



# MEMORANDUM

## Town of Nags Head

### Planning & Development Department

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To: Board of Commissioners  
Planning Board

From: Michael Zehner, Director of Planning & Development

Date: January 30, 2020

Subject: Planning and Development Director's Report

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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 February 5, 2020.

#### **Monthly Activity Report**

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

- December 4 - Board of Commissioners Meeting
- December 4 - OBX Field School Capstone Project Review
- December 5 - Dare County Updated Flood Maps Meeting
- December 12 - OBX Field School Capstone Presentation
- December 16 - NC State College of Design Coastal Resilient Design Project Presentation
- December 17 - Planning Board Meeting

#### **Updated Flood Map; Update of Flood Damage Prevention Ordinance**

As previously discussed, the Board of Commissioners and Planning Board will meet jointly at the Planning Board's meeting on February 18, 2020 to review and discuss an initial draft of the updated Flood Damage Prevention Ordinance (and updated fill provisions contained in the Stormwater, Fill, and Runoff Management Ordinance), to be considered in concert with the updated FEMA Flood Insurance Rate Map (F.I.R.M.) covering the Town. Staff anticipates distributing materials for this meeting to the boards on or before February 5, 2020.

#### **Dowdy Park Programming**

As previously noted, Staff anticipates making a presentation to the Board of Commissioners at the March 4, 2020 meeting to review the 2019 Dowdy Park Season and plans for the 2020 Season.

### **Regulation of Large Occupancy/Event Homes**

As previously noted, the Planning Board at their January 21, 2020 meeting, discussed the regulation of large occupancy homes and/or homes regularly used for events. Please find attached a memo to the Board of Commissioners concerning the Planning Board's interest in further regulating events held at single-family homes.

### **Report on Planning and Development Department Permitting Processes**

Please find attached an updated report for the 2<sup>nd</sup> Quarter of FY19-20 (October 2019 - December 2019). The priority task at this time is the rollout of Citizen Self Service for online trade permits, which is expected within the first week of March 2020.

### **Legacy Establishments/Structures**

Given recent expressed interest in the future of the Blue Heron Motel at 6811 S. Virginia Dare Trail and the limitations imposed by Town Code requirements on the evolution of the current hotel use of the property, Staff intends to begin considering Code amendments that advance Comprehensive Plan policies valuing the preservation of legacy business, establishments, and structures. Staff anticipates at least an initial discussion of options at the Planning Board meeting on February 18, 2020.

### **Pending Applications and Discussions**

As previously noted, there are three (3) recently submitted text amendments pending review by the Planning Board; the Planning Board initially reviewed these at the meeting on January 21, 2020 and will further consider the amendments and their recommendation to the Board of Commissioners at their meeting on February 18, 2020. These amendments 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. Based upon discussion, the amendment will likely propose to allow reservations or ticket sales to be sold from an outdoor stand.
- Text amendments to the Unified Development Ordinance to allow temporary outdoor stand/farmers market in conjunction with/accessory to general retail uses. Based upon discussion, the amendment may propose or clarify allowances for outdoor sales in conjunction with general retail uses.
- 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.

In addition to these text amendments, the joint meeting with the Board of Commissioners and potential discussion of options pertaining to legacy establishments/structures, at the February meeting the Planning Board will consider a Major Site Plan to construct a dock at Oceans East Bait & Tackle (7405 S. Virginia Dare Trail) and discuss potential alternatives and improvements to the residential stormwater

regulations, a FY20-21 work plan for planning-related initiatives, and be presented with a housekeeping text amendment to clean up identified errors in the UDO.

### **Additional Updates**

- Town Workforce Housing Study & Plan - Phase 1 Report presented to the Board of Commissioners for the February 5, 2020 meeting.
- 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 - Final multi-jurisdictional Committee Meeting for the Plan was held on January 8, 2020, and final public meetings for Dare County held January 8, 2020 at the Fessenden Center in Buxton, and on January 9, 2020 at Jockey's Ridge State Park. The draft plan has been available for review and comment until January 30, 2020. Once final, the Plan will be forwarded to the State for review and approval, and then to FEMA for final review and approval, before returning to the County and towns for adoption.
- Grants - 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. Additionally, Staff is reviewing a grant opportunity from Wells Fargo and the National Fish & Wildlife Fund under their Resilient Communities program.
- UDO - Staff continues to develop Reference Manual materials. Publishing on the Municode platform is pending; Staff has received a response to previously issued comments. 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.

### **Upcoming Meetings and Other Dates**

- Wednesday, February 5, 2020 - Board of Commissioners Meeting
- Thursday, February 6, 2020 - Munis MapLink Training
- Thursday, February 6, 2020 - Meeting with representatives of Coastal Villages and Fourth Street properties
- Wednesday, February 12, 2020 - 2020 Census Dare County Complete Count Committee Meeting
- Thursday, February 13, 2020 - Board of Adjustment Meeting
- Tuesday, February 18, 2020 - Planning Board Meeting
- Wednesday, February 26, 2020 - ECU Forum on Community Flooding

**TOWN OF NAGS HEAD PLANNING AND DEVELOPMENT  
MONTHLY REPORT  
DECEMBER 2019**

DATE SUBMITTED: January 7, 2020

	Dec-19	Dec-18	Nov-19	2019-2020 FISCAL YTD	2018-2019 FISCAL YTD	FISCAL YEAR INCREASE/ DECREASE
<b>BUILDING PERMITS ISSUED - RESIDENTIAL</b>						
New Single Family	0	1	1	3	12	(9)
New Single Family, 3000 sf or >	0	0	0	4	6	(2)
Duplex - New	0	0	0	0	0	0
Sub Total - New Residential	0	1	1	7	18	(11)
Miscellaneous (Total)	31	31	36	172	180	(8)
<i>Accessory Structure</i>	2	3	4	21	19	2
<i>Addition</i>	5	3	2	10	8	2
<i>Demolition</i>	0	0	2	2	2	0
<i>Move</i>	0	0	0	0	0	0
<i>Remodel</i>	8	8	9	41	44	(3)
<i>Repair</i>	16	17	19	98	107	(9)
<b>Total Residential</b>	<b>31</b>	<b>32</b>	<b>37</b>	<b>179</b>	<b>198</b>	<b>(19)</b>
<b>BUILDING PERMITS ISSUED - COMMERCIAL</b>						
Multi-Family - New	0	0	0	0	0	0
Motel/Hotel - New	0	0	0	0	0	0
Business/Govt/Other - New	0	0	0	0	2	(2)
Subtotal - New Commercial	0	0	0	0	2	(2)
Miscellaneous (Total)	7	6	5	39	48	(9)
<i>Accessory Structure</i>	1	1	1	7	13	(6)
<i>Addition</i>	0	0	0	0	0	0
<i>Demolition</i>	1	1	0	3	1	2
<i>Move</i>	0	0	0	0	0	0
<i>Remodel</i>	1	3	4	13	16	(3)
<i>Repair</i>	4	1	0	16	18	(2)
<b>Total Commercial</b>	<b>7</b>	<b>6</b>	<b>5</b>	<b>39</b>	<b>50</b>	<b>(11)</b>
<b>Grand Total</b>	<b>38</b>	<b>38</b>	<b>42</b>	<b>218</b>	<b>248</b>	<b>(30)</b>
<b>SUB-CONTRACTOR PERMITS</b>						
Electrical	33	31	28	222	236	(14)
Gas	2	4	0	11	14	(3)
Mechanical	18	24	24	162	171	(9)
Plumbing	13	13	5	41	48	(7)
Sprinkler	1	1	0	1	2	(1)
<b>VALUE</b>						
New Single Family	\$0	\$225,000	\$200,000	\$525,000	\$2,593,000	(\$2,068,000)
New Single Family, 3000 sf or >	\$0	\$0	\$0	\$3,082,561	\$3,950,460	(\$867,899)
Duplex - New	\$0	\$0	\$0	\$0	\$0	\$0
Misc (Total Residential)	\$875,075	\$818,338	\$1,122,444	\$4,618,747	\$4,094,233	\$524,514
<b>Sub Total Residential</b>	<b>\$875,075</b>	<b>\$1,043,338</b>	<b>\$1,322,444</b>	<b>\$8,226,308</b>	<b>\$10,637,693</b>	<b>(\$2,411,385)</b>
Multi-Family - New	\$0	\$0	\$0	\$0	\$0	\$0
Motel/Hotel - New	\$0	\$0	\$0	\$0	\$0	\$0
Business/Govt/Other - New	\$0	\$0	\$0	\$0	\$1,846,975	(\$1,846,975)
Misc (Total Commercial)	\$82,500	\$544,715	\$388,860	\$1,429,404	\$2,504,989	(\$1,075,585)
<b>Sub Total Commercial</b>	<b>\$82,500</b>	<b>\$544,715</b>	<b>\$388,860</b>	<b>\$1,429,404</b>	<b>\$4,351,964</b>	<b>(\$2,922,560)</b>
<b>Grand Total</b>	<b>\$957,575</b>	<b>\$1,588,053</b>	<b>\$1,711,304</b>	<b>\$9,655,712</b>	<b>\$14,989,657</b>	<b>(\$5,333,945)</b>

**TOWN OF NAGS HEAD PLANNING AND DEVELOPMENT  
MONTHLY REPORT  
DECEMBER 2019**

DATE SUBMITTED: January 7, 2020

	Dec-19	Dec-18	Nov-19	2019-2020 FISCAL YTD	2018-2019 FISCAL YTD	FISCAL YEAR INCREASE/ DECREASE
<b>ZONING</b>						
Zoning Permits	23	29	30	143	152	(9)
<b>CAMA</b>						
CAMA LPO Permits	5	3	3	17	15	2
CAMA LPO Exemptions	5	11	8	35	36	(1)
<b>CODE COMPLIANCE</b>						
CCO Inspections	36	32	45	489	511	(22)
Cases Investigated	15	15	19	238	275	(37)
Warnings	9	6	4	42	58	(16)
NOVs Issued	10	8	14	198	197	1
Civil Citations (#)	0	0	1	1	0	1
Civil Citations (\$)	\$0	\$0	\$0	\$0	\$0	\$0
<b>SEPTIC HEALTH</b>						
Tanks inspected	0	15	7	96	132	(36)
Tanks pumped	2	6	3	10	42	(32)
Water quality sites tested	0	0	0	112	115	(3)
Personnel Hours in Training/School	7	4	30	84	208	(124)




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Michael D. Zehner, Director of Planning & Development

**COMMENTS:**



**STAFF REPORT**  
**Town of Nags Head**  
**Planning & Development Department**

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To: Board of Commissioners  
From: Kelly Wyatt, Deputy Director of Planning & Development, on behalf of the Planning Board  
Date: January 28, 2020  
Subject: Discussion of Event Home Regulations

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At their December 17, 2019 meeting the Planning Board had a brief discussion about the use of single-family dwellings as “event homes,” noting that of particular concern is the ability for emergency responders to access these types of structures in the event of an emergency. Staff committed to providing additional information to the Board at their January 2020 meeting.

Attached is the report given to the Planning Board at their January meeting. Following discussion, the Planning Board was interested in perhaps pursuing a type of free registration process for weddings and similar private events within the Town, similar to the Town of Duck. Before proceeding with the development of regulations, the Planning Board wanted to receive direction and feedback from the Board of Commissioners on this issue.

Planning Staff will be available for questions and to continue the discussion of potential event home regulations at the Boards pleasure.



# MEMORANDUM

## Town of Nags Head

### Planning & Development Department

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To: Planning Board  
From: Kelly Wyatt, Deputy Director of Planning & Development  
Michael Zehner, Director of Planning & Development  
Date: January 17, 2020  
Subject: Discussion of Large Occupancy/Event Home Regulations

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At the Planning Board's December 17, 2019 meeting, it was brought to the Board's attention by Planning Board member David Elder that the Town of Kill Devil Hills had requested that the North Carolina Code Officials look at State Building codes and review the definition of "Single-Family Dwellings" vs. large "Event" Homes/"mini hotels". Mr. Elder noted that of particular concern is the ability for emergency responders to access these types of structures. Staff noted they would continue to review the subject and provide information to the Board at their January 2020 meeting.

Within the Town of Nags Head "Large Residential Dwellings" are defined as a single-family dwelling or two-family dwelling (duplex) that has 3,500 or more square feet of enclosed habitable living space. The following regulations apply to "Large Residential Dwellings":

- Homes with greater than 3,500 square feet of enclosed habitable living space can only be constructed on lots 16,000 square feet or greater in area, with the exception of within the SPD-C, Village at Nags Head District.
- The maximum enclosed habitable living space for a large residential dwelling is 5,000 square feet, with the exception of dwellings located within the SED-80 District.
- Large residential dwellings shall meet a side yard setback of fourteen (14) feet. This side yard setback may be reduced to the required side setback for the district in which the home is located should the owner voluntarily elect to comply with the Nags Head Residential Design Guidelines, requiring a minimum amount of architectural design points be obtained.
- Large residential dwellings shall either preserve a minimum of 10% of the lots total area with existing natural vegetation – OR – plant a minimum of 15% of the lots total area. A minimum of 50% of the plantings must be locally adaptive evergreen trees species. Height and caliper specifications are required for both tree and shrub species.
- The maximum permitted wastewater capacity for large residential dwellings shall not exceed 1,080 gallons per day.
- Height of large residential dwellings is the same as the town standard of 35 feet with the ability to increase height to 42 feet with the use of a minimum 8:12 roof pitch.

In January 2019 the Town of Duck adopted an ordinance to establish standards for the scale of residential development. This amendment was in response to the North Carolina General Assembly's passage of Session Law 2015-86 in June 2015 which revoked the authority of local governments to limit the number and types of rooms in a residence. In contrast to our ordinance, the Town of Duck does permit homes larger than 5,000 of enclosed living space, however, the permissible area is tied to the area of the lot. A chart of maximum residence sizes for the Town of Duck is provided below.

<b>Lot Size (sf)</b>	<b>Maximum home size (standard)</b>	<b>Maximum home size (large)</b>
9,999 or less	3,500 sf	3,500 sf
10,000 – 14,999	4,000 sf	4,000 sf
15,000 – 19,999	5,000 sf	5,000 sf
20,000 – 24,999	5,500 sf	7,000 sf
25,000 – 29,999	6,500 sf	8,000 sf
30,000 or greater	7,000 sf	9,000 sf

Keep in mind that the Town of Nags Head prohibits homes with enclosed habitable space above 5,000 sf regardless of lot size (except in the SED-80 District). Additionally, the Town of Duck has increased setbacks based upon the total size of the lot, landscape preservation or planting requirements, as well as architectural requirements for large residential dwellings.

The Town of Duck does have a “Wedding Event Registration Policy”. You can review this information at the following link: <https://www.townofduck.com/getting-married-in-duck/> . In short, this registration is for wedding-related gatherings with 50 or more attendees in a private residence in the Town of Duck. These events must be registered with the Town of Duck Department of Community Development at least thirty (30) days prior to the event date. The registration will provide information for notification of property owners, neighborhood associations, and public safety personnel and will also provide contact information for the responsible parties who could be contacted during the event if necessary.

The Town of Southern Shores defines a “Large Home Dwelling” as any residential structure exceeding the maximum size, maximum transient occupancy capacity or maximum septic capacity for such structures in the zoning district in which it is located. Large home dwellings are not a permitted use in any zoning district. Within the individual zoning districts, RS-1, RS-10 and R-1 Detached single-family dwelling and vacation cottages are a permitted use provided that such residential structure shall not be: (i) advertised to accommodate, designed for, constructed for or actually occupied by more than 14 overnight occupants when used as a vacation cottage; or (ii) have a maximum septic capacity sufficient to serve more than 14 overnight occupants. In addition, each zoning district restricts the maximum size of any single-family dwelling to 6,000 square feet of enclosed living space.

Of note, the Town of Southern Shores recently considered a zoning ordinance amendment which would impose regulations on the use of single-family dwellings for special events. A copy of the draft ordinance is included in this package; however, this ordinance was not adopted. It is noted that the purpose of the drafted revisions was to ensure that special events take into account and are managed such that the public health, safety or welfare of the citizens and visitors to the Town who attend those events or live in the vicinity of the events are taken into account. The draft ordinance required that a free of charge permit be sought for any event expected to have more seventy-five (75) attendees. Events held at authorized event facilities, events held at commercial facilities, events held or managed by the Town, and events within established institutional uses were exempt from the requirement to obtain a permit.

Some key takeaways of the proposed ordinance are below:

**Limited Special Event (75 – 125 attendees)**

- For a Limited Special Event (75 – 125 attendees) an application must be received 14 days in advance of the event.
- The applicant must provide the date, time and location of the event as well as the contact information for the person in control of the event.
- A certification by the applicant that they are aware of and intend for the event to comply with all requirements of the Town’s Code of Ordinances with regard to zoning, nuisance, noise, lights and other relevant provisions.
- Sketch plan of the property and structures showing the expected location of attendees, points of ingress and egress to any structures and location of any hazardous materials such as fuel or gas.
- A certification that sufficient parking for the event has been provided via onsite parking or special offsite parking agreements.
- A certification that the contact person will at all times have on their person (i) the phone associated with the contact information; (ii) a copy of the special events permit issued; and (iii) a list of attendees that can be used to determine whether anyone is unaccounted for in an emergency.
- If the event is to be held on a property adjacent to NC 12 during the period between Memorial Day and Labor Day, the applicant must provide a traffic management plan showing how traffic to the site will be managed in such a way to avoid unreasonable additional congestion upon NC 12.
- For any special event at which food or drink will be served or that will occur over a more than four-hour period, a certification by the applicant that at least one temporary wastewater facility or portable toilet will be onsite.

**Large Special Events (greater than 125 expected attendees)**

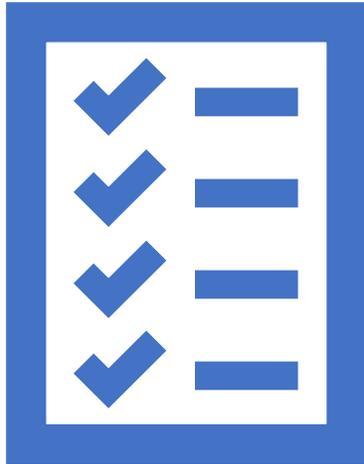
- For Large Special Events (greater than 125 expected attendees) an application must be received 30 days in advance of the event. In addition to the requirements for a Limited Special Event, the applicant for Large Special Event must certify that any exterior decks being used by attendees are structurally sound to support the potential use users of the deck or, must allow the Town’s building inspector to inspect the decks to determine whether an engineer’s certification is required.

- In is the discretion of the police chief or the fire chief or their designee, the applicant shall allow for an inspection of the exterior grounds of the property to determine potentially dangerous conditions on the property and to determine how best to access the property and structures in case of fire or emergency during the special event.
- A traffic management plan showing how traffic will be managed to avoid unreasonable congestion on any adjacent roadways.
- A certification that sufficient parking for the event has been provided onsite and/or offsite with the appropriate agreement in place and narrative and site plan showing all proposed parking supporting the event.
- A certification that the designated person to contact under the application will have access to first-aid supplies on-site in sufficient quantities to address minor injuries to at least 10% of the expected attendees.

At any special event, if alcohol is to be served or sold, the applicant shall obtain any necessary approvals from the Alcoholic Beverage Control Commission and must make such documentation available upon request and must certify on their application that the approvals, if any were required, have been obtained and will be complied with during the event. Additionally, if tents are to be used for any special event requiring a permit, the applicant shall obtain any necessary approvals required under the North Carolina Fire Code and must make such documentation available upon request on certify that it will be complied with during the event.

In summary, reviewing the allowances of other nearby towns, the Town of Nags Head currently has the most restrictive regulations on permissible living area for large residential dwellings, however, there may be some merit to discussing certain aspects of regulating special events within the Town. While the ordinance drafted by the Town of Southern Shores was very extensive, it may provide some discussion points for the Planning Board in moving forward with regulations if so desired.

Planning staff will be available at the January 21, 2020 Planning Board to discuss this item further.



# Report on Planning and Development Department Permitting Processes

FY19-20 - 2<sup>nd</sup> Quarter

October 2019 - December 2019

February 5, 2019

Board of Commissioners Meeting

# Report on Planning and Development Department Permitting Processes FY19-20, 2<sup>nd</sup> Q

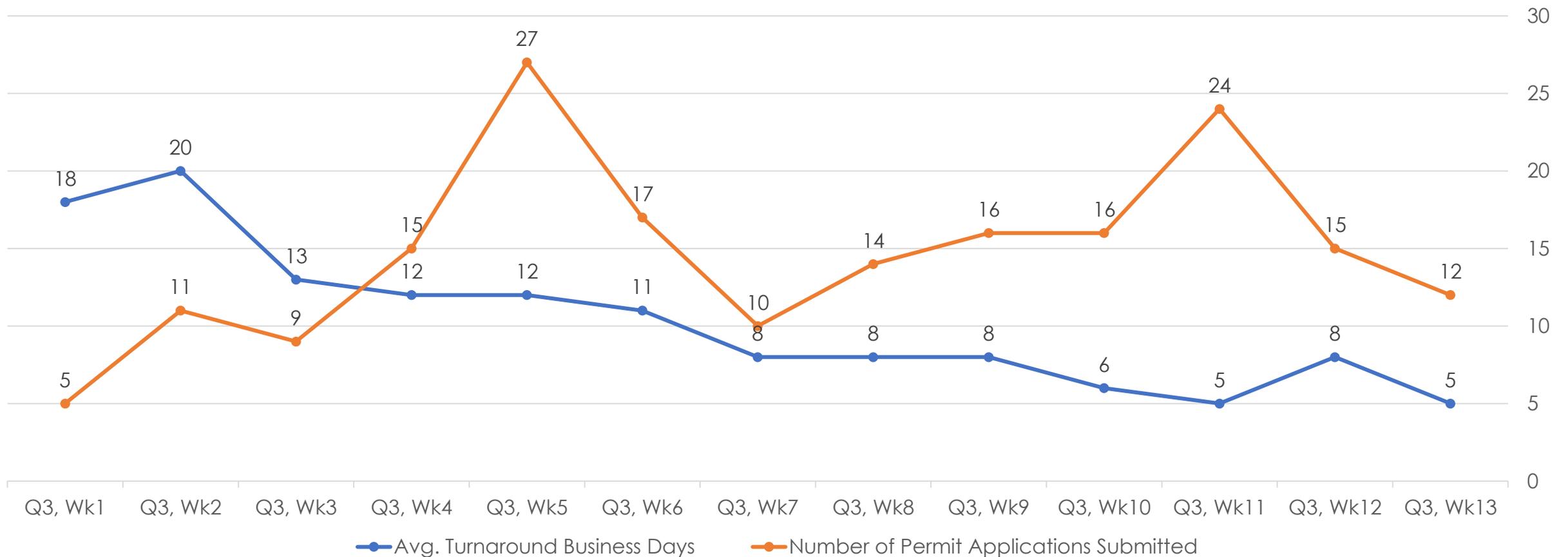
- Completed/Instituted – Since January 2019; items in **green** are new since December 2019
  - Bi-weekly Permit Tracking benchmarks reduced
  - Focus on internal and external communication improvements
  - Monthly Permitting, Inspections, and Enforcement Team Meeting
  - Fees increased consistent with adjacent communities and to offset cost of services
  - Coordination of zoning, E&S, and stormwater pre- and post-construction inspections
  - Require final zoning and stormwater inspections prior to final building inspections
  - Code Enforcement Officer received probationary building inspection certificate
  - Additional Munis Training for Staff - Nov. 7 & 8, 2019; addressed general use, inspection scheduling, report and form generation, and updating property owner information
  - Customer kiosk with computer installed in lobby
  - Publicly-accessible permits & inspections search portal added to Citizen Self Service: <https://selfservice.nagsheadnc.gov/MSS/citizens/PermitsInspections/Default.aspx>
  - Permitting staff met with Bill News, Chief Building Code Official for Currituck County, to review use of Munis, and specially online permitting modules.

# Report on Planning and Development Department Permitting Processes FY19-20, 2nd Q

- Next Steps/Moving Forward
  - Document and improve permitting workflows
  - Create separate review processes for less complicated permits/work
  - Prepare Development Manual as part of UDO adoption
  - Plan workshops for Home Builders, Real Estate Association, residents, etc.
  - Rollout Citizen Self Service for online trade permits
  - Rollout Citizen Self Service for all building permits.
  - Facilitate and encourage use of customer kiosk
  - Establish single permit record database

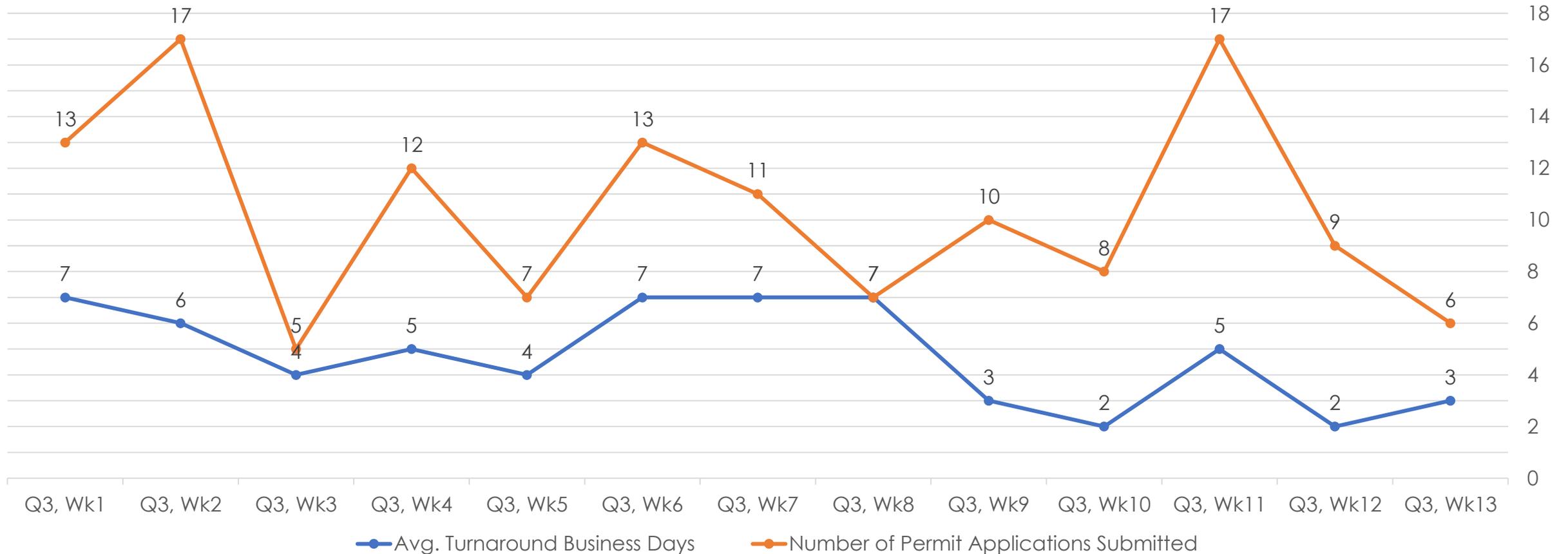
# Report on Planning and Development Department Permitting Processes FY19-20, 2nd Q

FY18-19, 3rd Quarter - Permits Applied & Turnaround  
191 Permit Applications Submitted; 8.89 Days Avg. Turnaround



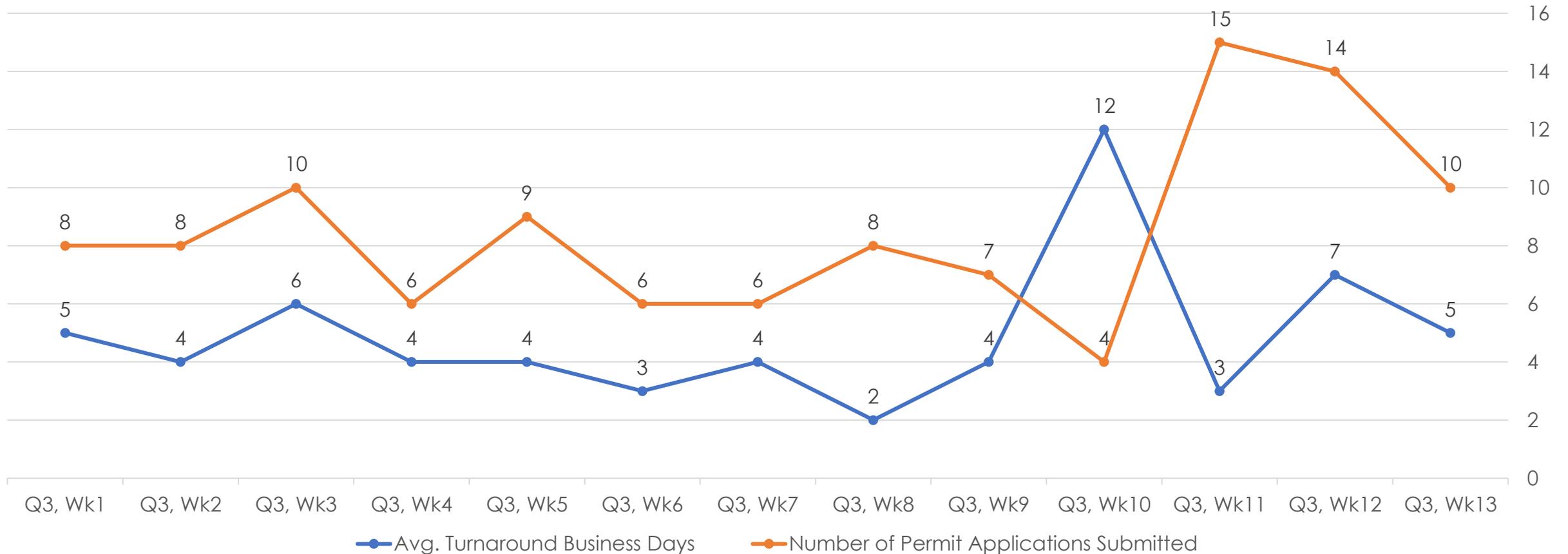
# Report on Planning and Development Department Permitting Processes FY19-20, 2nd Q

FY18-19, 4th Quarter - Permits Applied & Turnaround  
136 Permit Applications Submitted; 5.11 Days Avg. Turnaround



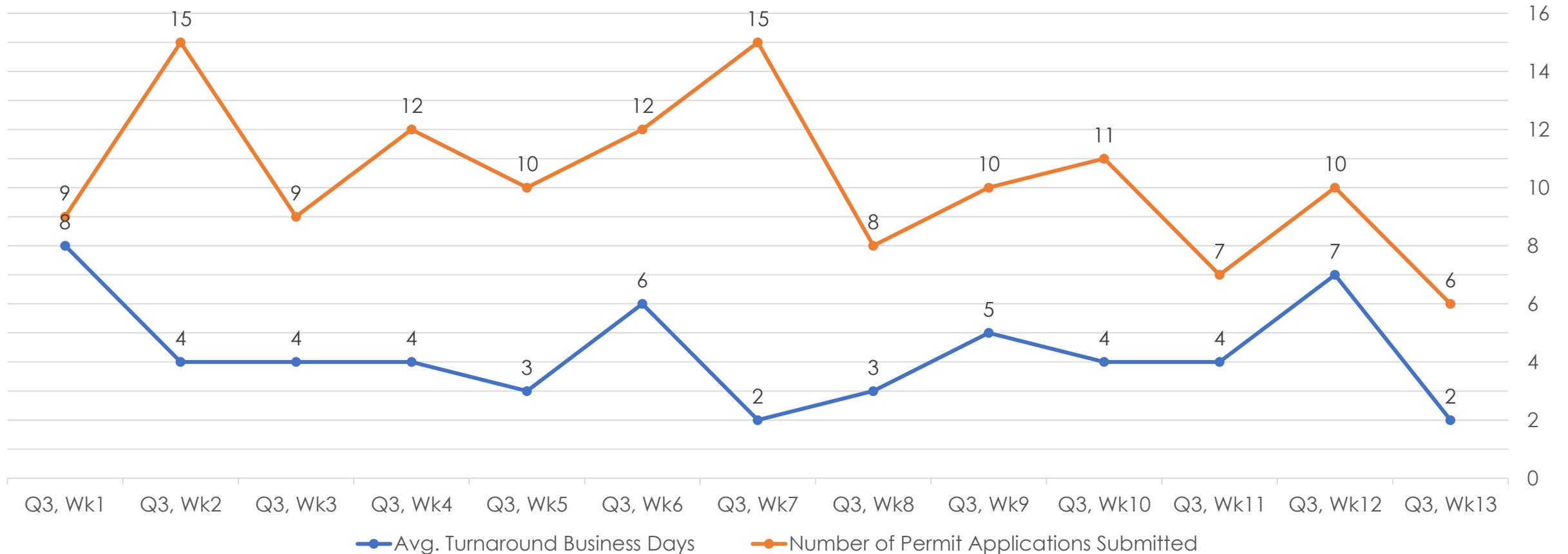
# Report on Planning and Development Department Permitting Processes FY19-20, 2nd Q

FY19-20, 1<sup>st</sup> Quarter - Permits Applied & Turnaround  
111 Permit Applications Submitted; 4.72 Days Avg. Turnaround



# Report on Planning and Development Department Permitting Processes FY19-20, 2nd Q

FY19-20, 2<sup>nd</sup> Quarter - Permits Applied & Turnaround  
134 Permit Applications Submitted; 4.23 Days Avg. Turnaround



# Report on Planning and Development Department Permitting Processes FY19-20, 2nd Q

	FY18-19 3 <sup>rd</sup> Quarter	FY18-19 4 <sup>th</sup> Quarter	FY19-20 1 <sup>st</sup> Quarter	FY19-20 2 <sup>nd</sup> Quarter
Total Number of Permits	191	136	111	134
Avg. Turnaround	8.89 days	5.11 days	4.72 days	4.23 days
<b>Residential Projects</b>				
Total Number of Permits	164	102	91	116
Avg. Turnaround	8.68 days	4.97 days	4.21 days	4.16 days
<b>Commercial Projects</b>				
Total Number of Permits	27	34	20	18
Avg. Turnaround	10.25 days	5.38 days	6.90 days	3.83 days