



**MINUTES
TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS**

**Unified Development Ordinance (UDO) Workshop
Wednesday, June 19, 2019**

The Nags Head Board of Commissioners met in the Board Room of the Nags Head Municipal Complex located at 5401 S Croatan Highway in Nags Head, North Carolina on Wednesday, June 19, 2019 at 9:00 a.m.

Board members Present: Mayor Ben Cahoon; Mayor Pro Tem Susie Walters; Comr. Renée Cahoon; Comr. Webb Fuller; and Comr. Michael Siers

Board members Absent: None

Others present: Town Manager Cliff Ogburn; Town Attorney John Leidy; Andy Garman; Michael Zehner; Kelly Wyatt; Holly White; Phil Ruckle; and Town Clerk Carolyn Morris

Unified Development Ordinance (UDO) Workshop

Mayor Cahoon called the workshop to order at 9:00 a.m.

Planning Director Michael Zehner reviewed his memo of June 14, 2019 with Board members which provided an overview of the Unified Development Ordinance (UDO). The memo is attached to and made a part of these minutes as shown in Addendum "A".

Director Zehner noted that the UDO was discussed/reviewed by the Planning Board at their last two meetings. He reviewed the original goals of the UDO as follows:

"Reorganize and update the Town Code into a user-friendly format

'Implement portions of the Comprehensive Plan

Emphasis on themes

- Architectural integrity
- Beach Road vs. Bypass
- Protecting conversion of commercial property to residential
- Shopping centers and large format development
- Character areas
- Oceanfront
- Preservation of existing business
- Greater diversity in housing and accommodations
- Connectivity
- Healthy small, local business economy

Arts and cultural resources
Environmental quality

'Provide consistency with NC State Statutes

'Address staff concerns"

Status of the Planning Board's review: Director Zehner stated that Planning Board members received the Draft document and discussed it at yesterday's (June 18, 2019) meeting and subsequently recommended its adoption. He pointed out that the Planning Board understands that comments could still be forthcoming from the Board of Commissioners and is open to reviewing/considering any changes.

Director Zehner said that he is hopeful to be able to hold a Public Hearing at the August 7, 2019 Board of Commissioners meeting; he stated that he was in favor of an effective date after a 60-day period and during that time workshops could be held with stakeholders, etc. as necessary. This would also allow time to finalize the development manual.

Mayor Cahoon

Mayor Cahoon stated that he was on the Technical Committee for the past two years and his comments have been answered; Subject to today's comments he would be inclined to accept the Planning Board's recommendation for approval.

Mayor Pro Tem Walters

Mayor Pro Tem Walters confirmed with Director Zehner that the Planning Board's vote for adoption was a unanimous vote.

Director Zehner stated that the Planning Board recognized that the UDO was a huge project and everything was addressed to their satisfaction.

Comr. Fuller

Comr. Fuller had several questions/concerns:

1) He was concerned about some of the Technical Committee members' written comments; Planner Holly White explained that not all of the comments resulted in incorporation into the document. Mayor Cahoon also noted that each comment was considered but not necessarily incorporated. Ms. White said that each idea that was incorporated into the document was provided to Board members in monthly updates.

Mayor Cahoon suggested including in the UDO document a statement similar to "when the UDO is adopted, other supporting memos/documents are dismissed" to eliminate confusion.

2) In the C-3 District relating to mixed use – he confirmed with Dep Town Manager Garman that residential in the C-3 District was not allowed before or now.

3) He questioned if the Hotel District served any purpose. Dep Town Manager Garman said that since no hotel has been established, it has been kept in place to allow additional height and coverage - the thought is to keep trying; Mayor Cahoon said that the Town is still guessing in terms of what will get a hotel developer to come and build a hotel – the Comprehensive Plan says to try to encourage hotels; the Town needs a developer to come tell the Town what they need.

Comr. Fuller said that his main issue lies in the Comprehensive Plan; he feels that the Town is rushing this document adoption and he would like it to be more complete although he feels it is okay since the accessory dwelling units allowance has been removed. He feels that there is no specificity in the Comprehensive Plan that provides true guidance in what is really allowed/wanted.

Comr. Renée Cahoon

Comr. Renée Cahoon asked about the C-1 District; Dep Town Manager Garman said that the C-1 District will have to be rezoned at a later date – the ordinance will have to go through the rezoning process.

Planning Director Zehner - Decentralized Wastewater

Planning Director Zehner briefly discussed decentralized wastewater with the Board – he noted that there are more functional systems when shared - cluster developments provide for shared septic systems.

Mayor Cahoon confirmed with Board members that there is no interest at this time to consider decentralized wastewater systems.

Adjournment

Comr. Siers commended all who worked on the UDO – he will vote to adopt but it is not the end of the document as it will be an everchanging document as time goes on.

Mayor Pro Tem Walters appreciated the process being done for culmination of adoption of the UDO.

Comr. Fuller stated that the UDO is not as user friendly as he thought it would be.

Mayor Cahoon said that from a professional standpoint, the document is more user-friendly; but to the average person, it is not. What is good is having the design standards in one place and having a table of permitted uses.

Schedule - Planning Director Zehner confirmed with Board members that the Request for Public Hearing will be presented at the July 3rd Board of Commissioners meeting with the Public Hearing to be held at the August Board meeting.

The Workshop adjourned at 10:06 a.m.

Carolyn F. Morris, Town Clerk

Date Approved: **July 3, 2019** _____

Mayor: _____
Benjamin Cahoon