



MEMORANDUM

Town of Nags Head

Planning & Development Department

To: Board of Commissioners
Planning Board

From: Michael Zehner, Director of Planning & Development

Date: October 28, 2020

Subject: Planning and Development Director's Report (F-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 November 4, 2020.

Monthly Activity Report

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

- Tuesday, September 1 - Technical Review Committee Meeting
- Wednesday, September 2 - Board of Commissioners Meeting
- Thursday, September 3 - Extended Farmers' Market Day
- Wednesday, September 9 - Arts & Culture Committee Meeting
- Thursday, September 10 - Extended Farmers' Market Day
- Thursday, September 10 - Emergency Planning Tabletop Exercise
- Tuesday, September 15 - Planning Board Meeting
- Tuesday, September 15 - CRS Audit
- Tuesday, September 15 - Permitting/Inspections/Code Enforcement Team Staff meeting
- Wednesday, September 16 - Planning & Zoning Team Staff Meeting
- Thursday, September 17 - Extended Farmers' Market Day
- Wednesday, September 23 - Friday, September 25 - Board of Commissioners Retreat
- Thursday, September 24 - Extended Farmers Market Day
- Wednesday, September 30 - APA Planners' Day on Capitol Hill - Discussion with Representative Murphy's Office

Review of Outdoor Lighting Regulations

As directed by the Board of Commissioners at the October 7, 2020 meeting, Staff has begun to initiate a review of the Town's regulations for outdoor lighting, including lighting for signage. As requested, Staff will consider best practices related to both technical aspects and aesthetics.

As mentioned at the Board of Commissioners meeting, Staff will need to coordinate the schedule of this effort, assuming it results in amendments to the UDO, with the update of the UDO to comply N.C.G.S. 160D (the recently consolidated and updated statutes pertaining to land use and development; compliance is required by July 1, 2021), as well as the intended update of the Town's Sign Ordinance. Staff met briefly on October 27 to discuss this sequence, and agreed that moving forward with the review of the outdoor lighting regulations was a priority, that the update for 160D would be initially brought to the Planning Board in February, with an expected public hearing before the Board of Commissioners in April, and then the update of the Sign Ordinance to be scheduled for initial review before the Planning Board in April or May.

Staff assisting with the review include:

- Michael Zehner, Director of Planning & Development
- Kelly Wyatt, Deputy Director of Planning & Development
- Holly White, Principal Planner
- Margaux Kerr, Zoning Administrator
- Ed Snyder, Code Compliance Officer

Holly White will be managing the review. Staff anticipates meeting the week of November 2, 2020 to discuss initial perspectives regarding issues and strengths with the current regulations, and to identify best practices related to technical and aesthetic aspects, and to identify other goals and opportunities for improvements. Additionally, Staff has reached out to the Smart Outdoor Lighting Alliance, who we anticipate is willing to perform a cursory assessment of the current Outdoor Lighting Ordinance and provide feedback.

Assuming that it is acceptable to the Board, Staff anticipates presenting the matter and any findings to the Planning Board on November 17, 2020. Depending on the Planning Board's consideration, Staff anticipates being able to present this material and any recommendations from Staff and the Planning Board to the Board of Commissioners in December or January, with any amendments to the UDO then able to go to the Planning Board initially in December or January.

Tide Gauges Grant

Nags Head has been asked to partner with the Coastal Studies Institute, Jennette's Pier, and the American Shore & Beach Preservation Association to fund and install low cost water level observation tide gauges. Through funding from the Southeast Coastal Ocean Observing Regional Association (SECOORA), 40 new tide gauges in NC, SC, GA, and FL have been funded. Nags Head is one of fifteen communities in North Carolina that will receive a tide gauge. The tide gauge will produce real time data and predictions that can be made available on a website and mobile app. The data from these gauges will help in making better predictions for surge, tides, and storm events. Ideally, communities are being asked to contribute \$500 to offset the \$3,100 market value of the gauges. Additionally, the Town also has been asked to



partner on an further grant application where, if received, additional gauges could be funded both in Nags Head and Dare County to build out the network of gauges, improving the ability of stakeholders to understand and predict surge, tides, and storm events.

On October 23, 2020, Staff from the Planning Department, along with Deputy Town Manager Andy Garman, Fire Chief Randy Wells, and Town Engineer David Ryan, participated on a call with Dare County Emergency Management Director Drew Pearson, Mike Remige with Jennette's Pier, Dr. Michael Muglia with the Coastal Studies Institute, and Dr. Nicole Elko SECOORA to discuss these opportunities.

Planning Board - Pending Applications and Discussions

The October 20, 2020 Planning Board meeting included consideration of the text amendment concerning the "Furniture Store" use, a presentation from Staff regarding the 2017 Comprehensive Plan, and further discussion of potential regulations or a policy for large events held at residential properties. The Board additionally discussed and asked questions regarding on-street parking, the recent phases of the multi-use path with respect to the Village at Nags Head, any noise regulations pertaining to vehicles, and affordable and workforce housing.

The Planning Board's next meeting is scheduled for Tuesday, November 17, 2020. At this time, the agenda is expected to include further consideration of regulations or a policy for large events held at residential properties, a review of the Town's outdoor lighting regulations, and consideration of an amendment to the conditional use permit for The Soundside Event Site to include properties recently acquired by the Dare County Tourism Board (continuance requested prior to the October Planning Board meeting).

Additionally, there is an active conditional use permit application for the property at 205 E. Baltic Street (a.k.a. the Dream Center); this application was scheduled for the October Planning Board meeting, but a continuance was requested to January or February 2021.

Additional Updates

- **2020 Census** - As of October 15, 2020, the collection of responses for the 2020 Census was completed. As previously indicated, the number/percentage of vacant vacation/rental homes in Town would skew the response rate recognized by the Census, as the rate is not adjusted at this time to account for those homes. Dare County had been releasing the information on the rate depicting more accurate response rates based upon the number of occupied homes in the various communities; based upon this methodology, the Town's response rate as of September 21, 2020 has been determined to be 90.49%, up from 87.39% on August 17, and up from 85.46% on July 20, 2020. Dare County has discontinued has stopped publishing this information on their website.

Census data used for state and local redistricting is expected to be released by March 31, 2021, with other data expected to be released later in spring 2021.

2020 census data used for state and local redistricting are set to be released by March 31, 2021. The bureau is planning to release other new census data beginning in spring 2021.

- **CAMA Land Use Plan Update** - As previously reported, the Town's Comprehensive Plan, serving as the CAMA Land Use Plan, is undergoing State review. The Town will receive comments on the Plan no later than Wednesday, December 9th.

The submitted draft is available at the following link:

https://files.nc.gov/ncdeq/Coastal%20Management/documents/PDF/Land%20Use%20Plans/state-review-lups/NagsHeadCompPlanRecvd_092520edit.pdf

Following approval of the Plan, the Board will need to consider final re-adoption of the Plan incorporating modifications required by DCM to satisfy completeness requirements

- **Town Workforce Housing Study & Plan** - Presuming the Board of Commissioners acceptance of the draft Strategic Plan, Staff intends to reinstate discussion of this project with the Board. As the Board will recall, a Phase 1 Report concerning the suitability of Town properties was presented to the Board of Commissioners at the February 5, 2020 meeting. Further action on the project was tabled at that time. Staff anticipates working with the Board to reevaluate the scope and the goals of any project.
- **Nonconforming Hotels and Fishing Piers - Legacy Establishments/ Structures** - As the Board is aware, recommendations from the Planning Board and Staff on a text amendment to address nonconforming hotels and fishing piers had been forwarded to the Board prior to the September 2, 2020 meeting to allow the Board to consider the scheduling of a public hearing. At the September 2 meeting, the Board voted to remove the item to schedule the public hearing from the agenda, to discuss the matter at a future meeting. Staff will await further direction from the Board as to a timeline for future consideration of this matter.
- **Review of Residential Stormwater Regulations** - As the Board is aware, recommendations from Staff and the Planning 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.
- **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. With support from the Board, Staff also submitted for a grant from the Tourism Board. Staff anticipates finalizing a community preference survey regarding the Park in the next few weeks.

- **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 awaiting a proposal from a sign company to identify the best way to install the masts. However, another recent consideration is whether the completed panels should be reproduced on material that is more resilient, to avoid the damage or destruction to the original pieces; this aspect is expected to be discussed further by the Arts & Culture Committee.
- **Decentralized Wastewater Master Plan** - As previously noted, three responses to the RFQ to update the Plan were received. Staff has scheduled interviews with two of the respondents to assist in the evaluation and ultimate selection, expected to be completed by December 1, 2020.

As a specific item on the Board of Commissioners November 4, 2020 agenda, Staff is presenting the Board with four volunteers for consideration to appointment to a project steering committee.

- **Dowdy Park Farmer's Market** - Given expressed interest, Staff is working with vendors and making other arrangements to potential schedule a Holiday Farmers' Market, with three likely dates to be held in November and December, including one Market to be held in the late afternoon and early evening.
- **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 was being 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, and have also learned that the request for funds for property acquisition also continues to be considered.
 - A final application for a National Fish and Wildlife Foundation - National Coastal Resilience Fund grant to develop an Estuarine Shoreline Management Plan was submitted in July 2020. Additionally, an application was submitted for the 2020 North Carolina Attorney General Environmental Enhancement Grant for the same project. Staff had hoped to learn the status of these applications by the end of September, and is now looking for an update in the next few weeks.

- 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.
- As mentioned above, the Town will be looking to participate in a joint grant to fund additional tide gauges to be located in Town, as well as other locations in Dare County.

- **Academic/NGO Projects**

In lieu of the complete report of academic and general research projects, please consider the following information on the one active project involving regular interaction with Planning & Development Department Staff:

- 2020 OBX Field School and UNC-CSI Capstone Project

The OBX Field School, along with the UNC-CSI Capstone Project, are coordinated through the Coastal Studies Institute. Kicking off the Fall 2020 Semester, Department Staff along with Town Engineer David Ryan were invited to join the UNC Field School on their Water Tour on August 12, 2020. Mr. Ryan and Holly White provided students with an overview of the Town's Comprehensive Plan and challenges related to groundwater, septic health management, stormwater, and water quality. The students concluded their time with Town Staff with a trip to the groundwater lowering wells near the Barnes Street Park.

In conjunction with the Field School, the Planning Department will virtually host an intern this semester. Brianna "Bri" Thompson is a junior at UNC double majoring in Environmental Studies and Public Policy. She also has an interest in art and design that will assist her in her project with the Town. Bri will work on developing social media messaging and general outreach materials for the stormwater, septic health, and floodplain management programs.

As part of the UNC-CSI Capstone Project, students will perform water sampling at several locations in Nags Head throughout the semester to monitor bacteria and optical brighteners. Their work last year suggested that the groundwater lowering systems, managed by the Town, are having an added benefit to improved water quality; additional research will be conducted to investigate this further. Lastly, students will develop and conduct a survey to resident and non-residential property owners to assess their knowledge and awareness, attitudes/risk perceptions, and behaviors/practices regarding septic systems. Previous work, and this semester's work, will benefit the forthcoming update of the Town's Decentralized Wastewater Management Plan.

Upcoming Meetings and Other Dates

- Wednesday, November 4 - Board of Commissioners Meeting

- Tuesday, November 9 - Permitting/Inspections/Code Enforcement Team Staff meeting
- Wednesday, November 11 - Veteran's Day
- Wednesday, November 11 - Arts & Culture Committee Meeting (to be rescheduled)
- Thursday, November 12 - Planning & Zoning Team Staff Meeting
- Tuesday, November 17 - Planning Board Meeting

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

DATE SUBMITTED: October 7, 2020

	Sep-20	Sep-19	Aug-20	2020-2021 FISCAL YTD	2019-2020 FISCAL YTD	FISCAL YEAR INCREASE/ DECREASE
BUILDING PERMITS ISSUED - RESIDENTIAL						
New Single Family	4	0	1	7	2	5
New Single Family, 3000 sf or >	0	0	1	1	2	(1)
Duplex - New	0	0	0	0	0	0
Sub Total - New Residential	4	0	2	8	4	4
Miscellaneous (Total)	39	26	14	74	64	10
<i>Accessory Structure</i>	3	4	2	8	10	(2)
<i>Addition</i>	2	1	1	6	2	4
<i>Demolition</i>	0	0	0	0	0	0
<i>Move</i>	0	0	0	0	0	0
<i>Remodel</i>	12	3	4	21	14	7
<i>Repair</i>	22	18	7	39	38	1
Total Residential	43	26	16	82	68	14
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)	8	4	4	21	12	9
<i>Accessory Structure</i>	4	0	0	10	4	6
<i>Addition</i>	0	0	0	0	0	0
<i>Demolition</i>	0	0	0	1	1	0
<i>Move</i>	0	0	0	0	0	0
<i>Remodel</i>	0	2	2	2	4	(2)
<i>Repair</i>	4	2	2	8	3	5
Total Commercial	8	4	4	21	12	9
Grand Total	51	30	20	103	80	23
SUB-CONTRACTOR PERMITS						
Electrical	54	14	26	108	106	2
Gas	0	1	1	4	5	(1)
Mechanical	28	14	28	99	95	4
Plumbing	5	4	6	17	18	(1)
Sprinkler	0	0	0	0	0	0
VALUE						
New Single Family	\$1,406,000	\$0	\$180,000	\$2,272,336	\$325,000	\$1,947,336
New Single Family, 3000 sf or >	\$0	\$0	\$430,000	\$430,000	\$1,450,000	(\$1,020,000)
Duplex - New	\$0	\$0	\$0	\$0	\$0	\$0
Misc (Total Residential)	\$884,107	\$364,705	\$305,111	\$1,806,499	\$1,130,660	\$675,839
Sub Total Residential	\$2,290,107	\$364,705	\$915,111	\$4,508,835	\$2,905,660	\$1,603,175
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)	\$108,357	\$211,690	\$140,000	\$360,057	\$352,015	\$8,042
Sub Total Commercial	\$108,357	\$211,690	\$140,000	\$360,057	\$352,015	\$8,042
Grand Total	\$2,398,464	\$576,395	\$1,055,111	\$4,868,892	\$3,257,675	\$1,611,217

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SEPTEMBER 2020**

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	Sep-20	Sep-19	Aug-20	2020-2021 FISCAL YTD	2019-2020 FISCAL YTD	FISCAL YEAR INCREASE/ DECREASE
ZONING						
Zoning Permits	28	14	16	70	61	9
CAMA						
CAMA LPO Permits	1	1	1	4	4	0
CAMA LPO Exemptions	6	4	0	11	13	0
Sand Relocations	0	N/A	0	0	N/A	N/A
CODE COMPLIANCE						
CCO Inspections	79	47	82	243	349	(106)
Cases Investigated	50	21	48	149	167	(18)
Warnings	15	5	10	36	20	16
NOVs Issued	35	16	39	114	147	(33)
Civil Citations (#)	1	0	0	1	0	1
Civil Citations (\$)	\$0	\$0	\$0	\$0	\$0	\$0
SEPTIC HEALTH						
Tanks inspected	20	2	27	47	66	(19)
Tanks pumped	10	0	15	29	5	24
Water quality sites tested	23	20	69	92	66	26
Personnel Hours in Training/School	0	17	9	24	17	7



Michael D. Zehner, Director of Planning & Development