcycle Toy Run, recognized partnerships with agencies to include the Cat 5G Club to make the annual toy run work. He thanked Treasurer Sam Bowler and Rich and Marie Ball for their help. The main reason for the toy run and the partnerships is to raise money for underprivileged children. He also specifically thanked the Dare County Sheriff's Dept as well as the local municipalities for their assistance in incident-free events each year. It is anticipated that this year the amount raised will be $42,000 to go to those in need. The video played and was well received. On behalf of the Dare County Motorcycle Toy Run, Mr. Gray presented a plaque of appreciation to Police Chief Phil Webster.

On behalf of the Board, Mayor Cahoon thanked Mr. Gray and his organization for the work done on behalf of underprivileged children.

RESOLUTION – 2020 Census Partnership Resolution

Planning Director Michael Zehner acknowledged the Board's support and encouraged citizen support for the upcoming 2020 Census. He pointed out that many things are dependent on the accuracy of the census.

Mayor Cahoon read the resolution.

MOTION: Comr. Renée Cahoon made a motion to adopt the 2020 Census resolution as presented. The motion was seconded by Mayor Pro Tem Walters which passed unanimously.

The resolution, as adopted, read in part as follows:

"WHEREAS the U.S. Census Bureau is required by the U.S. Constitution to conduct a complete count of the population and provide a historic opportunity to help shape the foundation of our society and play an active role in American democracy; AND

'WHEREAS the Town of Nags Head is committed to ensuring every resident is counted; AND

'WHEREAS federal and state funding is allocated to communities, and decisions are made on matters of national and local importance based, in part, on census data and housing; AND

'WHEREAS census data help determine how many seats each state will have in the U.S. House of Representatives and are necessary for an accurate and fair redistricting of state legislative seats, county and city councils and voting districts; AND

'WHEREAS information from the 2020 Census and American Community Survey is vital for economic development and increased employment; AND

'WHEREAS the information collected by the census is confidential and protected by law; AND

'WHEREAS a united voice from business, government, community-based and faith-based organizations, educators, media and others will enable the 2020 Census message to reach more of our residents; AND

'WHEREAS the Census count requires extensive work, and the Census Bureau requires partners at the state and local levels to insure a complete and accurate count; AND

'WHEREAS the Town of Nags Head and its appointed Complete Count Committee will bring together a cross section of community members who will utilize their local knowledge and expertise to reach out to all persons of our community; AND

'NOW, THEREFORE, BE IT RESOLVED that the Town of Nags Head is committed to partnering with the U.S. Census Bureau and the State of North Carolina and will:

'1. Support the goals for the 2020 Census and will disseminate 2020 Census information;

'2. Encourage all Town residents to participate in events and initiatives that will raise the overall awareness of the 2020 Census and increase participation;

'3. Provide CCC members and Census advocates to speak to Town and Community Organizations;

'4. Support census takers as they help our Town complete an accurate count; and,

'5. Strive to achieve a complete and accurate count of all persons within our borders."

PERSONAL PRIVILEGE FOR OUTGOING BOARD MEMBERS

Recognition of Outgoing Mayor Pro Tem Susie Walters

Mayor Pro Tem Susie Walters congratulated both Comr. Renée Cahoon and Kevin Brinkley on their Commissioner wins in the recent election. As she left her position as Mayor Pro Tem, she emphasized how much she respected and enjoyed working with all Board members over the years whom she mentioned by name to include current Board members and wished the current Board well in planning the Town's future. She played on screen the song "Don't Stop Thinking About Tomorrow" by Fleetwood Mac.

Comr. Renée Cahoon said it was an honor and a privilege to serve with Mayor Pro Tem Walters; Comr. Fuller thanked her for her work for the Town and indicated his appreciation working with her; Comr. Siers stated that it has been a privilege and an honor working with her and that he always appreciated her insight; Mayor Cahoon expressed his appreciation for Mayor Pro Tem Walters' mentorship and her passion for her work for the Town.

An engraved plant crock/vase was presented to Mayor Pro Tem Walters on behalf of the Board.

REORGANIZATION OF THE BOARD

Town Clerk Carolyn F. Morris presented the official results of the November 5, 2019 municipal election for the position of Commissioner as follows:

"Kevin Brinkley – Total votes 584
Renée Cahoon – Total votes 536
Keith Sawyer – Total votes 242
Write-In (Miscellaneous) – Total votes 4"

Commissioner oaths of office were given by Town Clerk Carolyn Morris to Comr. Renée Cahoon and Kevin Brinkley – followed by a brief photo break. Both Comr. Renée Cahoon and Comr. Brinkley were welcomed to their seats on the Board.

The selection of Mayor Pro Tem then took place.

MOTION: Comr. Fuller made a motion to nominate Comr. Siers as Mayor Pro Tem. The motion was seconded by Comr. Renée Cahoon which passed unanimously.

Town Clerk Carolyn Morris provided the Mayor Pro Tem oath of office to Comr. Siers who was then welcomed to his seat on the Board.

PUBLIC COMMENT

There being no one present who wished to speak during Public Comment, Attorney Leidy closed Public Comment at 10:17 a.m.

CONSENT AGENDA

The Consent Agenda consisted of the following items:

- Consideration of Budget Adjustment #5 to FY 19/20 Budget
- Consideration of Tax Adjustment Report
- Approval of minutes
- Consideration of amendments to the Consolidated Fee Schedule re: Planning fees
- Consideration of amendment to Town Code of Ordinances - Vehicle for Hire section
- Request for Public Hearing to consider proposed text amendments to the Unified Development Ordinance pertaining to off-street parking requirements associated with alternative and reduced parking, including bicycle parking, and associated conditional use permitting requirements

MOTION: Comr. Fuller made a motion to approve the Consent Agenda as presented. The motion was seconded Comr. Renée Cahoon which passed unanimously.

The Budget Adjustment, as approved, is attached to and made a part of these minutes as shown in Addendum "B".

The Tax Adjustment Report, as approved, is attached to and made a part of these minutes as shown in Addendum "C".

The Consolidated Fee Schedule (CFS) changes, as approved, read in part as follows:

"As Staff has begun to administer the Unified Development Ordinance it has become apparent that several of the *Miscellaneous Administrative and Zoning Fees* included within the Town's Consolidated Fee Schedule needed to be updated. Staff is suggesting the following changes to these fees, consolidating some fee types, as well as reorganizing fees by application type. At this time Staff is not proposing to increase or decrease any fees; however, this may be a consideration as part of the FY20/21 Budget.

'Staff requests the Board's approval of the following changes to the Consolidated Fee Schedule; ~~strikethroughs~~ denote proposed deletions of existing content, and text in red denotes proposed additions to or alterations of existing content:

Miscellaneous Administrative and Zoning Fees	
Site Plan, Major	0.50/sf
Site Plan, Minor (without or less than 250 sq. ft. of new floor area or lot coverage)	$75
Site Plan, Minor (with 250 sq. ft. or greater or new floor area or lot coverage)	$400
~~Board of Adjustments~~ Variance or Appeal	$200
~~Change of occupancy/use~~	~~$50~~
Conditional Use/Vested Right	$200 each or $300 combined
Erosion & Sedimentation Control	$50/up to 1 acre + $40/additional acre and revision
~~Exempt subdivision/administrative review~~	~~$50/lot~~
Floodplain Review (not associated with building permit)	$50
~~GIS maps 11 X 17~~	~~$5/parcel data only~~ ~~$10/aerial photography~~

~~GIS maps 17 X 22~~	~~$10/ parcel data only~~ ~~$25/aerial photography~~
~~GIS maps 22 x 34 through 36 x 48~~	~~$25/ parcel data only~~ ~~$50/aerial photography~~
~~Home occupation~~	~~$50~~
~~Sign permit application review~~	~~$75~~
~~Remodeling~~	
~~Site plan review for signs~~	~~$75~~
~~Site plan review fee/duplex~~	~~$275~~
~~Site plan review/commercial~~	~~0.50/sf~~
~~Site plan review/single family~~	~~$150~~
~~Site plan/administrative review~~	~~$400~~
~~Subdivision plat review~~	~~$75/lot~~
~~Zoning permit application (adopted Dec 2002)~~	~~$25~~
~~Zoning permit application - in conjunction with building permit~~	~~N/C~~
Zoning Permit for New Single Family/Duplex	$150/$275
Zoning Permit associated with Single Family/Duplex with no Building Permit (i.e. driveway, land disturbance, etc.)	$25
Zoning Permit for Commercial/Multifamily, in conjunction with Building Permit	No charge
Zoning Permit for Commercial/Multifamily, with no Building Permit (i.e. change of occupancy or use)	$50
Zoning Permit for Signage	$75 (per application, inclusive of all signs)
Zoning Permit for Home Occupation	$50
Zoning Map Amendment	$200 ea; $300 if engineering required
Zoning Text Amendment	$200 ea; $300 if engineering required
Application/Investigation of Sexually Oriented Business (SOB)	$300
Subdivision, Minor or Major	$75 per lot
Exempt Subdivision/Recombination	$50 per lot
GIS maps 11 X 17	$5/parcel data only $10/aerial photography
GIS maps 17 X 22	$10/ parcel data only $25/aerial photography
GIS maps 22 x 34 through 36 x 48	$25/ parcel data only $50/aerial photography
~~Site plan review for Accessory Structures (decks, pools, signs, etc) if required $50~~	
~~Site plan review for alterations, additions,~~	~~$75~~

<u>Town Code – Vehicle for Hire, as approved, read in part as follows:</u>

"The department received notification from SBI that the police department must apply for access to criminal history records checks. This affects our ability to obtain criminal history information for our Taxi permits.

'On October 29, 2019 we received an email from Brittany Hunt of the SBI Access Integrity Unit. She stated in the email they (SBI) had received fingerprints for a Taxi applicant. She researched and found that we do not have an Access Agreement on file for Taxi Applicants with SBI.

'Ms. Hunt sent the required agreement paperwork and additionally stated our town ordinance needed to reflect the requirement for finger printing, which ours currently does not. In order to meet the standard, set forth in GS 160A-304 we must include language in our ordinance to the effect of: "The ordinance shall require any applicant who is subjected to a national criminal history background check to be fingerprinted".

'After updating the ordinance, I will need to submit the ordinance and an access agreement to SBI.

'Attached please find proposed ordinance amendment for consideration."

<u>The Request for Public Hearing, as approved, read in part as follows:</u>

"As discussed and directed at the Board of Commissioners Retreat on September 12, 2019, Staff is providing the Board with proposed amendments to the Unified Development Ordinance pertaining to the reduction of parking based on the provision of bicycle parking, the standardization of findings for all parking-related Conditional Use Permits, and the establishment of minimum standards for required bicycle parking

'Planning Board/Staff Recommendation
Staff concurs with the recommendation of the Planning Board. Staff recommends that the public hearing on the proposed amendments be scheduled.

'The Planning Board, at their November 19, 2019 meeting, voted 4-0 to recommend amendments to UDO as contained in the attached draft ordinance. In making their recommendation, the Planning Board noted their opinion that the proposed amendments were consistent with the relevant policies contained in the Comprehensive Plan."

REPORTS AND RECOMMENDATIONS FROM THE PLANNING BOARD AND THE PLANNING AND DEVELOPMENT DIRECTOR

Planning Director Michael Zehner had provided a detailed monthly report of the Planning and Development Department in the Board package. He provided the opportunity for Board members to comment/ask questions of him which he noted is a different format than previously which was as an "FYI" in an email to the Board.

Director Zehner responded to a question from Mayor Pro Tem Siers – the timeline to be online 100% for building permit process he estimated would be in the May 2020 timeframe. Online trade permits he anticipates to be available by the February/March 2020 timeframe.

Comr. Fuller asked if the HVAC and Plumbing permit process would go in before electric; Director Zehner said that some clarification still needs to be done from a process standpoint. Nags Head requires a review while Currituck County does not. In response to Comr. Fuller, Director Zehner stated that as of today there are 28 short-term rental properties registered.

OLD BUSINESS/ITEMS TABLED FROM PREVIOUS MEETINGS

From Nov 6th Board meeting – Update on Little Bridge site; Update on Speed limit reduction

The summary sheet on the Little Bridge site and speed limit reduction read in part as follows:

"Little Bridge site - At the November 6th Board of Commissioners meeting, Board members expressed concern that all of the safety items at the site cause confusion for pedestrians as well as motorists. Staff was directed to bring this item back for discussion on December 4th when the new Board is in place. Below is the chronological order of installed items at the site. The Board discussed the possibility of removing all or some of the items placed at this site – to include putting the area back to its original condition. NC DOT Division I Engineer Jerry Jennings has stated that they could not support this request unless fishing was prohibited on the north side of the bridge.

1. Crosswalk (2012)
2. Refuge Island (2013)
3. Advanced Pedestrian Flashing Signal installation (2014)
4. Motion-activated pedestrian signal installation at Crosswalk (2018)

Police Chief Webster provided the following information concerning incidents at the Little Bridge site:
- Since August 2014 there have been a total of 18 accidents, one involving a pedestrian
- In the five years prior to August 2014, there is no record of any accidents

'US 158 speed limit reduction to 45 MPH – At the November 6th Board of Commissioners meeting, Mayor Cahoon stated that he would check with the Town of Kill Devil Hills concerning support for lowering the speed limit on US 158 to 45 MPH – when the new Mayor of Kill Devil Hills is in place. Comr. Renée Cahoon asked staff to continue to pursue the speed limit reduction to 45 MPH that the Town requested from NCDOT from the Town line on the Nags Head/Manteo Causeway north to the Nags Head Elementary School. Staff will provide an update on December 4th."

Update on Little Bridge site
Town Manager Cliff Ogburn reported that he has discussed with NCDOT Engineer, Jerry Jennings, expressing the Board's wish to remove what was put in place – they will not until north side of the pier is prohibited for fishing.

Mayor Cahoon summarized the Board's wish to switch to a pedestrian-activated light and to provide the appropriate signage to indicate the function of the lights for drivers who approach Little Bridge as well as to warn pedestrians about to cross. He stated that the Board's primary request is for NCDOT to make the Little Bridge lights work the way intended.

Speed limit reduction
In response to Comr. Renée Cahoon, Town Manager Ogburn said that he would follow up with NCDOT concerning the default speed limit on US 158 to 45 MPH.

Mayor Cahoon reported that he has spoken to Mayor-Elect Ben Sproul of the Town of Kill Devil Hills concerning reducing the speed limit on US 158 to 45 MPH for consistency throughout the towns; Mayor-Elect Sproul indicated that he would discuss this with his Board at an upcoming meeting.

From Nov 6th Board meeting – Update on the following projects to include cost figures ADA Study; Workforce Housing Study/Plan; Building Access Security

The summary sheet read in part as follows:

"Workforce Housing – ADA Study - This year's budget includes funds to complete the workforce housing and ADA studies using the town's on-call architect. Staff has worked with DJG to refine the scope and budget for each project. Currently the workforce housing study is quoted at $22,858. The ADA study is $23,347. When reviewing the tasks for each of these projects, staff worked with the consultant to combine meetings and site visits to minimize project costs. These refinements have reduced the cost of both efforts by approximately $15,000. The combined total of these projects, $46,205, is within budgeted funds. Staff is proceeding with both of these efforts.

'Building Access Security - As discussed last month, the building security project was initiated by the town's safety committee and has been an ongoing internal discussion over the course of the last six months. Staff would like assistance from the town's on-call architect to develop appropriate alternatives to improve safety at the four primary town facilities. The consultant has developed a draft scope which includes three phases. The proposed fee for this effort is $15,909. Staff has prepared a budget amendment of the same amount using admin facility fees. Staff requests board approval of the requested budget amendment and authorization to proceed with the project scope.

'Staff memo and proposed budget adjustment are attached."

Dep Town Manager Andy Garman summarized his memo which read in part as follows:

"At the Board's November meeting, staff presented a draft scope of work for a seasonal workforce housing study requested by the Board as part of the current budget. The Board discussed the project and clarified goals for the study including who the housing should be designed to accommodate. Staff also presented to the Board a request to conduct an analysis of building security for the four primary public facilities the town operates. These include the town hall complex, fire stations 16 and 21, and public works.

'Staff is proposing to utilize the town's on-call architect, DJG, Inc., to conduct both tasks. Staff is also proposing to have DJG complete an ADA study (Americans with Disabilities Act) for the town, which is intended to inventory town facilities, including buildings, parks, and pathways, to determine compliance with ADA and provide guidance to improve the accessibility of these facilities as necessary. The ADA study is required by NCDOT since the town is a recipient of Powell Bill funding.

'This year's budget includes funds to complete the workforce housing and ADA studies using the town's on-call architect. Staff has worked with DJG to refine the scope and budget for each project. Currently the workforce housing study is quoted at $22,858. The ADA study is $23,347. When reviewing the tasks for each of these projects, staff worked with the consultant to combine meetings and site visits to minimize project costs. These refinements have reduced the cost of both efforts by approximately $15,000. The combined total of these projects, $46,205, is within budgeted funds.

'As discussed last month, the building security project was initiated by the town's safety committee and has been an ongoing internal discussion over the course of the last six months. Staff is reviewing both physical improvements and soft measures to enhance security and mitigate future risk to town staff and facilities. We would like assistance from the town's on-call architect to develop appropriate alternatives to improve "safety at the four primary town facilities. The consultant has developed a draft scope which includes three phases. A summary of the scope is as follows:

Phase I – Site Investigation and Documentation

For each of the primary public facilities within the Town of Nags Head, provide a site survey and documentation of the current conditions. Primary facilities include:

- Town Hall
- Fire Stations (2)
- Public Works Building

Documentation will include the current site access configuration, number of access points, current interior plan configuration, define public use interior building zones vs. town staff zones, identify public building access points vs. staff access points, document any existing building monitoring systems and areas of coverage, and document the type of public visitor expected at each facility.

Kick-off conference and site visits to be completed in concert with the ADA study site work for the subject properties.

Phase II – Improvement Options

- Provide a building tour for the Nags Head Team of a newly constructed government complex in Dinwiddie County, Virginia. At a mutually agreeable time, as a team we will review current technology and current options utilized within the new facility.
- Identify proposed control points for separation of public vs. town staff areas
- Proposed access control modifications to include:
    - Building Access upgrades
    - Interior Physical Security upgrades
    - Camera or other electronic monitoring options
    - Site Access Controls (if appropriate)
- Review meeting with Town Staff to review preliminary available options
- Refine options to incorporate the feedback from the Town
- Review meeting with the Board of Commissioners for review of options

Phase III – Refinement of Options and Budget Estimating

- Based upon discussions with the Board, refine options to incorporate data and feedback provided by the Town
- Provide budget estimate for final recommendations refined following the Board's input
- Prepare final report of findings, recommendations, and project estimates (by facility)

Services by the Town:

- Provide existing building and site plans for the subject facilities
- Provide an escort for DJG with appropriate access to facilities
- Provide DJG with access to appropriate Town Staff members to understand the levels of public access and interaction required / desired at subject facilities.

The proposed fee for this effort is $15,909. Staff has prepared a budget amendment of the same amount using admin facility fees. Staff requests board approval of the requested budget amendment and authorization to proceed with the project scope.

Dep Town Manager Andy Garman explained that staff is requesting $15,910 to come from facility fees. Finance Director Amy Miller confirmed this information and stated that this was the only amount that was not approved in the original budget.

MOTION: Comr. Fuller made a motion to approve the Budget Amendment for $15,910 for the Building Access Security Measures Study as requested. The motion was seconded by Comr. Brinkley which passed unanimously.

NEW BUSINESS

Committee Reports

Mayor Cahoon – he recently attended a NC Rural Conference and one key thing he took away is the need to invite elected officials, consultants, etc. that can address rural issues to schedule a conference in the rural areas so those affected can attend and their issues can be addressed.

Comr. Fuller – the Dare County Tourism Board (DCTB) committee looked at the event site as appointed by the OBVB; he noted that the Outer Banks Voice today had a good rendering of what went on at that meeting. The committee has agreed to engage an engineer to review the conceptual value of the committee and the Town's rules/regulations.

Consideration of Town Board/Committee appointments/reappointments

The summary sheet read in part as follows:

1 - Consideration of appointments to the Planning Board.
- To fill three (3) expiring terms
- Two of the three whose terms are expiring are not interested in being reappointed. Please see attached Planning chart.

After a recent email inquiry from staff, the following responded and again expressed their interest in serving on the Planning Board: Barbara Ayars, Ellen Heatwole, Gary Ferguson, Al Friedman, and AG (Don) Milbrath.

2 - Consideration of appointments to the Committee for Arts & Culture.
- To fill five (5) expiring terms
- All current members are interested in being re-appointed
- Staff suggests staggering the terms so all terms don't expire at the same time

Attached please find the lists of candidates interested in serving on the Planning Board and the Committee for Arts & Culture. Also attached are the tracking charts with the current members of each.

Mayor Cahoon suggested, so that all can evaluate the Planning Board applications, that the Arts & Culture Committee appointments be considered today and the Planning Board appointments be considered at the January 2020 meeting. Board members agreed.

MOTION: Comr. Renée Cahoon made a motion to reappoint the following five (5) members to the Arts & Culture Committee as presented/follows: Leslie Erickson, Lauren Evans, Ginny Flowers, Kerry Oaksmith-Sanders, and Peggy Saporito. The motion was seconded by Mayor Pro Tem Siers which passed unanimously.

MOTION: Comr. Fuller made a motion to consider the Planning Board appointments at the January 8, 2020 Board of Commissioners meeting. The motion was seconded by Comr. Renée Cahoon which passed unanimously.

Consideration of appointment/reappointment to Dare County Tourism Board

MOTION: Comr. Renée Cahoon made a motion to nominate Comr. Fuller to another two-year term on the Dare County Tourism Board. The motion was seconded by Mayor Pro Tem Siers which passed unanimously.

ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN ATTORNEY

Town Attorney Leidy – Request for Closed Session

Attorney Leidy requested a Closed Session so that he and Attorney Ben Gallop can update the Board on the status of the Beach Nourishment Project condemnation litigation.

It was Board consensus to move the Closed Session to the end of the meeting.

Town Attorney Leidy – Congratulations to Comr. Brinkley

Attorney Leidy congratulated Comr. Brinkley on his election win and wished him well as Commissioner.

ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN MANAGER

Town Manager Ogburn - Comprehensive Stormwater Maintenance and Projects Update

The following verbal updates were provided on the Town's Comprehensive Stormwater Maintenance and Projects:

Hunter Freeman, Withers Ravenel – He provided a report on the upcoming S Nags Head projects which include project #12 (milepost 19.5) and project #13 (milepost 17.5) as well as improvements adjacent to S Old Oregon Inlet Road. Mr. Freeman's slides are attached to and made a part of these minutes as shown in Addendum "B".

Mike Norris, Town Facilities Maint Supervisor – He updated the Board with information on the upcoming S Nags Head drainage projects as well as some recent work done throughout Town to address stormwater issues. Work done throughout Town included maintenance tasks such as cleaning out culverts and re-

stabilizing ditches. His slides are attached to and made a part of these minutes as shown in Addendum "C".

David Ryan, Town Engineer – Report on "IFLOOD" app which processes information from the field into a common database. Field reports are consolidated and viewed online. Directions for the "IFLOOD" app are: "Mark location on map, Snap a photo, Answer survey questions, Submit report"

Mayor Cahoon encouraged citizens to make use of the "IFLOOD" application as the more data input, the more accurate the data will be.

BOARD OF COMMISSIONERS AGENDA

Comr. Renée Cahoon – Consideration of Resolution Opposing Reclassification of Jurisdictional Waters

MOTION: Comr. Renée Cahoon made a motion to adopt the resolution opposing the reclassification of jurisdictional waters as presented. The motion was seconded by Mayor Pro Tem Siers which passed unanimously.

The resolution, as adopted, read in part as follows:

"WHEREAS, in January of 2019, the NC Marine Fisheries Commission (MFC) and the NC Wildlife Resources Commission (WRC) formed a joint committee for the purpose of determining boundaries defining inland and coastal waters; and

'WHEREAS, the joint committee had its last meeting in May of 2019, after having disagreements between the agencies on the "salinity value" to determine boundaries; and

'WHEREAS, in August of 2019, the WRC business meeting was held with little direct notice to the MFC or to the NC Department of Environmental Quality (NCDEQ). At this meeting the WRC decided to move forward with the proposed boundaries based on the arbitrary "2.6 ppt salinity value"; and

'WHEREAS, in 2017 the MFC conducted a review of rules pertaining to delineation (15A NCAC 03Q .0200 et seq) and determined there was no basis to adjust jurisdictional boundaries; and

'WHEREAS, the proposed Reclassification of Jurisdictional Waters would be a loss of approximately 144,984 square acres or 226.5 sq. miles of coastal and commercial fishing waters. Thus, creating even more confusion and regulations to the already over regulated NC commercial fishing industry; and

'WHEREAS, the MFC would be required by law, to perform a comprehensive financial analysis to modify jurisdictional boundaries, which would include a review of all existing rules and a detailed mapping effort expected to take over a year to complete with added costs to the taxpayers of North Carolina; and

'WHEREAS, the financial impact as proposed would exceed $1,000,000.00 for sustainable economic impact as prescribed in the NC Administrative Procedure Act; and

'WHEREAS, fisheries management plans of important commercial and recreational species under MFC authority follow a criterion initially to establish coastal and joint waters but not inland waters. Thus, a complete review of all MFC rules would have to be completed at NC taxpayer expense.

THEREFORE, BE IT RESOLVED, that the Town of Nags Head Board of Commissioners strongly opposes the Reclassification of Jurisdictional Waters as prescribed by the NC Wildlife Resources Commission. Under such research we have not found where a Salinity Value is a determination of boundary lines between coastal and inland waterways."

Board members agreed that the resolution should be forwarded to the local municipalities.

MAYOR'S AGENDA

Mayor Cahoon asked the Board to consider a $100 gift card for each employee in appreciation of their work.

MOTION: Mayor Pro Tem Siers made a motion to approve $100 gift cards for Town employees in appreciation of their work. The motion was seconded by Comr. Renée Cahoon which passed unanimously.

On behalf of the employees, Town Manager Ogburn thanked the Board.

CLOSED SESSION

MOTION: Comr. Renée Cahoon made a motion to enter Closed Session to receive an update from the attorney on the Richardson litigation matter under the attorney/client privilege in accordance with GS 143-318.11(a)(3). The motion was seconded by Mayor Pro Tem Siers which passed unanimously. The time was 11:32 a.m.

OPEN SESSION

The Board re-entered Open Session at 12:40 p.m. Attorney Leidy reported that during Closed Session the Board did confer with the attorneys concerning the condemnation litigation and no action was taken.

Comr. Renée Cahoon – Arts & Culture Committee

Comr. Renée Cahoon asked the Board to consider staggered terms for the Arts & Culture Committee so that all terms do not expire at the same time.

ADJOURNMENT

MOTION: Comr. Brinkley made a motion to recess the Board meeting to Wednesday, December 11, 2019 at 9:00 a.m. in the Board Room – The motion was seconded by Mayor Pro Tem Siers which passed unanimously. The time was 12:43 p.m.

_____
Carolyn F. Morris, Town Clerk

Date Approved: _____

Mayor: _____
Benjamin Cahoon

DRAFT MINUTES
TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
RECESSED MEETING
WEDNESDAY, DECEMBER 11, 2019

The Nags Head Board of Commissioners met in the Board Room of the Nags Head Municipal Complex located at 5401 S Croatan Highway in Nags Head, North Carolina on Wednesday, December 11, 2019 at 9:00 a.m.

Board members Present:	Mayor Ben Cahoon; Mayor Pro Tem Michael Siers; Comr. Webb Fuller; and Comr. Kevin Brinkley
Board members Absent:	Comr. Renée Cahoon
Others present:	Town Manager Cliff Ogburn; Attorney John Leidy; Andy Garman; Amy Miller; Stephanie Westheiden; Danielle Puleo; and Town Clerk Carolyn Morris

CALL TO ORDER

Mayor Cahoon called the meeting to order at 9:00 a.m.

ADOPTION OF AGENDA

MOTION: Comr. Fuller made a motion to approve the December 11th agenda as presented. The motion was seconded by Mayor Pro Tem Siers which passed 4 – 0 (Comr. Renée Cahoon was not present.).

PUBLIC COMMENT

No one present wished to speak during Public Comment; Attorney Leidy declared it closed at 9:02 a.m.

NEW BUSINESS

Consideration of contract award for multi-use path bid and associated contract

Town Manager Ogburn summarized the agenda summary sheet which read in part as follows:

"Sealed Bids for the PH8A W. Side Multi-Use Path project were received/opened on Thursday, Dec. 5th. The project was bid under the formal bid guidelines due to the planning level costs projected to exceed the formal bid threshold of $500,000. The scope of work was separated into two parts: Base Bid-consisting of construction of approximately 4,007 l.f. of 10' wide concrete multi-use pathway plus

incidental work along the west side US Hwy 158 in association with construction of 760 l.f. of 6' wide concrete pathway along the east side of US Hwy 158 plus incidental work, Add Alternate #1- consisting of 1,500 l.f. of 12" dia. water main with appurtenances. RPC Contracting Inc. submitted the lowest responsive, responsible bid with a total bid amount of $472,340.00.

'Staff Recommendation:
Staff recommends that the Board authorize the Town Manager to issue a Notice of Award to the lowest responsive, responsible bidder, RPC Contracting Inc. and to proceed forward with the execution of the construction contract. Contract execution will be conditioned upon Town Attorney review and issuance of required State permits. A 10% construction contingency is being proposed which will adjust the total proposed construction budget to $520,000."

Town Manager Ogburn noted that staff is awaiting one permit – from NCDOT – the proposed date for construction to begin is January 13, 2020.

MOTION: Comr. Brinkley made a motion to approve/issue a Notice of Award and proceed with execution of the construction contract with RPC Contracting, Inc. for Phase 8A of the Multi-Use Path – conditioned on the Town Attorney's contract review and issuance of the required State permits, as presented. The motion was seconded by Mayor Pro Tem Siers which passed 4 – 0 (Comr. Renée Cahoon was not present.).

ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN ATTORNEY

Attorney Leidy stated that he will be obtaining further information re: the Friend of the Court item under the Mayor's agenda concerning signing into a court case with Oceana to protect against harmful seismic air gun blasting used to search for offshore oil and gas. At this time Attorney Leidy indicated that he has nothing further to provide other than what is in the Board materials.

ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN MANAGER

Town Manager Ogburn - Consideration of Budget Adjustment #6 to FY 19/20 Budget

Finance Officer Amy Miller summarized Budget Adjustment #6; the summary sheet read in part as follows:

"Budget Adjustment 6.1 – Upon completion of the FY 2019 audit and CAFR, it was found the correct way to record the General Fund's annual repayment of the Water Fund's purchase of real property is to record a land purchase as an expenditure in the General Fund and a sale of fixed asset in the Water Fund. This land sale does not reflect a transfer or contribution between funds. The original budget reflected a transfer between funds, which is incorrect. This budget amendment has no budgetary impact, it just will allow proper recording to be reflected as indicated in the financial statements per Generally Accepted Accounting Principles (GAAP)."

"Budget Adjustment 6.2 – Due to liquidated damages for the FY 18/19 stormwater project, the final escrow account for the loan proceeds totaled $27,508 upon project completion. The escrow account was closed, and since the loan proceeds were not needed for project funding, the loan requirement is for unspent proceeds to first pay out any outstanding accrued interest on the loan ($12,669) and the rest be applied to pay down the loan principal ($14,839). The lender generated a new amortization schedule, and the final debt payment in fiscal year 2023 will reflect the interest and principal pay down as a correlating reduced payment. Essentially FY 2023 will see a reduced final debt payment to offset the principal and interest prepayment as a result of unspent funds. There is no prepayment penalty, and final budgetary impact will be a reduction in interest expense. Due to accumulated interest and unspent funds from prior

years, there is enough money in the Stormwater Capital Reserve to pay for this prepayment without impairing the Town's ability to perform any scheduled stormwater projects for FY 20."

MOTION: Comr. Fuller made a motion to approve Budget Adjustment #6 to the FY 19/20 Budget as presented. The motion was seconded by Comr. Brinkley which passed 4 – 0 (Comr. Renée Cahoon was not present.).

Budget Adjustment #6, as approved, is attached to and made a part of these minutes as shown in Addendum "A".

BOARD OF COMMISSIONERS AGENDA

Comr. Fuller – Town representative on the Dare County Tourism Board - Boardwalk at Event Site

Comr. Fuller explained that at a recent workshop to discuss plans for the future of the Soundside Event Site, the Tourism Board discussed putting a boardwalk through the event site property. Comr. Fuller wanted to make sure the Nags Head Board was aware. The approximate time that the DCTB is to begin looking at development of that boardwalk is 2021. Comr. Fuller feels that this would dovetail with the Town's Harvey Soundside Access site work discussed in a previous Board meeting. He suggested that the Town and the DCTB meet, possibly around the February 2020 timeframe, with a public meeting to discuss the Harvey site in conjunction with the boardwalk – to at least discuss conceptually what is being planned.

Town Manager Ogburn reported that approximately six years ago the Town looked at a boardwalk in that area;. Engineer George Wood prepared a diagram outlining the wetlands and the area for a boardwalk but no easements were procured and nothing more was done as interest waned after that time.

MAYOR'S AGENDA

Mayor Cahoon – Friend of the Court

Mayor Cahoon presented this item; the summary sheet read in part as follows:

"At the December 11th Board of Commissioners meeting, Mayor Cahoon will discuss with Board members of an opportunity he was notified of by Randy Sturgill, Senior Campaign Organizer with Oceana to take action to protect our community from harmful seismic air gun blasting used to search for offshore oil and gas by signing on to the complaint filed in the US District Court in South Carolina as a "friend of the court" or an "amicus curiae". As a "friend of the court," we would be providing information, expertise and/or insights on issues from our town's unique perspective, which may help the court determine whether permitting seismic air gun blasting in the Atlantic violates federal law. For example, On April 22, 2019, the court granted three North Carolina towns amicus status: Oak Island, Caswell Beach and Sunset Beach.

> SOUTH CAROLINA COASTAL CONSERVATION LEAGUE; CENTER FOR BIOLOGICAL DIVERSITY; DEFENDERS OF WILDLIFE; NATURAL RESOURCES DEFENSE COUNCIL, INC.; NORTH CAROLINA COASTAL FEDERATION; OCEANA; ONE HUNDRED MILES; SIERRA CLUB; and SURFRIDER FOUNDATION, Plaintiffs,
> v.

WILBUR ROSS, in his official capacity as the Secretary of Commerce; the NATIONAL MARINE FISHERIES SERVICE; and CHRIS OLIVER, in his official capacity as the Assistant Administrator for Fisheries, Defendants.

'The full court case is linked here - ongoing Atlantic seismic litigation

'Brian Edes, Attorney with Crossley McIntosh & Collier is serving as legal counsel for those that wish to join in this campaign. The Town has worked with Mr. Edes in the past with our interests in the Nies v. Emerald Isle

'Attorney John Leidy will be reaching out to Mr. Edes and will be able to provide further information if necessary and answer questions you might have. Other than that time there is no cost to join the case.

'Additional Information:
Seismic air gun blasting is an extremely loud and dangerous process used to search for potential oil and gas deposits deep below the ocean's surface and the first step toward expanding offshore drilling. Noise from these dynamite-like blasts is so loud that it can disturb, injure or even kill animals across the entire marine ecosystem-- from the smallest zooplankton to the largest whales. The blast zone stretches from Cape May, New Jersey all the way to Cape Canaveral, Florida. Every East Coast governor and more than 270 municipalities in states along the East Coast, including over 90 percent of coastal communities within the blast zone, have expressed f opposition to this dangerous activity. An economic analysis by Oceana found that offshore drilling activities, including seismic airgun blasting, along the Atlantic coast threaten over 1.5 million jobs and nearly $108 billion in GDP that rely on a healthy and clean marine environment, mainly through fishing, tourism and recreation.

'NOAA (2018) Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Geophysical Surveys in the Atlantic Ocean. National Oceanic and Atmospheric Administration: 83 FR 63268. https://www.federalregister.gov/documents/2018/12/07/2018-26460/takes-of-marine-mammals-incidental-to-specified-activities-taking-marine-mammals-incidental-to

'Grassroots Opposition to Offshore Drilling and Exploration in the Atlantic Ocean and off Florida's Gulf Coast. stopthedrill.org

'Oceana analysis using NOAA data (2018) New Economic Analysis Finds Trump Administration's Offshore Drilling Plan Threatens 2.6 Million Jobs and Nearly $180 Billion in GDP. Oceana Press Releases. Available: http://usa.oceana.org/press-releases/new-economic-analysis-finds-trump-administrations-offshore-drilling-plan-threatens-26"

Mayor Cahoon noted that he just learned that this morning Rep. Murphy on his first seismic vote – voted against a motion to speed up the issuance of seismic testing permits.

Attorney Leidy explained that in an Amicus brief the Town could be looking at simply adding the Town's name to the brief – in other cases people have been asked to participate. Attorney Leidy is to confirm with their attorney where litigation stands with this item.

Mayor Cahoon stated that given the uncertainties mentioned today, he will withdraw this consideration until the next Board meeting when additional information is available.

ADJOURNMENT

MOTION: Comr. Brinkley made a motion to adjourn. The motion was seconded by Mayor Pro Tem Siers which passed 4 – 0 (Comr. Renée Cahoon was not present.). The time was 9:20 a.m.

_____
Carolyn F. Morris, Town Clerk

Date Approved: _____

Mayor: _____
Benjamin Cahoon

Agenda Item Summary Sheet

Item No: **E-4**
Meeting Date: **January 8, 2020**

Item Title: Modification to Town Code Chapter 44 Utilities re: water billing

Item Summary:

Attached for Board review and adoption is a proposed ordinance amending Town Code Chapter 44 Utilities re: water billing.

The amendment provides additional clarification for property owners to know when water bills are due and under what circumstances service will be cut off.

Number of Attachments: 1

Specific Action Requested:

Provided for Board review and adoption.

Submitted By: Amy Miller, Finance Director Date: December 30, 2019

Finance Officer Comment:

No unbudgeted costs associated with this agenda item.

Signature: Amy Miller Date: December 30, 2019

Town Attorney Comment:

N/A

Signature: John Leidy Date: December 30, 2019

Town Manager Comment and/or Recommendation:

I concur with staff.

Signature: Cliff Ogburn Date: December 30, 2019

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE TOWN OF NAGS HEAD, NORTH CAROLINA

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Nags Head, North Carolina, that Chapter 44, *Utilities* of the Code of Ordinances shall be amended as follows:

PART I. That Town Code Sec. 44-35. *Payment of bills.* be amended as follows:

Water bills shall be mailed on the ~~tenth~~ 10th and 25th of each month depending on the cycle to which your address corresponds. ~~(or the closest working day to these dates).~~ When Town Hall is closed, they will be mailed on the previous business day. Each cycle will receive a bill every other month. A calendar is established at the beginning of each fiscal year outlining dates for billing, due date, penalty date, late notices and cut-off dates for each cycle. Water services charges are immediately due and become past due on the 5th and the 20th , respectively, of the following month. After the expiration of the appropriate water billing past due date, there shall be levied a late payment fee in an amount equal to ten percent of the principle amount of the bill. ~~Forty days after the water billing date,~~ Water services may be cut off for nonpayment on the 20th and the 5th, respectively, following the billing past due date, without further notice and a tag fee per the consolidated fee schedule will be added to the account. If Town Hall is closed, bill due dates and nonpayment water services cut offs will be the following business day. Even when service is cut off, water customers retain the liability for the minimum charge for each billing period the service is discontinued. Payment of water bills may be enforced as provided in G.S. 160A-314.

PART II. Severability.
All Town ordinances or parts of ordinances in conflict with this ordinance amendment are hereby repealed. Should a court of competent jurisdiction declare this ordinance amendment or any part thereof to be invalid, such decision shall not affect the remaining provisions of this ordinance amendment nor the Zoning Ordinance or Town Code of the Town of Nags Head, North Carolina which shall remain in full force and effect.

PART III. Effective Date.
This ordinance amendment shall be in full force and effect from and after the **8th** day of **January 2020**.

_____
Benjamin Cahoon, Mayor
Town of Nags Head

ATTEST:

_____
Carolyn F. Morris, Town Clerk

APPROVED AS TO FORM:

_____
John Leidy, Town Attorney

Date adopted: January 8, 2020

Motion to adopt by Commissioner _____
Motion seconded by Commissioner _____
Vote: ____ AYES ____ NAYS

Agenda Item Summary Sheet

Item No: **E-5**
Meeting Date: **January 8, 2020**

Item Title: Consideration of revised Todd D. Krafft Septic Health Initiative Program Policy re: the repair/replacement loan program

Item Summary:

Attached for Board review and approval is a revised repair/replacement loan program portion of the Todd D. Krafft Septic Health Initiative Program Policy. The revised policy adds the requirement that loans are only to be provided to homeowners who have no delinquent debts to the Town.

Number of Attachments: 1

Specific Action Requested:

Provided for Board review and approval.

Submitted By: Amy Miller, Finance Director Date: December 30, 2019

Finance Officer Comment:

No unbudgeted costs associated with this agenda item.

Signature: Amy Miller Date: December 30, 2019

Town Attorney Comment:

N/A

Signature: John Leidy Date: December 30, 2019

Town Manager Comment and/or Recommendation:

I concur with staff.

Signature: Cliff Ogburn Date: December 30, 2019

Town of Nags Head
Post Office Box 99
Nags Head, North Carolina 27959
Telephone 252-441-5508
Fax 252-441-0776
www.nagsheadnc.gov

Board of Commissioners Policy

Todd D. Krafft Septic Health Initiative Program

Adopted: February 15, 2006
Updated: February 4, 2009
Updated: March 14, 2018
Updated: January 8, 2020

Septic Tank Inspection and Pumping Program - Staff is to contract with independent inspectors to perform septic tank inspections. The inspection form will document the condition of the septic system. Staff will contact the homeowner and advise them of the results of the inspection and the need to pump the tank.

Staff is to "open up" the program to all septic tank pumpers and expand the pumping program from 8 months (September - April) to an 11 month program (July - May). In order to receive a $30.00 water credit, the homeowner is only to send to the Town proof that the tank was pumped. Water credits are valid for 90 days from issuance.

Repair/Replacement Loan Program - The cost for repair/replacement loans is increased to $7,500. For both owner occupied homes and non-owner occupied homes, the loan rate is prime less 2.5% but the resultant loan rate shall not be less than 2.50%. Loans are to be repaid at least monthly and for up to three (3) years. Loans shall only be made to homeowners who have no delinquent debts to the Town.

Septic system repairs under the Loan Program - Upon request from the Deputy Director of Planning and Development, or his/her designee, the Town shall issue the loan repair check made out to the contractor who performed the work.

It shall be a policy of the Town of Nags Head not to offer loans to homeowners for the repair or replacement of septic systems on oceanfront or estuarine properties where the septic system has been storm damaged or damaged as a result of erosion.

Agenda Item Summary Sheet

Item No: **E-6**
Meeting Date: **January 8, 2020**

Item Title: Request for Public Hearing to consider Vested Right Site Plan for the Outer Banks Hospital, 4923 & 4927 S. Croatan Highway, 4922, 4926 & 4928 Passage Way, submitted by Quible and Associates P.C. on behalf of Outer Banks Hospital; the application involves the demolition of the Urgent Care Facility and construction of a 10,400 square foot addition (Infusion Facility) to the existing Radiation Therapy building. As part of the application, the applicant is seeking a Conditional Use Permit to reduce the number of required parking spaces and modify certain parking requirements, and to rezone the properties from the SPD-C Single-Family Two District to the SPD-C Hotel District

Item Summary: A Vested Right Site Plan, Conditional Use Permit, and Rezoning for the Outer Banks Hospital Cancer Center; the scope of the application includes the following:

- Demolition of the existing Urgent Care Facility and construction of a 10,400-sf addition to the existing Radiation Therapy building, along with parking, stormwater, and related improvements.
- A rezoning request for three (3) lots along S. Passage Way from SPD-C/SF-4 to SPD-C/Hotel.
- Consideration of reduced loading zone berth dimensions and reduction of required parking based upon Medical Office use

Staff Recommendation/Planning Board Recommendation: Regarding the Rezoning request, staff finds the request is supported by the 2017 Comprehensive Plan as this area is located within the Village Municipal Service Character Area where "medical facilities" are considered an appropriate use; additionally, this area was originally zoned SPD-C/Hotel, but was rezoned for the purposes of developing the Moongate Subdivision. Regarding the Conditional Use/Vested Right/Site Plan Application, staff finds that the proposal is consistent with applicable use and development standards, as well as relevant land use policies; additionally, Staff finds that the reduction in parking is sufficiently supported based upon submitted technical evidence. Therefore, staff recommends approval of the proposal as presented, with conditions.

At their December 17, 2019 meeting the Planning Board voted unanimously to recommend approval of both the Rezoning Request and Conditional Use/Vested Right/Site Plan Amendment application, with conditions, as presented.

Number of Attachments: 0

Specific Action Requested:
Schedule the Public Hearing.

Submitted By: Planning and Development Date: December 27, 2019

Finance Officer Comment:
N/A

Signature: Amy Miller Date: December 27, 2019

Town Attorney Comment:
N/A

Signature: John Leidy Date: December 27, 2019

Town Manager Comment and/or Recommendation:
N/A

Signature: Cliff Ogburn Date: December 27, 2019

Agenda Item Summary Sheet

Item No: **F**
Meeting Date: **January 8, 2020**

Item Title: Presentations

Item Summary:

Report from Auditor – Annual Report – Teresa Osborne, CPA

Auditor Teresa Osborne will present a report of her review of the Town's finances.

Attached please find the Popular Annual Financial Report 2019.

Beach Nourishment Funding Update – Dare County Mgr/Attorney Bobby Outten

Dare County Manager/Attorney Bobby Outten will present an update on the County Beach Nourishment project fund.

Number of Attachments: 1

Specific Action Requested:

Provided for Board review and approval.

Submitted By: Administration Date: December 30, 2019

Finance Officer Comment:

No unbudgeted costs associated with this agenda item.

Signature: Amy Miller Date: December 30, 2019

Town Attorney Comment:

N/A

Signature: John Leidy Date: December 30, 2019

Town Manager Comment and/or Recommendation:

N/A

Signature: Cliff Ogburn Date: December 30, 2019

TOWN OF

NAGS HEAD, NC

POPULAR ANNUAL FINANCIAL REPORT 2019

FISCAL YEAR ENDED JUNE 30, 2019

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Purpose of this report

This Popular Annual Financial Report (PAFR) is a summary of the financial activities of the Town's funds as reported in the 2019 Comprehensive Annual Financial Report (CAFR). The CAFR is an audited document and is prepared in conformance with generally accepted accounting principles (GAAP). To conform with GAAP, the CAFR must present the Town's individual funds in much more detail and fully disclose all material financial and non-financial events.

Unlike the CAFR, the PAFR is not an audited document and it does not include details by fund nor does it include the other disclosures required by GAAP. Therefore, the PAFR is not intended to present a complete financial picture of the Town in accordance with GAAP. This report contains financial information for the Town's fiscal year ended June 30, 2019. The Town's fiscal year starts July 1, and ends the following June 30. Information is presented in this report on the basis of generally accepted accounting principles (GAAP). This report is a reflection about how your tax dollars are being spent in a simple, non-technical format.

For more in-depth information, you can review this PAFR and our recent CAFRs online at www.nagsheadnc.gov. You may request a print copy or e-mail your comments concerning this report, or any other aspect of the operations of the Town of Nags Head to Cliff.Ogburn@nagsheadnc.gov.

2019 Quick Facts

Town of Nags Head full time equivalent year-round employees
119.75; additional 25 seasonal

Population
year-round – 3,008; seasonal – 30,000 persons a day

Median age
43.5 years old

Per capita personal income
$53,415

Average unemployment rate
5.1%, higher than the State of North Carolina's 2019 average of 4.1% (significant seasonality in rates with a high of 9% in February 2019 and a low of 3.2% in September of 2019)

Average household size of owner-occupied houses
2.12

Median property value for owner-occupied houses
$327,700

Total assessed property valuation
$2,425,366,425

Net taxes levied
$8,865,152

Tax collection rate
99.976%

Total outstanding debt obligation
$30,676,357

Principal employers (in order of ranking)
Dare County Schools
County of Dare
Vidant Medical
NC Department of Transportation
Food Lion
Village Realty & Management Services
Wyndham Vacation Rentals
Harris Teeter Inc.
National Park Service
Town of Nags Head

Principal Property Taxpayers (in order of ranking)
Dominion NC Power
Ocean Carolina, LLC
Nags Head Company, LLC
Stanford M. White
Tanger Properties LTD
Clubcorp Golf of North Carolina
Mildred Roughton
Brian K. Newman
The Lacour Group, LLC
Outer Banks Hospital, Inc.

Board of Commissioners

The mayor and four board members make policy decisions in accordance with procedures and responsibilities set out in North Carolina law. The town manager carries out policies and directives of the mayor and board of commissioners.

The Board of Commissioners primary responsibilities are setting the Town's policies, adopting ordinances, and adopting the budget.

The annual budget serves as the foundation for the Town of Nags Head's financial planning and control, and is a legal basis and standard by which proposed expenditures are measured.

Annual balanced budgets are adopted in accordance with the provisions of the Local Government Budget and Fiscal Control Act for the General, Capital Reserve, and Water Funds and are subject to public hearing prior to adoption no later than June 30, the close of the fiscal year.

A capital improvement plan has been incorporated into the budget process for the General and Water Funds to provide long term planning for purchasing and improving major assets such as structures, equipment, and infrastructure planning.

A multi-year project budget has been adopted for the Beach Renourishment Capital Project Fund.

A transparent decision making process is directed by the Town's goals in order to maintain a consistent focus with the community's vision of protecting a sustainable local economy, providing excellent public services and well-maintained recreational amenities, and ensuring access to a well-protected natural coastal environment.

Mayor and Board of Commissioners

Mayor	Ben Cahoon
Mayor Pro Tem	Michael Siers
Commissioner	M. Renée Cahoon
Commissioner	J. Webb Fuller
Commissioner	Kevin Brinkley

Also thank you to former Commissioner Susie Walters who served on the Board of Commissioners from December 2011 through December 2019.

Town of Nags Head Mission, Vision, and Goals

I. Preserve our community's distinctive heritage and unique lifestyle

II. Protect our critical natural resources and coastal ecosystem

III. Build and promote a sustainable economy that supports residents and visitors

IV. Plan for orderly and sustainable growth and redevelopment

V. Maintain a well-run and efficient government that provides high quality and cost effective services

Working hand in hand with the town manager, the Board of Commissioners plays a key role in the financial well being of the Town of Nags Head, with a focused mission to serve the citizens, property owners, businesses, and visitors of the Town of Nags Head through open governance.

Message from the Manager

By Town Manager Cliff Ogburn

We're a town made up of a diverse community of people that share a common bond: a love of the Outer Banks. Whether you like catching our world-famous waves or gathering shells on the beach after a storm, our barrier islands have something for nearly everyone.

With that in mind, protecting our environment and the area's character remains the driving factors behind our projects at the Town of Nags Head.

Nags Headers are independent, resilient, and creative. As a result, we are visionaries when it comes to addressing complex coastal issues, such as shoreline erosion, drainage, water quality, and threats posed by seismic testing and offshore oil exploration.

In the summer of 2011, we were the first town in Dare County to conduct a large-scale beach nourishment project, restoring 10 miles of our 11-mile-long beach. Despite concerns about whether or not beach nourishment would work, we forged ahead. Based on the success of this project, multiple Outer Banks communities are using beach nourishment as a climate change adaptation. This past summer, we led the way again by conducting our first scheduled beach maintenance project.

Cliff Ogburn

Frequent flooding can curtail investment and tourism in a town where tourism is a critical part of the economy. We believe that good environmental stewardship includes providing a safe and healthy place for residents and visitors to live, work, and play. The Town also believes that this can be done in an environmentally sensitive manner.

Improving our drainage network has become more critical as we are impacted by climate change. We are in our fifth phase of implementing a stormwater master plan identifying chronic drainage issues and developing effective long-term solutions to improve the Town's drainage infrastructure. The North Carolina Department of Environmental Quality-Division of Coastal Management awarded the Town a Local Planning and Management Grant to assist in the advancement of conceptual development of prioritized drainage improvements. Because of our proximity to sound and ocean waters, our drainage work must balance the desire to limit flooding with the need to reduce pollution from entering the adjoining surface waters. Degraded or polluted waterways can lead to beach and shellfishing closures, which would clearly be harmful to our tourism-based economy.

We are leading the path in addressing threats from possible seismic testing and offshore oil exploration off our coast. Our Board of Commissioners has remained steadfast in their opposition to these threats, testifying at the state and federal level about the possible impacts to our way of life.

We are a community of people who derive energy from enjoying the outdoors. Since outdoor events encourage a healthy relationship with our environment, as well as a way to bring our community together, we packed the spring, summer, and fall seasons with numerous fun events such as farmer's markets, concerts, and fitness classes.

Conserving natural resources and protecting natural ecosystems aren't just local issues for Nags Head. We also believe that offering a curbside recycling collection for all residences is a powerful way to prevent increased greenhouse emissions and water pollutants, in addition to reducing material in the waste stream.

As we look to the future, I believe actively protecting our environment will continue to be a focus for our town. We encourage feedback, so please contact us with any questions, concerns, or recommendations you may have.

Accomplishments

Beach nourishment maintenance construction completed on time in August 2019 and on budget at $36,644,500 for 4 million cubic yards (10 miles) of sand pumping. We worked with FEMA and the state of North Carolina to receive grant funding of $16,233,837 towards this project in order to combine Hurricane Matthew (2016) disaster assistance beach restoration with our maintenance restoration project, saving millions of taxpayer dollars.

The Board continues to enhance community services. The most recent improvements to Dowdy park include **newly constructed restroom facilities, sport courts, a multi-use playing field, additional trails, and garden spaces**. Funding for these enhancements was generously assisted by grants from The North Carolina Parks and Recreation Trust Fund ($250,000), the Dare County Tourism Board ($226,750), and Dominion Energy ($10,000).

To improve connectivity between Nags Head's neighborhoods, **we are designing a pedestrian path**, with construction projected at $1,610,250, and partially paid for through a generous $487,632 grant from the Outer Banks Visitors Bureau. To address the public's interest in moving more aggressively to link key destinations in Nags Head, **this project will more than double** the linear feet of west side path that was construction previously over a seven-year span. In addition, water lines and fire hydrants will be installed during this project to improve water service to surrounding areas.

AWARDED GRANT
$487,632

Our Planning Department was focused on **streamlining internal processes and communications** to improve efficiencies over the past year, evidenced through reduced permit review times.

We continue to make great strides in **improving and maintaining our drainage network**. Three large-scale drainage infrastructure improvements were recently completed, including the installation of a truly innovative groundwater lowering system in a neighborhood that experiences frequent flooding and the installation of an infiltration trench network along South Virginia Dare Trail. **The North Carolina Department of Transportation contributed $90,000** towards the construction of the improvement areas along South Virginia Dare Trail.

The final version of a **unified development ordinance** (UDO) was adopted after many years of community outreach and hard work. The UDO incorporates studies and planning efforts based on citizen feedback and Board of Commissioner visions. The UDO includes updates to administrative procedures, environmental regulation, floodplain development, subdivision regulations, and zoning. The UDO modernizes the Town code, provides clarification and consistency in the Town's ordinance, and streamlines permitting and administrative procedures.

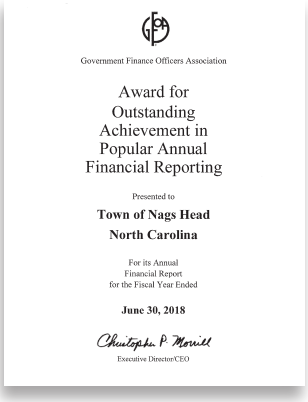
We **redesigned the Town's web site**, which is the first connection we have with our stakeholders, **to optimize the customer's online experience**.

Four members of the fire and ocean rescue department **provided mutual aid to neighbors to the south** as they recovered from Hurricane Florence in September 2018.

Accomplishments continued

In October 2018, The Town's Fire and Rescue department was recognized for **successfully resuscitating a 48 year old woman**, who joined her rescuers during the recognition.

In order to sustain reliable operations , we continue to fund water projects outlined in our water master plan, which identifies future capital needs. A **comprehensive rehabilitation** was performed on the south Nags Head water tower including cleaning, repairs, and painting. A **water line tie-in was installed** in order to provide an additional source of water in two neighborhoods.



Government Finance Officers Association

Award for Outstanding Achievement in Popular Annual Financial Reporting

Presented to

Town of Nags Head North Carolina

For its Annual Financial Report for the Fiscal Year Ended

June 30, 2018

Christopher P. Morrill

Executive Director/CEO

The Government Finance Officers Association recognized the Administrative Services department for its fiscal year 2018 reporting. A Certificate of Achievement for Excellence in Financial Reporting was awarded for the fiscal year 2018 Comprehensive Annual Financial Report (CAFR) for the 3rdd consecutive year as well as an **Outstanding Achievement in Popular Annual Financial Reporting (PAFR)** for fiscal year 2018 for the 2nd consecutive year.

Initiatives

Approximately 80% of the properties in Nags Head use an on-site sewage system also referred to as a septic system. There is no mandatory requirement to maintain these systems after they are installed. In 2000, Nags Head launched an aggressive **Septic Health program** offering free services to property owners including consultations regarding installation and maintenance, proactive inspections to detect problems, and reporting outlining system location and recommendations. The only Outer Banks community to offer this, the voluntary program continues to grow and thrive today with **over $500,000 in low-interest financial assistance loans** given to homeowners for having their systems pumped out, repaired, or replaced, as well as credits on their water accounts for pumping their system. We wish to honor the tireless work, dedication, and memory of Todd Krafft for his efforts in establishing and sustaining this initiative.

An influx of 30,000 new visitors every week during the peak summer months can be an educational challenge for our public safety departments, yet every day, they rise to the challenge. **Our Fire, Police and Ocean rescue departments coordinate numerous popular events** to educate the community about public safety as well as to bring neighbors together.

Here the Police Department partners with local schools to provide safety training opportunities.

Bringing together volunteers and Town staff, we held a **community clean-up day** to clean, repair, and improve public spaces in the south end of Nags Head. Based on the success of this event and volunteer outreach involvement, this will be held as an annual event.

Nags Head hosted the annual South Atlantic Regional Lifeguard Championship. Our Ocean Rescue team not only won the small beach division but the entire event.

The Town has been awarded two grants from the North Carolina Division of Coastal Management for Public Beach and Coastal Waterfront Access projects. Funding for public beach accesses as Jacobs Street ($122,225) and Islington Street ($47,232) has been awarded towards parking, ADA accessible dune crossovers, showers, and bike racks at both locations.

AWARDED GRANTS TOTALLING

$169,457

Volunteers helped during a community clean-up day.

General Fund Balance

The general fund is the chief operating fund of the Town of Nags Head.

The fund balance in the general fund is similar to a savings plan in that it represents monies which remain unspent after all budgeted expenditures have been made.

	2019	2018	2017
Total Fund Balances	$28,416,589	$17,178,816	$14,157,333
Unassigned Fund Balance	$6,981,462	$6,378,688	$6,579,895
General Fund expenditures and transfers	$17,801,872	$14,285,625	$18,303,503
Unassigned Fund Balance as a percentage of expenditures and transfers	39.22%	44.65%	35.95%

Fund Balance is one indicator of fiscal stability that is measured at year-end. The Town strives to use fund balance only in the event of unforeseen circumstances , emergencies, and one-time uses.

The Town's policy states a goal of keeping a minimum unassigned fund balance, or portion of fund balance with no restrictions, commitments, or assignments to specific purposes, equal to 50% of general fund expenditures and transfers out to other funds, but no less than $5,000,000.

At the end of the current fiscal year, the Town's unassigned fund balance in the General Fund is $6,981,462, representing 39.22% of general fund expenditures and transfers. Total fund balances in the general fund reached $28,416,589.

The fund balance increase from fiscal year 2018 to fiscal year 2019 is attributed to grant revenue recognized of $7,676,761 from the Federal Emergency Management Agency (FEMA) and the North Carolina Department of Emergency Management (NCDEM) towards the Hurricane Matthew (2016) disaster assistance beach restoration project. The actual reimbursement of this amount occurred after June 30, 2019, towards expenses incurred in June 2019. These funds will be used to pay down debt acquired for this project.

- The increased FEMA and NCDEM revenues also resulted in the general fund unassigned fund balance increase of $602,774 over the prior year of $6,378,688.

  However, the Town saw a decrease in the percentage of unassigned fund balance as a percentage of expenditures and transfers.

  This is a result of an increase of $3,516,247 in expenditures and transfer in fiscal year 2019, compared to the prior fiscal year.

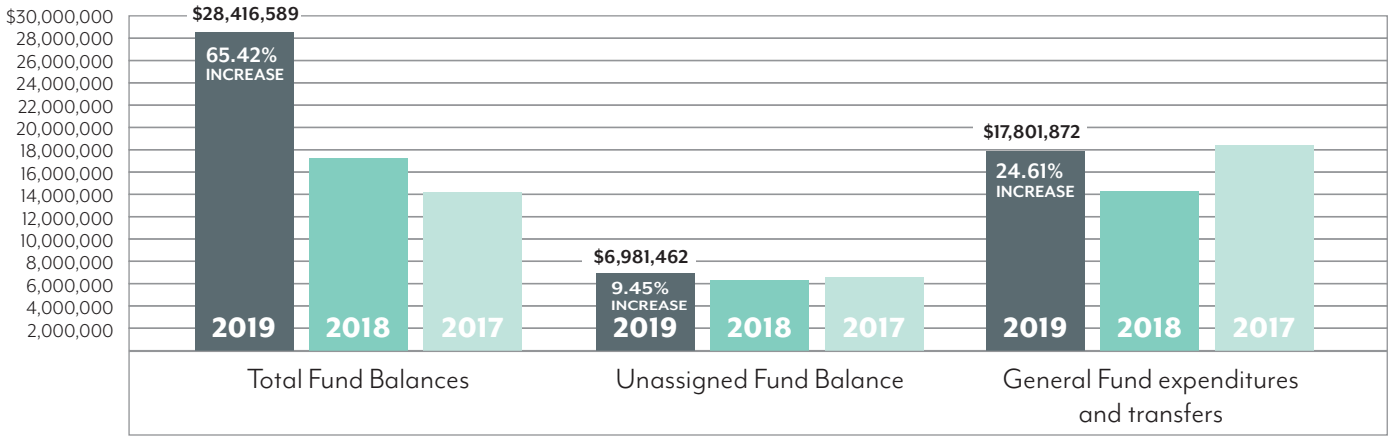
- An increase in transfers were made to the beach renourishment capital project fund towards the beach nourishment maintenance restoration project.

  In fiscal year 2019 a transfer of $1,750,000 was made towards the project completion, as compared to $12,000 in fiscal year 2018.

- The Town saw an increases in capital outlay expenditures.

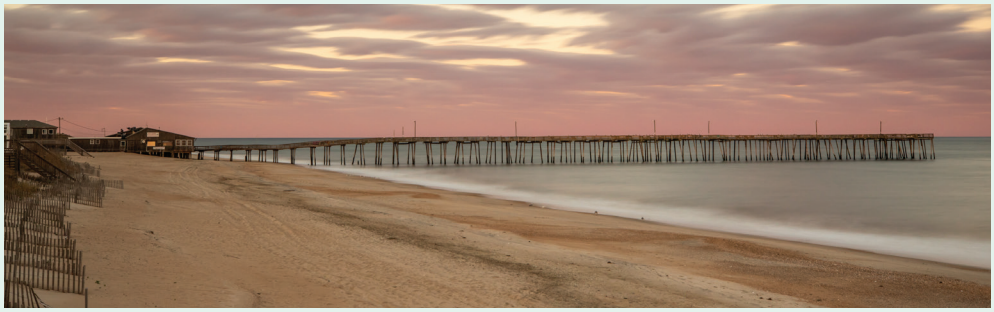
  Public Works added improvements to Dowdy Park including a restroom and multi-use courts totaling $882,798.

  Three large-scale stormwater infrastructure drainage improvements were completed in Streets and Drainage in fiscal year 2019, costing $711,822.

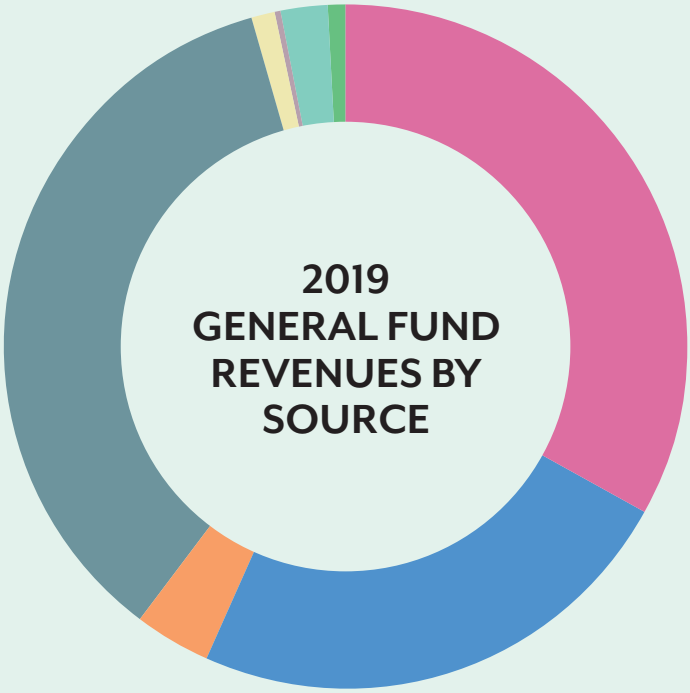


The General Fund

The General Fund accounts for a majority of Town Services and is Nags Head's primary operating fund.



GENERAL FUND REVENUE SOURCES	2019	2018	2017
Ad valorem property taxes	$8,869,938	$8,559,752	$7,067,296
Occupancy tax	$2,870,519	$2,419,390	$2,572,622
Sales tax	$2,721,543	$2,339,634	$2,533,000
Land transfer tax	$711,883	$592,775	$617,313
Other taxes and licenses	$62,220	$59,530	$76,233
Utility sales tax	$722,144	$631,406	$740,116
Other unrestricted intergovernmental	$238,702	$248,594	$278,229
Restricted federal grants	$6,504,990	$303,265	$95,127
Restricted state grants	$2,669,372	$293,751	$604,032
Restricted local grants	$262,184	$40,990	$1,043,212
Permits and fees	$300,228	$367,214	$325,505
Sales and services	$66,091	$69,837	$92,226
Net investment earnings	$616,182	$82,418	$77,332
Miscellaneous	$185,920	$186,557	$214,459
TOTAL REVENUES	**$26,801,916**	**$16,195,111**	**$16,336,700**



Ad valorem property taxes
$8,869,938

Other taxes and licenses
$6,366,165

Unrestricted intergovernmental
$960,846

Restricted intergovernmental
$9,436,546

Permits and fees
$300,228

Sales and services
$66,091

Net investment earnings
$616,182

Miscellaneous
$185,920

The General Fund continued

TAXES

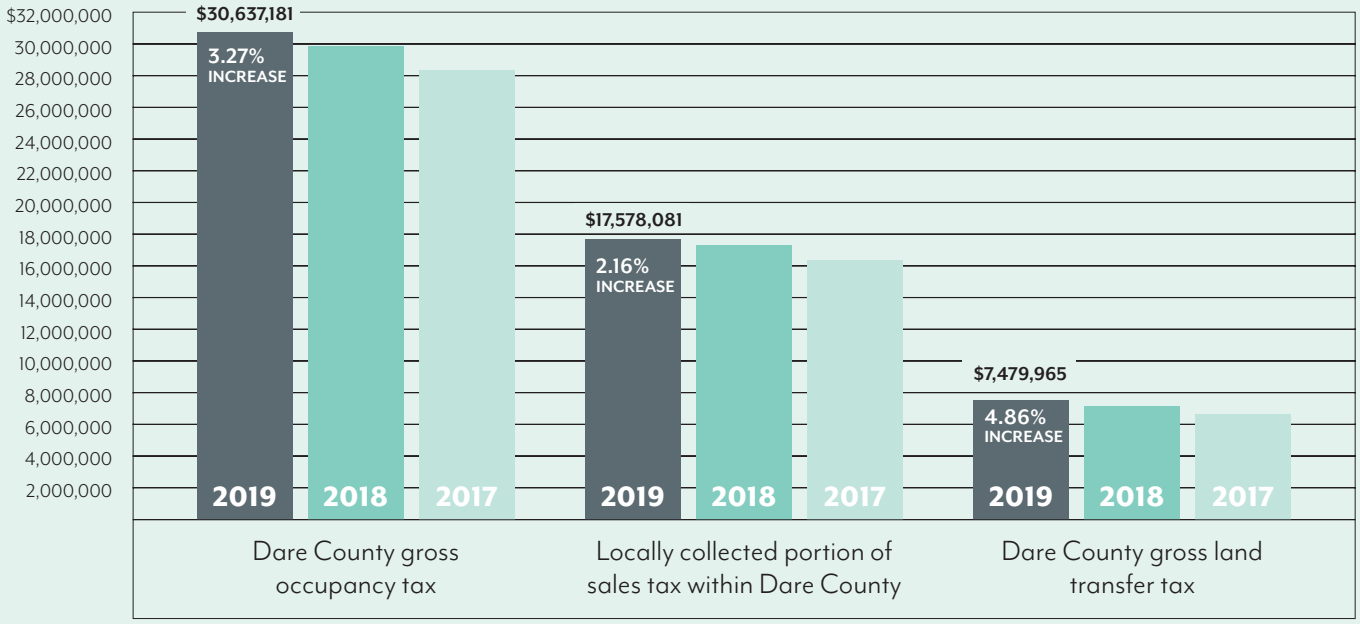
The ad valorem property tax rate was adopted with a tax rate of $.307 cents per $100 of assessed valuation, increasing one cent over the prior fiscal year.

Of this rate, $.027 cents is restricted by the Board for beach nourishment, $.01 is restricted for parks and paths, and $.02 is restricted to fund stormwater management. The tax collection rate was 99.98%.

The increase in ad valorem property taxes is due to this one cent tax increase, which was restricted by the Board of Commissioners for stormwater management. One cent generates $242,691 of ad valorem town-wide taxes.

The municipal service district (MSD) tax rate restricted for beach nourishment remained at $.175 cents per $100 of valuation. This tax generated $1,414,423 to offset future beach nourishment debt payments and maintenance. One cent generates $80,830 of MSD taxes.

In addition to increased gross collections of occupancy, sales, and land transfer taxes, Nags Head's proportionate share of these taxes increased in fiscal year 2019 due to the re-initiation of the MSD tax in fiscal year 2018 ($.175 cents up from zero cents in fiscal year 2017), which increased the Town's total levy in proportion to the other towns located in Dare County. Because the proportionate share of these revenues for the current fiscal year is calculated based on each town's levy from the prior fiscal year, there is a one-year delay before the new formula change takes effect.



CONTRIBUTIONS

Nags Head received $8,593,715 in state and federal grant contributions from FEMA and NCDEM reimbursements towards beach nourishment maintenance. These grant funds will be used to offset future debt payments on funds borrowed for this disaster assistance (Hurricane Matthew 2016) beach restoration project. A state grant from the North Carolina Parks and Recreation Trust Fund and a local grant from the Outer Banks Visitors Bureau totaled $476,750 towards Dowdy Park improvements, including a restroom facility and multi-use sports courts.

INVESTMENT EARNINGS

Interest income increased by $533,764 due to an unrealized fair market value gain of $293,738 and higher interest rates.

General Fund Transfers and Expenditures by Governmental Function

	2019	2018	2017
GENERAL GOVERNMENT			
Governing Body The Board of Commissioners is responsible for establishing policies initiating legislation and providing for the general welfare of Nags Head's residents and visitors. The Board's goals include providing for a transparent government, assuming the Town's fiscal responsibility, and providing opportunities for businesses and citizens to express view points and be involved in the decision-making process.	$166,641	$153,364	$152,251
Administration (Town Manager) Administration is responsible for implementing policies set by the governing body and ensures compliance with state and federal laws and regulations. The Town Manager's office provides employees with a platform that allows for objective discussion of innovative ideas.	$854,169	$826,179	$735,813
Administrative Services (Finance) Administrative Services is responsible for all accounting and financial reporting requirements, financial policies, internal controls, and ensuring budget compliance.	$927,453	$853,233	$1,305,899
Information Technology The Information Technology Department provides the administration and support of all areas of information technology in order to support the delivery of high quality, efficient, and cost-effective services. The Department provides solutions to ensure the preservation and security of Town data as well as to ensure smooth operation of government.	$276,731	$255,971	$215,563
Planning and Development The Planning and Development Department works to implement growth, development, and quality of life in Nags Head. The Department supports fair application of ordinances and local involvement in decision-making.	$797,696	$848,844	$683,279
Legal services Legal services include litigation, real estate transactions, and drafting legal documents and ordinances. The Town Attorney is paid on a monthly retainer and is appointed by the Board of Commissioners.	$90,943	$93,129	$101,307
Total General Government	$3,113,632	$3,030,720	$3,194,112
PUBLIC SAFETY			
Police The Nags Head Police Department is a full-service law enforcement agency that proudly serves the residents and visitors of our community. The Department strives to be a contributing factor in creating a better quality of life through proactive policing, with an emphasis on community relations. The Department places its highest value on the preservation of human life, the protection of property, and service to humankind.	$2,539,800	$2,627,742	$2,421,417
Fire	$2,506,020	$2,406,457	$2,380,018
Ocean Rescue Fire and Rescue ensures that emergency responses to fires, medical emergencies, technical rescues, and other natural and man-made disasters are corrected in the safest and most professional and efficient manner possible promoting the preservation of human life and protection of property. The Department continues to evolve in response to the community and proactively adjust services to meet all customer needs.	$640,378	$577,370	$569,657
Total Public Safety	$5,686,199	$5,611,569	$5,371,092

	2019	2018	2017
ENVIRONMENTAL PROTECTION			
Sanitation	$1,194,042	$1,079,501	$1,410,231
Solid Waste Tipping Fees	$634,974	$658,633	$ 683,858
Sanitation and Solid Waste collect commercial and residential refuse, including bulk, brush, vegetative debris chipping and mulching, and recycling.			
Total Environmental Protection	$1,829,016	$1,738,134	$2,094,089
PUBLIC WORKS			
Administration	$398,652	$273,053	$361,652
Public Works Administration provides departmental coordination in order to carry out projects that support community needs.			
Public Facilities Maintenance	$2,507,219	$1,725,584	$2,905,743
Facilities Maintenance proudly maintains the overall appearance and cleanliness of the Town's facilities and grounds and promotes maintenance and development of livable, well-maintained neighborhoods, and infrastructure.			
Maintenance Garage	$269,769	$271,103	$339,734
Fleet Maintenance provides efficient cost-effective maintenance of Town vehicles and equipment in order for other departments to provide uninterrupted service to the Town.			
Total Public Works	$3,175,640	$2,269,740	$3,607,129
STREETS AND DRAINAGE			
State Street Aid	$117,909	$46,221	$87,221
State Street Aid funding maintains and develops infrastructure in order to increase traffic safety through improvements and expansions.			
Stormwater Management	$794,815	$323,296	$183,542
The Stormwater Management program enhances flood control and water quality through the collection and transport of stormwater runoff via management controls, maintenance and infrastructure improvements. The program prioritizes a balance between individual lot, neighborhood and watershed scales. Program activities are funded through a two cent ad valorem tax.			
Total Streets and Drainage	$912,724	$369,517	$270,763
DEBT SERVICE			
Principal	$1,293,230	$ 1,216,638	$1,053,957
Interest	$41,431	$37,307	$38,150
The Town's debt service represents payments on installment finance purchase agreements. Total direct installment finance purchases increased to an outstanding balance of $30,641,986 in fiscal year 2019 from $2,103,996 in fiscal year 2018. This fiscal year Nags Head issued debt totaling $27,613,837 for the purpose of beach nourishment maintenance.			
Total Debt Service	$1,334,661	$1,253,945	$1,092,107
OTHER FINANCING USES			
Transfers from the General Fund to the Beach Renourishment Fund:	$1,750,000	$12,000	$2,674,211
MSD and town-wide beach nourishment taxes are transferred to the beach renourishment capital project fund in order to provide funding for beach nourishment maintenance.			
TOTAL EXPENDITURES AND TRANSFERS	$17,801,872	$14,285,625	$18,303,503

Capital Reserve Fund

The Town has a legally adopted Capital Reserve Fund which sets aside and accounts for the accumulation of funds for designated future capital projects including recreation, street, and shoreline project uses.

The accumulation of funds set aside in the Capital Reserve Fund are restricted for those specific purposes and are generated through ad valorem taxes and various fees.

The Capital Reserve Fund is consolidated in the General Fund.

The projects that accumulate funds in the Capital Reserve include:

	2019	2018	2017
Facility fees Facility fee are generated by construction occurring within the Town and specific purposes include Administration, Police, Fire, Sanitation, and Recreation. They are to be used in developing community service facilities the Town provides. Fiscal year 2019 uses of facility fees included building a storage facility at Dowdy Park. Permit fees and interest added $45,675 to the facility fees funds.	**$109,920**	**$120,684**	**$148,966**
Beach Nourishment Beach nourishment funds are generated from town-wide and municipal service district (MSD) ad valorem taxes as well as a portion of sales tax distribution. In fiscal year 2019, the town-wide beach nourishment portion of ad valorem taxes remained unchanged at $.027 cents per hundred of valuation, generating $654,779 in revenue. The MSD tax remained unchanged at $.175 cents generating an additional $1,414,523 in revenue. Funds of $916,954 were received in fiscal year 2019 from FEMA and NCDEM towards losses incurred from Hurricane Matthew (2016) for disaster assistance beach restoration. All beach nourishment funds are designated by the board to be spent for future beach nourishment maintenance and collected to offset beach nourishment debt payments Nags Head reinstated the MSD tax in fiscal year 2018 in order to accumulate funds to defray the amount of debt that needed to be borrowed towards the 2019 beach renourishment project. The first debt payments will be made in fiscal year 2020 towards this project.	**$8,343,599**	**$6,413,923**	**$3,844,022**
Parks and paths One cent, or $242,691, of the town's ad valorem tax rate goes towards the Town's parks and paths fund, which is designated by the board to be spent for future town parks, multi use paths, beach accesses, and general recreation/open space capital needs. Parks and paths funds were used towards the construction of Dowdy Park improvements including a restroom and multi-use courts and maintenance of the Town's multi-use path.	**$33,832**	**$47,007**	**$22,035**
Stormwater Management Stormwater projects are implemented through a master plan, encompassing design, permitting and construction of prioritized flood prone project areas. Two cents of the Town's ad valorem tax rate goes towards the Town's stormwater capital reserve fund and is designated by the Board to be spent to improve Town drainage infrastructure through planning, repair, maintenance, or new construction. Stormwater funds were used for the debt payment of three large-scale drainage infrastructure improvements completed in fiscal year 2019 as well as conceptual development prioritized drainage improvements.	**$142,235**	**$73,094**	**$158,465**
Total fiscal year end balances	**$8,629,586**	**$6,654,708**	**$4,173,488**

Water Fund

The Town uses the Water Fund to account for the Town's water system operations. This fund operates in a manner similar to private business enterprises.

The costs (including depreciation) of providing water services to customers on a continuing basis are financed primarily through user charges.

Water rates increased this fiscal year by 15% in order to fund and plan for future capital needs, sustain reliable operations, and address a trend of water usage on the decline. Water is billed every two months. The minimum water bill up to 3,000 gallons for a 3/4" meter size is $32.90.

Water rate increases were used to offset a Water Operations tower rehabilitation maintenance project costing $260,613.

Water Fund Operating Revenues	2019	2018	2017
Water sales	$3,028,910	$2,631,286	$2,485,693
Tap and connection fees	$25,895	$31,728	$14,508
Late payments including penalties and interest	$29,527	$28,536	$25,706
Water cutoff tag fees	$4,100	$5,100	$7,100
Miscellaneous	$1,982	$2,951	$4,490
Total Operating Revenues	$3,090,414	$2,699,601	$2,537,497

Water Fund Operating Expenses	2019	2018	2017
Water Administration	$279,289	$262,542	$236,015

Water Administration bills and collects revenues generated through distribution of water resources to the citizens of Nags Head. This department provides courteous collection and timely response to customer inquiries.

Septic Health	$194,592	$ 195,380	$147,020

The Septic Health Program advocates the education of water quality to maintain the Town's wastewater infrastructure and improve private septic system performance in order to promote a healthy environment and protect the Town's water resources.

Water Operations	$2,039,894	$1,718,031	$1,670,089

Water Operations monitors water quality into the Town's distribution system in order to ensure that water quality is in compliance with state and federal regulations.

Water Distribution	$512,524	$541,238	$538,961

Water Distribution maintains and improves the Town's water system, including meter reading, gradual change out of old water meters, flushing lines and installing and repairing water taps and lines

Depreciation and amortization	$353,073	$360,573	$327,864
Total Operating Expenses	$3,379,372	$3,077,764	$2,919,949

Water Capital Reserve Fund

In order to assist with future water capital improvements and debt payments as identified in the water master plan, a Water Capital Reserve Fund was established in fiscal year 2019. System development fee capital contributions are accounted for here and are restricted by State Statute for the specific purpose of funding these improvements related to the Town's water system. The Water Capital Reserve Fund is consolidated in the Water Fund.

The Town received $20,461 in capital contributions that were set aside in this fund in fiscal year 2019.

Beach Renourishment Capital Project Fund

The budget for this multi-year fund was established in fiscal year 2017 in order to plan for a 4 million cubic yard beach nourishment maintenance project, with construction beginning May 2019 and completed August 2019. Dare County has committed to funding $9,773,356 up front and providing $3,000,000 in debt supplement payments.

The beach nourishment capital reserve will provide $5,525,058 through excess collections of town-wide and Municipal Service District (MSD) beach nourishment taxes, excess collections of sales tax from the Town's increase in shared revenue, and interest income earned on those funds. Those funds also will serve as the payments on $11,380,000 of debt being issued in order to finance the remainder of the project.

FEMA and the NCDEM have committed to fund up to $16,233,837 towards the project.

By working together with FEMA and the state of North Carolina to combine Hurricane Matthew (2016) disaster beach restoration with our scheduled maintenance restoration project, savings were provided by sharing engineering, mobilization, and demobilization costs.

REVENUES	
Dare County contribution	
2019	$9,127,577
2018	$645,779
2017	-
Investment earnings	
2019	$278,699
2018	$16,097
2017	$9,476
EXPENDITURES	
General government capital outlay	
2019	$22,988,632
2018	$864,355
2017	$385,334
OTHER FINANCING SOURCES	
Installment financing	
2019	$27,613,837
2018	-
2017	-
Transfers from the general fund	
2019	$1,750,000
2018	$12,000
2017	$2,674,211

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(252) 441-5508

5401 SOUTH CROATAN HIGHWAY, NAGS HEAD, NC 27959

Agenda Item Summary Sheet

Item No: **G-1**
Meeting Date: **January 8, 2020**

Item Title: Public Hearing to consider proposed text amendments to the Unified Development Ordinance pertaining to off-street parking requirements associated with alternative and reduced parking, including bicycle parking, and associated conditional use permitting requirements

Item Summary:
As discussed and directed at the Board of Commissioners Retreat on September 12, 2019, Staff is providing the Board with proposed amendments to the Unified Development Ordinance pertaining to the reduction of parking based on the provision of bicycle parking, the standardization of findings for all parking-related Conditional Use Permits, and the establishment of minimum standards for required bicycle parking

Planning Board/Staff Recommendation
Staff concurs with the recommendation of the Planning Board.

The Planning Board, at their November 19, 2019 meeting, voted 5-0 to recommend amendments to UDO as contained in the attached draft ordinance. In making their recommendation, the Planning Board noted their opinion that the proposed amendments were consistent with the relevant policies contained in the Comprehensive Plan.

Number of Attachments: 7

Specific Action Requested:

Conduct public hearing.

Submitted By: Planning and Development Date: December 23, 2019

Finance Officer Comment:

Insufficient information to determine precise fiscal impact.

Signature: Amy Miller Date: December 23, 2019

Town Attorney Comment:

Signature: John Leidy Date: December 23, 2019

Town Manager Comment and/or Recommendation:

I will participate in the discussion.

Signature: Cliff Ogburn Date: December 23, 2019

Department of Planning and Development

Michael Zehner
Director of Planning and Development

Town of Nags Head
Post Office Box 99
Nags Head, North Carolina 27959
Telephone 252-441-7016
Fax 252-441-4290
www.nagsheadnc.gov

NOTICE OF PUBLIC HEARING
TOWN OF NAGS HEAD BOARD OF COMMISSIONERS

NOTICE IS HEREBY GIVEN that the Nags Head Board of Commissioners will conduct a public hearing on **Wednesday, January 8, 2020** beginning at 9:00 am in the Board Room of the Municipal Complex, 5401 S. Croatan Highway, Nags Head, NC to consider and take action upon the following request:

> Public Hearing to consider proposed text amendments to the Unified Development Ordinance pertaining to off-street parking requirements associated with alternative and reduced parking, including bicycle parking, and associated conditional use permitting requirements

A copy of the application request is available for public inspection at the Nags Head Planning and Development Department and the office of the Town Clerk, Town Municipal Complex, 5401 S. Croatan Hwy, Nags Head, NC 27959, telephone (252) 441-5508 during normal business hours.

As a result of this hearing substantial changes may be made in the proposal as advertised to reflect objections, debate and discussion at the hearing. Any person desiring to be heard on the proposal as stated above should appear at the time and place specified above.

This the 20th day of December 2019.

Kelly Wyatt
Deputy Planning Director

MEMORANDUM
Town of Nags Head
Planning & Development Department

To: Board of Commissioners

From: Michael Zehner, Director of Planning & Development

Date: November 25, 2019

Subject: Proposed text amendments to the Unified Development Ordinance pertaining to off-street parking requirements associated with alternative and reduced parking, including bicycle parking, and associated conditional use permitting requirements (Attachment G-6)

OVERVIEW

At the Board of Commissioners' Retreat on September 12, 2019, the Board and Staff discussed perspectives with regard to the reduction of required parking. The discussion focused on the reduction of parking based on the provision of bicycle parking, as well as the reduction of parking by Conditional Use Permit; also discussed was whether, in certain circumstances, bicycle parking should be a requirement. Following the discussion, the Board directed Staff to work with the Planning Board to consider amendments to the Unified Development Ordinance ("UDO") that 1) made the reduction of parking based on the provision of bicycle parking a Conditional Use Permit and took into consideration whether sites had access to bike-friendly routes, 2) standardized findings for all parking-related Conditional Use Permits, and 3) established minimum standards for required bicycle parking.

The Planning Board discussed this matter and considered amendments at their meetings on October 15, 2019 and November 19, 2019. At least with respect to items 1 and 2, Section 10.15, *Alternative and Reduced Commercial Parking Requirements*, provides the applicable provisions. As it pertains to item 1, currently Section 10.15.5, *Reduction of Required Parking for Commercial Uses with the Use of Bicycle Racks*, does not require a Conditional Use Permit. Given this, it could be viewed as a performance-based standard, where a reduction is entitled if the standards are met; however, the reduction is qualified in that "the Board of Commissioners may allow" the total parking requirement to be reduced.

With regard to item 2, while there a four (4) types of parking-related Conditional Use Permits under Section 10.15, only one, Section 10.15.6., *Modification of Parking Requirements by Conditional Use Permit*, provides specific findings that must be met in addition to those standards for all Conditional Use Permits; these additional findings are as follows:

> *10.15.6.3.1. Will not result in increased traffic congestion or otherwise negatively impact existing traffic flow or pedestrian and vehicular safety;*

10.15.6.3.2. Will not create parking impacts for adjacent properties or within Town rights-of-way.

10.15.6.3.3. Will not be contrary to the objectives specified in the Comprehensive Plan;

10.15.6.3.4. Is necessary to permit the reasonable use of the subject property; and

10.15.6.3.5. Will not adversely impact adjacent property or the surrounding area.

Finally, with respect to item 3, as noted above there is currently no minimum requirement for bicycle parking.

Staff prepared amendments for consideration by the Planning Board. Ultimately, the Planning Board, at their November 19 meeting, voted 5-0 to recommend UDO amendments to the Board of Commissioners that addressed the following (a draft ordinance and markup of affected UDO sections are attached):

- Article 10, Part II., Off-Street Parking and Loading Requirements, is proposed to be amended to allow a reduction of parking based on bicycle parking without a conditional use permit (i.e. by-right), but only where the property has frontage along NC12/S. Virginia Dare Trail or NC1243/S. Old Oregon Inlet Road.

- Article 10, Part II., Off-Street Parking and Loading Requirements, is proposed to be amended to allow a reduction of parking based on bicycle parking with a conditional use permit, but only where the property has frontage along a two-lane roadway, or a sidewalk or similar path crosses the property or is located along the frontage of the property. A reduction for bike parking is not otherwise allowed with a conditional use permit.

- Article 10, Part II., Off-Street Parking and Loading Requirements, is proposed to be amended to standardize conditional use permit findings for the five parking reduction or modified standard methods.

- Section 10.92.15., Pedestrian Access/Facilities, of Article 10. Part VI., Commercial Design Standards, Division III., Site Design, Section 10.92., Street Access, Parking Lot Design, and Pavement Standards, is proposed to be amended by retitling the Section accordingly and to require “a bike rack…on all properties in non-residential use with parking lots having ten (10) or more vehicle parking spaces, when such properties and located on the east side of US 158 and have frontage on a two-lane roadway; such bike racks shall support at least five (5) bicycles and be accessible to the public.”

- Updated references to Section 10.15.6. in Section 5.4.4. (to Section 10.15.2.6.), update the title of Section 10.15 as included in Section 7.35.2., and update the reference to Section 10.15.5 in Section 8.6.6.7.4. (to Section 10.15.1.2.).

BACKGROUND

As noted above, the proposed amendments are the result of discussions at the Board of Commissioners' Retreat on September 12, 2019 where the Board discussed perspectives with regard to the reduction of required parking, and ultimately directed Staff to develop amendments in response to the issues discussed.

With regard to the current provisions allowing for a parking reduction for bike racks, this allowance was adopted in 2010 (the provisions were slightly amended by the amendments adopted in 2015 and discussed below); a copy of the ordinance, as well as the minutes from the January 6, 2010 and January 20, 2010 Board of Commissioners meetings where the amendment was considered, are attached. As noted in the minutes, the intent of the provision was to "promote the use of bicycles as an alternative means of transportation within the Town while allowing for a reduction in required parking spaces for commercial business that incorporate bike racks into their site and parking design."

With respect to the current form of off-street parking ordinance, this was the result of amendments that were adopted in 2015 based on the efforts of the Planning Board Parking Subcommittee from 2013 to 2014. While the parking reduction for bike parking and shared parking reductions existed, the amendments did establish the broader provision allowing a conditional use permit to modify parking requirements. A copy of the 2015 ordinance is attached for the Board's review.

POLICY CONSIDERATIONS

The most direct policies in the Comprehensive Plan pertaining to parking, including accommodations for bicycles, are contained in the Land Use Element, within 3.2.4., Site Development Characteristics, F. Parking, below, and policy LU-23 and related actions, as follows:

> *F. Parking - A comprehensive revision to the town's parking standards was completed in 2015. The goal of this revision was to identify parking standards in the town's ordinance that were leading to excess parking on development sites. Prior to this, the town had recently completed a new stormwater ordinance and excess parking was identified as a major contributing factor to stormwater runoff. The town is largely dependent on automobile transportation, and off street parking will continue to be a necessary component of the town's land use requirements. The town should continue to require adequate parking for all land uses while it continues to work towards its other goals for increasing nonmotorized transportation and reducing automobile dependency. Incentives have and should continue to be considered for sites that provide facilities for bicycles and that are also served by pedestrian facilities. As future ordinance revisions occur, the town should maintain consistency between permitted land uses and its parking tables and*

> *evaluate changes as necessary to correlate parking standards with actual parking demand based on best available data and information.*
>
> *LU-23 - Require sufficient parking for commercial businesses with parking area design regulations that limit impacts on neighbors and surrounding land uses.*
>
> > *LU-23a: Explore incentives or regulations that encourage bike and pedestrian infrastructure to be incorporated into site design.*
> >
> > *LU-23b: Monitor the use of parking and utilize this information to evaluate changes in parking standards.*
> >
> > *LU-23c: Explore maximum limits on the number of parking spaces for each land use.*

PLANNING BOARD RECOMMENDATION

As noted above, the Planning Board, at their November 19 meeting, voted 5-0 to recommend amendments to UDO as summarized, and contained in the attached draft ordinance. In making their recommendation, the Planning Board noted their opinion that the proposed amendments were consistent with the relevant policies contained in the Comprehensive Plan.

STAFF RECOMMENDATION

Staff recommends adoption of the amendments as proposed. Staff is of the opinion that the amendments pertaining to bicycle parking are consistent with relevant policies contained in the Comprehensive Plan as they both support the incorporation of bike infrastructure into site design and provide for reasonable allowances to reduce required parking where bike parking is provided and supporting infrastructure exists. Further, the amendments serve to standardize findings for all parking-related conditional use permits, allowing the boards to consider impacts specific to parking.

Please note, the UDO provides expanded and more explicit provisions regarding text amendments and action by the Board of Commissioners under Article 3, *Legislative/Quasi-Judicial Procedures*, Part II, *Legislative Procedures*, Section 3.5, *UDO Text Amendment/Zoning Map Amendment*, as follows. Staff would encourage that particular attention be given to Section 3.5.4.5. and the requirement that the Board adopt a statement prior to adopting or rejecting any text amendment.

> *3.5.4. Action by the Board of Commissioners.*
> *Action upon an UDO text amendment or zoning map amendment, including the scheduling of a public hearing, will be at the discretion of the Board of Commissioners.*

3.5.4.1. Before an item is placed on the consent agenda to schedule a public hearing, the Planning Board's recommendation on each proposed amendment must be received by the Board of Commissioners. If no recommendation is received from the Planning Board within 30 days from the date when submitted to the Planning Board, the petitioner may take the proposal to the Board of Commissioners without a recommendation from the Planning Board. However, the Planning Board may request the Board of Commissioners to delay final action on the amendment until such time as the Planning Board can present its recommendations. No such limitations shall apply to applications or requests submitted by Town staff or any Town Board.

3.5.4.2. After receiving a recommendation from the Planning Board on a proposed amendment, the Board of Commissioners may proceed to vote on the proposed ordinance, refer it to a committee for further study, or take any other action consistent with its usual rules of procedure.

3.5.4.3. The Board of Commissioners is not required to take final action on a proposed amendment within any specific period of time. Final action on an UDO text amendment or zoning map amendment submitted by third parties will be taken within a reasonable time. Final action taken within 90 days of the public hearing before the Board of Commissioners shall be presumptively reasonable.

3.5.4.4. No member of the Board of Commissioners shall vote on any zoning map amendment or UDO text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial and readily identifiable financial impact.

3.5.4.5. Prior to adopting or rejecting any UDO text and/or map amendment, the Board of Commissioners shall adopt one of the following statements which shall not be subject to judicial review.

3.5.4.5.1. A statement approving the amendment and describing its consistency with the adopted Comprehensive Plan and explaining why the action taken is reasonable and in the public interest.

3.5.4.5.2. A statement rejecting the amendment and describing its inconsistency with the adopted Comprehensive Plan and explaining why the action taken is reasonable and in the public interest.

3.5.4.5.3. A statement approving the amendment and containing at least all of the following:

3.5.4.5.3.1. A declaration that the approval is also deemed an amendment to the Comprehensive Plan. The Board of Commissioners shall not require any additional request or application for amendment to the Comprehensive Plan.

3.5.4.5.3.2. An explanation of the change in conditions the Board of Commissioners took into account in amending the UDO to meet the development needs of the community.

3.5.4.5.3.3. Why the action was reasonable and in the public interest.

3.5.4.6. In deciding whether to adopt a proposed amendment to this UDO, the central issue before the Board of Commissioners is whether the proposed amendment advances the public health, safety, or welfare. When considering proposed map amendments:

3.5.4.6.1. The Board of Commissioners shall consider the entire range of permitted uses in the requested classification.

Attachments:

1. An Ordinance Amending the Code of Ordinances of the Town of Nags Head, North Carolina Pertaining to Off-Street Parking, November 25, 2019 Draft;

2. A markup of affected sections within Article 10, Part II., *Off-Street Parking and Loading Requirements*, and Section 10.92, *Street Access, Parking Lot Design, and Pavement Standards*, dated November 25, 2019;

3. Ordinance No. 10-01-003, adopted January 20, 2010;

4. Minutes of the January 6, 2010 Board of Commissioners Meeting;

5. Minutes of the January 20, 2010 Board of Commissioners Meeting; and

6. Ordinance No. 15-03-009, adopted March 4, 2015.

(DRAFT)
AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE TOWN OF NAGS HEAD, NORTH CAROLINA PERTAINING OFF-STREET PARKING

ARTICLE I. Purpose(s) and Authority.

WHEREAS, pursuant to N.C.G.S. § 160A-381, 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. 160A, Art. 19 et. seq, 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. § 160A-363, which allows the Town to combine certain land development ordinances into a unified ordinance; and

WHEREAS, the Board of Commissioners requested preparation of an ordinance amending provisions pertaining to off-street parking requirements associated with alternative and reduced parking, including bicycle parking, and associated conditions use permitting requirements; and

WHEREAS, the Town of Nags Head 2017 Comprehensive Plan includes policies supporting regulations requiring the provision of sufficient parking, as well as those encouraging an increase in the use of nonmotorized transportation, bicycles specifically; and

WHEREAS, the Board of Commissioners finds that these text amendments are consistent with the goals, objectives and policies of the Town's adopted Comprehensive Plan, and that this action is reasonable and in the public interest, and is in the interest of and not contrary to the public's health, safety, morals and general welfare for the Town to amend the Town's Unified Development Ordinance as stated below.

ARTICLE II. Construction.

For purposes of this ordinance amendment, underlined words (<u>underline</u>) 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.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Nags Head, North Carolina, that the Unified Development Ordinance of the Town Code shall be amended as follows:

PART I. That **Section 10.14., Minimum Parking Requirements, subsection 10.14.1.,** be amended as follows:

The number of off-street parking spaces required by this section shall be provided on the same lot with the principal use, except as may be permitted and approved pursuant to Section 10.15, Modified and Reduced Parking Requirements, or a variance ~~provided with parking reductions approved as part of shared parking agreements, inter-parcel connections, conditional use permits or variances~~ granted by the Town~~, or in accordance with the parking reduction schedule in Section 10.15, Alternative and Reduced Commercial Parking Requirements~~. The required number of off-street parking spaces specified for each use shall be considered as the absolute minimum.

PART II. That **Section 10.15., Alternative and Reduced Parking Requirements**, be deleted in its entirety and replaced with the following:

SECTION 10.15 MODIFIED AND REDUCED PARKING REQUIREMENTS.

10.15.1. Performance-Based Parking Reduction Methods.
The number of required parking spaces for uses other than single and two-family dwellings may be reduced by the following methods without a conditional use permit. These methods may be used jointly, but may not be used in conjunction with methods requiring a conditional use permit, except for those permitted by Section 10.15.2.6.

10.15.1.1 Shared Parking Associated with a New Use or New Development on Adjacent Property.
If proposed parking facilities intended to serve any proposed use are to abut and be integrated with existing and conforming parking facilities serving other uses, the parking requirement for the proposed use may be reduced in accordance with this section, provided that:

10.15.1.1.1. Cross-easements are recorded in the Dare County Register of Deeds that allow unrestricted parking and traffic flow between the proposed and existing lots; and

10.15.1.1.2. Accumulated reduction of parking spaces does not exceed 50 percent of the number of spaces in the existing parking lot.

10.15.1.2. Reduction of Required Parking with the Use of Bicycle Racks.
The total parking requirement for a proposed non-residential use may be reduced by up to three parking spaces at a rate of one parking space per bike rack if one or more bicycle racks are located on the site provided that:

10.15.1.2.1. The subject property has frontage along NC12/S. Virginia Dare Trail or NC1243/S. Old Oregon Inlet Road;

10.15.1.2.2. Each bicycle rack must be highly visible and conveniently located in close proximity to the entrance of the principal structure;

10.15.1.2.3. Each bicycle rack must support at least five (5) bicycles; and

10.15.1.2.4. The parking reduction shall not exceed more than one (1) parking space per ten (10) parking spaces provided.

10.15.2. Parking Modification or Reduction Methods Requiring a Conditional Use Permit.

Parking requirements or the number of required parking spaces for uses other than single and two-family dwellings may be modified or reduced by the following methods with a conditional use permit in accordance with Section 3.8, Conditional Use Permits. Only one of these methods may be used to reduce required parking, although other parking requirements may be modified pursuant to 10.15.2.6. in conjunction with a requested reduction. In addition to conditions that may be imposed as authorized by Section 3.8, in acting upon any conditional use permit sought under this Section, the Board of Commissioners may require upgrades or alterations to the existing parking area to address issues associated with stormwater management, backing into Town streets, or to facilitate inter-parcel connectivity.

10.15.2.1. Required Findings.

In addition to the requirements of Section 3.8, Conditional Use Permits, no conditional use permit may be issued for the following methods until the applicant has clearly demonstrated that the request:

10.15.2.1.1. Will not result in increased traffic congestion or otherwise negatively impact existing traffic flow or pedestrian and vehicular safety;

10.15.2.1.2. Will not create parking impacts for adjacent properties or within Town rights-of-way;

10.15.2.1.3. Will not be contrary to the objectives specified in the Comprehensive Plan;

10.15.2.1.4. Is necessary to permit the reasonable use of the subject property; and

10.15.2.1.5. Will not adversely impact adjacent property or the surrounding area.

10.15.2.2. Shared Parking Associated with a Conditional Use Plan or Plan Amendment.

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

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

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

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

10.15.2.2.4. When shared parking is devoted to a use other than parking, or business hours of one or more of the uses change to preclude the shared use of the parking spaces, or one or more uses change, increasing the amount of parking spaces required, or other changes in use or parking configuration occur, the conditional use permits for both sites must be amended appropriately; and

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

10.15.2.3. Shared Parking When Two or More Commercial Uses Exist on One Commercial Site or Adjoining Commercial Uses on Separate Properties within a Common Development Plan. Proposed commercial uses in commercial zoning district C-3 may share a portion of existing and conforming spaces with other commercial uses on the same or adjoining site provided that the following conditions are met:

10.15.2.3.1. No more than sixty (60) percent of the required spaces for the proposed use may be shared with existing and conforming parking spaces of the other commercial use;

10.15.2.3.2. If, in the event, the proposed use has patrons or clients that are not of legal driving age (e.g., dance class for youths that

are not legal driving age) both commercial uses may be in operation at the same time as long as integrated traffic pattern is developed which allows for a safe drop-off site for patrons. Such traffic pattern must be approved by the Town Engineer; and

10.15.2.3.3. If such shared parking is devoted to a use other than parking, or one or more of the uses change, increasing the amount of parking spaces required, or other changes in use or parking configuration occur, the conditional use permits for both sites must be amended appropriately.

10.15.2.4. Off-Site Parking to Meet Use Requirements.
Proposed commercial uses in all commercial zoning districts may use an off-site lot in a commercial zoning district to meet the minimum parking requirements of this section, provided the following conditions are met:

10.15.2.4.1. The off-site lot does not have to adjoin the principal commercial use site, but shall be located no further than three hundred (300) feet from the principal use site and shall not be located on the opposite side of US 158 or US 64/264 from the principal use site. A sidewalk or multi-use path connection must exist between off-site lot and the principal use when located along US 158;

10.15.2.4.2. No more than fifty (50) percent of the required parking for the use shall be permitted off-site. All required parking shall be conforming and constructed in accordance with the minimum requirements of this UDO. Lot coverage requirements for the principal use site and the off-site lot for parking shall be calculated separately;

10.15.2.4.3. Parking shall be the only use of the off-site lot, upon which no other principal or accessory uses shall be allowed; and

10.15.2.4.4. An applicant for off-site parking must prove possession and control of the off-site parking property by the same person or entity having possession and control of the principal commercial use site. Such proof may be provided via copies of deeds or leases showing ownership and/or control of both the off-site parking property and the principal use property. The transfer of ownership or expiration of a lease agreement for either property may be grounds for revocation of the certificates of occupancy for the principal commercial site until additional sufficient off-site parking has been obtained and authorized.

10.15.2.5. Reduction of Required Parking for Commercial Uses with the Use of Bicycle Racks by Conditional Use Permit.
By conditional use permit, total parking requirement for a proposed non-

residential use may be reduced by up to three parking spaces at a rate of one parking space per bike rack if one or more bicycle racks are located on the site provided that:

10.15.2.5.1. The subject property has frontage along a two-lane roadway, or a sidewalk or similar path crosses the property or is located along the frontage of the property;

10.15.2.5.2. Each bicycle rack must be highly visible and conveniently located in close proximity to the entrance of the principal structure.

10.15.2.5.3. Each bicycle rack must support at least five (5) bicycles.

10.15.2.5.4. Parking reduction shall not exceed more than one (1) parking space per ten (10) parking spaces provided.

10.15.2.6. Modification of Parking Requirements or General Reduction of Required Parking.
A conditional use permit may be sought to modify any requirements pertaining to parking as contained in Article 10, Part II., Off-Street Parking and Loading Requirements, or Sections 10.91 or 10.92, Street Access, Parking Lot Design, and Pavement Standards, of Article 10, Part VI., Commercial Design Standards, or to reduce the amount of required parking.

PART III. That **Section 10.92., Street Access, Parking Lot Design, and Pavement Standards, subsection 10.92.15., Pedestrian Access/Facilities,** be amended be retitling the subsection as "Pedestrian and Bicycle Access/Facilities" and adding subsection 10.92.15.3., as follows:

10.92.15.3. A bike rack shall be provided on all properties in non-residential use with parking lots having ten (10) or more vehicle parking spaces, when such properties and located on the east side of US 158 and have frontage on a two-lane roadway; such bike racks shall support at least five (5) bicycles and be accessible to the public.

PART IV. That the reference to **"section 10.15.6." in Section 5.4.4. be changed to "section 10.15.2.6."**, the reference to **"subsection 10.15.5" in Section 8.6.6.7.4. be changed to "subsections 10.15.1.2., 10.15.2.5., and/or 10.92.15.3."**, the title of **Section 10.15 as included in Section 7.35.2. be changed to "Modified and Reduced Parking Requirements"**, and the **Table of Contents to Article 10 be updated to reflect Parts II and III of this Ordinance**.

ARTICLE IV. Severability.

All Town ordinances or parts of ordinances in conflict with this ordinance amendment are hereby repealed. Should a court of competent jurisdiction declare this ordinance amendment or any part thereof to be invalid, such decision shall not affect the remaining provisions of this ordinance amendment nor the Unified Development Ordinance or Town Code of the Town of Nags Head, North Carolina which shall remain in full force and effect.

ARTICLE V. Effective Date.

This ordinance amendment shall be in full force and effect upon the date of adoption by the Board of Commissioners.

_____
Benjamin Cahoon, Mayor
Town of Nags Head

ATTEST: _____
Carolyn F. Morris, Town Clerk

APPROVED AS TO FORM:
Town Attorney
Date adopted: _____
Motion to adopt by Commissioner _____
Motion seconded by Commissioner _____
Vote: ____ AYES ____ NAYS

PART II. OFF-STREET PARKING AND LOADING REQUIREMENTS

NO CHANGES TO SECTIONS 10.11. TO 10.13.

SECTION 10.14 MINIMUM PARKING REQUIREMENTS.

10.14.1. The number of off-street parking spaces required by this section shall be provided on the same lot with the principal use, except as may be permitted and approved pursuant to Section 10.15, Modified and Reduced Parking Requirements, or a variance ~~provided with parking reductions approved as part of shared parking agreements, inter-parcel connections, conditional use permits or variances~~ granted by the Town~~, or in accordance with the parking reduction schedule in Section 10.15, Alternative and Reduced Commercial Parking Requirements~~. The required number of off-street parking spaces specified for each use shall be considered as the absolute minimum.

10.14.2. Accessory buildings used for customer service area associated with restaurants shall be included with principal buildings in the measurement for determining parking requirements.

10.14.3. Gross floor area shall be measured from the outside walls of all structures.

10.14.4. Where a fraction of a space is required by this section, the next whole number shall be provided.

10.14.5. All space requirements which are based in part or in whole upon employment shall be computed on the basis of the greatest number of persons that are on duty at any one period during the day or night during the peak season.

10.14.6. A developer shall evaluate his own needs to determine if they are greater than the minimum specified by this section.

10.14.7. Required off-street parking spaces and loading spaces are permanent areas and shall not be used for any other above ground purpose other than uses associated with a crowd gathering permit, disaster recovery or other permitted temporary uses.

SECTION 10.15 ~~ALTERNATIVE~~ MODIFIED AND REDUCED ~~COMMERCIAL~~ PARKING REQUIREMENTS.

10.15.1. Performance-Based Parking Reduction Methods.

The number of required parking spaces for uses other than single and two-family dwellings may be reduced by the following methods without a conditional use permit. These methods may be used jointly, but may not be used in conjunction with methods requiring a conditional use permit, except for those permitted by Section 10.15.2.6.

10.15.1.1 Shared Parking Associated with a New Use or New Development on Adjacent Property.

If proposed parking facilities intended to serve any proposed use are to abut and be integrated with existing and conforming parking facilities serving other uses, the parking requirement for the proposed use may be reduced in accordance with this section, provided that:

10.15.1.1.1. Cross-easements are recorded in the Dare County Register of Deeds that allow unrestricted parking and traffic flow between the proposed and existing lots; and

10.15.1.~~2.~~1.2. Accumulated reduction of parking spaces does not exceed 50 percent of the number of spaces in the existing parking lot~~; and~~.

~~***10.15.1.3.*** Only one reduction option as provided in this section shall apply to any proposed use except as prescribed in subsection 10.15.5.~~

10.15.1.2. Reduction of Required Parking with the Use of Bicycle Racks.
The total parking requirement for a proposed non-residential use may be reduced by up to three parking spaces at a rate of one parking space per bike rack if one or more bicycle racks are located on the site provided that:

10.15.1.2.1. The subject property has frontage along NC12/S. Virginia Dare Trail or NC1243/S. Old Oregon Inlet Road;

10.15.1.2.2. Each bicycle rack must be highly visible and conveniently located in close proximity to the entrance of the principal structure;

10.15.1.2.3. Each bicycle rack must support at least five (5) bicycles; and

10.15.1.2.4. The parking reduction shall not exceed more than one (1) parking space per ten (10) parking spaces provided.

10.15.2. Parking Modification or Reduction Methods Requiring a Conditional Use Permit.
Parking requirements or the number of required parking spaces for uses other than single and two-family dwellings may be modified or reduced by the following methods with a conditional use permit in accordance with Section 3.8, Conditional Use Permits. Only one of these methods may be used to reduce required parking, although other parking requirements may be modified pursuant to 10.15.2.6. in conjunction with a requested reduction. In addition to conditions that may be imposed as authorized by Section 3.8, in acting upon any conditional use permit sought under this Section, the Board of Commissioners may require upgrades or alterations to the existing parking area to address issues associated with stormwater management, backing into Town streets, or to facilitate inter-parcel connectivity.

10.15.2.1. Required Findings.
In addition to the requirements of Section 3.8, Conditional Use Permits, no conditional use permit may be issued for the following methods until the applicant has clearly demonstrated that the request:

10.15.2.1.1. Will not result in increased traffic congestion or otherwise negatively impact existing traffic flow or pedestrian and vehicular safety;

10.15.2.1.2. Will not create parking impacts for adjacent properties or within Town rights-of-way;

10.15.2.1.3. Will not be contrary to the objectives specified in the Comprehensive Plan;

10.15.2.1.4. Is necessary to permit the reasonable use of the subject property; and

10.15.2.1.5. Will not adversely impact adjacent property or the surrounding area.

10.15.2.2. Shared Parking Associated with a Conditional Use Plan or Plan Amendment.
Proposed commercial uses in all commercial zoning districts may share~~, as a conditional use,~~ a portion of existing and conforming parking spaces with other commercial uses in commercial zoning districts provided that the following conditions are met:

~~***10.15.2.1.*** Application and approval for shared parking shall be in accordance with the application requirements for conditional uses under Section 3.8, Conditional Use Permits.~~

10.15.2.~~2.~~2.1. The uses should have staggered or different business hours and parking demands, such as an office building open between 9:00 a.m. and 5:00 p.m. and a restaurant open between 5:30 p.m. and 11:00 p.m., or a business open during the week and a church where parking demand peaks on the weekend~~.~~;

10.15.2.~~3.~~2.2. No more than fifty (50) percent of required parking spaces for the proposed use may be shared with existing and conforming parking spaces of the other commercial use~~.~~;

10.15.2.~~4.~~2.3. Commercial uses must be abutting and integrated with unrestricted traffic and parking flow between them or may be across a Town street or private easement or alley within the same block~~.~~;

10.15.2.~~5.~~2.4. When shared parking is devoted to a use other than parking, or business hours of one or more of the uses change to preclude the shared use of the parking spaces, or one or more uses change, increasing the amount of parking spaces required, or other changes in use or parking configuration occur, the conditional use permits for both sites must be amended appropriately~~.~~; and

10.15.2.~~6.~~2.5. For proposed commercial uses that redevelop existing commercial sites abutting the NC 12 Beach Road corridor from East Gulfstream to Eighth Street, an alternative parking plan may be proposed that provides a ten (10) percent reduction in required parking and may be approved with or without a shared parking arrangement at the discretion of the Board of Commissioners as part of a conditional use plan.

10.15.~~3.~~2.3. Shared Parking When Two or More Commercial Uses Exist on One Commercial Site or Adjoining Commercial Uses on Separate Properties within a Common Development Plan~~;~~ ~~Conditional Use~~. Proposed commercial uses in commercial zoning district C-3 may share~~, as a conditional use,~~ a portion of existing and conforming spaces with other commercial uses on the same or adjoining site provided that the following conditions are met:

~~***10.15.3.1.*** Application and approval for shared parking shall be in accordance with the application requirements for conditional uses under Section 3.8, Conditional Use Permits.~~

10.15.~~3.~~2.3.1. No more than sixty (60) percent of the required spaces for the proposed use may be shared with existing and conforming parking spaces of the other commercial use~~.~~;

10.15.~~3.3.~~2.3.2. If, in the event, the proposed use has patrons or clients that are not of legal driving age (e.g., dance class for youths that are not legal driving age) both commercial uses may be in operation at the same time as long as integrated traffic pattern is developed which allows for a safe drop-off site for patrons. Such traffic pattern must be approved by the Town Engineer~~.~~; and

10.15.~~3.4.~~2.3.3. If such shared parking is devoted to a use other than parking, or one or more of the uses change, increasing the amount of parking spaces required, or other

changes in use or parking configuration occur, the conditional use permits for both sites must be amended appropriately.

10.15.~~4.~~2.4. Off-Site Parking to Meet Use Requirements~~; Conditional Use~~.
Proposed commercial uses in all commercial zoning districts may~~, as a conditional use,~~ use an off-site lot in a commercial zoning district to meet the minimum parking requirements of this section, provided the following conditions are met:

~~***10.15.4.1.*** Application and approval of off-site parking shall be in accordance with Section 3.8, Conditional Use Permits.~~

10.15.~~4.~~2.4.1. The off-site lot does not have to adjoin the principal commercial use site, but shall be located no further than three hundred (300) feet from the principal use site and shall not be located on the opposite side of US 158 or US 64/264 from the principal use site. A sidewalk or multi-use path connection must exist between off-site lot and the principal use when located along US 158~~.~~;

10.15.~~4.3.~~2.4.2. No more than fifty (50) percent of the required parking for the use shall be permitted off-site. All required parking shall be conforming and constructed in accordance with the minimum requirements of this UDO. Lot coverage requirements for the principal use site and the off-site lot for parking shall be calculated separately~~.~~;

10.15.~~4.4.~~2.4.3. Parking shall be the only use of the off-site lot, upon which no other principal or accessory uses shall be allowed~~.~~; and

10.15.~~4.5.~~2.4.4. An applicant for off-site parking must prove possession and control of the off-site parking property by the same person or entity having possession and control of the principal commercial use site. Such proof may be provided via copies of deeds or leases showing ownership and/or control of both the off-site parking property and the principal use property. The transfer of ownership or expiration of a lease agreement for either property may be grounds for revocation of the certificates of occupancy for the principal commercial site until additional sufficient off-site parking has been obtained and authorized.

10.15.~~5.~~2.5. Reduction of Required Parking for Commercial Uses with the Use of Bicycle Racks by Conditional Use Permit.
~~The Board of Commissioners may allow the~~ By conditional use permit, total parking requirement for ~~the~~ a proposed non-residential use ~~to~~ may be reduced by up to three parking spaces at a rate of one parking space per bike rack if one or more bicycle racks are located on the site provided that:

10.15.2.5.1. The subject property has frontage along a two-lane roadway, or a sidewalk or similar path crosses the property or is located along the frontage of the property;

10.15.2.5.~~1.~~2. Each bicycle rack must be highly visible and conveniently located in close proximity to the entrance of the principal structure.

10.15.2.5.~~2.~~3. Each bicycle rack must support at least five (5) bicycles.

10.15.2.5.~~3.~~4. Parking reduction shall not exceed more than one (1) parking space per ten (10) parking spaces provided.

10.15.~~6.~~2.6. Modification of Parking Requirements or General Reduction of Required Parking ~~by Conditional Use Permit~~.

A conditional use permit may be sought to modify any requirements pertaining to parking as contained in Article 10, Part II., Off-Street Parking and Loading Requirements, or Sections 10.91 or 10.92, Street Access, Parking Lot Design, and Pavement Standards, of Article 10, Part VI., Commercial Design Standards, or to reduce the amount of required parking.

~~***10.15.6.1.*** Upon application, the Board of Commissioners may treat any permitted or conditional use allowed in a zoning district as a conditional use and modify the parking and loading requirements of this section in accordance with the procedures and limitations established for conditional use permits set forth in Section 3.8, Conditional Use Permits.~~

~~***10.15.6.2.*** Conditional use permits shall be subject to conditions deemed necessary by the Board of Commissioners to ensure compatibility with surrounding land uses and conditions.~~

~~***10.15.6.3.*** In addition to the requirements of Section 3.8, Conditional Use Permits, no modification or waiver of parking or loading requirements shall be granted until the applicant has clearly demonstrated that the request:~~

~~***10.15.6.3.1.*** Will not result in increased traffic congestion or otherwise negatively impact existing traffic flow or pedestrian and vehicular safety;~~

~~***10.15.6.3.2.*** Will not create parking impacts for adjacent properties or within Town rights-of-way.~~

~~***10.15.6.3.3.*** Will not be contrary to the objectives specified in the Comprehensive Plan;~~

~~***10.15.6.3.4.*** Is necessary to permit the reasonable use of the subject property; and~~

~~***10.15.6.3.5.*** Will not adversely impact adjacent property or the surrounding area.~~

~~***10.15.6.4.*** In approving conditional use permit requests to modify parking and loading space requirements, the Board of Commissioners may require upgrades or alterations to the existing parking area to address issues associated with stormwater management, backing into Town streets, and to facilitate inter-parcel connectivity.~~

SECTION 10.16 REQUIRED PARKING BY USE.

Minimum required parking by use shall be as follows. For sites with multiple principal uses, the parking requirements for each use must be met on-site or through shared parking in accordance with Section 10.15, ~~Alternative and Reduced Commercial Parking Requirements~~ Modified and Reduced Parking Requirements. Also see Section 10.17, Off-Street Loading.

NO CHANGES TO SECTIONS FOLLOWING 10.16.

SECTION 10.92 STREET ACCESS, PARKING LOT DESIGN, AND PAVEMENT STANDARDS.

NO CHANGES TO SECTIONS 10.92.1. TO 10.92.14.

10.92.15. Pedestrian and Bicycle Access/Facilities.

10.92.15.1. Buildings with uses requiring public access shall provide the primary pedestrian access from the street front or from a pedestrian way designed to facilitate access in shopping centers, mixed use sites, or group developments.

10.92.15.2. The approaches to loading and unloading areas in commercial districts shall be designed to minimize conflict with onsite vehicular, pedestrian and bicycle traffic and with adjacent residential uses.

10.92.15.3. A bike rack shall be provided on all properties in non-residential use with parking lots having ten (10) or more vehicle parking spaces, when such properties and located on the east side of US 158 and have frontage on a two-lane roadway; such bike racks shall support at least five (5) bicycles and be accessible to the public.

NO CHANGES TO SECTIONS FOLLOWING 10.92.15.

Ordinance No. 10-01-003
BOC Meeting January 20, 2010

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE TOWN OF NAGS HEAD, NORTH CAROLINA

BE IT ORDAINED by the Board of Commissioners of the Town of Nags Head, North Carolina, that the Code of Ordinances shall be amended as follows:

PART I. That **Section 48-165, Alternative Commercial Parking Requirements**, be amended to add subsection (e) as follows:

(e) Reduction of required parking for commercial uses with the use of bicycle racks. During the site plan approval process the governing body may allow the total parking requirement for the proposed use to be reduced by one (1) parking space if one or more bicycle racks are located on the site provided that each such rack:

(1) must be highly visible and conveniently located in close proximity to the entrance of the principal structure.
(2) must support at least five (5) bicycles.

PART II. That **Section 48-90, Exclusion from lot coverage calculation**, be amended to add subsection (d) as follows:

(d) Up to a maximum of 200 square feet of lot coverage if one or more bicycle racks are located on improved surfaces in compliance with the requirements of Section 48-165(e).

PART III. 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 20th day of January 2010.

_____
Robert O. Oakes, Jr., Mayor
Town of Nags Head

ATTEST:

_____
Carolyn F. Morris, Town Clerk

APPROVED AS TO FORM:

_____
John Leidy, Town Attorney

Date adopted: January 20, 2010

Motion to adopt by Commissioner _____
Motion seconded by Commissioner _____
Vote: ____ AYES ____ NAYS

There being no one present who wished to speak, Attorney Leidy announced the Public Hearing closed at 9:25 a.m.

Comr. Sadler said that she had no issues with keeping the use within commercial districts - but not within residential areas. She stated that she was adamantly opposed to having the use in residential districts.

MOTION: Comr. Remaley made a motion to adopt the staff-recommended ordinance which permits "taxi and limousine service" in commercial districts only. The motion was seconded by Comr. Sadler which passed unanimously.

The ordinance concerning "taxi and limousine service" as a home occupation in commercial districts, as adopted, is attached to and made a part of these minutes as shown in Addendum "C".

Public Hearing to consider a zoning ordinance amendment, initiated by Planning Board, to Town Code Sec 48-165, Parking Reduction Requirements - to allow the use of bicycle racks in lieu of required parking spaces for all commercial uses

Attorney John Leidy introduced/opened the Public Hearing concerning the use of bicycle racks in lieu of required parking spaces for all commercial uses at 9:30 a.m. Zoning Administrator Kelly Wyatt summarized her memo which read in part as follows:

"The attached zoning ordinance text amendment was initiated by the Planning Board at their October 20, 2009 meeting and was originated at the request of the Nonconforming Commercial Committee. This committee was established by the Board of Commissioners on April 15, 2008 and consists of three Planning Board members. This committee was tasked with reviewing the zoning ordinance and reporting on areas which may need revision in an effort to promote small business within the Town. This proposed ordinance specifically pertains to the use of bike racks in an effort to promote the use of bicycles as an alternative means of transportation within the Town while allowing for a reduction in required parking spaces for commercial business that incorporate bike racks into their site and parking design.

'Several municipalities within North Carolina have standards for bicycle parking within their zoning ordinances. I've included a few of those standards for your review:

- A secure bicycle rack may reduce the number of required parking spaces by one parking space for every one secure bicycle slot, not to exceed 10% of the total number of required parking spaces. (Provided by Centralina Council of Governments)

- For all uses a maximum of 5% of the required number of parking spaces can be bicycle stalls. Accommodation for 2 bicycles shall be provided for each parking space replaced. Bicycle racks should be highly visible from the street or building entrance, located within 50 feet of the buildings main entrance and separated from motor vehicle parking by a curb barrier. (Provided by City of Winston Salem)

- Development Review Board may allow a new or existing development to convert up to 5% of its motorized vehicle spaces to non-required additional bicycle parking as long as its located

conveniently near a building entrance. Converted parking spaces shall yield at least 6 bicycle spaces per motorized vehicle space. (Provided by County of Durham)

- Reduction of one parking space if bicycle parking is provided. (Provided by Town of Carrboro)

'The Land Use Plan does not specifically address the use of bike racks therefore staff finds that the proposed zoning ordinance text amendment is consistent with the Land Use Plan.

'Planning staff does not support eliminating parking spaces for providing bicycle racks. The majority of commercial activity and associated parking is utilized by tourists vacationing and visiting the area, not the resident population. It is the resident population who most commonly use bicycles, not the visitors. Visitors take advantage of passive and active outdoor opportunities during the day, a lot of the shopping and dining takes place at night. Staff would submit that encouraging bicycling at night is unsafe and not recommended. Shopping and dining tends to peak on rainy days, visitors and residents are not likely to ride their bikes in inclement weather. While NC 12 has the multi-use path, separate pedestrian/bike facilities for safe use on Highway 158 are limited to only one side of the highway in the northernmost part of the town. Staff would submit that reducing parking standards in lieu of providing bike racks is not recommended unless done in conjunction with provisions for new public transportation facilities and services (sidewalks, public parking areas, public transit, etc.) that can reasonable and safely accommodate alternative forms of transport. Lastly, our development pattern, largely dictated by our geography is long and linear, not the more compact radial and traditional block development patterns which are ideal for bicycling to multiple destinations.

'Demographics, geography, existing development pattern, existing public transportation facilities/services, and safety concerns do not support adoption of this ordinance and therefore staff would recommend denial.

'Staff submits that providing bicycle racks in addition to required parking is a good practice and therefore would not object to exempting bike racks, when placed on hardened or otherwise determined impervious area, to be exempt from lot coverage calculations. The exemption would be limited to a maximum of 180 square feet and require that the bike rack be designed to hold at least five (5) bicycles.

'Planning Board Recommendation
The Planning Board voted unanimously to recommend adoption of the zoning ordinance text amendment."

Notice of the Public Hearing was published in the *Coastland Times* on Tuesday, December 22, 2009 and on Tuesday, December 29, 2009 as required by law.

There being no one present who wished to speak, Attorney Leidy closed the Public Hearing at 9:36 a.m.

MOTION: Comr. Remaley made a motion to adopt the ordinance concerning bicycle racks and required parking as presented. The motion was seconded by Mayor Oakes.

WITHDRAWAL OF MOTION: Comr. Remaley and Mayor Oakes withdrew their motion and second.

MOTION: Comr. Remaley made a motion to adopt the ordinance allowing reduced parking by one parking space when a bicycle rack is provided and to exempt the bicycle rack from lot coverage equal to the area of one parking space. The motion was seconded by Comr. Sadler.

WITHDRAWAL OF MOTION: Comr. Remaley and Comr. Sadler withdrew their motion and second.

It was Board consensus to table adoption of the ordinance concerning bicycle racks and required parking until the February 2009 Board meeting to allow staff to prepare the revised proposal in ordinance form.

Public Hearing to consider zoning ordinance amendment, initiated by Planning Board, to Town Code Sec 48-85(a)(c), Commercial Zoning Districts - to permit commercially zoned property to utilize adjoining commercially zoned property for wastewater treatment facilities

Attorney John Leidy introduced/opened the Public Hearing concerning utilizing adjoining commercially zoned property for wastewater treatment facilities at 9:42 a.m. Planner Angela Welsh summarized her memo which read in part as follows:

"At their October 20, 2009 meeting the Planning Board initiated the attached zoning ordinance amendment to Town Code Section 48-85 to allow commercially zoned property to utilize a lot abutting the lot where the principal structure is located for waste water treatment facilities.

'In January of 2009, the Board of Commissioners amended Section 48-85 by adding a new sub section 48-85(c) to allow a commercial use in one district to utilize a lot "across the street" for active or repair drainfields. Commercial uses are now able to utilize lots in either residential or commercial districts for primary and repair septic drainfields provided certain conditions are met. It also requires all lots used to be owned by the same legal entity. Lot coverage calculations for each lot are also required to be evaluated separately. It does not transfer "development rights" (such as parking, open space, buffering etc.) from one lot to another lot but simply allows drain field and repair areas on abutting lots.

'The proposed amendment would allow a commercial use in a commercial district (C-2, General Commercial, C-3 Commercial Services and CR, Commercial Residential) to utilize an abutting lot in a commercial district for waste water treatment facilities, both the treatment plant and nitrification field, provided certain conditions are met. The lot(s) must abut the lot where the principal commercial structure is located. Any land disturbance must be limited to the minimum amount necessary for the waste water treatment facility. It also requires all lots used to be owned by the same legal entity.

'Section 48-85(a), Statement of Intent, will also be amended to reflect consistency with the changes proposed in subsection (c).

'Staff would like to note that the recent Jennette's Pier amendment was for both the package treatment plant and the nitrification field to be located off-site. The reasoning applied by the Board of Commissioners in the Jennette's Pier amendment was the system proposed by the Pier was a state

CONSIDERATION OF BUDGET ADJUSTMENT TRANSFER FOR SEPTIC HEALTH LOAN PROGRAM

Septic Health Coordinator Todd Kraft provided an overview of the Town's Septic Health Loan Program. The memo from Planning Director Tim Wilson and Mr. Krafft was provided to Board members and read in part as follows:

"Requesting increase of $20,000 to current Septic Loan Line Item #725 578400. Its current balance is only $1,325.00, which is insufficient for making further loans under the program.

'Due to the recent increase in the number of pump to fill systems, or fill in general needing to be brought in for overly saturated sites, the overall costs to replace a gravity "conventional" septic system hinges on what area the system is being replaced in and whether or not it will require an additional tank and pump and amount of fill to make the system work properly in saturated conditions.

'Based on current site conditions and costs, this additional appropriation would allow perhaps as few as 5 additional loans for the remainder of the fiscal year."

MOTION: Comr. Remaley made a motion to provide the requested funding to support the Septic Health Loan Program with a budget transfer in the amount of $20,000. The motion was seconded by Mayor Pro Tem Gray.

Comr. Sadler agreed with Comr. Remaley that the Septic Health Loan Program is a good program but she questioned if there was a time for a good thing to end.

CONTINUATION OF MOTION: The motion passed 4 - 1 with Mayor Oakes casting the NO vote.

CONSIDERATION OF REVISED ZONING ORDINANCE TEXT AMENDMENT TO PERMIT A REDUCTION IN REQUIRED PARKING SPACES FOR COMMERCIAL BUSINESSES THAT INCORPORATE BIKE RACKS INTO THEIR SITE AND PARKING DESIGN - FROM JAN 6, 2010 BOARD MEETING

Planning Director Tim Wilson summarized the zoning ordinance text amendment that would permit a reduction in required parking spaces for commercial businesses that incorporate bicycle racks into their site and parking design. The agenda summary sheet read in part as follows:

"On January 6, 2010 the Board of Commissioners conducted a public hearing on a proposed zoning ordinance text amendment that would permit a reduction in required parking spaces for commercial business that incorporate bike racks.

'After the close of public hearing and deliberation by the Board, the Board requested that the proposed ordinance be modified to (i) allow reduced required parking by one parking space when a bicycle rack is provided, and (ii) to exempt the bicycle rack from lot coverage equal to the area of one improved parking space.

'The modified ordinance is attached for final consideration by the Board."

Mayor Pro Tem Gray questioned what the proposed ordinance does for the Town; Mr. Wilson stated that the ordinance encourages bike use in the Town and provides lot coverage exception if a business is in need.

MOTION: Comr. Remaley made a motion to adopt the ordinance concerning bike racks and required parking spaces for commercial businesses as presented. The motion was seconded by Comr. Sadler which passed unanimously.

The ordinance concerning bike racks and lot coverage, as adopted, is attached to and made a part of these minutes as shown in Addendum "A".

DISCUSSION OF OPENING BEACH ACCESSES FOR TROUT FISHERMEN

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE TOWN OF NAGS HEAD, NORTH CAROLINA

ARTICLE I. Purpose(s) and Authority.

WHEREAS, pursuant to N.C.G.S. § 160A-381, 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. 160A, Art. 19 et. seq, the Town has adopted a comprehensive zoning ordinance (the "Town's Zoning Ordinance") and has codified the same as Chapter 48 of the Town's Code of Ordinances (the "Town Code"); and

WHEREAS, pursuant to N.C.G.S. § 160A-174 the Town may also enact and amend ordinances that define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the Town; and

WHEREAS, the Town has long regulated the use of land for parking in relation to associated land uses and for purposes intended to promote the health, safety and welfare of its citizens by providing for adequate parking facilities for particular uses of land and ensuring safe access to and use of rights-of-ways within the Town; and

WHEREAS, the Town further finds that in accordance with the findings above it is in the interest of and not contrary to the public's health, safety, morals and general welfare for the Town to amend the Town's Zoning Ordinance and Town Code of Ordinances as stated below.

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 ellipses ("...") shall remain as they currently exist within the Town Code.

ARTICLE III. Amendment of Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Nags Head, North Carolina, that the Town Code shall be amended as follows:

PART I. That **Town Code Sec. 48-7. Definitions of specific words and terms** be amended as follows:

. . .

~~*Customer accessible* area shall mean the gross floor area of the building or unit less all areas designated for storage of merchandise or designated for employee use only which are not customarily available for public view and access.~~

Drive aisle means the area of driveway necessary for vehicles to access parking stalls and for emergency management vehicle access to structures.

Driveway means an improved access way for vehicular traffic with the purpose of providing access to parking or maneuvering space from a public street or highway into an abutting property.

Driveway apron means that portion of a driveway which connects to the adjacent street or highway, usually within the right-of-way for that street.

Gravel means a clean or washed loose aggregation of well-rounded spherical stones, commonly referred to as pea gravel or river rock, that are up to 3 inches in diameter where 50% is larger than ~~the #4 sieve~~ ¼ inch with less than 5% fines. Gravel is not crushed stone or rock.

~~*Level of Service (LOS)* means the qualitative ability of a particular street or highway facility to safely move traffic. The LOS of a particular street or highway facility is determined via the consideration of criteria, including, but not limited to entries and exits, geometrics, flow capacity, travel distance, turnover rate, maneuverability, surrounding land usage and user duration.~~

Oversized Vehicle, means any motor vehicle, boat or trailer, which exceeds either 10 feet in width or 20 foot in length, exclusive of fixtures or accessories.

Parking, off-street, means a designated vehicular storage space located outside of any dedicated public right-of-way and contained within a property boundary.

Parking, on-street, means a vehicular storage space as permitted by the town within a public right-of-way (see Chapter 42 Traffic and Motor Vehicles).

Parking space or *stall* means a designated vehicular storage space ~~of not less than ten by 20 feet, plus the necessary access space. It shall always be located outside any dedicated right-of-way~~ within a public or private parking area.

Reinforced turf means a turf or grassed surface which is reinforced through an underlying grid, honeycomb or other reinforcement structure which holds up under light automobile traffic and parking use while providing a porous, vegetated medium that allows stormwater to infiltrate.

PART II. That **Chapter 48, Article IV. NONCONFORMITIES** be amended as follows:

Sec. 48-124. Nonconforming site and parking areas.

Where a nonconforming site exists that was legal at the time of its creation but which would not be permitted by the regulations imposed by this chapter, the nonconforming site may continue, subject to the following provisions:

(1) No structure on a nonconforming site may be enlarged or altered in a way which increases the nonconformity of the site.

(2) No use on a nonconforming site may be expanded, enlarged or increased in a way which increases the nonconformity of the site.

(3) For a nonconforming site which contains a nonconforming structure, the regulations of section 48-123(a) and (b) shall apply in addition to subsection (1) of this section.

(4) For a nonconforming site which contains a nonconforming use of land, the regulations of section 48-125(a) shall apply in addition to subsection (1) of this section.

(5) For a nonconforming site which contains a nonconforming use of a structure, the regulations of section 48-126(a), (b) and (c) shall apply in addition to subsection (1) of this section.

(6) The change of use of a structure on a nonconforming site from one permitted use to another permitted use shall be allowed, provided that there is no increase in the degree of nonconformity of the site. ~~Where the site is nonconforming due to the parking area being insufficient for the current use, an increase in the degree of the nonconformity of the site that arises solely due to a lack of sufficient parking area for the new use which cannot be addressed by the application of section 48-165, will be allowed and the parking area may be retained in its existing configuration if the standards of section 48-165(f)(1)-(5) are met during application and consideration of the proposed new use.~~ Where the site is nonconforming due to an insufficient number of parking spaces for the proposed new use, the Board of Commissioners may approve a change of use without requiring additional parking spaces in accordance with the procedures set forth in section 48-165(f).

~~(7) An existing nonconforming parking area retained pursuant to section 48-124(6) may be upgraded or altered in a manner which does not otherwise increase the nonconformity of the site if the standards of section 48-165(g)(1)-(3) are met during application and consideration of the proposed new use.~~

PART III. That **Chapter 48, Article V. OFF-STREET PARKING AND LOADING REQUIREMENTS** be amended as follows:

Sec. 48-161. ~~Intent~~ Purpose of Article.

~~It is the intent of this article to require the appropriate amount and location of off-street parking and off-street loading to provide the needed levels of service to the citizens of and visitors to the town and its environs, to avoid undue congestion on the streets, to protect the capacity of the street system to move traffic, to avoid unnecessary conflicts between vehicles and pedestrians, to mitigate the adverse effects of off-street parking on the environment, to maintain and protect the visual attractiveness and community character of the town and to facilitate access from streets to off-street parking lots and off-street loading spaces.~~

The purpose of this article is to proactively protect, maintain and enhance the public health, safety, environment and general welfare by establishing requirements to provide the appropriate amount and location of off-street parking and off-street loading which will:

1. Maintain and increase the level of service of the town's streets and ability of the town's street system to safely move traffic;

2. Facilitate safe access to and from streets;

3. Avoid conflicts between motorized and non-motorized vehicles, and pedestrians;

4. Maintain and protect the visual attractiveness and community character of the town;

5. Promote ~~environmentally sensitive design~~ low-impact development which emphasizes stormwater management, the use of vegetative buffering and landscapes, and the preservation of open space;

6. Maximize the re-use of existing parking areas; and

7. Promote re-use of existing commercial sites by allowing for redevelopment to use existing parking configurations in appropriate circumstances.

Sec. 48-162. Parking lot requirements for single-family and two-family (duplex) dwelling units.

Permanent off-street parking spaces shall be provided in accordance with the following requirements prior to the completion of construction of any building or structure, or at the time any principal building or structure is enlarged or increased in capacity by adding dwelling units or before conversion from one zoning use or occupancy to another:

(1) Reserved for the use intended: Required off-street parking spaces and loading spaces are permanent areas and shall not be used for any other aboveground purpose.

(2) Safety on busy streets: A turnaround area having ~~S~~sufficient maneuvering space, not less than ten feet × ten feet, shall be provided between the designated parking spaces and a minimum of five feet from the right-of-way, so that no vehicle will be required to back into the public right-of-way. Homes which do not front on S. Virginia Dare Trail (NC 12), S. Croatan Hwy (U.S. Hwy. 158), S. Old Oregon Inlet Rd. (NC 1243), ~~streets and sidewalks~~ and oceanfront homes that have lost access due to erosion, shall be exempt from this requirement. (See also section 48-84).

(3) Surface materials appropriate for use: ~~Improvement standards for single-family and two-family dwelling units~~:

(3) Surface materials appropriate for use: ~~Improvement standards for single-family and two-family dwelling units~~:

a. Required parking spaces shall be graded and paved with asphalt, concrete, gravel, or other surface material ~~porous paving as approved~~ designed to support the intended vehicular loading and in accordance with manufacturers recommended specifications or other acceptable methods for design of pavement structures. ~~determined by the town engineer to have similar durability, weight bearing capacity, usability and porousness to the previously listed materials.~~ This provision shall not apply in situations where a CAMA permit cannot be obtained for these surface materials. ~~or an open face paving block over sand and filter cloth base, provided that the open face paving block is equivalent to TurfstoneTM with regards to compressive strength, density, absorption and durability.~~

b. As an alternative to the ~~open face paving block, as~~ approved parking space surfaces stated above, an applicant may improve up to 20 percent of the required spaces with ~~plastic turf~~ reinforced turf pavement ~~products utilizing curb stops to clearly delineate the parking space~~. The use of ~~such product~~ reinforced turf pavements shall be designed to support the intended vehicular loading and in accordance with manufacturers recommended specifications or other acceptable methods for design of pavement structures. Turf reinforced pavements shall be considered an innovative permeable pavement surface and may be reviewed ~~and approved~~ by the town engineer and the fire official having jurisdiction for suitability and shall count as lot coverage in the same manner as other similar permeable pavement surfaces. Turf reinforced pavements shall be installed and maintained in accordance with manufacturers recommended specifications and NCDENR BMP manual, latest edition. If the turf reinforced pavement is not being maintained in accordance with the provision above, ~~In the event that the town engineer determines that the situation and circumstances will cause the reinforced turf surface to be unable to be adequately maintained, or that the fire official determines that the reinforced turf surface will not provide sufficient support for emergency vehicles, the parking spaces shall be surfaced in accordance with section 48-162(3)a. If reinforced turf surfaces are initially allowed for a development, but the town engineer determines that their impervious capabilities are not being adequately maintained,~~ the owner may be required to re-surface the parking in accordance with section 48-162(3)a.~~-~~

(4) Number of parking spaces required:

Parking spaces shall be based on the following formula: N-2, with N representing the number of bedrooms authorized by the septic improvement permit issued by the county department of environment health or the appropriate permitting agency. The minimum number of parking spaces shall be two.

(5) Home occupations: Parking for a home occupation shall be met by off-street parking provided for the residence.

(~~4~~6) Prior to issuance of a certificate of completion for the construction of any additional bedroom or bedrooms to an existing single-family or two-family dwelling, all required parking spaces shall be installed ~~in accordance with this article~~.

(~~5~~7) Dimensional Requirements: All residential parking ~~lot~~ area dimensions shall at a minimum conform to the dimensional requirements shown in the tables below:

Residential Dimension	Single Side Parking	Double Side Parking
W = aisle width	12.0	12.0
X = curb-to-curb width	30.0	48.0
Y = curb-to-aisle width	18.0	18.0
Z = minimum stall width	10.0	10.0
Parallel parking	10' width by 20' length	
*Figures A and B illustrate parking and drive aisle dimensional requirements, setbacks, and acceptable stacking configurations		

~~See the following diagram:~~

~~Single- and Two-Family Uses~~

(~~6~~8) Drive aisle width and stacking requirements: Drive aisles shall be a minimum 12 feet in width and shall be improved up to the front plane of the dwelling. One parking space may be located at the end of the drive aisle closest to the dwelling. Other ~~S~~stacking of vehicles in the drive aisle is prohibited. Stacking of vehicles under the dwelling or outside of the required 12 foot driveway is unlimited. ~~(7) Stacking of vehicles in other parking areas other than a drive aisle shall be limited to two vehicles per stacked lane~~. All parking areas shall be located to allow clear use of a designated turn-around area.

~~(8) Nonrental parking deferral. Installation of all required parking, except for two improved parking spaces for single family and four improved parking spaces for two-family uses may be deferred, provided that:~~

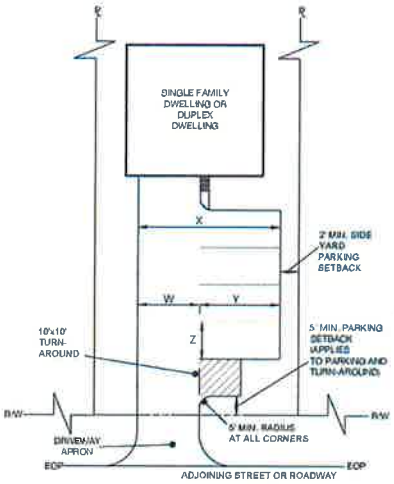
~~a. The dwellings are occupied year-round and are not participating or listed in any rental and/or leasing program.~~

~~b. A valid survey shall be submitted designating an area on the lot in accordance with this section indicating the required number of parking spaces as determined by subsections 48-164 – 48-167 and approved by the town.~~

(9) Setbacks for parking and drive aisles:

a. All parking spaces, turnarounds areas, and drive aisles shall be located no closer than two feet from any adjacent property line except where drive aisles and driveways are shared between adjacent properties. ~~This two-foot setback does not apply to the required driveway apron which is located between the edge of roadway pavement and the roadway right-of-way limits or to shared drive aisles between adjoining properties.~~

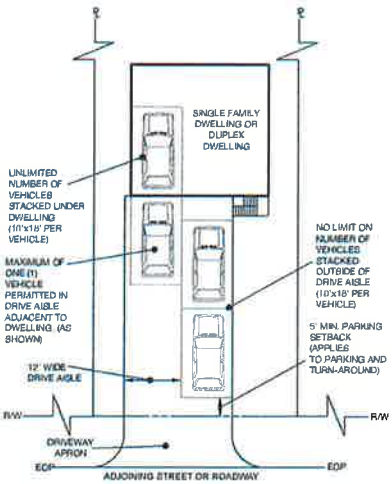
b. Parking spaces, turnaround areas, and drive aisles shall be set back from the adjacent right-of-way a minimum of five feet, not including the driveway and driveway apron which connects the parking areas and drive aisle to the roadway pavement.



DIMENSIONAL STANDARDS FOR RESIDENTIAL PARKING

NOTE:
1. 10'x10' TURNAROUND AREAS ARE ONLY REQUIRED IN ACCORDANCE WITH 48-162 (2)
2. NUMBER OF REQUIRED PARKING SPACES IS IN ACCORDANCE WITH 48-162 (4)

Figure A.



PARKING SCHEMATIC W/ VEHICULAR STACKING

NOTE:
1. 10'x10' TURNAROUND AREAS ARE ONLY REQUIRED IN ACCORDANCE WITH 48-162 (2)
2. NUMBER OF REQUIRED PARKING SPACES IS IN ACCORDANCE WITH 48-162 (4)

Figure B.

Sec. 48-163. Parking lot requirements for all uses other than single-family and two-family (duplex) dwelling units.

Permanent off-street parking spaces shall be provided in accordance with the following requirements prior to the completion of construction of any building or structure, or at the time any principal building or structure is enlarged or increased in capacity by adding dwelling units, hotel units, seats or gross floor area, or before conversion from one zoning use or occupancy to another:

(1) Reserved for the use intended: Required off-street parking spaces and loading spaces are permanent areas and shall not be used for any other aboveground purpose other than uses associated with a crowd gathering permit, disaster recovery or other permitted temporary uses.

(2) Safety on busy streets: Sufficient maneuvering space shall be provided so that no vehicle will be required to back into the public right-of-way of S. Virginia Dare Trail (NC 12), S. Croatan Hwy (U.S. Hwy. 158), and S. Old Oregon Inlet Rd. (NC 1243),.

(3) Restricted use of front yard setback for multifamily: No parking spaces for multifamily uses ~~shall~~ may be located in the required front yard setback.

(4) ~~Improvement standards for all uses other than single-family and two family dwelling units~~ Surface materials appropriate for use:

a. Required parking spaces shall be graded and paved with asphalt, concrete, gravel, ~~porous paving as approved by the town engineer or an open-face paving block over sand and filter cloth base, provided that the open-face paving block is equivalent to TurfstoneTM with regards to compressive strength, density, absorption and durability~~ ~~aggregate base course (ABC)~~ or alternative permeable pavement materials in accordance with the following standards:~~.~~

1. Permeable pavement materials include porous concrete, permeable interlocking concrete pavers, concrete grid pavers, TurfstoneTM, and other proven technologies available as covered in the NC BMP Manual and as approved by the town engineer as appropriate to the existing conditions for the site of application. (See section 34-2 – Definitions).

2. Permeable pavement areas shall be designed and installed in accordance with all applicable national codes and industry specifications, as well as the NCDENR – Division of Water Quality, Stormwater Best Management Practices, latest edition.

b. ~~As an alternative to the open face paving block, as stated above, an applicant may improve up to 20 percent of the required spaces with plastic turf reinforced products utilizing curb stops to clearly delineate the parking space. The use of such product shall be reviewed and approved by the town engineer and by the public safety department and shall count as *lot coverage*. (5)~~ ~~All~~ ~~i~~Interior drive aisles ~~with the exception of drive aisles within the C-3 zoning district,~~ ~~and all parking lot entrances and driveways~~ providing access to required parking spaces and loading spaces shall be graded and paved with asphalt, ~~or~~ concrete, ~~or alternative pavement materials consisting of~~ porous concrete, or concrete pavers in accordance with the following standards:~~. As an alternative, within interior drive aisles, porous concrete is permissible as approved by the town engineer. The porous concrete~~

1. ~~p~~Pavement section shall be structurally designed to withstand the intended vehicular loading associated with the development use~~,~~ and in accordance with North Carolina Fire Code, latest edition, Section 503 Fire Apparatus Access Road-Surface, (503.2.3).

2. ~~The pavement section~~ Porous concrete and concrete pavers shall ~~also~~ be designed and installed in accordance with ~~current ACI specifications, or equivalent standards, with hydrological and operation and maintenance considerations in accordance with those described in Chapter 18 Permeable Pavement,~~ all applicable national codes and industry specifications, as well as the NCDENR-Division of Water Quality, Stormwater Best Management Practices, latest edition.

~~Operation and maintenance agreement documents shall be executed and filed with the town in accordance with section 34-9 of this Code, operation and maintenance, and in accordance with Chapter 18 Permeable Pavement, NCDENR BMP Manual, as noted above. Records of operation and maintenance shall be submitted to the town on an annual basis or made available upon request.~~

c. ~~Within the C-3 District, and~~ ~~w~~When porous concrete is proposed within the interior drive aisles as noted above, all parking lot entrances ~~providing access to required parking spaces and loading spaces~~ shall be graded and paved with asphalt or concrete extending a minimum of 50 feet from the right-of-way as measured along the centerline of the parking lot entrance. Interior drive aisles established beyond the required asphalt or concrete parking lot entrance may be graded and paved with ~~porous paving~~ permeable pavement as approved by the town engineer ~~or an open face paving block over sand and filter cloth base, provided that the open face paving block is equivalent to Turfstone ™ with regards to compressive strength, density, absorption and durability~~ and the fire official having jurisdiction.

d. Installation of all paved surfaces shall be conducted by a contractor having the necessary qualifications, experience and equipment to correctly install the surface to the manufacturers' specifications.

e. For religious complexes and public facilities which host special events an overflow parking plan may be permitted to allow for infrequent peak demand or limited time periods. Up to 30% of the required parking area may utilize reinforced turf products. Turf parking areas may not count toward parking requirements for other commercial uses as part of a shared parking agreement. The outer perimeter of the overflow parking area shall be clearly delineated by above ground markers with defined points of ingress/egress and shall not require individual parking stall wheel stops.

f. For all other uses, up to 20 percent of the required parking area may utilize reinforced turf products and must use curb stops to clearly delineate the parking space.

g. Reinforced turf parking shall receive the same lot coverage credit as other permeable systems as prescribed in Chapter 48, Article XI.

h. In order to install an alternative paving surface, the owner of the site must execute and file with the town an operation and maintenance agreement meeting the requirements for such agreements under with Chapter 34, and in accordance with Chapter 18 Permeable Pavement, NCDENR BMP Manual. Records of operation and maintenance shall be made available to the town on an annual basis or made available upon request. In the event that the town engineer determines that the situation and circumstances will cause the alternative paved surface to be unable to be adequately maintained, or that the fire official having jurisdiction determines that the alternative paved surface will not provide sufficient support for emergency vehicles, the parking spaces shall be surfaced in accordance with section 48-163(4)a using a different material. If alternative paved surfaces are initially allowed for a development, but the town engineer determines that their impervious capabilities are not being adequately maintained, the owner may be required to re-surface the parking in accordance with section 48-163(4)a using a different material.

(~~6~~5) Street access and internal circulation: The street access and internal circulation plan of parking lots shall be reviewed ~~approved~~ by the town engineer for consistency with generally accepted engineering practices and standards. Failure to comply with such standards may result in a request for site plan modifications or denial of a permitting request.

(~~7~~6) Markings: Each parking space shall be marked and maintained so as to be distinguishable.

(~~8~~7) Lighting: All parking lots shall be lighted in accordance with Article IX of this chapter.

(~~9~~8) Solid waste containers ~~requirements~~: ~~Sufficient space shall be provided on the premises for the location of a solid waste container or containers as required by the ordinance of the town which regulates the collection and disposal of trash and garbage (Chapter 30 of this Code). Such solid waste container location may be in a required parking lot; provided, however, that such location does not occupy a required parking space or maneuvering space and further provided that such solid waste container location shall provide convenient and safe access to the servicing vehicle.~~ Solid waste containers may be located within parking lot areas in accordance with requirements of Chapter 30. Such solid waste containers shall be located so as not to occupy a required parking space or drive aisle, shall not interfere with driver visibility or safety of vehicular movements, and shall provide convenient and safe access to the servicing vehicle.

(~~10~~9) Handicapped ~~Accessible~~ parking spaces: ~~All parking lots shall meet the requirements of the state building code for handicapped parking.~~ Handicapped ~~Accessible~~ parking spaces shall be provided in compliance with the Americans with Disabilities Act and in accordance with the North Carolina Building Code.

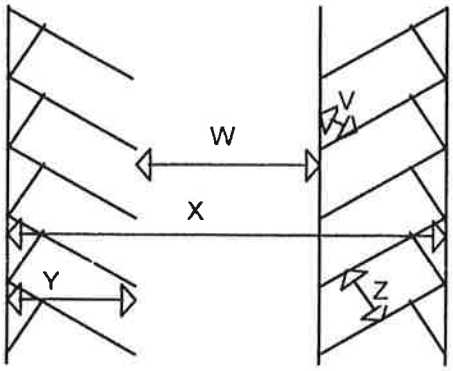
(~~11~~10) CAMA compliance: Off-street parking spaces and lots required for any use shall comply with all CAMA regulations and setbacks applicable to the project location. ~~be located landward of the greater of the following setback distances:~~

~~a. The applicable oceanfront setback line established under the Coastal Area Management Act (CAMA) for small structures or for large structures; or~~

~~b. The town oceanfront setback line, i.e., 150 feet from mean high water.~~

(~~12~~11) Dimensional Requirements: All commercial parking ~~lot dimensions~~ areas shall conform to the ~~tables as follows~~ following:

a. The designations "v" through "z," as used in subsections (1~~2~~1)b, c, and d of this section, are defined as shown in the following illustration:



Parking Lot Dimensions

v = Angle of parking space (in degrees)

w = Aisle width (in feet)

x = Curb to curb width (in feet)

y = Curb to aisle (in feet)

z = Minimum stall width (in feet)

~~Parking Lot Dimensions~~

~~v = Angle of parking space (in degrees)~~

~~w = Aisle width (in feet)~~

~~x = Curb to curb width (in feet)~~

~~y = Curb to aisle (in feet)~~

~~z = Minimum stall width (in feet)~~

b. For one-way aisles, the various dimensions shall be as follows:

v~~=~~ angle	20°	30°	40°	45°	50°	60°	70°
w~~=~~ aisle width	11.0	11.0	12.0	13.0	15.0	18.0	18.0
x~~=~~ curb-to-curb width	27.7	30.2	32.9	34.6	37.1	40.6	40.5
y~~=~~ curb-to-aisle width	16.7	19.2	20.9	21.6	22.1	22.6	22.3
z~~=~~ minimum stall width	10.0	10.0	10.0	10.0	10.0	10.0	10.0
For angles between those shown above the required dimensions shall be determined by interpolation.							

c. For one-way aisles using zero-degree (parallel) parking spaces, the dimensions shall be as follows:

	Single Side Parking	Double Side Parking
V = angle	0°	0°
W = aisle width	12.0	12.0
X = curb-to-curb width	22.0	32.0
Y = curb-to-aisle width	10.0	10.0
Z = minimum stall width	10.0	10.0
minimum stall length	20.0	20.0

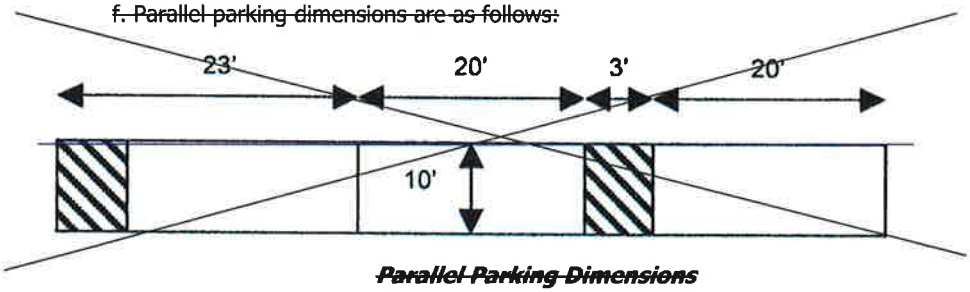
d. For two-way aisles the various dimensions shall be as follows:

V = angle	90°	0°
W = aisle width	22.0	22.0
X = curb-to-curb width	62.0	42.0
Y = curb-to-aisle width	20.0	10.0
Z = minimum stall width	10.0	10.0

e. ~~All zero-degree parking spaces (parallel), shall be a minimum of 20 feet in length with a three-foot access area which may be shared access. All other parking spaces shall have a minimum length of 20 feet. Where it is feasible, the two feet at the end of the parking space opposite the adjacent access lane shall be left unpaved to allow for drainage, in~~

~~which case a bumper or stop shall be installed. This provision shall not apply to parallel parking spaces, or spaces abutted on both ends by an access lane.~~ For parallel parking, dimensions shall be a minimum of 10 feet in width by 20' in length.

~~f. Parallel parking dimensions are as follows:~~



~~Parallel Parking Dimensions~~

(~~13~~12) Setbacks: Unless otherwise specified, a required ~~yard~~ setback of not less than five feet shall separate parking and loading areas from all front, side and rear property lines. Where off-street parking is provided between the building and the street right-of-way line, a buffer strip of at least five feet in width shall be provided between the parking lot and the street right-of-way line in accordance with section 48-482(3) buffer yard C.

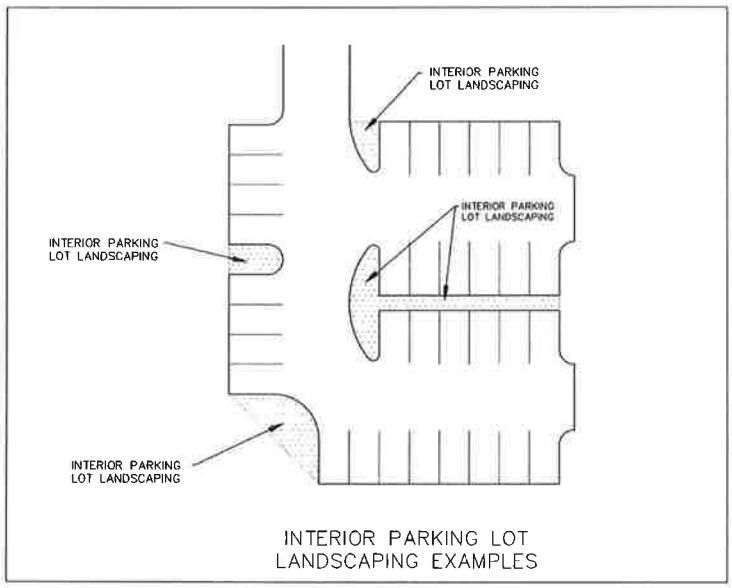
(~~14~~13) Wheel stops: All parking spaces which abut open space or buffer space shall have a fixed curb or wheel stop of concrete, plastic or chemically-treated wood six inches in height. Allowances shall be made for two feet of overhang within the parking space so that no part of any car can be located within the required ~~yard~~ setback.

(~~15~~14) Curbs: ~~All drive aisles which abut open space that is not being utilized for the purposes of stormwater management shall be marked by a fixed concrete curb six inches in height. Where an abutting open space is being utilized for stormwater management purposes and it can be demonstrated that utilization of an alternative to a concrete six inch curb section will provide improved stormwater management capability, the town engineer may approve an adequately buffered alternative.~~ At drive aisle intersections with adjoining open space, curbs shall be installed along the entire drive aisle perimeter radius (from tangent to tangent) to protect adjoining open space from wheel travel. In other areas curbs shall not be required and parking lot designers are encouraged to minimize vertical curbing and to utilize perimeter and interior open space for stormwater management.

(15) Interior Parking Lot Landscaping: All parking lots containing 10 parking spaces or more shall provide interior parking lot landscape islands which shall count toward landscaping requirements found in ordinance sections 48-370 and 48-371, and which can be utilized as part of a stormwater plan.

a. Interior Parking Lot Landscaping shall be provided at a minimum rate equal to 10% of the total area of parking spaces. (for example, 10 parking spaces @ 10' x 20' = 2000 sf will require 200 sf of interior parking lot landscaping).

b. To qualify as "Interior" Parking Lot Landscaping, Landscape Islands shall be situated either in-between parking spaces, between parking spaces and travel aisles, or between parking rows.



INTERIOR PARKING LOT LANDSCAPING EXAMPLES

c. Interior Parking Lot Landscape Islands may be utilized for stormwater management with designs that direct and capture stormwater run-off from parking area surfaces.

d. Proposed plantings within required Interior Parking Lot Landscape Islands must comply with stormwater~~, sight distance,~~ and vehicular overhang requirements. Planting materials must not obstruct sight distance and ~~At a minimum, these areas~~ shall be provided a permanent non-erosive vegetative groundcover.

e. Interior Parking Lot Landscaping may be utilized to comply with the landscaping requirements of sections 48-370 and 48-371 of this ordinance.

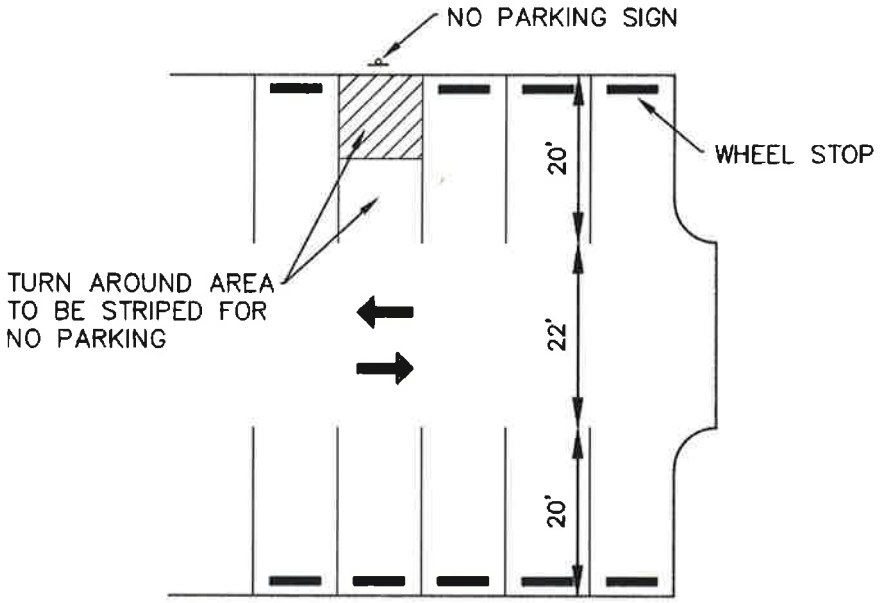
(16) Inter-parcel Driveway Connections: All abutting commercial parking lots are encouraged to provide inter-parcel driveway connections with adjoining commercial parcels, particularly along the US 158 frontage. Provision of an inter-parcel connection (for connection with existing or future connections on adjoining properties) will receive a ~~two~~ four parking space reduction in required parking. Inter-parcel connection shall be a minimum 20' in width for two-way traffic. When inter-parcel access is provided, an inter-parcel access easement shall be recorded with the Dare County Register of Deeds.

(~~16~~17) ~~Entrances~~ Commercial Driveway Distances: On all corner lots, no vehicular openings shall be located closer than 30 feet from the point of intersection of the street right-of-way lines. ~~There shall be a minimum distance of 15 feet between driveways measured along the curbline.~~

(18) Commercial Driveway Dimensions: Driveways ~~Entrances/exits~~ shall not exceed 36 feet in width measured at the property line; however, in instances where parking lots serve tractor/trailer traffic, the driveway entrance/exit may be increased to 40 feet in width. Exits from parking lots onto U.S. 158, N.C. 12, N.C. 1243, and U.S. 64/264 containing more than 36 parking spaces shall contain holding lanes for left-turning and right-turning traffic unless the town engineer determines that due to the physical features of a site, holding lanes would be unsafe and in accordance with established engineering standards, should not be required. There shall be a minimum distance between driveways of 15 feet measured along the curbline.

(~~17~~19) Special curb cut requirements: A lot fronting U.S. 158 (South Croatan Highway, N.C. 12/U.S. 64/264 (South Virginia Dare Trail), or N.C. 1243 (South Old Oregon Inlet Road) must have 600 feet of frontage along the street before two curb cuts are allowed on the same street. Nine hundred feet of frontage is needed along either of these streets before three curb cuts are allowed on the street. In no case shall there be more than three curb cuts on any one of the above streets. Curb cuts in excess of one, on streets other than those mentioned above, are allowed if the board of commissioners determines that more than one curb cut is necessary or desirable to facilitate traffic flow.

(18) Dead-end drive aisle: One dead-end turnaround shall be provided for parking lots where dead ends exceed either 100 feet in length or 12 parking spaces in accordance with the following diagram:



DEAD END DRIVE AISLE

~~Dead-end drive aisle~~

Sec. 48-164. Minimum parking requirements.

(a) The number of off-street parking spaces required by this article shall be provided on the same lot with the principal use, except as provided with ~~in the~~ parking reductions ~~requirements~~, approved as part of shared parking agreements, inter-parcel connections, conditional use permits or variances granted by the town, or in accordance with the parking reduction schedule in section 48-165. ~~and t~~The required number of off-street parking spaces specified for each use shall be considered as the absolute minimum.

(b) Accessory buildings used for customer service area associated with restaurants shall be included with principal buildings in the measurement ~~of gross floor area~~ for determining parking requirements. ~~Accessory buildings used only for storage shall not be included in measurements for determining parking requirements.~~

(c) Gross floor area shall be measured from the outside walls of all structures.

(d) Where a fraction of a space is required by this chapter, the next whole number shall be provided.

(e) All space requirements which are based in part or in whole upon employment shall be computed on the basis of the greatest number of persons that are on duty at any one period during the day or night during the peak season.

(f) A developer shall evaluate his own needs to determine if they are greater than the minimum specified by this chapter.

Sec. 48-165. Alternative and reduced commercial parking requirements.

(a) ~~*Generally*~~ *Shared Parking associated with a new use or new development on adjacent property*. If proposed parking facilities intended to serve any proposed use are to abut and be integrated with existing and conforming parking facilities serving other uses, the parking requirement for the proposed use may be reduced in accordance with ~~the schedule stated as follows~~ this section, provided that:

(1) Cross-easements are recorded in the county registry that allow unrestricted parking and traffic flow between the proposed and existing lots; and

(2) Accumulated reduction of parking spaces does not exceed 50 percent of the number of spaces in the existing parking lot.

(3) Only one reduction option as provided in this section shall apply to any proposed use except as prescribed in item 5(e).

~~(b) *Parking reduction schedule.*~~

~~If the existing parking facilities total:~~	~~Required parking for the proposed use may be reduced by:~~
~~50 to 150 spaces~~	~~15 percent~~
~~151 to 251 spaces~~	~~25 percent~~
~~251 or more spaces~~	~~35 percent~~

(~~c~~b) *Shared parking; associated with a conditional use plan or plan amendment.* Proposed commercial uses in all commercial zoning districts ~~(C-1, C-2, C-3, C-4, Village Commercial 1 and 2, and Village Hotel)~~ may share, as a conditional use, a portion of existing and conforming parking spaces with other commercial uses in commercial zoning districts ~~if the uses have staggered or different business hours, such as an office building open between 9:00 a.m. and 5:00 p.m. and a restaurant open between 5:30 p.m. and 11:00 p.m.,~~ provided that the following conditions are met:

(1) Application and approval for shared parking shall be in accordance with the application requirements for conditional uses under section 48-525.

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

(~~2~~3) No more than 50 percent of required parking spaces for the proposed use may be shared with existing and conforming parking spaces of the other commercial use.

(~~3~~4) Commercial uses must be abutting and integrated with unrestricted traffic and parking flow between them or may be across a town street or private easement or alley within the same block.

(~~4~~5) ~~If such~~ When shared parking is devoted to a use other than parking, or business hours of one or more of the uses change to preclude the shared use of the parking spaces, or one or more uses change, increasing the amount of parking spaces required, ~~the certificate of occupancy for all of the uses shall immediately be revoked~~ or other changes in use or parking configuration occur, the conditional use permits for both sites must be amended appropriately.

(6) For proposed commercial uses that redevelop existing commercial sites abutting the NC12 Beach Road corridor from East Gulfstream to Eighth Street, an alternative parking plan may be proposed that provides a 10% reduction in required parking and may be approved with or without a shared parking arrangement at the discretion of the board of commissioners as part of a conditional use plan.

(~~d~~c) *Shared parking when two or more commercial uses exist on one commercial site or adjoining commercial uses on separate properties within a common development plan; conditional use.* Proposed commercial uses in commercial zoning district C-3 may share, as a conditional use, a portion of existing and conforming spaces with other commercial uses on the same or adjoining site ~~if the uses have staggered or different business hours~~ provided that the following conditions are met:

(1) Application and approval for shared parking shall be in accordance with the application requirements for conditional uses under section 48-525 ~~of this Code~~.

(2) No more than 60 percent of the required spaces for the proposed use may be shared with existing and conforming parking spaces of the other commercial use.

(3) If, in the event, the proposed use has patrons or clients that are not of legal driving age (e.g. dance class for youths that are not legal driving age) both commercial uses may be in operation at the same time as long as integrated traffic pattern is developed which allows

for a safe drop off site for patrons. Such traffic pattern must be approved by the town engineer.

(4) If such shared parking is devoted to a use other than parking, or one or more of the uses change, increasing the amount of parking spaces required, ~~the certificate of occupancy for all of the uses shall immediately be revoked~~ or other changes in use or parking configuration occur, the conditional use permits for both sites must be amended appropriately.

(e~~d~~) *Off-site parking to meet use requirements; conditional use.* Proposed commercial uses in all commercial zoning districts ~~(C-1, C-2, C-3, C-4, Village Commercial 1 and 2 and Village Hotel)~~ may, as a conditional use, use an offsite lot in a commercial zoning district to meet the minimum parking requirements of this section, provided the following conditions are met:

(1) Application and approval of offsite parking shall be in accordance with section 48-525, application requirements for conditional uses.

(2) The offsite lot does not have to adjoin the principal commercial use site, but shall be located no further than 300 feet from the principal use site and shall not be located on the opposite side of ~~Highway~~ US 158 or ~~Highway~~ US 64/264 from the principal use site. A sidewalk or multi-use path connection must exist between offsite lot and the principal use when located along US 158.

(3) No more than 50 percent of the required parking for the use shall be permitted offsite. All required parking shall be conforming and constructed in accordance with the minimum requirements of this chapter. Lot coverage requirements for the principal use site and the offsite lot for parking shall be calculated separately.

(4) Parking shall be the only use of the offsite lot, upon which no other principal or accessory uses shall be allowed.

(5) An applicant for offsite parking must prove possession and control of the offsite parking property by the same person or entity having possession and control of the principal commercial use site. Such proof may be provided via copies of deeds or leases showing ownership and/or control of both the offsite parking property and the principal use property. The transfer of ownership or expiration of a lease agreement for either property may be grounds for revocation of the certificates of occupancy for the principal commercial site until additional sufficient offsite parking has been obtained and authorized.

(f~~e~~) *Reduction of required parking for commercial uses with the use of bicycle racks.* ~~During the site plan approval process t~~The governing body may allow the total parking requirement for the proposed use to be reduced by ~~one~~ up to three parking spaces at a rate of 1 parking space per bike rack if one or more bicycle racks are located on the site provided that ~~each such rack~~:

(1) Each bicycle rack ~~M~~must be highly visible and conveniently located in close proximity to the entrance of the principal structure.

(2) Each bicycle rack ~~M~~must support at least five bicycles.

(3) Parking reduction shall not exceed more than one parking space per 10 parking spaces provided.

(f) Modification of parking requirements by conditional use permit.

(1) Upon application, the Board of Commissioners may treat any permitted or conditional use allowed in a zoning district as a conditional use and modify the parking and loading requirements of this section in accordance with the procedures and limitations established for conditional use permits set forth in Town Code Section 48-525.

(2) Conditional use permits shall be subject to conditions deemed necessary by Town Council to ensure compatibility with surrounding land uses and conditions.

(3) In addition to the requirements of Town Code Section 48-525, no modification or waiver of parking or loading requirements shall be granted until the applicant has clearly demonstrated that the request:

a. Will not result in increased traffic congestion or otherwise negatively impact existing traffic flow or pedestrian and vehicular safety;

b. Will not create parking impacts for adjacent properties or within town rights-of-way.

c. Will not be contrary to the objectives specified in the CAMA land use plan;

d. Is necessary to permit the reasonable use of the subject property; and

e. Will not adversely impact adjacent property or the surrounding area.

(4) In approving conditional use permit requests to modify parking and loading space requirements, the Board of Commissioners may require upgrades or alterations to the existing parking area to address issues associated with stormwater management, backing into town streets, and to facilitate inter-parcel connectivity.

~~An existing parking area meeting the standards of this chapter for the current use of the site, but that does not meet the standards of this article for a proposed new use of the site, may be retained in its existing configuration upon a showing of the following during application and consideration of the proposed new use:~~

~~(1) That the property is adjacent to existing infrastructure, or future infrastructure identified on an adopted plan for pedestrian, bicycle and other non-motorized access;~~

~~(2) That the property is within one quarter mile of on-street or public parking areas (excluding CAMA public beach access parking areas);~~

~~(3) That neither the existing parking lot nor the directly adjacent portions of streets or highways have been the location of more than three (3) minor traffic accidents (damage less than $1,000 an no personal injury) or any major traffic accident (damage greater than $1,000, death or personal injury) within the preceding five (5) years. The records of the town's police department shall be presumed conclusive regarding the number and severity of accidents. However, this provision may be met by the certification of a traffic engineer that the number of accidents is within these standards following the exclusion of accidents not caused by the existing parking configuration;~~

~~(4) That neither the existing parking lot nor the directly adjacent portions of any infrastructure used for pedestrian, bicycle or other non-motorized traffic have been the location for any accidents associated with vehicles entering or exiting the parking area within the preceding five (5) years. The records of the town's police department shall be presumed conclusive regarding the number and severity of accidents. However, this provision may be met by the certification of a traffic engineer that the number of accidents is within these standards following the exclusion of accidents not caused by the existing parking configuration; and~~

~~(5) That maintaining the existing parking configuration with the new proposed use will not negatively impact the Level of Service of adjoining streets and highways or the ability to use adjacent properties for their intended purposes.~~

~~(g) A parking area retained pursuant to section 48-165(f) may be upgraded or altered in a manner which does not otherwise increase the nonconformity of the site upon a showing of the following upon application and consideration of the proposed new use:~~

~~(1) The upgrade or alteration will improve the safety of the parking area and the site. Upgrades and alterations which increase the visibility for parking lot users or that reduce the need for parking lot users to turn around in or enter a roadway in reverse shall be considered safety improvements;~~

~~(2) The upgrade or alteration is necessary for the installation of stormwater best management practices; or~~

~~(3) The upgrade or alteration is necessary to accommodate connections to adjacent parking lots as part of a shared parking agreement.~~

~~Sec. 48-166. Nonrental parking deferral.~~

~~Installation of all required parking, except for two improved parking spaces for single family and four improved parking spaces for two family uses may be deferred provided that:~~

~~(1) The dwellings are occupied yearround and are not participating or listed in any rental and/or leasing program.~~

~~(2) A valid survey depicts an area on the lot designated for parking that is adequate to support one parking space per bedroom, as approved by the county health department and approved by the town.~~

Repealed. Reserved for future use.

Sec. 48-167. Required parking by use.

Minimum ~~R~~required parking by use shall be as follows~~:~~. For sites with multiple principal uses, the parking requirements for each use must be met on site or through shared parking in accordance with section 48-165. Also see section 48-168.

(1) Residential and Related Uses	**Required Parking**
Bed and breakfast	One parking space per dwelling room plus one parking space for each employee.
Boardinghouse or Rooming house	One parking space for each bedroom.
Dwelling, single-family and duplex residential structures	**Parking spaces shall be based on the following formula: N-2, with N representing the number of bedrooms authorized by the septic improvement permit issued by the county department of environment health or the appropriate permitting agency. The minimum number of parking spaces shall be two.**
~~Dwelling, two-family~~	~~Parking spaces for each unit shall be based on the following formula: N-2, with N representing the number of bedrooms authorized by the septic improvement permit issued by the county department of environment health or the appropriate permitting agency. The minimum number of parking spaces shall be two per dwelling unit.~~
Home occupation	~~Two parking spaces per office in addition to residence requirements.~~ Home occupation shall be met by off-street parking provided for the residence. See section 48-367 Home Occupations.
Hotel	1.2 parking spaces for each hotel unit or hotel efficiency unit to be rented, plus one parking space for each four employees.
Hotel conference and meeting rooms	One parking space for every 100 square feet of customer service area
Hotel with accessory fishing pier and additional permitted accessory uses, including but not limited to restaurant, indoor entertainment facility, retail, and office	One parking space for each hotel unit or hotel efficiency unit, plus ~~O~~one parking space for each employee, plus 75 percent of the parking required by this section for each permitted accessory use on the hotel site
Multifamily residence or Townhouse Development	A minimum of 2~~.5~~ parking spaces for each dwelling unit plus 0.5 spaces for each additional bedroom over 2.
Private club associated with a residential development plan	One parking space for each 150 square feet of gross floor area, and one parking space for each two employees, plus the additional parking spaces required by the applicable provisions of this section governing recreational uses.
Professional office (other than doctor or dentist) in own residence	Two parking spaces per office in addition to residence requirements.
~~Roominghouse~~	~~One parking space for each bedroom.~~
~~Townhouse~~	~~Two parking spaces for each dwelling unit.~~

(2) Institutional and Medical Uses	**Required Parking**
Adult day service center	One parking space per employee, plus one parking space for each six adults requiring care.
Child day care center	One parking space per employee, plus one parking space for each

	six children of licensed capacity.
Dialysis center	One parking space for each dialysis machine available for treatment, plus one parking space for each staff member.
~~Elementary School associated with a religious complex~~	~~One parking space for each classroom and administrative office, plus one parking space for every 25 classroom seats. Parking spaces utilized to meet "religious complex" parking standard may count toward this requirement.~~
Elementary School Complex	25 parking spaces, plus 1.75 spaces for each classroom and one parking space for each 200 square feet of net office area. ~~One parking space for each classroom and administrative office, plus one parking space for every 25 classroom seats.~~
Funeral home	One parking space for each four seats in the chapel or parlor.
~~Gymnasium or Auditorium in association with a school~~	~~One parking space for each two seats; when provided in conjunction with a school facility and operated during non-school hours, parking provided for school facility may be used to satisfy this requirement.~~
Hospital	Two parking spaces per bed and one parking space per two employees.
~~Indoor fitness center~~	~~One parking space per 250 square feet of gross floor area.~~
Medical office	One parking space for every 300 square feet of gross floor area of each building or portion thereof devoted to medical use, plus one parking space for each employee and for each doctor.
Museum	One space per 300 square feet of gross floor area.
Nonprofit/community outreach centers	One parking space per ~~250~~ 300 square feet of gross floor area
Nonprofit/outreach center with aquatic fitness facility	One parking space per ~~200~~ 300 square feet of gross floor area
Nursing home	Two parking spaces for each five beds intended for patient use, and one space for each three employees.
Religious complex	One parking space for each four seats in the sanctuary.
	~~One parking space for each 25 classroom seats in the elementary school,~~ ~~One parking space for each ten classroom seats in the junior high school, and~~ ~~One parking space for each five classroom seats in the senior high school, plus~~ ~~One parking space for each classroom and administrative office.~~
~~School system administrative offices~~	~~One parking space for every 200 square feet of net office area.~~

(3) Recreational Uses	**Required Parking**
Aerial Adventure Park or Outdoor Ropes Course or outdoor sport-climbing wall	1 parking space per 3 elements within the course, plus a minimum of 4 parking spaces for employees.
Aerobics class/dance/school/karate school	One parking space for each 200 square feet of gross floor area.
Amusement Rides and Games ~~(water-balloon battle game, go-cart tracks, bumper boats and bumper cars to be calculated separately, see below)~~	One parking space for each three amusement ride seats, plus one space for each two employees
~~Amusement rides and games, including ferris wheels~~	~~One parking space for each three amusement ride seats,~~ ~~One parking space for each two employees associated~~

	~~with amusements and games plus required parking for any other uses.~~
Beach recreation equipment rentals and sales	One parking space for each ~~200~~ 300 square feet of gross floor area, plus ~~one parking space for each employee, but no less than~~ two employee parking spaces for each retail unit or establishment.
Boat rental with water access including personal watercraft, kayaks, stand-up paddle boards, or kite or windsurfers.	One parking space for ~~each two~~ every three rental ~~boats or~~ units, plus required parking spaces for any other principal or accessory uses.
Bowling alley	Four spaces per lane, plus one space per 150 square feet of gross floor area for accessory uses open to the public.
Bumper boats, bumper cars and go-carts	One parking space for ~~each~~ every two ~~bumper~~ boats or car units, plus one space per employee, plus any other required spaces for any other use.
~~Bumper cars~~	~~One parking space for each two bumper cars.~~
Charter boat, guide boat, or water taxi boat (distinct from tour boat below)	One parking space for each two persons on the boat which shall be determined by the greater of the following: The number of rental spaces (seats); OR The rated capacity of the boat as determined by the U.S. Coast Guard; OR When not regulated by the U.S. Coast Guard, the rated capacity of the boat as determined by the manufacturer, ~~PLUS~~ ~~One parking space for each employee~~
Fishing pier	One parking space for each ten feet of length for piers over 800 linear feet in length with one additional parking space for ~~each~~ every 200 square feet of gross floor space under cover. OR One parking space for each 20 feet of pier length for piers of 800 linear feet or less in length with one additional parking space for ~~each~~ every 200 square feet of gross floor space under cover. AND Fishing pier sites shall provide two parking spaces for each 10 linear feet of oceanfront lot frontage in excess of 150 feet.
~~Go-cart track~~	~~One parking space per two rental go-cart units, plus one space per each two employees, plus any other required spaces for any other uses.~~
~~Grass-surface putting course~~ Golf Course	Two parking spaces per hole, plus one for each employee, plus required parking for any other principal or accessory use.
Indoor entertainment facility, including amusement arcade, or similar facility	One parking space for each ~~100~~ 300 square feet of gross floor area and one additional space for each two employees.
Indoor fitness and sports center	One parking space per 300 square-feet of gross floor area
Indoor Sport-climbing wall	One parking space for each 150 square feet of gross wall area, plus one parking space for each two employees.
Marina	One parking space per boat slip, plus required parking spaces for any other principal or accessory uses, including but not limited to, hotels and motels,

	restaurants, gross retail floor area, tour boats, charter boats, and guide boats.
~~Golf course,~~ ~~m~~Miniature golf course, ~~or~~ golf driving range, or grass-surface putting course	One parking space per hole or tee, plus four spaces for each 18 holes ~~for backup~~, plus one for each two employees plus required parking for any other principal or accessory use.
Multipurpose recreation fields associated with a municipally-owned recreation facility	~~50~~ 30 parking spaces per field.
Municipally-owned recreation facilities	Two parking spaces for each one acre of passive recreation area, excluding acreage used for multipurpose recreation fields, tennis courts, parking areas, or vehicular accessways.
Outdoor aquatics facility	One parking space for each 100 square feet of pool area.
Outdoor tennis courts and tennis courts in conjunction with a private club, excluding single-family residential customary accessory uses	~~Two~~ 1.5 parking spaces per court.
Personal watercraft rental without water access and as an accessory to a land-based use such as retail.	Must comply with parking requirements for the primary use.
Pools in conjunction with private clubs ~~or SPD-C zoning district~~, excluding single-family residential customary accessory uses.	If all houses or lots fall within a 300-foot radius of the pool, ~~one handicapped parking space and~~ one service vehicle parking space shall be provided. For ~~those~~ pools serving houses or lots in excess of the 300-foot radius of the pool, one parking space for each 100 square feet of pool area and one space for ~~each~~ every two employees shall be provided.
Private beach access facility	A minimum of ten parking spaces plus, ~~O~~one parking space for each 150 square feet of gross floor area, of club house or bath house facilities excluding dwelling unit space~~,~~; Two parking spaces for any dwelling unit~~,~~; ~~Two~~ 1.5 parking spaces for each tennis court or similar facility~~,~~; One parking space for each 100 square feet of swimming pool area~~,~~; and One parking space for each employee.
Skate park facility	One parking space for each 500 square feet of the entire skate park facility area.
Skating rink	One parking space per 150 square feet of net area plus one parking space for each two employees. Net area excludes restrooms, storage area, office space, kitchen and other areas not open to the general public.
~~Stadium~~	~~One parking space for each two spectator seats.~~
~~Swimming pool in conjunction with private clubs~~	~~One parking space for each 100 square feet of pool area and one space for each two employees.~~
~~Tennis court in conjunction with private clubs~~	~~Two parking spaces per court.~~
Theater or Auditorium	One parking space for each four seats in the auditorium.

Tour boat	One parking space for each three persons on the boat which shall be determined by the greater of the following: The number of rental spaces (seats); OR The number of passengers as shown on the Certificate of Inspection (on file with the town) as determined by the U.S. Coast Guard; OR When not regulated by the U.S. Coast Guard, the rated capacity of the boat as determined by the manufacturer, PLUS One parking space for each employee
~~Water balloon battle game~~	~~One space for every 400 square feet of water balloon battle game play area, plus one space for each employee~~
~~Windsurfer board~~	~~One parking space for each three windsurfer boards, plus required parking spaces for any other principal or accessory uses.~~

(4) Retail or Office Uses	**Required Parking**
Auction house	One parking space per two seats OR one parking space per 28 sq. ft. of assembly area, whichever is greater.
Banking institutions and financial offices	One parking space for each ~~300~~ 500 square feet of gross floor space plus one space for each employee.
Boat sales and service	One parking space per employee and one additional parking space per sales agent employee, plus one parking space per 150 ~~300~~ square feet of ~~enclosed heated sales and display area and customer lounge area, plus three parking spaces per service bay~~ gross floor area.
Car wash	One parking space shall be provided for each employee. Stacking spaces (9 feet × 18 feet each) equivalent to five times the maximum capacity of the car wash shall be provided. Maximum capacity of the car wash shall be determined by dividing the length of the enclosed vehicle lines by 30. If the car wash contains an automobile detail shop, a minimum of two additional parking spaces shall be provided per detail service area. Required parking for any other use shall be provided in accordance with the standard for that use.
Coffee shop	One parking space per 55 square feet of customer service area, plus required parking for any other permitted accessory uses including but not limited to retail sales.
Commercial/residential mixed development	For restaurant use one parking space per 55 square-feet of customer service area. For all other permitted commercial uses one space for each ~~175~~ 200 square feet of gross floor area. ~~For permitted~~ Plus one space for each bedroom in all permitted residential units ~~the number of required parking spaces per unit shall be N-2 (N = Number of bedrooms) with a minimum of two parking spaces per unit~~.
~~Dialysis center~~	~~One parking space for each dialysis machine available~~

	~~for treatment, plus one parking space for each staff member.~~
Farmers markets	~~One parking space for each 200 square feet of gross floor area, plus one parking space for each employee, but no less than two employee parking spaces for each retail unit or establishment.~~ See Sec. 48-372. Outdoor stands
Food bank	One parking space for each ~~200~~ 400 square feet of gross floor area, plus ~~one space for each staff person but no less than~~ a minimum of two staff parking spaces.
Furniture or appliance store	One parking space for each 500 square feet of gross floor area.
General contractor's office	One parking space for each 300 square feet of gross floor space plus ~~one space for each~~ a minimum of two employees parking spaces.
General or professional office (other than doctor, ~~or~~ dentist or other medical office)	One ~~parking~~ space ~~for each 200 square feet of gross floor space plus one space for each two employees~~ per office or work space plus a minimum of two customer parking spaces.
~~Multiple principal uses within one building other than Pier houses or hotels, including uses such as retail, coffee shop, restaurant types, rentals and/or residential, and owner occupied galleries.~~	~~1 parking space for each:~~ ~~*residential unit,~~ ~~*100 square feet of customer service area associated with food service or coffee shop,~~ ~~*300 square feet of retail uses within the building,~~ ~~Plus a minimum of two employee parking spaces.~~
Nonprofit wildlife and ecological preserves	One parking space for each 150 square feet of gross floor area, plus ~~one space for~~ a minimum of two ~~employees~~ staff parking spaces.
Office/retail group development and Commercial mixed use development without residential.	For restaurant use one parking space per 55 square-feet of customer service area and for all office and retail occupancies one space for each ~~175~~ 300 square feet of gross floor area.
~~Owner occupied art gallery~~	~~One parking space for each 300 square feet of gallery area and one parking space for each bedroom within the structure and no loading zone shall be required.~~
Real estate rental office (see professional office for real estate sales not associated with rental management).	Minimum of ten parking spaces, plus one for each employee or agent.
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 subsection. Shared parking among proposed principal use buildings may be permitted if (1) there is fully integrated onsite 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.
Retail ~~shopping center with over 25,000 square feet of enclosed gross floor area~~	One parking space for each ~~200~~ 250 square feet of ~~customer accessible~~ gross floor area, plus one parking space for each employee, but no less than two employee parking spaces for each retail unit or establishment.
~~Retail uses not otherwise listed~~	~~One parking space for each 200 250 square feet of gross floor area, plus one parking space for each employee, but no less than a minimum of two employee parking spaces for each retail unit or establishment.~~
Taxi and limousine service	~~One parking space per 250 square feet of gross floor area, plus one parking space per employee. Parking spaces must be adequately sized for oversized passenger vehicles as well as providing adequate maneuvering room as approved by the town engineer.~~ One parking space per vehicle that provides service plus one parking space per office employee, not including drivers. Parking spaces shall be sized appropriately based on the size of service vehicles.
Trade association office	One parking space for ~~each 150~~ every 25 square feet of ~~gross floor~~ assembly or classroom area, ~~and~~ plus one parking space ~~for each employee~~ per office or work space.

(5) Public Uses	**Required Parking**
Auditorium, theater or Performing Arts Center	One parking space for each ~~two~~ four seats in the largest assembly room. When provided in conjunction with a school facility and operated during non-school hours, parking provided for school facility may be used to satisfy this requirement.
~~Concession building~~	~~Four parking spaces per hang gliding kite available for lessons or training, plus one space for each two employees.~~
~~Elementary school~~	~~25 parking spaces, plus 1.75 spaces for each classroom and one parking space for each 200 square feet of net office area.~~
~~Gymnasium~~	~~One parking space for each two seats; when provided in conjunction with a school facility and operated during non-school hours, parking provided for school facility may be used to satisfy this requirement.~~
Indoor public assembly or Indoor event space, not associated with a hotel	One parking space per ~~21~~ 55 square feet of customer area. ~~When indoor public assembly is permitted in conjunction with fishing pier use, one parking space per 55 square feet of customer area shall be required~~. Customer area includes seating area, lounges, decks, porches and patios, but excludes stairs, stair landings, handicapped ramps, restrooms and areas not open to the general public. Paved parking shall be provided at a ratio of one space per 55 square feet of customer area. The remaining required parking may be unpaved, provided that it is compacted, contoured for proper drainage, grassed and regularly maintained.
Municipal building	One parking space for each 200 square feet of net office areas, plus one space for each two seats in the municipal council chambers. Adopted

	5/3/1995.
Public utility building	One parking space for each employee. With customer service facilities, a minimum of five additional spaces.
~~School system administrative offices~~	~~One parking space for each 200 square feet of net office area.~~

(6) Wholesale, Warehouse or Industrial Uses	**Required Parking**
Industrial use	Two parking spaces for each three employees, but no less than five spaces plus a minimum of one parking space for over size vehicles or trucks.
Pool and spa sale and service	One parking space for each 200 square feet of office/retail area plus one space for each employee affiliated with any warehouse/storage use with a minimum of two spaces.
Real estate rental management facility	One parking space for each 200 square feet of office space plus one space for each employee affiliated with any warehouse/storage use with a minimum of two spaces.
Trade center	One parking space for each 750 gross square feet of floor area in each unit, but no less than three parking spaces per unit.
Wholesale and warehouse use	~~One parking space for each employee, but not less than~~ A minimum of five spaces plus a minimum of one parking space for over size vehicles or trucks.

Sec. 48-168. Off-street loading.

(a) One or more loading spaces shall be provided for standing, loading and unloading operations either inside or outside a building and on the same premises with every building or structure erected after the enactment of this chapter and shall be in accordance with the requirements of the following table. A loading berth shall have minimum plan dimensions of 12 feet by 60 feet and a 14-foot overhead clearance. A loading space need not be necessarily a full berth but shall be sufficient to allow normal loading and unloading operations of a kind and magnitude appropriate to the ~~property served thereby~~ use. The town engineer shall determine the sufficiency of loading space but in no case shall the use of such space hinder the free movement of vehicles and pedestrians over a street, sidewalk, parking lot or alley.

(b) Loading spaces shall be located at least 50 feet from any street right-of-way and shall be paved with asphalt, concrete, porous paving as approved by the town engineer or an open-face paving block over sand and filter-cloth base, provided that the open-face paving block is equivalent to Turfstone™ with regards to compressive strength, density, absorption and durability.

Use Classification	**Space Requirements**
Retail operations, and all first floor nonresidential uses, with a gross floor area of less than 20,000 square feet, and all wholesale and light industrial operations with a gross floor area of less than 10,000 square feet	A loading space (not necessarily a full berth) as defined in this section.
Retail operations, including restaurant and dining facilities within hotels, and office buildings with a gross floor area of 20,000 square feet or more	One loading berth for every 20,000 square feet, or fraction thereof, of floor area.
Office building and hotels with a gross floor area of 100,000 square feet or more	One loading berth for every 100,000 square feet of floor area.
Industrial, wholesale and warehouse operations, trade centers with a gross floor area of 10,000 square feet or over, and as follows:	Minimum number of loading berths required:

10,000 - 40,000 square feet	1
40,000 - 100,000 square feet	2
100,000 - 160,000 square feet	3
160,000 - 240,000 square feet	4
240,000 - 320,000 square feet	5
320,000 - 400,000 square feet	6
Each 90,000 square feet above 400,000 square feet	1
Ministorage	In lieu of loading berths as specified above, a continuous loading apron not less than 20 feet in width, paralleling the accesses to the storage units, shall be provided. Where the loading apron separates parallel storage buildings, the apron shall be at least 30 feet wide. Parking spaces shall be delineated on the pavement as being parallel to the buildings, always leaving an unencumbered aisle for traffic. If the loading apron does not lead to a direct exit from the property, adequate turnaround space, as determined by the town engineer, at the end of the apron shall be provided.

Sec. 48-169. Off-street parking and/or storage of certain vehicles.

(a) Trucks, trailers, semi-trailers (self-propelled or detached) and prefabricated cargo shipping containers or similar containers shall not be used as a storage or other type of accessory structure in any zoning district, except as provided for under ~~subsection (b) of~~ this section. ~~Mobile magnetic resonance imager(s) (MRI), when approved by the town as customary accessory structures to hospitals, are specifically excluded from this regulation.~~

(b) Following a storm event for which a state of emergency has been declared in accordance with Chapter 14 of the Town Code of Ordinances trucks, trailers, semi-trailers (self-propelled or detached), and prefabricated cargo shipping containers may be stored temporarily on a site to store merchandise removed from the damaged structure, provided a storm related building permit has been issued to repair the structure. Trucks, trailers, semi-trailers, and prefabricated cargo shipping containers may be located in any required parking area or drive aisle. Trucks, trailers, semi-trailers, and prefabricated cargo shipping containers shall be allowed on-site for a time period not to exceed six months from date of building permit issuance and shall be removed prior to issuance of the building permit certificate of completion.

(c) Temporary, self-contained storage units used in moving services, including "PODS" which are intended to be picked up and moved to various locations on demand shall be allowed on a parcel for up to 30 days with a zoning permit. Such storage units must be stored within the property boundary and shall be placed so as not to interfere with traffic or as to create a traffic hazard on an adjacent street.

(d) Mobile magnetic resonance imager(s) (MRI), health or other medical vehicles providing mobile health services, and book mobiles when approved by the town manager as customary, mobile services or as part of a crowd gathering or special events permit are specifically excluded from this regulation.

(~~c~~e) Nothing in this section shall apply to any vehicle stored in compliance with applicable town codes. This regulation shall not be interpreted to prohibit the timely unloading and loading of commercial trailers or boat trailers in any district.

PART IV. That **Chapter 48, Article XI. SCHEDULE OF DISTRICT REGULATIONS** be amended as follows:

Sec. 48-402. R-1 low-density residential district.

(d) *Dimensional requirements.* Unless otherwise specified in subsection (c) of this section, the following dimensional requirements in the R-1 district shall apply:

(2) Lot coverage:

b. Permeable pavement:

ii. Permeable pavement materials include porous concrete, permeable interlocking concrete pavers, concrete grid pavers, Turfstone™, gravel as defined in Town Code section 48-7, and other proven technologies available as covered in the NC best management practices manual and as approved by the town engineer for appropriateness to the site and existing conditions. Porous concrete shall be designed and installed in accordance with ACI specifications, or equivalent standard, with hydrological, operation and maintenance considerations. Installation shall be conducted by a contractor certified in the installation of the type of pavement system chosen.

iii. Edge restraints shall be provided on all concrete grid pavers, permeable interlocking concrete pavers, and similar type installations to confine the pavement installation. The pavement surface course structural properties shall be designed to withstand the applied vehicular loading pursuant to the specified application.

iv. No porous concrete shall be used east of NC 1243 (South Old Oregon Inlet Road) or NC12 (South Virginia Dare Trail). Compacted gravel shall not be considered permeable pavement.

Sec. 48-403. R-2 medium-density residential district.

(d) *Dimensional requirements.* Unless otherwise specified in subsection (c) of this section, the following dimensional requirements in the R-1 district shall apply:

(2) Lot coverage:

b. Permeable pavement:

ii. Permeable pavement materials include porous concrete, permeable interlocking concrete pavers, concrete grid pavers, Turfstone™, gravel as defined in Town Code section 48-7, and other proven technologies available as covered in the NC best management practices manual and as approved by the town engineer for appropriateness to the site and existing conditions. Porous concrete shall be designed and installed in accordance with ACI specifications, or equivalent standard, with hydrological, operation and maintenance considerations. Installation shall be conducted by a contractor certified in the installation of the type of pavement system chosen.

iii. Edge restraints shall be provided on all concrete grid pavers, permeable interlocking concrete pavers, and similar type installations to confine the pavement installation. The pavement surface course structural properties shall be designed to withstand the applied vehicular loading pursuant to the specified application.

iv. No porous concrete shall be used east of NC 1243 (South Old Oregon Inlet Road) or NC12 (South Virginia Dare Trail). Compacted gravel shall not be considered permeable pavement.

Sec. 48-404. R-3 high-density residential district.

(d) *Dimensional requirements.* Unless otherwise specified in subsection (c) of this section, the following dimensional requirements in the R-1 district shall apply:

(2) Lot coverage:

b. Permeable pavement:

ii. Permeable pavement materials include porous concrete, permeable interlocking concrete pavers, concrete grid pavers, Turfstone™, gravel as defined in Town Code section 48-7, and other proven technologies available as covered in the NC best management practices manual and as approved by the town engineer for appropriateness to the site and existing conditions. Porous concrete shall be designed and installed in accordance with ACI specifications, or equivalent standard, with hydrological, operation and maintenance considerations. Installation shall be

conducted by a contractor certified in the installation of the type of pavement system chosen.

iii. Edge restraints shall be provided on all concrete grid pavers, permeable interlocking concrete pavers, and similar type installations to confine the pavement installation. The pavement surface course structural properties shall be designed to withstand the applied vehicular loading pursuant to the specified application.

iv. No porous concrete shall be used east of NC 1243 (South Old Oregon Inlet Road) or NC12 (South Virginia Dare Trail). Compacted gravel shall not be considered permeable pavement.

PART V. That **Chapter 48, Article XXI. THE VILLAGE AT NAGS HEAD SPD-C ZONING ORDINANCE** be amended as follows:

Sec. 48-865. - Detached single-family district.

(d) General development standards. General development standards in the detached single-family district are as follows:

(5) Parking: ~~a minimum of two parking spaces per unit which may include visitors.~~ Shall be provided in accordance with Town Code Section 48-167.

Sec. 48-866. - Attached single-family district.

(d) General development standards. General development standards in the attached single-family district are as follows:

(5) Parking: ~~a minimum of two parking spaces per unit which may include visitors.~~ Shall be provided in accordance with Town Code Section 48-167.

Sec. 48-867. - Multifamily district.

(d) General development standards. General development standards in the multifamily district are as follows:

(1) Parking: ~~a minimum of two parking spaces per unit which may include visitors.~~ Shall be provided in accordance with Town Code Section 48-167.

Sec. 48-868. - Townhouse I district.

(c) Development standards. Development standards in the townhouse I district are as follows:

(5) Minimum parking requirements: ~~2½ spaces per dwelling unit, plus one space for each employee on the largest shift~~. Shall be provided in accordance with Town Code Section 48-167.

PART VI. That **Chapter 36, Article I. IN GENERAL** be amended as follows:

Section 36-4. Design Standards

(f) *Driveway connections.*

(2) All single-family and two-family dwelling driveways shall have a driveway apron with a minimum of one but not more than two paved sections of at least 12 feet in width and not exceeding a single or combined width of 26 feet exclusive of a maximum 15-foot radius. The driveways apron shall have a minimum length of ten feet measured from the existing edge of

pavement as shown in the following diagram. This section must be constructed of a minimum of four-inch thick 3,000 psi concrete or ~~four~~ six (6) inch base of ~~either clay or~~ ABC stone topped by ~~1½~~ two (2) inches of asphalt. The paved area within the right-of-way shall be for access purposes only and shall not be designed or used to support parking or any other use.

ARTICLE VII. Statement of Consistency with Comprehensive Plan and Reasonableness.

The Town's adoption of this ordinance amendment is consistent with the Town's adopted comprehensive zoning ordinance, land use plan and any other officially adopted plan that is applicable. For all of the above-stated reasons and any additional reasons supporting the Town's adoption of this ordinance amendment, the Town considers the adoption of this ordinance amendment to be reasonable and in the public interest.

ARTICLE VIII. Severability.

All Town ordinances or parts of ordinances in conflict with this ordinance amendment are hereby repealed. Should a court of competent jurisdiction declare this ordinance amendment or any part thereof to be invalid, such decision shall not affect the remaining provisions of this ordinance amendment nor the Zoning Ordinance or Town Code of the Town of Nags Head, North Carolina which shall remain in full force and effect.

ARTICLE IX. Effective Date.

This ordinance amendment shall be in full force and effect from and after the 4th day of March 2015.

Robert C. Edwards, Mayor
Town of Nags Head

ATTEST:

Carolyn F. Morris, Town Clerk

APPROVED AS TO FORM:

John Leidy, Town Attorney

Date adopted: March 4, 2015

Motion to adopt by Commissioner _____
Motion seconded by Commissioner _____
Vote: ____ AYES ____ NAYS

Agenda Item Summary Sheet

Item No: **H-1**
Meeting Date: **January 8, 2020**

Item Title: Update on Short-Term Rental (STR) Registrations

Item Summary:

As requested at the November 6, 2019 Board of Commissioners meeting, Staff is providing the Board with a review and status of the Short-Term Rental ("STR's") registration program. Please refer to the attached memorandum and attachments for updates on the program.

Staff Recommendation
No specific action is being recommended at this time.

Number of Attachments: 5

Specific Action Requested:

No action is being requested at this time.

Submitted By: Planning and Development Date: December 31, 2019

Finance Officer Comment:

Signature: Amy Miller Date: December 31, 2019

Town Attorney Comment:

I will participate in the discussion as necessary.

Signature: John Leidy Date: December 31, 2019

Town Manager Comment and/or Recommendation:

Signature: Cliff Ogburn Date: December 31, 2019

MEMORANDUM
Town of Nags Head
Planning & Development Department

To: Board of Commissioners

From: Michael Zehner, Director of Planning & Development

Date: December 31, 2019

Subject: Update on Short-Term Rental (STR) Registrations (Attachment H-1)

As requested at the November 6, 2019 Board of Commissioners meeting, Staff is providing the Board with a review and status of the Short-Term Rental ("STR's") registration program.

Completed Actions and Current Status

- On April 3, 2019, the Board of Commissioners adopted amendments to the Town Code and Zoning Ordinance defining STR's and establishing a registration requirement for STR's. A copy of the adopted Ordinance is attached.

- Between adoption of the Ordinance amendments and the end of May 2019, Staff and the Board of Commissioners considered whether to engage an outside vendor to assist in administration of the registration program. Ultimately, this option was not pursued.

- On August 26-27, 2019, the STR registration program became active with the release of a Registration Form (attached and HERE) and Guidance & FAQ's document (attached and HERE; later updated 12/4/2019).

- The first STR was registered with the Town on August 29, 2019; from August 29, 2019 until December 5, 2019, 28 STR units were registered.

- On November 13, 2019, the Outer Banks Visitors Bureau provided Staff with an analysis prepared by AIRDNA indicating 1,450 STR units to have been offered for rent on the Airbnb and HomeAway platforms in Nags Head in July 2019, the greatest number of units in any one month based on an analysis from October 2014 through August 2019.

- At the beginning of December 2019, the Town received a list of rental units in the Town from the Dare County Tax Collector. For most properties, this list identifies whether properties are managed and/or taxes remitted by the property owner, traditional management companies, or a STR platform such as Aribnb or HomeAway. Based upon a review of this list, approximately 600 of the 2,200 units could be eligible for registration under the Town's program.

- On December 6, 2019, a press release was issued reminding owners/operators to register their STR's (attached); between December 6, 2019 and December 31, 2019, an additional 41 STR's were registered.

- As of December 31, 2019, a total of 69 STR units have been registered. Of these, 60 have been whole house STR's and 9 have been partial house STR's.

- STR's registered on or prior to December 31, 2019 may continue to be offered for rent within 2020 without needing to register again until September 1, 2020. As of January 1, 2020, offering an STR for rent that had not been registered in the prior year, or for which registration had not yet been obtained in 2020, would constitute a violation if not registered within 30 days of being offered for rent. The penalty for failing to register would be an initial $100 fine, with an additional fine of $50 per day that a property is offered for rent without being registered.

Considerations and Future Actions

- Within the first month of 2020, Staff intends to contact the owners/operators of those STR units registered on or before December 31, 2019, thanking them for their registration and acknowledging that they may continue to offer the units for rent within 2020 without further registration until September 1, 2020.

- Generally, Staff has found the previously referenced list provided by the Dare County Tax Collector to be reliable with respect to identifying those units subject to and exempt from the registration requirement. While Staff will continue to proactively identify and investigate STR units requiring registration, within the first two months of 2020 Staff intends to send a mailer to the owners of the approximately 600 units likely eligible for registration, but not yet registered, providing notification of the registration requirement.

- To ensure that property owners or representatives can be appropriately contacted in case of an emergency, Staff intends to make the list of registered STR's available to appropriated Police and Fire Department staff.

- To ensure that Occupancy Taxes are appropriately remitted, Staff intends to periodically provide the Dare County Tax Collector with an up-to-date list of registered STR's.

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE TOWN OF NAGS HEAD, NORTH CAROLINA

ARTICLE I. Purpose(s) and Authority.

WHEREAS, pursuant to N.C.G.S. § 160A-174 the Town may enact and amend ordinances that define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the Town; and

WHEREAS, pursuant to N.C.G.S. § 160A-381, 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. 160A, Art. 19 et. seq, the Town has adopted a comprehensive zoning ordinance (the "Town's Zoning Ordinance") and has codified the same as Chapter 48 of the Town Code; and

WHEREAS, pursuant to N.C.G.S. § 160A-175 the Town may adopt, establish and amend procedures for exercising remedies available for violations of the Town Code; and

WHEREAS, changes in technology have led to a new "sharing" economy where it is becoming more commonplace for individual property owners to provide rentals to individuals on a daily or nightly basis; and

WHEREAS, the Town finds that these rapid changes to the way property owners are using their property have led to unforeseen and unexpected changes in the community; and

WHEREAS, vacation rentals have always been prevalent and represent a significant portion of the local economy; and

WHEREAS, the Town Board of Commissioners has directed the Planning Board and Town Staff to evaluate the desirability and impact of short-term rentals on the community, particularly with respect to new uses which are largely unregulated; and

WHEREAS, the Town finds that property owners who are providing these services should be aware and mindful of their impact to established neighborhoods; and

WHEREAS, the Town finds that property owners should also be aware of and comply with all local, state, and federal laws, including income, sales and occupancy tax requirements; and

WHEREAS, the Town's 2017 Comprehensive Plan page 2-28 states, "In years past the town has experienced the conversion of ground floor areas to additional, illegal, living spaces and over-occupancy of single-family dwellings associated with seasonal workers and vacation rentals. The town should maintain a strong code enforcement presence in these communities and throughout the town to preserve the fabric of neighborhoods and limit nuisances associated with these practices"; and

WHEREAS, the Town finds that it is in the Town's best interest to provide some level of oversight of these uses; and

WHEREAS, the Town is proposing to establish a registration program to assist owners in understanding their responsibilities and obligations as landlords to ensure that these uses remain compatible with established neighborhoods; and

WHEREAS, the Town finds that these text amendments are consistent with the goals, objectives and policies of the Town's adopted Comprehensive Plan, and that this action is reasonable and in the public interest.

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 ellipses ("...") shall remain as they currently exist within the Town Code.

ARTICLE III. Amendment of the Town Code.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Nags Head, North Carolina, that the Town Code shall be amended as follows:

PART I. That **Town Code Chapter 12, Businesses and Licensing** be amended to add the following:

Chapter 12 - BUSINESSES AND LICENSING

ARTICLE VII. – SHORT-TERM RENTALS

Sec. 12-224. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Short-term rental means the rental of residential property for vacation, leisure, recreation, or other purposes for fewer than thirty (30) days by a person who has a permanent residence to which he/she intends to return.

Residential property means an apartment, studio, condominium, single family home, townhouse, cottage or other property devoted to residential use or occupancy by one or more persons for a definite or indefinite period.

Operator means the proprietor or manager of any dwelling, lodging, or sleeping accommodations offered as a short-term rental, whether in the capacity of owner, lessee, sub-lessee, mortgagee in possession, licensee, or any other possessory capacity.

Sec. 12-225. - Regulations.

(a) There is hereby established a short-term rental registry. Upon offering any short-term residential rentals, all operators shall register with the town. This shall be an annual registration for each property offered for short-term residential rental. After the initial registration of each short-term rental is complete, the annual registration and fee shall be paid by September 1st of each year. The registration shall require the operator to provide the following information:

(1) Complete name and address of the operator and any local contact person that would be available to respond to issues related to the operation of the property as a short-term rental.

(2) Address of each property in the town offered for short-term residential rental by the operator.

(3) Disclosure of whether or not liability insurance coverage is in effect to operate the residential property as a short-term rental.

(4) Signed acknowledgement that the owner is aware of all local and state laws pertaining to the operation of a short-term rental, including the North Carolina Vacation Rental Act, and the requirement to pay all sales and occupancy taxes.

(b) Registry exemptions. The following shall not be required to register pursuant to this section:

(1) Lodging provided by hotels, motels, tourist camps, and other places subject to regulation under Chapter 72 of the North Carolina General Statutes.

(2) Rentals to persons having no other place of primary residence.

(3) Rentals for which no more than nominal consideration is given.

(4) Rentals that are managed by a real estate broker as defined in G.S. 93A-2(a)

(c) Penalties. Failure to register a property within 30 days of being offered for short-term residential rental shall result in a civil penalty to be paid by the operator in the amount of $100. Each additional day the property is listed or operated as a short-term rental without registering shall result in a civil penalty of $50 per day. The town may waive such penalty if the failure to register was due to no fault of the operator. Until such time as the operator pays the penalty and registers such property, the operator may not continue to offer such property for short-term residential rental.

PART II. That Section **48-7, Definitions of Specific Words and Terms,** be amended as follows:

Bed and breakfast means a single-family dwelling that consists of the rental of ~~one or~~ more than two bedrooms on a daily or weekly basis. The rooms shall not be equipped to allow the preparation of meals, although meals may be provided to overnight guests in a common area by the proprietor of the establishment. The bed and breakfast operation shall be owner occupied and conducted by persons who are full time residents of the single-family dwelling.

Short-term rental, partial house means a resident occupied single-family dwelling that consists of the rental of up to two guest rooms for vacation, leisure, recreation, or other purposes for fewer than thirty (30) days. The partial house short-term rental should be subordinate and incidental to the principal residential use of the dwelling.

Short-term rental, whole house means the rental of an entire single-family dwelling to a group operating as one housekeeping unit for vacation, leisure, recreation, or other purposes for fewer than thirty (30) days.

PART III. That Section **48-167, Required Parking by Use,** be amended as follows:

(1) Residential and Related Uses	Required Parking
Short-term rental, whole house	No additional parking beyond the minimum requirement for single family dwelling.
Short-term rental, partial house	One additional parking space beyond the minimum requirement for single family dwelling.

PART IV. That **Article XI, Schedule of District Regulations** be amended as follows:

(4) Non-Residential Prohibited and Permitted Uses Chart:

	ZONING DISTRICTS											OVERLAY DISTRICTS				COMMENTS
TYPE OF USE	R-1	R-2	R-3	CR	C-1	C-2	C-3	C-4	SPD-C	SPD-20	SED-80	CO	Hotel	O&S	SRO	
Short-term rental	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	

PART V. Short-term rentals subject to the requirements of this ordinance shall have an initial compliance deadline of December 31, 2019 to register with the Town.

PART VI. 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 **3rd** day of **April 2019**.

Benjamin Cahoon, Mayor
Town of Nags Head

ATTEST:

Carolyn F. Morris, Town Clerk

APPROVED AS TO FORM:

John Leidy, Town Attorney

Date adopted: April 3, 2019

Motion to adopt by Commissioner _____
Motion seconded by Commissioner _____
Vote: _____ AYES _____ NAYS

	Town of Nags Head **Short-Term Rental Registration** Submittal Date: _____	Planning and Development Department 5401 S. Croatan Highway PO Box 99 Nags Head, NC 27959 252-441-7016: www.nagsheadnc.gov

Short-Term Rental Property Information ***Please use the reverse for additional properties owned/managed; each separate property requires registration annually by September 1st ***	
Street Address:	☐ Whole House Rental ☐ Partial House Rental
	Total Number of Bedrooms in the House:
Subdivision:	**Partial House Rentals Only**
PIN #:	Number of Bedrooms Rented:
Parcel #:	Number of Parking Spaces:
For Partial House Short-Term Rentals: 1) the number of parking spaces must equal the minimum required for the single-family dwelling, plus one additional space for the Short-Term Rental use, and 2) the rental of more than 2 bedrooms may constitute a bed and breakfast, which are subject to different regulations and restrictions.	

Property Owner Information	**Operator Information, if applicable**
Name:	Name:
Mailing Address:	Mailing Address:
Phone:	Phone:
Email:	Email:
Is there a **Local Contact** that would be available to respond to issues related to the operation of the property/properties if the Owner or Operator were unavailable?	
Name:	
Phone:	
Email:	
Is **Liability Insurance Coverage** in effect to operate this property/properties as a short-term rental? ☐ Yes ☐ No	

Acknowledgment	
By signing this registration form, I am acknowledging that I am aware of all local and state laws pertaining to the operation of a short-term rental, including the North Carolina Vacation Rental Act, and the requirement to pay all sales and occupancy taxes.	
Property Owner Signature _____ Date: _____	**Operator Signature, if applicable** _____ Date: _____

Short-Term Rental Property Information - 2nd Property	
Street Address:	☐ Whole House Rental ☐ Partial House Rental
	Total Number of Bedrooms in the House:
Subdivision:	**Partial House Rentals Only**
PIN #:	Number of Bedrooms Rented:
Parcel #:	Number of Parking Spaces:
For Partial House Short-Term Rentals: 1) the number of parking spaces must equal the minimum required for the single-family dwelling, plus one additional space for the Short-Term Rental use, and 2) the rental of more than 2 bedrooms may constitute a bed and breakfast, which are subject to different regulations and restrictions.	

Short-Term Rental Property Information - 3rd Property	
Street Address:	☐ Whole House Rental ☐ Partial House Rental
	Total Number of Bedrooms in the House:
Subdivision:	**Partial House Rentals Only**
PIN #:	Number of Bedrooms Rented:
Parcel #:	Number of Parking Spaces:
For Partial House Short-Term Rentals: 1) the number of parking spaces must equal the minimum required for the single-family dwelling, plus one additional space for the Short-Term Rental use, and 2) the rental of more than 2 bedrooms may constitute a bed and breakfast, which are subject to different regulations and restrictions.	

Short-Term Rental Property Information - 4th Property	
Street Address:	☐ Whole House Rental ☐ Partial House Rental
	Total Number of Bedrooms in the House:
Subdivision:	**Partial House Rentals Only**
PIN #:	Number of Bedrooms Rented:
Parcel #:	Number of Parking Spaces:
For Partial House Short-Term Rentals: 1) the number of parking spaces must equal the minimum required for the single-family dwelling, plus one additional space for the Short-Term Rental use, and 2) the rental of more than 2 bedrooms may constitute a bed and breakfast, which are subject to different regulations and restrictions.	

Staff Use

Registration Fees Paid $ **Acceptance:** Y N By:
($25 per Short-Term Rental Property)

Registration Number(s): 2019-__

	Town of Nags Head **Short-Term Rental Registration** **Guidance & FAQ's**	Planning and Development Department 5401 S. Croatan Highway PO Box 99 Nags Head, NC 27959 252-441-7016 • Planning@nagsheadnc.gov www.nagsheadnc.gov

What is a Short-Term Rental?

The Town of Nags Head allows residential Short-Term Rentals (also known as STR's and often referred to by the name of popular hosting companies, such as Airbnb or VRBO) within every zoning district. These Short-Term Rentals may be for a **whole house** or a **partial house**, defined as follow:

> **Short-term rental, whole house** means the rental of an entire single-family dwelling to a group operating as one housekeeping unit for vacation, leisure, recreation, or other purposes for fewer than thirty (30) days.
>
> **Short-term rental, partial house** means a resident occupied single-family dwelling that consists of the rental of up to two guest rooms for vacation, leisure, recreation, or other purposes for fewer than thirty (30) days. The partial house short-term rental should be subordinate and incidental to the principal residential use of the dwelling.

Please note, partial house Short-Term Rentals are limited to a maximum of two bedrooms; the rental of more than two bedrooms may constitute a bed and breakfast, which may or may not be allowed based on the zoning of the property, and only then with the issuance of a conditional use permit.

Registration Required

Operators/owners of Short-Term Rentals will need to register their Short-Term Rental unless exempt from registration. Registration is required annually and there is a registration fee of $25 for each Short-Term Rental. In this first year, registration is not required until December 31, 2019. Short-Term Rentals registered before December 31, 2019 do not need to be registered again until September 1, 2020; Short-Term Rentals not registered by December 31, 2019, must be registered in 2020 prior to being rented or offered for rent. Once registered, Short-Term Rentals are required to be registered annually in the following calendar year prior to September 1st.

The following lodging types and/or circumstances are exempt from registration:

- Lodging provided by hotels, motels, tourist camps, and other places subject to regulation under Chapter 72 of the North Carolina General Statutes.
- Rentals to persons having no other place of primary residence.
- Rentals for which no more than nominal consideration is given.
- Rentals that are managed by a real estate broker as defined in G.S. 93A-2(a)

Registration Process

A completed *Short-Term Rental Registration* form, provided by the Town of Nags Head, shall be completed in full and submitted to the Town's Planning & Development Department. A completed form with fee may submitted in person (Town Hall, 5401 S. Croatan Highway) or mailed (Town of Nags Head Planning & Development Department, PO Box 99, Nags Head, NC 27959); forms may also be emailed to Planningand@nagsheadnc.gov - registration of Short-Term Rentals submitted by email will be delayed until the required fee is received. Once received, a minimal review-time should be expected, but registrations should be processed within 5 business days.

The information on the following page should assist you in completing your *Short-Term Rental Registration* form. Please email any questions to Planning@nagsheadnc.gov or call 252-441-7016.

Do you have a partial house rental? Additional parking may be required.

Whole house Short-Term Rentals are not required to provide any additional parking beyond what is required for a single-family dwelling. Partial house Short-Term Rentals are required to provide one additional parking space beyond the minimum requirement for a single-family dwelling. Most single-family dwellings are required to provide parking based on the number of bedrooms, minus 2, with a minimum of 2 parking spaces; for example, both 3-bedroom and 4-bedroom homes would be required to provide 2 parking spaces, while a 5-bedroom home would be required to provide 3 parking spaces; if these homes were used as partial house Short-Term rentals, regardless of the number of bedrooms rented, one additional parking space would be required (3 parking spaces for the 3 and 4-bedroom homes, a 4 parking spaces for the 5-bedroom home).

Do you have liability insurance coverage in effect to operate the residential property as a short-term rental?

As part of the registration we ask that you disclose whether you do or do not have liability insurance coverage to operate the dwelling as a short-term rental. Coverage is not a requirement of registration; however, please consider that a standard homeowners' policy likely does not include liability coverage for this additional use of the property. If you have not already done so, please check with your insurance company to make sure you have the right coverage.

Vacation Rental Act Requirements

Your Short-Term Rental is likely subject to the requirements of the North Carolina Vacation Rental Act. We ask you to acknowledge that you are aware of this law. You may find more information on how this law relates to you and your property, as well as those renting your property, at the following link:

https://www.ncdoj.gov/Consumer/Travel/Vacation-Rentals.aspx

The Town is interested in making sure that properties operated as short-term rentals are maintained in a safe condition. The North Carolina Vacation Rental Act also includes minimum safety provisions that apply to these properties. These specific provisions can be found at the following link:

https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/ByArticle/Chapter_42A/Article_5.pdf

Taxes

Operation of your Short-Term Rental is subject to taxes, including Occupancy and Sales taxes. Information on the Occupancy Tax, including how to report and pay the tax, is available from Dare County at the following link:

https://www.darenc.com/departments/tax-department/occupancy-tax

Information on State of North Carolina requirements to register, file, pay the Sales Tax is available at the following links:

https://www.ncdor.gov/taxes-forms/sales-and-use-tax/sales-and-use-tax-registration
AND https://www.ncdor.gov/taxes-forms/sales-and-use-tax/filing-requirements

Penalties - What happens if I don't register my Short-Term Rental?

Failure to register a property within 30 days of being offered for short-term residential rental shall result in a civil penalty in the amount of $100. Each additional day the property is listed or operated as a short-term rental without registering shall result in a civil penalty of $50 per day. The town may waive such penalty if the failure to register was due to no fault of the owner/operator. Until such time as the operator pays the penalty and registers such property, the operator may not continue to offer such property for short-term residential rental.

From: Roberta Thuman
To: All Nags Head Employees
Subject: FW: Town of Nags Head Update, December 6, 2019
Date: Friday, December 6, 2019 5:02:28 PM

From: Roberta Thuman <listserv@civicplus.com>
Sent: Friday, December 6, 2019 5:02 PM
To: Roberta Thuman <roberta.thuman@nagsheadnc.gov>
Subject: Town of Nags Head Update, December 6, 2019

Town of Nags Head

Susie Walters Honored for Service to Nags Head

As many of you may already know, Susie Walters decided not to run for re-election this past November. At her last meeting serving on Nags Head's Board of Commissioners, Susie was thanked for her passionate commitment to our town. Pictured from left are: Commissioner Webb Fuller, Commissioner Renée Cahoon, Commissioner Mike Siers, and Mayor Ben Cahoon.

Newly Elected Officials Join Nags Head's Board of Commissioners

After a successful election in November, Kevin Brinkley was sworn in as a member of Nags Head's Board of Commissioners on December 4, 2019. If his name sounds familiar, it may be because Kevin retired as Nags Head's police chief in September 2018. Welcome to the other side of the dais, commissioner.

Commissioner Renée Cahoon still holds her seat on the Board after her re-election in November.

Mike Siers was chosen by the Board to be its mayor pro tem following the retirement of Susie Walters.

Pictured from left are: Commissioner Fuller, Commissioner Brinkley, Mayor Cahoon, Mayor Pro Tem Siers, and Commissioner Cahoon.

Reminder - Register Your Short-Term Rental Property

The Town of Nags Head is reminding property owners who may use services such as Airbnb, HomeAway, or VRBO to rent their homes or rooms in their home, but do not use a

real estate broker to manage the rental, to register their property with the Town prior to renting.

In April, Nags Head's Board of Commissioners approved an ordinance that defines a short-term rental as the rental of residential property for vacation, leisure, recreation, or other purposes for fewer than 30 days and requires annual registration with the Town. Among other things, the ordinance establishes additional parking requirements for partial-house rentals, and requires the property owner to disclose whether liability insurance is in effect for the property and acknowledge that they under the need to be pay both state sales tax and Dare County occupancy tax and comply with the requirements of the Vacation Rental Act.

Short-term rentals must be registered unless they fall under an exemption (see below for exemptions). Registration is required annually and costs $25 for each rental. View the registration form or frequently asked questions.

In this first year, registration is not required until December 31, 2019. Rentals registered before December 31, 2019 do not need to be registered again until September 1, 2020; rentals not registered by December 31, 2019 must be registered in 2020 prior to being rented or offered for rent. Once registered, rentals are required to be registered annually in the following calendar year prior to September 1st.

The following lodging types and/or circumstances are exempt from registration:

- Lodging provided by hotels, motels, tourist camps, and other places subject to regulation under Chapter 72 of the North Carolina General Statutes.
- Rentals to persons having no other place of primary residence.
- Rentals for which no more than nominal consideration is given.
- Rentals that are managed by a real estate broker as defined in G.S. 93A-2(a)

Failure to register within 30 days of the property being offered for rent will result in an initial $100 fine. Each additional day that a property is offered without being registered will result in a $50-a-day fine.

Registration Form

Holiday Safety Tips from Nags Head's Police Department

Driving and Travel

- Be patient, we all know how stressful the season can be with busy roads.
- If you've consumed alcohol seek alternate transportation. Driving while intoxicated is a sure way to ruin the season, your life or someone else's.

Shopping

- When shopping, carry your bag or purse, don't leave it unattended in a cart.
- Use credit or debit cards for purchases. Avoid exposing or using large amounts of cash.
- Place your purchases in a vehicle trunk, if no trunk, conceal your purchases

especially if returning to the store.

- When walking to or from your vehicle avoid becoming distracted by using your cell phone.
- Park in a well-lit area, have your keys ready to open your vehicle when you return.
- When shopping online use credit cards at trusted sites.
- Have packages delivered to your business. If delivered to your home think of an alternate drop off location i.e., side of house, or storage room. Have a friend or neighbor pick up package. Schedule a pick up.

Safety at Home

- Lock your doors and windows.
- Let a neighbor know if you are leaving for an extended period.
- Leave a light on inside and or use a timer.
- Have your mail delivery suspended.
- Avoid placing product boxes by the curb for trash pickup.

Contact Nags Head's Police Department to schedule an extra patrol of your residence at 252-441-6386 of police@nagsheadnc.gov.

Drainage System Update

Nags Head's Board of Commissioners, at their December 4, 2019 meeting, received updates on both new drainage projects and current drainage maintenance activities.

You can also view both presentations by watching a video of the meeting. These presentations start at one hour and thirty-nine minutes (1:39) into the video.

Town of Nags Head Names Ricky Spencer as Employee of the Year for 2019

Sanitation Superintendent Ricky Spencer Named Employee of the Year for 2019

Congrats to Sanitation Superintendent Ricky Spencer on being named by Nags Head's Board of Commissioners as the Town's 2019 Earl Murray Jr. Employee of the Year for 2019!

Chosen from an amazing group of nominees, Ricky works quietly behind the scenes to make sure our critical sanitation services run as smoothly and efficiently as possible. His job is complex and demanding. Imagine managing the collection and disposal of the trash

that comes with a 900% increase in population every summer, as well as working in the area's challenging weather conditions (think wading through floodwaters or high winds to retrieve trash carts). Though it all, Ricky works diligently and without complaint.

Ricky is pictured above with Nags Head's Board of Commissioners and his fellow Employee of the Year nominees. From left, Tax Collector Linda Bittner, Commissioners Renée Cahoon and Mike Siers, Ricky Spencer, Mayor Ben Cahoon, Mayor Pro Tem Susie Walters, Commissioner Webb Fuller, Code Enforcement Officer Ed Snyder, and Deputy Fire Chief Shane Hite. Not pictured is K9 Police Officer JC Mitchell.

Bring Fido's Water to the Dog Park Until Freeze Threats Pass

The water spigot at Nags Head's dog park at 227 W. Satterfield Landing Rd. has been turned off for the winter. Water will be turned back on in early spring once the threat of a freeze has passed.

Nags Head Septic Health Initiative Now Todd D. Krafft Septic Health Initiative

Septic Health Initiative Named for Todd Krafft

At their December 4, 2019 meeting, Nags Head's Board of Commissioners adopted a resolution renaming the Town's Septic Health Initiative after long-time employee, Todd Krafft, who passed away suddenly in September.

As the Town's environmental planner, Todd passionately advocated for protecting water quality. In addition to interacting with Nags Head property owners through the Septic Health Initiative, Todd particularly enjoyed educating youth about the critical importance of protecting our environment.

He tireless efforts and enthusiasm for the Initiative will now always be honored through the Todd D. Krafft Septic Health Initiative.

Todd's daughter Kayleen accepted a plaque commemorating the re-naming of the Initiative. Pictured with Kayleen are Nags Head's Board of Commissioners, from left,

Commissioner Mike Siers, Mayor Ben Cahoon, Commissioner Renée Cahoon, Mayor Pro Tem Susie Walters, and Commissioner Webb Fuller. Not pictured is Todd's son, Tanner.

Thank you to former Mayor Bob Muller for all that you did for the Initiative and for helping to honor Todd.

Todd never missed a chance to promote the Septic Health Initiative, so we won't, either.

In a nutshell, this progressive program offers free services and financial assistance to property owners for having their septic systems pumped out, repair, or replaced. For more info, visit nagsheadnc.gov/septichealth.

Donate to Toys for Tots at Town Hall

Spread goodwill this month by helping to fill a Toys for Tots box at Nags Head's town hall. The Marine Toys for Tots program distributes new, unwrapped toys to less fortunate children at Christmas. Police Chief Phil Webster is happy to get the donation ball rolling!

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5401 S. Croatan Hwy., PO Box 99, Nags Head, NC, 252-441-5508,
info@nagsheadnc.gov

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Agenda Item Summary Sheet

Item No: **H-2**
Meeting Date: **January 8, 2020**

Item Title: Preliminary Plat for a Major Subdivision, known as Coastal Villas, for an approximately 9.86 acre property, zoned R-2 - Medium Density Residential, owned by Nags Head Construction (applicant), located on the west side of US 158, approximately 300 feet south of the intersection of W. Soundside Road and US 158 (Parcel # 006749004; PIN# 989108886987); the Preliminary Plat proposes to create 17 lots, along with an associated street and other required improvements

Item Summary:
The subject application is a Preliminary Plat for a Major Subdivision of an approximately 9.86-acre property located on the west side of US 158, approximately 300 feet south of the intersection of W. Soundside Road and US 158 ("the Proposed Subdivision"). The Proposed Subdivision would create seventeen (17) lots, located along a new street (Coastal Breeze Way), to connect through to an existing street, Sea Bass Court, with the improvement of an existing public paper/unimproved right-of-way, Mariners Way. No waivers from the subdivision requirements are being sought. As noted, the property is zoned R-2, Medium Density Residential; all proposed lots are conforming.

Planning Board/Staff Recommendation
Staff recommends approval of the Preliminary Plat, with conditions, and supports those conditions recommended by the Planning Board. Subsequent to the Planning Board meeting the applicant requested a change to one condition; Staff does not object to the requested change, as discussed in the attached Staff Report.

The Planning Board, at their November 19, 2019 meeting, voted 5-0 to recommend approval of the Preliminary Plat to the Board of Commissioners, with conditions. The Board's recommendation, including conditions is detailed within the attached Staff Report.

Number of Attachments: 5

Specific Action Requested:

Consideration of preliminary plat.

Submitted By: Planning and Development Date: December 30, 2019

Finance Officer Comment:
Insufficient information to determine fiscal impact.

Signature: Amy Miller Date: December 30, 2019

Town Attorney Comment:

I will participate in the discussion.

Signature: John Leidy Date: December 30, 2019

Town Manager Comment and/or Recommendation:

I will participate in the discussion.

Signature: Cliff Ogburn Date: December 30, 2019

STAFF REPORT
Town of Nags Head
Planning & Development Department

To: Board of Commissioners

From: Michael Zehner, Director of Planning & Development

Kelly Wyatt, Deputy Director of Planning & Development

Date: December 23, 2019

Subject: Preliminary Plat for a Major Subdivision, known as Coastal Villas, for an approximately 9.86 acre property, zoned R-2 - Medium Density Residential, owned by Nags Head Construction (applicant), located on the west side of US 158, approximately 300 feet south of the intersection of W. Soundside Road and US 158 (Parcel # 006749004; PIN# 989108886987); the Preliminary Plat proposes to create 17 lots, along with an associated street and other required improvements.

OVERVIEW

The subject application is a Preliminary Plat for a Major Subdivision[1] of an approximately 9.86-acre property located on the west side of US 158, approximately 300 feet south of the intersection of W. Soundside Road and US 158 ("the Proposed Subdivision"). The Proposed Subdivision would create seventeen (17) lots, located along a new street (Coastal Breeze Way), to connect through to an existing street, Sea Bass

[1] A Subdivision is defined in the UDO as "all divisions of a tract or parcel of land into two or more lots, building sites or other divisions for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets," with certain exemptions; a Major Subdivision is defined as "any subdivision not classified as a minor subdivision [(i.e. not more than four lots fronting on an existing street)] including, but not limited to, subdivisions of five or more lots, or any size subdivision requiring any new street or extension of municipal facilities."

Court, with the improvement of an existing public paper/unimproved right-of-way, Mariners Way. No waivers from the subdivision requirements are being sought. As noted, the property is zoned R-2, Medium Density Residential; all proposed lots are conforming, meeting the minimum required lot size of 20,000 square feet and demonstrating compliance with required minimum yard depths (i.e. setbacks; Front: 30 feet, Side: 10 feet, Rear: 20% of lot depth, not to exceed 30).

The Planning Board reviewed the Preliminary Plat at their meeting on December 17, 2019. The Board voted 5-0 to recommend approval of the Plat to the Board of Commissioners, with conditions. The Board's recommendation is detailed below under *Planning Board Recommendation*.

PROCEDURAL REQUIREMENTS/CONSIDERATIONS

The procedural requirements applicable to subdivisions are provided in Article 4, *Development Review Process*, Part IV, *Subdivision Procedures*, of the UDO; requirements or considerations of note are as follows:

- Pursuant to Section 4.22, *Initial Conference; Preliminary Sketch*, the applicant was first required to submit a preliminary sketch of the proposed subdivision and confer with the UDO Administrator. These requirements were completed, with authorization granted to the subdivider on October 3, 2019 to prepare a preliminary plat to be submitted to the Planning Board (a copy of an email from Michael Zehner to Cathleen Saunders, project engineer, is attached). Please note, the preliminary sketch plan for the subdivision provided for a street connection to US 158, with no connection through to Sea Bass Court; the applicant elected to redesign this aspect of the subdivision as part of the preliminary plat submission.

- The following subsections, or parts thereof, to Section 4.24, *Review Procedure for Major Subdivisions*, 4.24.1, *Preliminary Plat*, are applicable to the Proposed Subdivision:

    - 4.24.1.2., in part, "…the UDO Administrator who shall evaluate the plan to determine whether or not it meets the requirements of this Ordinance. The UDO Administrator will solicit and receive comments from other persons or agencies before making final recommendations. If the application is complete, the UDO Administrator will submit it to the Planning Board…"

      In general, it was determined by the UDO Administrator that the plan for the Proposed Development meets the requirements of the UDO, to be discussed further below under **REGULATORY & DESIGN REQUIREMENTS/CONSIDERATIONS**. Additionally, comments were solicited and received from Town Staff; the attached letter from Cathleen Saunders, P.E., Quible & Associates, P.C., dated December 10, 2019, is an accurate representation of these comments.

    - 4.24.1.3., in part, "The Planning Board shall forward its recommendation to the Board of Commissioners within thirty (30) days after first

consideration by the Planning Board. If the Planning Board fails to act within the 30-day period, the subdivision will be placed on the next available Board of Commissioners agenda. The Board of Commissioners shall consider the preliminary plat and approve, approve with conditions acceptable to the applicant, or disapprove the plan."

- 4.24.1.4., in part, "The Planning Board shall determine whether the preliminary plat meets the policy, purposes, and standards established by this Part and shall study its practicability, taking into consideration the requirements of the community and the best use of the land being subdivided. Particular attention shall be given to the arrangement, location and width of streets, their relation to the topography of the land, water supply, sewage disposal, drainage, lot sizes and arrangement, the future development of adjoining lands, construction plans, erosion control plans, and the requirements of the master plan and the official map, if such exist, the zoning requirements and this UDO. The Planning Board shall submit its findings and recommendations to the Board of Commissioners at their next regularly scheduled meeting. The Board of Commissioners may approve, reject or grant conditional approval of the preliminary plat. The Planning Board or the Board of Commissioners, in its discretion, if it deems that health and sanitary conditions in the area, the subdivision plans and planned population density warrant, may require percolation tests of the soil by the subdivider and the installation of appropriate sanitary and waste disposal facilities as a condition of approval."

- 4.24.1.5., Conditional Approval, "When recommending conditional approval of a preliminary plat, the Planning Board shall state in writing the conditions of such approval, if any, with respect to:

    4.24.1.5.1. The specific changes which it will require in the preliminary plat;

    4.24.1.5.2. The character and extent of these required changes; and

    4.24.1.5.3. The amount of all bonds which will be required as a prerequisite to the approval of the preliminary plat.

  Conditional approval of a preliminary plat shall not constitute approval of the final subdivision plat, but rather it shall be deemed an expression of approval of the design submitted on the preliminary plat as a guide to the preparation of the final plat, which will be submitted for approval by the UDO Administrator, and for recording upon fulfillment of the requirements of this Part and the conditions of the conditional approval, if any. The Planning Board or the Board of Commissioners may require additional changes as a result of further study of the subdivision plans or as a result of new information obtained subsequent to the time of conditional approval. The fulfillment of these conditions and the incorporation of these conditions into the preliminary plat shall be determined by the UDO Administrator in accordance with the instructions of the Board of Commissioners. At such time, the Board of Commissioners' approval

shall become final, as to the preliminary plat, and the UDO Administrator shall so signify on the plat."

REGULATORY & DESIGN REQUIREMENTS/CONSIDERATIONS

The regulatory and design requirements applicable to subdivisions are provided in Article 10, *Performance Standards*, Part V., *Subdivision Regulations*, Division II., *Approval and Platting Requirements*, and Division III., *Improvements*, of the UDO; requirements or considerations of note are as follows:

- Section 10.51.4., *Covenants and Deed Restrictions*, requires the submission of "proposed covenants, deed restrictions and a hold harmless agreement, in duplicate, which are intended to cover all or part of the tract…For any proposed subdivision amenities including, but not limited to, tennis courts, swimming pools, streets, and vehicular and pedestrian accessways for the benefit of the property owners, the developer shall establish a property owners association having the responsibility and authority for the upkeep, maintenance, repair, and reconstruction of such amenities and the authority to assess and collect dues and fees from the property owners within the subdivision for this purpose." The applicant has submitted a draft Declaration of Restrictive Covenants for review, with a final version required to be approved in conjunction with approval of the Final Plat.

- Section 10.62, *Required Improvements Enumerated*, indicates the improvements required to be provided by the subdivider, as follows:

    - Street rights-of-way and paved streets;
    - Water lines, mains, fire hydrants and services;
    - Electric and telephone lines and conduit;
    - Streetlights and supports and related electric wires and conduit;
    - Easements of right-of-way for utilities, where such are not within the street right-of-way;

- Section 10.63, *Dedications*, indicates the improvements and easements required to be offered to the Town or utility authorities for dedication:

    - Streets and street rights-of-way;
    - Water lines, mains, fire hydrants and services;
    - Easements of right-of-way for construction, operation and maintenance of utilities and cable television lines;
    - Streetlights and supports and related electric wiring and conduit;

- Section 10.66, *Streets*, establishes the standards for required streets, and specifically *local access streets*, as the proposed street is classified. Design standards for streets are contained in Chapter 36, *Streets, Sidewalks and Other Public Places*, of the Town Code.

- Section 10.68, *Lots*, reiterates zoning requirements for frontage and lot area, but also provides that for "lots fronting on a cul-de-sac or street curve, the frontage

may be reduced to not less than thirty (30) feet upon approval of the Planning Board." This reduced frontage applied to lots 1, 2, 10, and 11 in the Proposed Subdivision. The Planning Board's recommended approval of the Proposed Subdivision as presented.

- Section 10.72, *Stormwater Runoff, Storm Drains, and Sewer Lines and Mains*, indicates that "stormwater runoff from lots shall be managed in accordance with Article 11 of this UDO pertaining to Stormwater Management (Part I) and Soil Erosion and Sedimentation Control (Part II)." However, development of the Proposed Subdivision will trigger and require North Carolina Department of Environmental Quality stormwater permitting.

POLICY CONSIDERATIONS

Policy specific to subdivisions is established in Article 10, *Performance Standards*, Part V., *Subdivision Regulations*, Division I., In General, Section 10.41, Jurisdiction; Policy, Section 10.41.2., of the UDO, as follows:

> ***10.41.2.*** It is declared to be the policy of the Board of Commissioners and the Planning Board of the Town to consider land subdivision plats as part of a plan for the orderly, efficient and economical development of the Town. This means, among other things, that land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health, or peril from fire, flood erosion or other menace; that proper provisions shall be made for drainage, water supply, sewerage and other needed improvements; that all proposed lots shall be so laid out and of such size as to be in harmony with the development pattern of the neighboring properties; that the proposed streets shall compose a convenient system conforming to the official map, if such exists and shall be properly related to the proposals shown on the master plan, if such exists and shall be of such width, grade and location as to accommodate the prospective traffic, to facilitate fire protection and to provide access of firefighting equipment to buildings, and to conform with existing or planned streets and with other public facilities; that a dedication of streets and rights-of-way or easements for pedestrian and utility purposes shall be made; that proper provisions shall be made for the distribution of population and traffic which shall avoid congestion and overcrowding and which shall create conditions essential to public health, safety and general welfare; and that proper provisions shall be made for open spaces for parks, playgrounds and public beaches.

With regard to the area of the Proposed Subdivision and applicable policies of the *Comprehensive Plan*, this is considered to be within the *Neighborhoods Character Area*, described as "areas of primarily low-density single-family development that have limited to no commercial influence," and further, "The majority of the development in these areas is single-family residential. Lot sizes range from 6,000 square feet to greater than 25,000 square feet. Most newer subdivisions (post 1982) include lots that are 15,000 square feet or greater. It is the town's desire to keep these areas intact and protect them from incompatible land uses."

Additionally, given the location of the Proposed Subdivision and the extension of the multi-use path along US 158, policies and recommendations contained in the Town's *Pedestrian Plan* are applicable; consistent with those policies and recommendations, the applicant has proposed to provide an extension of the multi-use path through the Proposed Subdivision, to connect to the to-be-constructed path along US 158.

PLANNING BOARD RECOMMENDATION

At their meeting on December 17, 2019, the Planning Board voted 5-0 to recommend approval of the Preliminary Plat to the Board of Commissions, with conditions, as follows; in their recommendation, the Planning Board acknowledged that the Preliminary Plat satisfied the determinations contained in Section 4.24.1.4. of the UDO concerning applicable policies, purposes, and standards:

1. Prior to the commencement of land disturbance activities and/or construction of improvements, the applicant/developer shall submit construction drawings/plans for all improvements within the subdivision for approval by the UDO Administrator, who may seek input and comments from Town Staff in the review and approval of the construction drawings. In addition to providing details for all improvements, these drawings/plans shall also provide, and not be limited to, information on erosion and sedimentation control, culvert designs, and take into account any intended or required phasing/sequence of construction for the subdivision.

2. The clearing and grading of any lot or portions thereof shall be prohibited prior to the issuance of a building permit for any such lot, except as determined by the UDO Administrator to be necessary for the installation of stormwater measures. The developer/applicant is encouraged to address any necessary phasing and limits of disturbance on submitted construction drawings/plans.

3. Prior to or in conjunction with approval of the Final Plat for the subdivision, drainage easements, to be the responsibility of the applicant/developer and/or their successors (i.e. Property Owners Association), shall be properly conveyed by recordation with the Dare County Register of Deeds; such easements shall be reviewed and approved by the UDO Administrator prior to recordation, and the UDO Administrator may refer the easements to the Town Attorney for review and comment.

STAFF RECOMMENDATION

Staff is of the opinion that the submitted Preliminary Plat complies with all applicable requirements and that the applicant has addressed all issued comments. Additionally, Staff is of the opinion that the Proposed Subdivision is consistent with applicable policy considerations. Therefore, Staff recommends approval of the Preliminary Plat, with conditions. Staff supports those conditions recommended by the Planning Board; however, it is important to note that following the Planning Board meeting the applicant requested consideration of a change to condition #2, as follows:

2. The clearing and grading of any lot or portions thereof shall be prohibited prior to the issuance of a building permit for any such lot, except as determined by the

UDO Administrator **(a)** to be necessary for the installation of stormwater measures **or (b) to accommodate the stockpiling of soil from lots within the subdivision which are subject to an issued building permit**. The developer/applicant is encouraged to address any necessary phasing and limits of disturbance on submitted construction drawings/plans.

Staff does not object to the requested change and believes it provides a reasonable accommodation while limiting the amount of clearing on lots not subject to immediate development. It is also important to note that pursuant to Section 4.24.1.3. of the UDO, action to approve with conditions is qualified that "conditions [be] acceptable to the applicant."

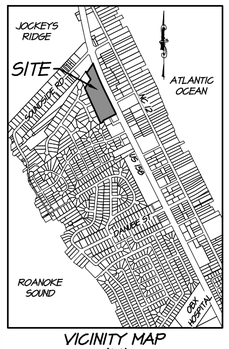
Attachments:

1. Draft Preliminary Plat, Sheets 1 thru 3, with an Issue Date of December 10, 2019, prepared by Quible & Associates, P.C.;

2. Email from Michael Zehner to Cathleen Saunders, dated October 3, 2019, providing Preliminary Sketch Review authorization;

3. Memo from David Ryan, P.E., Town Engineer, dated December 13, 2019, provided plan review comments; and

4. Preliminary Plat Application Package under cover letter from Cathleen Saunders, P.E., dated December 10, 2019



VICINITY MAP
(NTS)

NOTES:

1. CURRENT OWNER: NAGS HEAD CONSTRUCTION AND DEVELOPMENT, INC
   PO BOX 2130
   VIRGINIA BEACH, VA 23450
2. PIN: 9841-08B8-6987
3. PID: 006744004
4. PROPERTY ADDRESS: S CROATAN HWY
5. ZONING: R2
6. LOT AREA = 429,600.04 sqft / 9.86 acres
   (AREAS BY COORDINATE METHOD.)
7. SUBJECT REFERENCES: DB 1266, PG 271; PC E, SL 360;
8. ADDITIONAL REFERENCES: DB 1539, PG 103; DB, PG 1834, PG 446; PC E, SL 707; PC E, SL 787; PC F, SL 67; PC G, SL 368; PC I, SL 343.
9. FIELD SURVEY DATE: OCTOBER 2018
10. PROPERTY IS LOCATED IN NFIP FLOOD ZONES AS SHOWN AND SUBJECT TO CHANGES, BASED ON COMMUNITY CID NO. 375356; PANEL 9841; SUFFIX J. (MAP NUMBER 3720984100J) EFFECTIVE DATE: 09/20/2006
11. THIS SURVEY SUBJECT TO ANY FACTS, INCLUDING BUILDING SETBACK RESTRICTIONS, EASEMENTS, COVENANTS, ETC., THAT MAY BE REVEALED BY A FULL AND ACCURATE TITLE SEARCH.
12. ALL DISTANCES ARE US SURVEY FEET AND HORIZONTAL GROUND.
13. APPROVAL OF THIS SUBDIVISION DOES NOT GUARANTEE SEPTIC APPROVAL ON ANY INDIVIDUAL LOT.
14. MINIMUM BUILDING SETBACKS MAY BE SUBJECT TO CHANGE AND SHOULD BE VERIFIED WITH A ZONING OFFICIAL.
15. SETBACKS:
    *FRONT = 30'
    SIDE = 10'
    REAR = 30'
    *LOTS 1 & 2 HAVE A 52' FRONT MBSL AT THE REQUIRED MINIMUM LOT WIDTH.
    *LOT 11 HAS A 44' FRONT MBSL AT THE REQUIRED MINIMUM LOT WIDTH.
16. A STATE HIGH DENSITY STORMWATER PERMIT AND EROSION & SEDIMENT CONTROL PERMIT MUST BE OBTAINED PRIOR TO DISTURBANCE ON SITE. ALL IMPERVIOUS COVERAGE MUST BE DIRECTED TO INFILTRATION BASINS VIA SHEET FLOW OR ROOF DRAINS.
17. A RIGHT-OF-WAY ENCROACHMENT AGREEMENT IS REQUIRED FROM NCDOT PRIOR TO ANY DISTURBANCE WITHIN THE STATE RIGHT-OF-WAY.
18. BUILDING CONSTRUCTION SHALL COMPLY WITH ALL ASPECTS OF THE NORTH CAROLINA BUILDING AND FIRE CODE.

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- EXISTING IRON ROD, EIR
- SET IRON ROD, SIR
- CALCULATED POINT
- WATER METER
- TELEPHONE PED
- MONITORING WELL
- SIGN
- WATER VALVE
- FIRE HYDRANT
- UTILITY POLE
(T) - TOTAL DISTANCE
AG - ABOVE GRADE
BG - BELOW GRADE

FLOOD HAZARD AREA CERTIFICATE

THIS PROPERTY, OR PORTIONS OF THIS PROPERTY, ARE LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA AS DESIGNATED ON FLOOD INSURANCE RATE MAPS FOR DARE COUNTY. LOCATION IN A SPECIAL FLOOD HAZARD AREA REPRESENTS A ONE PERCENT (1%) OR GREATER CHANCE OF BEING FLOODED IN ANY GIVEN YEAR. FLOOD INSURANCE MAY BE REQUIRED BY LENDING INSTITUTIONS FOR STRUCTURES CONSTRUCTED ON PROPERTY LOCATED IN SPECIAL FLOOD HAZARD AREAS

CERTIFICATE OF TOWN CLERK, TOWN OF NAGS HEAD

I, _____, THE TOWN CLERK OF NAGS HEAD, NORTH CAROLINA DO CERTIFY THAT ON THE _____ DAY OF _____, 20__ THE TOWN OF NAGS HEAD APPROVED THIS PLAT FOR RECORDING IN THE OFFICE OF THE REGISTER OF DEEDS AND ACCEPTED THE DEDICATION OF IMPROVEMENTS LISTED BY RESOLUTION OF THE BOARD OF COMMISSIONERS BUT ASSUME NO RESPONSIBILITY TO OPEN OR MAINTAIN THE SAME UNTIL, IN THE OPINION OF THE BOARD OF COMMISSIONERS OF NAGS HEAD, IT IS IN THE PUBLIC INTEREST TO DO SO.

_____
TOWN CLERK, TOWN OF NAGS HEAD DATE

CERTIFICATE OF APPROVAL

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION ORDINANCE OF THE TOWN OF NAGS HEAD AND THAT THIS PLAT HAS BEEN APPROVED BY THE TOWN OF NAGS HEAD PLANNING BOARD FOR RECORDING IN THE OFFICE OF THE REGISTER OF DEEDS OF DARE COUNTY.

_____
TOWN OF NAGS HEAD UDO ADMINISTRATOR DATE

OWNER'S CERTIFICATE

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, WHICH IS LOCATED IN THE SUBDIVISION JURISDICTION OF THE TOWN OF NAGS HEAD AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY FREE CONSENT, ESTABLISH MINIMUM BUILDING SETBACK LINES AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER SITES AND EASEMENTS TO PUBLIC OR PRIVATE USE AS NOTED. FURTHERMORE, I HEREBY DEDICATE ALL ROADWAY STORM SEWER AND WATER LINES TO THE TOWN OF NAGS HEAD.

_____
NAME (PRINTED/SIGNED) DATE

*NOTARY CERTIFICATE

STATE OF NORTH CAROLINA,
COUNTY OF _____

I, _____, A NOTARY PUBLIC OF THE ABOVE REFERENCED COUNTY AND STATE, DO HEREBY CERTIFY THAT _____, PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL, THIS THE _____ DAY OF _____, 20_____.

_____
NOTARY PUBLIC

MY COMMISSION EXPIRES : _____

SURVEYOR'S CERTIFICATE

I, JOHN M. HURDLE, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (SEE NOTES); THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS DASHED LINES AND ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN (SEE ADDITIONAL REFERENCES IN NOTES); THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY AS CALCULATED IS 1:10,000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

THAT THE SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.

WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS

_____ DAY OF _____, _____, A.D.

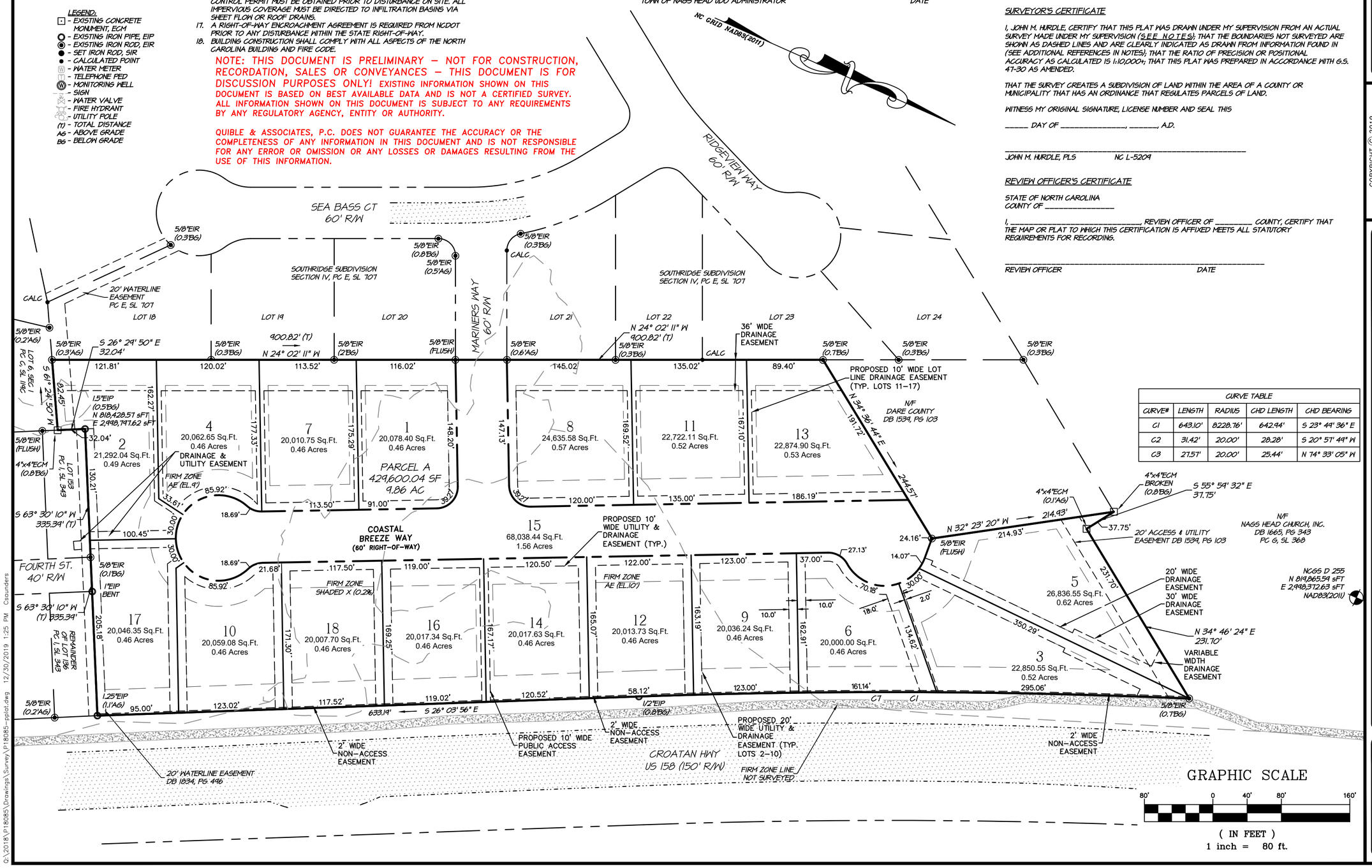
_____
JOHN M. HURDLE, PLS NC L-5204

REVIEW OFFICER'S CERTIFICATE

STATE OF NORTH CAROLINA
COUNTY OF _____

I, _____, REVIEW OFFICER OF _____ COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

_____
REVIEW OFFICER DATE



CURVE TABLE

CURVE#	LENGTH	RADIUS	CHD LENGTH	CHD BEARING
C1	643.10'	8228.76'	642.94'	S 23° 44' 36" E
C2	31.42'	20.00'	28.28'	S 20° 57' 44" W
C3	27.57'	20.00'	25.44'	N 74° 33' 05" W

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Fax: (252) 491-8146
administration@quible.com
90 CHURCH STREET, SUITE B
BLACK MOUNTAIN, NC 28711
Phone: (828) 793-0398
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administration@quible.com

PRELIMINARY PLAT-NOT FOR RECORDATION CONVEYANCES OR SALES

CERTIFICATION

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DRAFT PRELIMINARY PLAT 1 OF 3

PARCEL A COASTAL VILLAS

DARE COUNTY
TOWN OF NAGS HEAD
NORTH CAROLINA

COMMISSION NO.	P18085
DESIGNED BY	JMH
DRAWN BY	JMH/CMS
CHECKED BY	MWS/JMH
ISSUE DATE	12/10/19

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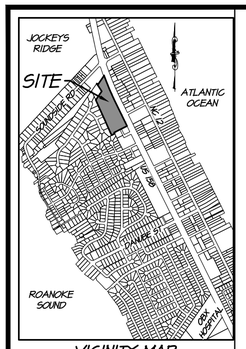
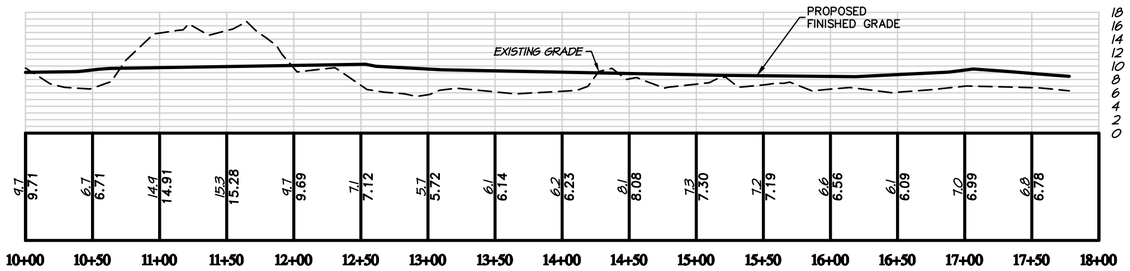
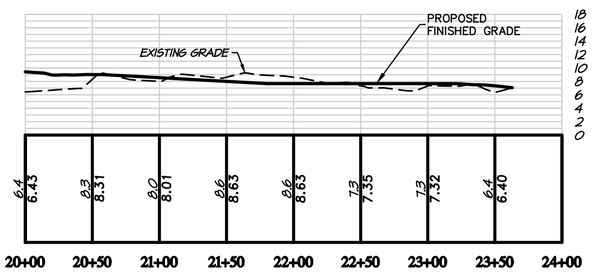


VICINITY MAP
(NTS)



COASTAL BREEZE WAY

HORIZONTAL: 1"=80'
VERTICAL: 1"=16'
(EXAGGERATED 5 TIMES)



MARINER'S WAY (EXTENSION)

HORIZONTAL: 1"=80'
VERTICAL: 1"=16'
(EXAGGERATED 5 TIMES)

LEGEND:
- EXISTING CONCRETE MONUMENT, ECM
- EXISTING IRON PIPE, EIP
- EXISTING IRON ROD, EIR
- SET IRON ROD, SIR
- CALCULATED POINT
- WATER METER
- TELEPHONE PED
- MONITORING WELL
- SIGN
- WATER VALVE
- FIRE HYDRANT
- UTILITY POLE
- (1) TOTAL DISTANCE
- AG - ABOVE GRADE
- BG - BELOW GRADE
- PROPOSED LIVE OAK

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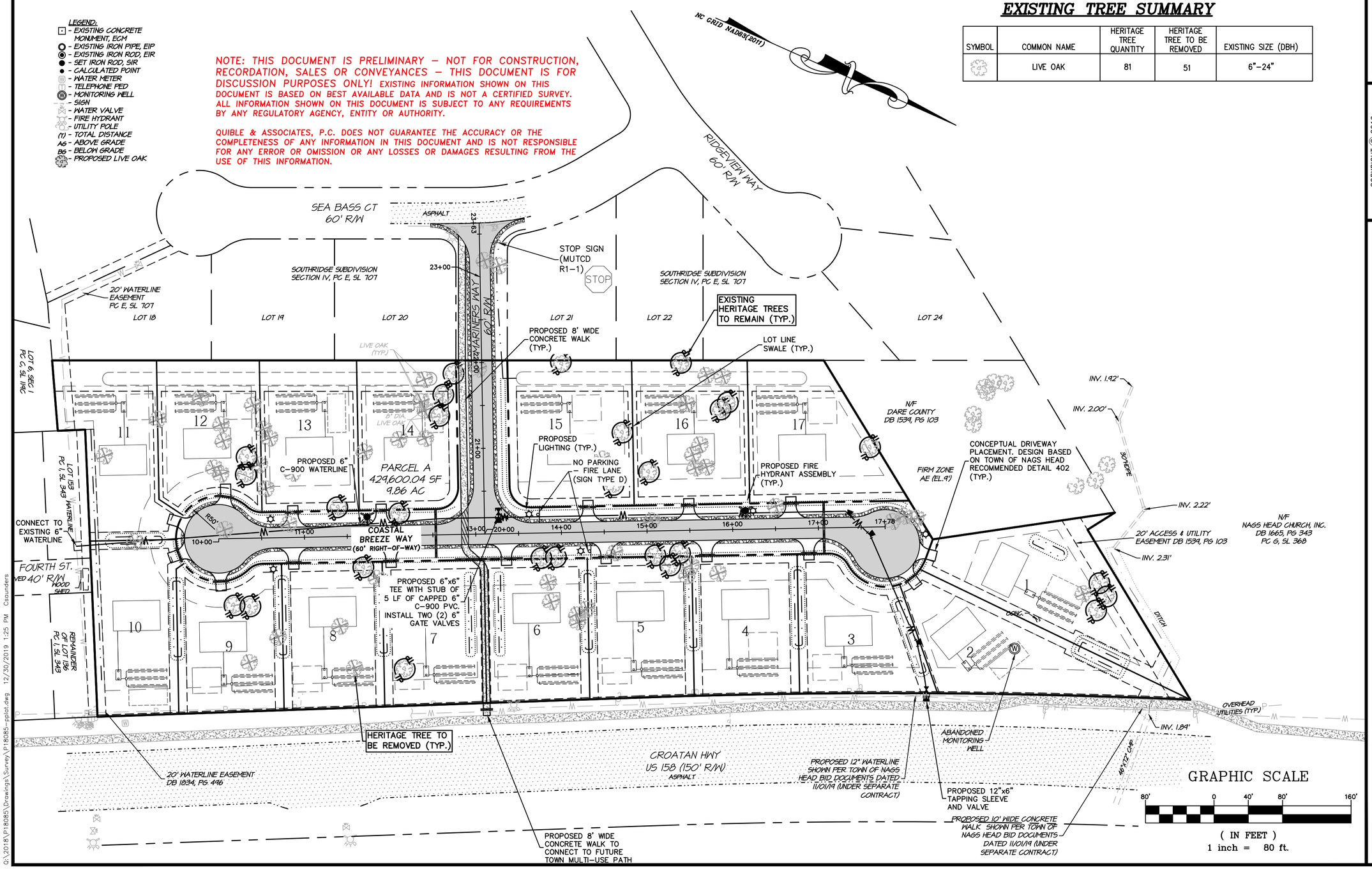
EXISTING TREE SUMMARY

SYMBOL	COMMON NAME	HERITAGE TREE QUANTITY	HERITAGE TREE TO BE REMOVED	EXISTING SIZE (DBH)
	LIVE OAK	81	51	6"–24"



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PRELIMINARY PLAT NOT FOR RECORDATION CONVEYANCES OR SALES

CERTIFICATION

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DRAFT PRELIMINARY PLAT 2 OF 3

PARCEL A COASTAL VILLAS

TOWN OF NAGS HEAD
DARE COUNTY
NORTH CAROLINA

COMMISSION NO.	P18085
DESIGNED BY	JMH
DRAWN BY	JMH/CMS
CHECKED BY	MWS/JMH
ISSUE DATE	12/10/19

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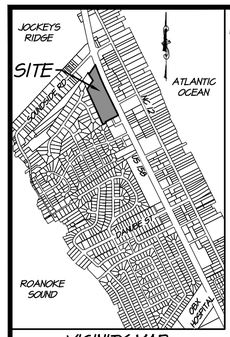
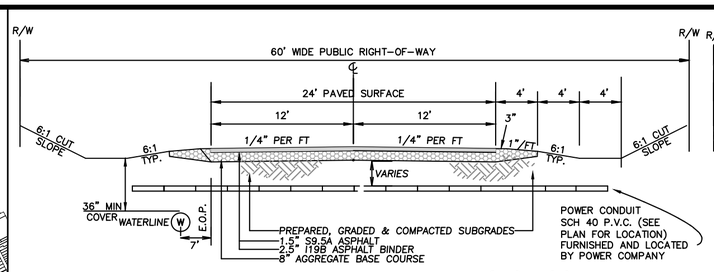


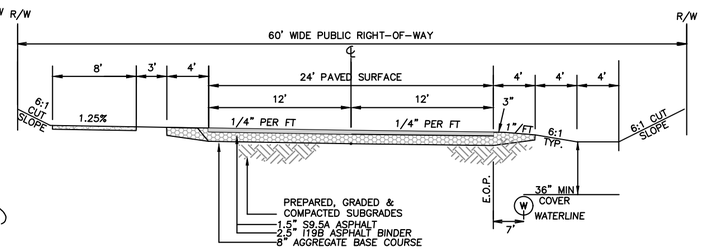
VICINITY MAP
(NTS)



COASTAL BREEZE WAY CROSS SECTION (60' R/W)

N.T.S.

1. CONTRACTOR TO INSURE THAT WATERMAIN IS INSTALLED SO AS TO MAINTAIN LEAST 36" COVER FROM FINISH GRADE OF SIDE SLOPES & SWALES.
2. PAVEMENT DESIGN, INCLUDING THICKNESS, TO BE DETERMINED BY GEOTECHNICAL ENGINEERING.



MARINER'S WAY CROSS SECTION (60' R/W)

N.T.S.

1. CONTRACTOR TO INSURE THAT WATERMAIN IS INSTALLED SO AS TO MAINTAIN LEAST 36" COVER FROM FINISH GRADE OF SIDE SLOPES & SWALES.
2. PAVEMENT DESIGN, INCLUDING THICKNESS, TO BE DETERMINED BY GEOTECHNICAL ENGINEERING.

INFILTRATION BASIN	BOTTOM EL.	TOP EL.	LENGTH	SIDE SLOPES	BOTTOM WIDTH
BASIN 1	5.0'	6.0'	390'	4:1	7.0'
BASIN 2	5.0'	6.0'	340'	4:1	7.0'
BASIN 3	VARIABLE	7.5'	9,319'	4:1 MAX.	5.0'
BASIN 4	6.0'	7.0'	70'	4:1	8.5'
BASIN 5	6.0'	7.0'	96'	4:1	8.5'
BASIN 6	6.0'	7.0'	96'	4:1	8.0'
BASIN 7	6.0'	7.0'	88'	4:1	8.0'
BASIN 8	6.0'	7.0'	98'	4:1	3.0'
BASIN 9	6.0'	7.0'	98'	4:1	3.0'
BASIN 10	6.0'	7.0'	96'	4:1	8.0'
BASIN 11	6.0'	7.0'	96'	4:1	8.0'
BASIN 12	6.0'	7.0'	96'	4:1	8.0'
BASIN 13	6.0'	7.0'	96'	4:1	8.0'
BASIN 14	4.0'	6.0'	60'	4:1	12.0'
BASIN 15	5.0'	6.0'	47'	4:1	8.0'

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PRELIMINARY
NOT FOR CONSTRUCTION, RECORDATION, SALES OR CONVEYANCE
NORTH CAROLINA PROFESSIONAL SEAL 045155 ENGINEER
CERTIFICATION

LEGEND:
- EXISTING CONCRETE MONUMENT, ECM
- EXISTING IRON PIPE, EIP
- EXISTING IRON ROD, EIR
- SET IRON ROD, SIR
- CALCULATED POINT
- WATER METER
- TELEPHONE PED
- MONITORING WELL
- SIGN
- WATER VALVE
- FIRE HYDRANT
- UTILITY POLE
(1) - TOTAL DISTANCE
AG - ABOVE GRADE
BG - BELOW GRADE

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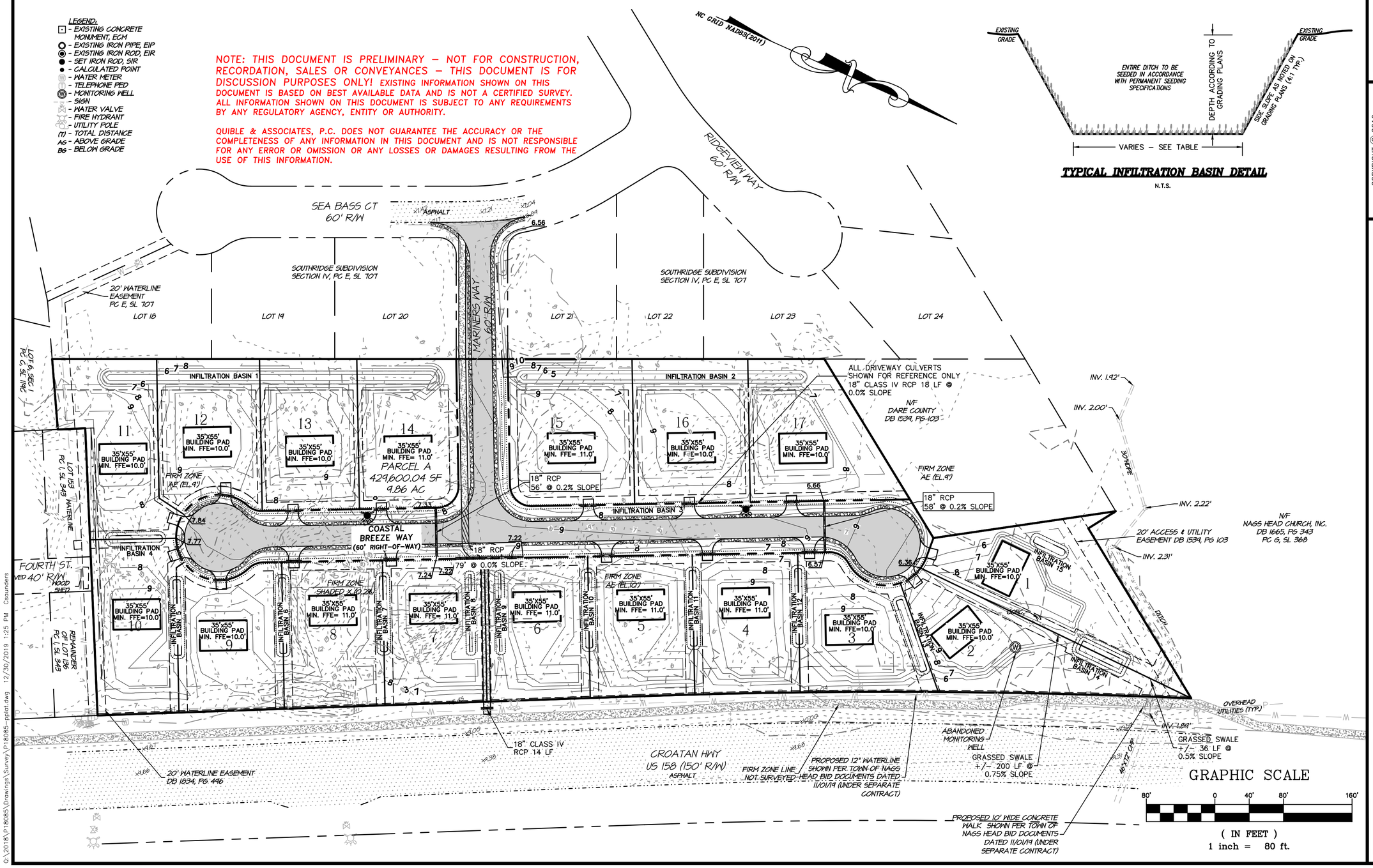
TYPICAL INFILTRATION BASIN DETAIL

N.T.S.



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DRAFT PRELIMINARY PLAT 3 OF 3

PARCEL A COASTAL VILLAS

TOWN OF NAGS HEAD — DARE COUNTY — NORTH CAROLINA

COMMISSION NO.	P18085
DESIGNED BY	JMH
DRAWN BY	JMH/CMS
CHECKED BY	MWS/JMH
ISSUE DATE	12/10/19

Q:\2018\P18085\Drawings\Survey\P18085-plat.dwg 12/30/2019 1:25 PM Csaunders

From:	Michael Zehner
To:	Cathleen Saunders
Cc:	Kelly Wyatt
Subject:	Southridge, Phase VI Preliminary Sketch Review
Date:	Thursday, October 3, 2019 5:09:00 PM
Importance:	High

Cathleen,
Pursuant to Section 38-61, Initial conference; preliminary sketch, of Chapter 38, Subdivisions, of the Town Code, I am writing to advise you that the preliminary sketch for the subject major subdivision generally conforms to the policy and standards of the regulations contained in Chapter 38, with the following issued comments, and to authorize the preparation and submittal of a preliminary plat to the Planning Board for consideration, with applicable comments addressed therein.

1. Water flow calculation will determine fire hydrant spacing however at a minimum, the maximum distance from any point on a street to a hydrant should be no more than 250'. This may decrease if the required fire flow is greater than 2000 gpm.
2. Final approval of this subdivision from a building code and fire code perspective requires the developer to provide engineered calculations that document compliance with the minimum fire-flow requirements set forth in Appendix B (Section B105) of the NC Fire Prevention Code. Section B105.1 specifically states that "the minimum fire-flow and flow duration requirements for one- and two-family dwellings having a fire-flow calculation area that does not exceed 3600 square feet shall be 1,000 gallons per minute for 1 hour. Fire-flow and flow duration for dwellings having a fire-flow calculation area in excess of 3600 square feet shall not be less than that specified in Tables B105.1(1) and B105.1(2) .
3. A vehicle pathing plan will be required to determine sufficiency of emergency vehicle access to include turnaround for the cul-de-sac. If access is not sufficient, accommodations in the design of the proposed street and/or appropriate No Parking signs may be necessary.
4. As part of Preliminary Plat submission, please provide supporting documentation that the appropriate NCDOT district office has issued or been provided an opportunity to issue preliminary comments.
5. The Preliminary Plat shall allow confirmation that lateral separation between the proposed wastewater systems and infiltration basins is a minimum of 10' pursuant to the Towns BMP manual
6. Consider reduction of number of septic systems by using shared systems, or consider use of innovative systems.
7. Consider whether there are opportunities for the use of underground infiltration systems.
8. Anticipate that NCDEQ state permit approvals will be required prior to the commencement of development/improvements.
9. Pursuant to Sec 34-7 and Sec 34-9, please address requirements for operation and maintenance of stormwater management facilities.
10. A property owners association will need to be established to be responsible for commonly owned amenities, including but not limited to the maintenance of proposed infiltration measures.
11. The Preliminary Plat will need to comply with requirements of Sec. 34-7, 34-9, Sec. 36-4 through 36-6, Sec 38.65, Sec 38-125, Sec 38-151 through 38-157
12. The proposed multi-use path crossing of the proposed street should be at 90 degrees. Please

also plan to extend the path along the right-of-way of Mariners Way, accommodate a connection of the path along 158, and a crossing at the intersection with 158.

13. Provide specifications for proposed street lights.
14. Confirm trash collection method (carts or dumpster) and ensure that there is sufficient turn around for trash collection.
15. Please review the applicability of Section 26-9, Official town tree, with respect to the removal or destruction of any live oak with a minimum height of three feet or one inch in diameter measured at one-half foot above the grade.
16. This site is directly adjacent to a wellhead protection area. See link (https://nc.maps.arcgis.com/apps/webappviewer/index.html?id=5fee819063f241d685d569ef1be357cf, turn on "wellhead protection areas" layer. Should follow up with Pat Irwin, to determine if there are any concerns from the County.
17. Consider interconnectivity with existing internal street network.
18. Significant grading will be required for the development of the subdivision. An over lot grading plan will be required to determine compliance in conjunction with a driveway culvert plan for connectivity of drainage improvements within the proposed right-of-way.
19. The entire State Building Code, including appendices, are adopted by reference in Chapter 10 Article 2 Section 10-41 in the Nags Head Town Code. I mention this now so that it does not come as a surprise to the developer at the end of the process.

If you have questions as to whether certain comments are advisory recommendations for consideration, as opposed to requirements, or must be addressed with the submission of the preliminary plat, as opposed to some later date, please do not hesitate to contact me. As you are aware, a Technical Review meeting will be held on Tuesday, October 8 at 2:00p, to which you are invited. Subsequently, consideration of the preliminary plat will be on the agenda for the October 15 Planning Board meeting; as it is likely that staff will require additional time to review the plan and materials submitted, two meetings before the Planning Board should be anticipated.

Thanks,
Michael

Michael Zehner, AICP
Director of Planning & Development
Town of Nags Head, NC

Physical Address: 5401 South Croatan Highway, Nags Head, NC 27959
Mailing Address: P.O. Box 99, Nags Head, NC 27959
Phone: 252-449-6044
Email: michael.zehner@nagsheadnc.gov

Ben Cahoon
Mayor

Susie Walters
Mayor Pro Tem

Cliff Ogburn
Town Manager

Town of Nags Head
Post Office Box 99
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Telephone 252-441-5508
Fax 252-441-0776
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M. Renée Cahoon
Commissioner

J. Webb Fuller
Commissioner

Michael Siers
Commissioner

Date: December 13, 2019

To: Kelly Wyatt, Deputy Planning Director

From: David Ryan, P.E.

RE: Southridge Subdivision- Section VI – Coastal Villas-Town Engineer Plan Review Comments

---

Internal Traffic Circulation Review

1. An NCDOT right-of-way encroachment shall be obtained for the proposed improvements in the S. Croatan Hwy. right-of-way. This shall be required prior to any land-disturbing activities taking place.

2. Vehicle pathing exhibits have been provided which depict the routing of emergency and sanitation vehicles. The internal traffic circulation approval is contingent on the Public Works/Fire Department approval for access of sanitation and emergency vehicle access. It should be noted that the overhang path for both the sanitation truck and emergency vehicles may limit the placement of mailboxes for Lots 1-3, 9,12 and 13.

Stormwater Management Review

1. A NCDEQ high-density stormwater management permit shall be acquired for this application and submitted to the Town upon issuance. **This shall be a condition of approval.**

2. Prior to the commencement of construction, request that the applicant submit a driveway culvert construction plan which depicts the individual driveway culvert invert elevations to ensure future storm pipes are installed at the correct design elevations.

3. The project shall be designed, constructed, operated and maintained in accordance with Article 11. Environmental Regulations of the Town of Nags Head Unified Development Ordinance. **This shall be a condition of approval.**

4. The submitted subdivision plat has been determined to be in accordance with Article 11. Environmental Regulations of the Unified Development Ordinance.

Quible

Quible & Associates, P.C.

ENGINEERING • ENVIRONMENTAL SCIENCES • PLANNING • SURVEYING

SINCE 1959

P.O. Drawer 870
Kitty Hawk, NC 27949
Phone: 252-491-8147
Fax: 252-491-8146
web: quible.com

December 10, 2019

Mr. Michael Zehner
Town of Nags Head
P.O. Box 99
Nags Head, NC 27959

Re: Preliminary Plat Application package
Coastal Villas (formerly Southridge, Phase VI Subdivision)
Town of Nags Head, Dare County, NC

Mr. Zehner,

On behalf of Nags Head Construction and Development, Inc., Quible & Associates, P.C. hereby submits a revised Preliminary Plat Application for the subject referenced project located on Croatan Highway in Nags Head, Dare County. Per our TRC Meeting with the Town of Nags Head on 12/3/2019, Quible and Associates, P.C. has revised the preliminary plat to address comments raised. Please accept this documentation and this transmittal as our agreement of moving forward under the current Town of Nags Head UDO.

Please find enclosed the following items for the above referenced project:

- Five (5) copies of the Revised Narrative;
- Five (5) copy of the Fire Routing Exhibit;
- Five (5) copies of the Refuse Routing Exhibit;
- Five (5) copies of the Revised Preliminary Plat;
- Five (5) copies of the DRAFT O&M Agreement;
- One (1) digital copy of the complete package.

Please acknowledge the following comment summary and response provided in reference to the comments received. We have provided our response in red for ease of review:

Planning & Zoning comments (Kelly/Michael):

1. All easements will need to be conveyed by deed. *Acknowledged.*
2. Provide a statement in writing that the proposed plat is to be reviewed under the latest approved UDO. *Acknowledged.*
3. Update the lot 10 MBSL – the lot line closest to the basin to be a side setback and the front to be set at a minimum lot width of 70'. *Acknowledged. This has been updated.*
4. Address responsibility for infiltration basins and lot line swales throughout. *It is acknowledged that a State High Density Stormwater Permit will be required prior to any disturbance onsite. With this permit application the developer will assume all responsibility for maintenance of the proposed infiltration basins through permitting paperwork. This permit and the associated Town & State operations and maintenance agreement will be transferred to the HOA once the subdivision is built out. A copy of the*

previously submitted Town operations and maintenance agreement has been provided for review.

5. Planning Board Meeting will take place 12/17/19. *Acknowledged.*
6. All updates to the plans/narrative need to be resubmitted by 12/10/19. *Acknowledged.*

Fire (Chief Wells):

1. Minimum fire department access must be 20' wide exclusive of shoulders. *Acknowledged. The proposed roadway width is 24' wide.*

Building Inspections (Corey Tate):

1. Confirm ADA access has the appropriate handicap panels. *Acknowledged. Construction plans will provide details for the installation of sidewalks, handicap ramps, detectable truncated domes, and construction items throughout. It is understood that review and approval of construction drawings through the Town of Nags Head will be a condition of approval.*

Public Works (Ralph Barile):

1. Provide a 6"x6" tee and stub out at the intersection with Mariner's Way. The Town will install this extension. *Acknowledged. A 6"x6" tee, valves, and an associated stub is proposed.*

Town Engineer (David Ryan)

1. How will construction be sequenced and the "lots balanced" as part of the sequencing? *The developer proposes the following with respect to the sequence of construction:*
    a. *Clear and grade roadway and associated roadway infiltration basins;*
    b. *Clear and grade all infiltration basins and associated lot line swales;*
    c. *Clear and grade 3-4 lots at a time allowing for soil stockpiling and/or balancing of lots throughout as clearing takes place.*

    A more detailed sequence of construction will be prepared and placed on the construction plans. It is understood that Town review and approval of the Subdivision construction plans will be a condition of approval.
2. How will stormwater control measures construction be sequenced? *See response to item 1. Stormwater control measures must be installed as a first step in construction as they will be used as erosion and sediment control measures throughout the site.*
3. What is the FFE for lots 2 and 3? *The labels for lots 2 and 3 have been shifted on Sheet 3 of 3 so that the FFE is clearly shown.*
4. What type of foundation construction is proposed? *A combination of slab and low piles will be used based on house design to meet the minimum FFE.*
5. Lot 1 shows grading to the 9' contour elevation, How will the grading transition be made to the 10' FFE? *Slab, low piles, or standard piles will be used as required to meet the required FFE.*
6. Is topographic information based upon physical survey data? *Yes. The site was surveyed in October of 2018 as stated within note 9 on Sheet 1.*

7. Some of the text on Preliminary Plat Sheet 3 of 3 masks out proposed improvements. Suggest turning off some of the text annotation for clarity. *Acknowledged. The annotation has been shifted to provide as much clarity as possible.*
8. An NCDOT right-of-way encroachment shall be obtained for the proposed improvements in the S. Croatan Highway right-of-way. This shall be required prior to any land disturbing activities take place. *Acknowledged. It is understood that State permits will be a condition of approval.*
9. A stop sign shall be installed at the point of vehicular egress to Sea Bass Court. *The proposed stop sign is now shown on Sheet 2 of 3.*
10. No vehicular pathing exhibits were included with this submission. Please provide to determine sufficiency. *Pathing exhibits for fire and refuse vehicles are included with this resubmission for review.*
11. Preliminary Plat 3 of 3: Roadway cross section detail: Pursuant to 36-4 utility locations (b) Roadway Cross Section Detail: Watermains are typically 7' offset from EOP. Please revise. *Acknowledged. The waterline has been shifted.*
12. Preliminary Plat 3 of 3: Roadway cross section detail: the roadway swale backslope indicates a 3:1 cut slope. The typical cross section for a Local Access Street describes a 6:1 backslope. Please revise. *Acknowledged. The cross section has been updated to match the grading as shown (6:1 slope).*
13. Preliminary Plat 3 of 3: Roadway cross section detail: the detail does not describe the pavement section depths. Please provide. *Preliminary pavement section depths have been provided. Please note pavement section depths will need to be analyzed by a geotechnical engineer to determine required thickness based on existing underlying soil.*
14. Preliminary Plat: Roadway cross section detail: A S9.5C asphalt surface mix is not appropriate for this application. Recommend S9.5A asphalt surface mix. Please revise. *Acknowledged and revised on Sheet 3 of 3.*
15. Preliminary Plat 3 of 3: Roadway cross section indicates a S9.5C asphalt surface course to be applied at a later date. Please provide additional information. *The intent was to apply the surface course after a majority of construction was complete to avoid damage to the final surface mix from construction traffic. The note has been removed and the surface mix will be placed after completion of the subdivision grading.*
16. The internal traffic circulation approval is contingent on the Public Works/Fire Department approval for access of sanitation and emergency vehicle access. *Acknowledged. These routing exhibits have been provided for review.*
17. All runoff from the subdivision's built upon area, including proposed streets, must be directed into an approved stormwater management system designed to accommodate the runoff generated by a 1.5" design storm. The submitted narrative provides a table of storage volume provided by infiltration basin designation but does not provide a breakdown of individual lot generated runoff or account for the runoff generated from the right-of-way improvements and the 1.5" design storm runoff volume is accommodated. Please provide calculations. *Acknowledged. These calculations have been included within the narrative for this resubmittal.*
18. Overflow shall not be conveyed off-site to private property or public rights-of-way for disposal except upon the establishment of appropriate easements and maintenance

agreements among all impacted parties upon Town approval. Has downstream analysis been conducted to determine whether the downstream infrastructure is capable of handling the excess runoff overflow from this development? Suggest a pre to post development analysis for a minimum 10-yr storm. *A pre- to post- analysis has been performed and has been included within the updated narrative. Conservative calculations expect an offsite release volume of 34,308 cf, which is less than the 10-yr pre-development runoff volume of 39,685 cf.*

19. Preliminary Plat 3 of 3 indicates both existing grade contours and proposed contours. Existing grade contours do not appear to be annotated. Please provide sufficient detail for review. *The existing contour labels are shown on Sheet 3 of 3.*
20. How will operation and maintenance of the individual stormwater control measures be addressed pursuant to Section 34-7 and Section 34-9 of the Town Code or Article 11 of the UDO? *It is proposed that infiltration basins 1-2 and 4-15 will be maintained by the HOA. The roadside infiltration basin (#3) is proposed to be maintained by Town personnel.*
21. Drainage for Local access Streets are based upon infiltration into the sandy soils. This proposal appears to convey stormwater to the common property line between lots 1 &2 via a swale/infiltration basin which is counter to Town requirements. Who is responsible entity for the O&M of this section of the system? *This section of the system is proposed to be maintained by the HOA.*
22. The grassed swale from Infiltration Basin 14 has a 8.9% longitudinal slope which will place the invert at the flowline of the adjoining ditch. What is the reasoning behind the design of this section of swale? *As discussed during the TRC Meeting, this ditch will be shortened to tie into the side of the existing ditch in lieu of tying into the existing flowline.*
23. The Town is currently in the design development phase of the next section of the W. Side multi-use path. Grassed drainage swales shall accompany this design. A min. 18" dia. cross street drainage culvert pipe is recommended to provide connectivity. Plans will be provided to the design engineer. *Acknowledged. AutoCAD information was received 12/9/19 and has been incorporated into the preliminary plat on Sheets 2 and 3 of 3.*
24. How will runoff from the south side of Mariner's Way be managed? *Mariner's Way is proposed to be superelevated to redirect stormwater towards infiltration basin #2 and the associated roadside swales. A cross section of Mariner's Way has been provided on Sheet 3 of 3.*
25. How will runoff from the proposed impervious surfaces on the individual lots be directed to the stormwater control measures? *The proposed building footprints are elevated to direct runoff towards the lower infiltration basins via sheet flow. A note has been added to the plans indicating that all runoff must be routed towards the infiltration basins through sheet flow and/or roof drains based on the building design (Note 16, Sheet 1 of 3).*
26. Page 3 of the stormwater management calculations: Basin 6 provided bottom dimension is incorrect. Please revise. *The bottom basin width within the table has been revised. Calculations for this basin remain unchanged.*
27. Page 3 of the stormwater management calculations: Basin 3 storage calculations appear to be incorrect when referencing the typical roadway section. Please address. *The*

roadway storage calculations are based on a length of 9,319', 6:1 side slopes, a bottom width of 5' and a storage depth of 0.5'. Calculations are provided with this resubmittal.

28. A NCDEQ high-density stormwater permit shall be required for this application and submitted to the Town upon issuance. *Acknowledged.*
29. The design engineer shall review and certify the installed drainage infrastructure improvements and provide record of this certification for the Town prior to Board consideration or acceptance of the proposed right-of-way improvements. *Acknowledged.*
30. Documentation describing the as-built conditions shall be submitted to the Town prior to the board acceptance of the proposed right-of-way improvements. *Acknowledged.*
31. Any alterations to the submitted grading and drainage plan shall be submitted for review and approval by the Town Engineer or authorized designee. *Acknowledged.*
32. Please revise and resubmit for compliance with the provisions of Chapter 34, Stormwater, Fill, and Runoff Management of the Town Code of Ordinances OR Article 11 of the Unified Development Ordinance. *Acknowledged.*

Please review the enclosed revised documentation and place us on the December 17th Planning Board agenda, if appropriate. Please do not hesitate to contact me at 252.491.8147 if you have any questions, comments or requests for additional information.

Sincerely;
Quible & Associates, P.C.

Cathleen M. Saunders, P.E.
Project Manager

encl: As stated
cc: Alfred Norman, Nags Head Construction, LLC

SITE NARRATIVE
Coastal Villas
(formerly Southridge Subdivision – Phase VI)
Town of Nags Head, Dare County, North Carolina

Prepared for:
Nags Head Construction
and Development, Inc.
P.O. Box 16472
Chesapeake, VA 23328

Prepared by:
Quible & Associates, P.C.
PO Drawer 870
Kitty Hawk, NC 27949

December 10, 2019
P18085

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Appendix B – On-site Wastewater Evaluation and Well Documentation

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Overview

Nags Head Construction and Development, Inc. (Owner) is proposing to subdivide an existing parcel located on S. Croatan Highway (PIN 9891-0888-6987). The proposed subdivision parent parcel is approximately 9.86 acres. The location is approximately 300 feet south of the intersection of W. Soundside Road and US 158. The existing land is vacant and consists of vegetation throughout. There is an existing drainage ditch that currently runs along the northern boundary and runoff from this site is believed to make its way offsite through this existing drainage ditch or through infiltration in low lying areas.

The Developer is proposing an 17-lot subdivision with associated improvements such as streets, sidewalks, stormwater management control measures, domestic water supply, and other associated utilities. The runoff from impervious surfaces in this subdivision will be conveyed via overland flow and lot line swales to proposed infiltration basins. The roadside swales will also provide storage prior to discharge into the northern ditch.

The following narrative sections will detail the parameters of the proposed Subdivision and its compliance with Town requirements.

Existing Site

As stated above, the subject parcel is vacant and consists of vegetated open space. There is an existing drainage ditch that runs along the northern property line. Runoff from the existing site currently infiltrates within existing low spots or discharges offsite onto adjacent properties. The site appears to fall within the SoundsideW Drainage Basin as defined within the Town of Nags Head Comprehensive Plan. The parcel currently has no existing impervious surfaces or improvements.

Within the Town of Nags Head Comprehensive Plan, the parcel is zoned as R2 and does not appear to fall within a Historic Character Area or scenic area. Within the Future Land Use Map our subject parcel is within a residential designation, which is consistent with the proposed subdivision.

Proposed Development

Access

The proposed subdivision will connect into an existing paperstreet, Mariner's Way. Access to the highway will be through existing adjacent subdivision roads. The provided roadway is 24' wide with a 4' wide gravel shoulder capable of withstanding 75,000 lbs, which allows for fire access to the site. A cul-de-sac is available with a 40' radius for fire department and vehicular turn around. AutoTurn exhibits of site access have been provided for review with this package.

A future sidewalk plan is proposed along Croatan Highway between Deering and Soundside Road based on the Town of Nags Head Comprehensive Plan. Pedestrian access is proposed through the subdivision to connect residents with this future multiuse path.

Stormwater Management Plan

Stormwater to serve the proposed subdivision will include infiltration basins throughout. The proposed stormwater management facilities have been designed to provide the following storage:

Infiltration Basin	Required Storage	Provided Storage
Basin 1	2,041 cf	4,290 cf
Basin 2	3,461 cf	3,740 cf
Basin 3	8,254 cf	37,276 cf
Basin 4	737 cf	875 cf
Basin 5	823 cf	1,200 cf
Basin 6	883 cf	1,152 cf
Basin 7	865 cf	1,056 cf
Basin 8	485 cf	686 cf
Basin 9	485 cf	686 cf
Basin 10	855 cf	1,152 cf
Basin 11	849 cf	1,152 cf
Basin 12	846 cf	1,152 cf
Basin 13	863 cf	1,152 cf
Basin 14	2,122 cf	2,400 cf
Basin 15	268 cf	564 cf

Basin dimensions and storage were calculated based on the following information:

Infiltration Basin	Bottom Elevation	Top Elevation	Length	Side Slopes	Bottom Width
Basin 1	5.0'	6.0'	390.0'	4:1	7.0'
Basin 2	5.0'	6.0'	340.0'	4:1	7.0'
Basin 3	VARIES	7.5' (Overtops)	9319.0'	4:1 Max.	5.0'
Basin 4	6.0'	7.0'	70.0'	4:1	8.5'
Basin 5	6.0'	7.0'	96.0'	4:1	8.5'
Basin 6	6.0'	7.0'	96.0'	4:1	8.0'
Basin 7	6.0'	7.0'	88.0'	4:1	8.0'
Basin 8	6.0'	7.0'	98.0'	4:1	3.0'
Basin 9	6.0'	7.0'	98.0'	4:1	3.0'
Basin 10	6.0'	7.0'	96.0'	4:1	8.0'
Basin 11	6.0'	7.0'	96.0'	4:1	8.0'
Basin 12	6.0'	7.0'	96.0'	4:1	8.0'
Basin 13	6.0'	7.0'	96.0'	4:1	8.0'
Basin 14	4.0'	6.0'	60.0'	4:1	12.0'
Basin 15	5.0'	6.0'	47.0'	4:1	8.0'

Soils

The USDA NRCS Soil Survey lists the soil in the vicinity of the stormwater infiltration basin as described below.

- DtA – Duckston fine sand

This soil typically has 0 to 2 percent slopes. Duckston fine sand typically has a very high runoff rate and is typically well drained. This soil is categorized in Hydrologic Soil Group: A/D

- DuE – Dune Land
  This soil typically has 2 to 40 percent slopes. Dune Land is typically made up of fine sand and sand.

- DwE – Dune Land Newhan Complex
  This soil typically has 2 to 40 percent slopes. Dune Land-Newhan complex typically has a very low runoff rate and is typically excessively drained. This soil is categorized in Hydrologic Soil Group: A

- NhC – Newhan-Corolla complex
  This soil typically has 0 to 10 percent slopes. Newhan-Corolla complex typically has a very low runoff rate and is typically excessively drained. This soil is categorized in Hydrologic Soil Group: A

- NuC—Newhan-Urban land complex
  This soil typically has 0 to 10 percent slope. Newhan-Urban land complex typically has a very low runoff class and is excessively drained. This soil is categorized in Hydrologic Soil Group: A.

Soils infiltration testing has been performed at the site which confirms the anticipated soils based on the NRCS Websoil survey data. An infiltration rate of 6.58 in/hr was calculated and a seasonal high-water table of 3.28'-3.81' was observed depending on the boring location within the site. See attached soil memorandum in **Appendix A** for additional information. These stormwater management facilities will provide an adequate system to meet State and local requirements for stormwater storage. A high-density stormwater permit is required by NC DEQ along with deed restrictions for each individual lot. Stormwater calculations have been included within **Appendix C**.

Downstream Analysis

The pre to post development 10-yr storm has been analyzed to determine adequacy of the downstream channel. The pre-development runoff volume during the 10-yr storm is approximately 39,685 cf. The post-development runoff (prior to routing or infiltration) is approximately 104,247 cf. Routing the post-development runoff through the proposed infiltration basins (accounting for above grade and below grade storage) approximately 34,308 cf of stormwater would be routed offsite. This volume of stormwater is less than that the pre-development amount. This volume is conservative as it does not account for infiltration within the basins or lateral movement of stormwater within the ground.

Utilities

The Town has an existing 6" water line that runs along the southern property line and connects into Sea Bass Court via easements. In addition, the Town proposes to install a 12" waterline along Croatan Highway. It is our understanding that this project is on schedule to be completed prior to subdivision construction. The proposed waterline extension will tap into the existing 6" waterline, run down the center of the proposed right-of-way, and loop to connect into the proposed 12" waterline at Croatan Highway with a tapping sleeve and valve. Repairs to the existing 6" line will need to take place prior to use and a permit to construct from NC DEQ Public

Water Supply is required. A willingness to serve from the Town of Nags Head Public Works Department has been requested.

The proposed wastewater effluent from the proposed single-family homes will be treated onsite. Preliminary onsite evaluations have been conducted to determine suitability and the health department's LTAR rating. An LTAR rating for a conventional system is anticipated at 1.2 gpd/sf, however, the health department will re-evaluate this rating per site once the subdivision project area has been regraded due to the varying topography throughout. See supporting documentation within **Appendix B.** Onsite wastewater setbacks will be required on each individual single-family home and will need to be handled with individual site plans. The monitoring well on Lot 2 has been abandoned and documentation provided within **Appendix B**. Lots 1 and 17 will be able to maintain a 100' minimum setback from the anticipated well placement. A preliminary sketch plan of well placement has been obtained and available within **Appendix B** for reference.

Proposed Zoning Conditions/Dimensional Standards

Proposed lot dimensions are designed to meet Development Standards within Section 8.2 of the Town of Nags Head UDO effective October 7th, 2019 (DRAFT 12/18/17). Lots are designed to R-2 Medium Density residential standards:

	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard Depth	Minimum Side Yard Depth	Minimum Rear Yard Depth	Lot Coverage
Single Family	20,000 sf	70'	30'	10'	30'	33%

Landscape buffers are not anticipated as the proposed development design is for Single Family and not large residential. The provided HOA covenants will require the square footage to remain below 5,000 square feet per the Town's large residential definition (UDO Section 7.4.4.1).

Appendix A – On-site Soils Evaluation and NRCS Web Soil Survey Data

MEMORANDUM

Quible & Associates, P.C. SINCE 1959
ENGINEERING * CONSULTING * PLANNING
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To: **Cathleen Saunders, P.E.**

From: Brian D. Rubino, P.G.

Date: July 24, 2019

Re: **P18085 Soils Evaluation and Testing**
Dare County PIN: 9891-0888-6987

Cathleen,

On July 22, 2019, we visited the approximately 9.86 acre Site of the proposed residential subdivision in Nags Head, NC (Dare County PIN: 9891-0888-6987). We performed soil borings in several locations around the Site for the purpose of a soils and hydrologic analysis for a future stormwater collection system design (SB-1 through SB-4). The property is undeveloped and consists of undulating topographic conditions, dominantly covered with native vegetation and bare sand areas. Refer to the attached boring logs. Each of the boring locations includes sand substrata that is devoid of any restrictive horizons to the bottom of the borings. The depth to the season high water table (SHWT) and associated actual water table (on 7/22/2019) was observed to be closely related to elevation in this area.

A summary of boring data collected or observed is as follows:

Soil Boring	Ground Elevation (ft)	Groundwater Elevation (ft)	Approx. Elevation of SHWT (ft)	Mapped USDA Soil Type
SB-1	5.61	3.11	3.28	Newhan-Corolla complex (NhC)
SB-2	4.65	3.40	3.65	Newhan-Corolla complex (NhC)
SB-3	7.98	3.43	3.81	Newhan-Corolla complex (NhC)
SB-4	6.16	3.16	3.49	Newhan-Corolla complex (NhC)

At the location of SB-1 and SB-3, we installed piezometers and conducted falling head slug tests to determine the approximate saturated hydraulic conductivity of the proposed infiltration areas. An Onset HOBO transducer was inserted down into the bottom of the piezometer and a volume of water (approximately 1.5 gallons) was added through the top of the piezometer. Return rates of the water were measured in preset intervals (1 second). A second transducer was used to measure atmospheric pressure which allows the raw data to be converted to feet of water above the transducer during the test. The Onset pressure transducer data was used in the AQTESOLV Software Program to solve for Hydraulic Conductivity (K) using the Bouwer-Rice Solution for unconfined aquifers. Based on the input data and using the Bouwer-Rice Method for unconfined

aquifers, the saturated K value of the infiltration zone for SB-1 was 0.009148 ft/min (6.58 in/hr) and SB-3 was 0.009155 ft/min (6.59 in/hr). Slug test tare sheets are attached.

Based on our findings, the areas evaluated would provide adequate infiltration above the SHWT to support a stormwater collection and treatment system for the proposed development.

Quible & Associates, P.C.
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Fax: (252) 491-8146
Web: www.quible.com

SOIL BORING LOG

1. PURPOSE OF BORING STORMWATER BORINGS P18085
2. BORING NUMBER/LOCATION SB-1
3. OWNER/ADDRESS Nags Head Construction and Development, Inc
4. DATE BORED 7/22/2019
5. TOTAL DEPTH 72"
6. STATIC WATER LEVEL 2.53' bgs (3.11' NAVD 88)
7. TOPOGRAPHIC LAND SETTING undulating vegetated dune area
8. LATITUDE/LONGITUDE
9. COMMENTS
   close to DC production well site;
   boring location in lower are between small dunes;
   no confining unit, clays or loamy soils

LOCATION SKETCH

STRATIGRAPHY

DEPTH	FORMATION DESCRIPTION
0-28"	tan fine gr. snd; 10YR 5/4 dry
28-40"	fine-med gr. snd; 10YR 5/3
	SHWT 28" bgs (3.28' NAVD88)
	WT 4.04' bgs (3.11' NAVD 88)
40-72"	same as above, 10YR 5/1

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SOIL BORING LOG

1. PURPOSE OF BORING STORMWATER BORINGS P18085
2. BORING NUMBER/LOCATION SB-2
3. OWNER/ADDRESS Nags Head Construction and Development, Inc.
4. DATE BORED 7/22/2019
5. TOTAL DEPTH 40"
6. STATIC WATER LEVEL 1.25' bgs (3.40' NAVD 88)
7. TOPOGRAPHIC LAND SETTING undulating vegetated dune area
8. LATITUDE/LONGITUDE
9. COMMENTS
Close to US 158 R-O-W - receives some runoff

LOCATION SKETCH

STRATIGRAPHY

DEPTH	FORMATION DESCRIPTION
0-12"	fine gr. snd; 10YR 5/3
12-24"	fine gr snd; 10YR 5/2 SHWT 12" bgs (3.65' NAVD 88) WT 15" bgs (3.40' NAVD 88)
24-40"	fine gr snd; matrix = 10YR 4/1 w/ streaks of 10YR 3/1

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SOIL BORING LOG

1. PURPOSE OF BORING STORMWATER BORINGS P18085
2. BORING NUMBER/LOCATION SB-3
3. OWNER/ADDRESS Nags Head Construction and Development, Inc.
4. DATE BORED 7/22/2019
5. TOTAL DEPTH 80"
6. STATIC WATER LEVEL 4.55' bgs (3.43' NAVD 88)
7. TOPOGRAPHIC LAND SETTING undulating vegetated dune area
8. LATITUDE/LONGITUDE
9. COMMENTS W-side of parcel near property pin

LOCATION SKETCH

STRATIGRAPHY

DEPTH	FORMATION DESCRIPTION
0-36"	10YR 6/4 fine-gr. snd.
36-48"	10YR 6/3 fine-gr. snd SHWT 48" bgs (3.81' NAVD 88)
48-60"	fine-gr snd; 10YR 6/2 WT 4.55' bgs (3.43' NAVD 88
60-80"	fine-gr snd; 10YR 4/2

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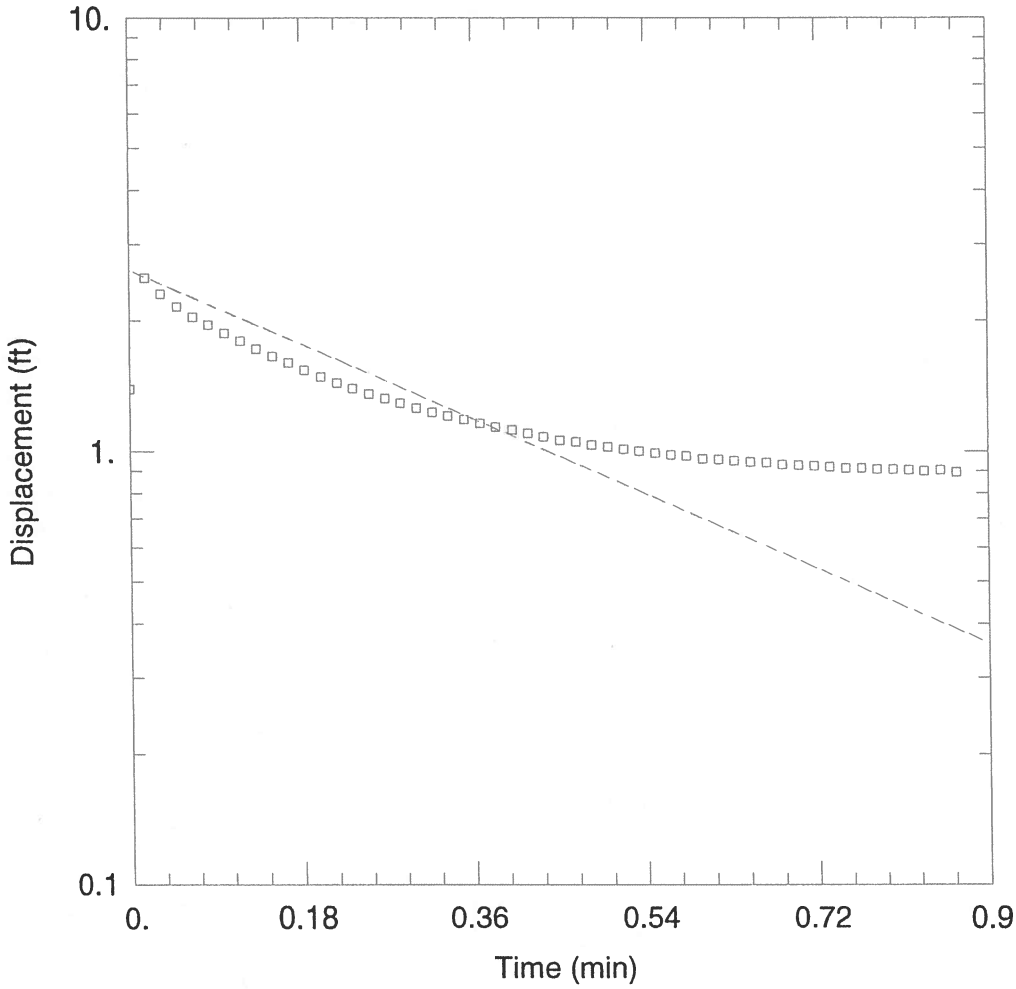
SOIL BORING LOG

1. PURPOSE OF BORING STORMWATER BORINGS P18085
2. BORING NUMBER/LOCATION SB-4
3. OWNER/ADDRESS Nags Head Construction and Development, Inc
4. DATE BORED 7/22/2019
5. TOTAL DEPTH 72" bgs
6. STATIC WATER LEVEL 2.67' bgs (3.16' NAVD 88)
7. TOPOGRAPHIC LAND SETTING undulating vegetated dune area
8. LATITUDE/LONGITUDE
9. COMMENTS Central portion of parcel

LOCATION SKETCH

STRATIGRAPHY

DEPTH	FORMATION DESCRIPTION
0-34	tan fine-med gr snd.; 10YR5/4
	SHWT 32-34" bgs
34-72	fine-med gr snd; 10YR 5/2
	WT 3.0' bgs (3.16' NAVD88)



WELL TEST ANALYSIS

Data Set: Q:\2018\P18085\Documents\Stormwater\SB-1.aqt
Date: 07/24/19 Time: 13:36:45

PROJECT INFORMATION

Company: Quible & Associates, P.C.
Client: Parcel A Sec VI Southridge
Project: P18085
Location: Nags Head
Test Well: SB-1
Test Date: 7/22/19

AQUIFER DATA

Saturated Thickness: 60. ft
Anisotropy Ratio (Kz/Kr): 1.

WELL DATA (New Well)

Initial Displacement: 1.39 ft
Total Well Penetration Depth: 4. ft
Casing Radius: 0.167 ft
Static Water Column Height: 0.895 ft
Screen Length: 4. ft
Well Radius: 0.333 ft
Gravel Pack Porosity: 0.

SOLUTION

Aquifer Model: Unconfined
Solution Method: Bouwer-Rice
K = 0.009148 ft/min 6.58 in/hr.
y0 = 2.624 ft

Data Set: Q:\2018\P18085\Documents\Stormwater\SB-1.aqt
Date: 07/24/19
Time: 13:37:01

PROJECT INFORMATION

Company: Quible & Associates, P.C.
Client: Parcel A Sec VI Southridge
Project: P18085
Location: Nags Head
Test Date: 7/22/19
Test Well: SB-1

AQUIFER DATA

Saturated Thickness: 60. ft
Anisotropy Ratio (Kz/Kr): 1.

SLUG TEST WELL DATA

Test Well: New Well

X Location: 0. ft
Y Location: 0. ft

Initial Displacement: 1.39 ft
Static Water Column Height: 0.895 ft
Casing Radius: 0.167 ft
Well Radius: 0.333 ft
Well Skin Radius: 0.333 ft
Screen Length: 4. ft
Total Well Penetration Depth: 4. ft
Corrected Casing Radius (Bouwer-Rice Method): 0.1549 ft
Gravel Pack Porosity: 0.

No. of Observations: 52

Observation Data

Time (min)	Displacement (ft)	Time (min)	Displacement (ft)
0.01667	2.512	0.45	1.061
0.03333	2.309	0.4667	1.051
0.05	2.155	0.4833	1.034
0.06667	2.039	0.5	1.024
0.08333	1.956	0.5167	1.011
0.1	1.872	0.5333	1.001
0.1167	1.796	0.55	0.991
0.1333	1.722	0.5667	0.981
0.15	1.656	0.5833	0.975
0.1667	1.599	0.6	0.961
0.1833	1.539	0.6167	0.958
0.2	1.483	0.6333	0.951
0.2167	1.436	0.65	0.945
0.2333	1.396	0.6667	0.941
0.25	1.356	0.6833	0.931
0.2667	1.323	0.7	0.928
0.2833	1.29	0.7167	0.925
0.3	1.257	0.7333	0.921
0.3167	1.23	0.75	0.915
0.3333	1.207	0.7667	0.915
0.35	1.184	0.7833	0.908
0.3667	1.161	0.8	0.908
0.3833	1.137	0.8167	0.905
0.4	1.121	0.8333	0.901
0.4167	1.101	0.85	0.905
0.4333	1.081	0.8667	0.895

SOLUTION

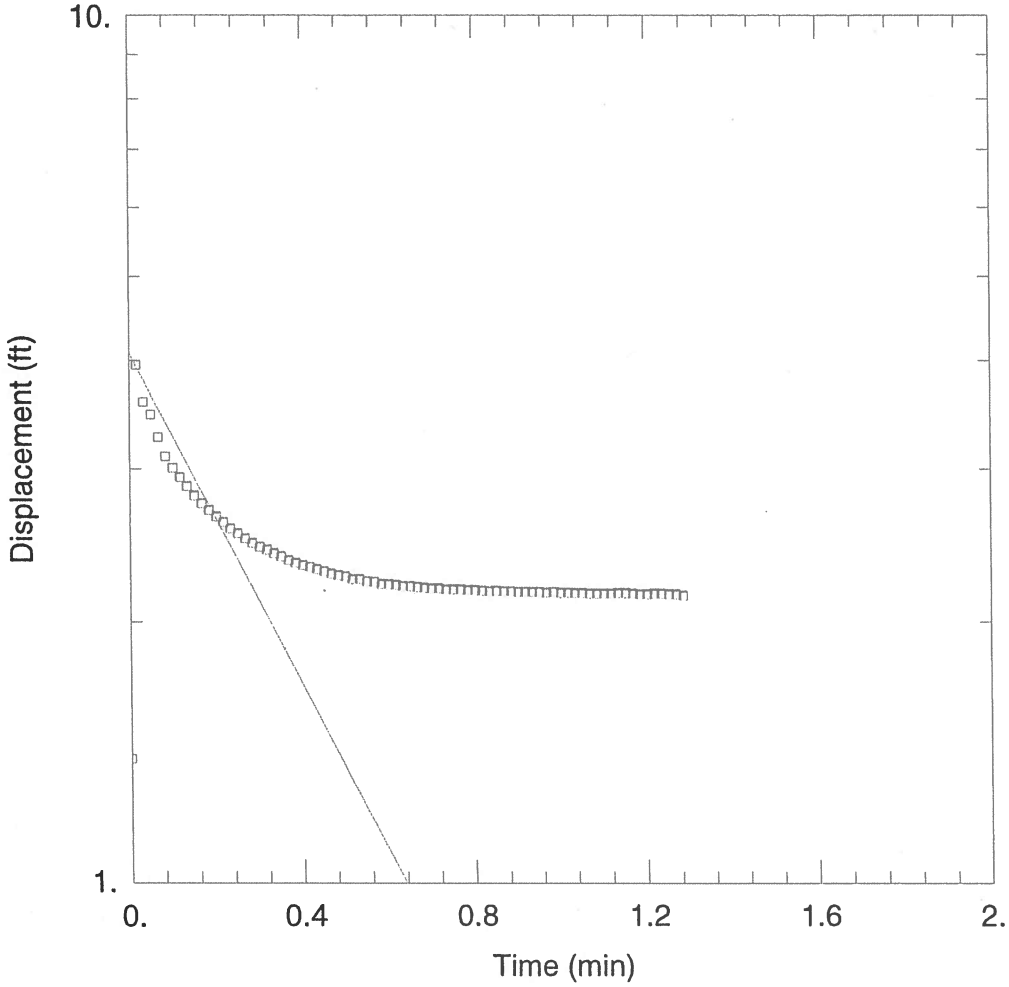
Slug Test
Aquifer Model: Unconfined
Solution Method: Bouwer-Rice
ln(Re/rw): 1.383

VISUAL ESTIMATION RESULTS

Estimated Parameters

Parameter	Estimate	
K	0.009148	ft/min
y0	2.624	ft

K = 0.004647 cm/sec
T = K*b = 0.5489 ft^2/min (8.499 sq. cm/sec)



WELL TEST ANALYSIS

Data Set: Q:\2018\P18085\Documents\Stormwater\SB-3.Test 1.aqt
Date: 07/24/19 Time: 13:52:38

PROJECT INFORMATION

Company: Quible & Associates, P.C.
Client: Parcel A Sec VI Southridge
Project: P18085
Location: Nags Head
Test Well: SB-3
Test Date: 7/22/19

AQUIFER DATA

Saturated Thickness: 60. ft
Anisotropy Ratio (Kz/Kr): 1.

WELL DATA (New Well)

Initial Displacement: 1.39 ft
Total Well Penetration Depth: 4. ft
Casing Radius: 0.167 ft
Static Water Column Height: 0.895 ft
Screen Length: 4. ft
Well Radius: 0.333 ft
Gravel Pack Porosity: 0.

SOLUTION

Aquifer Model: Unconfined
Solution Method: Bouwer-Rice
K = 0.009155 ft/min 6.59 in/hr.
y0 = 4.078 ft

AQTESOLV for Windows

Data Set: Q:\2018\P18085\Documents\Stormwater\SB-3.Test 1.aqt
Date: 07/24/19
Time: 13:52:59

PROJECT INFORMATION

Company: Quible & Associates, P.C.
Client: Parcel A Sec VI Southridge
Project: P18085
Location: Nags Head
Test Date: 7/22/19
Test Well: SB-3

AQUIFER DATA

Saturated Thickness: 60. ft
Anisotropy Ratio (Kz/Kr): 1.

SLUG TEST WELL DATA

Test Well: New Well

X Location: 0. ft
Y Location: 0. ft

Initial Displacement: 1.39 ft
Static Water Column Height: 0.895 ft
Casing Radius: 0.167 ft
Well Radius: 0.333 ft
Well Skin Radius: 0.333 ft
Screen Length: 4. ft
Total Well Penetration Depth: 4. ft
Corrected Casing Radius (Bouwer-Rice Method): 0.1549 ft
Gravel Pack Porosity: 0.

No. of Observations: 77

Observation Data

Time (min)	Displacement (ft)	Time (min)	Displacement (ft)
0.01667	3.954	0.6667	2.189
0.03333	3.584	0.6833	2.185
0.05	3.467	0.7	2.182
0.06667	3.264	0.7167	2.182
0.08333	3.101	0.7333	2.175
0.1	3.004	0.75	2.175
0.1167	2.931	0.7667	2.175
0.1333	2.861	0.7833	2.172
0.15	2.791	0.8	2.172
0.1667	2.735	0.8167	2.168
0.1833	2.685	0.8333	2.165
0.2	2.641	0.85	2.168
0.2167	2.602	0.8667	2.165
0.2333	2.558	0.8833	2.165
0.25	2.525	0.9	2.161
0.2667	2.492	0.9167	2.161
0.2833	2.462	0.9333	2.161
0.3	2.438	0.95	2.161
0.3167	2.418	0.9667	2.158
0.3333	2.395	0.9833	2.161
0.35	2.375	1.	2.158
0.3667	2.352	1.017	2.158
0.3833	2.335	1.033	2.155
0.4	2.322	1.05	2.155
0.4167	2.309	1.067	2.151
0.4333	2.295	1.083	2.151
0.45	2.282	1.1	2.151
0.4667	2.269	1.117	2.151
0.4833	2.259	1.133	2.155

Time (min)	Displacement (ft)	Time (min)	Displacement (ft)
0.5	2.252	1.15	2.155
0.5167	2.235	1.167	2.151
0.5333	2.235	1.183	2.148
0.55	2.222	1.2	2.148
0.5667	2.218	1.217	2.151
0.5833	2.208	1.233	2.151
0.6	2.205	1.25	2.148
0.6167	2.202	1.267	2.148
0.6333	2.195	1.283	2.141
0.65	2.195		

SOLUTION

Slug Test
Aquifer Model: Unconfined
Solution Method: Bouwer-Rice
ln(Re/rw): 1.383

VISUAL ESTIMATION RESULTS

Estimated Parameters

Parameter	Estimate	
K	0.009155	ft/min
y0	4.078	ft

K = 0.004651 cm/sec
T = K*b = 0.5493 ft^2/min (8.505 sq. cm/sec)

United States Department of Agriculture

NRCS

Natural Resources Conservation Service

A product of the National Cooperative Soil Survey, a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local participants

Custom Soil Resource Report for

Dare County, North Carolina

Coastal Villas formerly

Southridge Subdivision, Section VI

July 11, 2019

Preface

Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (https://offices.sc.egov.usda.gov/locator/app?agency=nrcs) or your NRCS State Soil Scientist (http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

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NuC—Newhan-Urban land complex, 0 to 10 percent slopes 15
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Soil Map

The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.

Custom Soil Resource Report
Soil Map

Map Scale: 1:2,910 if printed on A portrait (8.5" x 11") sheet.

Meters: 0 40 80 160 240

Feet: 0 100 200 400 600

N

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 18N WGS84

MAP LEGEND

Area of Interest (AOI)

- Area of Interest (AOI)

Soils

- Soil Map Unit Polygons
- Soil Map Unit Lines
- Soil Map Unit Points

Special Point Features

- Blowout
- Borrow Pit
- Clay Spot
- Closed Depression
- Gravel Pit
- Gravelly Spot
- Landfill
- Lava Flow
- Marsh or swamp
- Mine or Quarry
- Miscellaneous Water
- Perennial Water
- Rock Outcrop
- Saline Spot
- Sandy Spot
- Severely Eroded Spot
- Sinkhole
- Slide or Slip
- Sodic Spot
- Spoil Area
- Stony Spot
- Very Stony Spot
- Wet Spot
- Other
- Special Line Features

Water Features

- Streams and Canals

Transportation

- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background

- Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Dare County, North Carolina
Survey Area Data: Version 18, Sep 10, 2018

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Dec 31, 2009—Oct 19, 2017

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
DtA	Duckston fine sand, 0 to 2 percent slopes, occasionally flooded	1.6	9.4%
DuE	Dune land, 2 to 40 percent slopes	1.4	8.0%
DwE	Dune land-Newhan complex, 2 to 40 percent slopes	2.2	12.9%
NhC	Newhan-Corolla complex, 0 to 10 percent slopes	12.1	69.6%
NuC	Newhan-Urban land complex, 0 to 10 percent slopes	0.0	0.0%
Totals for Area of Interest		**17.4**	**100.0%**

Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it

was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

Dare County, North Carolina

DtA—Duckston fine sand, 0 to 2 percent slopes, occasionally flooded

Map Unit Setting

National map unit symbol: 3qgw
Elevation: 0 to 10 feet
Mean annual precipitation: 42 to 58 inches
Mean annual air temperature: 61 to 64 degrees F
Frost-free period: 190 to 270 days
Farmland classification: Not prime farmland

Map Unit Composition

Duckston and similar soils: 90 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Duckston

Setting

Landform: Depressions
Down-slope shape: Concave
Across-slope shape: Concave
Parent material: Eolian sands and/or beach sand

Typical profile

A - 0 to 8 inches: fine sand
Cg - 8 to 13 inches: sand
Ab - 13 to 17 inches: sand
C'g - 17 to 80 inches: sand

Properties and qualities

Slope: 0 to 2 percent
Depth to restrictive feature: More than 80 inches
Natural drainage class: Poorly drained
Runoff class: Very high
Capacity of the most limiting layer to transmit water (Ksat): Very high (19.98 to 39.96 in/hr)
Depth to water table: About 0 to 6 inches
Frequency of flooding: Occasional
Frequency of ponding: None
Salinity, maximum in profile: Moderately saline to strongly saline (8.0 to 16.0 mmhos/cm)
Sodium adsorption ratio, maximum in profile: 20.0
Available water storage in profile: Very low (about 3.0 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 7w
Hydrologic Soil Group: A/D
Hydric soil rating: Yes

DuE—Dune land, 2 to 40 percent slopes

Map Unit Composition

Dune land: 95 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Dune Land

Setting

Landform: Dunes
Landform position (two-dimensional): Backslope, shoulder
Landform position (three-dimensional): Side slope
Down-slope shape: Convex
Across-slope shape: Convex
Parent material: Eolian sands

Typical profile

A - 0 to 6 inches: fine sand
C - 6 to 80 inches: sand

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 8s
Hydric soil rating: No

DwE—Dune land-Newhan complex, 2 to 40 percent slopes

Map Unit Setting

National map unit symbol: 3qgy
Elevation: 0 to 20 feet
Mean annual precipitation: 42 to 58 inches
Mean annual air temperature: 61 to 64 degrees F
Frost-free period: 190 to 270 days
Farmland classification: Not prime farmland

Map Unit Composition

Dune land: 45 percent
Newhan and similar soils: 45 percent
Minor components: 5 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Dune Land

Setting

Landform: Dunes
Landform position (two-dimensional): Backslope, shoulder
Landform position (three-dimensional): Side slope
Down-slope shape: Convex

Across-slope shape: Convex
Parent material: Eolian sands

Typical profile

A - 0 to 6 inches: fine sand
C - 6 to 80 inches: sand

Properties and qualities

Slope: 2 to 40 percent
Natural drainage class: Excessively drained
Runoff class: Medium
Capacity of the most limiting layer to transmit water (Ksat): Very high (19.98 to 39.96 in/hr)
Frequency of flooding: Very rare
Salinity, maximum in profile: Slightly saline to strongly saline (4.0 to 16.0 mmhos/cm)
Sodium adsorption ratio, maximum in profile: 20.0
Available water storage in profile: Very low (about 2.5 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 8s
Hydric soil rating: No

Description of Newhan

Setting

Landform: Dunes
Landform position (two-dimensional): Backslope, shoulder
Landform position (three-dimensional): Side slope
Down-slope shape: Convex
Across-slope shape: Convex
Parent material: Eolian sands and/or beach sand

Typical profile

A - 0 to 2 inches: fine sand
C1 - 2 to 50 inches: fine sand
C2 - 50 to 80 inches: sand

Properties and qualities

Slope: 0 to 30 percent
Depth to restrictive feature: More than 80 inches
Natural drainage class: Excessively drained
Runoff class: Very low
Capacity of the most limiting layer to transmit water (Ksat): Very high (19.98 to 39.96 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: Very rare
Frequency of ponding: None
Salinity, maximum in profile: Slightly saline to strongly saline (4.0 to 16.0 mmhos/cm)
Sodium adsorption ratio, maximum in profile: 20.0
Available water storage in profile: Very low (about 1.8 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 8s
Hydrologic Soil Group: A

Hydric soil rating: No

Minor Components

Duckston

Percent of map unit: 5 percent
Landform: Depressions
Down-slope shape: Concave
Across-slope shape: Concave
Hydric soil rating: Yes

NhC—Newhan-Corolla complex, 0 to 10 percent slopes

Map Unit Setting

National map unit symbol: 3qh6
Elevation: 0 to 20 feet
Mean annual precipitation: 42 to 58 inches
Mean annual air temperature: 61 to 64 degrees F
Frost-free period: 190 to 270 days
Farmland classification: Not prime farmland

Map Unit Composition

Newhan and similar soils: 50 percent
Corolla and similar soils: 40 percent
Minor components: 5 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Newhan

Setting

Landform: Dunes
Landform position (two-dimensional): Backslope, shoulder
Landform position (three-dimensional): Side slope
Down-slope shape: Convex
Across-slope shape: Convex
Parent material: Eolian sands and/or beach sand

Typical profile

A - 0 to 2 inches: fine sand
C1 - 2 to 50 inches: fine sand
C2 - 50 to 80 inches: sand

Properties and qualities

Slope: 0 to 10 percent
Depth to restrictive feature: More than 80 inches
Natural drainage class: Excessively drained
Runoff class: Very low
Capacity of the most limiting layer to transmit water (Ksat): Very high (19.98 to 39.96 in/hr)
Depth to water table: More than 80 inches

Frequency of flooding: Rare
Frequency of ponding: None
Salinity, maximum in profile: Slightly saline to strongly saline (4.0 to 16.0 mmhos/cm)
Sodium adsorption ratio, maximum in profile: 20.0
Available water storage in profile: Very low (about 1.8 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 8s
Hydrologic Soil Group: A
Hydric soil rating: No

Description of Corolla

Setting

Landform: Troughs on barrier islands
Landform position (two-dimensional): Backslope, toeslope
Landform position (three-dimensional): Base slope
Down-slope shape: Concave
Across-slope shape: Concave
Parent material: Eolian sands and/or beach sand

Typical profile

A - 0 to 3 inches: fine sand
C - 3 to 26 inches: fine sand
Ab - 26 to 32 inches: sand
Cg - 32 to 60 inches: sand

Properties and qualities

Slope: 0 to 6 percent
Depth to restrictive feature: More than 80 inches
Natural drainage class: Moderately well drained
Runoff class: Very high
Capacity of the most limiting layer to transmit water (Ksat): Very high (19.98 in/hr)
Depth to water table: About 18 to 36 inches
Frequency of flooding: Rare
Frequency of ponding: None
Salinity, maximum in profile: Slightly saline to strongly saline (4.0 to 16.0 mmhos/cm)
Sodium adsorption ratio, maximum in profile: 20.0
Available water storage in profile: Very low (about 1.2 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 7s
Hydrologic Soil Group: A
Hydric soil rating: No

Minor Components

Duckston

Percent of map unit: 5 percent
Landform: Depressions
Down-slope shape: Concave
Across-slope shape: Concave
Hydric soil rating: Yes

NuC—Newhan-Urban land complex, 0 to 10 percent slopes

Map Unit Setting

National map unit symbol: 3qh7
Elevation: 0 to 20 feet
Mean annual precipitation: 42 to 58 inches
Mean annual air temperature: 61 to 64 degrees F
Frost-free period: 190 to 270 days
Farmland classification: Not prime farmland

Map Unit Composition

Newhan and similar soils: 50 percent
Urban land: 40 percent
Minor components: 5 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Newhan

Setting

Landform: Dunes
Landform position (two-dimensional): Backslope, shoulder
Landform position (three-dimensional): Side slope
Down-slope shape: Convex
Across-slope shape: Convex
Parent material: Eolian sands and/or beach sand

Typical profile

A - 0 to 2 inches: fine sand
C1 - 2 to 50 inches: fine sand
C2 - 50 to 72 inches: sand

Properties and qualities

Slope: 0 to 10 percent
Depth to restrictive feature: More than 80 inches
Natural drainage class: Excessively drained
Runoff class: Very low
Capacity of the most limiting layer to transmit water (Ksat): Very high (19.98 to 39.96 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: Very rare
Frequency of ponding: None
Salinity, maximum in profile: Slightly saline to strongly saline (4.0 to 16.0 mmhos/cm)
Sodium adsorption ratio, maximum in profile: 20.0
Available water storage in profile: Very low (about 1.8 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 8s

Hydrologic Soil Group: A
Hydric soil rating: No

Description of Urban Land

Properties and qualities

Slope: 0 to 2 percent
Frequency of flooding: Very rare

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 8
Hydric soil rating: No

Minor Components

Duckston

Percent of map unit: 5 percent
Landform: Depressions
Down-slope shape: Concave
Across-slope shape: Concave
Hydric soil rating: Yes

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Appendix B – On-site Wastewater Evaluation and Well Documentation

County of Dare
Department of Health & Human Services
P.O. Box 669 | Manteo, North Carolina 27954
Health 252.475.5003 | Social Services 252.475.5500

MEMO
AUGUST 13, 2019

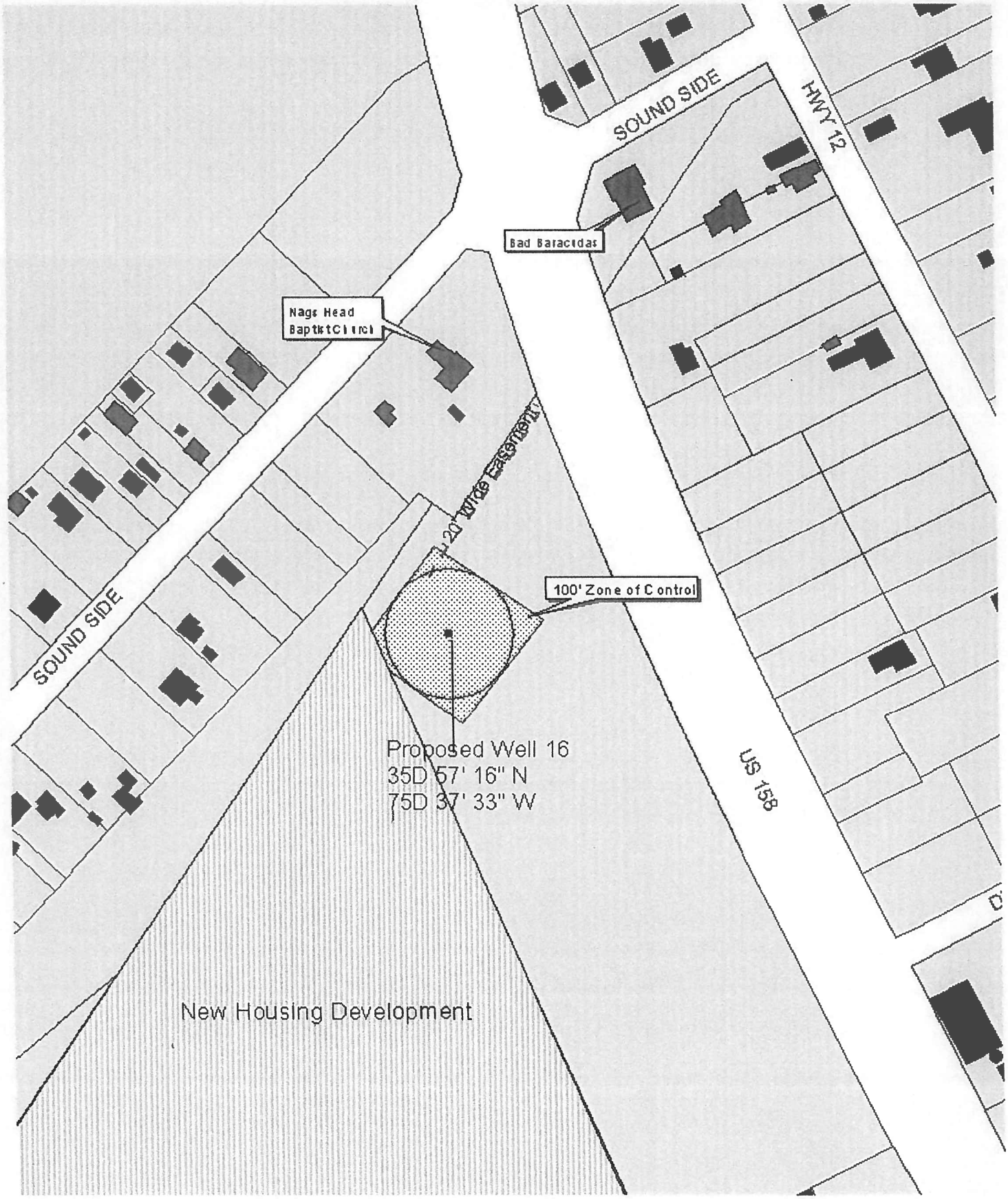
TO; QUIBLE & ASSOCIATES
% CATHLEEN SAUNDERS
PO BOX 870
KITTY HAWK NC

FROM: M.F.PARKER RHS MFParker
DARE COUNTY HEALTH

REF; 18 LOT SUBDIVISIONS
NAGS HEAD NC

THERE IS A 20' EASEMENT ON THE SOUTH WEST CORNER OF LOT (I) THAT THE SEPTIC SYSTEM WILL NEED TO STAY OUT OF.
LOT (P) AND (Q) WE FEEL CANNOT BE USED DUE TO THE PROPERTY OWN BY DARE COUNTY TO BE USED AS A WELL SITE, REQUIRES 100' SEPERATION.
LOT (R) HAS AN EXISTING WELL ON IT ALSO THERE IS A DRAINAGE DITCH TIED INTO A CULVET ON THE NORTH EAST PART OF THE PROPERTY THAT REQUIBES SET BACKS.
ALL THE OTHER LOTS WILL NEED TO BE LOOK AT ONCE THE ROAD IS IN AND THE PROPERTY CORNERS ARE LOCATED. THERE IS SEVERAL HIGH RIDGES AND THERE ARE SOME LOW SPOTS, DON'T KNOW WHERE THE DIVIDING LINE BETWEENS LOTS WOULD BE, OR IF THE PROPERTY IS TO BE LEVEL FOR PUTTING IN THE ROAD?
THE DARE COUNTY ENVIRONMENTAL HEALTH DEPARTMENT RECOMMENDS THAT THE SEPTIC SYSTEM FOR LOTS A THROUGH H BE INSTALL ON THE EAST SIDE OF THE PROPERTY, LOTS I THROUGH O BE INSTALL ON THE WEST PART OF THE PROPERTY. BOTH ACTIVE AND A 100% REPAIR AREA WOULD BE REQUIRED. THE LONG TERM ACCEPTANCE RATE WOULD BE 1.2, COULD CHANGE AFTER REVISTING PROPERTY WHEN PROPERTY LINES ARE ESTABLISHED.

- Per phone call w/ DCHD 8/27/19 the 100' well setback proposed by DCW is acceptable and lots P & Q can provide onsite septic.
- The well on lot R has been abandoned. The appropriate paperwork has been filed by DCW.



DARE COUNTY WATER
GIS
MATTHEW HIBLER
APRIL 16, 2003

Proposed Well 16
Nags Head, NC

60 0 60 120 180 Feet

N W E S

LEGEND

- Proposed Well 16

WELL ABANDONMENT RECORD

For Internal Use ONLY:

1. Well Contractor Information:

Jimmy Morris

Well Contractor Name (or well owner personally abandoning well on his/her property)

4193-A

NC Well Contractor Certification Number

Magette Well & Pump Co., Inc

Company Name

2. Well Construction Permit #: _____

List all applicable well construction permits (i.e. UIC, County, State, Variance, etc.) if known

3. Well use (check well use):

Water Supply Well:	
☐Agricultural	☐Municipal/Public
☐Geothermal (Heating/Cooling Supply)	☐Residential Water Supply (single)
☐Industrial/Commercial	☐Residential Water Supply (shared)
☐Irrigation	
Non-Water Supply Well:	
■Monitoring	☐Recovery
Injection Well:	
☐Aquifer Recharge	☐Groundwater Remediation
☐Aquifer Storage and Recovery	☐Salinity Barrier
☐Aquifer Test	☐Stormwater Drainage
☐Experimental Technology	☐Subsidence Control
☐Geothermal (Closed Loop)	☐Tracer
☐Geothermal (Heating/Cooling Return)	☐Other (explain under 7g)

4. Date well(s) abandoned: 08/21/2019

5a. Well location:

Dare County

Facility/Owner Name

Facility ID# (if applicable)

600 Mustian St, Kill Devil Hills, NC 27948

Physical Address, City, and Zip

Dare

County

Parcel Identification No. (PIN)

5b. Latitude and longitude in degrees/minutes/seconds or decimal degrees:
(if well field, one lat/long is sufficient)

35.955079 N -75.625303 W

CONSTRUCTION DETAILS OF WELL(S) BEING ABANDONED

Attach well construction record(s) if available. For multiple injection or non-water supply wells ONLY with the same construction/abandonment, you can submit one form.

6a. Well ID#: _____

6b. Total well depth: 390 (ft.)

6c. Borehole diameter: _____ (in.)

6d. Water level below ground surface: 35 (ft.)

6e. Outer casing length (if known): _____ (ft.)

6f. Inner casing/tubing length (if known): 290 (ft.)

6g. Screen length (if known): 100 (ft.)

WELL ABANDONMENT DETAILS

7a. For Geoprobe/DPT or Closed-Loop Geothermal Wells having the same well construction/depth, only 1 GW-30 is needed. Indicate TOTAL NUMBER of wells abandoned: _____

7b. Approximate volume of water remaining in well(s): 230 (gal.)

FOR WATER SUPPLY WELLS ONLY:

7c. Type of disinfectant used: Sodium Hypochlorite 10%

7d. Amount of disinfectant used: 2 Gallons

7e. Sealing materials used (check all that apply):

■ Neat Cement Grout	☐ Bentonite Chips or Pellets
■ Sand Cement Grout	☐ Dry Clay
☐ Concrete Grout	☐ Drill Cuttings
☐ Specialty Grout	☐ Gravel
☐ Bentonite Slurry	☐ Other (explain under 7g)

7f. For each material selected above, provide amount of materials used:

180 Gallons Sand Cement Grout

140 Gallons Neat Cement Grout

7g. Provide a brief description of the abandonment procedure:

Disenfected Well with sodium hypochlorite solution, pumped sand cement grout to fill screen interval through tremie pipe. pumped neat cement through tremie pipe to fill remaning casing.

8. Certification:

Jimmy Morris

Signature of Certified Well Contractor or Well Owner

8/23/19

Date

By signing this form, I hereby certify that the well(s) was (were) abandoned in accordance with 15A NCAC 02C .0100 or 2C .0200 Well Construction Standards and that a copy of this record has been provided to the well owner.

9. Site diagram or additional well details:
You may use the back of this page to provide additional well site details or well abandonment details. You may also attach additional pages if necessary.

SUBMITTAL INSTRUCTIONS

10a. For All Wells: Submit this form within 30 days of completion of well abandonment to the following:

Division of Water Resources, Information Processing Unit,
1617 Mail Service Center, Raleigh, NC 27699-1617

10b. For Injection Wells: In addition to sending the form to the address in 10a above, also submit one copy of this form within 30 days of completion of well abandonment to the following:

Division of Water Resources, Underground Injection Control Program,
1636 Mail Service Center, Raleigh, NC 27699-1636

10c. For Water Supply & Injection Wells: In addition to sending the form to the address(es) above, also submit one copy of this form within 30 days of completion of well abandonment to the county health department of the county where abandoned.

NC License #: C-0208
SINCE 1959
Quible & Associates, P.C.
ENGINEERING • CONSULTING • PLANNING
ENVIRONMENTAL SCIENCES • SURVEYING
8466 CARATOKE HWY
POWELLS POINT, NC 27966
Phone: (252) 491-8147
Fax: (252) 491-8146
90 CHURCH STREET, SUITE B
BLACK MOUNTAIN, NC 28711
Phone: (828) 793-0399
Fax: (828) 793-0398

PRELIMINARY PLAT NOT FOR RECORDATION CONVEYANCE OR SALES

CERTIFICATION

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SUBDIVISION SKETCH

PARCEL A
SOUTHRIDGE SUBDIVISION, SECTION VI

TOWN OF NAGS HEAD — DARE COUNTY — NORTH CAROLINA

COMMISSION NO	P18085
DESIGNED BY	JMH
DRAWN BY	JMH
CHECKED BY	MWS/JMH
ISSUE DATE	04/08/19

Appendix C – Stormwater Calculations

Project Name: Coastal Villas
Lot Coverage
Quible Project Number: P18085
Date: 12/10/2019

	Total Sq. Ft	33%	*30% plus 300 sf*	**Onsite Storm Coverage**	
Roadway				48,230 SF	1.11 ACRE
Concrete Sidewalks				4,013 SF	0.09 ACRE
Lot 1	26,836.55	8,856 SF	*8,351 SF*	8,856 SF	0.20 ACRE
Lot 2	22,850.55	7,541 SF	*7,155 SF*	7,541 SF	0.17 ACRE
Lot 3	20,000.00	6,600 SF	*6,300 SF*	6,600 SF	0.15 ACRE
Lot 4	20,036.24	6,612 SF	*6,311 SF*	6,612 SF	0.15 ACRE
Lot 5	20,017.63	6,606 SF	*6,305 SF*	6,606 SF	0.15 ACRE
Lot 6	20,017.34	6,606 SF	*6,305 SF*	6,606 SF	0.15 ACRE
Lot 7	20,007.70	6,603 SF	*6,302 SF*	6,603 SF	0.15 ACRE
Lot 8	20,007.70	6,603 SF	*6,302 SF*	6,603 SF	0.15 ACRE
Lot 9	20,059.08	6,619 SF	*6,318 SF*	6,619 SF	0.15 ACRE
Lot 10	20,046.35	6,615 SF	*6,314 SF*	6,615 SF	0.15 ACRE
Lot 11	21,292.04	7,026 SF	*6,688 SF*	7,026 SF	0.16 ACRE
Lot 12	20,062.65	6,621 SF	*6,319 SF*	6,621 SF	0.15 ACRE
Lot 13	20,010.75	6,604 SF	*6,303 SF*	6,604 SF	0.15 ACRE
Lot 14	20,075.40	6,625 SF	*6,323 SF*	6,625 SF	0.15 ACRE
Lot 15	24,635.58	8,130 SF	*7,691 SF*	8,130 SF	0.19 ACRE
Lot 16	22,722.11	7,498 SF	*7,117 SF*	7,498 SF	0.17 ACRE
Lot 17	22,874.90	7,549 SF	*7,162 SF*	7,549 SF	0.17 ACRE
Total	361,552.57			171,555 SF	3.94 ACRE

Project Name: Coastal Villas

Proposed Basin Summary

Quible Project Number: P18085

Date: 12/10/2019

Swale #	Drainage Area (ac)	Sidewalk	Lot Coverage (33%)**	Roadway	BUA (ac)	Pervious area (ac)	C	Tc	I	Ia	Rv	Rd	V	Total Storage Req'd	Provided Storage
DA-1	1.08	0.00	15524.78	0.00	0.36	0.72	0.46	5.00	6.67	0.33	0.35	1.50	2,041	2,041	**4,290**
DA-2	1.30	2272.00	14299.56	11024.00	0.63	0.67	0.58	5.00	6.67	0.49	0.49	1.50	3,461	3,461	**3,740**
DA-3a	0.92	256.00	10587.79	7735.00	0.43	0.49	0.56	5.00	6.67	0.46	0.47	1.50	2,339		
DA-3b	1.14	368.00	12378.76	11779.00	0.56	0.58	0.59	5.00	6.67	0.49	0.50	1.50	3,073	8,254	**37,276**
DA-3c	0.75	146.00	4543.44	18756.00	0.54	0.21	0.76	5.00	6.67	0.72	0.70	1.50	2,842		
DA-4	0.39	0.00	5606.17	0.00	0.13	0.26	0.46	5.00	6.67	0.33	0.35	1.50	737	737	**875**
DA-5	0.29	0.00	6617.40	0.00	0.15	0.14	0.61	5.00	6.67	0.52	0.52	1.50	823	823	**1,200**
DA-6	0.51	0.00	6611.02	0.00	0.15	0.36	0.43	5.00	6.67	0.30	0.32	1.50	883	883	**1,152**
DA-7	0.45	0.00	6604.13	0.00	0.15	0.30	0.46	5.00	6.67	0.34	0.35	1.50	865	865	**1,056**
DA-8	0.23	660.00	3088.40	0.00	0.09	0.14	0.49	5.00	6.67	0.37	0.39	1.50	485	485	**686**
DA-9	0.23	660.00	3088.40	0.00	0.09	0.14	0.49	5.00	6.67	0.37	0.39	1.50	485	485	**686**
DA-10	0.41	0.00	6605.17	0.00	0.15	0.26	0.49	5.00	6.67	0.37	0.38	1.50	855	855	**1,152**
DA-11	0.39	0.00	6608.25	0.00	0.15	0.24	0.50	5.00	6.67	0.39	0.40	1.50	849	849	**1,152**
DA-12	0.38	0.00	6605.98	0.00	0.15	0.23	0.51	5.00	6.67	0.40	0.41	1.50	846	846	**1,152**
DA-13	0.25	0.00	7070.34	0.00	0.16	0.09	0.71	5.00	6.67	0.65	0.63	1.50	863	863	**1,152**
DA-14	0.33	0.00	18067.32	0.00	0.41	(0.08)	1.18	5.00	6.67	1.26	1.18	1.50	2,122	2,122	**2,400**
DA-15	0.07	0.00	2213.97	0.00	0.05	0.02	0.77	5.00	6.67	0.73	0.70	1.50	268	268	**564**
Total	**9.12**				**4.36**	**4.76**									**58,533.00**

** Coverage Calculated as percentage of DA not road/sidewalk OR total potential lot coverage

TOC (min)	5-yr	10-yr	25-yr
5	7.37	8.35	9.42
10	5.9	6.67	7.51
15	4.97	5.63	6.34

Ia = Impervious Percentage = Impervious Area/Drainage Area

Rv= Runoff Coefficient, 0.05+0.9Ia

Rd= Rain fall depth

V= Runoff Volume, 3630*Rd*Rv*A

Project Name:	Coastal Villas
	Basin Storage Calculations
Quible Project Number:	P18085
Date:	12/10/2019

Hydrologic Soil Group A with high infiltration rate assumed (Assumed SHWT = +/-3.81)

STORAGE AVAILABLE IN SWALE DA-1

*Basin Bottom Elevation =	5	ft
BOTTOM WIDTH (W) =	7	ft
STORAGE DEPTH (D)* =	1	ft
SIDE SLOPE (S) =	4	:1
LENGTH (L)*=	390.00	ft
Top Storage Area = L*(W+D*2S) =	5850.00	sf
Bottom Storage Area = L*W =	2730.00	sf
VOLUME (V)= L*(D*W+D*(D*S)) =	**4,290.00**	**cf**

DA-1- Below Grade Storage	
Storage Area (A) =	5850.00 sf
Storage Elev. (E)	6.00 ft
Season High Water Table (Wt) =	3.81 ft
Soil Depth Above SWHT (Ds) = B-Wt	2.19 ft
Soil Volume (Sv) = A*Ds-Vg =	8522 cf
Void Ratio (Vr)=	20%
Subsurface Void Vol. (Vss) = A*Ds*Vr=	1704 cf
Below Grade (Voids) Storage Provided =	**1704 cf**

STORAGE AVAILABLE IN SWALE DA-2

*Basin Bottom Elevation =	5	ft
BOTTOM WIDTH (W) =	7	ft
STORAGE DEPTH (D)* =	1	ft
SIDE SLOPE (S) =	4	:1
LENGTH (L)*=	340.00	ft
Top Storage Area = L*(W+D*2S) =	5100.00	sf
Bottom Storage Area = L*W =	2380.00	sf
VOLUME (V)= L*(D*W+D*(D*S)) =	**3,740.00**	**cf**

DA-2- Below Grade Storage	
Storage Area (A) =	5100.00 sf
Storage Elev. (E)	6.00 ft
Season High Water Table (Wt) =	3.81 ft
Soil Depth Above SWHT (Ds) = B-Wt	2.19 ft
Soil Volume (Sv) = A*Ds-Vg =	7429 cf
Void Ratio (Vr)=	20%
Subsurface Void Vol. (Vss) = A*Ds*Vr=	1486 cf
Below Grade (Voids) Storage Provided =	**1486 cf**

STORAGE AVAILABLE IN SWALE DA-3

*Basin Bottom Elevation =	6.36	ft
BOTTOM WIDTH (W) =	5	ft
STORAGE DEPTH (D)* =	0.5	ft
SIDE SLOPE (S) =	6	:1
LENGTH (L)*=	9319.00	ft
Top Storage Area = L*(W+D*2S) =	102509.00	sf
Bottom Storage Area = L*W =	46595.00	sf
VOLUME (V)= L*(D*W+D*(D*S)) =	**37,276.00**	**cf**

STORAGE AVAILABLE IN SWALE DA-4

*Basin Bottom Elevation =	6	ft
BOTTOM WIDTH (W) =	8.5	ft
STORAGE DEPTH (D)* =	1	ft
SIDE SLOPE (S) =	4	:1
LENGTH (L)*=	70.00	ft
Top Storage Area = L*(W+D*2S) =	1155.00	sf
Bottom Storage Area = L*W =	595.00	sf
VOLUME (V)= L*(D*W+D*(D*S)) =	**875.00**	**cf**

DA-4- Below Grade Storage	
Storage Area (A) =	1155.00 sf
Storage Elev. (E)	7.00 ft
Season High Water Table (Wt) =	3.81 ft
Soil Depth Above SWHT (Ds) = B-Wt	3.19 ft
Soil Volume (Sv) = A*Ds-Vg =	2809 cf
Void Ratio (Vr)=	20%
Subsurface Void Vol. (Vss) = A*Ds*Vr=	562 cf
Below Grade (Voids) Storage Provided =	**562 cf**

STORAGE AVAILABLE IN SWALE DA-5

*Basin Bottom Elevation =	6	ft
BOTTOM WIDTH (W) =	8.5	ft
STORAGE DEPTH (D)* =	1	ft
SIDE SLOPE (S) =	4	:1
LENGTH (L)*=	96.00	ft
Top Storage Area = L*(W+D*2S) =	1584.00	sf
Bottom Storage Area = L*W =	816.00	sf
VOLUME (V)= L*(D*W+D*(D*S)) =	**1,200.00**	**cf**

DA-5- Below Grade Storage	
Storage Area (A) =	1584.00 sf
Storage Elev. (E)	7.00 ft
Season High Water Table (Wt) =	3.81 ft
Soil Depth Above SWHT (Ds) = B-Wt	3.19 ft
Soil Volume (Sv) = A*Ds-Vg =	3853 cf
Void Ratio (Vr)=	20%
Subsurface Void Vol. (Vss) = A*Ds*Vr=	771 cf
Below Grade (Voids) Storage Provided =	**771 cf**

STORAGE AVAILABLE IN SWALE DA-6

*Basin Bottom Elevation =	6 ft
BOTTOM WIDTH (W) =	8 ft
STORAGE DEPTH (D)* =	1 ft
SIDE SLOPE (S) =	4 :1
LENGTH (L)*=	96.00 ft
Top Storage Area = L*(W+D*2S) =	1536.00 sf
Bottom Storage Area = L*W =	768.00 sf
VOLUME (V)= L*(D*W+D*(D*S)) =	**1,152.00 cf**

DA-6- Below Grade Storage	
Storage Area (A) =	1536.00 sf
Storage Elev. (E)	7.00 ft
Season High Water Table (Wt) =	3.81 ft
Soil Depth Above SWHT (Ds) = B-Wt	3.19 ft
Soil Volume (Sv) = A*Ds-Vg =	3748 cf
Void Ratio (Vr)=	20%
Subsurface Void Vol. (Vss) = A*Ds*Vr=	750 cf
Below Grade (Voids) Storage Provided =	**750 cf**

STORAGE AVAILABLE IN SWALE DA-7

*Basin Bottom Elevation =	6 ft
BOTTOM WIDTH (W) =	8 ft
STORAGE DEPTH (D)* =	1 ft
SIDE SLOPE (S) =	4 :1
LENGTH (L)*=	88.00 ft
Top Storage Area = L*(W+D*2S) =	1408.00 sf
Bottom Storage Area = L*W =	704.00 sf
VOLUME (V)= L*(D*W+D*(D*S)) =	**1,056.00 cf**

DA-7- Below Grade Storage	
Storage Area (A) =	1408.00 sf
Storage Elev. (E)	7.00 ft
Season High Water Table (Wt) =	3.81 ft
Soil Depth Above SWHT (Ds) = B-Wt	3.19 ft
Soil Volume (Sv) = A*Ds-Vg =	3436 cf
Void Ratio (Vr)=	20%
Subsurface Void Vol. (Vss) = A*Ds*Vr=	687 cf
Below Grade (Voids) Storage Provided =	**687 cf**

STORAGE AVAILABLE IN SWALE DA-8

*Basin Bottom Elevation =	6 ft
BOTTOM WIDTH (W) =	3 ft
STORAGE DEPTH (D)* =	1 ft
SIDE SLOPE (S) =	4 :1
LENGTH (L)*=	98.00 ft
Top Storage Area = L*(W+D*2S) =	1078.00 sf
Bottom Storage Area = L*W =	294.00 sf
VOLUME (V)= L*(D*W+D*(D*S)) =	**686.00 cf**

DA-8- Below Grade Storage	
Storage Area (A) =	1078.00 sf
Storage Elev. (E)	7.00 ft
Season High Water Table (Wt) =	3.81 ft
Soil Depth Above SWHT (Ds) = B-Wt	3.19 ft
Soil Volume (Sv) = A*Ds-Vg =	2753 cf
Void Ratio (Vr)=	20%
Subsurface Void Vol. (Vss) = A*Ds*Vr=	551 cf
Below Grade (Voids) Storage Provided =	**551 cf**

STORAGE AVAILABLE IN SWALE DA-9

*Basin Bottom Elevation =	6 ft
BOTTOM WIDTH (W) =	3 ft
STORAGE DEPTH (D)* =	1 ft
SIDE SLOPE (S) =	4 :1
LENGTH (L)*=	98.00 ft
Top Storage Area = L*(W+D*2S) =	1078.00 sf
Bottom Storage Area = L*W =	294.00 sf
VOLUME (V)= L*(D*W+D*(D*S)) =	**686.00 cf**

DA-9- Below Grade Storage	
Storage Area (A) =	1078.00 sf
Storage Elev. (E)	7.00 ft
Season High Water Table (Wt) =	3.81 ft
Soil Depth Above SWHT (Ds) = B-Wt	3.19 ft
Soil Volume (Sv) = A*Ds-Vg =	2753 cf
Void Ratio (Vr)=	20%
Subsurface Void Vol. (Vss) = A*Ds*Vr=	551 cf
Below Grade (Voids) Storage Provided =	**551 cf**

STORAGE AVAILABLE IN SWALE DA-10

*Basin Bottom Elevation =	6 ft
BOTTOM WIDTH (W) =	8 ft
STORAGE DEPTH (D)* =	1 ft
SIDE SLOPE (S) =	4 :1
LENGTH (L)*=	96.00 ft
Top Storage Area = L*(W+D*2S) =	1536.00 sf
Bottom Storage Area = L*W =	768.00 sf
VOLUME (V)= L*(D*W+D*(D*S)) =	**1,152.00 cf**

DA-10- Below Grade Storage	
Storage Area (A) =	1536.00 sf
Storage Elev. (E)	7.00 ft
Season High Water Table (Wt) =	3.81 ft
Soil Depth Above SWHT (Ds) = B-Wt	3.19 ft
Soil Volume (Sv) = A*Ds-Vg =	3748 cf
Void Ratio (Vr)=	20%
Subsurface Void Vol. (Vss) = A*Ds*Vr=	750 cf

Below Grade (Voids) Storage Provided = 750 cf

STORAGE AVAILABLE IN SWALE DA-11

*Basin Bottom Elevation =	6 ft
BOTTOM WIDTH (W) =	8 ft
STORAGE DEPTH (D)* =	1 ft
SIDE SLOPE (S) =	4 :1
LENGTH (L)*=	96.00 ft
Top Storage Area = L*(W+D*2S) =	1536.00 sf
Bottom Storage Area = L*W =	768.00 sf
VOLUME (V)= L*(D*W+D*(D*S)) =	**1,152.00 cf**

DA-11- Below Grade Storage	
Storage Area (A) =	1536.00 sf
Storage Elev. (E)	7.00 ft
Season High Water Table (Wt) =	3.81 ft
Soil Depth Above SWHT (Ds) = B-Wt	3.19 ft
Soil Volume (Sv) = A*Ds-Vg =	3748 cf
Void Ratio (Vr)=	20%
Subsurface Void Vol. (Vss) = A*Ds*Vr=	750 cf

Below Grade (Voids) Storage Provided = 750 cf

STORAGE AVAILABLE IN SWALE DA-12

*Basin Bottom Elevation =	6 ft
BOTTOM WIDTH (W) =	8 ft
STORAGE DEPTH (D)* =	1 ft
SIDE SLOPE (S) =	4 :1
LENGTH (L)*=	96.00 ft
Top Storage Area = L*(W+D*2S) =	1536.00 sf
Bottom Storage Area = L*W =	768.00 sf
VOLUME (V)= L*(D*W+D*(D*S)) =	**1,152.00 cf**

DA-12- Below Grade Storage	
Storage Area (A) =	1536.00 sf
Storage Elev. (E)	7.00 ft
Season High Water Table (Wt) =	3.81 ft
Soil Depth Above SWHT (Ds) = B-Wt	3.19 ft
Soil Volume (Sv) = A*Ds-Vg =	3748 cf
Void Ratio (Vr)=	20%
Subsurface Void Vol. (Vss) = A*Ds*Vr=	750 cf

Below Grade (Voids) Storage Provided = 750 cf

STORAGE AVAILABLE IN SWALE DA-13

*Basin Bottom Elevation =	6 ft
BOTTOM WIDTH (W) =	8 ft
STORAGE DEPTH (D)* =	1 ft
SIDE SLOPE (S) =	4 :1
LENGTH (L)*=	96.00 ft
Top Storage Area = L*(W+D*2S) =	1536.00 sf
Bottom Storage Area = L*W =	768.00 sf
VOLUME (V)= L*(D*W+D*(D*S)) =	**1,152.00 cf**

*average

DA-13- Below Grade Storage	
Storage Area (A) =	1536.00 sf
Storage Elev. (E)	7.00 ft
Season High Water Table (Wt) =	3.81 ft
Soil Depth Above SWHT (Ds) = B-Wt	3.19 ft
Soil Volume (Sv) = A*Ds-Vg =	3748 cf
Void Ratio (Vr)=	20%
Subsurface Void Vol. (Vss) = A*Ds*Vr=	750 cf

Below Grade (Voids) Storage Provided = 750 cf

STORAGE AVAILABLE IN SWALE DA-14

*Basin Bottom Elevation =	4	ft
BOTTOM WIDTH (W) =	12	ft
STORAGE DEPTH (D)* =	2	ft
SIDE SLOPE (S) =	4	:1
LENGTH (L)*=	60.00	ft
Top Storage Area = L*(W+D*2S) =	1680.00	sf
Bottom Storage Area = L*W =	720.00	sf
VOLUME (V)= L*(D*W+D*(D*S)) =	**2,400.00**	**cf**

DA-14- Below Grade Storage	
Storage Area (A) =	1680.00 sf
Storage Elev. (E)	6.00 ft
Season High Water Table (Wt) =	3.81 ft
Soil Depth Above SWHT (Ds) = B-Wt	2.19 ft
Soil Volume (Sv) = A*Ds-Vg =	1279 cf
Void Ratio (Vr)=	20%
Subsurface Void Vol. (Vss) = A*Ds*Vr=	256 cf
Below Grade (Voids) Storage Provided =	**256 cf**

STORAGE AVAILABLE IN SWALE DA-15

*Basin Bottom Elevation =	5	ft
BOTTOM WIDTH (W) =	8	ft
STORAGE DEPTH (D)* =	1	ft
SIDE SLOPE (S) =	4	:1
LENGTH (L)*=	47.00	ft
Top Storage Area = L*(W+D*2S) =	752.00	sf
Bottom Storage Area = L*W =	376.00	sf
VOLUME (V)= L*(D*W+D*(D*S)) =	**564.00**	**cf**
Bottom area =	59344.00	
Total Above Grade Storage =	59408 cf	

DA-15- Below Grade Storage	
Storage Area (A) =	752.00 sf
Storage Elev. (E)	6.00 ft
Season High Water Table (Wt) =	3.81 ft
Soil Depth Above SWHT (Ds) = B-Wt	2.19 ft
Soil Volume (Sv) = A*Ds-Vg =	1083 cf
Void Ratio (Vr)=	20%
Subsurface Void Vol. (Vss) = A*Ds*Vr=	217 cf
Below Grade (Voids) Storage Provided =	**217 cf**

Total Below Grade Storage = 10531 cf

NOAA Atlas 14, Volume 2, Version 3
Location name: Moyock, North Carolina, USA*
Latitude: 36.5201°, Longitude: -76.173°
Elevation: 9.17 ft**
* source: ESRI Maps
** source: USGS

POINT PRECIPITATION FREQUENCY ESTIMATES

G.M. Bonnin, D. Martin, B. Lin, T. Parzybok, M.Yekta, and D. Riley

NOAA, National Weather Service, Silver Spring, Maryland

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PF tabular

PDS-based point precipitation frequency estimates with 90% confidence intervals (in inches/hour)[1]

Duration	Average recurrence interval (years)									
	1	2	5	10	25	50	100	200	500	1000
5-min	5.26 (4.78-5.80)	6.12 (5.54-6.78)	6.88 (6.23-7.62)	7.93 (7.14-8.77)	8.92 (8.00-9.86)	9.84 (8.81-10.9)	10.7 (9.50-11.8)	11.5 (10.2-12.7)	12.4 (10.9-13.8)	13.4 (11.7-14.9)
10-min	4.19 (3.81-4.63)	4.90 (4.43-5.42)	5.51 (4.99-6.10)	6.34 (5.71-7.01)	7.11 (6.38-7.86)	7.84 (7.02-8.66)	8.48 (7.55-9.36)	9.10 (8.06-10.1)	9.83 (8.64-10.9)	10.6 (9.20-11.7)
15-min	3.50 (3.18-3.85)	4.10 (3.72-4.54)	4.65 (4.21-5.14)	5.34 (4.82-5.91)	6.01 (5.39-6.64)	6.62 (5.92-7.31)	7.14 (6.36-7.89)	7.65 (6.78-8.46)	8.25 (7.25-9.14)	8.83 (7.70-9.80)
30-min	2.40 (2.18-2.64)	2.83 (2.57-3.14)	3.30 (2.99-3.66)	3.87 (3.49-4.28)	4.45 (3.99-4.92)	4.98 (4.46-5.50)	5.47 (4.87-6.04)	5.95 (5.27-6.58)	6.57 (5.77-7.27)	7.15 (6.23-7.93)
60-min	1.49 (1.36-1.65)	1.78 (1.61-1.97)	2.12 (1.92-2.34)	2.52 (2.27-2.79)	2.96 (2.66-3.27)	3.38 (3.02-3.73)	3.77 (3.36-4.16)	4.18 (3.70-4.62)	4.71 (4.14-5.22)	5.22 (4.55-5.79)
2-hr	0.876 (0.790-0.973)	1.05 (0.940-1.16)	1.27 (1.14-1.41)	1.54 (1.38-1.71)	1.84 (1.64-2.04)	2.14 (1.90-2.37)	2.42 (2.14-2.69)	2.73 (2.39-3.03)	3.14 (2.73-3.48)	3.53 (3.05-3.92)
3-hr	0.626 (0.563-0.700)	0.747 (0.670-0.837)	0.908 (0.814-1.02)	1.11 (0.990-1.24)	1.34 (1.19-1.50)	1.57 (1.39-1.75)	1.80 (1.58-2.01)	2.05 (1.79-2.28)	2.40 (2.07-2.66)	2.73 (2.33-3.04)
6-hr	0.375 (0.338-0.419)	0.447 (0.401-0.501)	0.544 (0.488-0.610)	0.665 (0.593-0.744)	0.808 (0.718-0.902)	0.951 (0.840-1.06)	1.09 (0.959-1.22)	1.25 (1.09-1.39)	1.47 (1.26-1.63)	1.68 (1.43-1.87)
12-hr	0.219 (0.197-0.246)	0.261 (0.233-0.294)	0.319 (0.285-0.359)	0.392 (0.348-0.440)	0.480 (0.424-0.537)	0.570 (0.499-0.636)	0.660 (0.573-0.736)	0.761 (0.654-0.847)	0.901 (0.763-1.00)	1.04 (0.870-1.16)
24-hr	0.127 (0.117-0.139)	0.155 (0.142-0.170)	0.200 (0.183-0.219)	0.238 (0.217-0.260)	0.294 (0.267-0.321)	0.342 (0.308-0.373)	0.395 (0.352-0.430)	0.454 (0.400-0.494)	0.541 (0.469-0.591)	0.615 (0.526-0.675)
2-day	0.074 (0.068-0.081)	0.089 (0.082-0.098)	0.115 (0.106-0.126)	0.137 (0.125-0.149)	0.169 (0.154-0.184)	0.198 (0.178-0.215)	0.229 (0.204-0.249)	0.264 (0.232-0.288)	0.318 (0.274-0.348)	0.363 (0.308-0.400)
3-day	0.052 (0.048-0.057)	0.063 (0.059-0.069)	0.081 (0.075-0.088)	0.096 (0.088-0.104)	0.118 (0.108-0.128)	0.137 (0.124-0.148)	0.157 (0.141-0.171)	0.180 (0.159-0.196)	0.214 (0.186-0.234)	0.245 (0.209-0.269)
4-day	0.042 (0.039-0.045)	0.050 (0.047-0.055)	0.064 (0.059-0.069)	0.076 (0.070-0.082)	0.092 (0.084-0.100)	0.106 (0.097-0.115)	0.121 (0.109-0.131)	0.138 (0.123-0.149)	0.162 (0.142-0.177)	0.185 (0.160-0.203)
7-day	0.028 (0.026-0.030)	0.034 (0.031-0.036)	0.042 (0.039-0.045)	0.049 (0.046-0.053)	0.059 (0.055-0.064)	0.068 (0.062-0.073)	0.077 (0.070-0.083)	0.087 (0.078-0.094)	0.101 (0.090-0.110)	0.113 (0.099-0.124)
10-day	0.022 (0.021-0.024)	0.026 (0.025-0.028)	0.033 (0.031-0.035)	0.038 (0.035-0.041)	0.045 (0.042-0.049)	0.052 (0.048-0.055)	0.058 (0.053-0.062)	0.065 (0.059-0.070)	0.076 (0.067-0.082)	0.084 (0.074-0.091)
20-day	0.015 (0.014-0.016)	0.018 (0.017-0.019)	0.022 (0.020-0.023)	0.025 (0.023-0.026)	0.029 (0.027-0.031)	0.033 (0.031-0.035)	0.037 (0.034-0.039)	0.041 (0.037-0.044)	0.047 (0.042-0.050)	0.051 (0.045-0.055)
30-day	0.012 (0.012-0.013)	0.015 (0.014-0.016)	0.018 (0.017-0.019)	0.020 (0.019-0.021)	0.023 (0.022-0.025)	0.026 (0.024-0.027)	0.028 (0.026-0.030)	0.031 (0.029-0.033)	0.035 (0.032-0.038)	0.038 (0.034-0.041)
45-day	0.010 (0.010-0.011)	0.012 (0.011-0.013)	0.014 (0.014-0.015)	0.016 (0.015-0.017)	0.019 (0.018-0.020)	0.021 (0.020-0.023)	0.024 (0.022-0.025)	0.026 (0.024-0.028)	0.029 (0.027-0.031)	0.032 (0.029-0.034)
60-day	0.009 (0.009-0.010)	0.011 (0.010-0.011)	0.013 (0.012-0.014)	0.014 (0.014-0.015)	0.016 (0.015-0.017)	0.018 (0.017-0.019)	0.020 (0.019-0.021)	0.022 (0.020-0.023)	0.024 (0.022-0.026)	0.026 (0.023-0.028)

[1] Precipitation frequency (PF) estimates in this table are based on frequency analysis of partial duration series (PDS).

Numbers in parenthesis are PF estimates at lower and upper bounds of the 90% confidence interval. The probability that precipitation frequency estimates (for a given duration and average recurrence interval) will be greater than the upper bound (or less than the lower bound) is 5%. Estimates at upper bounds are not checked against probable maximum precipitation (PMP) estimates and may be higher than currently valid PMP values.

Please refer to NOAA Atlas 14 document for more information.

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PF graphical

NOAA Atlas 14, Volume 2, Version 3
Location name: Nags Head, North Carolina, USA*
Latitude: 35.9533°, Longitude: -75.625°
Elevation: 6.05 ft**
* source: ESRI Maps
** source: USGS

POINT PRECIPITATION FREQUENCY ESTIMATES

G.M. Bonnin, D. Martin, B. Lin, T. Parzybok, M.Yekta, and D. Riley

NOAA, National Weather Service, Silver Spring, Maryland

PF_tabular | PF_graphical | Maps_&_aerials

PF tabular

AMS-based point precipitation frequency estimates with 90% confidence intervals (in inches)[1]

Duration	Annual exceedance probability (1/years)								
	1/2	1/5	1/10	1/25	1/50	1/100	1/200	1/500	1/1000
5-min	0.491 (0.449-0.538)	0.600 (0.549-0.656)	0.689 (0.627-0.752)	0.781 (0.709-0.851)	0.856 (0.771-0.932)	0.927 (0.833-1.01)	0.996 (0.890-1.08)	1.08 (0.960-1.18)	1.16 (1.02-1.27)
10-min	0.786 (0.718-0.860)	0.960 (0.879-1.05)	1.10 (1.00-1.20)	1.25 (1.13-1.36)	1.36 (1.23-1.49)	1.47 (1.33-1.60)	1.58 (1.41-1.72)	1.71 (1.52-1.87)	1.83 (1.61-2.00)
15-min	0.988 (0.903-1.08)	1.22 (1.11-1.33)	1.39 (1.27-1.52)	1.58 (1.43-1.72)	1.73 (1.56-1.88)	1.86 (1.68-2.03)	1.99 (1.78-2.17)	2.16 (1.91-2.35)	2.30 (2.02-2.51)
30-min	1.37 (1.25-1.49)	1.73 (1.58-1.89)	2.02 (1.84-2.20)	2.34 (2.12-2.55)	2.60 (2.35-2.83)	2.85 (2.57-3.11)	3.10 (2.77-3.37)	3.43 (3.04-3.74)	3.72 (3.27-4.06)
60-min	1.71 (1.57-1.88)	2.22 (2.03-2.42)	2.63 (2.39-2.87)	3.11 (2.82-3.39)	3.52 (3.18-3.84)	3.93 (3.53-4.28)	4.35 (3.89-4.73)	4.93 (4.37-5.37)	5.43 (4.78-5.93)
2-hr	1.96 (1.78-2.15)	2.58 (2.35-2.84)	3.13 (2.83-3.42)	3.79 (3.41-4.14)	4.36 (3.92-4.76)	4.95 (4.42-5.39)	5.57 (4.95-6.07)	6.43 (5.66-7.02)	7.19 (6.28-7.85)
3-hr	2.15 (1.96-2.37)	2.86 (2.59-3.14)	3.48 (3.15-3.82)	4.27 (3.83-4.67)	4.97 (4.44-5.42)	5.69 (5.07-6.21)	6.49 (5.72-7.07)	7.61 (6.64-8.29)	8.63 (7.46-9.39)
6-hr	2.63 (2.39-2.91)	3.51 (3.18-3.87)	4.27 (3.86-4.70)	5.25 (4.72-5.77)	6.14 (5.48-6.71)	7.06 (6.26-7.71)	8.07 (7.10-8.81)	9.52 (8.27-10.4)	10.8 (9.32-11.8)
12-hr	3.14 (2.83-3.50)	4.18 (3.77-4.66)	5.12 (4.60-5.69)	6.35 (5.67-7.03)	7.46 (6.62-8.23)	8.64 (7.59-9.53)	9.95 (8.66-11.0)	11.8 (10.1-13.0)	13.6 (11.5-15.0)
24-hr	3.78 (3.50-4.10)	5.19 (4.79-5.61)	6.25 (5.76-6.75)	7.78 (7.10-8.37)	9.05 (8.19-9.76)	10.5 (9.38-11.3)	12.0 (10.7-13.0)	14.3 (12.5-15.5)	16.3 (14.0-17.8)
2-day	4.39 (4.03-4.80)	5.98 (5.49-6.53)	7.21 (6.60-7.86)	8.99 (8.17-9.78)	10.5 (9.45-11.4)	12.2 (10.9-13.3)	14.1 (12.4-15.4)	16.9 (14.6-18.6)	19.4 (16.4-21.4)
3-day	4.65 (4.28-5.09)	6.31 (5.80-6.90)	7.57 (6.93-8.25)	9.36 (8.50-10.2)	10.8 (9.77-11.8)	12.5 (11.1-13.6)	14.3 (12.6-15.6)	17.1 (14.8-18.7)	19.5 (16.7-21.5)
4-day	4.92 (4.53-5.39)	6.65 (6.11-7.26)	7.93 (7.26-8.64)	9.72 (8.82-10.6)	11.2 (10.1-12.2)	12.8 (11.4-13.9)	14.5 (12.8-15.8)	17.3 (15.0-18.9)	19.7 (16.9-21.7)
7-day	5.64 (5.18-6.17)	7.51 (6.89-8.22)	8.88 (8.12-9.70)	10.8 (9.80-11.8)	12.3 (11.1-13.4)	14.0 (12.5-15.2)	15.8 (13.9-17.2)	18.3 (16.0-20.1)	20.5 (17.6-22.5)
10-day	6.34 (5.87-6.87)	8.33 (7.71-9.02)	9.78 (9.02-10.6)	11.8 (10.8-12.7)	13.4 (12.2-14.4)	15.1 (13.6-16.3)	16.9 (15.1-18.3)	19.5 (17.3-21.3)	21.7 (18.9-23.8)
20-day	8.38 (7.84-9.00)	10.8 (10.1-11.6)	12.6 (11.7-13.5)	14.9 (13.8-16.0)	16.8 (15.5-18.0)	18.7 (17.2-20.1)	20.8 (18.9-22.3)	23.7 (21.2-25.6)	26.0 (23.0-28.2)
30-day	10.3 (9.67-11.0)	13.2 (12.3-14.0)	15.1 (14.2-16.1)	17.7 (16.5-18.9)	19.7 (18.3-21.0)	21.7 (20.0-23.2)	23.8 (21.8-25.5)	26.7 (24.2-28.8)	28.9 (26.0-31.3)
45-day	12.6 (11.9-13.4)	16.0 (15.0-17.1)	18.4 (17.2-19.6)	21.6 (20.1-23.0)	24.1 (22.3-25.7)	26.7 (24.6-28.5)	29.4 (26.9-31.5)	33.2 (30.1-35.7)	36.3 (32.5-39.1)
60-day	15.1 (14.2-16.0)	18.9 (17.8-20.0)	21.5 (20.3-22.7)	24.9 (23.3-26.3)	27.4 (25.6-29.0)	30.0 (27.9-31.8)	32.6 (30.1-34.7)	36.2 (33.1-38.7)	39.0 (35.3-41.8)

[1] Precipitation frequency (PF) estimates in this table are based on frequency analysis of annual maxima series (AMS).

Numbers in parenthesis are PF estimates at lower and upper bounds of the 90% confidence interval. The probability that precipitation frequency estimates (for a given duration and annual exceedance probability) will be greater than the upper bound (or less than the lower bound) is 5%. Estimates at upper bounds are not checked against probable maximum precipitation (PMP) estimates and may be higher than currently valid PMP values.

Please refer to NOAA Atlas 14 document for more information.

Back to Top

PF graphical

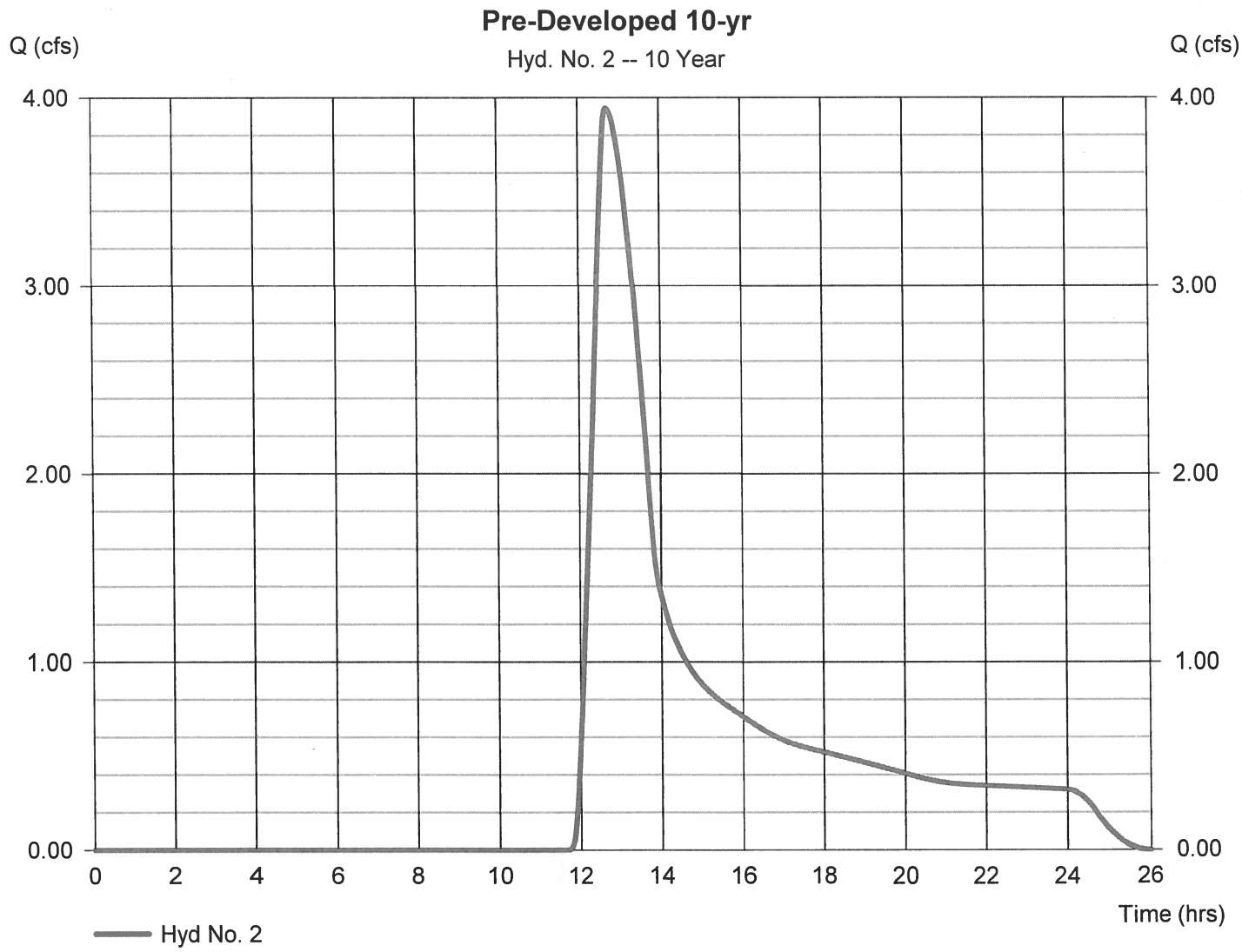
Hydrograph Report

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® 2019 by Autodesk, Inc. v2020 Tuesday, 12 / 10 / 2019

Hyd. No. 2

Pre-Developed 10-yr

Hydrograph type	= SCS Runoff	Peak discharge	= 3.945 cfs
Storm frequency	= 10 yrs	Time to peak	= 12.70 hrs
Time interval	= 2 min	Hyd. volume	= 39,685 cuft
Drainage area	= 9.120 ac	Curve number	= 49
Basin Slope	= 0.0 %	Hydraulic length	= 0 ft
Tc method	= TR55	Time of conc. (Tc)	= 72.90 min
Total precip.	= 6.25 in	Distribution	= Type II
Storm duration	= 24 hrs	Shape factor	= 484



Hydrograph Report

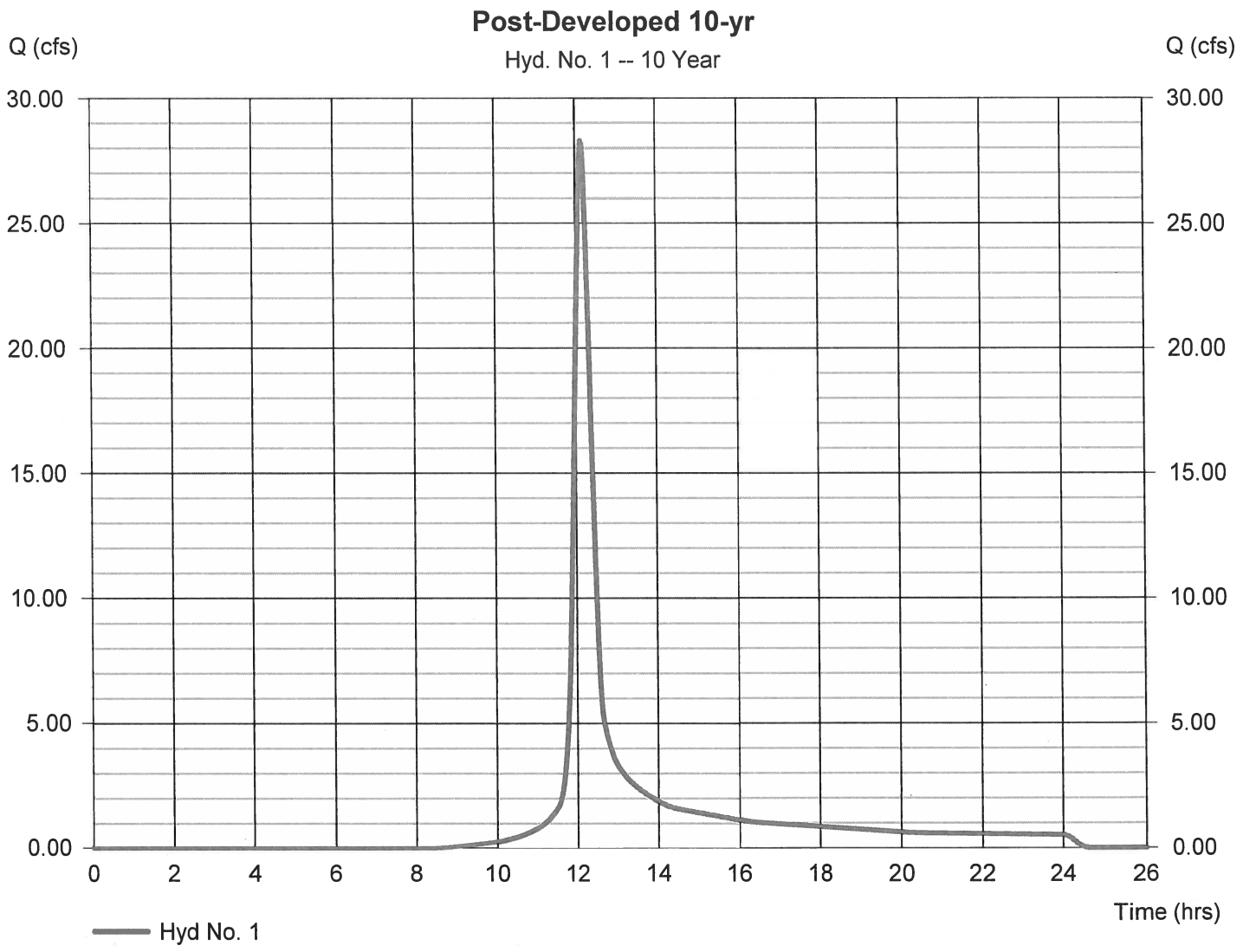
Hydraflow Hydrographs Extension for Autodesk® Civil 3D® 2019 by Autodesk, Inc. v2020 Tuesday, 12 / 10 / 2019

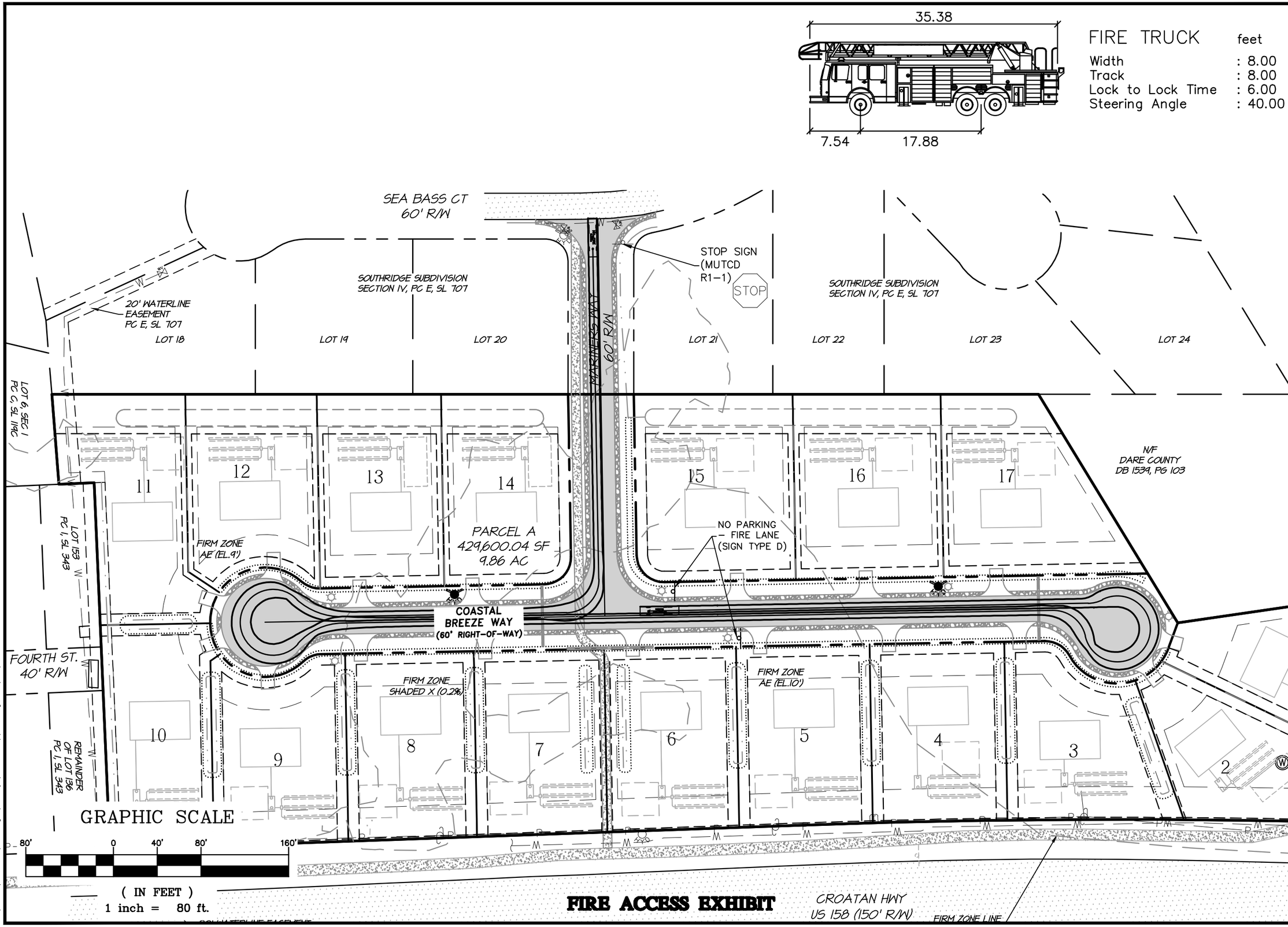
Hyd. No. 1

Post-Developed 10-yr

Hydrograph type	= SCS Runoff	Peak discharge	= 28.30 cfs
Storm frequency	= 10 yrs	Time to peak	= 12.13 hrs
Time interval	= 2 min	Hyd. volume	= 104,247 cuft
Drainage area	= 9.120 ac	Curve number	= 72*
Basin Slope	= 0.0 %	Hydraulic length	= 0 ft
Tc method	= TR55	Time of conc. (Tc)	= 23.60 min
Total precip.	= 6.25 in	Distribution	= Type II
Storm duration	= 24 hrs	Shape factor	= 484

* Composite (Area/CN) = [(4.360 x 98) + (4.760 x 49)] / 9.120





FIRE TRUCK

	feet
Width	: 8.00
Track	: 8.00
Lock to Lock Time	: 6.00
Steering Angle	: 40.00

FIRE ACCESS EXHIBIT

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90 Church St., Ste. B, Black Mountain, NC 28711
Phone: (828) 793-0398 Fax: (252) 491-8146
administrator@quible.com

PRELIMINARY
NOT FOR
CONSTR CTION

FIRE ROUTING EXHIBIT

PARCEL A
COASTAL VILLAS

TOWN OF NAGS HEAD
DARE COUNTY
NORTH CAROLINA

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PROJECT	DRAWN BY	CHECKED BY	DATE
P18085	CMS	CMS	12/10/19

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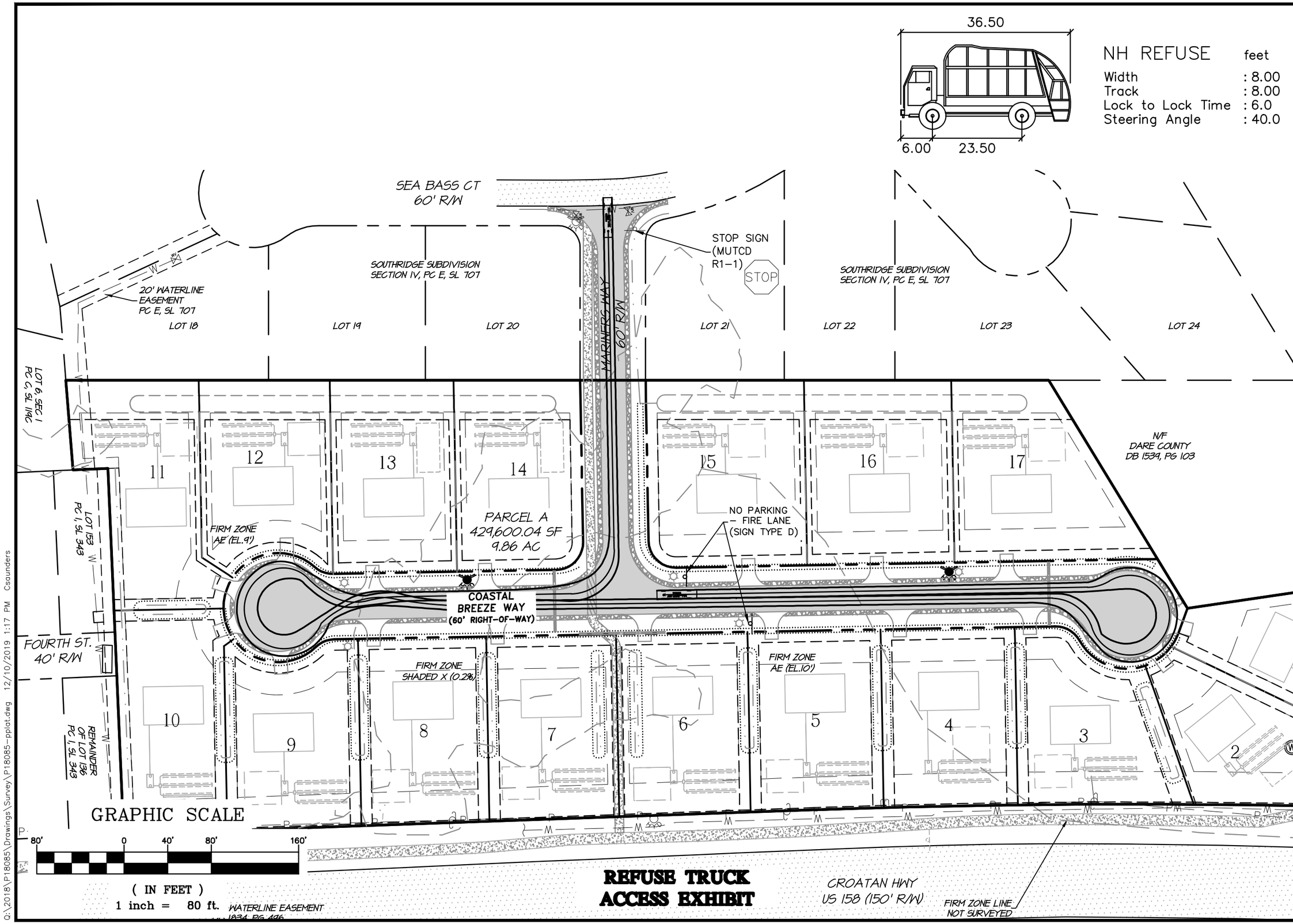

REFUSE TRUCK ACCESS EXHIBIT

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COASTAL VILLAS

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PROJECT	DRAWN BY	CHECKED BY	DATE
P18085	CMS	CMS	12/10/2019

Town of Nags Head
Infiltration Basin Operation and Maintenance Agreement

I will keep a maintenance record on this BMP. This maintenance record will be kept in a log in a known set location. Any deficient BMP elements noted in the inspection will be corrected, repaired or replaced immediately. These deficiencies can affect the integrity of structures, safety of the public, and the removal efficiency of the BMP.

Important operation and maintenance procedures:

- The drainage area will be carefully managed to reduce the sediment load to the Infiltration Basin.
- Immediately after the infiltration basin is established, the vegetation will be watered twice weekly if needed until the plants become established (commonly six weeks).
- No portion of the infiltration basin will be fertilized after the initial fertilization that is required to establish the vegetation.
- The vegetation in and around the basin will be maintained at a height of approximately 6-inches.

The infiltration basins shall be inspected once every two years by a licensed engineer. Records of inspections, operation and maintenance shall be provided to the Town of Nags Head Planning and Development Department within two weeks of performance.

Inspection activities shall be performed as follows. Any problems found shall be repaired immediately.

BMP element:	**Potential problem:**	**How to remediate the problem:**
The entire BMP	Trash/debris is present.	Remove the trash/debris.
The perimeter of the infiltration basin	Areas of bare soil and/or erosive gullies have formed.	Regrade the soil if necessary, to remove the gully, and then plant a ground cover and water until it is established. Provide lime and a one-time fertilizer application.
The inlet device: pipe or swale	The pipe is clogged (if applicable).	Unclog the pipe. Dispose of the sediment off-site.
	The pipe is cracked or otherwise damaged (if applicable).	Replace the pipe.
	Erosion is occurring in the swale (if applicable).	Regrade the swale if necessary, to smooth it over and provide erosion control devices such as reinforced turf matting or riprap to avoid future problems with erosion.

DRAFT

The forebay	Sediment has accumulated and reduced the depth to 75% of the original design depth.	Search for the source of the sediment and remedy the problem if possible. Remove the sediment and dispose of it in a location where it will not cause impacts to streams or the BMP.
	Erosion has occurred or riprap is displaced.	Provide additional erosion protection such as reinforced turf matting or riprap if needed to prevent future erosion problems.
	Weeds are present.	Remove the weeds, preferably by hand. If pesticides are used, wipe them on the plants rather than spraying.
The main treatment area	A visible layer of sediment has accumulated.	Search for the source of the sediment and remedy the problem if possible. Remove the sediment and dispose of it in a location where it will not cause impacts to streams or the BMP. Replace any media that was removed in the process. Revegetate disturbed areas immediately.
	Water is standing more than 5 days after a storm event.	Replace the top few inches of filter media and see if this corrects the standing water problem. If so, revegetate immediately. If not, consult an appropriate professional for a more extensive repair.
	Weeds and noxious plants are growing in the main treatment area.	Remove the plants by hand or by wiping them with pesticide (do not spray).
The embankment	Shrubs or trees have started to grow on the embankment.	Remove shrubs or trees immediately.
	An annual inspection by an appropriate professional shows that the embankment needs repair.	Make all needed repairs.
The outlet device	Clogging has occurred.	Clean out the outlet device. Dispose of the sediment off-site.
	The outlet device is damaged	Repair or replace the outlet device.
The receiving water	Erosion or other signs of damage have occurred at the outlet.	Contact the local NC Department of Environment and Natural Resources Regional Office.

DRAFT

I acknowledge and agree by my signature below that I am responsible for the performance of the maintenance procedures listed above. I agree to notify the Town of Nags Head of any problems with the system or prior to any changes to the system or responsible party.

Property Address: _____

Print Name: Alfred Norman

Title: President - Nags Head Construction and Development, Inc.

Address: P.O. BOX 16472 Chesapeake, VA 23328

Phone: (757)652 - 5012 _____

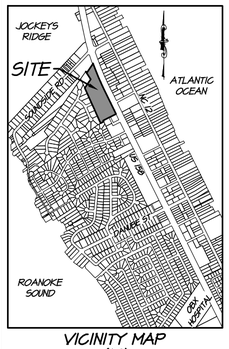
Signature: _____

Date: _____

I, _____, a Notary Public for the State of _____, County of _____, do hereby certify that _____ personally appeared before me this _____ day of _____, _____, and acknowledge the due execution of the forgoing permeable pavement maintenance requirements. Witness my hand and official seal,

My commission expires _____

DRAFT



VICINITY MAP
(NTS)

NOTES:

1. CURRENT OWNER: NAGS HEAD CONSTRUCTION AND DEVELOPMENT, INC
   PO BOX 2130
   VIRGINIA BEACH, VA 23450
2. PIN: 9841-08B8-6987
3. PID: 006744004
4. PROPERTY ADDRESS: S CROATAN HWY
5. ZONING: R2
6. LOT AREA = 429,600.04 sqft / 9.86 acres
   (AREAS BY COORDINATE METHOD.)
7. SUBJECT REFERENCES: DB 1266, PG 271; PC E, SL 360;
8. ADDITIONAL REFERENCES: DB 1539, PG 103; DB, PG 1834, PG 446; PC E, SL 707; PC E, SL 787; PC F, SL 67; PC G, SL 368; PC I, SL 343.
9. FIELD SURVEY DATE: OCTOBER 2018
10. PROPERTY IS LOCATED IN NFIP FLOOD ZONES AS SHOWN AND SUBJECT TO CHANGES, BASED ON COMMUNITY CID NO. 375356; PANEL 9841; SUFFIX J. (MAP NUMBER 3720984100J) EFFECTIVE DATE: 09/20/2006
11. THIS SURVEY SUBJECT TO ANY FACTS, INCLUDING BUILDING SETBACK RESTRICTIONS, EASEMENTS, COVENANTS, ETC., THAT MAY BE REVEALED BY A FULL AND ACCURATE TITLE SEARCH.
12. ALL DISTANCES ARE US SURVEY FEET AND HORIZONTAL GROUND.
13. APPROVAL OF THIS SUBDIVISION DOES NOT GUARANTEE SEPTIC APPROVAL ON ANY INDIVIDUAL LOT.
14. MINIMUM BUILDING SETBACKS MAY BE SUBJECT TO CHANGE AND SHOULD BE VERIFIED WITH A ZONING OFFICIAL.
15. SETBACKS:
    *FRONT = 30'
    SIDE = 10'
    REAR = 30'
    *LOTS 1 & 2 HAVE A 52' FRONT MBSL AT THE REQUIRED MINIMUM LOT WIDTH.
    *LOT 11 HAS A 44' FRONT MBSL AT THE REQUIRED MINIMUM LOT WIDTH.
16. A STATE HIGH DENSITY STORMWATER PERMIT AND EROSION & SEDIMENT CONTROL PERMIT MUST BE OBTAINED PRIOR TO DISTURBANCE ON SITE. ALL IMPERVIOUS COVERAGE MUST BE DIRECTED TO INFILTRATION BASINS VIA SHEET FLOW OR ROOF DRAINS.
17. A RIGHT-OF-WAY ENCROACHMENT AGREEMENT IS REQUIRED FROM NCDOT PRIOR TO ANY DISTURBANCE WITHIN THE STATE RIGHT-OF-WAY.
18. BUILDING CONSTRUCTION SHALL COMPLY WITH ALL ASPECTS OF THE NORTH CAROLINA BUILDING AND FIRE CODE.

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LEGEND:
- EXISTING CONCRETE MONUMENT, ECM
- EXISTING IRON PIPE, EIP
- EXISTING IRON ROD, EIR
- SET IRON ROD, SIR
- CALCULATED POINT
- WATER METER
- TELEPHONE PED
- MONITORING WELL
- SIGN
- WATER VALVE
- FIRE HYDRANT
- UTILITY POLE
(T) - TOTAL DISTANCE
AG - ABOVE GRADE
BG - BELOW GRADE

FLOOD HAZARD AREA CERTIFICATE

THIS PROPERTY, OR PORTIONS OF THIS PROPERTY, ARE LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA AS DESIGNATED ON FLOOD INSURANCE RATE MAPS FOR DARE COUNTY. LOCATION IN A SPECIAL FLOOD HAZARD AREA REPRESENTS A ONE PERCENT (1%) OR GREATER CHANCE OF BEING FLOODED IN ANY GIVEN YEAR. FLOOD INSURANCE MAY BE REQUIRED BY LENDING INSTITUTIONS FOR STRUCTURES CONSTRUCTED ON PROPERTY LOCATED IN SPECIAL FLOOD HAZARD AREAS

CERTIFICATE OF TOWN CLERK, TOWN OF NAGS HEAD

I, _____, THE TOWN CLERK OF NAGS HEAD, NORTH CAROLINA DO CERTIFY THAT ON THE _____ DAY OF _____, 20__ THE TOWN OF NAGS HEAD APPROVED THIS PLAT FOR RECORDING IN THE OFFICE OF THE REGISTER OF DEEDS AND ACCEPTED THE DEDICATION OF IMPROVEMENTS LISTED BY RESOLUTION OF THE BOARD OF COMMISSIONERS BUT ASSUME NO RESPONSIBILITY TO OPEN OR MAINTAIN THE SAME UNTIL, IN THE OPINION OF THE BOARD OF COMMISSIONERS OF NAGS HEAD, IT IS IN THE PUBLIC INTEREST TO DO SO.

_____
TOWN CLERK, TOWN OF NAGS HEAD DATE

CERTIFICATE OF APPROVAL

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION ORDINANCE OF THE TOWN OF NAGS HEAD AND THAT THIS PLAT HAS BEEN APPROVED BY THE TOWN OF NAGS HEAD PLANNING BOARD FOR RECORDING IN THE OFFICE OF THE REGISTER OF DEEDS OF DARE COUNTY.

_____
TOWN OF NAGS HEAD UDO ADMINISTRATOR DATE

OWNER'S CERTIFICATE

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, WHICH IS LOCATED IN THE SUBDIVISION JURISDICTION OF THE TOWN OF NAGS HEAD AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY FREE CONSENT, ESTABLISH MINIMUM BUILDING SETBACK LINES AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER SITES AND EASEMENTS TO PUBLIC OR PRIVATE USE AS NOTED. FURTHERMORE, I HEREBY DEDICATE ALL ROADWAY STORM SEWER AND WATER LINES TO THE TOWN OF NAGS HEAD.

_____
NAME (PRINTED/SIGNED) DATE

*NOTARY CERTIFICATE

STATE OF NORTH CAROLINA,
COUNTY OF _____

I, _____, A NOTARY PUBLIC OF THE ABOVE REFERENCED COUNTY AND STATE, DO HEREBY CERTIFY THAT _____, PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL, THIS THE _____ DAY OF _____, 20_____.

_____
NOTARY PUBLIC

MY COMMISSION EXPIRES : _____

SURVEYOR'S CERTIFICATE

I, JOHN M. HURDLE, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (SEE NOTES); THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS DASHED LINES AND ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN (SEE ADDITIONAL REFERENCES IN NOTES); THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY AS CALCULATED IS 1:10,000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

THAT THE SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.

WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS

_____ DAY OF _____, _____, A.D.

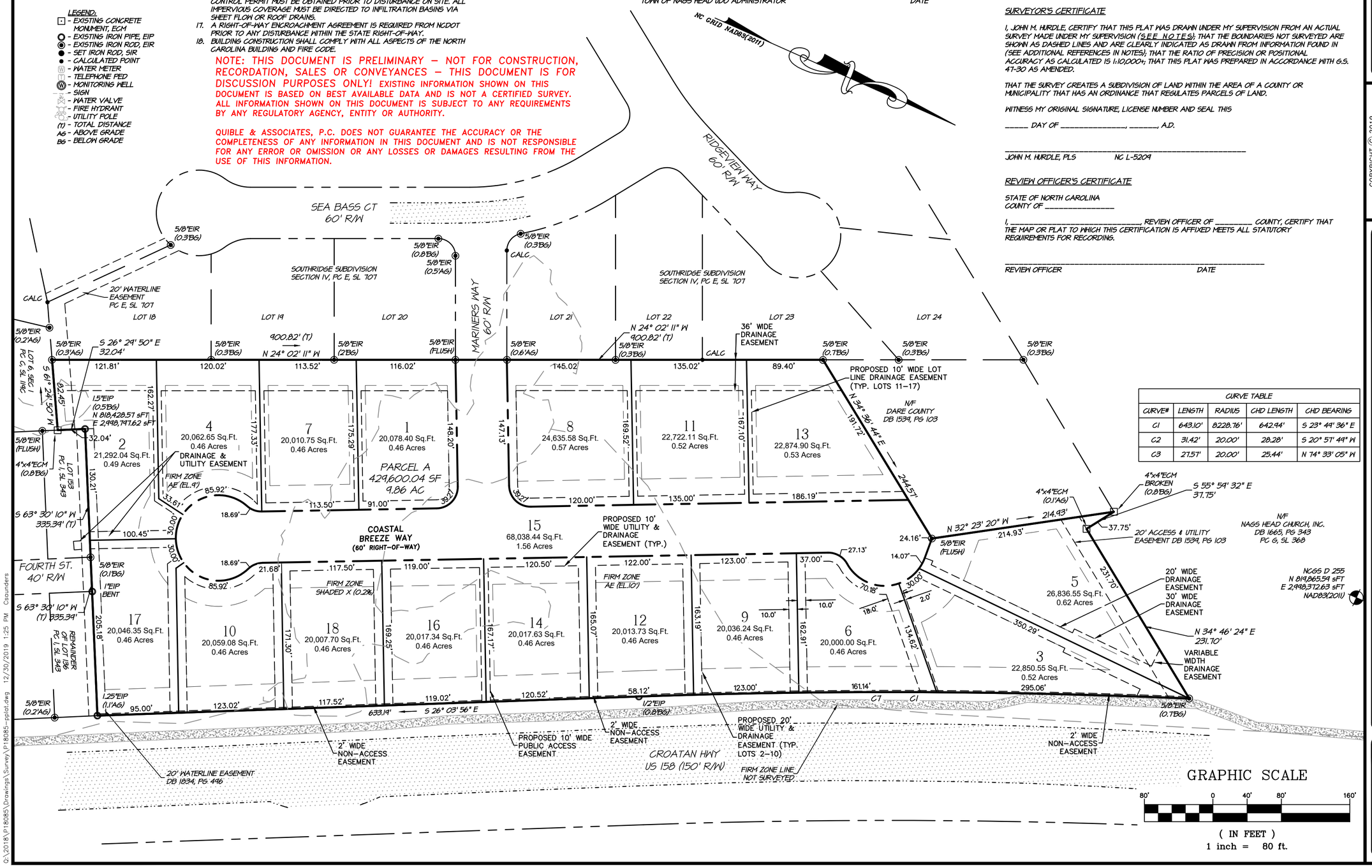
_____
JOHN M. HURDLE, PLS NC L-5204

REVIEW OFFICER'S CERTIFICATE

STATE OF NORTH CAROLINA
COUNTY OF _____

I, _____, REVIEW OFFICER OF _____ COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

_____
REVIEW OFFICER DATE



CURVE TABLE

CURVE#	LENGTH	RADIUS	CHD LENGTH	CHD BEARING
C1	643.10'	8228.76'	642.94'	S 23° 44' 36" E
C2	31.42'	20.00'	28.28'	S 20° 57' 44" W
C3	27.57'	20.00'	25.44'	N 74° 33' 05" W

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POWELLS POINT, NC 27966
Phone: (252) 491-8147
Fax: (252) 491-8146
administration@quible.com
90 CHURCH STREET, SUITE B
BLACK MOUNTAIN, NC 28711
Phone: (828) 793-0398
Fax: (252) 491-8146
administration@quible.com

PRELIMINARY PLAT-NOT FOR RECORDATION CONVEYANCES OR SALES

CERTIFICATION

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DRAFT PRELIMINARY PLAT 1 OF 3

PARCEL A COASTAL VILLAS

DARE COUNTY
TOWN OF NAGS HEAD
NORTH CAROLINA

COMMISSION NO.	P18085
DESIGNED BY	JMH
DRAWN BY	JMH/CMS
CHECKED BY	MWS/JMH
ISSUE DATE	12/10/19

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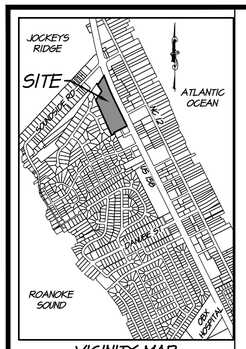
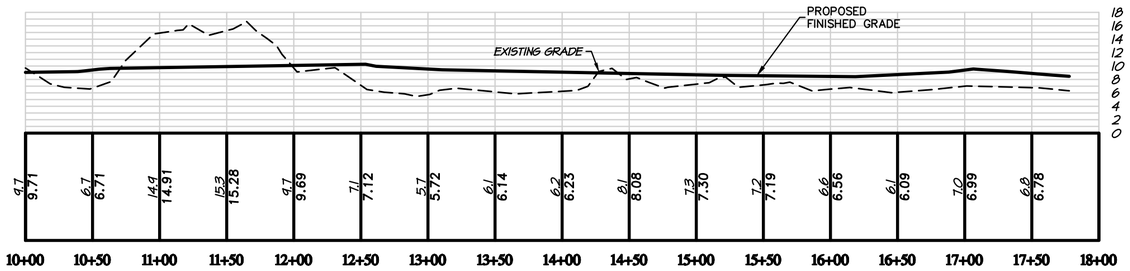
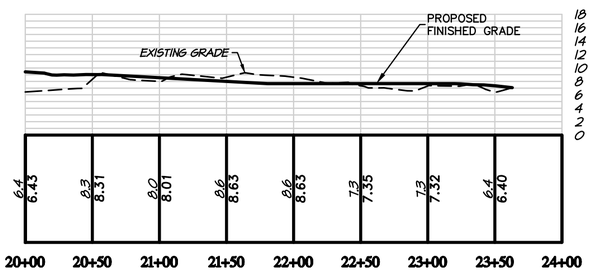


VICINITY MAP
(NTS)



COASTAL BREEZE WAY

HORIZONTAL: 1"=80'
VERTICAL: 1"=16'
(EXAGGERATED 5 TIMES)



MARINER'S WAY (EXTENSION)

HORIZONTAL: 1"=80'
VERTICAL: 1"=16'
(EXAGGERATED 5 TIMES)

LEGEND:
- EXISTING CONCRETE MONUMENT, ECM
- EXISTING IRON PIPE, EIP
- EXISTING IRON ROD, EIR
- SET IRON ROD, SIR
- CALCULATED POINT
- WATER METER
- TELEPHONE PED
- MONITORING WELL
- SIGN
- WATER VALVE
- FIRE HYDRANT
- UTILITY POLE
- (1) TOTAL DISTANCE
- AG - ABOVE GRADE
- BG - BELOW GRADE
- PROPOSED LIVE OAK

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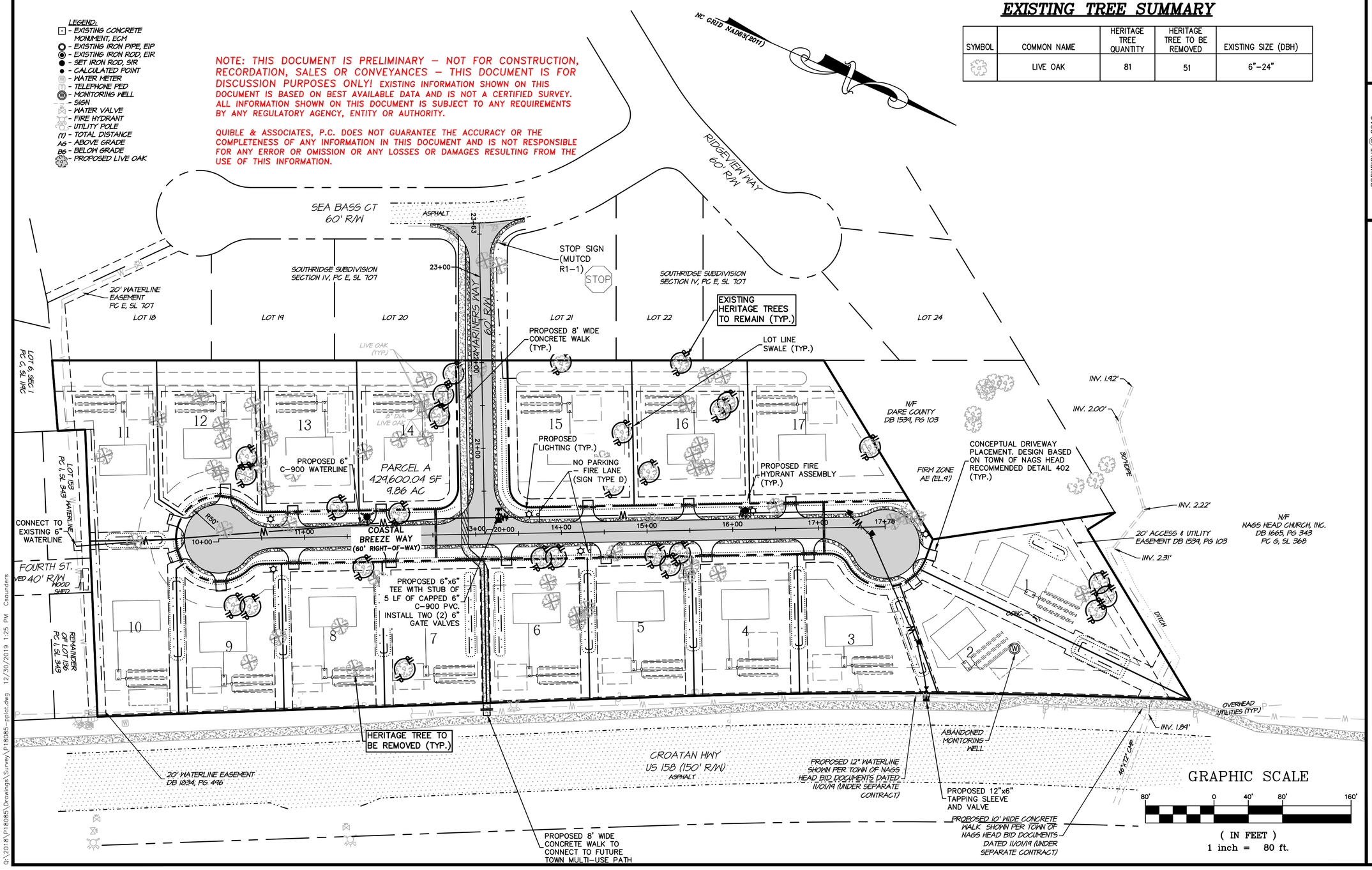
EXISTING TREE SUMMARY

SYMBOL	COMMON NAME	HERITAGE TREE QUANTITY	HERITAGE TREE TO BE REMOVED	EXISTING SIZE (DBH)
	LIVE OAK	81	51	6"–24"



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ENGINEERING** * CONSULTING * PLANNING
ENVIRONMENTAL SCIENCES * SURVEYING**
ENGINEERING/SURVEYING NOT OFFERED AT BLACK MTN. OFFICE
8466 CARATOKE HWY
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Phone: (252) 491-8147
Fax: (252) 491-8146
administrator@quible.com
90 CHURCH STREET, SUITE B
BLACK MOUNTAIN, NC 28711
Phone: (828) 793-0398
Fax: (252) 491-8146
administrator@quible.com

PRELIMINARY PLAT NOT FOR RECORDATION CONVEYANCES OR SALES

CERTIFICATION

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DRAFT PRELIMINARY PLAT 2 OF 3

PARCEL A COASTAL VILLAS

TOWN OF NAGS HEAD
DARE COUNTY
NORTH CAROLINA

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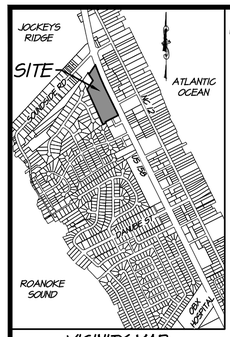
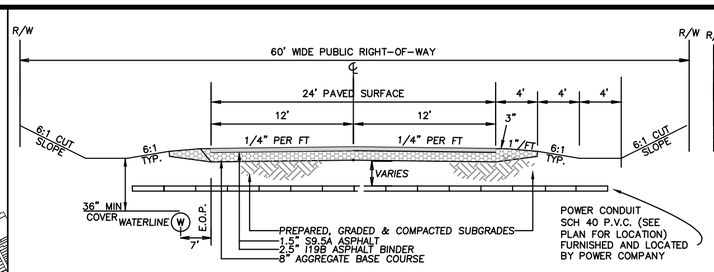


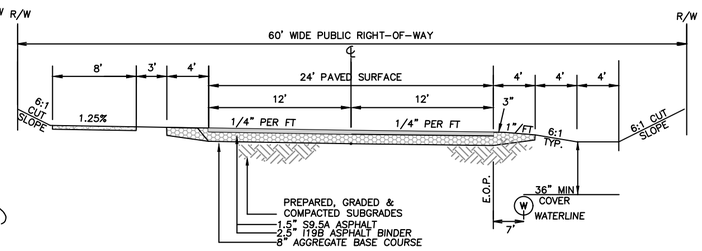
VICINITY MAP
(NTS)



COASTAL BREEZE WAY CROSS SECTION (60' R/W)

N.T.S.

1. CONTRACTOR TO INSURE THAT WATERMAIN IS INSTALLED SO AS TO MAINTAIN LEAST 36" COVER FROM FINISH GRADE OF SIDE SLOPES & SWALES.
2. PAVEMENT DESIGN, INCLUDING THICKNESS, TO BE DETERMINED BY GEOTECHNICAL ENGINEERING.



MARINER'S WAY CROSS SECTION (60' R/W)

N.T.S.

1. CONTRACTOR TO INSURE THAT WATERMAIN IS INSTALLED SO AS TO MAINTAIN LEAST 36" COVER FROM FINISH GRADE OF SIDE SLOPES & SWALES.
2. PAVEMENT DESIGN, INCLUDING THICKNESS, TO BE DETERMINED BY GEOTECHNICAL ENGINEERING.

INFILTRATION BASIN	BOTTOM EL.	TOP EL.	LENGTH	SIDE SLOPES	BOTTOM WIDTH
BASIN 1	5.0'	6.0'	390'	4:1	7.0'
BASIN 2	5.0'	6.0'	340'	4:1	7.0'
BASIN 3	VARIABLE	7.5'	9,319'	4:1 MAX.	5.0'
BASIN 4	6.0'	7.0'	70'	4:1	8.5'
BASIN 5	6.0'	7.0'	96'	4:1	8.5'
BASIN 6	6.0'	7.0'	96'	4:1	8.0'
BASIN 7	6.0'	7.0'	88'	4:1	8.0'
BASIN 8	6.0'	7.0'	98'	4:1	3.0'
BASIN 9	6.0'	7.0'	98'	4:1	3.0'
BASIN 10	6.0'	7.0'	96'	4:1	8.0'
BASIN 11	6.0'	7.0'	96'	4:1	8.0'
BASIN 12	6.0'	7.0'	96'	4:1	8.0'
BASIN 13	6.0'	7.0'	96'	4:1	8.0'
BASIN 14	4.0'	6.0'	60'	4:1	12.0'
BASIN 15	5.0'	6.0'	47'	4:1	8.0'

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PRELIMINARY
NOT FOR CONSTRUCTION, RECORDATION, SALES OR CONVEYANCE
NORTH CAROLINA PROFESSIONAL SEAL 045155 ENGINEER
CERTIFICATION

LEGEND:
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- EXISTING IRON PIPE, EIP
- EXISTING IRON ROD, EIR
- SET IRON ROD, SIR
- CALCULATED POINT
- WATER METER
- TELEPHONE PED
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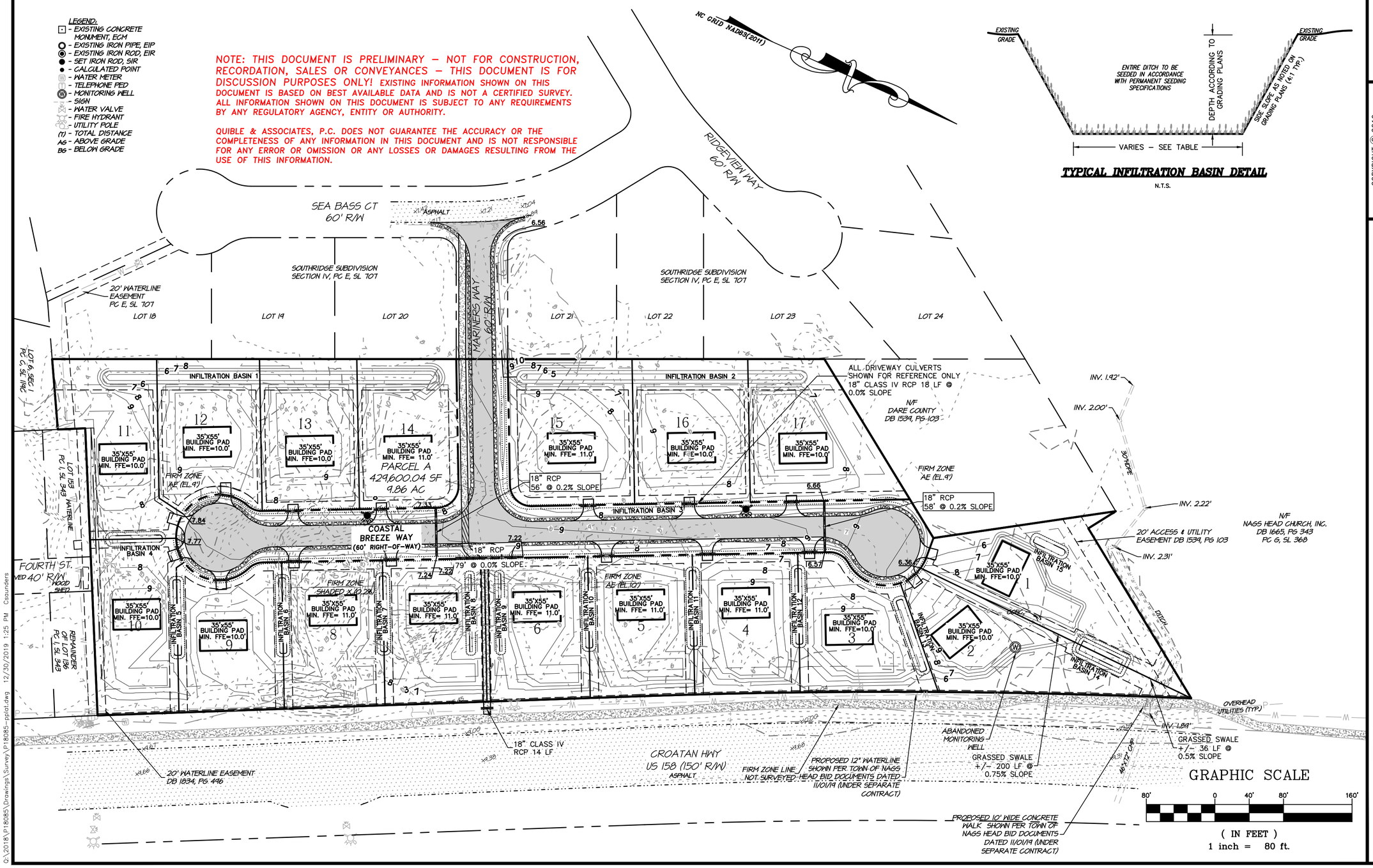
TYPICAL INFILTRATION BASIN DETAIL

N.T.S.



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DRAFT PRELIMINARY PLAT 3 OF 3

PARCEL A COASTAL VILLAS

TOWN OF NAGS HEAD — DARE COUNTY — NORTH CAROLINA

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TOWN OF NAGS HEAD
SUBDIVISION PLAT REVIEW CHECKLIST

DATE RECEIVED _____
Amount Due _____

1. **NAME OF PROPOSED SUBDIVISION** Southridge Subdivision

PHASE ☐ SECTION ☒ NO: VI MAJOR ☒ MINOR ☐ ZONING DISTRICT R2 Medium Density

LOCATION OF PARCEL 300' South of the intersection of Croatan Highway and Soundside Road

MAP BOOK/CABINET DB 1266 PG 271 PAGE.SLIDE NUMBER PC E SL 360

DISTANCE TO NEAREST STREET ADJACENT NAME OF STREET CROATAN HIGHWAY (US 158)

PLAT PREPARER'S NAME QUIBLE & ASSOCIATES, P.C.

ADDRESS 8466 CARATOKE HIGHWAY POWELLS POINT, NC 27966

PHONE # (252) 491-8147

2. NAME OF OWNER NAGS HEAD CONSTRUCTION AND DEVELOPMENT, INC.

ADDRESS P.O. BOX 16472 CHESAPEAKE, VA 23328

PHONE # (757) 652-5012 AL NORMAN

CONTACT OWNER C/O VIKING MANAGEMENT, INC.

ADDRESS P.O. BOX 16472 CHESAPEAKE, VA 23328

PHONE # (757)306-9620

APPLICANT CERTIFICATION AND STANDING

As applicant of standing of the above-mentioned subdivision, I certify that the information on this checklist and the subdivision plat is complete and accurate.

SIGNATURE OF OWNER

THIS SUBDIVISION COVERS ONLY PART OF TRACT, THEREFORE, I ATTACH A MAP OF THE WHOLE TRACT SHOWING CONTEXT OF PRESENT SUBDIVISION SECTION. YES ☐ NO ☒

3. CONTACT PERSON ALFRED L. NORMAN

ADDRESS P.O. BOX 16472 CHESAPEAKE, VA 23328

PHONE # (757) 652-5012

4. INDICATE BY CHECK (✓) ATTACHMENTS SUBMITTED AS SUPPORTING DOCUMENTS.

			PREPARER	PHONE #
a.	☒	STORM MANAGEMENT PLAN	QUIBLE & ASSOCIATES, P.C.	(252) 491-8147
b.	☒	SOIL EROSION AND SEDIMENTATION CONTROL	*QUIBLE & ASSOCIATES, P.C.	(252) 491-8147
c.	☒	WATER LINE PLAN	QUIBLE & ASSOCIATES, P.C.	(252) 491-8147
d.	☒	STREET PLAN	QUIBLE & ASSOCIATES, P.C.	(252) 491-8147
e.	☒	STREET LIGHTING PLAN	QUIBLE & ASSOCIATES, P.C.	(252) 491-8147
f.	☒	COVENANTS/DEED RESTRICTIONS	JAMES GILREATH JR	(252) 480-1414
g.	☐	MAP OF WHOLE TRACT (IF LARGER THAN SUBDIVISION SUBMITTED)	N/A	

FIVE (5) COPIES TO BE SUBMITTED FOR STAFF REVIEW; TWELVE (12) COPIES FOR FORMAL REVIEW.

*PROPOSED INFILTRATION BASINS TO ACT AS EROSION AND SEDIMENT CONTROL MEASURES DURING CONSTRUCTION.

	YES	COMMENTS
5. MISCELLANEOUS REQUIREMENTS TO BE SHOWN ON PRELIMINARY PLAT.		
a. Required signature indicating approval by Dare County Environmental Health Department for water and sewer facility proposals.	X	Preliminary onsite soils evaluations provided.
b. Vicinity map showing reference to nearest street.	X	Sheet 1
c. Subdivision name and section, name of town, township and county, zoning district (including exact boundary lines if in more than one district).	X	Sheet 1
d. Names of adjacent landowners and lot, block, and subdivision designations.	X	Sheet 1
e. Preparation date and revision date(s), if any.	X	Sheet 1 &2
6. TECHNICAL REQUIREMENTS FOR PRELIMINARY PLAT, IF NOT SHOWN ON ATTACHMENT(S).		
a. Plat prepared between 100' = 1" and 50' = 1".	X	1"=80' Provided
b. North arrow accurately positioned and showing whether index is true, magnetic or grid.	X	Sheet 1&2
c. The azimuth or courses and distances of every line, with dimensions expressed in feet and decimals.	X	Sheet 1
d. All map lines by level measurements and platted to scale shown.	X	Sheet 1&2
e. For all curved lines, actual survey data from the point of curvature to the point of tangent shown as standard curve data.	X	Sheet 1
f. All streets and lots carefully platted with dimension lines, indicating widths and all other pertinent information necessary to reestablish lines in the field.	X	Sheet 1
g. Minimum building setback line, lot area, lot numbers or letters and street addresses.	X	Sheet 1
h. As to control corners, the location and pertinent information required by state law. All other corners which are marked by monuments or natural objects identified, and all corners of adjacent owners in the boundary lines of the subject tract which are marked by monuments or natural objects shown with a distance from one or more of the subject tract corners.	X	Sheet 1
7. EXISTING FEATURES TO BE SHOWN ON PLAT		
a. Topographic data in spot elevations or contour lines drawn at sufficiently close intervals to show drainage flow patterns and existing and finished elevations. Elevations of existing streets that abut the subdivision and of any streets proposed as part of the subdivision.	X	Sheet 1
b. Location, width, and names of any streets, alleys, or public rights-of-way within the subdivision as shown on the official map or master plan, if such exists.	X	Sheet 2
c. Location of width of existing walkways, rights-of-way, easements for cable TV, and easements, including but not limited to those provided for waterlines, water mains, sewer lines, drainage facilities, telephone and surface and subsurface electric lines.	X	Sheet 2
d. Location of any natural or man-made features, such as drainageways, flood hazard areas, wetlands, and drainage ditches, along with notations indicating the date of determination and that the boundaries are subject to change.	X	Sheet 2
e. Each AEC with appropriate language giving notice of CAMA requirements.		n/a

	YES	COMMENTS
8. PROPOSED IMPROVEMETNS TO BE SHOWN ON PLAT.		
a. Storm Management Plan, including location and size of proposed lines, pipes, culverts, and bridges.	X	Sheet 2

b. Water, fire hydrants, and sewer proposals and a copy of approval from appropriate authority.	X	Sheet 2
c. Width, location, grade, and name of each street or public right-of-way.	X	Sheet 1&2
d. All proposed streets and lots with dimension lines indicating widths and all other pertinent information necessary to reestablish lines in the field.	X	Sheet 1
e. Location and dimensions of all proposed improvements including those existing improvements which are to be incorporated into the subdivision.	X	Sheet 1&2
f. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.		n/a

FOR OFFICE USE ONLY:

Preliminary plat approved by Planning Board on _____.

Preliminary plat approved by Board of Commissioners on _____.

Final plat approved by Planning Board on _____.

Following improvements were completed on:

Waterlines	_____	Inspected by	_____
Streets	_____	Inspected by	_____
Drainage	_____	Inspected by	_____
Street lights	_____	Inspected by	_____

If improvements are not to be completed prior to final approval and are to be bonded attached engineering take-off of required improvements received on _____ by _____.

Total engineering take-off cost $ [ ]

Required bond $ [ ]

☐ CASH ☐ BOND ☐ IRREVOCABLE LETTER OF CREDIT IN AMOUNT OF $_____.

RECEIVED ON _____ BY PLANNING AND DEVELOPMENT DEPARTMENT.

SUBMITTED BY _____

Cobra

The Cobra style fixture is an Enclosed Flat Lens luminaire that provides a full cut-off distribution for lighting residential roadways and smaller parking areas.

Comparable HID Wattage	Finish Color	Initial Lamp Lumens	Lighting Pattern	Correlated Color Temperature (CCT)	Input Wattage	Billing Tier	Basic / Premium	Recommended Mounting Height (ft.)	BUG Rating	Luminaire Stock #	WMIS CU Code
70	Black	3300	Type II	3000K	28	1	Basic	25	1-0-1	42323677	LEDCOXX0323BXXX
70	Black	3300	Type III	3000K	28	1	Basic	25	1-0-1	42323678	LEDCOXX0333BXXX
70	Gray	3300	Type II	3000K	28	1	Basic	25	1-0-1	42323675	LEDCOXX0323GXXX
70	Gray	3300	Type III	3000K	28	1	Basic	25	1-0-1	42323676	LEDCOXX0333GXXX
70	Black	3300	Type II	4000K	26	1	Basic	25	1-0-1	42315803	LEDCOXX0324BXXX
70	Black	3300	Type III	4000K	26	1	Basic	25	1-0-1	42315806	LEDCOXX0334BXXX
70	Gray	3300	Type II	4000K	26	1	Basic	25	1-0-1	42315902	LEDCOXX0324GXXX
70	Gray	3300	Type III	4000K	26	1	Basic	25	1-0-1	42315903	LEDCOXX0334GXXX
100	Black	5000	Type II	3000K	45	2	Basic	25 - 30	1-0-2	42323681	LEDCOXX0523BXXX
100	Black	5000	Type III	3000K	45	2	Basic	25 - 30	1-0-2	42323682	LEDCOXX0533BXXX
100	Gray	5000	Type II	3000K	45	2	Basic	25 - 30	1-0-2	42323679	LEDCOXX0523GXXX
100	Gray	5000	Type III	3000K	45	2	Basic	25 - 30	1-0-2	42323680	LEDCOXX0533GXXX
100	Black	5000	Type II	4000K	41	2	Basic	25 - 30	1-0-2	42315804	LEDCOXX0524BXXX
100	Black	5000	Type III	4000K	41	2	Basic	25 - 30	1-0-2	42315807	LEDCOXX0534BXXX
100	Gray	5000	Type II	4000K	41	2	Basic	25 - 30	1-0-2	42315896	LEDCOXX0524GXXX
100	Gray	5000	Type III	4000K	41	2	Basic	25 - 30	1-0-2	42315897	LEDCOXX0534GXXX
150	Black	9125	Type II	3000K	83	3	Basic	25 - 30	2-0-2	42323685	LEDCOXX0823BXXX
150	Black	9125	Type III	3000K	83	3	Basic	25 - 30	2-0-2	42323686	LEDCOXX0833BXXX
150	Gray	9125	Type II	3000K	83	3	Basic	25 - 30	2-0-2	42323683	LEDCOXX0823GXXX
150	Gray	9125	Type III	3000K	83	3	Basic	25 - 30	2-0-2	42323684	LEDCOXX0833GXXX
150	Black	9125	Type II	4000K	76	3	Basic	25 - 30	2-0-2	42315805	LEDCOXX0824BXXX
150	Black	9125	Type III	4000K	76	3	Basic	25 - 30	2-0-2	42315808	LEDCOXX0834BXXX
150	Gray	9125	Type II	4000K	76	3	Basic	25 - 30	2-0-2	42315898	LEDCOXX0824GXXX
150	Gray	9125	Type III	4000K	76	3	Basic	25 - 30	2-0-2	42315899	LEDCOXX0834GXXX
250	Gray	14575	Type III	3000K	136	5	Basic	30 - 35	3-0-3	42329814	LEDCOXX1533GXXX
250	Gray	14575	Type III	4000K	125	5	Basic	30 - 35	3-0-3	42315900	LEDCOXX1534GXXX
400	Gray	23800	Type III	3000K	223	8	Basic	30 - 40	3-0-5	42329816	LEDCOXX2233GXXX
400	Gray	23800	Type III	4000K	201	7	Basic	30 - 40	3-0-5	42315901	LEDCOXX2234GXXX
1000	Gray	28800	Type III	3000K	244	9	Basic	35 - 40	3-0-5	42330027	LEDCOXX3033GXXX
1000	Gray	31100	Type III	4000K	244	9	Basic	35 - 40	3-0-5	42315895	LEDCOXX3034GXXX
250 (480V)	Gray	14575	Type III	4000K	136	5	Basic	30 - 35	3-0-3	42330028	LEDCOXX1534G4XX
400 (480V)	Gray	23800	Type III	4000K	223	8	Basic	30 - 40	3-0-5	42330029	LEDCOXX2234G4XX

NORTH CAROLINA SOUTHRIDGE SUBDIVISION

DARE COUNTY SECTION VI

This Declaration of Restrictive Covenants made and declared this the 16th day of August, 2019, by Nags Head Construction & Development, Inc. a North Carolina corporation, hereinafter referred to as Declarant;

WITNESSETH:

WHEREAS, the subdivision known as Southridge has been developed pursuant to a common development plan known as Sections VI.

1. Permitted Uses: Commercial Uses Prohibited. No lot shall be used except for residential purposes. No business or business activity may be conducted on the property at anytime; provided however that nothing herein shall preclude the Declarant, its successors in interest, agents and employees from using all or part of the dwellings owned by them for the purpose of carrying on business directly related but not limited to the development and/or management of the subdivision.

2. Permitted Structures: Building Standards and Specifications. No building shall be built, erected, altered, placed, or permitted to remain on any lot other than one single-family residence (expressly excluding duplexes, double or multiple-unit houses) and an attached garage approved by the Architectural Review Committee (hereinafter "ARC"), or its successors in interest or assigns. The ARC shall consist of the Declarant, its successors and assigns. The approval of the plans and specifications shall be noted in writing on the plans. In the event the ARC fails or refuses to either approve or disapprove the plans within 30 days after submission to the ARC, its successors or assigns, then the requirement of this covenant shall be deemed waived and its enforcement against the lot owner, and the heirs and assigns of said lot owner, shall be barred by reason of the ARC's failure to approve or disapprove the covenants

DRAFT

within 30 days of the date of submission to the ARC.

No building shall be built, erected, placed, or altered on any lot in the subdivision until the building plans, specifications, (including exterior colors), and plat or map showing the location of every such building, have been approved in writing as to conformity and harmony of external design with existing structures in the development and in accordance with schedule exterior colors, materials, and design elements and guidelines for building and development approved and published by the ARC. A copy of the current building standards and regulations adopted by the ARC pursuant to this provision shall be available at the of the ARC. The ARC shall approve the location of the building or buildings with respect to topography and finished ground elevation.

Subsequent to the transfer of title by the developer to the first owner of each lot, any exterior modifications, additions, or renovations to the buildings on the owner's lot must be approved by the ARC and conforms to the building standards and regulations then in effect as published by the ARC. The initial landscaping of each lot must be approved by the ARC.

The ARC shall develop and maintain in the office of the ARC a current set of approved guidelines for building and development within Southridge together with an approved schedule of exterior colors, building materials, fence standards and regulations, swimming pool and driveway regulations, and such other building and development standards as the ARC shall adopt from time to time. The initial set of guidelines for building and development have been designated as Exhibit A and attached hereto and incorporated herein and recorded with these covenants and restrictions. Subsequent amendments to the guidelines for building and development, as adopted from time to time by the ARC, shall be effective upon the adoption and filing of such amendments by the ARC in the Office of the Register of Deeds of Dare County.

3. Subdivision or Re-subdivision of Lots. No lot shall be subdivided or re-subdivided to create an additional lot or lots. There may be added to or combined with any lot, however, as shown on the recorded plat, all or a portion of another lot or lots to produce a larger building site and in such event, any boundary lines (as well as any boundary line changes within the subdivision for any reason) shall require the written consent of the Declarant or its successors in interest. When one owner acquires two or more adjoining lots or a portion of a lot contiguous with a whole platted lot, then in that event, the adjoining one or more lots or a portion thereof may be used as one building site, which event the side line easements and set backs referred to herein shall apply to the outside perimeter of the property line of the combined lots acquired by said property owner.

4. Setbacks and Building Lines. The front, rear and side set backs of each lot, and the maximum height of any structure built or placed upon any lot, shall be the same as the front, rear, side set back and height standards of the town of Nags Head, North Carolina in effect at the time the plans and specifications are submitted to the ARC for approval. However, uncovered porches, decks and stairways,

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and upper level overhangs may extend a distance of not more than 3 feet the side and front setbacks as established by the town.

5. Completion of Building. All construction shall be completed within 14 months from the start thereof, provided that the Declarant, its successor in interest or assigns, may extend such time when, in its opinion, the conditions warrant such extension.

6. Utilities and Cable TV. All utilities and cable TV connections and lines must be installed underground when and as underground service is available and at the expense of each individual property owner. The erection of any exposed antennas shall be done only with the approval of the Declarant. As long as cable service is available, no exposed antenna shall be erected on or used on any of the subdivision lots.

7. Temporary Structures. No temporary structures, such as a trailer, mobile home, tent or shack, shall be constructed or placed upon any lot before, during, or after completion of construction of any buildings and structures except for such structures as are normally used by construction contractors during the period of construction. Such temporary structures shall be promptly removed after completion of construction and may not be used as residences while on the property.

8. Occupancy. No single family residence erected upon any lot shall be occupied in any manner prior to its completion of construction.

9. Signs, Except as herein provided, no signs except "For Sale", "For Rent", and signs giving the name of the house or owner, shall be erected on any lot The Declarant shall not be prevented from erecting such signs as may be deemed necessary to the operation of the subdivision or the normal conduct of its business, and signs of general contractors and construction lenders may be erected during construction and must be removed prior to obtaining an occupancy permit. The Declarant, its successors or assigns, may enter upon the lot of any owner and remove any sign violating these covenants and such entry shall not be deemed a trespass. The sign so removed may be left on the lot to be removed from the premises or destroyed by either the lot owner or the sign owner.

10. Pets. No animals of any kind shall be kept, raised or bred on any lot, except a reasonable of the usual household domestic pets such as dogs or cats, provided that such pets shall not be kept, raised or bred for commercial purposes and provided that all pets are under the control of their owner.

11. Nuisances. It sha11 be the responsibility of each lot owner to maintain the exterior of their residence and the surrounding grounds of his lot in a clean, tidy and safe manner and shall prevent waste from occurring to any structure on his lot. In the event of destruction or other casualty to the building or structure, the premises shall be cleared and debris removed therefrom by the owner of the lot within 90 days from the date of such casualty.

(a) No lot shall be used, in whole or in part, for the storage of anything which might cause such

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lot to appear cluttered, unclean or obnoxious to the eye; nor shall substance, thing or material be kept on any lot that might emit foul or obnoxious odor, noises or other conditions that will or may disturb the serenity, safety or comfort of the occupants of surrounding property. No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon tending to create a nuisance to the neighborhood.

(b) After construction has commenced, the property owner and his builder shall keep the lot clean and neat in appearance. A trash and rubbish container at least 8 feet wide and 8 feet long shall be maintained during construction. All construction trash and debris shall be placed in the trash container and removed from the premises by the owner or the contractor. The burning of trash and rubbish is expressly prohibited. No structure, including the residential building, shall be occupied until all construction trash, rubbish, debris and the trash container have been removed from the premises.

(c) No junk, wrecks or inoperative automobiles, trucks, buses or boats shall be permitted to remain on the property unless, otherwise permitted by this declaration nor shall unsightly material be stored thereon. Owners of unoccupied lots shall at all times keep and maintain their property in an orderly manner and prevent the accumulation of rubbish and debris upon the premises. Lot owners shall prune overgrown shrubs and prevent grass or weeds from exceeding a height of 12 inches above the ground surface.

12. Basements for Utilities. Drainage and Cablevision. The Declarant, on behalf of itself and/or such utility companies that may service the subdivision from time to time, and the cablevision companies, reserve a perpetual right, privilege and easement ten (10) feet wide along the front and five (5) feet along the rear and side lot lines of each lot to construct, maintain, and operate in, upon, across and through such easement in a proper and workmanlike manner, electric, cablevision, telephone, gas, sewer, water, drainage and other conveniences and utilities and appurtenances necessary or convenient thereto together with the right at all times to enter upon the said easement with men and equipment for the purpose of inspecting, altering and repairing the same. The Declarant reserves the right to maintain or otherwise keep clear any obstructions that may adversely affect the proper maintenance and operation of the various utility systems and further reserves a perpetual right to enter upon any lot for the purpose of constructing or maintaining emergency drainage ways for the benefit, health and safety of the neighboring residents. These reservations, however, shall not be considered an obligation of the Declarant to provide or maintain any such utilities, services or easements. It is further provided that where any two or more lots are in common ownership and used as one building site, the easements reserved herein shall be located upon the outside perimeter of the lots only.

13. Duration of Covenants. These restrictions shall be binding on the land and all parties

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owning same or in possession thereof for a period of twenty (20) years from the date hereof and shall be extended for successive periods of ten (10) years thereafter, unless, prior to the expiration of the initial twenty year period or any such ten year period thereafter, an instrument signed by the owners of record of the majority in interest of the lots in the subdivision and any subsequent phases subject thereto has been recorded revoking or modifying said restrictive covenants. Any subsequent land subjected to this declaration by an amendment hereto shall continue subject thereto for the remainder of the current term of these covenants and shall be extended on the same date as provided herein unless modified or rescinded one of the majority in interest of all owners in any subsequent phase or lands upon which these covenants (and as the same may be amended) have been imposed.

14. **Modification of Covenants.** As long as the Declarant owns two or more of the lots shown on the aforesaid plats or amendments thereto, the Declarant, its successors or assigns, reserves the right to alter, amend, modify, change or eliminate any or all of the covenants contained herein.

15. **Enforcement of Covenants.** If the owner of such lots or any of them, or their heirs or assigns, shall violate any of the covenants hereinbefore set out, it shall be lawful for any other lot owner to institute legal proceedings against the owner or owners violating any of such covenants, either to prevent him from so doing or to recover damages for such violation or both. Except as herein set forth in paragraph 2, the failure to enforce any right, reservation, restriction, or condition contained, shall not be deemed a waiver of the right to do so hereafter, as to the same breach or as to a breach occurring prior to subsequent thereto and shall not bar or affect its enforcement.

In the event Declarant, its successors or assigns, employs counsel to enforce any of the foregoing covenants by reason of violation of said covenants, all costs incurred in such enforcement, including reasonable attorney's fees, shall be paid by the owner of such lot or lots and the Declarant, its successors or assigns, shall have a lien upon such lot or lots to secure the payment of all such accounts, which lien may be enforced by civil action in the nature of a suit to foreclose a lien of a deed of trust.

Invalidation of any of these covenants by judicial decree shall in no way affect any of the other provisions, which shall remain in full force and effect.

IN WITNESS WHEREOF, Nags Head Construction & Development, Inc. a North Carolina corporation, Declarant, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of it Board of Directors, the day and year first above written.

NAGS HEAD CONSTRUCTION & DEVELOPMENT, INC.

_____

William H. Norman, President

I, _____, a Notary Public of the County and State aforesaid, do hereby

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certify that William H. Norman personally came before me this day and acknowledged that he is President of Nags Head Construction and Development, Inc. a North Carolina corporation, and acknowledged on behalf of Nags Head Construction and Development, Inc., the due execution of the foregoing instrument. Witnessed by my hand and seal, this _____ day of _____, 2019.

_____

My Commission Expires:_____

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TOWN OF NAGS HEAD
SUBDIVISION PLAT REVIEW CHECKLIST

DATE RECEIVED _____
Amount Due _____

1. **NAME OF PROPOSED SUBDIVISION** Southridge Subdivision

PHASE ☐ SECTION ☒ NO: VI MAJOR ☒ MINOR ☐ ZONING DISTRICT R2 Medium Density

LOCATION OF PARCEL 300' South of the intersection of Croatan Highway and Soundside Road

MAP BOOK/CABINET DB 1266 PG 271 PAGE.SLIDE NUMBER PC E SL 360

DISTANCE TO NEAREST STREET ADJACENT NAME OF STREET CROATAN HIGHWAY (US 158)

PLAT PREPARER'S NAME QUIBLE & ASSOCIATES, P.C.

ADDRESS 8466 CARATOKE HIGHWAY POWELLS POINT, NC 27966

PHONE # (252) 491-8147

2. NAME OF OWNER NAGS HEAD CONSTRUCTION AND DEVELOPMENT, INC.

ADDRESS P.O. BOX 16472 CHESAPEAKE, VA 23328

PHONE # (757) 652-5012 AL NORMAN

CONTACT OWNER C/O VIKING MANAGEMENT, INC.

ADDRESS P.O. BOX 16472 CHESAPEAKE, VA 23328

PHONE # (757)306-9620

APPLICANT CERTIFICATION AND STANDING

As applicant of standing of the above-mentioned subdivision, I certify that the information on this checklist and the subdivision plat is complete and accurate.

SIGNATURE OF OWNER

THIS SUBDIVISION COVERS ONLY PART OF TRACT, THEREFORE, I ATTACH A MAP OF THE WHOLE TRACT SHOWING CONTEXT OF PRESENT SUBDIVISION SECTION. YES ☐ NO ☒

3. CONTACT PERSON ALFRED L. NORMAN

ADDRESS P.O. BOX 16472 CHESAPEAKE, VA 23328

PHONE # (757) 652-5012

4. INDICATE BY CHECK (✓) ATTACHMENTS SUBMITTED AS SUPPORTING DOCUMENTS.

			PREPARER	PHONE #
a.	☒	STORM MANAGEMENT PLAN	QUIBLE & ASSOCIATES, P.C.	(252) 491-8147
b.	☒	SOIL EROSION AND SEDIMENTATION CONTROL	*QUIBLE & ASSOCIATES, P.C.	(252) 491-8147
c.	☒	WATER LINE PLAN	QUIBLE & ASSOCIATES, P.C.	(252) 491-8147
d.	☒	STREET PLAN	QUIBLE & ASSOCIATES, P.C.	(252) 491-8147
e.	☒	STREET LIGHTING PLAN	QUIBLE & ASSOCIATES, P.C.	(252) 491-8147
f.	☒	COVENANTS/DEED RESTRICTIONS	JAMES GILREATH JR	(252) 480-1414
g.	☐	MAP OF WHOLE TRACT (IF LARGER THAN SUBDIVISION SUBMITTED)	N/A	

FIVE (5) COPIES TO BE SUBMITTED FOR STAFF REVIEW; TWELVE (12) COPIES FOR FORMAL REVIEW.

*PROPOSED INFILTRATION BASINS TO ACT AS EROSION AND SEDIMENT CONTROL MEASURES DURING CONSTRUCTION.

Agenda Item Summary Sheet

Item No: **H-3**
Meeting Date: **January 8, 2020**

Item Title: Consideration of a Major Site Plan Review for Gone Coastal Shopping Center, located at 7531 S. Virginia Dare Trail, Nags Head

THE APPLICANT HAS REQUESTED A CONTINUANCE TO MARCH 2020

Item Summary:

Number of Attachments: 0

Specific Action Requested:

Submitted By: Planning and Development Date: December 30, 2019

Finance Officer Comment:

Signature: Amy Miller Date: December 30, 2019

Town Attorney Comment:

Signature: John Leidy Date: December 30, 2019

Town Manager Comment and/or Recommendation:

Signature: Cliff Ogburn Date: December 30, 2019

Agenda Item Summary Sheet

Item No: **H-4**
Meeting Date: **January 8, 2020**

Item Title: Consideration of a Major Site Plan Review for the reconstruction of Christmas Mouse, an 8,682 square foot retail shop, at 2401 S. Croatan Highway, Nags Head

Item Summary:
House Engineering, P.C. has submitted this Major Site Plan Review application on behalf of Robeca Nags Head, LLC for the reconstruction of Christmas Mouse. The scope of work includes reconstruction of an 8, 682 square foot retail structure and minor changes to parking and site conditions. The subject property is located at 2401 S. Croatan Highway and is zoned C-2, General Commercial.

Planning Board/Staff Recommendation
Planning Staff finds that the proposal is consistent with the applicable use and development standards, as well as relevant land use policies. Therefore, Staff recommends approval of the Major Site Plan request as presented, conditioned upon the submitted plans.

At their December 17, 2019 meeting the Planning Board voted unanimously to recommend approval of the Major Site Plan Review as presented.

Number of Attachments: 3

Specific Action Requested:

Review the Major Site Plan Application

Submitted By: Planning and Development Date: December 30, 2019

Finance Officer Comment:

Insufficient information to determine fiscal impact.

Signature: Amy Miller Date: December 30, 2019

Town Attorney Comment:

I will participate in the discussion.

Signature: John Leidy Date: December 30, 2019

Town Manager Comment and/or Recommendation:

I will participate in the discussion.

Signature: Cliff Ogburn Date: December 30, 2019

STAFF REPORT
Town of Nags Head
Planning & Development Department

To: Board of Commissioners
From: Kelly Wyatt, Deputy Planning Director
Date: January 8, 2020
Subject: Christmas Mouse, Major Site Plan Review

GENERAL INFORMATION

Applicant: House Engineering, P.C. on behalf of Robeca Nags Head, LLC.

Application Type: Major Site Plan Review

Purpose/Request: Reconstruction, following a fire, of retail structure with a gross floor area of 8,682 square feet. Parking and site conditions, with minor changes, are intended to remain as currently exist.

Property Location: 2401 S. Croatan Highway, Nags Head.

Existing Land Use: Retail structure lost to fire and cell tower facility.

Zoning Classification of Property: C-2, General Commercial Zoning District.

Zoning Classification of Surrounding Properties: Properties to the north and south are zoned C-2, General Commercial (vacant and Outer Banks Dermatology). Property to the west, directly across U.S. Highway 158, is zoned C-2, General Commercial (former Kelly's Restaurant). Property to the east, directly across S. Wrightsville Avenue, is zoned C-4, Arts and Culture District and is developed commercially (vacant, former Nags Head Florist).

Flood Hazard Zone of Property: The western portion of the property is located within an AE 9 Flood Zone; the eastern portion of the property is located within an AE 10 Flood Zone. The four-corners of the proposed structure are shown at elevation 8.5 ft. msl and the applicant intends to flood-proof the commercial structure.

POLICY AND PLAN CONSIDERATIONS

Land Use Plan Map/Policies: The 2017 Comprehensive Plan Future Land Use Map classifies this property as General Commercial and it is additionally located within the General Commercial Activity Node. Descriptions of these classifications are below:

General Commercial: General Commercial designation is located throughout the town paralleling US 158 and US 64. The General Commercial designation is intended to foster a thriving commercial business community with a variety of uses, activities, and scales. Form is as important as use within this designation and there should be a high degree of design quality for the building facade. Planned, mixed use developments are encouraged. Best practices for all types of corridors include: driveway consolidation, bicycle/pedestrian accommodations, traffic calming, and buffering/landscaping.

General Commercial Activity Node: General Commercial Activity Nodes are focal points of activity and higher intensity development in the town. These are areas that are anticipated to have future concentrations of uses that serve as destinations or hubs of activity for the town and are appropriate for shopping centers or larger footprint retail stores. General Commercial Activity Nodes are envisioned to be planned commercial development with a range of uses including retail, office, restaurant, banking, personal service establishments, gymnasium, indoor entertainment, gallery/museum, hotel (boutique/small scale), institutional uses, and multi-family. Future development is characterized by compact development patterns, walkability, and a higher standard of architectural and site design. Multiple, smaller structures are preferred over large strip development. Future development should accommodate pedestrian access from existing pedestrian infrastructure to storefronts. Further, adequate pedestrian infrastructure should be provided to safely traverse and interconnect commercial sites.

When determining if the proposal is consistent with the Land Use designation, staff considered the following excerpts and policies as being relevant:

- Page 3-14, LU-5 reads, “Promote contiguous and cohesive nodes of commercial development of appropriate size and massing for the surrounding area”.

- Page 3-25, LU-15 reads, “Promote architectural standards for commercial development in keeping with the Nags Head style architecture”.

- Page 3-32, LU-25 reads, “Support continued use and improvement of non-conforming properties”.

- Page 3-126, EC-10 reads, “Promote the growth of existing businesses and the recruitment of new business that are compatible with the town’s vision which add full-time, year-round jobs that work to stabilize the employment market”.

Staff finds the reconstruction of this commercial structure to be consistent with land use classification and stated Land Use Policies.

SPECIFIC INFORMATION

Applicable Zoning Regulations:

- Use Regulations: Section 6.6, Table of Uses and Activities lists “General Retail” as a Permitted Use within the C-2, General Commercial District, no supplemental standards are provided.

- Lot Coverage: Total allowable lot coverage for this site is 55%. Proposed lot coverage is 54.53% and is therefore compliant.

- Height: The maximum allowable building height within the Town is 35 feet; however, pursuant to Section 8.2.1, Dimensional requirements, total height may be increased to 42 feet with the use of an 8:12 roof pitch or greater. The applicant has proposed a structure with an overall height of 35.5 feet with the use of an 8:12 roof pitch therefore height is compliant.

- Architecture Design Standards: Section 10.82, Applicability, of the UDO, states that Commercial Design Standards shall apply to all building construction or remodeling projects requiring a conditional use permit or site plan review. Therefore, reconstruction of the fire damaged commercial structure must adhere to the Commercial Design Standards set forth within Part VI of the UDO. Section 10.83, Design Standards, of the UDO, states that projects adding a total habitable building area of 10,000 square feet of less 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. Projects that elect to comply in this manner shall, in addition to the 150 architectural design points, incorporate specific standards into the design (attached). The proposed architectural design satisfies the minimum standards required by Section 10.83 and additionally achieves 152 architectural design points with the use of a first-floor porch, dormers, 8:12 pitched roof, simulated wood shingles and other miscellaneous architectural details.

- Parking: Pursuant to Article 10, Table 10-2, Required Parking by Use, General Retail shall provide parking at least one (1) parking space for each 250 square feet of gross floor area, plus one (1) parking space for each employee, but no less than two (2) employee parking spaces for each retail unit or establishment. The proposed structure contains 8,682 square feet of gross floor area, requiring 35 parking spaces. Four employees are proposed, necessitating four additional parking spaces. A total of 39 parking spaces are required; 47 spaces are provided and therefore parking is compliant. Please note, the parking lot layout and design is unchanged except for the conversion of 11 asphalt parking spaces into turfstone parking spaces. This conversion not only results in a decrease in impervious area but allows for stormwater infiltration.

- Buffering/Landscaping: Christmas Mouse was originally approved by the Board of Commissioners on March 5, 1987. The code that was in effect at that time did not require buffering or landscaping on this site. Part VI, Performance Standards, Section 10.82, Applicability, states that the design standards contained within this Section shall apply to all building construction or remodeling projects requiring a conditional use permit or site plan review. Section 10.93, Landscaping, Buffering and Vegetation Preservation, requires that the applicant provide buffering as part of the new construction. Section 10.93.3.1.1 Parking Lot Buffers, requires a buffer strip of at least ten (10) feet in width be provided between the parking lot and the street right-of-way line. In this instance, due to the orientation of the driveway and the need to preserve the sight triangle, the applicant will need to provide a minimal number of shrubs and ornamental grasses/herbaceous plants in those areas where the existing parking lot abuts

U.S. Highway 158 to the west and Wrightsville Avenue to the east. The applicant has made notation on the site plan of the required landscape buffer area and will work with planning staff to identify the proper plantings prior to the Board of Commissioners review.

Section 10.93.3.7 of the UDO outlines the requirements for providing interior parking lot landscaping. The parking lot, aside from the conversation of asphalt parking into turfstone parking, is to remain unchanged. Staff would note that this is an existing site nonconformity, the proposed scope of work would not increase the degree of nonconformity and therefore it can remain as is.

Section 10.93.3.8 of the UDO outlines the Vegetation Preservation/Planting Requirements. Again, staff would note that this is an existing site nonconformity that is not being increased and therefore can remain as is.

- Lighting: No additional lighting is proposed at this time; existing parking lot lighting remains unchanged. Should additional lighting be desired in the future the required photometrics and fixture information will be required for review and approval prior to permit issuance.

- Signage: No additional signage is being proposed at this time.

Water and Sewage Disposal: The Dare County Health Department has reviewed and approved the proposal as presented (DCHD Approval Attached).

Traffic Circulation: See memorandum from Town Engineer dated December 13, 2019 (Attached).

Stormwater Management: See memorandum from Town Engineer dated December 13, 2019 (Attached).

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

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

ANALYSIS

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

STAFF RECOMMENDATION

Staff recommends approval of the Major Site Plan request as presented.

PLANNING BOARD RECOMMENDATION

At their December 17, 2019 meeting the Planning Board voted unanimously to recommend approval of the Major Site Plan Review as presented.

Attachments: *Major Site Plan Application, Site Plan and Architectural Elevations, DCHD Approval, Town Engineer memorandum dated December 13, 2019.*

TOTAL PROPOSED SQUARE FOOTAGE _____ x .50 = $_____ +

(Optional) VESTED RIGHT ☐ ($200.00)

= TOTAL FEE DUE 200.00

TOWN OF NAGS HEAD

DATE RECEIVED _____

SITE PLAN REVIEW APPLICATION & CHECKLIST

1. **LOCATION AND ZONING INFORMATION**
   - A. PROJECT TITLE Christmas Mouse
   - B. STREET ADDRESS 2401 South Croatan Highway
   - C. SUBDIVISION None
     LOT(S) Parcel B & C BLOCK _____ SECTION _____
   - D. PRESENT ZONING C2
   - E. PRESENT USE Retail
   - F. EXISTING NONCONFORMITIES N/A
   - G. ABUTTING PROPERTY ZONING C2
   - H. ABUTTING PROPERTY USE Business, Vacant

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

     Andrew House, P.E.

     OWNER ☐ AGENT ☑ CONTRACT PURCHASER ☐
   - B. APPLICANT/DEVELOPER: NAME House Engineering, P.C.
     ADDRESS PO Box 466
     Kitty Hawk, NC 27949
     TELEPHONE 252-261-8253
   - C. CONTACT PERSON: NAME Bryan Seawell
     ADDRESS Same
     TELEPHONE Same

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

   NAME/ADDRESS (N) Ocean Horizon Properties, LLC, 2309 South Croatan Highway, Nags Head, NC 27959

   NAME/ADDRESS (S) GloCon LLC, 2405 South Croatan Highway, Nags Head NC, 27959

   NAME/ADDRESS (E) Robert and Christine Lively, 207 East Gallery Row, Nags Head, NC 27959

   NAME/ADDRESS (W) Lidl US Operations, LLC, 2316 South Croatan Highway, Nags Head, NC 27959

   (If additional space is needed, please attach separate sheets.)

4. **SITE PLAN AND SITE PLAN ATTACHMENT DATA**

A. Site plan preparer House Engineering, P.C. Phone # 252-261-8253

NC Registered ☑ Engineer ☐ Architect ☐ Surveyor. License # 24740

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

☐ 1.5", 2-hour rainfall: retained on-site.

☐ 4.3", 2-hour rainfall: no important access or health-related impacts.

☐ 5.0", 2-hour rainfall: no unapproved impacts.

Drainage calculations have been prepared ☐ YES ☐ NO ATTACHED ☑ YES ☐ NO Noted on site plan

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

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

☐ Attached tentative approval letter dated _____

☑ Attached final permit dated . 11/18/2019

☐ State ☑ County

D. Project involves condominium ownership.

☑ NO ☐ YES, Three copies of condominium documents attached.

E. Amount of land-disturbing activity proposed Exisiting Site. No Fill square feet.

A Soil Erosion and Sedimentation Control Plan has been prepared.

☐ NO ☑ YES; (1) Copy attached, On Site Plan

(2) Copy submitted to Dare County Soil Conservation Service, Manteo NC 27954.

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

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

Twelve (12) copies for Planning Board review

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

3. Flood zone(s) as determined by latest FEMA Flood Insurance Rate Map, with notation, "flood zone subject to change by FEMA."	✓	
4. All underground utilities and facilities including gasoline tanks and existing septic facilities (including tanks and fields).	✓	
5. The location of any marsh areas, estuarine waters, or US Army Corps of Engineers 404 wetlands protection within or abutting the lot.	N/A	
6. If the lot is within an ocean hazard Area of Environmental Concern, the location of the first line of stable natural vegetation, the CAMA setback line, and contour lines at 2-foot intervals depicting any dunes located within an oceanfront AEC that are to be disturbed by construction.	N/A	
7. If the lot is within the small surface water supply watershed AEC (within 1,200 feet from the Fresh Water Pond), the distance between the pond and proposed septic or sewage treatment system.	N/A	
8. Percentage of site to be undisturbed and included in calculation for compliance with vegetation preservation ordinance Section 48-371.	N/A	
C. **Site improvements** in accordance with regulations of state of North Carolina, Dare County, and Town of Nags Head		
1. Proposed building type (e.g., concrete or frame), number of floors and dimensions.	✓	
2. Proposed building elevations for all sides of building labeled in accordance with proposed architectural design criteria of Section 48-370.	✓	
3. Total height and number of stories of proposed structure(s). If increased height is being proposed in conjunction with increased setbacks, show increase allowed in tabular form on plan. Note definition of height in Section 48-7 of Town Code of Ordinances.	✓	
4. Existing and proposed ground elevations at the corners of proposed structure(s).	✓	
5. Sanitary sewer facilities with connection to sewer system or septic tank.	✓	
6. Approximate locations of proposed underground utilities and any necessary easements.	✓	
7. Screened dumpster pad(s) accessible to left-side loaders and sized in accordance with the Town Code of Ordinances.	✓	
8. Proposed fire hydrants and extensions of water distribution lines in accordance with size and density requirements found in Section 48-363 of the Town Code of Ordinances.	N/A	
9. Location and height of proposed free-standing signs. See requirements of Chapter 48 Article VIII of the Town Code of Ordinances.	✓	
10. Location of all sidewalks, curbs, drives, and parking within the site and proposed finished elevations.	✓	
11. Handicapped parking spaces, walks, ramps, and entrances shown in accordance with the NC State Building Code. Include a Handicapped sign detail.	✓	
12. The Vegetative Buffer Yard areas have been identified and the proper buffer yard provision(s) have been identified (i.e. Buffer Yard A, B,C,D,E as outlined in Chapter 48 Article XIII of the Town of Nags Head Code of Ordinances).	✓	
13. Layout of numbered stalls/loading zones in accordance with Chapter 48 Article V of the Town Code of Ordinances.	✓	

Commercial	☑	Parking Spaces Required	39	Parking Spaces Shown	47	Loading Spaces	N/A
Residential	☐						

2 STORIES BUILDING SQUARE FOOTAGE: PRINCIPAL 4384 Sq. Ft. ACCESSORY 0 TOTAL 4384 Sq. Ft.			
# EMPLOYEES 4			
# DWELLING/LODGING UNITS N/A			

D. **EXPLANATORY NOTES**

1. Vicinity map.
2. Total square feet of land area to undergo land-disturbing activity.
3. The total required parking spaces versus the total parking spaces provided. Parking spaces to be numbered.
4. Cross-sectional details of all streets, roads, ditches, and parking lot improvements.
5. The number of dwelling/commercial units. If more than one use is proposed (e.g., large hotel with shops, etc.), show breakdown of units or square footage by building.
6. If additional height above 35 feet is being proposed, the additional height and increased setbacks shall be laid out in tabular form.
7. Total site coverage calculations. (Refer to Zoning Ordinance to calculate lot coverage for lots abutting ocean or sound.)
8. Components of the lighting plan (pole location, pole height, type of fixture, wattage, source of illumination, etc.). See Chapter 48 Article IX of the Town Code of Ordinances.
9. A completed architectural points worksheet for commercial structures subject to residential design criteria.

6. **PLAN AND ATTACHMENT PREPARER CERTIFICATION**

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

12/30/2019 — DATE

SIGNATURE OF ENGINEER ☑ ARCHITECT ☐ SURVEYOR ☐

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

Name	Phone #	Information provided
Seaboard Surveying	252-480-9998	Survey

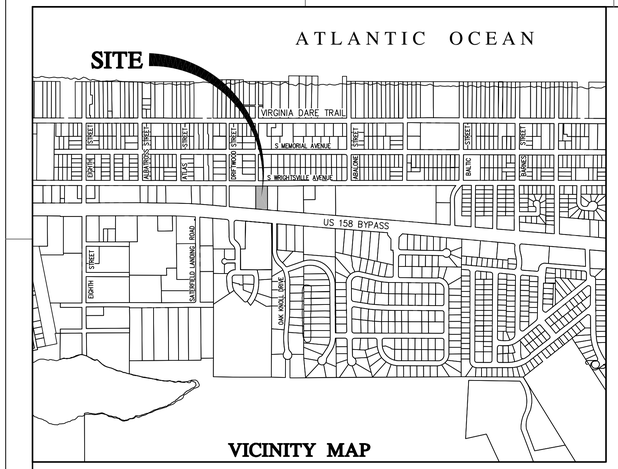
Site Specific Development Plan Option - Vested Right for Site Plans

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

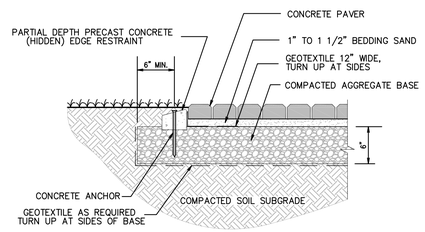
If you choose the Site Specific Development Plan option, please keep in mind the following concerns:

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

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

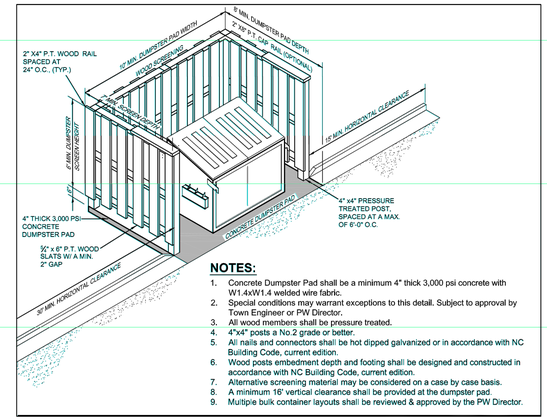


VICINITY MAP



COMMERCIAL CONCRETE PAVERS DETAIL

NO SCALE



NOTES:

1. Concrete Dumpster Pad shall be a minimum 4" thick 3,000 psi concrete with W1.4xW1.4 welded wire fabric.
2. Special conditions may warrant exceptions to this detail. Subject to approval by Town Engineer or PW Director.
3. All wood members shall be pressure treated.
4. 4"x4" posts a No.2 grade or better.
5. All nails and connectors shall be hot dipped galvanized or in accordance with NC Building Code, current edition.
6. Wood posts embedment depth and footing shall be designed and constructed in accordance with NC Building Code, current edition.
7. Alternative screening material may be considered on a case by case basis.
8. A minimum 16' vertical clearance shall be provided at the dumpster pad.
9. Multiple bulk container layouts shall be reviewed & approved by the PW Director.

DUMPSTER PAD DETAIL

NO SCALE

GENERAL NOTES:

* SUBJECT PROPERTY: Parcel in Nags Head
  Nags Head, Dare County, NC. 27959
* STREET ADDRESS: 2401 S Croatan Hwy
  Nags Head, NC 27959
* PARCEL ID NUMBER: 005644000
* GLOBAL PIN: 989317213314
* RECORDED REFERENCE: PL: B SL: 255, D.B. 1852 Pg. 0190
* LOT AREA: 36,746 SF.
* FEMA DATA: COMMUNITY: DARE COUNTY
  FIRM ZONE – As Shown
  FLOOD ZONES SUBJECT TO CHANGE BY FEMA
* FEMA DATA: COMMUNITY: C–2 (COMMERCIAL)
* PROPOSED DEVELOPMENT: RETAIL STORE and OFFICES
* BUILT UPON COVERAGE:

PROPOSED:
BUILDING FOOTPRINT – 4,384 SQ. FT.
COVERED WALK – 856 SQ. FT.
CONCRETE WALK – 322 SQ. FT.
CONCRETE PAVERS – 1,995 x 0.67 = 1,337 SQ. FT.
HVAC EQUIPMENT AREA – 120 SQ. FT.

EXISTING:
PARKING AREA – 12,903 SQ. FT.
CONCRETE DUMPSTER PAD – 115 SQ. FT.
TOTAL – 20,037 SQ. FT. (54.53%)

PARKING SCHEDULE:

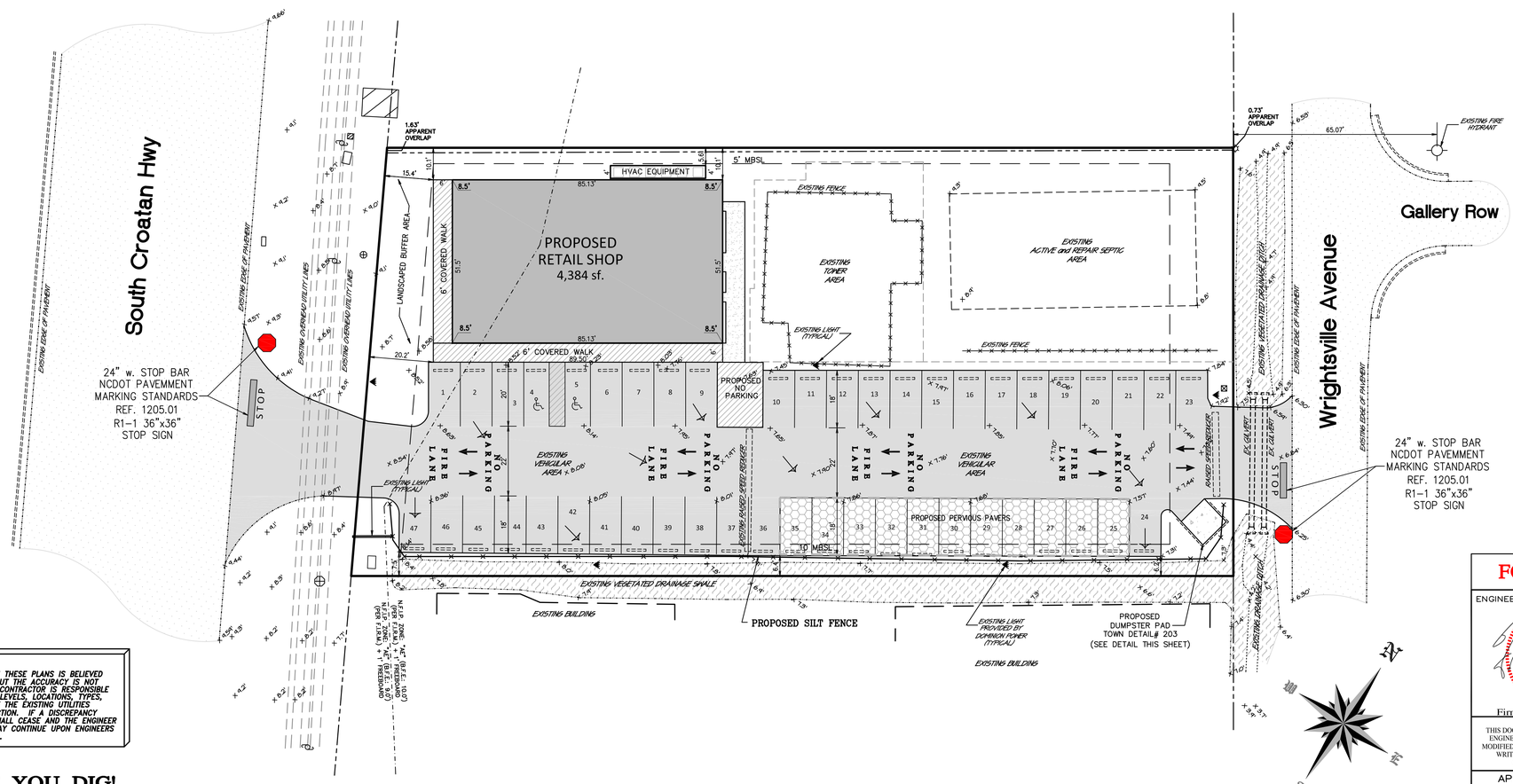
1 SPACE PER 250 SF OF RETAIL:	8,682 SF/ 250 SF = 34.73 (35 SPACES)
1 SPACE PER EMPLOYEE:	4 EMPLOYEES = 4 SPACES
TOTAL	39 SPACE REQUIRED 47 SPACE PROVIDED

* BOUNDARY INFORMATION TAKEN FROM SEABOARD SURVEYING & PLANNING INC.

* PREVIOUS STRUCTURE SQUARE FOOTAGE – 4,480 SQ. FT.
* PROPOSED STRUCTURE SQUARE FOOTAGE – 4,384 SQ. FT.

LEGEND:

PROPOSED RETAIL STORE
COVERED WALK
PROPOSED VEHICLE CIRCULATION AREA
PROPOSED CONCRETE SURFACE
EXISTING CONCRETE SURFACE
PROPOSED PERVIOUS PAVERS
EXISTING ASPHALT SURFACE
EXISTING DRAINAGE FLOW ARROW
EXISTING SPOT GRADES
PROPOSED FINISHED SPOT GRADES



NOTE:
THE DATA GIVEN ON THESE PLANS IS BELIEVED TO BE ACCURATE, BUT THE ACCURACY IS NOT GUARANTEED. THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL LEVELS, LOCATIONS, TYPES, AND DIMENSIONS OF THE EXISTING UTILITIES PRIOR TO CONSTRUCTION. IF A DISCREPANCY IS FOUND, WORK SHALL CEASE AND THE ENGINEER NOTIFIED. WORK MAY CONTINUE UPON ENGINEERS NOTICE TO PROCEED.

BEFORE YOU DIG!

North Carolina 811
WWW.nc811.ORG

GRAPHIC SCALE
20 0 20 40
(IN FEET)
1 inch = 20 ft.

FOR BOARD OF COMMISSIONERS REVIEW

ENGINEER SEAL
NORTH CAROLINA PROFESSIONAL SEAL 24740 ENGINEER FREDERICK A. HOUSE
Firm Certification# C-1955

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APPROVALS		DATE
Drawn:	D. NEFF	12/19/19
Checked:	R. HOUSE	12/19/19
Engineer:	R. HOUSE	12/19/19

REVISIONS

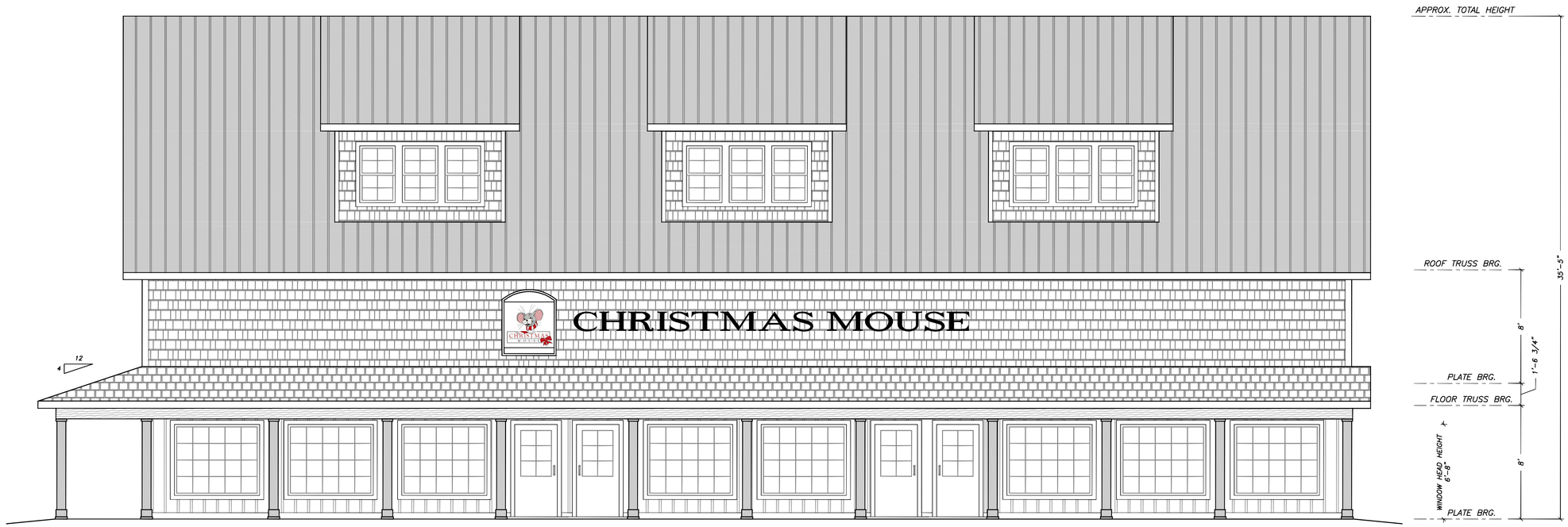
No.	Date	Description

HOUSE ENGINEERING, P.C.
Post Office Box 466 - 6475 N. Croatan Hwy, Suite 201
Kitty Hawk North Carolina 27949
Office# (252) 261-8253 E-Mail: info@houseengineering.net

Sketch Plan
Christmas Mouse
Robecca Nags Head, Llc
Location:
2401 S Croatan Hwy
Nags Head Dare County North Carolina

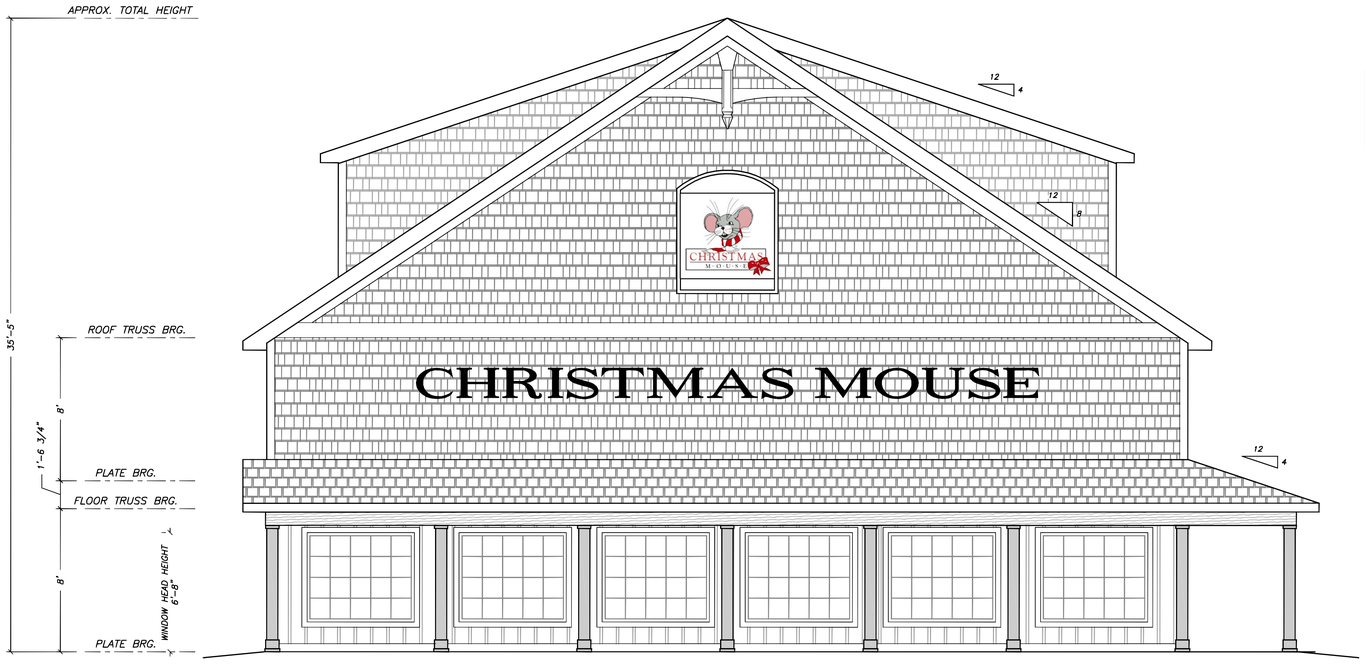
SIZE	PROJECT NUMBER	REV	SHEET NO.
D	195955	-	C1 OF 1

CAD FILENAME: 195857 SCALE: 1"=20'



PROPOSED SOUTH ELEVATION 1-A

SCALE: 1/4"=1'-0"



PROPOSED WEST ELEVATION 1-B

SCALE: 1/4"=1'-0"

SIMULATED CEDAR SHAKE SIDING CALCULATIONS:

- TOTAL WALL AREA: 5,761 sq.ft.
- COVERED WITH CEDAR SHAKE: 4,848 sq.ft. -84%

GLAZING CALCULATIONS:

1. SOUTH WALL:
   - TOTAL AREA: 1,417 sq.ft.
   - GLAZING AREA: 408 sq.ft. -28.8%
2. WEST WALL:
   - TOTAL AREA: 1,301 sq.ft.
   - GLAZING AREA: 180 sq.ft. -13.8%
3. NORTH WALL:
   - TOTAL AREA: 1,590 sq.ft.
   - GLAZING AREA: 180 sq.ft. -11.3%

DESIGN ELEMENT*	FORMULA/NO. OF POINTS POSSIBLE	POINTS
Porches	First Floor Porches - p1/b1x150 = p1 = perimeter of first floor with porch b1 = perimeter of first floor Second Floor Porches - p2/b2x75 = p2 = perimeter of second floor with porch b2 = perimeter of second floor	75 pts
Dormers (25 points max.)	Hip or Gable - nx5 = Shed - n(10) + L = n = no. of dormers L = linear ft. past 12'	25 pts
Coastal Watch Tower (10 points max.)	10	
Roofs	25	25 pts
Building Form (40 points max.)	Bump Outs - fx10 f = facade with required bump outs Combination Base Form = 40	
Siding Material	Wood Shingles = 25 Simulated Wood Shingles = 12	12 pts
Misc. Details	Windows = 20 Workable Shutters = 15 Exposed Rafter Tails = 5 Beauty Bands = 5 Column Trim = 5 Gable Bracket = 5	5 pts 5 pts 5 pts
Minimum Required Point Total		S.F. x 0.025

*Meeting the specifications as indicated in the Town of Nags Head Residential Design Guidelines

TOTAL: 152 PTS OF 150 PTS REQUIRED

TOTAL CONDITIONED SPACE: 7,896 sq.ft.
GROUND FLOOR: 4,384 sq.ft.
FIRST FLOOR: 3,512 sq.ft.
COVERED WALKWAY: 856 sq.ft.
RETAIL SPACE: 7,091 sq.ft.
STORAGE: 608 sq.ft.
OFFICE: 90 sq.ft.
CUSTOMER RESTROOMS: 128 sq.ft.
CELL TOWER STORAGE ROOM: 142 sq.ft.

HOUSE ENGINEERING, P.C.
P.O. BOX 466
KITTY HAWK, NORTH CAROLINA 27949
OFFICE: (252) 261-8253 FAX: (252) 261-3283
e-mail: rick@houseengineering.net

Proposed Elevations
for:
"Christmas Mouse"
Robertson Liebler Development
Property Location:
2401 S. Croatan Hwy
Nags Head, Dare County, North Carolina

ENGINEER SEAL

SKETCH PLAN REVIEW NOT FOR CONSTRUCTION 12/9/2019

FIRM CERTIFICATION No. C-1955

ENGINEER'S SEAL APPLIES ONLY TO STRUCTURAL COMPONENTS.

PROJECT CONTACTS:

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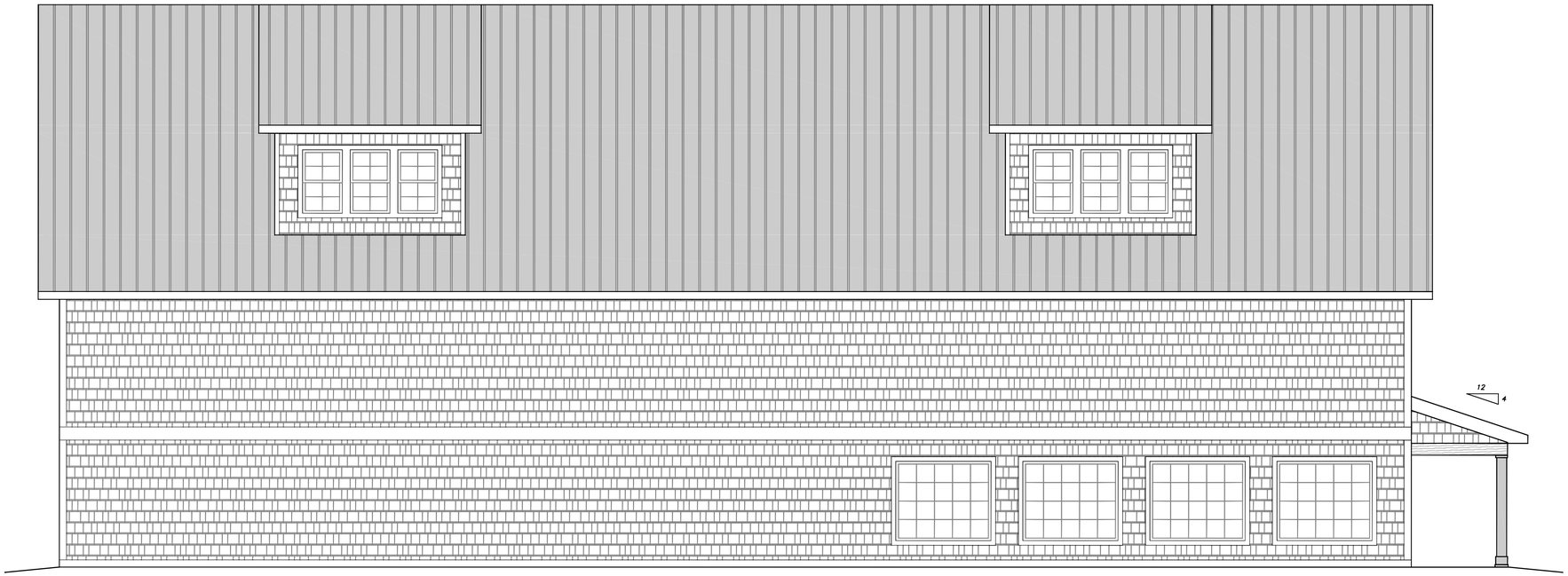
APPROVALS		DATE
DRAWN	B. MORRIS	12/9/19
CHECKED	R. HOUSE	
ENGINEER	R. HOUSE	
SUBMITTED	R. HOUSE	
RECIEVED		

APPLICABLE DRAWING TOLERANCES

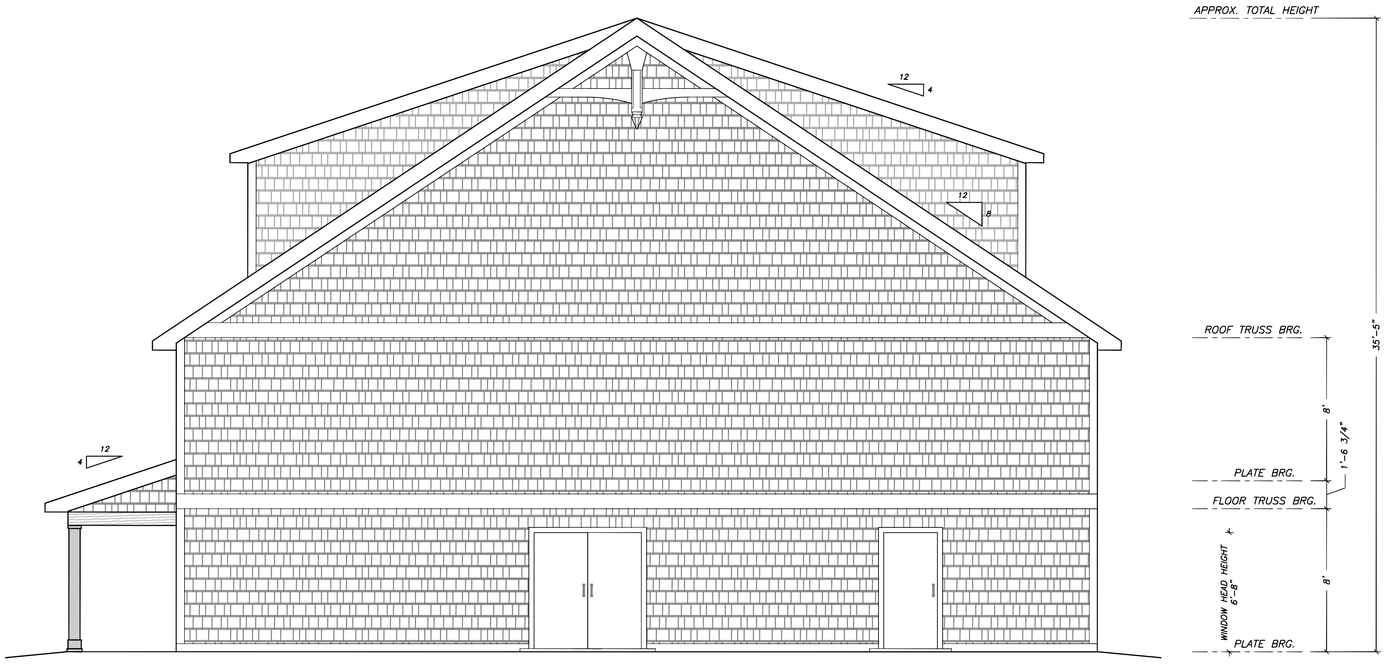
SIZE	PROJECT NUMBER	REV	SHEET NO.
D	195955	-	1 OF 4

CAD FILENAME: 195955_Christmas Mouse SCALE: 1/4" = 1'-0"



PROPOSED NORTH ELEVATION 2-A

SCALE: 1/4"=1'-0"



PROPOSED EAST ELEVATION 2-B

SCALE: 1/4"=1'-0"

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e-mail: rick@houseengineering.net

Proposed Elevations

for:

"Christmas Mouse"

Robertson Liebler Development

Property Location:

2401 S. Croatan Hwy

Nags Head, Dare County, North Carolina

ENGINEER SEAL

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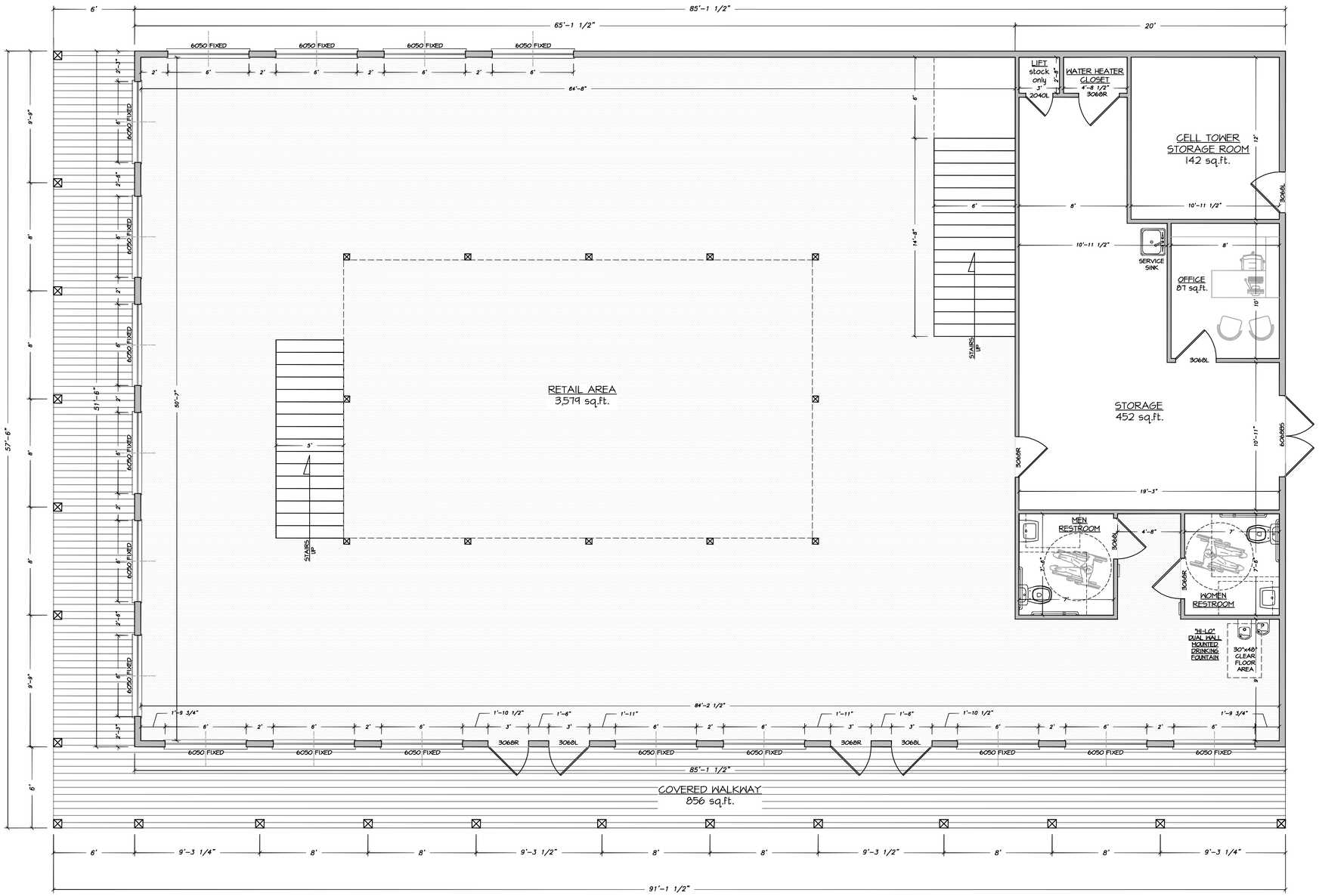
APPROVALS		DATE
DRAWN	B. MORRIS	12/9/19
CHECKED	R. HOUSE	
ENGINEER	R. HOUSE	
SUBMITTED	R. HOUSE	
RECIEVED		

APPLICABLE DRAWING TOLERANCES

SIZE	PROJECT NUMBER	REV	SHEET NO.
D	195955	-	2 OF 4

CAD FILENAME: 195955_Christmas Mouse SCALE: 1/4" = 1'-0"



PROPOSED GROUND FLOOR PLAN 3-A

SCALE: 1/4"=1'-0"

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Proposed Floor Plan
for:
"Christmas Mouse"
Robertson Liebler Development
Property Location:
2401 S. Croatan Hwy
Nags Head, Dare County, North Carolina

ENGINEER SEAL

SKETCH PLAN REVIEW NOT FOR CONSTRUCTION 12/9/2019

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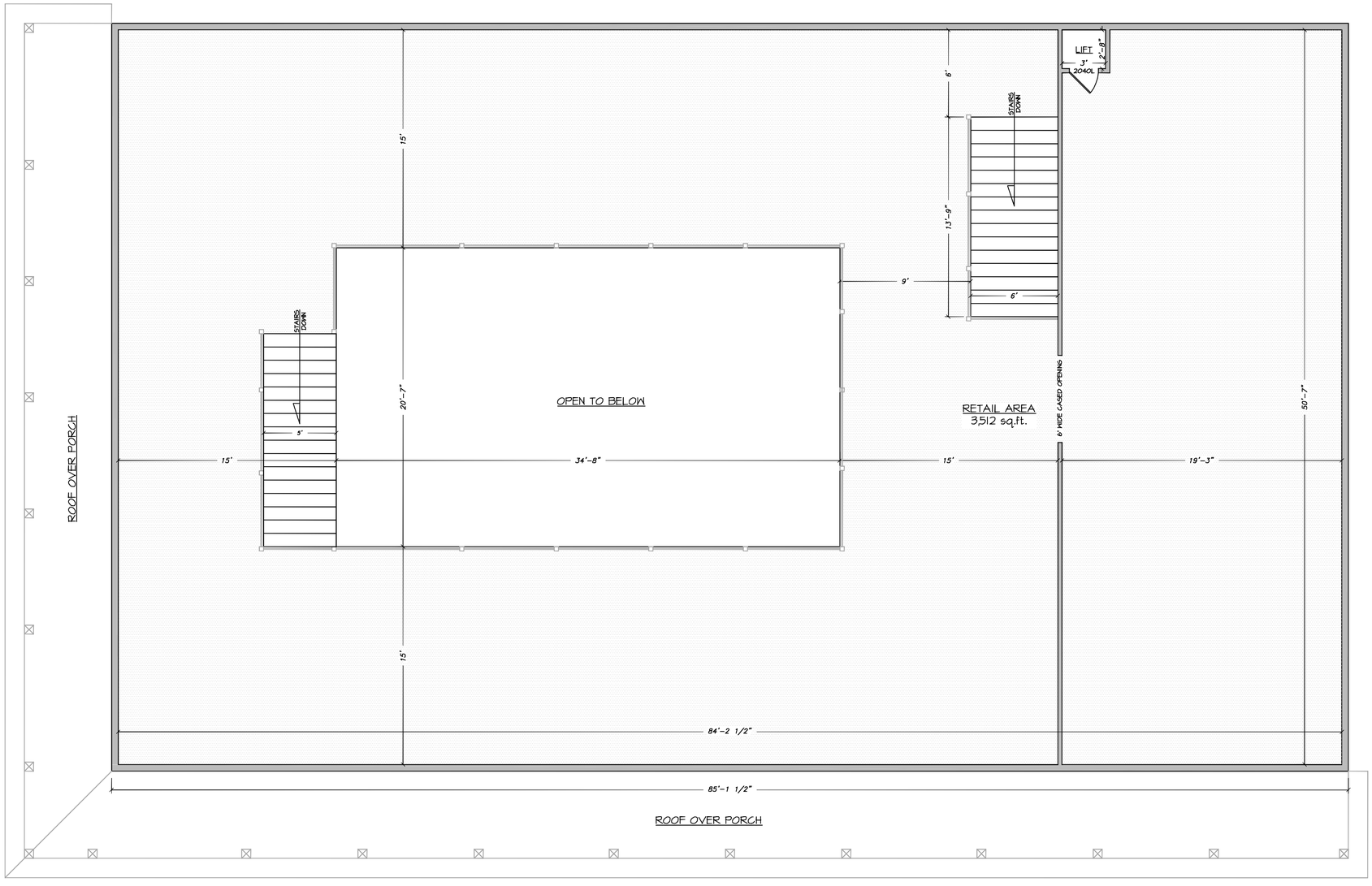
CHECKED	R. HOUSE	
ENGINEER	R. HOUSE	
SUBMITTED	R. HOUSE	
RECIEVED		

APPLICABLE DRAWING TOLERANCES

SIZE	PROJECT NUMBER	REV	SHEET NO.
D	195955	-	3 OF 4

CAD FILENAME: 195955_Christmas Mouse SCALE: 1/4" = 1'-0"



PROPOSED FIRST FLOOR PLAN 4-A

SCALE: 1/4"=1'-0"

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KITTY HAWK, NORTH CAROLINA 27949
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ENGINEER	R. HOUSE	
SUBMITTED	R. HOUSE	
RECIEVED		

APPLICABLE DRAWING TOLERANCES

SIZE	PROJECT NUMBER	REV	SHEET NO.
D	195955	-	4 OF 4

CAD FILENAME: 195955_Christmas Mouse SCALE: 1/4" = 1'-0"

County of Dare
PO Box Drawer 1000
Manteo NC 27954

29194

Phone: (252) 475-5080

DARE COUNTY DEPARTMENT OF PUBLIC HEALTH
Authorization for Wastewater System Construction

PIN: 989317213314 Parcel: 005644000 Permit#: 29194

Owner Name: ROBECCA NAGS HEAD, LLC
Owner Address: 9200 COMMERCE BLVD
--
WILLIAMSBURG, VA23185

Permit Date: 11/18/2019

Owner Phone: (000)000-0000

Location: 2401 S CROATAN HWY NAGS HEAD, NC
Subdivision: SUBDIVISION - NONE LOT: PAR B&C BLK: SEC:

---

1. Original Improvement Permit No. --
2. Wastewater inspected by Josh Coltrain
3. Any alteration in soil conditions (including location of structures and appurtenances) or modification in use, design wastewater flow or wastewater characteristics as specified in the associated improvement permit and application, may subject this authorization and associated permit(s) to revocation.

Other Conditions:

REBUILD WITHIN EXISTING FOOT PRINT FROM FIRE. RECONNECT TO THE EXISTING SYSTEM. OTHER PERMITS REQUIRED BY THE TOWN OF NAGS HEAD. EH UNIT MUST INSPECT AND APPROVE RE-CONNECTION TO THE EXISTING SYSTEM.

This CA is valid for 60 months from the date of issuance.
Disclaimer: This permit does not relieve you of the responsibility to obtain any other necessary Federal, State or Local permit(s).

Owner Certification

Applicant or Owner Signature

11/18/2019
Date

Authorized by County of Dare

Applicant: HOUSE ENGINEERING PE

Ben Cahoon
Mayor

Susie Walters
Mayor Pro Tem

Cliff Ogburn
Town Manager

Town of Nags Head
Post Office Box 99
Nags Head, NC 27959
Telephone 252-441-5508
Fax 252-441-0776
www.nagsheadnc.gov

M. Renée Cahoon
Commissioner

J. Webb Fuller
Commissioner

Michael Siers
Commissioner

Date: December 13, 2019

To: Kelly Wyatt, Deputy Planning Director

From: David Ryan, P.E.

RE: Christmas Mouse- Town Engineer Plan Review Comments

Internal Traffic Circulation Review

1. The internal traffic circulation approval is contingent on the Public Works/Fire Department approval for access of sanitation and emergency vehicle access.

Stormwater Management Review

1. Article 11.4.1 of the UDO indicates "Redevelopment of property with existing commercial use, mixed land uses or residential uses other than single-family or duplex residential uses does not require submission of a stormwater plan under the following circumstances;"

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

   This application is found to be consistent with the above referenced regulation with additional requirement for stormwater management control measures.

2. The project shall be designed, constructed, operated and maintained in accordance with Article 11. Environmental Regulations of the Town of Nags Head Unified Development Ordinance. **This shall be a condition of approval.**

3. The submitted site development plan has been determined to be in accordance with Article 11. Environmental Regulations of the Unified Development Ordinance**.**

Agenda Item Summary Sheet

Item No: **H-5**
Meeting Date: **January 8, 2020**

Item Title: Reports and Recommendations from the Planning Board and the Planning and Development Director

Item Summary:

Attached please find an update from Planning Director Michael Zehner.

Number of Attachments: 1

Specific Action Requested:

Provided for Board information and update.

Submitted By: Planning and Development Date: December 30, 2019

Finance Officer Comment:

Insufficient information to determine fiscal impact.

Signature: Amy Miller Date: December 30, 2019

Town Attorney Comment:

N/A

Signature: John Leidy Date: December 30, 2019

Town Manager Comment and/or Recommendation:

I will participate in the discussion as necessary.

Signature: Cliff Ogburn Date: December 30, 2019

MEMORANDUM
Town of Nags Head
Planning & Development Department

To: Board of Commissioners

From: Michael Zehner, Director of Planning & Development

Date: December 31, 2019

Subject: Planning and Development Director's Report

This memo provides an overview of selected Planning and Development Department activities, projects, and initiatives. Should the Board wish, Staff will be prepared to discuss any of this information in detail at the meeting on January 8, 2020.

Monthly Activity Report

Attached for the Board's review is the *Planning and Development Monthly Report for November 2019*. 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:

- November 5 - NOAA Climate Office - Septic Project Kick-Off Meeting
- November 6 - Board of Commissioners Meeting
- November 7 - On-Site Munis Training
- November 8 - On-Site Munis Training
- November 8 - OBX CRS Meeting
- November 13 - 2020 Census Dare County Complete Count Committee Meeting
- November 19 - Planning Board Meeting
- November 21 - Art & Culture Committee Meeting

Updated Flood Map; Update of Flood Damage Prevention Ordinance

The Town has now received the Letter of Final Determination concerning the updated FEMA Flood Insurance Rate Map (F.I.R.M.), attached. As previously relayed to the Board, the updated map would be effective no later than 6 months after receipt of the letter, so June 19, 2019. The Town can adopt the map sooner, and as the Board may recall, adoption of an updated Flood Damage Prevention Ordinance should be considered in conjunction with the map (if not also amendments to the Stormwater, Fill, and Runoff Management Ordinance as previously discussed with the Board). Staff has developed the following tentative timeline, revised/updated as noted:

- ~~December 4, 2019 - Update to Board of Commissioners~~ ***Completed***
- ~~December 19, 2019 - Receive Letter of Final Determination~~ ***Received***
- ~~Jan/Feb 2020~~ February 18, 2020 - Planning Board/Board of Commissioners Joint ~~Meeting~~ Discussion at regular Planning Board Meeting (suggested by Staff)
- ~~Jan/Feb~~ February/March 2020 - Community Information Meeting; information materials made available online

- ~~February 18,~~ March 17, 2020 - Planning Board Meeting; consider recommendation
- ~~March 4,~~ April 8, 2020 - Board of Commissioners Consent Agenda; request to schedule public hearing
- ~~April 8,~~ May 6, 2020 - Board of Commissions Public Hearing; Final Action (or continued consideration to June 3, 2020 meeting)
- June 19, 2020 - Effective Date (no later than)

CAMA Access Grant

The Town received notification from Governor Cooper (attached) that it was successfully awarded public access grant funds in the amount of $47,232.15 through the N.C. Coastal Management Program for improvements to the Islington Street Beach Access. Staff expects to provide the Board with a contract for consideration at the February meeting.

Dowdy Park Programming

Staff expects to be working over the next 2-3 months to develop a preliminary schedule and plans for concerts and the Farmers Market at Dowdy Park for the 2020 Season. In addition to working with the Art & Culture Committee, Staff anticipates making a presentation to the Board in March to review the 2019 Season and plans for the 2020 Season.

Pending Applications and Discussions

There are three (3) recently submitted text amendments pending review by the Planning Board (initially at the January 21, 2020 meeting) that will come before the Board of Commissioners within the next few months; these are:

- Text amendments to the Unified Development Ordinance to allow outdoor kiosks in conjunction with/accessory to Retail Shopping Centers within the C-2, General Commercial Zoning District. Next Meeting: January 21, 2020 Planning Board Meeting

- Text amendments to the Unified Development Ordinance to allow temporary outdoor stand/farmers market in conjunction with/accessory to general retail uses. Next Meeting: January 21, 2020 Planning Board Meeting

- Text amendments to the Unified Development Ordinance Amendment to allow beer and wine sales by the glass as a use in conjunction with/accessory to general retail uses. Next Meeting: January 21, 2020 Planning Board Meeting

Additionally, at the January meeting, at the Planning Board's request, the Board will be discussing the regulation of large occupancy homes and/or homes regularly used for events. This topic was briefly discussed at the Planning Board's December meeting and the Board agreed to discuss further, consider the issues intended to be addressed, and review practices from other communities.

Additional Updates

- Town Workforce Housing Study & Plan - Staff working with on-call consultant on Phase 1 tasks; anticipated report to the Board of Commissioners in February 2020.

- Septic Health - Staff intends to prepare and present a draft project scope for the update of the Decentralized Wastewater Plan to the Commissioners within the next few months.

- Hazard Mitigation Plan - Staff is preparing final mitigation actions for inclusion in the Plan. Final multi-jurisdictional Committee Meeting for the Plan will be held on January 8, 2020. The final public meetings for Dare County will be held January 8, 2020 at the Fessenden Center in Buxton, and on January 9, 2020 at Jockey's Ridge State Park.

- Grants - As noted above, the DCM grant was awarded for Islington Street Beach Access Grant. A request is pending under the Hazard Mitigation Grant Program (Tropical Storm Michael) to update the Town's Emergency Operations Plan. Staff is considering the submission of a Letter of Interest under the Hazard Mitigation Grant Program related to Hurricane Dorian, due January 31, 2020

- UDO - Staff continues to develop Reference Manual materials. Publishing on Municode platform pending; Staff has reviewed a preliminary proof and returned comments to be addressed. Staff assessing budget for printing hardcopies of UDO.

- Permitting - Staff has contacted representatives of the Outer Banks Home Builders Association to coordinate a schedule for a workshop/forum for the building community. As discussed at the Board's December meeting, Staff is working to allow for the application/issuance of trade permits online by February/March 2020, and building permits by April/May 2020.

Upcoming Meetings and Other Dates

- Wednesday, January 8, 2020 - Board of Commissioners Meeting
- Wednesday, January 8, 2020 - Hazard Mitigation Plan Committee Meeting
- Wednesday, January 8, 2020 - Hazard Mitigation Plan Public Meeting, Buxton
- Thursday, January 9, 2020 - Hazard Mitigation Plan Public Meeting, Nags Head
- Friday, January 17, 2020 - NC State Sustainability Studio On-Site
- Friday, January 17, 2020 - Art & Culture Committee Meeting
- Tuesday, January 21, 2020 - Planning Board Meeting
- Wednesday, January 22, 2020 - Staff Attendance at G.S. 160D Workshop
- Thursday, January 23-Friday, January 24, 2020 - BOC Retreat

TOWN OF NAGS HEAD PLANNING AND DEVELOPMENT
MONTHLY REPORT
NOVEMBER 2019

DATE SUBMITTED: December 7, 2019

	Nov-19	Nov-18	Oct-19	2019-2020 FISCAL YTD	2018-2019 FISCAL YTD	FISCAL YEAR INCREASE/ DECREASE
BUILDING PERMITS ISSUED - RESIDENTIAL						
New Single Family	1	2	0	3	11	(8)
New Single Family, 3000 sf or >	0	1	2	4	6	(2)
Duplex - New	0	0	0	0	0	0
Sub Total - New Residential	1	3	2	7	17	(10)
Miscellaneous (Total)	36	44	41	141	149	(8)
Accessory Structure	*4*	*6*	*5*	19	*16*	3
Addition	*2*	*1*	*1*	5	*5*	0
Demolition	*2*	*0*	*0*	2	*2*	0
Move	*0*	*0*	*0*	0	*0*	0
Remodel	*9*	*14*	*10*	33	*36*	(3)
Repair	*19*	*23*	*25*	82	*90*	(8)
Total Residential	**37**	**47**	**43**	**148**	**166**	(18)
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	1	0	0	2	(2)
Subtotal - New Commercial	0	1	0	0	2	(2)
Miscellaneous (Total)	5	13	15	32	42	(10)
Accessory Structure	*1*	*7*	*1*	6	*12*	(6)
Addition	*0*	*0*	*0*	0	*0*	0
Demolition	*0*	*0*	*1*	2	*0*	2
Move	*0*	*0*	*0*	0	*0*	0
Remodel	*4*	*3*	*4*	12	*13*	(1)
Repair	*0*	*3*	*9*	12	*17*	(5)
Total Commercial	**5**	**14**	**15**	**32**	**44**	(12)
Grand Total	**42**	**61**	**58**	**180**	**210**	(30)
SUB-CONTRACTOR PERMITS						
Electrical	28	45	55	189	205	(16)
Gas	0	4	4	9	10	(1)
Mechanical	24	25	25	144	147	(3)
Plumbing	5	9	5	28	35	(7)
Sprinkler	0	0	0	0	1	(1)
VALUE						
New Single Family	$200,000	$510,000	$0	$525,000	$2,368,000	($1,843,000)
New Single Family, 3000 sf or >	$0	$826,921	$1,632,561	$3,082,561	$3,950,460	($867,899)
Duplex - New	$0	$0	$0	$0	$0	$0
Misc (Total Residential)	$1,122,444	$1,001,981	$1,490,568	$3,743,672	$3,275,895	$467,777
Sub Total Residential	**$1,322,444**	**$2,338,902**	**$3,123,129**	**$7,351,233**	**$9,594,355**	($2,243,122)
Multi-Family - New	$0	$0	$0	$0	$0	$0
Motel/Hotel - New	$0	$0	$0	$0	$0	$0
Business/Govt/Other - New	$0	$1,131,975	$0	$0	$1,846,975	($1,846,975)
Misc (Total Commercial)	$388,860	$852,733	$606,029	$1,346,904	$1,960,274	($613,370)
Sub Total Commercial	**$388,860**	**$1,984,708**	**$606,029**	**$1,346,904**	**$3,807,249**	($2,460,345)
Grand Total	**$1,711,304**	**$4,323,610**	**$3,729,158**	**$8,698,137**	**$13,401,604**	**($4,703,467)**

TOWN OF NAGS HEAD PLANNING AND DEVELOPMENT
MONTHLY REPORT
NOVEMBER 2019

DATE SUBMITTED: December 7, 2019

	Nov-19	Nov-18	Oct-19	2019-2020 FISCAL YTD	2018-2019 FISCAL YTD	FISCAL YEAR INCREASE/ DECREASE
ZONING						
Zoning Permits	30	46	29	120	123	(3)
CAMA						
CAMA LPO Permits	3	1	5	12	12	0
CAMA LPO Exemptions	8	6	9	30	25	5
CODE COMPLIANCE						
CCO Inspections	45	79	59	453	479	(26)
Cases Investigated	19	55	37	223	260	(37)
Warnings	4	17	9	33	52	(19)
NOVs Issued	14	28	27	188	189	(1)
Civil Citations (#)	1	0	0	1	0	1
Civil Citations ($)	$0	$0	$0	$0	$0	$0
SEPTIC HEALTH						
Tanks inspected	7	19	8	96	117	(21)
Tanks pumped	3	8	3	8	36	(28)
Water quality sites tested	0	23	0	112	115	(3)
Personnel Hours in Training/School	30	12	30	77	204	(127)

Michael D. Zehner, Director of Planning & Development

COMMENTS:

Federal Emergency Management Agency

Washington, D.C. 20472

December 19, 2019

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:
115I

The Honorable Ben Cahoon
Mayor, Town of Nags Head
2437 South Memorial Avenue
Nags Head, North Carolina 27959

Community No.: 375356
Community: Town of Nags Head,
Dare County,
North Carolina
Map Panels Affected: See enclosed
Summary of Map Actions (SOMA)

Dear Mayor Cahoon:

On June 30, 2016, you were provided copies of the preliminary Flood Insurance Study (FIS) report for Dare County, North Carolina and Incorporated Areas and Flood Insurance Rate Map (FIRM) panels for your community. You were also notified of the proposed flood hazard information reflected in the FIS report and FIRM panels and of the dates the proposed flood hazard determinations would be published in your local newspaper. The flood hazard determinations for your community may include addition or modification to Base Flood Elevations, base flood depths, Special Flood Hazard Areas (SFHAs), zone designations, and regulatory floodways. SFHAs are the areas subject to inundation by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). The 90-day appeal period that was initiated on August 16, 2017, when the Federal Emergency Management Agency (FEMA) published a notice of proposed flood hazard determinations for your community in *The Outer Banks Sentinel,* has elapsed.

FEMA received no requests for changes in the flood hazard determinations. Therefore, the determination (copy enclosed) of the Agency as to the flood hazard information for your community is considered final. The notice of final flood hazard determinations will be published in the *Federal Register* as soon as possible. The modified flood hazard information and revised map panels, as referenced on the enclosed,SOMA, are effective as of June 19, 2020, and revise the FIS report and FIRM which were in effect prior to that date. For insurance rating purposes, the community number and new suffix code for the panels being revised are indicated on the maps and must be used for all new policies and renewals.

No significant changes have been made to the flood hazard data since it was presented on the preliminary and/or revised preliminary FIRM for your community; therefore, we encourage you to use these materials in the floodplain management regulations adoption process described below. Final printed copies of the FIS report and FIRM will be mailed to you in the near future.

To assist your community in maintaining the FIRM, we have enclosed a SOMA to document how previous Letters of Map Change (LOMCs) (i.e., Letters of Map Amendment [LOMAs], Letters of Map Revision [LOMRs]) will be affected when the revised FIRM panels become effective. Information on LOMCs is presented in four categories: (1) LOMCs that have been

included on the revised FIRM panels; (2) LOMCs that have not been shown on the revised FIRM panels because of scale limitations or because the LOMC that was issued had determined that the lots or structures involved were outside the SFHA shown on the FIRM; (3) LOMCs that have not LOMCs that have not been included on the revised FIRM panels because they are being superseded by new detailed flood hazard data; and (4) LOMCs that will be re-determined. The LOMCs in Category 2 of this form are revalidated through a single letter that reaffirms the validity of a previously issued LOMC. LOMCs issued for multiple lots or structures where the determination for one or more of the lots or structures have changed (Category 4) cannot be revalidated through this administrative process. However, we will review the data which were previously submitted as part of the original LOMA or LOMR request and issue a new determination for the subject properties after the FIRM effective date.

By the effective date of the FIRM, your community is required, as a condition of continued eligibility in the National Flood Insurance Program (NFIP), to adopt or show evidence of adoption of floodplain management regulations that meet the standards of Section 60.3(e) of the NFIP regulations. These standards are the minimum requirements and do not supersede any State or local requirements of a more stringent nature.

It must be emphasized that all of the standards specified in Section 60.3(e) of the NFIP regulations must be enacted in a legally enforceable document. This includes the adoption of the effective FIS report and FIRM to which the regulations apply and the modifications made by this map revision. Some of the standards should already have been enacted by your community. Any additional requirements can be met by taking one of the following actions:

1. Amend existing regulations to incorporate any additional requirements of Section 60.3(e);

2. Adopt all of the standards of Section 60.3(e) into one new, comprehensive set of regulations; or,

3. Show evidence that regulations have previously been adopted that meet or exceed the minimum requirements of Section 60.3(e).

Communities that fail to enact the necessary floodplain management regulations will be suspended from participation in the NFIP and subject to the prohibitions contained in Section 202(a) of the Flood Disaster Protection Act of 1973 as amended.

The North Carolina Division of Emergency Management is available to assist your community with any difficulties you may be encountering in enacting the floodplain management regulations. Any questions may be directed to the following address:

Mr. John D. Brubaker, P.E., CFM
NFIP State Coordinator
North Carolina Department of Public Safety
Risk Management Section
4218 Mail Service Center
Raleigh, North Carolina 27699-4218
(919) 825-2300
dan.brubaker@ncdps.gov

In addition, a FEMA Region IV Compliance Specialist has been designated to assist your community. You may contact your FEMA Region IV Compliance Specialist at FEMA, Mitigation Division, 3003 Chamblee Tucker Road, Atlanta, Georgia 30341, or at (770) 220-5200, or the FEMA Map eXchange (FMIX), toll free, at (877) 336-2627 (877-FEMA MAP).

Additional information and resources your community may find helpful regarding the NFIP and floodplain management, such as *Use of Flood Insurance Study (FIS) Data as Available Data*, *The National Flood Insurance Program Code of Federal Regulations*, *Answers to Questions About the National Flood Insurance Program*, *Frequently Asked Questions Regarding the Effect that Revised Flood Hazards have on Existing Structures*, and *National Flood Insurance Program Elevation Certificate and Instructions*, can be found on our website at https://www.fema.gov/letter-final-determination. Paper copies of these documents may also be obtained by calling our FMIX.

Sincerely,

Luis Rodriguez, P.E., Director
Engineering and Modeling Division
Federal Insurance and Mitigation Administration

Enclosures:
Final SOMA
Notice of Final Flood Hazard Determinations
FEMA 495 brochure: Adoption of FIRMs by Participating Communities

cc: Mr. Cory Tate, Chief Building Inspector, Town of Nags Head
Ms. Tonda Shelton, Program Manager, North Carolina Floodplain Mapping Program (NCFMP)
Mr. John D. Brubaker, P.E., CFM, NFIP State Coordinator, North Carolina Department of Public Safety, Risk Management Section (via email)
Mr. Randy Mundt, AICP, CFM, Outreach and Planning Manager, NCFMP (via email)
FEMA, Region IV (via email)

FINAL SUMMARY OF MAP ACTIONS

Community:	Nags Heads, Town of, Dare County, North Carolina
Community No.:	375356
Revised Map Panel:	3720979900K, 3720988200K, 3720988300K, 3720989100K, 3720989200K, 3720989300K, 3730070800K, 3730070900K, 3730071600K, 3730071700K, 3730071800K, 3730071900K, 3730072500K, 3730072600K, 3730072700K, 3730080000K, and 3730080100K
Date Issued:	December 19, 2019
Page:	Page 1 of 2

To assist your community in maintaining the Flood Insurance Rate Map (FIRM), we have summarized below the previous Letter of Map Change (LOMC) actions (i.e., Letters of Map Revision (LOMRs) and Letters of Map Amendment (LOMAs)) that will be affected by the revised FIRM that will become effective on June 19, 2020.

1. LOMCs Incorporated

The modifications effected by the LOMCs listed below have been reflected on the Preliminary copies of the revised FIRM panels. In addition, these LOMCs will remain in effect until the revised FIRM becomes effective.

LOMC	Case No.	Effective Date	Project Identifier	New Panel	New Zone
NONE					

2. LOMCs Not Incorporated

The modifications effected by the LOMCs listed below are either not located on revised FIRM panels, or have not been reflected on the Preliminary copies of the revised FIRM panels because of scale limitations or because the LOMC issued had determined that the lot(s) or structure(s) involved were outside the Special Flood Hazard Area, as shown on the FIRM. These LOMCs will be revalidated free of charge 1 day after the revised FIRM becomes effective through a single revalidation letter that reaffirms the validity of the previous LOMCs.

2A. LOMCs on Revised Panels

LOMC	Case No.	Effective Date	Project Identifier	New Panel	New Zone
LOMA	18-04-0428A	January 17, 2018	Old Nags Head Cove, Section C, Lot 22 -- South Pompano Court	3730080100K	X
LOMA	17-04-5405A	August 09, 2017	North Ridge Estates, Section 1, Lot 134 -- 118 West Windjammer Road	3720989200K	X
LOMA	13-04-7381A	August 20, 2013	Lot 5 -- 209 West Eight Street Buildings B & C	3720989300K	X
LOMA	10-04-1560A	January 21, 2010	North Ridge Estates, Section I, Lot 132 -- 122 W Windjammer Road	3720989200K	X

LOMC	Case No.	Effective Date	Project Identifier	New Panel	New Zone
LOMA	09-04-2731A	March 09, 2009	Lot 133, Block 1, North Ridge Estates Subdivision - 120 West Windjammer Road	3720989200K	X
LOMA	08-04-2582A	April 10, 2008	Division For Ralph Buxton, Lot 1 -- 448 Villa Dunes Drive (MJB)	3720989200K	X
LOMA	07-04-2512A	March 27, 2007	Old Nags Head Cove, Section B, Lot 45 -- 405 West Sandpiper Terrace	3720989100K	X

2B. LOMCs on Unrevised Panels

LOMC	Case No.	Effective Date	Project Identifier	New Panel	New Zone
NONE					

3. LOMCs Superseded

The LOMRs and LOMAs listed below have not been reflected on the final FIRM because they have been superseded by new detailed flooding data or sufficient information could not be located on which to make a determination. The reason each has been superseded is noted below. When the revised FIRM becomes effective, these LOMRs and LOMAs will no longer be in force.

LOMC	Case No.	Effective Date	Project Identifier	Reason Superseded
LOMR	07-04-4138P	June 13, 2007	NC-07-033 - Roanoke Sound Flood Elevation Correction	4
LOMA	04-04-A459A	September 01, 2004	Camelot-By The-Sea Subdiv, Section 1, Lots 5 And Portion Of Lot 6 -- 9715 F East Comelot Street	4
LOMR-F	96-04-398A	April 01, 1996	Lot 1, Block B - Nags Head Shores Revised	4

1. Insufficient information available to make a determination.
2. Lowest Adjacent Grade and Lowest Finished Floor are below the proposed Base Flood Elevation.
3. Lowest Ground Elevation is below the proposed Base Flood Elevation.
4. Revised hydrologic and hydraulic analyses.
5. Revised topographic information.
6. Superseded by another LOMC.

4. LOMCs To Be Re-determined

The LOMCs in Category 2 of this form are revalidated through a single letter that reaffirms the validity of a previously issued LOMC. Therefore, LOMCs issued for multiple lots or structures where the determination for one or more of the lots or structures have changed cannot be revalidated through this administrative process. However, we will review the data which were previously submitted as part of the original LOMR or LOMA request listed below and issue a new determination for the subject properties after the FIRM effective date.

LOMC	Case No.	Effective Date	Project Identifier	New Panel	New Zone
NONE					

Dare County, North Carolina and Incorporated Areas Docket No.: FEMA-B-1718	
Community	Community map repository address
Town of Duck	Administrative Office, 1200 Duck Road, Duck, NC 27949.
Town of Kill Devil Hills	Planning and Inspections, 102 Town Hall Drive, Kill Devil Hills, NC 27948.
Town of Kitty Hawk	Town Hall, 101 Veterans Memorial Drive, Kitty Hawk, NC 27949.
Town of Manteo	Town Hall, 407 Budleigh Street, Manteo, NC 27954.
Town of Nags Head	Planning Department, 5401 South Croatan Highway, Nags Head, NC 27959.
Town of Southern Shores	Town Hall, 5375 North Virginia Dare Trail, Southern Shores, NC 27949.
Unincorporated Areas of Dare County	Dare County Tax Mapping Department, 954 Marshall C. Collins Drive, Manteo, NC 27954.

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR

ROY COOPER
GOVERNOR

December 20, 2019

The Hon. Ben Cahoon, Mayor
Town of Nags Head
PO Box 99
Nags Head, NC 27959

Dear Mayor Cahoon:

I am pleased to announce that the Town of Nags Head has been awarded a public access grant of $47,232.15 through the North Carolina Coastal Management Program.

The Division of Coastal Management in the North Carolina Department of Environmental Quality will be administering this grant. If you have any questions concerning this grant, please contact Charlan Owens in the Elizabeth City Regional Office at (252) 264-3901.

Congratulations on being selected for this grant. I hope these funds will help as you work to provide better public access to our beautiful coastal beaches and waterways.

With kind regards, I am

Very truly yours,

Roy Cooper

Roy Cooper

RAC/swh

cc: Senator Bob Steinburg
Representative Bobby Hanig
Braxton C. Davis, Division of Coastal Management

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WWW.GOVERNOR.NC.GOV

Agenda Item Summary Sheet

Item No: **I-1**
Meeting Date: **January 8, 2020**

Item Title: Committee Reports

Item Summary:

At the January 8th Board of Commissioners meeting, Board members will provide reports from meetings they have attended on behalf of the Town.

Number of Attachments: 0

Specific Action Requested:

Provided for Board update.

Submitted By: Administration Date: December 30, 2019

Finance Officer Comment:

No unbudgeted fiscal impact.

Signature: Amy Miller Date: December 30, 2019

Town Attorney Comment:

N/A

Signature: John Leidy Date: December 30, 2019

Town Manager Comment and/or Recommendation:

N/A

Signature: Cliff Ogburn Date: December 30, 2019

Agenda Item Summary Sheet

Item No: **I-2**
Meeting Date: **January 8, 2020**

Item Title: Consideration of appointment to Jennette's Pier Advisory Committee
Consideration of appointment to BOA Chair and Vice-Chair
Consideration of staggered terms for Arts & Culture Committee
Consideration of appointments to Planning Board

Item Summary: At the January 8th Board of Commissioners meeting, request the following:

1 – Consideration of appointment to represent the Town on the Jennette's Pier Advisory Committee - to replace former Mayor Pro Tem Walters.

2 – Consideration of appointment of Board of Adjustment Chair and Vice-Chair - in accordance with Town Code Sec. 48-592. Attached please find a tracking chart of the current Board of Adjustment members. Current BOA Chair and Vice-Chair are interested in being reappointed.

3 – Consideration of staggered terms for Arts & Culture Committee

- Staggered terms so all terms don't expire at the same time to allow for continuity on the committee.

Attached please find Arts & Culture Committee tracking chart with revised expiration dates for consideration. The tracking chart proposes that three member terms expire 6/6/21 and three member terms expire 12/4/22.

4 - Consideration of appointments to the Planning Board

- To fill three (3) expiring terms; Two of the three whose terms are expiring are not interested in being reappointed.

Attached please find the list of candidates interested in serving on the Planning Board and the tracking chart with the current members.

Number of Attachments: 3

Specific Action Requested:
Provided for Board appointment/reappointment.

Submitted By: Administration Date: December 30, 2019

Finance Officer Comment:
No unbudgeted fiscal impact.

Signature: Amy Miller Date: December 30, 2019

Town Attorney Comment:
N/A

Signature: John Leidy Date: December 30, 2019

Town Manager Comment and/or Recommendation:
N/A

Signature: Cliff Ogburn Date: December 30, 2019

Tracking Chart for Town of Nags Head ***CURRENT*** Board of Adjustment Meeting Date: January 8, 2020

Name of Board/Committee	***Current members***	***Contact Info***	***Last appointed date***	***Seat expires***	***Eligible for Re-appointment***	***Notes***
Board of Adjustment 2nd Thursday at 9AM as necessary 5 Regular Members 4 Alternate Members	**Jack Cooper, Chair**	Phone/email on file	9/5/18	9/5/21	No	**Interested in being reappointed Chair**
	Margaret Suppler Vice-Chair	Phone/email on file	2/06/19	2/06/22	No	**Interested in being reappointed Vice-Chair**
	Judy Burnette	Phone/email on file	6/05/19	6/05/22	No	
	John Mascaro	Phone/email on file	3/01/17	3/01/20	No	
	Bobby Gentry	Phone/email on file	2/07/18	2/07/21	No	
	Angelina Lowe (ALT)	Phone/email on file	3/01/17	3/01/20	No	
	Don Milbrath (ALT)	Phone/email on file	06/07/17	06/07/20	No	
	Tina Adderholdt (ALT)	Phone/email on file	2/21/18	2/21/21	No	
	VACANT Alternate					

Tracking Chart for Town of Nags Head ***CURRENT*** Arts & Culture Meeting Date: January 8, 2020

Name of Board/Committee	***Current members***	***Contact Info***	***Last appointed date***	***Seat expires***	***Eligible for Re-appointment***	***Notes***
Arts and Culture Meets monthly	Leslie Erickson	Phone/email on file	12/07/16	**12/04/22**	N/A	
6 members 1 staff member Three (3) year terms	Lauren Evans	Phone/email on file	12/07/16	**6/06/21**	N/A	
	Ginny Flowers	Phone/email on file	12/07/16	**6/06/21**	N/A	
	Samantha Lock	Phone/email on file	6/06/18	**6/06/21**	N/A	
	Peggy Saporito	Phone/email on file	12/07/16	**12/04/22**	N/A	
	Kerry Oaksmith-Sanders	Phone/email on file	12/07/16	**12/04/22**	N/A	
	Kelly Wyatt (staff member)				N/A	

Tracking Chart for Town of Nags Head ***CURRENT*** Planning Board Meeting Date: January 8, 2020

Name of Board/Committee	***Current members***	***Contact Info***	***Last appointed date***	***Seat expires***	***Eligible for Re-appointment***	***Notes***
Planning Board 2nd Tuesday at 9:00	Mark Ballog	Phone/email on file	12/07/16	12/07/19	Yes	**Not interested in being reappointed**
7 members Three (3) year terms	C Michael Reilly	Phone/email on file	12/07/16	12/07/19	Yes	**Not interested in being reappointed**
	Kristi Wright	Phone/email on file	12/07/16	12/07/19	Yes	**Interested in being reappointed**
	David Elder	Phone/email on file	05/03/17	05/03/20	No	
	Megan Vaughan	Phone/email on file	02/07/18	02/07/21	No	
	Megan Lambert	Phone/email on file	11/7/18	11/7/21	No	
	Meade Gwinn	Phone/email on file	1/2/19	1/2/22	No	

CANDIDATES Characteristic Chart – Planning Board Meeting Date: January 8, 2020

Applicant Name	Bd/Comm Interested in Serving	Age Range	Gender	Yrs of Residency	Location of Residency	Education	Role in Community	Attributes to offer Bd/Comm	Special Interest in Bd/Comm	Currently serving on Town Bd/Comm
Barbara Ayars (7/31/18)	Planning Bd	46-65	F	4 yrs.	Gallery Row	BA & Law Degree	Retired attorney	Knowledge of environmental law	Assist w/maintaining a balance between ecosystem protection and use	No
Ellen Heatwole (8/28/18)	Planning Bd BOA	46-65	F	3 yrs.	SNH	Studies for ministry	Realtor	Knowledge of small business	Interested in keeping the town a great place to live, work and play	No
Gary Ferguson (11/20/18)	Planning Bd	65+	M	31 yrs.	Village	MS-Planning	Retired planning director	Knowledge of local government planning	Interested in giving insight to Town as former planning director	No
Al Friedman (12/27/18)	Planning Bd BOA	46-65	M	2.5 yrs.	SNH	Former Engineer	Realtor	Knowledge of management skills, logistics	Interested in being active in determining the direction town is going	No
Anne Farmer (1/30/19)	Planning Bd BOA	46-65	F	7 yrs. full time	SNH	MD-Economics	Information Technology	Experience on various bds/assocs.	Interested in being part of town to ensure it thrives	No
AG (Don) Milbrath (10/16/19)	Planning Bd	65+	M	5 yrs.	Beach Road	BS Bus Admin Accounting	Self-employed Manager	Experience with Planning & Zoning Committees	Interested in utilizing experience for community good	BOA (Alternate)
Molly Harrison (12/20/19)	Planning Bd	46-65	F	25 yrs.	West Side	BA English & Writing	Editor/writer	Knowledge of town functions	Invested in the town & cares about its future	No

Agenda Item Summary Sheet

Item No: **K-1**
Meeting Date: **January 8, 2020**

Item Title: Town Manager Ogburn – Discussion of Dominion Energy Nags Head/Manteo Causeway Plan

Item Summary:

Attached please find a letter from Dominion Energy dated December 4, 2019 requesting that the Town initiate action to obtain the necessary easements on the Nags Head/Manteo Causeway so that they can perform work on a project that will reduce future storm/hurricane impacts to this area – prior to the 2020 hurricane season.

The attached letter from Dominion Energy provides additional details on what is being requested and on the work to be done.

Number of Attachments: 1

Specific Action Requested:

Provided for Board information and discussion.

Submitted By: Administration Date: December 30, 2019

Finance Officer Comment:

Insufficient information to determine fiscal impact.

Signature: Amy Miller Date: December 30, 2019

Town Attorney Comment:

N/A

Signature: John Leidy Date: December 30, 2019

Town Manager Comment and/or Recommendation:

I will discuss the request from Dominion Energy with the Board on January 8th.

Signature: Cliff Ogburn Date: December 30, 2019

December 4, 2019

Subject: Nags Head to Manteo Causeway (Virginia Dare Trail)
Dominion Energy Work Request: 10333608

Dear Customer,

During the recent wind events associated with Hurricane Matthew and Hurricane Dorian, the Nags Head to Manteo Causeway has experienced significant damage to Dominion Energy's electric distribution facilities along this corridor. Hurricane Matthew resulted in the failure of twenty-three (23) wood poles and Hurricane Dorian resulted in the failure of eighteen (18) wood poles. Due to this extensive damage, customers in this area experienced longer outage durations as construction crews diligently worked to make repairs. Dominion Energy has developed a plan to mitigate and reduce future impacts to this area.

Currently, there are two distribution circuits which are supported by wooden poles along with the associated transformers and equipment necessary to provide service to the homes and business along Nags Head to Manteo Causeway. Our plan involves removing the top circuit from these wooden poles and placing it underground along the southside of the Causeway. In addition, the bottom circuit will be transferred to steel poles with additional below grade support which will be installed along the same circuit path currently in existence. This bottom circuit will remain overhead to continue providing service to the homes and businesses along the Causeway.

As a result of this proposal to improve the safety and reliability for the customers along the Causeway and the residents of Roanoke Island, Dominion Energy is requesting your assistance in securing the necessary easements required for this project to be completed prior to next hurricane season. As you can imagine, time is of the essence for us to meet this aggressive timeline. Dominion Energy respectfully requests you contact Tracey Brown, Right of Way Agent III, at (252) 287-7852 or Lucian Gregory, Project Manager, at (252) 619-3017 to discuss the easement request involving your property on the Nags Head to Manteo Causeway.

Dominion Energy looks forward to working with you on this project and thank you for your time and consideration in this matter.

Respectfully,

Lucian Gregory
Electric T&D Projects Manager
Dominion Energy North Carolina

Agenda Item Summary Sheet

Item No: **L-1**
Meeting Date: **January 8, 2020**

Item Title: Comr. Renée Cahoon – Request for Closed Session to discuss personnel matter and Richardson Beach Nourishment Project easement condemnation in accordance with GS 143-318.11 (6) and (3)

Item Summary:

At the January 8th Board meeting, Comr. Renée Cahoon will request a Closed Session to discuss a personnel matter and to discuss the Richardson Beach Nourishment Project easement condemnation case – in accordance with GS 143-318.11 (6) and (3).

Number of Attachments: 0

Specific Action Requested:

Provided for Board discussion during Closed Session.

Submitted By: Administration Date: December 30, 2019

Finance Officer Comment:

No unbudgeted fiscal impact.

Signature: Amy Miller Date: December 30, 2019

Town Attorney Comment:

N/A

Signature: John Leidy Date: December 30, 2019

Town Manager Comment and/or Recommendation:

N/A

Signature: Cliff Ogburn Date: December 30, 2019

Agenda Item Summary Sheet

Item No: **M-1**
Meeting Date: **January 8, 2020**

Item Title: Mayor Cahoon – Review of January 23 – 24, 2020 Board Retreat Agenda

Item Summary:

At the January 8th Board of Commissioners meeting, Mayor Cahoon will review the January 23-24, 2020 Board Retreat agenda with Board members. The agenda reads as follows:

- Meeting with Planning Board Chair and Vice-Chair
- Pavement Condition and Drainage Infrastructure
- Residential Stormwater Ordinance
- Dare County Control Group MOU
- Recycling (Includes cart rollback Franchise discussion)
- Town's Carbon Footprint
- Beach Nourishment Municipal Service Districts (not sure about this after Nov 18th Workshop)

Number of Attachments: 0

Specific Action Requested:

Provided for Board review.

Submitted By: Administration Date: December 30, 2019

Finance Officer Comment:

No unbudgeted fiscal impact.

Signature: Amy Miller Date: December 30, 2019

Town Attorney Comment:

I will participate in the discussion as necessary.

Signature: John Leidy Date: December 30, 2019

Town Manager Comment and/or Recommendation:

I will participate in the discussion as necessary.

Signature: Cliff Ogburn Date: December 30, 2019

Agenda Item Summary Sheet

Item No: **M-2**
Meeting Date: **January 8, 2020**

Item Title: Mayor Cahoon – Request for Closed Session to consider Jul – Dec 2019 Closed Session Minutes in accordance with GS 143-318.11(a) (1)

Item Summary:

At the January 8th Board of Commissioners meeting, Mayor Cahoon will request a Closed Session for Board consideration of the July – December 2019 Closed Session minutes which were provided under separate cover.

Attorney Leidy has reviewed and his comments have been incorporated.

Number of Attachments: 0

Specific Action Requested:

Provided for Board update.

Submitted By: Administration Date: December 30, 2019

Finance Officer Comment:

No unbudgeted fiscal impact.

Signature: Amy Miller Date: December 30, 2019

Town Attorney Comment:

N/A

Signature: John Leidy Date: December 30, 2019

Town Manager Comment and/or Recommendation:

N/A

Signature: Cliff Ogburn Date: December 30, 2019