



MEMORANDUM

Town of Nags Head

Planning & Development Department

To: Board of Commissioners
Planning Board

From: Michael Zehner, Director of Planning & Development

Date: June 30, 2021

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 July 7, 2021.

Monthly Activity Report

Attached for the Board's review is the *Planning and Development Monthly Report for May 2021*. 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, May 4 - Technical Review Committee Meeting
- Wednesday, May 5 - Board of Commissioners Meeting
- Thursday, May 6 - ETIPP Kickoff and Scoping Meeting
- Monday, May 10 - Planning & Development Department Staff Meeting
- Wednesday, May 12 - Board of Commissioners Budget Workshop
- Wednesday, May 12 - Committee for Arts & Culture
- Thursday, May 13 - Board of Adjustment Meeting
- Tuesday, May 18 - Planning Board Meeting
- Wednesday, May 19 - Board of Commissioners Budget Workshop
- Thursday, May 20 - DWMP Advisory Committee Meeting
- Monday, May 24 - ETIPP Scoping Meeting
- Tuesday, May 25 - Permitting, Inspections, and Code Enforcement Team Meeting
- Thursday, May 27 - Farmer's Market
- Thursday, May 27 - Planning & Zoning; Environmental Planning; Hazard Planning Staff Meeting
- Friday, May 28 - Whalebone Park Site Visit with Committee for Arts & Culture

Sign Ordinance Update Project

As identified within the Department's Work Plan, Staff is beginning to work on the update and amendment of the Town's sign regulations, which are contained in Article 10, Part III, *Sign Regulations*, of the Unified Development Ordinance (the "Sign Ordinance"). The focus of the updates and amendments will be on the general improvement of the Sign Ordinance, to add clarity to the provisions, improve internal

consistency, and to make the Ordinance more *user-friendly* for Staff and the public; in short, it is hoped that this project will result in an updated format for the Sign Ordinance, including providing for sign allowances in tabular form and incorporating more visual guidance for Staff and the public. Generally, amendments are not intended to focus on regulatory changes (i.e., changes to the type, number, or size of signs allowed), but in considering the updates, the Planning Board or Board of Commissioners may wish to consider whether such changes may be warranted in some circumstances. The Planning Board discussed this project preliminarily at their meeting on May 19, 2021.

Town Workforce Housing Study & Plan/RFI; Responses to Town Seasonal Workforce Housing RFI

As was relayed to the Board of Commissioners, three (3) responses were received to the Town's RFI for Solutions for Town Seasonal-Employee Housing Needs. Staff awaits further direction from the Board as to how we should proceed with respect to these, including whether the Board would like the staff committee to share any opinions or recommendations. Per the RFI, interviews and presentations with one or more of the respondents is an option, but not a requirement.

LED Conversion of Streetlights; Amber Streetlight Demo

As noted previously, Staff has been discussing the conversion of the Town's streetlights to LEDs with representatives of Dominion Energy. Dominion has provided the location of streetlights that have been converted to LEDs so that the Town may consider whether there are preferred styles and/or specifications. Additionally, Dominion has offered to provide a demonstration installation of "amber" light fixtures (identified as being more "turtle-friendly"), requesting that the Town provide at least four (4) suitable locations. Staff will provide additional information to the Board separately, for discussion at a future meeting.

Related, with the change to LED technology, it will be necessary for the Board to consider updates to the Street Lighting Policy. A copy of the current Board of Commissioners' Policy is attached.

Planning Board - Pending Applications and Discussions

The Planning Board's most recent meeting was held on June 15, 2021, and included consideration of a Special Use Permit for the Outer Banks Community Church (as a religious complex) to be located within a Commercial Mixed Use use (Shopping Center) at 4711 S. Croatan Highway, continued discussion of the scope for the Electric Vehicles Action Plan, and preliminary discussion regarding amendments to allow for temporary allowances for outdoor dining.

The Board's next meeting is scheduled for July 20, 2021. At this time, the agenda is expected to include continued discussion regarding amendments to allow for temporary allowances for outdoor dining and amendments to the sign ordinance, consideration of the draft CAMA Land Use Plan, and consideration of a site plan under the SED-80 zoning district requirements for the removal of trees at 468 W. Villa Dunes Drive. 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; continuances were requested from the June meeting to the July meeting; however, further continuance requests are not unanticipated.

Additional Updates

- **Decentralized Wastewater Management Plan** - To this point, four meetings have been held with the project Advisory Committee. Much of the work has involved the collection of relevant data and information, the identification of stakeholders, and the development of an engagement plan. Additionally, at the most recent meeting, the Committee had a focused discussion regarding the mission statement, vision, values, and goals for the Plan. The next meeting of the Committee is scheduled for August 19, and is expected to include a review of the data assessment and conclusions, as well as the results of stakeholder interviews, and preparation for public engagement meetings. Between now and the August meeting, Staff and the consultant expect to finalize the engagement plan and the draft mission statement, vision, values, and goals with input from the Committee.
- **Estuarine Shoreline Management Plan** - An RFQ seeking a consultant for development of an Estuarine Shoreline Management Plan for the Town was released on May 24, 2021, with responses due July 7, 2021. Staff is preparing to release a request for volunteers to serve on an advisory/steering committee for the project, with candidates to be presented to the Board for consideration and appointment at a future meeting.
- **CAMA Land Use Plan Update** - Staff anticipates presenting a final revised version of the CAMA Land Use Plan to the Planning Board at their July 20, 2021 meeting, with a public hearing for Plan adoption to be held at the September Board of Commissioners' meeting.
- **Electric Vehicles Action Plan** - As previously noted, Staff has received interest from Duke University in having students from the Nicholas School of the Environment's two-year professional Master of Environmental Management (MEM) work on this project. Staff held a preliminary discussion with the Planning Board on the potential scope for the project, and a subsequent discussion to present the outline of the project prepared by Timothy L. Johnson, Ph.D., Associate Dean for Professional Programs and Chair of the Master of Environmental Management Energy and Environment Program. Staff believes there is consensus on the project between the Town and Duke University, and anticipates that 3 Masters students will be assigned to the project in the Fall Semester.
- **Level 2 Charger** - Staff continues to consider opportunities and with vendors to source a charger for location on Town property through a "host" arrangement. Additionally, Staff expects that resources or options may be identified through the EV Action Plan.
- **LID Manual; Review of Residential Stormwater Regulations** - Continued consideration of the LID Manual is on the Board of Commissioners agenda for

July 7, 2021. As noted in the memorandum for that item, it is recommended that the Planning Board discuss additional potential improvements to the residential stormwater regulations and the plan review and approval process.

- **GIS Platform Update, Phase 1** - Interviews with the respondents to the RFI seeking information on GIS services were conducted between May 17 and May 28. Staff is considering how to proceed.
- **ETIPP Project/Program** - A final project scoping meeting was held with National Lab technical assistance staff on June 23, 2021. A final scope is expected to be completed on July 6, 2021, with the project commencing soon thereafter.
- **NC AIA Activate Technical Assistance** - A kickoff and project scoping meeting was held with project partners on June 18, 2021. A final project scope is expected to be approved in the next few weeks.
- **Flood/Tide Gauges** - As previously reported, the Town had 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. The Town was notified on January 3, 2021 that the collaborative request was selected for funding, and Town Staff subsequently coordinated the installation of a gauge on a dock in the Village at Nags Head; once online, there will be three gauges in the Town providing up-to-date tide and flood data: the gauge located in the Village, one at Jennette's Pier, and another at on Little Bridge.
- **LID Stormwater Demonstration Project** - 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. Staff is waiting on direction from the District regarding design before initiating installation.
- **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. While staff originally learned that funding under that event was no longer being considered, and that the request may be considered under funding decisions related to Hurricane Dorian, we have now been informed that it is being considered for funding under a separate storm event, DR-4543-NC, associated with severe storms, tornadoes, and flooding that occurred in February 2020.
 - 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 is under review by FEMA. With

respect to the acquisition of property, Staff has been informed that previous insurance claims would be subtracted from any potential purchase price, which may make the potential offer price unacceptable to the property owner.

- On April 16, 2021, Staff submitted a pre-application for a CAMA Access Grant for improvements to the Epstein Beach Access. As outlined in a separate agenda item for the July 7, 2021 Board of Commissioners' meeting, Staff was notified on May 13, 2021 that the Town was invited to submit a Final Application for the Epstein Street Public Beach Access, due by August 16, 2021.

Upcoming Meetings and Other Dates

- Thursday, July 1 - Farmer's Market
- Wednesday, July 7 - Board of Commissioners Meeting
- Thursday, July 8 - Farmer's Market
- Thursday, July 8 - Board of Adjustment Meeting
- Wednesday, July 14 - Committee for Arts & Culture Meeting
- Thursday, July 15 - Farmer's Market
- Tuesday, July 20 - Planning Board Meeting
- Thursday, July 22 - Farmer's Market
- Thursday, July 29 - Farmer's Market

**TOWN OF NAGS HEAD PLANNING AND DEVELOPMENT
MONTHLY REPORT
MAY 2021**

DATE SUBMITTED: June 7, 2021

	May-21	May-20	Apr-21	2020-2021 FISCAL YTD	2019-2020 FISCAL YTD	FISCAL YEAR INCREASE/ DECREASE
BUILDING PERMITS ISSUED - RESIDENTIAL						
New Single Family	2	0	0	14	7	7
New Single Family, 3000 sf or >	1	0	0	8	6	2
Duplex - New	0	0	0	0	0	0
Sub Total - New Residential	3	0	0	22	13	9
Miscellaneous (Total)	29	40	37	404	399	5
<i>Accessory Structure</i>	4	5	8	49	42	7
<i>Addition</i>	0	0	1	28	16	12
<i>Demolition</i>	2	0	1	6	2	4
<i>Move</i>	0	0	0	0	0	0
<i>Remodel</i>	11	11	6	119	92	27
<i>Repair</i>	12	24	21	202	247	(45)
Total Residential	32	40	37	426	412	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	2	(2)
Subtotal - New Commercial	0	0	0	0	2	(2)
Miscellaneous (Total)	6	3	11	79	78	1
<i>Accessory Structure</i>	1	0	6	29	17	12
<i>Addition</i>	0	0	0	0	0	0
<i>Demolition</i>	0	0	0	1	4	(3)
<i>Move</i>	0	0	0	0	0	0
<i>Remodel</i>	4	2	2	21	27	(6)
<i>Repair</i>	1	1	3	28	30	(2)
Total Commercial	6	3	11	79	80	(1)
Grand Total	38	43	48	505	492	13
SUB-CONTRACTOR PERMITS						
Electrical	78	25	35	470	385	85
Gas	5	1	3	31	19	12
Mechanical	59	40	36	375	314	61
Plumbing	8	3	12	86	84	2
Fire Sprinkler	0	0	0	3	1	2
VALUE						
New Single Family	\$807,093	\$0	\$0	\$4,804,429	\$1,864,797	\$2,939,632
New Single Family, 3000 sf or >	\$835,535	\$0	\$0	\$6,000,535	\$3,982,561	\$2,017,974
Duplex - New	\$0	\$0	\$0	\$0	\$0	\$0
Misc (Total Residential)	\$591,001	\$573,689	\$548,529	\$10,079,555	\$8,798,838	\$1,280,717
Sub Total Residential	\$2,233,629	\$573,689	\$548,529	\$20,884,519	\$14,646,196	\$6,238,323
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	\$1,030,000	(\$1,030,000)
Misc (Total Commercial)	\$65,208	\$474,000	\$201,233	\$2,046,935	\$4,164,386	(\$2,117,451)
Sub Total Commercial	\$65,208	\$474,000	\$201,233	\$2,046,935	\$5,194,386	(\$3,147,451)
Grand Total	\$2,298,837	\$1,047,689	\$749,762	\$22,931,454	\$19,840,582	\$3,090,872

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MONTHLY REPORT
MAY 2021**

DATE SUBMITTED: June 7, 2021

	May-21	May-20	Apr-21	2020-2021 FISCAL YTD	2019-2020 FISCAL YTD	FISCAL YEAR INCREASE/ DECREASE
ZONING						
Zoning Permits	56	23	52	430	292	138
CAMA						
CAMA LPO Permits	4	1	0	29	30	(1)
CAMA LPO Exemptions	4	13	7	56	108	0
Sand Relocations	0	0	28	117	143	N/A
CODE COMPLIANCE						
CCO Inspections	117	68	83	726	699	27
Cases Investigated	60	25	39	416	120	296
Warnings	9	10	14	122	229	(107)
NOVs Issued	51	15	25	295	54	241
Civil Citations (#)	10	0	8	67	0	67
Civil Citations (\$)	\$52,500	\$0	\$42,000	\$356,000	\$0	\$356,000
SEPTIC HEALTH						
Tanks inspected	27	0	7	171	32	139
Tanks pumped	7	3	13	90	128	(38)
Water quality sites tested	23	46	23	161	167	(6)
Personnel Hours in Training/School	28	38	8	172	109	63



Michael D. Zehner, Director of Planning & Development

Robert O. Oakes, Jr.
Mayor

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Mayor Pro Tem

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Board of Commissioners Policy

Street Lighting Policy

Adopted May 4, 1994
Updated and Adopted June 4, 2003
Updated and Adopted October 3, 2012
Updated and Adopted November 6, 2013

Objective: To provide an orderly process for the installation of street lighting in existing subdivisions and areas that is adequate for safety and convenience while at the same time avoiding objectionable and excessive lighting.

General: In all existing subdivisions and areas with underground power, the electric power lines for street lighting shall be located underground. In existing subdivisions and areas with overhead wiring, new streetlights may be attached to existing poles only if the pole to be used is in the proper location. If a new pole is required, the wiring to said pole must be underground. All lights shall be located on public rights-of-way maintained by the Town of Nags Head, unless alternate arrangements are agreed to by the Town. Streetlights should be placed at street intersections or street bends of sixty degrees or more. Streetlights may not be located closer than intervals of three hundred feet. Nothing in this policy, however, shall preclude the Town of Nags Head from installing street lighting at any location and of any available intensity where in the opinion of the Town Manager, such lighting is necessary for the public safety and convenience. In addition, in cases where commercial and residential areas adjoin, the Town Manager shall determine the lumens of intensity of streetlights to be placed in such adjoining areas.

New Residential Subdivisions: Streetlights shall be High Pressure Sodium (HPS) seventy (70) watt, five thousand (5,000) lumen lights, installed as per Section 38-156 of the Town Code of Ordinances. It shall be the Town's policy to assume the energy cost of streetlights installed in new subdivisions one year after their installation. It shall be the responsibility of the developer or the Property Owners Association to request in writing to the Town Manager, that the Town assume the energy cost of the streetlights one year after installation.

New Commercial Subdivisions: The street lighting policy in new commercial subdivisions shall be the same as in new residential subdivisions, except that the streetlights shall be a HPS one hundred and fifty (150) watt, fourteen thousand (14,000) lumen lights except where in the opinion of the Town Manager, a HPS one hundred (100) watt (8,000) lumen lights would be more appropriate in order to prevent excessive light in adjoining predominantly residential areas.

Responsible for Update: Public Works Director

Existing Residential Areas: In existing residential areas, streetlights are installed upon a petition basis. The number of property owners' signatures required on the petition depends upon the number of properties directly affected by the proposed streetlight(s). If the light is requested to be installed at an intersection, three of the four or two of the three property owners at the intersection as shown on the attached diagram will be required to sign the petition. The property owner adjoining the location where the light is to be erected must be one of the owners to sign. If the light is to be installed in mid-block, the light will be placed at a point between two lots and the owner of these two lots must sign the petition. In addition, at least fifty percent of the two or three lots directly across the street must also sign the petition. After receiving a petition requesting a streetlight with the required number of signatures and approved by the Town Manager, the petitioners will then be responsible for the installation and energy cost of the streetlight for the first year of operation. It shall be the Town's policy to assume the energy cost of streetlights installed by private property owners one year after their installation. It shall be the responsibility of the property owner to request in writing to the Town Manager, that the Town assume the energy cost of the streetlights one year after installation.

All new streetlights and lamps or fixtures that need replacement, will be a HPS seventy watt (70), five thousand (5,000) lumen lights installed at a mounting height of 10 feet if a new pole is installed.

Existing Commercial Areas: In existing commercial areas, streetlights are installed upon receipt of a petition signed by at least two directly affected property owners and approved by the Town Manager. All new streetlights and lamps or fixtures that need replacement, will be a HPS one hundred and fifty (150) watt, fourteen thousand (14,000) lumen lights and will be installed by the petitioner. The developer or property owner will be responsible for the energy cost of the streetlight for the first year of operation. The energy costs of the streetlights will be assumed by the Town one year after their installation. It shall be the responsibility of the developer or property owner to request in writing to the Town Manager, that the Town assume the energy cost of the streetlights one year after installation.

Special Street Lighting Areas: The following streets are designated as areas requiring special street lighting treatment and any streetlights installed at intersections or along these streets will be the designated intensity, notwithstanding the intensities enumerated above:

- Croatan Highway (US 158) – HPS 250 watt (250) 23,000 lumen lights at a mounting height of 35 – 40 feet. The fixture shall be a flat lens full cutoff light.
- Virginia Dare Trail (NC 12) – HPS one hundred (100) watt, eight thousand (8,000) lumen lights at a mounting height of 25 – 30 feet. Lights installed at pedestrian crossings shall be HPS one hundred and fifty watt (150), fourteen thousand (14,000) lumen lights at a mounting height of 25 – 30 feet.
- South Old Oregon Inlet Road (NC 1243) – Same as Virginia Dare Trail.

