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## MEMORANDUM

### Town of Nags Head

### Planning & Development Department

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To: Board of Commissioners  
Planning Board

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

Date: January 31, 2024

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

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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 January 3<sup>rd</sup>, 2024.

#### Monthly Activity Report

Attached for the Board's review is the *Planning and Development Monthly Report for December 2023*. 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:

- Tuesday, January 2<sup>nd</sup> - Technical Review Committee Meeting (no items)
- Wednesday, January 3<sup>rd</sup> - Board of Commissioners Meeting
- Thursday, January 4<sup>th</sup> - CRS Users Group Meeting
- Wednesday, January 10<sup>th</sup> – Committee for Arts and Culture Meeting
- Thursday, January 11<sup>th</sup> – Board of Adjustment Meeting (Surles Appeal)
- Saturday, January 13<sup>th</sup> – Winter Market from 9am – noon
- Tuesday, January 16<sup>th</sup> – Planning Board Meeting
- Wednesday, January 17<sup>th</sup> – Board of Commissioners mid-month meeting (if needed)

#### Planning Board - Pending Applications and Discussions

The Planning Board's most recent meeting was held on Tuesday, January 16<sup>th</sup>, 2023, and included the following:

- Election of the Chair, Vice Chair, and acceptance of the 2024 Submittal Calendar.
- Consideration of text amendments that if adopted would allow the long-term rental of units within existing hotels and motels. The Planning Board and applicant continued to have a productive discussion and staff will be preparing an amendment for the Planning Board recommendation at their February 20<sup>th</sup> meeting.
- Consideration of text amendments to remove the use of "Restaurant-Drive-Through" from all zoning districts within the town. The Planning Board voted unanimously to recommend adoption of the proposed ordinance amendment at their January 16<sup>th</sup> meeting.
- Planning staff presented a draft 2024 Workplan for the Planning Department which included the following:
  - Identify and correct areas of incompatibility between the Comprehensive Land Use Plan guidance and the UDO.

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- Develop and present an Accessory Dwelling Unit (ADU) Ordinance with a menu of regulatory options to consider.
  - Develop and prioritize strategies for implementation of the Estuarine Shoreline Management Plan.
  - Continue implementation of the of the DWMP and devise creative strategies to increase participation in the Septic Health Initiative.
  - Develop non-regulatory approaches to minimize residential lighting impacts, focus on education and outreach.
  - Continue digitization and records management efforts within the department.

The Planning Board's next meeting is scheduled for Tuesday, February 20<sup>th</sup>, 2024. Currently, the agenda is expected to include consideration of a text amendment to allow the long-term rental of units within existing hotels and motels and consideration of a proposed text amendment requiring that septic systems and all other components have a barrier around them to prevent vehicles from parking on and possibly damaging them.

### **Board of Adjustment – Recent and Pending Applications**

At their January 11, 2024 meeting the Board of Adjustment heard an Appeal of an Administrative Decision submitted by Joseph Surlles with regard to the issuance of a building permit for the property located at 4313 W. Soundside Road, Nags Head (Martin Residence). The Board of Adjustment voted unanimously to affirm the staff's issuance of the building permit.

The Board of Adjustment will meet on Thursday, February 8, 2024 to hear an Appeal of Administrative Decision submitted by Bryan Harvey with regard to the issuance of a Notice of Violation for utilizing a detached accessory structure as an unpermitted second dwelling unit. The subject property is located at 309 W. Soundside Road, Nags Head.

### **Additional Updates**

- **DWMP/Septic Health Advisory Committee** – The Septic Health Advisory Committee met on January 30, 2024 and newly appointed members Rob Crawford and Gary Ferguson introduced themselves to the group. The committee received updates on the installation of the ground water loggers and water quality loggers, expressing excitement over the intake of more real time data and its uses moving forward. Bob Muller noted that he would like to see more water quality loggers purchased in the future as was recommended in the DWMP. Staff updated the committee on upcoming educational opportunities within the community to get the word out on the Septic Health Initiative, including Realtorfest, Farmers Markets, and a meeting with members of OBAR as facilitated by Government Affairs Director, Donna Creef. Staff are actively preparing the draft ordinance amendments recommended by the Septic Health Advisory Committee requiring a barrier be placed around the perimeter of septic and drain field areas to prevent vehicles from driving over, parking on them and potentially damaging them. This amendment is anticipated to be presented to the Planning Board at their February 20, 2024 meeting.
- **Estuarine Shoreline Management Plan** – Following notification that the town was not awarded the National Fish and Wildlife Foundation grant, staff has initiated several meetings to discuss next steps in terms of funding opportunities, potential partnerships and site selection. Meetings with the town's grant writing consultants, Coastal Federation, and Dare County Soil and Water Conservation have led to promising conversations about potential partnerships for living shoreline opportunities along the Nags Head Causeway in the area of Catfish Farm and in collaboration with the Outer Banks Visitors Bureau as they design and construct their soundside boardwalk.

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- **Electric Vehicle Action Plan** – If approved by the Board of Commissioners at their February 7, 2024 meeting, the requested budget amendment (Item E-1) would enable the town to move forward with securing LoWire Technologies to obtain and install the Level 2 EvoCharge equipment. Also included is a five (5) year maintenance agreement with LoWire Technologies as required by the grant. Planning and Public Services are collaborating on creating and installing the required signage and bollard protections.
  - **Sand Relocation and Dune Management Cost Share Program** – As of February 1<sup>st</sup>, \$187,000 of the \$320,000 allocated to the Dune Management Cost Share Program has been encumbered by 64 applicants. Additionally, we have received 142 Sand Relocation Applications of which 131 have been approved and issued authorization letters.
  - **Dowdy Park Events/Farmers Market/Holiday Markets/Art & Culture** – The Town held its first Winter Market on Saturday, January 13<sup>th</sup> from 9am to noon. This market was well attended with over 100 visitors stopping by and many expressing their appreciation for the Town hosting the Winter Markets. These markets are held on the 2<sup>nd</sup> Saturday of the month through April, the next market will be held on Saturday, February 10<sup>th</sup> from 9am – noon with five vendors participating. In addition to attending the annual NC Event Planners Conference, Event Coordinator Paige Griffin has been busy getting organized for the upcoming summer markets, booking bands for the upcoming summer concert series, lining up groups and organizations for Family Fun Nights, and meeting with potential sponsors for 2024 happenings. The Committee for Art and Culture will be prepared to give the Board of Commissioners an update on the 2023 Season and their vision for the 2024 Season at their March 6, 2024 regularly scheduled meeting.

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

- Tuesday, February 6<sup>th</sup> - Technical Review Committee Meeting
- Wednesday, February 7<sup>th</sup> - Board of Commissioners Meeting
- Thursday, February 8<sup>th</sup> - CRS Users Group Meeting
- Thursday, February 8<sup>th</sup> – Board of Adjustment Meeting (Harvey Appeal)
- Saturday, February 10<sup>th</sup> – Winter Market from 9am - noon
- Wednesday, February 14<sup>th</sup> – Committee for Arts and Culture Meeting
- Thursday, February 15<sup>th</sup> – Townwide Staff Meeting
- Tuesday, February 20<sup>th</sup> – Planning Board Meeting
- Wednesday, February 21<sup>st</sup> – Board of Commissioners mid-month meeting (if needed)

**TOWN OF NAGS HEAD PLANNING AND DEVELOPMENT  
MONTHLY REPORT  
DECEMBER 2023**

DATE SUBMITTED: January 7, 2024

	Dec-23	Dec-22	Nov-23	2023-2024 FISCAL YTD	2022-2023 FISCAL YTD	FISCAL YEAR INCREASE/ DECREASE
<b>BUILDING PERMITS ISSUED - RESIDENTIAL</b>						
New Single Family	0	1	4	8	8	0
New Single Family, 3000 sf or >	0	1	0	3	6	(3)
Duplex - New	0	0	0	1	0	1
Sub Total - New Residential	0	2	4	12	14	(2)
Miscellaneous (Total)	37	31	54	223	206	17
<i>Accessory Structure</i>	5	1	3	20	16	4
<i>Addition</i>	2	3	3	19	11	8
<i>Demolition</i>	0	0	3	3	0	3
<i>Move</i>	0	0	0	0	0	0
<i>Remodel</i>	10	14	15	50	66	(16)
<i>Repair</i>	20	13	30	131	113	18
<b>Total Residential</b>	<b>37</b>	<b>33</b>	<b>58</b>	<b>235</b>	<b>220</b>	<b>15</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	1	(1)
Subtotal - New Commercial	0	0	0	0	1	(1)
Miscellaneous (Total)	7	9	9	34	34	0
<i>Accessory Structure</i>	4	1	3	15	12	3
<i>Addition</i>	0	0	0	0	0	0
<i>Demolition</i>	0	0	0	0	0	0
<i>Move</i>	0	0	0	0	0	0
<i>Remodel</i>	1	5	2	10	12	(2)
<i>Repair</i>	2	3	4	9	10	(1)
<b>Total Commercial</b>	<b>7</b>	<b>9</b>	<b>9</b>	<b>34</b>	<b>35</b>	<b>(1)</b>
<b>Grand Total</b>	<b>44</b>	<b>42</b>	<b>67</b>	<b>269</b>	<b>255</b>	<b>14</b>
<b>SUB-CONTRACTOR PERMITS</b>						
Electrical	42	38	39	251	249	2
Gas	1	3	6	22	16	6
Mechanical	23	24	20	157	189	(32)
Plumbing	8	5	14	62	38	24
Fire Sprinkler	0	0	0	2	2	0
<b>VALUE</b>						
New Single Family	\$0	\$900,000	\$1,775,000	\$3,859,282	\$4,184,000	(\$324,718)
New Single Family, 3000 sf or >	\$0	\$1,038,733	\$0	\$1,135,000	\$5,998,733	(\$4,863,733)
Duplex - New	\$0	\$0	\$0	\$711,000	\$0	\$711,000
Misc (Total Residential)	\$1,400,398	\$1,556,579	\$2,561,700	\$9,150,621	\$8,218,963	\$931,658
<b>Sub Total Residential</b>	<b>\$1,400,398</b>	<b>\$3,495,312</b>	<b>\$4,336,700</b>	<b>\$14,855,903</b>	<b>\$18,401,696</b>	<b>(\$3,545,793)</b>
Multi-Family - New	\$0	\$0	\$0	\$0	\$0	\$0
Motel/Hotel - New	\$0	\$0	\$0	\$0	\$6,425,994	(\$6,425,994)
Business/Govt/Other - New	\$0	\$0	\$0	\$0	\$0	\$0
Misc (Total Commercial)	\$401,993	\$567,273	\$962,286	\$2,526,924	\$1,570,024	\$956,900
<b>Sub Total Commercial</b>	<b>\$401,993</b>	<b>\$567,273</b>	<b>\$962,286</b>	<b>\$2,526,924</b>	<b>\$7,996,018</b>	<b>(\$5,469,094)</b>
<b>Grand Total</b>	<b>\$1,802,391</b>	<b>\$4,062,585</b>	<b>\$5,298,986</b>	<b>\$17,382,827</b>	<b>\$26,397,714</b>	<b>(\$9,014,887)</b>

**TOWN OF NAGS HEAD PLANNING AND DEVELOPMENT  
MONTHLY REPORT  
DECEMBER 2023**

DATE SUBMITTED: January 7, 2024

	Dec-23	Dec-22	Nov-23	2023-2024 FISCAL YTD	2022-2023 FISCAL YTD	FISCAL YEAR INCREASE/ DECREASE
<b>ZONING</b>						
Zoning Permits	47	48	70	298	234	64
Soil & Erosion	4	N/A	2	11	N/A	N/A
Stormwater Plans	2	N/A	5	18	N/A	N/A
<b>CAMA</b>						
CAMA LPO Permits	2	3	3	19	15	4
CAMA LPO Exemptions	1	7	3	18	18	0
Sand Relocations	41	18	47	88	34	N/A
<b>CODE COMPLIANCE</b>						
Cases Investigated	23	7	24	169	245	(76)
Warnings	2	0	4	19	53	(34)
NOVs Issued	21	0	20	150	64	86
Civil Citations (#)	0	0	0	1	10	(9)
Civil Citations (\$)	\$0	\$0	\$0	\$0	\$23,150	(\$23,150)
<b>SEPTIC HEALTH</b>						
Tanks inspected	0	3	11	62	54	8
Tanks pumped	7	1	8	63	46	17
Water quality sites tested	1	1	2	65	118	(53)
Personnel Hours in Training/School	4	20	109	254	82	172

  
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Kelly Wyatt, Planning Director