



MEMORANDUM

Town of Nags Head

Planning & Development Department

To: Board of Commissioners
Planning Board

From: Michael Zehner, Director of Planning & Development

Date: December 30, 2020

Subject: Planning and Development Director's Report (H-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 January 6, 2021.

Monthly Activity Report

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

- Monday, November 2 - Inspection of 205 E. Baltic Street
- Monday, November 2 - Outdoor Lighting Study Working Group Meeting
- Tuesday, November 3 - J-1 Housing Discussion with Dan Bullock, Holtz Builders
- Wednesday, November 4 - Board of Commissioners Meeting
- Thursday, November 12 - DWMP Interviews
- Friday, November 13 - GIS Needs Assessment Meeting
- Tuesday, November 17 - Planning Board Meeting
- Wednesday, November 18 - Arts & Culture Committee Meeting
- Saturday, November 21 - Holiday Farmer's Market
- Monday, November 23 - Outdoor Lighting Study Working Group Meeting
- Monday, November 23 - CSI Capstone Presentation
- Monday, November 30 - Plat Review Officer Training

VW Settlement Phase 1 - Level 2 Charging Program

Staff has been made aware that approximately \$1.15 million in funds associated with the Volkswagen Settlement are being made available as part of a "Phase 1 for the Light Duty Zero Emission Vehicle Level 2 Charging Infrastructure Rebate Program. This program is designed to expand the state's light duty ZEV charging infrastructure network." (<https://deq.nc.gov/volkswagen-settlement/level-2>) Staff participated in a webinar to learn more about the program and the application process, which opens on January 25, 2021. Under the program, for Level 2 chargers installed on government-owned property and accessible to the public, the Town could be reimbursed up to \$5,000 for the installation.

Based upon preliminary estimates received, upfront vendor costs would total between \$7,000 to \$11,000, depending on the vendor and equipment, with complete installation (including Town labor and materials to extend electrical service and install a concrete base for the charger) totaling \$11,000 to \$15,000. With the potential reimbursement, actual cost to the Town would be \$6,000 to \$10,000. Please visit <https://www.chargepoint.com/products/commercial/ct4000/> for one example of equipment that could be available. It is also important to note that many of the systems require annual maintenance and software service fees; however, it is also possible to assess fees to users for charging, which may offset these annual costs.

Attached for the Board's consideration is a budget amendment to allocate \$15,000 for this project, should the Board wish for Staff to pursue this opportunity further. Tentatively, Staff is considering siting this charger at Town Hall or adjacent to the Board Room, on the beach access parking lot side.

Outdoor Dining

At the Board of Commissioners November 2020 meeting, the Board discussed the possibility of amending the UDO to allow outdoor dining on a temporary basis in a more flexible and simplified manner, and asked Staff to return with some thoughts on addressing this before proceeding with a text amendment. Generally, the Board was open to allowing this where parking was not reduced below that which is required and/or seating not increased in excess of available and required parking, or in excess of wastewater capacity.

Based upon a cursory review of the UDO, Staff believes that the best opportunity to address this allowance would be through the modification of the Temporary Use Permit provisions that were recently adopted. At present, the issuance of a Temporary Use Permit for a temporary use or the temporary modification of a use is only eligible during a declared State of Emergency (or due to the impacts associated with a declared State of Emergency). Staff is of the opinion that the provisions could be easily modified to allow for Temporary Use Permits to be issued at all times, for limited durations, for limited use types (at least initially, outdoor dining), and subject to certain limitations (i.e. no reduction of parking, no occupancy in excess of wastewater capacity, etc.). If this is generally acceptable to the Board, Staff will begin working with the Planning Board on draft text amendments.

Planning Board - Pending Applications and Discussions

The December 15, 2020 meeting of the Planning Board (held remotely) included further consideration of the text amendment pertaining to the reduction of the minimum required side yard for corner lots abutting unimproved rights-of-way and continued review of the Town's outdoor lighting regulations. Additionally, Staff provided an introduction to updates to the UDO required by N.C.G.S. 160D.

The Planning Board's next meeting is scheduled for January 19, 2021. At this time, the agenda is expected to include consideration of a Major Site Plan for alterations to Kitty Hawk Watersports, initial review of text amendments associated with 160D, and, potentially, text amendments associated with flexible outdoor dining.

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. The applications were originally scheduled for consideration at the September Planning Board meeting, but continuances have been requested by the applicants.

Additional Updates

- **CAMA Land Use Plan Update** - On December 9, 2020, Staff received comments from DCM on the Town's draft CAMA Land Use Plan. Despite the Plan being accepted as complete by DCM in September, resulting in the State review being initiated, in addition to receiving advisory comments and suggestions, Staff also received comments categorized as "Missing/Needed/Clarification," which DCM staff has indicated are required to be addressed prior to proceeding with local adoption of the Plan, and then certification by the CRC. Staff has requested a meeting to discuss this further, including the regulatory requirements making further revisions mandatory; Staff expects this meeting to take place in early-January.
- **Review of Town Outdoor Lighting Regulations** - As directed by the Board, Town Staff have been working internally and with the Planning Board to complete a review of the Town's existing regulations pertaining to Outdoor Lighting, identify issues and areas of opportunity for improvement, as well as best practices. The Planning Board was supportive of the findings and conclusions made by Staff, but also recommended that a community survey be performed to better understand public perspectives on lighting conditions and regulations. Staff expects to release a brief survey or questionnaire to solicit feedback, and return to the Board for a complete report in February.
- **Town Workforce Housing Study & Plan** - As the Board is aware, Staff returned to the Board of Commissioners on December 16, 2020 to reinstate discussion on the project to addressing housing needs of the Town's seasonal workforce. The Board provided feedback and direction to Staff, who will be discussing further with assigned Town Staff on January 7, 2021.
- **Nonconforming Hotels and Fishing Piers - Legacy Establishments/ Structures** - This matter is on the Board's January 6, 2021 agenda to discuss further and consider the scheduling of a public hearing.
- **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.

Absent further direction, Staff intends to proceed with an 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*.

- **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. With support from the Board, Staff also submitted for a grant from the Tourism Board. Release of a community preference survey is still pending.
- **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. While Staff had been awaiting a proposal from a sign company to identify the best way to install the masts, 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. A sample reproduction on weather-resistant material has been created, which Staff and the Arts & Culture Committee believe to be an appropriate solution. Based on this, it should be possible to install completed panels this spring.
- **Decentralized Wastewater Management Plan** - As previously noted, three responses to the RFQ to update the Plan were received. Staff completed a preliminary evaluation of the responses, interviewing two of the respondents. Staff sent follow up questions and requests for references to these two respondents. Based on a review of the responses, interviews, and the follow up

information, Staff is proceeding to finalize a contract with the preferred consultant.

- **Dowdy Park Farmer's Market** - The last Holiday Farmer's Market was held on Saturday, December 19. All three Holiday Farmer's Markets were well attended, with minimal necessary enforcement of safety protocols. Staff will begin 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.

- **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 is working with NFWF contacts to finalize the 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. Additionally, the Town received \$30,000 in grant funds from the Tourism Board for this project.

 - The Town has 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.

 - 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.

Upcoming Meetings and Other Dates

- Monday, January 4 - Planning & Development Department Staff Meeting
- Tuesday, January 5 - Technical Review Committee Meeting
- Wednesday, January 6 - Board of Commissioners Meeting
- Thursday, January 7 - Town Seasonal Employee Housing Meeting
- Friday, January 8 - APA-NC Legislative Committee Annual Meeting (M. Zehner)
- Wednesday, January 13 - Arts & Culture Committee Meeting
- Tuesday, January 19 - Planning Board Meeting

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

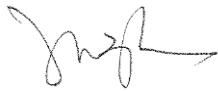
DATE SUBMITTED: December 7, 2020

	Nov-20	Nov-19	Oct-20	2020-2021 FISCAL YTD	2019-2020 FISCAL YTD	FISCAL YEAR INCREASE/ DECREASE
BUILDING PERMITS ISSUED - RESIDENTIAL						
New Single Family	0	1	3	10	3	7
New Single Family, 3000 sf or >	0	0	0	1	4	(3)
Duplex - New	0	0	0	0	0	0
Sub Total - New Residential	0	1	3	11	7	4
Miscellaneous (Total)	32	36	41	147	141	6
<i>Accessory Structure</i>	3	4	5	16	19	(3)
<i>Addition</i>	4	2	4	14	5	9
<i>Demolition</i>	2	2	0	2	2	0
<i>Move</i>	0	0	0	0	0	0
<i>Remodel</i>	9	9	13	43	33	10
<i>Repair</i>	14	19	19	72	82	(10)
Total Residential	32	37	44	158	148	10
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)	4	5	3	28	32	(4)
<i>Accessory Structure</i>	1	1	3	14	6	8
<i>Addition</i>	0	0	0	0	0	0
<i>Demolition</i>	0	0	0	1	2	(1)
<i>Move</i>	0	0	0	0	0	0
<i>Remodel</i>	2	4	0	4	12	(8)
<i>Repair</i>	1	0	0	9	12	(3)
Total Commercial	4	5	3	28	32	(4)
Grand Total	36	42	47	186	180	6
SUB-CONTRACTOR PERMITS						
Electrical	19	28	43	170	189	(19)
Gas	0	0	3	7	9	(2)
Mechanical	19	24	23	141	144	(3)
Plumbing	4	5	13	34	28	6
Sprinkler	0	0	0	0	0	0
VALUE						
New Single Family	\$0	\$200,000	\$1,025,000	\$3,297,336	\$525,000	\$2,772,336
New Single Family, 3000 sf or >	\$0	\$0	\$0	\$430,000	\$3,082,561	(\$2,652,561)
Duplex - New	\$0	\$0	\$0	\$0	\$0	\$0
Misc (Total Residential)	\$1,443,239	\$1,122,444	\$1,104,097	\$4,353,835	\$3,743,672	\$610,163
Sub Total Residential	\$1,443,239	\$1,322,444	\$2,129,097	\$8,081,171	\$7,351,233	\$729,938
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)	\$138,935	\$388,860	\$8,200	\$507,192	\$1,346,904	(\$839,712)
Sub Total Commercial	\$138,935	\$388,860	\$8,200	\$507,192	\$1,346,904	(\$839,712)
Grand Total	\$1,582,174	\$1,711,304	\$2,137,297	\$8,588,363	\$8,698,137	(\$109,774)

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

DATE SUBMITTED: December 7, 2020

	Nov-20	Nov-19	Oct-20	2020-2021 FISCAL YTD	2019-2020 FISCAL YTD	FISCAL YEAR INCREASE/ DECREASE
ZONING						
Zoning Permits	17	30	30	117	120	(3)
CAMA						
CAMA LPO Permits	5	3	1	10	12	(2)
CAMA LPO Exemptions	3	8	4	18	30	0
Sand Relocations	4	Not Tracked	0	4	Not Tracked	Not Tracked
CODE COMPLIANCE						
CCO Inspections	41	45	72	356	453	(97)
Cases Investigated	22	19	44	215	223	(8)
Warnings	6	4	20	62	33	29
NOVs Issued	16	14	24	154	188	(34)
Civil Citations (#)	7	1	5	13	1	12
Civil Citations (\$)	\$42,000	\$0	\$31,000	\$73,000	\$0	\$73,000
SEPTIC HEALTH						
Tanks inspected	10	7	16	73	96	(23)
Tanks pumped	4	3	9	42	8	34
Water quality sites tested	0	0	0	92	112	(20)
Personnel Hours in Training/School	25	30	16	65	77	(12)



Michael D. Zehner, Director of Planning & Development

**BUDGET AMENDMENT REQUEST
FY 2020-2021**

**BUDGET AMENDMENT NO. 8
AMENDMENT 8.2
USE OF FUNDS**

SOURCE OF FUNDS

CODE	ACCOUNT	AMOUNT		CODE	ACCOUNT	AMOUNT
900-599900	General Fund Expenditure Contingency Contingency	10,000.00		490-577400	General Fund Planning Capital Outlay Equipment	15,000.00
10-430202	Revenue-Grant NC Dept. of Environmental Quality	5,000.00				
TOTAL CHARGES		\$ 15,000.00		TOTAL CREDITS		\$ 15,000.00

JUSTIFICATION

NC Volkswagen Settlement for zero emission vehicle charging infrastructure rebate program.
This amendment is contingent upon grant being awarded.

ADMINISTRATIVE SERVICES 12/29/2020
RECOMMENDED BY _____ DATE

APPROVED BY BOC: _____ DATE

POSTED TO GENERAL LEDGER:

INITIALS _____