



MEMORANDUM

Town of Nags Head

Planning & Development Department

To: Board of Commissioners

From: Michael Zehner, Director of Planning & Development
Kelly Wyatt, Deputy Planning Director

Date: May 20, 2021

Subject: Public Hearing to consider a text amendment pertaining to lot coverage associated with dumpster conversions from side load to front load pick up
(Attachment G-3)

OVERVIEW AND BACKGROUND

The Town is currently undergoing a process of converting existing side-load dumpsters to front-load dumpsters given the expectation that the availability of trucks that are able to service side-load dumpsters will be reduced in the future. To aid in this effort and to reduce complications involving alterations and/or expansions to dumpster locations or pad dimensions, Staff requested and the Board authorized development of a text amendment to the UDO to address potential increases in lot coverage that may be associated with these changes.

The Planning Board reviewed this matter and draft amendments at their meeting on April 20, 2021. The Planning Board voted 6-0 to recommend approval of the text amendment as presented.

Subsequent to the April 20, 2021 Planning Board meeting, Staff discussed the conversion process further with the Deputy Town Manager, Public Works Director, and Facilities Maintenance/Sanitation Superintendent and determined that the proposed language should not reference a requirement by the Town for conversion, as that was not necessarily consistent with practice. Therefore, Staff is recommending an amendment with changes from the version originally presented to the Planning Board. Staff noted this modification and the reason at the Planning Board meeting on May 18, 2021.

CODE CONSIDERATIONS

Allowable lot coverage, related to zoning district and use types is established within Section 8.2.1., Dimensional Requirements, of the UDO. Section 8.6.6., Lot Coverage, of the UDO establishes specific requirements for the administration of lot coverage, and Section 8.6.6.7., Exclusion of Lot Coverage Calculation, outlines those instances where lot coverage may otherwise be exempted or excluded. There is currently no exemption for dumpster pads.

POLICY CONSIDERATIONS

The Comprehensive Plan does not specifically address this matter.

PLANNING BOARD RECOMMENDATION

The Planning Board reviewed this matter and draft amendments at their meeting on April 20, 2021. The Planning Board voted 6-0 to recommend approval of the text amendment as presented. Subsequently, at their meeting on April 20, members of the Board did not object to the modification noted by Staff.

STAFF RECOMMENDATION

To make the conversion process more flexible and proceed more efficiently, it is Staff's recommendation that the following amendments to the UDO be adopted:

- That a Section 8.6.6.7.6. be added to Section 8.6.6.7., Exclusion of Lot Coverage Calculations, as follows:

8.6.6.7.6. ~~Where~~ **For** a preexisting use, ~~is required by the Town to convert~~ **when** the service orientation of a dumpster **is being converted**, or ~~where a preexisting use is required by the Town to obtain~~ **when** a dumpster **is required to be obtained, consistent with the applicable requirements of the Town Code**, any additional lot coverage ~~required by the Town to be created for the location and servicing of such dumpster~~ **in excess of the maximum allowable lot coverage and necessary to meet the Town's minimum requirements for a dumpster pad, as determined by the Public Works Director of his/her designee**, ~~not to exceed the amount required by the Town~~, shall be exempt from the lot coverage requirements of this UDO.

Pursuant to Section 3.5.4.2. of the UDO, the Board of Commissioners may proceed to vote on the proposed ordinance, refer it to a committee for further study, or take any other action consistent with its usual rules of procedure. Prior to voting to adopt or reject the proposed text amendment, the Board should adopt a statement approving the amendment and describing the amendment's consistency with the Town's adopted Comprehensive Plan and explaining why the action taken is reasonable and in the public interest, a statement rejecting the amendment and describing its inconsistency with the adopted Comprehensive Plan and explaining why the action taken is reasonable and in the public interest, or a statement approving the amendment and containing at least all of the following:

- A declaration that the approval is also deemed an amendment to the Comprehensive Plan. The Board of Commissioners shall not require any additional request or application for amendment to the Comprehensive Plan.
- An explanation of the change in conditions the Board of Commissioners took into account in amending the UDO to meet the development needs of the community.
- Why the action was reasonable and in the public interest.

Attachments: Adoption Ordinance, dated May 20, 2021