



MEMORANDUM

Town of Nags Head

Planning & Development Department

To: Board of Commissioners
Planning Board

From: Michael Zehner, Director of Planning & Development

Date: January 27, 2021

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

This memo provides an overview of selected Planning and Development Department activities, projects, and initiatives. If requested, Staff will be prepared to discuss any of this information in detail at the Board of Commissioners meeting on February 3, 2021.

Monthly Activity Report

Attached for the Board's review is the *Planning and Development Monthly Report for December 2020*. 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:

- Wednesday, December 2 - Board of Commissioners Meeting
- Thursday, December 10 - Board of Appeals Meeting
- Thursday, December 10 - Holiday Farmer's Market (evening)
- Friday, December 11 - Climate Septic Research Team Meeting
- Friday, December 11 - VW Settlement Webinar
- Tuesday, December 15 - Planning Board Meeting
- Wednesday, December 16 - Board of Commissioners Meeting
- Thursday, December 17 - Jockey's Ridge Soundside Access Working Group Mtg
- Saturday, December 19 - Holiday Farmer's Market
- Monday, December 21 - Multi-Jurisdictional GIS Services RFI Discussion

SOG Report on Development Regulations

The UNC School of Government periodically surveys all North Carolina municipalities and counties regarding planning and development regulation practices. The most recent survey was conducted in the fall of 2017 through the spring of 2018 (prior surveys were conducted in 2002-03, 2004-05, 2006-07, 2008-09, and 2011-12). A blog post regarding the most recent survey and report can be accessed here:

<https://canons.sog.unc.edu/2018-survey-results-are-in/> and the *complete 2018 Survey Report: Adoption and Administration of Local Development Regulations, Conditional Zoning, and Subdivision Administration* can be accessed here:

<https://www.sog.unc.edu/publications/bulletins/2018-survey-report-adoption-and-administration-local-development-regulations-conditional-zoning-and>

Planning Board - Pending Applications and Discussions

The January 19, 2021 meeting of the Planning Board (held remotely) included the Board's election of officers (reelection of Megan Vaughan as Chair, and Kristi Wright as Vice Chair), consideration of the Conditional Use Permit and Major Site Plan for alterations to Kitty Hawk Watersports, and continued discussion regarding updates to the UDO required by N.C.G.S. 160D.

The Board's next meeting is scheduled for February 16, 2021. At this time, the agenda is expected to include consideration of text amendments to update the UDO for N.C.G.S. 160D, a text amendment to update references to the *Low Impact Development and Stormwater Reference Manual*, to replace the *Low Impact Development Solutions to Reduce Stormwater Runoff Manual*, and review of the Planning & Development Department's Work Plan (current FY status, and plans for FY21-22). Additionally, there are active pending conditional use permit applications for the property at 205 E. Baltic Street (a.k.a. the Dream Center) and The Soundside Event Site and associated properties; continuances were requested from the January meeting to the February meeting, however, further continuance requests are not unanticipated.

Additional Updates

- **Level 2 Charger** - As directed at the Commissioners January 20 meeting, Staff is working to pursue a potential arrangement to allow for the location of a charger for electric vehicles on Town property. Staff is considering procurement requirements and will plan to return to the Board with updates when additional information is available.
- **CAMA Land Use Plan Update** - Staff participated in a virtual meeting with DCM staff on January 13, 2021 to review the comments returned as part of the State review. DCM staff requested that Town Staff provide a response indicating how we intended to address the comments prior to proceeding to local adoption of the Plan. Staff is working to complete this task in the next few weeks, and tentatively anticipates being able to bring the Plan forward for local adoption at the Board's April meeting.
- **Review of Town Outdoor Lighting Regulations** - As a separate agenda item for the February 3 Commissioners meeting, Staff will be presenting a report to the Board.
- **Town Workforce Housing Study & Plan/RFI** - Assigned Town Staff met on January 7, 2021 to discuss further actions related to this item. Staff anticipates presenting a draft RFI and additional options at the Commissioners March meeting.
- **Nonconforming Hotels and Fishing Piers - Legacy Establishments/ Structures** - This matter is on the Board's February 3, 2021 agenda for public hearing, with a continuance and referral back to the Planning Board recommended by Staff.

- **Review of Residential Stormwater Regulations** - As the Board is aware, recommendations from Staff and the Planning Board related to the Town's residential stormwater regulations were provided to the Board a few months ago. Staff is awaiting further direction from the Board of Commissioners as to whether the Board wishes to discuss at a workshop, potentially with the Planning Board, or take some alternative action.

Staff is proceeding with a text amendment to update the ordinance to reference the recently updated *Low Impact Development and Stormwater Reference Manual*, to replace the *Low Impact Development Solutions to Reduce Stormwater Runoff Manual*; this will be presented to the Planning Board initially at their February meeting.

- **Provisions for the Registration of Events Held at Residential Properties** - As noted in the previous Director's Report, both the Planning Board and the Board of Commissioners had indicated an interest some months ago in considering a policy or regulations requiring the registration of events held at residential properties. The Planning Board had discussed this matter earlier in the year, with delays related to the pandemic, ultimately tabling consideration until the fall. The Planning Board revisited the matter at their October and November meetings (materials provided to the Planning Board of their November meeting may be accessed here: [LINK](#)), and ultimately supported the general provisions that Staff had developed; it is important to note, the draft provisions require that events be registered as a way of notification, that no approval of the registration or event is contemplated.

When it is appropriate, Staff would request feedback from the Board of Commissioners as to whether they would like to consider the provisions for adoption. As noted in the memorandum to the Planning board, a more comprehensive review and amendment of Chapter 4, *Amusements, Entertainments, Mass Gatherings and Commercial-Outdoor Recreational Uses*, may be necessary given issues that have arisen; provisions addressing events at residential properties could be addressed separately now, or be incorporated into this more comprehensive review and amendment.

- **Skate Park Renovation - Phase 1** - As previously reported, Staff finalized submission of an application for the National Endowment for the Arts Our Town Grant on August 18, 2020, seeking funds to design and develop plans for a future renovation of the Skate Park; awards under this grant are not expected to be announced until April 2021, with funds available July 1. Additionally, the Town was awarded \$30,000 in grant funds from the Tourism Board.
- **Art Masts** - As previously noted, the Art Mast project, coordinated with the Arts & Culture Committee, has resulted in four completed art panels. The Arts & Culture Committee continues to discuss the locations for the new Art Masts, and is considering installations beginning at Bonnet Street and ending in the Gallery Row District. Staff is moving forward, with support from the Arts & Culture Committee, with the reproduction of the original artwork on material that is more

weather resistance to avoid the damage or destruction to the original pieces. Based on this, it should be possible to install completed panels this spring.

- **Decentralized Wastewater Management Plan** - Staff has delivered a prepared contract to the preferred consultant and hopes to finalize this step and initiate the project shortly. Staff will present this information to the Board once the contract has been executed.
- **Dowdy Park Farmer's Market** - Staff has begun preparing for the 2021 Season, and will plan to present a recap of the 2020 Season and plans for 2021 at an upcoming Board meeting, likely the March meeting.
- **Estuarine Shoreline Management Plan** - As noted below, Staff has received paperwork to finalize the grant award from the NFWF. Staff understands that CSI, who is open to providing complementary services to support this project, may also be pursuing a grant to offset those costs. Staff will begin developing a scope for the project, to present to the Board at a future meeting, with an RFQ seeking consultant services to follow.
- **Grants and Assistance**
 - Staff had submitted a request under the Hazard Mitigation Grant Program (Tropical Storm Michael) to update the Town's Emergency Operations Plan. Staff learned that funding under that event was no longer being considered, but that the request may be considered under funding decisions related to Hurricane Dorian.
 - Staff submitted a Letter of Interest ("LOI") under the Hazard Mitigation Grant Program related to Hurricane Dorian for the acquisition of property, and assisted Fire Chief Wells in the submission of an LOI for replacement of a generator; we have been notified that the generator request has been selected for further consideration. Additionally, Staff has had recent discussions with relevant State staff who are reviewing the request for funds for property acquisition and expects to receive updates on this request in the near future.
 - As previously noted, the Town was successfully awarded \$75,000 in funds from the National Fish and Wildlife Foundation - National Coastal Resilience Fund grant to develop an Estuarine Shoreline Management Plan. Staff has received paperwork necessary to finalize this award.
 - As noted, Staff submitted a final application for the National Endowment for the Arts Our Town Grant on August 18, 2020 seeking funds to prepare designs for the renovation of the Town's Skate Park; awards under this grant are not expected to be announced until April 2021, with funds available July 1. Additionally, the Town was awarded \$30,000 in grant funds from the Tourism Board.

- As previously reported, the Town had submitted a letter of support to participate in a joint grant to fund additional tide gauges to be located in Town, as well as other locations in Dare County. The Town was notified on January 3, 2021 that the collaborative request was selected for funding. Town Staff is working with partners to identified suitable and preferred locations; one gauge is expected to be located on Jennette's Pier, with another located along the Sound (likely in the Village at Nags Head or on Little Bridge).
- As previously noted, the Town was notified that it was successfully awarded \$2,500 in cost share assistance from the Dare Soil and Water Conservation District through the Community Conservation Assistance Program for the development of a rain garden at Town Hall to improve local water quality and serve as a Low Impact Development demonstration and education project. Once this award is finalized, Staff will begin working to refine the plan for this improvement.

Upcoming Meetings and Other Dates

- Friday, January 29 - APA-NC Legislative Committee Annual Meeting (M. Zehner)
- Tuesday, February 2 - Permitting and Inspections; Code Enforcement Staff Mtg
- Wednesday, February 3 - Board of Commissioners Meeting
- Wednesday, February 3 - Planning & Zoning; Environmental Planning; Hazard Planning Staff Meeting
- Thursday, February 4 - OBX CRS Users Group - Presentation on The Nature Conservancy's Satellite Mapping of Flooding Extent
- Wednesday, February 10 - Arts & Culture Committee Meeting
- Thursday, February 11 - Board of Adjustment Meeting
- Tuesday, January 16 - Planning Board Meeting
- Wednesday, January 17 - Board of Commissioners Meeting (tentative)

**TOWN OF NAGS HEAD PLANNING AND DEVELOPMENT
MONTHLY REPORT
DECEMBER 2020**

DATE SUBMITTED: January 7, 2021

	Dec-20	Dec-19	Nov-20	2020-2021 FISCAL YTD	2019-2020 FISCAL YTD	FISCAL YEAR INCREASE/ DECREASE
BUILDING PERMITS ISSUED - RESIDENTIAL						
New Single Family	0	0	0	10	3	7
New Single Family, 3000 sf or >	4	0	0	5	4	1
Duplex - New	0	0	0	0	0	0
Sub Total - New Residential	4	0	0	15	7	8
Miscellaneous (Total)	56	31	32	203	172	31
<i>Accessory Structure</i>	8	2	3	24	21	3
<i>Addition</i>	3	5	4	17	10	7
<i>Demolition</i>	1	0	2	3	2	1
<i>Move</i>	0	0	0	0	0	0
<i>Remodel</i>	16	8	9	59	41	18
<i>Repair</i>	28	16	14	100	98	2
Total Residential	60	31	32	218	179	39
BUILDING PERMITS ISSUED - COMMERCIAL						
Multi-Family - New	0	0	0	0	0	0
Motel/Hotel - New	0	0	0	0	0	0
Business/Govt/Other - New	0	0	0	0	0	0
Subtotal - New Commercial	0	0	0	0	0	0
Miscellaneous (Total)	6	7	4	34	39	(5)
<i>Accessory Structure</i>	2	1	1	16	7	9
<i>Addition</i>	0	0	0	0	0	0
<i>Demolition</i>	0	1	0	1	3	(2)
<i>Move</i>	0	0	0	0	0	0
<i>Remodel</i>	3	1	2	7	13	(6)
<i>Repair</i>	1	4	1	10	16	(6)
Total Commercial	6	7	4	34	39	(5)
Grand Total	66	38	36	252	218	34
SUB-CONTRACTOR PERMITS						
Electrical	41	33	19	211	222	(11)
Gas	5	2	0	12	11	1
Mechanical	22	18	19	163	162	1
Plumbing	13	13	4	47	41	6
Sprinkler	2	1	0	2	1	1
VALUE						
New Single Family	\$0	\$0	\$0	\$3,297,336	\$525,000	\$2,772,336
New Single Family, 3000 sf or >	\$2,145,000	\$0	\$0	\$2,575,000	\$3,082,561	(\$507,561)
Duplex - New	\$0	\$0	\$0	\$0	\$0	\$0
Misc (Total Residential)	\$1,402,637	\$875,075	\$1,443,239	\$5,756,472	\$4,618,747	\$1,137,725
Sub Total Residential	\$3,547,637	\$875,075	\$1,443,239	\$11,628,808	\$8,226,308	\$3,402,500
Multi-Family - New	\$0	\$0	\$0	\$0	\$0	\$0
Motel/Hotel - New	\$0	\$0	\$0	\$0	\$0	\$0
Business/Govt/Other - New	\$0	\$0	\$0	\$0	\$0	\$0
Misc (Total Commercial)	\$326,889	\$82,500	\$138,935	\$834,081	\$1,429,404	(\$595,323)
Sub Total Commercial	\$326,889	\$82,500	\$138,935	\$834,081	\$1,429,404	(\$595,323)
Grand Total	\$3,874,526	\$957,575	\$1,582,174	\$12,462,889	\$9,655,712	\$2,807,177

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DECEMBER 2020**

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	Dec-20	Dec-19	Nov-20	2020-2021 FISCAL YTD	2019-2020 FISCAL YTD	FISCAL YEAR INCREASE/ DECREASE
ZONING						
Zoning Permits	34	23	17	151	143	8
CAMA						
CAMA LPO Permits	2	5	5	12	17	(5)
CAMA LPO Exemptions	7	5	3	25	35	0
Sand Relocations	8	Not Tracked	4	12	Not Tracked	Not Tracked
CODE COMPLIANCE						
CCO Inspections	34	36	41	390	489	(99)
Cases Investigated	18	15	22	233	238	(5)
Warnings	10	9	6	72	42	30
NOVs Issued	8	10	16	162	198	(36)
Civil Citations (#)	10	0	7	23	1	22
Civil Citations (\$)	\$42,000	\$0	\$42,000	\$115,000	\$0	\$115,000
SEPTIC HEALTH						
Tanks inspected	16	0	10	89	96	(7)
Tanks pumped	6	2	4	48	10	38
Water quality sites tested	0	0	0	92	112	(20)
Personnel Hours in Training/School	16	7	25	81	84	(3)



Michael D. Zehner, Director of Planning & Development