



**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE TOWN OF NAGS HEAD  
OPPOSING SB 317 / HB 562 RE: AMENDING LOCAL CONTROL OVER CERTAIN SUBDIVISIONS STYLED  
"WORKFORCE HOUSING", SB 374 / HB 409 RE: CONSTRUCTION AND SITING OF ACCESSORY  
DWELLING UNITS AND SIMILAR BILLS TO ELIMINATE LOCAL AUTHORITY OVER DEVELOPMENT**

**WHEREAS**, The Town of Nags Head Board of Commissioners opposes Senate Bill 317 / House Bill 562 and SB 374 / HB 409 which reduce the Town's ability to uphold and promote the public health, safety, and welfare of its citizens by establishing reasonable controls for various land uses, including but not limited to, workforce housing developments as defined in SB 317 / HB 562 and accessory dwelling units, consistent with the Town's Comprehensive Plan and Unified Development Ordinance, AND

**WHEREAS**, Senate Bill 317 / HB 562 and SB 374 / HB 409 as written would not allow the Town to tailor locations of accessory dwelling units and workforce housing developments to areas of best-fit, or to require adequate parking, setbacks, rental term / occupancy or other requirements that would protect the fabric of existing neighborhoods and that are designed to implement town's overall land use goals as defined in the town's Comprehensive Plan or other adopted plans.

**NOW, THEREFORE, BE IT RESOLVED** That the Board of Commissioners of the Town of Nags Head does hereby oppose the following provisions of SB 317 / HB 562:

1. The erosion of the authority to protect the public health safety and welfare through reasonable land use controls by reducing local authority to direct development for the good of the entire community.
2. Requiring local governments to permit workforce housing developments in any zoning district regardless of the district's intent or range of uses is contrary to North Carolina law requiring communities to adopt Comprehensive Plans to direct certain uses to most appropriate areas.
3. The exemption of subdivisions from all density and dimensional requirements, ignores health and safety aspects related to stormwater management, onsite wastewater system separation requirements, roadway access management, driveway spacing and firefighting capability. The lack of density requirements impacts the ability to plan for infrastructure needs.
4. Subdivisions are to include 20% of lots "to be conveyed for workforce housing." However, the workforce housing lots are only guaranteed for *one* year. After one year the lots may be conveyed to anyone. There is no mechanism to ensure availability of affordable housing over the long-term.
5. In addition, sixty (60) days is insufficient to review a preliminary subdivision plat.
6. There is no requirement that the lots be served by any public utility. Developers may provide "private systems." This goes against the stated vision of the Town and its Septic Health Initiative.

**NOW, THEREFORE, BE IT RESOLVED** That the Board of Commissioners of the Town of Nags Head does hereby oppose the following provisions of SB 374 / HB 409:

1. Requiring that local governments allow the development of at least one accessory dwelling unit in any area zoned for residential use that allows development of single-family dwellings represents a disregard for local land-use decision making and the ability of local property owners to weigh in on what is and what is not appropriate development in their neighborhoods and communities.
2. Precluding a local government from adopting reasonable land use controls such as regulating the siting of an accessory dwelling unit, the type of occupancy of an accessory dwelling unit or the ability to impose an additional parking requirement beyond what was required for the principal dwelling negates the ability of locally elected officials to consider all interests when making land-use decisions, including those of existing homeowners and property owners.
3. The bill's rationale to help alleviate the workforce housing shortage is counterproductive as there are no provisions in the bill to disallow the accessory dwelling units from becoming short-term rentals, thus continuing to exacerbate the workforce housing shortage.

**BE IT FURTHER RESOLVED** That both Senate Bill 317 / House Bill 562 and Senate Bill 374 / House Bill 409 are contrary to the growth philosophy of the Town of Nags Head. In addition, limiting the town's authority to manage growth according to its adopted plans for development would undermine the Town's unique character.

**BE IT FURTHER RESOLVED** That the Town of Nags Head Board of Commissioners does hereby oppose all other bills that weaken local authority, including but not limited to the following:

- House Bill 332 / Senate Bill 275, which would impose a 21-day shot clock on local building inspections.
- House Bill 474, which would mandate that all residential and mixed-use zoning allow small housing types such as tiny homes, cottage homes, and accessory dwelling units.

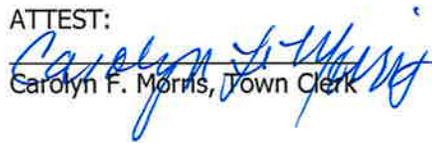
**BE IT FURTHER RESOLVED** That copies of this resolution be sent to our legislative delegation and to the leadership of the North Carolina General Assembly in an effort to stop all such bills limiting our land use authority from becoming law and to work together to find real ways to advance affordable workforce and other appropriate housing opportunities.

Adopted this the 3<sup>rd</sup> day of May 2023.



Benjamin Cahoon, Mayor  
Town of Nags Head

ATTEST:



Carolyn F. Morris, Town Clerk

