



MEMORANDUM

Town of Nags Head

Planning & Development Department

To: Board of Commissioners
Planning Board

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

Date: February 29, 2024

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

This memo provides an overview of selected Planning and Development Department activities, projects, and initiatives. If requested, Staff will be prepared to discuss any of this information in detail at the Board of Commissioners meeting on March 6th, 2024.

Monthly Activity Report

Attached for the Board's review is the *Planning and Development Monthly Report for January 2024*. In addition to permitting, inspections, code enforcement, and Todd D. Krafft Septic Health Initiative activities, Staff was involved in the following meetings or activities of note during the month:

- Tuesday, February 6th - Technical Review Committee Meeting
- Wednesday, February 7th - Board of Commissioners Meeting
- Thursday, February 8th - CRS Users Group Meeting
- Thursday, February 8th – Board of Adjustment Meeting (Harvey Appeal)
- Saturday, February 10th – Winter Market from 9am - noon
- Wednesday, February 14th – Committee for Arts and Culture Meeting
- Thursday, February 15th – Townwide Staff Meeting
- Tuesday, February 20th – Planning Board Meeting
- Wednesday, February 21st – 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, February 20th, 202, and included the following:

- Consideration of text amendments that if adopted would allow the long-term rental of units within existing hotels and motels. The Planning Board was unanimously supportive of this text amendment, however requested a few revisions be presented at their March 19th meeting. It was the consensus to send this item forward for the Board of Commissioners consent agenda in March and Public Hearing in April 2024.
- Consideration of text amendments to prohibit driving over and/or parking on septic systems when adjacent to driveways, drive aisles, and parking areas. The Planning Board voted unanimously to recommend adoption of the proposed text amendment as presented. Planning Board members also noted that additional consideration should still be given to limiting the impact of this ordinance to those properties that do not have a history of parking on their septic system.

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- Nomination of Planning Board members Meade Gwinn and Molly Harrison to serve on the Multi-Family Dwelling Taskforce.
 - Presentation of a map delineating areas of protected vegetated buffers. This is a map for internal use to bring awareness to areas within the Town with protected buffers such as those installed as part of the 2003 NCDOT Enhancement Planting project and those that required as part of a subdivision plat approval and noted on the recorded plat.

The Planning Board's next meeting is scheduled for Tuesday, March 19th, 2024. Currently, the agenda is expected to include consideration of a text amendment submitted by Jernigan Oil Company to allow the use of LED digital signage, and final consideration of the draft ordinance to allow the long-term rental of existing hotel units.

Board of Adjustment – Recent and Pending Applications

At their February 8, 2024, meeting the Board of Adjustment heard 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. The Board of Adjustment voted unanimously to affirm planning staff's issuance of the Notice of Violation; however they did ask that staff, the Planning Board and Board of Commissioners consider revisions to the UDO as necessary to provide more clarity on uses such as accessory structures, accessory uses, and accessory dwelling units. Staff anticipates this to be addressed during the process of drafting potential ordinance language as it relates to Accessory Dwelling Units (ADU's) as was requested as part of the 2024 Strategic Plan.

Additional Updates

- **DWMP/Septic Health Advisory Committee** – Staff has drafted and presented to the Planning Board ordinance language that would require the placement of a physical barrier to be put in place when a dwellings septic system area is adjacent to any portion of a parking space, turnaround area, driveway, drive-aisle. This was proposed following discussions by the Septic Health Advisory Committee in an effort to prohibit people from driving over and/or parking on septic systems and potentially damaging them. At their February 20th meeting the Planning Board voted unanimously to recommend adoption of the proposed text amendment believing this was a step in a positive direction but noted that additional consideration should be given to limiting the impact of this ordinance, if possible, to those properties to seem to have the most issues with parking on septic areas.

Recognizing the potential impact of this amendment on property owners who would not/do not currently have issues with parking on their septic areas and noting that such parking often occurs due to excess or overflow parking associated with the over-occupancy of rental homes, staff is actively exploring alternative options to ensure septic area safety. One approach under consideration is the inclusion of language expressly prohibiting parking on septic areas. In cases where a violation is noted, a Notice of Violation would be issued, at which time the placement of a physical barrier to preclude any future violations could be required. This approach would address parking on septic on systems via a formal violation of the Unified Development Ordinance with a specified remedy, as opposed to the language currently drafted which is a more proactive approach but may unnecessarily impact property owners in some instances.

- **Estuarine Shoreline Management Plan** – Town staff continues to focus on applying for the necessary grants to continue the implementation of the Estuarine Shoreline Management Plan. An update on this has been provided as part of the Board of Commissioners FY 24/25 Budget Workshop being held on March 6, 2024.
- **Electric Vehicle Action Plan** – Lowire Technologies has been contracted to order and install the Level 2 EV Chargers (EvoCharge). Lowire is scheduled to begin the underground pipe work

the week of March 4th and then commence the installation of the chargers right afterwards. The EV charging units and materials have been ordered and should be arriving soon. Public Services will install safety bollards and complete the parking lot striping as appropriate. Planning has designed the necessary signage to meet the grant requirements and is prepared to have signage fabricated in the upcoming weeks.

- **Sand Relocation and Dune Management Cost Share Program** – As of March 1, 2024 262,500 of the \$320,000 allocated to the Dune Management Cost Share Program has been encumbered by 87 applicants. Additionally, we have received 187 Sand Relocation Applications of which 180 have been approved and issued authorization letters. Under this program, sand can be relocated through April 30th. Staff intend to stop accepting new applications for sand relocation on or around April 15th in order to begin inspecting the sand projects and closing them out.
- **Dowdy Park Events/Farmers Market/Holiday Markets/Art & Culture** – The Committee for Art & Culture will be providing the Board of Commissioners with a presentation at their March 6, 2024 meeting. This presentation will include an update on the previous season and their vision for the upcoming season including markets, summer concerts and family fun nights. In addition, the next Winter Market will be held on Saturday, March 9th from 9am – noon at Dowdy Park.

Upcoming Meetings and Other Dates

- Tuesday, March 5th - Technical Review Committee Meeting
- Wednesday, March 6th - Board of Commissioners Meeting
- Saturday, March 9th – Winter Market at Dowdy Park from 9am – noon
- March 11th – 15th – Joe Costello at NFIP Training
- Wednesday, March 13th – Committee for Art and Culture Meeting
- Thursday, March 14th – Board of Adjustment Meeting (no hearings)
- Thursday, March 14th – CAMA Land Use Planning Webinar
- Tuesday, March 19th – Planning Board Meeting
- Wednesday, March 20th – Board of Commissioners mid-month meeting (if needed)

**TOWN OF NAGS HEAD PLANNING AND DEVELOPMENT
MONTHLY REPORT
JANUARY 2024**

DATE SUBMITTED: February 7, 2024

	Jan-24	Jan-23	Dec-23	2023-2024 FISCAL YTD	2022-2023 FISCAL YTD	FISCAL YEAR INCREASE/ DECREASE
BUILDING PERMITS ISSUED - RESIDENTIAL						
New Single Family	1	3	0	9	11	(2)
New Single Family, 3000 sf or >	0	0	0	3	6	(3)
Duplex - New	0	0	0	1	0	1
Sub Total - New Residential	1	3	0	13	17	(4)
Miscellaneous (Total)	53	61	37	276	267	9
<i>Accessory Structure</i>	4	4	5	24	20	4
<i>Addition</i>	2	4	2	21	15	6
<i>Demolition</i>	1	0	0	4	0	4
<i>Move</i>	0	0	0	0	0	0
<i>Remodel</i>	14	15	10	64	81	(17)
<i>Repair</i>	32	38	20	163	151	12
Total Residential	54	64	37	289	284	5
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	1	(1)
Subtotal - New Commercial	0	0	0	0	1	(1)
Miscellaneous (Total)	13	10	7	47	44	3
<i>Accessory Structure</i>	3	2	4	18	14	4
<i>Addition</i>	0	0	0	0	0	0
<i>Demolition</i>	1	0	0	1	0	1
<i>Move</i>	0	0	0	0	0	0
<i>Remodel</i>	1	5	1	11	17	(6)
<i>Repair</i>	8	3	2	17	13	4
Total Commercial	13	10	7	47	45	2
Grand Total	67	74	44	336	329	7
SUB-CONTRACTOR PERMITS						
Electrical	61	56	42	312	305	7
Gas	3	3	1	25	19	6
Mechanical	40	29	23	197	218	(21)
Plumbing	16	11	8	78	49	29
Fire Sprinkler	1	1	0	3	3	0
VALUE						
New Single Family	\$469,000	\$1,408,026	\$0	\$4,328,282	\$5,592,026	(\$1,263,744)
New Single Family, 3000 sf or >	\$0	\$0	\$0	\$1,135,000	\$5,998,733	(\$4,863,733)
Duplex - New	\$0	\$0	\$0	\$711,000	\$0	\$711,000
Misc (Total Residential)	\$1,996,094	\$1,985,535	\$1,400,398	\$11,146,715	\$10,204,498	\$942,217
Sub Total Residential	\$2,465,094	\$3,393,561	\$1,400,398	\$17,320,997	\$21,795,257	(\$4,474,260)
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	\$6,425,994	(\$6,425,994)
Misc (Total Commercial)	\$561,068	\$177,350	\$401,993	\$3,087,992	\$1,747,374	\$1,340,618
Sub Total Commercial	\$561,068	\$177,350	\$401,993	\$3,087,992	\$8,173,368	(\$5,085,376)
Grand Total	\$3,026,162	\$3,570,911	\$1,802,391	\$20,408,989	\$29,968,625	(\$9,559,636)

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	Jan-24	Jan-23	Dec-23	2023-2024 FISCAL YTD	2022-2023 FISCAL YTD	FISCAL YEAR INCREASE/ DECREASE
ZONING						
Zoning Permits	70	80	47	368	314	54
Soil & Erosion	2	N/A	4	13	N/A	N/A
Stormwater Plans	0	N/A	2	18	N/A	N/A
CAMA						
CAMA LPO Permits	5	0	2	24	15	9
CAMA LPO Exemptions	11	15	1	29	33	0
Sand Relocations	53	21	41	141	55	N/A
CODE COMPLIANCE						
Cases Investigated	26	35	23	195	280	(85)
Warnings	2	6	2	21	59	(38)
NOVs Issued	22	10	21	172	74	98
Civil Citations (#)	0	0	0	1	10	(9)
Civil Citations (\$)	\$0	\$0	\$0	\$0	\$23,150	(\$23,150)
SEPTIC HEALTH						
Tanks inspected	8	21	0	70	75	(5)
Tanks pumped	9	5	7	72	51	21
Water quality sites tested	1	1	1	66	119	(53)
Personnel Hours in Training/School	5	10	4	259	92	167



Kelly Wyatt, Planning Director