



AGENDA

**Town of Nags Head Planning Board
Nags Head Municipal Complex Board Room
Tuesday, July 16, 2024; 9:00 a.m.**

- A. Call To Order
- B. Approval Of Agenda
- C. Public Comment/Audience Response
- D. Approval Of Minutes
July 16th, 2024 Planning Board Meeting.

Documents:

[JUNE 18 2024 DRAFT MINUTES.PDF](#)

- E. Action Items

- 1. Consideration Of A Text Amendment
to the Unified Development Ordinance submitted by Anlauf Engineering, PLLC on behalf of Ark Church, to modify the definition of "Religious Complex" to include an additional single-family residence for church staff, in addition to the existing allowance for an onsite parsonage.

Documents:

[ARK CHURCH TEXT AMENDMENT FOR PB REVIEW.PDF](#)

- 2. Consideration Of Various Amendments
to the Unified Development Ordinance as it pertains to the use of multi-family dwelling developments.

Documents:

[MULTI-FAMILY ORDINANCE FOR PB.PDF](#)

- 3. Consideration Of Various Amendments
to the Unified Development Ordinance as it pertains to the dormitory use in the SED-80, Special Environmental District.

Documents:

[SED-80 DORMITORY TEXT AMENDMENT FOR PB.PDF](#)

F. Report On Board Of Commissioners Actions
July 3rd, 2024

Documents:

[JUL 3 2024 BOC ACTIONS, KW HIGHLIGHT.PDF](#)

G. Town Updates - As Requested

H. Discussion Items

1. Update On Potential Accessory Dwelling Unit (ADU) Ordinance and existing conditions within the town.

Documents:

[ADU DISCUSSION MEMO 7.12.24.PDF](#)

2. Planning & Development Directors Report
June 28th, 2024

Documents:

[PND DIRECTORS REPORT FOR JULY BOC.PDF](#)

I. Planning Board Members' Agenda

J. Planning Board Chairman's Agenda

K. Adjournment

**Town of Nags Head
Planning Board
June 18, 2024
- DRAFT -**

The Planning Board of the Town of Nags Head met on Tuesday, June 18, 2024, in the Board Room at the Nags Head Municipal Complex.

Chair Vaughan called the meeting to order at 9:00 a.m. as a quorum was present.

Members Present

Megan Vaughan, Meade Gwinn, Molly Harrison, David Elder, Gary Ferguson, Kristi Wright, David Thompson

Members Absent

None

Others Present

Kelly Wyatt, Joe Costello, Andy Garman, David Ryan, Lily Nieberding

Approval of Agenda

David Elder moved to approve the agenda as presented. David Thompson seconded, and the motion passed by unanimous vote.

Public Comment/Audience Response

Frederick Jordan, property owner on S. Kingfisher Street. Mr. Jordan is concerned that it's already hard to get out of his street onto the bypass; he is concerned about the hotel coming in and all the traffic that will follow. Mr. Jordan believes that there should be a stoplight at the intersection of Lakeside and S. Croatan Hwy and at minimum they (the applicants) need to add a turning lane and that it should be the hotel's responsibility.

Amy Klauser, property owner on S. Old Road. Ms. Klauser's concern is the congestion on W. Lakeside that will only get worse with the hotel coming. There are semis (trucks) that do delivery to the gas station, there is already a lot of congestion and awkwardness in that intersection and believe the hotel will add to it.

Colleen Hogan, property owner on S. Kingfisher Street. Ms. Hogan confirmed what her neighbors previously stated noting that there is already a lot of congestion at the corner of the intersection due to the gas station and she and her neighbors are nervous about the traffic coming from the hotel, being unable to get out of her neighborhood and possible safety issues.

Nancy Drumheller, property owner on S. Old Road; they have owned the home for many years and are seriously concerned about the congestion and safety issues due to the decision to have the hotel exit and enter from Lakeside Drive. Mrs. Drumheller also has concerns about possible Stormwater runoff.

Approval of Minutes

Chair Vaughan asked for a motion to approve the minutes of the May 21, 2024, meeting with some editing corrections. David Elder moved to approve the minutes as corrected; Meade Gwinn seconded, and the motion passed unanimously.

Action Items

Consideration Of a Site Plan Amendment for the construction of an 87-unit Hotel (Inn at Whalebone), including a request to eliminate or modify the condition of the October 4, 2023, Board of Commissioners approval that the existing Lakeside Street roadway be expanded to accommodate three (3) lands of traffic, and the three (3) lanes should extend to the most westward entrance of the hotel off Lakeside Street. The property is zoned SPD-C Village Hoel and is located within the Hotel Overlay District, located at 6632 Pheasant Avenue/Lakeside Drive, Nags Head.

Planning Director Kelly Wyatt presented the proposed site plan for the Board's review and reminded the Board that this will be the third time this item has been brought forth for the Board's consideration. Ms. Wyatt also reminded the Board that the proposed location of the hotel is in the C2 General Commercial Zoning district as well as the Hotel Overlay District and as such, it is permitted use.

Today, the applicant is asking the Board to consider two different elements; the first is a site plan amendment which involves some deviations to the actual site plan that have occurred since their previous approval on October 4th, 2023. The other item is a request to consider either eliminating or modifying a previous condition placed by the Board of Commissioners.

Ms. Wyatt explained that at their October 4, 2023, meeting, the Nags Head Board of Commissioners reviewed the Site Plan Application and voted unanimously to approve the site plan with two conditions:

1. The existing roadway was to be expanded to accommodate three (3) lanes of traffic, and the three (3) lanes should extend to the most westward entrance of the hotel off Lakeside Street.
2. An approved subdivision plat addressing the portions of lots 24, 29, 30 and 31 and a recombination plat addressing lots 32, 33, 34, 35, 36, 22, 23, 26 and 27 be approved and filed at the Dare County Register of Deeds prior to the issuance of any development permits for the proposed hotel project. Shortly after the site plan approval, the applicant worked with Bissell Professional Group to prepare the necessary subdivision plat and have it recorded with the Dare County Register of Deeds. Condition # 2 has been satisfied.

The applicant is requesting that consideration be given to eliminate in whole, or modify, the requirements imposed by Condition #1 as it relates to the widening of Lakeside Street.

The applicant has outlined the site plan modifications from the most recent Board of Commissioners approval. They note that many of the modifications were in response to achieving state stormwater and wastewater approvals.

These modifications include:

- This project was originally approved as a 90-unit hotel; however, the revised plan seeks approval for an 87-unit hotel.
- The overall area of the proposed building has increased by 729 square feet.

- With the proposed reduction in hotel units, 87 parking spaces are now required. The revised parking is compliant with 90 proposed spaces.
- Building lot coverage has increased from 12.94% to 13.4%. With 35% allowed, this lot coverage remains compliant.
- Parking lot coverage has increased from 36.18% to 38.6%. With 45% allowed, this lot coverage remains compliant.
- The minimum required landscaped area of 20% remains at 28%.
- Numerous modifications have been made to the stormwater management design based on requirements of the State Stormwater permit.

Town Engineer David Ryan has reviewed the revised plans and the stormwater management design information submitted appears to be in substantial compliance with the Town of Nags Head Unified Development Ordinance. Mr. Ryan noted that the stormwater narrative on Sheet C-103 indicates a Seasonal High Water Table Elevation of 3.50' MSL. The typical infiltration basin detail indicates a SHWL of 4.8'. This discrepancy should be clarified.

Ms. Wyatt noted that based upon the staff's analysis, the proposed modifications remain compliant with the requirements of the Unified Development Ordinance.

With regards to the second item, eliminating or modifying the condition related to the Lakeside Street Widening, MacConnell & Associates, P.C. has provided a Technical Memorandum outlining the impacts and challenges associated with this request. They also provided a Turn Lane Exhibit for town staff and Board consideration, which Ms. Wyatt included in the Board's agenda packet. Ms. Wyatt briefly reviewed this exhibit as well as Mr. Ryan's comments for the Board.

"Lakeside Street Turn Lane Exhibit- *A condition was placed on the previous site plan approval to widen the Lakeside St roadway extending from S. Croatan Hwy. to the westernmost boundary of the subject property. With the existing Lakeside St. right-of-way width at 40' there are some impacts associated with a roadway widening of this length. These impacts include runoff onto adjoining properties and potential conflicts with above ground utilities. However, there is still an opportunity to provide roadway widening to meet the intent of the previous Board of Commissioners conditioned approval.*

The applicant has submitted an exhibit which shows a reduced widening plan from the eastern property boundary. This concept indicates an encroachment onto the adjoining undeveloped property to the south. Town Engineer has proposed a plan mark-up which describes a potential alternative roadway widening approach which may not result in improvements extending onto private property. Staff is recommending is for the applicant to modify the traffic improvements for Lakeside St. to reflect the approach as identified in the alternative plan mark-up.

This approval would be conditioned on the applicant acquiring detailed survey information for the development of a roadway widening and construction plan in accordance with Chapter 36-4 of the Town Code of Ordinances. It should be noted that "a temporary construction easement may be required from the owner of the undeveloped property to the south for the purposes of construction in addition to a right-of-way encroachment through NCDOT."

Based on their review and analysis of the proposed site plan amendments, Staff finds that the modifications comply with the Unified Development Ordinance (UDO) and recommend approval as presented.

With regards to the applicant's request to remove or modify the condition to widen Lakeside Street, Staff believes that while fully meeting this condition could impact runoff onto adjacent properties and conflict with above-ground utilities, there is an opportunity to widen a portion of the roadway. This approach would fulfill the intent of the Board of Commissioners' conditioned approval without encroaching on adjoining properties and asks that should the Planning Board be inclined to consider a modification, that they go with the alternative roadway design proposed by the Town Engineer.

Ms. Wyatt noted that there were several people available today to answer any questions including Town Engineer David Ryan, Bryan Seawell and David Neff (previously with House Engineering) they are taking the lead on the site design and the site modifications as well as Gary McConnell with McConnell and Associates, who worked on the road widening project.

Bryan Seawell addressed the Board and spoke on behalf of the applicant. Mr. Seawell thanked Staff for their assistance on the project. Mr. Seawell then explained that they are planning on adding a turning lane at the hotel's expense. Mr. Seawell acknowledged and understands the neighbors' concern about traffic and congestion, and he believes this meets the intent of the Commissioners' condition. They have contacted the adjacent property owners and are working with them to get their approvals for the construction easement.

Mr. Gwinn asked about the possibility of a traffic light at that intersection. Mr. Seawell noted that they did a traffic study which was reviewed by NC DOT and NC DOT did not feel that a stoplight was warranted based on the study. Ms. Wyatt confirmed that the study was submitted and reviewed by NC DOT just prior to the October 2022 BOC meeting.

Mr. Seawell confirmed for Mr. Elder that they expect to have one to two occupants per room. Mr. Elder noted that due to stacking and late check-ins and check-outs there could be more than one car per unit and more than 87 people at any given time.

Mr. Gwinn expressed concerns about future impacts given the currently existing traffic concerns. Mr. Seawell confirmed for Mr. Gwinn that when NC DOT reviewed the traffic study, they were given all of the information and proposed site plans.

Ms. Wyatt confirmed for Chair Vaughan that previously the Planning Board had recommended that another traffic study be done after the hotel has been completed.

Ms. Wyatt reminded the Board that when the traffic study was done it considered the 90 rooms and additional parking spaces that were being proposed at that time. She also noted that the Site Plan was approved by the Board of Commissioners on October 4, 2023 and is valid through October 4, 2024.

David Ryan, Town Engineer addressed the Board. Mr. Ryan clarified that the traffic impact analysis was performed by a consultant, at the request of staff. The impact study covered the end of the peak period (September), was sent to NC DOT for review, and it was determined that no traffic light was necessary. When the results of the study and DOT determination were presented to the BOC, the Commissioners requested a turning lane as a condition of approval.

Mr. Ryan then discussed the modified proposal explaining that taking the turning lane all the way back as originally suggested would have impacted those properties on the south side of Lakeside and would also impact existing utilities such as water mains and water lines. Mr. Ryan also noted that based on the topography of that area, adding pavement could also affect the nearby houses with stormwater runoff. Mr. Ryan noted that the configuration is similar to that off Eighth Street.

Mr. Ryan confirmed for Ms. Harrison that while Eighth Street does have a stoplight and Lakeside doesn't, this alternative option sets them up for a future stoplight.

Mr. Ryan confirmed for Ms. Harrison that all things considered this was the best solution for this application.

The Board proceeded to discuss the proposal with Mr. Elder noting that the proposal meets the requirements of the UDO.

Mr. Gwinn noted that he liked the proposed alternative for several reasons: it minimizes the impact on the neighboring properties and underground utilities but it also gives an opportunity to have a traffic re-study in the future. Mr. Gwinn reiterated his concern is for pedestrian safety, especially those people that will be heading towards the beach.

Chair Vaughan agreed with Mr. Gwinn noting that it was a compromise.

Ms. Wyatt confirmed for Mr. Ferguson that the Town Attorney has no issues with request; Lakeside is a Town owned street.

Meade Gwinn moved to recommend approval as presented with the Town Engineer's alternative proposal for the road widening. Megan Vaughan seconded, and the motion carried 4 to 3 with Molly Harrison, Kristi Wright and David Elder casting the Nay votes.

Consideration Of Various Amendments to the Unified Development Ordinance (UDO) as it pertains to the use of multifamily dwelling developments.

Town Manager Andy Garman presented the results of the working group that the Board of Commissioners formed back in March to study the multifamily ordinance that the Planning Board had originally drafted. Mr. Garman noted that this is the presentation that staff gave to the Commissioners at their last meeting.

Mr. Garman explained that staff is not necessarily asking for any action from the Planning Board today rather than just wanting the Board to understand and digest what the working group came up with and ask questions. Mr. Garman noted that the original ordinance as well as the working group's ordinance were attached as part of the agenda packet so that the Board could see where the changes were made.

The Planning Board developed a draft multi-family development ordinance over the course of eight months in 2023. The draft ordinance was presented to the Board of Commissioners during the February 7th Board of Commissioners meeting. A Multi-Family Housing Working Group was subsequently established to further develop the draft ordinance. This group included Planning Board members Meade Gwinn and Molly Harrison, Commissioners Kevin Brinkley and Megan Lambert, some representatives from the Realtors and Homebuilders associations, and some town residents and business owners.

Over the months of March, April, and May, the Multi-Family Housing Working Group had four meetings where they worked well together towards creating an ordinance that both protected the character of Nags Head while looking to increase workforce housing stock without increasing the stock of short-term rentals.

Mr. Garman noted that the primary element of the Planning Board's ordinance was the use of deed restrictions to enforce that provision, and that has remained unchanged after the working group looked at this.

Mr. Garman explained that the Planning Board's draft ordinance included two categories of multifamily dwellings, "large" and "small". Both would only be permissible in the C-2 General Commercial Zoning District adjacent to US 158 and would require approval through the special-use permit process. The minimum lot area proposed for a large multi-family development is 26,000 sq. ft., with a minimum lot width of 150 feet. The minimum lot area proposed for the small category is 16,000 sq. ft. and there was no minimum lot width proposed.

The Planning Board's proposed unit sizes were a minimum of 800 sq. ft. and a maximum of 1,750 sq. ft. for both categories. For the small multi-family category, there is a maximum density of six units per development. Three units are allowed with the first 16,000 square feet of lot area, with 3,500 square feet required for each additional unit. For the large multi-family category, there is a maximum density of 60 units. Three units are allowed with the first 26,000 square feet of lot area, with 4,500 square feet required for each additional unit. Townhome style development was recommended for the large multi-family development category, while both apartment and townhome style were recommended for the small multi-family development category.

Mr. Garman highlighted that the working group focused on balancing the Town's design and density standards with the cost and challenges of developing workforce housing. They discussed how developers are struggling with rising interest rates, construction, and land costs. The group identified barriers within the current ordinance that affect development. They consulted with local Realtors, whose feedback emphasized the need to reduce both land and construction costs per unit to make projects financially viable. Another consideration discussed was how many properties would be available, finding that keeping development solely to lots adjacent to US 158 greatly limited how many properties could be available.

Mr. Garman explained that the draft ordinance from the Multi-Family Working Group maintains the two categories of multi-family dwellings as proposed by the Planning Board, however, while large multi-family developments would only be permissible in the C-2 General Commercial Zoning District adjacent to US 158, the small category of multi-family developments would be permissible anywhere in the C-2 General Commercial Zoning District.

The working group also discussed density at length focusing on a way to still regulate density yet allow for smaller units. Mr. Garman explained that the small multi-family category proposes a maximum density of six units per development. Four thousand (4,000) square feet of land area would be required per unit. For the large multi-family development category, there is a maximum limit of 75 units and density will be regulated using a floor area ratio. Floor Area Ratio means the quotient resulting from division of the gross floor area of all buildings on a lot by the area of the lot. FAR is expressed as decimal number and derived by dividing the total area of the building by total area of the parcel. Currently the Town has an effective floor area ratio for Large Residential Dwellings of .32. $5,000 \text{ sf maximum building area} / 16,000 \text{ min. lot size} = 0.32$. After working through several different scenarios, it was consensus of the working group to recommend that a floor area ratio of .32 sq. ft. be applied to large multi-family developments.

Additionally, the working group proposed reducing the minimum unit sizes from the Planning Board's recommended 800 square feet to 500 square feet, while maintaining the maximum unit size of 1,750 square feet. This decision was based on reviewing similar workforce housing developments in Dare County and nearby areas, where 500 square feet was deemed adequate for a one-bedroom/studio

unit. Minimum unit sizes are further regulated based on the number of bedrooms: 500 square feet for a studio/one-bedroom unit, 700 square feet for a two-bedroom unit, and 1,000 square feet for a three-bedroom unit.

Mr. Garman confirmed for Chair Vaughan that it was the consensus of the working group that a development of all one-bedroom units would not be desirable so they added a provision stating that no more than 60% of the total units shall be from any size/bedroom category. With this, a developer would have more flexibility in designing their project while offering a variety of unit sizes.

Mr. Garman also confirmed that while finance played a role, the group also discussed visual appeal and left the design standards intact from the Planning Board's version. In addition, it was the consensus of the working group to recommend limiting the maximum building size for large developments to 10,000 square feet. Small multi-family developments would have a maximum size of 5,000 sq. ft. The working group ordinance also recommends that both large and small multi-family developments may consist of both apartment and townhome style development.

The minimum lot area for the large multi-family development is proposed to remain at 26,000 sq. ft and with the minimum lot width of 150 feet, and large developments would still be required to go through the special use permit process.

The working group's proposed minimum lot area for the small category is 15,000 sq. ft. as opposed to the Planning Board's recommended 16,000 square feet. While 16,000 square feet is the minimum lot area required for the development of a Large Residential Dwelling, the minimum required lot size within the R-3, High Density Residential Zoning District is 15,000 square feet. Mr. Garman also noted that in the working group's proposed ordinance, the small category would be approved administratively by staff, similarly to Large Residential Dwellings.

Mr. Garman noted that they are working with the town attorney to finalize the deed restriction details. They need to determine whether an HOA is necessary for all circumstances, particularly considering different development scenarios. For instance, in cases where a developer proposes an apartment complex with rented units and a property manager, an HOA might not be necessary. Instead, a management company could oversee the property. The group aims to draft language that provides a flexible framework to enforce deed restrictions and manage properties effectively, recognizing that a one-size-fits-all approach may not be suitable for every development.

While not on the proposed ordinance, some other topics the working group discussed was the idea of multi-family mixed with other commercial development and Duplex development and how those could be modified as another option for workforce housing.

Mr. Ferguson noted that being that there would a lot more flexibility when it comes to building small multi-family units, he could envision development of small multi-family housing in multiple subdivided parcels rather than one large multi-family development. Mr. Garman noted that while there is a potential for that, there are also downsides to that kind of development.

Mr. Garman and the Board discussed the likelihood that someone developing a multifamily dwelling would likely be maxing out their allowable coverage. Mr. Garman noted that this would be true for most commercial development.

Mr. Garman confirmed for Chair Vaughan that the parking standard had not changed and that it was still two parking spots per unit regardless of the size of the unit or number of bedrooms.

Mr. Elder noted that now that apartments are part of large multi-family developments, they should revisit certain elements including the parking standard. The Board discussed Sugar Creek condos as an example, which are apartments built to a different standard than the FAR that is being proposed now.

Chair Vaughan and the Board also discussed the percentages of workforce vs. non-workforce housing noting that some workforce can be seasonal or temporary.

Mr. Gwinn noted that developers would likely look at current as well as future market trends when looking at potential projects. The town is creating an opportunity for developers to build something and make a reasonable return on investment; they are trying to create an environment so that the Town doesn't go 20 years with nothing built.

Ms. Harrison discussed maybe finding a way to limit the large multi-family developments to certain areas of town, having them along US 158 all over the C2 district may be too broad.

Finally the Board agreed that they need to look at the parking standards more closely and maybe see an visual example of what a development would look like using the FAR.

Consideration Of a Sketch Plan Review Application submitted by SRE Mustang, LLC (Outlets Nags Head) and the Timmons Group for the construction of a 2,279 square foot stand-alone restaurant at 7100 S. Croatan Highway (Outlets Nags Head).

Ms. Wyatt presented a Sketch Plan Review application submitted by SRE Mustang, LLC (Outlets Nags Head) and the Timmons Group for the construction of a 2,279 square foot sit down restaurant located within the existing parking lot for Outlets Nags Head. This property is zoned C-2, General Commercial and is developed as a Shopping Center/Group Development. "Restaurant-Sit Down" is permitted by right in the C-2 District and subject to the supplemental regulations provided in Section 7.31 of the Unified Development Ordinance. Additionally, "Restaurant-Sit Down" is permitted within Commercial Mixed-Use Developments, such as a Group Development, pursuant to Section 7.32.3 of the Unified Development Ordinance.

While Section 4.3, Pre-Application Meeting and Sketch Plan makes sketch plan review mandatory for new development with a total habitable building area greater than 5,000 square feet, it is recommended that any new development take advantage the sketch plan process to obtain feedback as early on possible and as such, the applicant has chosen to do so.

White there has not be an official Technical Review, at this time, the Planning Department, Town Engineer, Public Works, Fire Department and Police Department have provided comments on the sketch plan package.

Ms. Wyatt reviewed these for the Board:

Zoning

- Currently, there are 488 parking spaces at Outlets Nags Head. The proposed development would reduce this number by 28 spaces. According to the current parking requirements in the Unified Development Ordinance, a total of 395 parking spaces are needed. While the minimum parking standards for the Shopping Center/Group Development would still be met, there would still be an overall loss of 28 parking spaces.
- Although the proposed addition to Outlets Nags Head would meet the minimum parking requirements, it is important to consider that this development is extremely popular during the

summer months and in inclement weather, often resulting in full parking facilities. Any reduction in parking at this site could have negative consequences. Until we have more detailed information about the proposed restaurant, a comprehensive analysis of potential parking impacts is difficult to provide.

Site Design Standards

- Development must comply with all provisions of the Flood Damage Prevention Ordinance including elevation in compliance with the Town of Nags Head's local ordinance with Regulatory Flood Protection Elevation (RFPE) of 9 ft. msl. Floodproofing may be considered for commercial structures.
- As proposed at this phase, lot coverage would not be affected. Should this proposal result in any change in coverage, that must be shown.
- Compliance with Section 10.92.14.4 of the Unified Development Ordinance, requiring 20% of the surface area of parking area and drive aisles be constructed of permeable materials.

- Following items shall be addressed on Landscape Plan prior to TRC:
 - o Compliance with Section 10.93.3.2, Commercial Transitional Protective Yards required for shopping center/group development site.
 - o Section 10.93.3.5. Buildings Adjacent to Street Frontage. Building walls adjacent to a street frontage shall include foundation landscaping directly adjacent to the building to screen any crawl space, stem wall, lattice work, or open parking areas.
 - o Compliance with Section 10.93.3.7 as it relates to Interior Parking Lot Landscaping.
- Account for the location of mechanical equipment in the site plan.
- If existing parking lot lighting is affected, a lighting plan consistent with Section 10.37.1 of the UDO will be required prior to issuance of building permits for the proposed use. Architectural lighting will need to be reviewed as well.
- Provide authorization from the Dare County Environmental Health Department with regard to the existing wastewater treatment facility capacity.

Building Design Standards

Section 10.83 of the UDO, Design Standards, states that buildings and structures are subject to the Commercial Design Standard contained within Article 10, Part VI of the Unified Development Ordinance. Projects shall be reviewed according to the building design standards outlined in Division II of the Commercial Design Standards. Alternatively, projects adding a total habitable building area of less than 10,000 square feet may elect to comply with the building design requirements by achieving 150 points based on the criteria outlined in the Town of Nags Head Residential Design Guidelines.

The conceptual elevations provided in the packet are preliminary and represent the owner's/architect's initial design. Prior to the next Technical Review Committee Meeting and formal Planning Board Site Plan Review submittal, compliance with Article 10, Part VI, Commercial Design Standards must be demonstrated.

Town Engineer

Internal Traffic Circulation:

- A vehicular pathing exhibit is requested to demonstrate adequacy for turning radius for sanitation vehicles and fire trucks.
- Additional information is requested on the restaurant to include type of restaurant (ie. fast food, high turnover, etc.) and time of operation to review parking generation for this type of establishment. Currently, the shopping center parking during peak periods is at or near 100% occupancy. This data will be critical in determining impacts both internal and external to the shopping center.
- Cross-parking easements may need to be considered if not shopping owner operated.

Stormwater Management:

- Built upon area calculations shall be provided to determine if additional stormwater management requirements will apply. If the amount of built-upon area is less than what currently exists, no additional stormwater management requirements shall apply. If the amount of proposed built upon area exceeds what currently exists, the runoff for the additional coverage from a 4.3" rainfall event shall be accommodated on-site.
- It is recommended the applicant consider the use of permeable pavement or pervious pavers.

Public Works/Water

- Ensure that the front load sanitation truck can easily turn into and back out of the entry for dumpster pick up. Pathing exhibit required to ensure turn radius can be met.

Building Inspections

- Review is limited until receipt of full of set of plans, including 2018 Appendix B with Plumbing, Mechanical and Electrical.

Fire

- Pavement markings and signage regarding the Fire Lane.
- Traffic generated by this proposed restaurant is unknown, therefore potential impacts cannot be identified.

Police

- Concerns regarding the potential increase in traffic generated by the proposed restaurant, if not operated or managed by the same company as the Outlets, may need cross easements to ensure shared use of facilities.

Ms. Wyatt noted that she as well as Chris Able with the Timmons Group were available to answer any questions for the Board.

Ms. Wyatt reminded the Board that the Town recently passed an ordinance eliminating drive-thru restaurants anywhere in the Town so there wouldn't be an opportunity for this site to add one in the future.

Mr. Elder inquired about the issues related to the drive aisle behind the mall that came up as part of the Board's previous review. Ms. Wyatt noted that the Outlet's management company has been in communication with the Fire Department and is taking initiative to clear those up.

Planning Staff Is Requesting that the Planning Board consider initiating a text to amendment to the Unified Development Ordinance as it pertains to the dormitory use in the SED-80, Special Environmental District.

Ms. Wyatt explained that in response to ongoing discussions and concerns regarding workforce housing availability within the County, the Town of Nags Head is actively exploring the potential construction of at least two residential duplexes. These structures would primarily serve as housing for the Town's lifeguards.

Town staff have been collaborating with Architect Chris Nason of Beacon Architecture and Design, PLLC to develop several potential layouts for these residential structures. The proposed site is the Town-owned property located at 425 W. Health Center Drive, formerly the Outer Banks Medical Center and now the Community Care Clinic. Specifically, the town is considering construction in the

area of where the old helipad is located as it is no longer functioning.

This property is located within SED-80 (Special Environmental District). Section 6.6 of the Unified Development Ordinance (UDO) states that Nursing Homes and Medical Offices are permitted via the Special Use Permit process in the SED-80 zoning designation, with supplemental regulations outlined in Section 7.41.

In addition, Section 7.41.6 of the supplemental regulation states: *"A dormitory for temporary use by staff of nursing homes may be allowed only in conjunction with nursing home facilities already permitted in the SED-80 District."*

Appendix A of the UDO, Definitions, defines a dormitory *as a commercial facility used for monthly rental of housing for unrelated residents in a communal non-transient living arrangement, with separate sleeping, bathing, and common living areas.*

As currently written, the UDO allows for dormitory structures meeting the criteria of Section 7.10 to be used on a temporary basis for staff employed by existing nursing home facilities within the SED-80 District.

Staff is requesting that the Planning Board consider initiating a text amendment to enable dormitories within the SED-80 District, thereby supporting the construction of town workforce housing at 425 W. Health Center Drive. Staff anticipates suggesting amendments to Section 7.41.6 but acknowledges that additional amendments may be necessary.

Ms. Wyatt then presented a very preliminary sketch plan of what a dormitory might look like.

Ms. Wyatt confirmed for Mr. Gwinn that it would not be necessarily limited to lifeguards but could also be used for other purposes such as temporary housing for essential staff during a storm.

David Elder moved to initiate the text amendment. Meade Gwinn seconded, and the motion passed unanimously.

Report on Board of Commissioners Actions – June 5, 2024

Ms. Wyatt gave an update on the Board of Commissioner Actions, of note: Ms. Wyatt introduced new Planner Greg Daisy; Ms. Wyatt also introduced Permitting Coordinator Lily Nieberding who was recognized for twenty years of service. A public hearing was held to consider a Text amendment to prohibit driving or parking on residential septic systems - the Board passed a motion to adopt the ordinance prohibiting driving or parking on residential septic areas as presented. A public hearing was also held to consider a Text amendment submitted by Jernigan Oil Company, Inc. - the Board passed a motion to adopt the ordinance to allow LED, digital displays for fueling stations as presented. Town Manager Garman presented and reviewed with Board members the amendments made to the Multi-Family Ordinance by the Multi-Family Ordinance Working Group.

Town Updates

None

Discussion Items

May 30th, 2024, Director's Report

Ms. Wyatt briefly discussed her Director's Report with the Board which included various activities involving staff.

Planning Board Members' Agenda

None

Planning Board Chairman's Agenda

None

Adjournment

A motion to adjourn was made by David Thompson. The time was 11:58 AM.

Respectfully submitted,
Lily Campos Nieberding

DRAFT



MEMORANDUM

Town of Nags Head

Planning & Development Department

To: Planning Board

From: Kelly Wyatt, Planning Director
Joseph Costello, Deputy Planning Director

Date: July 11, 2024

Subject: Consideration of a text amendment to the Unified Development Ordinance to modify the definition of "Religious Complex".

BACKGROUND

Joseph Anlauf, P.E., of Anlauf Engineering, PLLC has submitted the attached text amendment request on behalf of the Ark Church. If adopted, the text amendment would modify the definition of "Religious Complex" to allow for the construction of a single-family dwelling, in addition to the already permitted parsonage, as a residence for church staff.

The current definition of "Religious Complex" within the Unified Development Ordinance is below:

***"Religious complex** means a church (a building primarily used for public divine worship) or a church and any related structures including a parsonage, fellowship halls, educational buildings, youth centers, recreational facilities (which include playgrounds), day care centers, parochial schools or similar structures or areas located on a single site."*

The applicant has noted in the application that the amendment is designed to allow religious complexes the ability to include additional affordable housing options for church staff and their families. More affordable housing options will allow the church to attract and retain additional much needed church staff.

Staff believes that permitting religious complexes to build a single-family dwelling onsite for church staff can offer significant benefits to the church, its staff, and the community, provided all zoning and building regulations are met. Onsite residences could enhance community engagement, ensure staff availability for church-related events and activities, and provide a constant presence to quickly respond to any emergencies involving the church. As noted by the applicant, this capability could be particularly beneficial for attracting and retaining qualified and dedicated staff in an area with high living costs.

It is important to note that nothing in this proposal would eliminate the need for any single-family dwelling associated with a religious complex to comply with all relevant zoning and building standards, such as compliance with principal structure setbacks, building separation, access, parking, lot coverage, stormwater management, and architectural design, if applicable.

POLICY CONSIDERATIONS

LU-9, Encourage land uses that serve the needs of both year-round and seasonal residents in support of the town's overall vision for the community.

LU-27, Promote and expand the types of housing and accommodations for varying income levels, aging populations, and the seasonal workforce within the town.

STAFF ANALYSIS AND RECOMMENDATION

Planning staff finds the proposed text amendment to be consistent with the 2017 Comprehensive Land Use Plan and recommend adoption of the amendment as presented.

Planning Staff and the applicant will be available at the Planning Board's July 16, 2024, meeting to discuss this proposed text amendment further.

With regard to the Planning Board's review and action, Staff recommends consideration of the following UDO provisions:

3.5.3. Action by the Planning Board.

3.5.3.1. Every proposed amendment, UDO text amendment or zoning map amendment, shall be referred to the Planning Board for its recommendation and report. The Board of Commissioners is not bound by the recommendations, if any, of the Planning Board.

3.5.3.2. Prior to the consideration by the Board of Commissioners of a proposed UDO text amendment or zoning map amendment, the Planning Board shall advise and comment on whether the proposed amendment is consistent with the Comprehensive Plan. The Planning Board shall provide a written recommendation, certified by the UDO Administrator, to the Board of Commissioners that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the Comprehensive Plan shall not preclude consideration or approval of the proposed amendment by the Board of Commissioners.

3.5.3.3. Members of the Planning Board shall not vote on recommendations regarding any UDO text amendment or zoning map amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.

(DRAFT)
**AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF
NAGS HEAD, NORTH CAROLINA AS IT PERTAINS TO THE DEFINITION OF “RELIGIOUS
COMPLEX”**

ARTICLE I. Purpose(s) and Authority.

WHEREAS, pursuant to N.C.G.S. § 160D-701, the Town of Nags Head (the “Town”) may enact and amend ordinances regulating the zoning and development of land within its jurisdiction and specifically the location and use of buildings, structures and land; pursuant to this authority and the additional authority granted by N.C.G.S. Chap. 160D-702, the Town has adopted comprehensive zoning regulations and has codified the same within the Unified Development Ordinance, Part II of the Town Code, adopted pursuant to N.C.G.S. § 160D-103, which allows the Town to combine certain land development ordinances into a unified ordinance;

WHEREAS, Section 2.4.4.3 of the Unified Development Ordinance provides that the powers and duties of the Planning Board include developing and recommending policies, ordinances, development regulations, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner;

WHEREAS, Section 3.5.1. of the Town Code makes clear that a zoning ordinance text amendment may be initiated by motion of the Board of Commissioners, by motion of the Planning Board, or by application by any person within the zoning jurisdiction of the Town;

WHEREAS, Mr. Joseph Anlauf, P.E. has submitted a text amendment application on behalf of the Ark Church Outer Banks to modify the definition of “Religious Complex” to allow for the construction of single-family dwellings for the purpose of housing church staff;

WHEREAS, the requested amendment is consistent with the 2017 Comprehensive Land Use Plan;

ARTICLE II. Construction.

For purposes of this ordinance amendment, underlined words (underline) shall be considered as additions to existing Town Code language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. Any portions of the adopted Town Code which are not repeated herein but are instead replaced by an ellipsis (“...”) shall remain as they currently exist within the Town Code.

ARTICLE III. Amendment of the Unified Development Ordinance.

PART I. That **Appendix A – Definitions**, be amended as follows:

Religious complex means a church (a building primarily used for public divine worship) or a church and any related structures including a parsonage, one (1) additional single-family dwelling for housing church staff, fellowship halls, educational buildings, youth centers, recreational facilities (which include playgrounds), day care centers, parochial schools or similar structures or areas located on a single site.

PART II. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. This ordinance shall be in full force and effect from and after the ___ day of ____ 2024.

Benjamin Cahoon, Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney

Date adopted: _____

Motion to adopt by Commissioner _____

Motion seconded by Commissioner _____

Vote: _____ AYES _____ NAYS

March 25, 2024

Ms. Kelly Wyatt, Planning & Development Director
Town of Nags Head
P.O. Box 99
Nags Head, NC 27959

Re: **Proposed Text Amendment**
Town of Nags Head Unified Development Ordinance

Dear Kelly;

On behalf of the Ark Church- Outer Banks, Anlauf Engineering, PLLC is presenting a request to modify the definition of a Religious Complex as it appears in the Appendix A – Definitions, to include an additional single family residence for church staff. Please see the following proposed amendment language.

The current definition as it appears in the ordinance is as follows:

Religious complex means a church (a building primarily used for public divine worship) or a church and any related structures including a parsonage, fellowship halls, educational buildings, youth centers, recreational facilities (which include playgrounds), day care centers, parochial schools or similar structures or areas located on a single site.

The proposed text amendment is as follows:

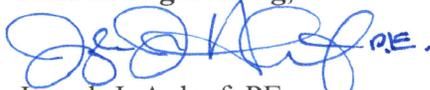
*Religious complex means a church (a building primarily used for public divine worship) or a church and any related structures including a parsonage, **one (1) additional single family housing facility for other church staff**, fellowship halls, educational buildings, youth centers, recreational facilities (which include playgrounds), day care centers, parochial schools or similar structures or areas located on a single site.*

No language has been redacted from the existing definition. The definition has been expanded to include the ability for a religious complex to include one (1) additional single family housing facility for other church staff in addition to the existing allowance for a parsonage. This text amendment is designed to allow religious complexes to have the ability to include additional affordable housing options for church staff and their families. More affordable housing options will allow the church to attract and retain additional much needed church staff.

Please call with any questions.

Sincerely,

Anlauf Engineering, PLLC


Joseph J. Anlauf, PE



MEMORANDUM

Town of Nags Head

Planning & Development Department

To: Planning Board

From: Kelly Wyatt, Planning Director
Joe Costello, Deputy Planning Director
Andy Garman, Town Manager

Date: July 11, 2024

Subject: Consideration of various amendments to the Unified Development Ordinance (UDO) as it pertains to the use of multi-family dwelling developments.

Last month staff gave a presentation on the draft multi-family housing ordinance developed by the Multi-Family Ordinance Working Group.

The Planning Board discussed various aspects of the ordinance and requested that staff provide a comparison of the draft ordinance to the Sugar Creek Condos, which is the most recent example of a larger multi-family development within the town. This was completed under a previous version of the ordinance. The Planning Board also questioned the adequacy of the existing parking standard for multi-family development and requested an analysis of parking standards. Staff has also reviewed language in the ordinance with the Town Attorney related to HOA requirements; revisions have been provided.

Staff has provided the following attachments to aid in the upcoming discussion:

1. To aid in the discussion regarding density, staff has provided notes from a conversation with a local commercial real estate professional, Bobby Harrell. This information was provided the MF Working Group to better understand the market forces that drive the development of multi-family housing. Mr. Harrell also provided suggestions on how the ordinance might be revised to create better conditions for MF development.
2. Staff has provided a summary of the information presented to the MF Working Group to evaluate standards for density and unit size, as those were two of the key factors identified by Mr. Harrell to improve conditions for MF development.
3. Staff has provided a comparison between the existing Sugar Creek MF development and what could be developed under the proposed ordinance on the same property.
4. A parking analysis has been provided with multi-family standards from other local and coastal communities.
5. The draft ordinance has been provided with revisions provided by Town Attorney Leidy to the provisions related to HOA requirements.

Call w/ Bobby Harrell 4/10/2024

Bobby reviewed proposed workforce/multifamily housing. For my 40 years in the business, it's always been about land cost and density, regardless of the lack of central sewer.

Requirement for US 158 location and in the C-2 zoning district:

The value of bypass commercial is now in the \$1,000,000 per acre range. This would indicate a land cost of \$167,000/unit, based on 6 units per acre.

(Note: the ordinance as written would allow 6 units per acre for the large category – this density would increase with the size of the property. The ordinance would allow 8 units per acre for the small category. There is a cap of six units to be in this category).

With a construction cost of even \$200 per sq ft (which is optimistic), a 900 sq ft, a two-bedroom unit would be \$347,000. Rent would need to be \$3000+ to justify the investment. I don't see how anything over \$50,000 land cost per unit could work (if that will even work).

Properties not fronting the bypass and residentially zoned properties would lower the land cost per unit depending on location and size (not on beach road or oceanfront).

Setbacks

With 35' setbacks on all sides – if a site is 200 x 220, 24,500 sq ft of land would be occupied by the building setbacks, which is over 50% of the site. This should be reviewed.

Density

Density has to be increased for a multi-family project to be financially feasible. For the "Small Multi-family C-2" you could get 6 units. on 26,500 sq ft, i.e., four 7,500 sq ft lots would be \$175-200,000 each, if available, puts your land cost/unit at \$116-133,000. The numbers will not work.

It may be useful to look at density based on # bedrooms per sq. ft. of land and/or floor area ratio rather than # of units per sq. ft. of land. For workforce units, it may be better to have more one- or two-bedroom units. For example, 50, three-bedroom units = 75 two-bedroom units. 50, three-bedroom units = 90 one-bedroom units and 30 two-bedroom units. Previous ordinance density was based on units per acre of land however there was no limit on unit size. 50, 2,500 sq. ft. units = 100, 1,250 sq. ft. units. Debate is about density in terms of building area vs. number of occupants.

Rents per sq. ft. might be higher with smaller units and construction costs will be less.

Unit Size

Consider reducing unit size in order to reduce construction cost. For example, 600 sq. feet may be sufficient for a one-bedroom unit and construction cost would be less. Also, the rent charged between a 600 and 800 square foot one bedroom unit may not be much different.

Bobby is building a barn with a 480 sq ft one-bedroom apartment on the second level of a garage and this is plenty of room for a one-bedroom.

Perhaps look at 800 sq ft for two-bedrooms and 1000 for three-bedrooms.

Building Separation

Buildings have to be 40' apart which further reduces the utility of the site, and achievable density, thus raising land cost/unit.

Deed Restrictions

The deed restriction was not considered a major factor in whether a project would be completed. This will be dictated by what the property can generate in revenue relative to land, construction, financing, and other development costs. May want to consider a time limit on deed restrictions.

Unit Type

Perhaps look at duplexes. Townhouses tend to be more geared towards homeownership. Apartments more geared towards rentals.

Existing Development

Land costs would be less of a factor if an existing commercially developed property could add units on the same site. This should be evaluated.

Discussion Points for 4/29 Multi-Family Working Group Meeting #3

Density

Rather than apply a density standard using units per acre, the group discussed a floor area ratio or # bedrooms per acre. When looking at what might be an acceptable density standard in Nags Head, the town's large residential dwelling ordinance could be used as a baseline. Right now, we allow a dwelling to be up to 5,000 square feet on a 16,000 square foot lot. This results in a floor area ratio of 0.32. This would be 32 square feet of gross building floor area for every 100 square feet of land area. This would result in the following building area for a five-acre parcel:

5 acres (217,800 sq. ft. x 0.32) = 69,696 sq. ft. building floor area.

This would allow for roughly 39, 1,750 sq. ft. units or 69, 1,000 sq. ft. units. This provides more flexibility for a developer to decide on an appropriate mix of unit sizes for workforce housing. This would likely result in more units per acre than the previous ordinance. However, it could result in less overall floor area. The group may still want to consider a maximum number of units for a project.

Conversely, the proposed Planning Board ordinance would yield the following maximum density on a five-acre parcel:

47 units @ 1,750 sq. ft. = 82,250 sq. ft. (worst case scenario)

Staff also analyzed a standard using bedrooms per acre. Currently, nine bedrooms are allowed on 16,000 square feet. For five acres this would allow for roughly 122 bedrooms.

Staff's preference would be to utilize floor area ratio since this provides more direct control of building size/volume.

For small multi-family, staff would recommend allowing a maximum of 5,000 square feet for a small multi-family development. This is the standard that is currently applied for sketch plan review. Since we would recommend small MF be administratively reviewed, this would be consistent with that standard. We would also recommend having a standard for units per acre. If the minimum unit size is 500 square feet, this could result in 10 units on a 16,000 square foot lot if no units per acre standard is applied. Staff would recommend 1 unit per 4,000 sq. ft. of land area.

Unit Size

When looking at common workforce housing developments in other parts of the state, the following minimum unit sizes were noted:

Studio – 500-600 sq. feet.

One Bedroom – 600-700 sq. feet.

Two Bedroom – 800-1,100 sq. feet.

We may want to consider reducing the minimum unit size requirement to 500 square feet. The group will also want to discuss whether we require a certain mixture of unit sizes for a project or let it be purely market driven.

For example:

Minimum 500 square feet

or

Minimum Unit Sizes per Bedroom

Studio unit minimum is 500 sq. ft.

1-bedroom unit minimum is 600 sq. ft.

2-bedroom units minimum is 800 sq. ft.

3-bedroom units minimum is 1,100 sq. ft.

Would recommend still applying a maximum size of 1,750 square feet per unit

Analysis of Sugar Creek Development vs. Proposed Standards

Sugar Creek was constructed under a previous version of the MF ordinance. Below are the primary standards controlling density when Sugar Creek was developed.

- Allowed 3 units for the first 26,000 sq. ft. of land and an additional unit for every 3,500 sq. ft. of land over 26,000 sq. ft. This was based on total lot area and wetlands could be included in lot area for the purpose of calculating density.
- Height was 40' to the top plate and 47' total. Building was three stories with parking underneath.
- 2.5 parking spaces per unit were required
- Minimum unit size was 1,000 sq. ft.
- Setbacks were 1.75 times the height of the building. Parking could be within the setback.

Here is a breakdown of the Sugar Creek Development as constructed:

Lot size is 4.8 acres or 209,088 sq. ft.

41 units were constructed. 45 units were approved. Based on the above density calculation allowed at the time, 55 units could be developed (since wetlands could be included in the calculation).

Unit composition is as follows:

# Units	# Bedrooms	Total Bedrooms
15	2	30
22	3	66
4	4	16
41		112

Units averaged 1,300 sq. ft.

Total gross floor area is 54,348. It appears controlling factors for density were wastewater requirements, parking, and presence of wetlands (see site aerial below).



How the proposed ordinance may have influenced this same project:

With a 0.32 FAR, only 41,100 sq. ft. gross floor area could be developed since wetlands would now be excluded from total lot area when calculating density.

If this site were entirely uplands, 66,908 sq. ft. could be developed.

Under the old ordinance if this site were entirely uplands, they would have likely reached the maximum density of 55 units, since an additional 80,253 sq. ft. of land would be available for development. Although there were no limits on bedrooms, at an average of 2.7 bedrooms per unit, this would be 150 bedrooms under the maximum density allowed at the time. With an average of 1,300 sq. ft., total building area would be 71,500 sq. ft.

Under the new proposed ordinance, there is no ratio of units per acre and unit sizes can be smaller. This allows for more units but still controls building volume and mass. Also, no more than 60% of the units can be from any size category. A potential scenario for unit composition may look like this:

Unit Size	# Bedrooms	# Units	Total Bedrooms	Total Square Feet
1100	3	25	75	27500
800	2	25	50	20000
600	1	25	25	15000
		75	150	62500

*Note that the unit sizes are larger than the minimum in the proposed scenario. Since the developer reaches the maximum cap for the site of 75 units, they may increase unit sizes over the minimum to receive more rent per unit. Without the total unit cap, the project may look like this:

Unit Size	# Bedrooms	# Units	Total Bedrooms	Total Square Feet
1000	3	30	90	30000
700	2	30	60	21000
500	1	30	30	15000
		90	180	66000

Points of note:

The previous version of the Planning Board’s recommended ordinance reduced density vs. what the old ordinance allowed. If the Sugar Creek site were developed using that standard (3 units for the first 26,000 sq. ft. of land area and one additional unit for every 4,500 sq. ft. of land) 40 units would have been allowed. This closely matches what was constructed. So approximately 53,000 sq. ft of building area would have been achieved.

The MF Housing Working Group also considered imposing a total bedroom limitation and/or a bedrooms limitation per acre. Based on the other standards included in the ordinance such as FAR, the unit composition requirements, and the maximum number of units allowed, the Working Group decided not to impose a bedroom limitation. Based on the scenarios above, a limitation of 30 bedrooms per acre would match the density achieved. If all units were two bedrooms, this would be 15 units per acre. If all units were three bedrooms, this would be ten units per acre.

The old density requirement for a five-acre site was approximately 11 units per acre, however there was no limit on unit size or # of bedrooms per unit.

Parking Analysis

At the Planning Board meeting, the Planning Board requested an evaluation of the Town’s parking requirements relative to other communities. Below is a summary of other parking standards:

<u>Location</u>	<u>Parking standard for multi-family</u>
Virginia Beach, VA	1.5 spaces per one-bedroom unit, 2 spaces per two-bedroom unit, and 2.5 spaces per three-bedroom unit. Guest Parking .25 spaces per unit.
Buncombe County, NC	1.75 per unit can reduce within multi-modal transportation areas.
City of Asheville, NC	Dropping all off-street parking regs citywide for residential uses.
Hickory, NC	1.5 spaces per unit.
Garner, NC	More than 4 units: 1.6 spaces per dwelling unit plus 1.0 spaces for every 8 units.
Butner, NC	1.5 per 1-2 bedroom, 2 per 3-bedroom.
Monroe, NC	Min 1.5/dwelling unit; Max 2.5/dwelling unit
City of Wilmington, NC	1.5 spaces for one bedroom, 2 spaces for two bedrooms, 2.25 spaces for three or more bedrooms. Reduction for elderly housing.
Town of Wrightsville Beach, NC	Based on toilet fixtures. 1-3 toilets requires 2 parking spaces per unit.
Topsail Island, NC	One space per bedroom.
New Bern, NC	1 space for each one-bedroom unit, 2 spaces for each two bedroom unit, 2.5 spaces for each unit with three or more bedrooms, plus 1 space for every 4 units in the development. Reduction for developments limited income and elderly.
Town of Emerald Isle, NC	2 spaces per unit plus 1 guest space for every four units.
Atlantic Beach, NC	Multi-family: 1.5 per dwelling unit. Townhouse: 2 per dwelling plus 1 guest space for every 4 units.
Oak Island, NC	1.75 per dwelling unit

The current standard is 2 parking spaces per unit. Staff would suggest including a provision for guest or overflow parking. Staff would suggest one additional space for every four units similar to Emerald Isle or Atlantic Beach.

Draft Multi-Family Ordinance

Where the Multi-Family Housing Working Group recommended different ordinance language than that recommended by the Planning Board, staff has color coded the language as follows:

Multi-Family Housing Working Group Recommended language is shown in RED.
Planning Board Recommended language is shown in BLUE.

Proposed language that is unchanged is shown in regular black type.

PART I. Appendix A – Definitions

Dwelling, Multi-Family or Dwelling Unit, Multi-Family means a single-family dwelling unit located within a multi-family development.

Apartment or Apartment Style Design means a residential architectural and planning design characterized by single-family attached dwelling units constructed on multiple floors and separated by shared vertical walls and shared horizontal ceilings, floors, planes, or surfaces. For the purposes of this chapter, a series or group of **Apartment** units shall be considered a multi-family development.

Floor Area Ratio (FAR) means the quotient resulting from division of the gross floor area of all buildings on a lot by the area of the lot.

Townhouse or Townhouse Style Design means a residential architectural and planning design characterized by single-family attached dwelling units constructed in a series or group of units and separated by shared vertical walls. For the purposes of this chapter, a series or group of **Townhouse** units shall be considered a multi-family development.

Multi-Family Development means a development containing no less than three multi-family dwelling units and shall be characterized as either a large multi-family development or a small multi-family development.

Large Multi-Family Development means a development containing more than six multi-family dwelling units.

Large Multi-Family Development means a development containing more than six multi-family dwelling units and less than sixty-one multi-family dwelling units.

Small Multi-Family Development means a development containing no less than three multi-family dwelling units and no more than six multi-family dwelling units.

Long-term occupancy/tenancy means the occupancy of a single-family dwelling by an owner, tenant, or other lawful occupant for a period of ninety (90) consecutive calendar days or more.

Principal Place of Residence means the home or place in which one's habitation is fixed, and to which one has present intention of returning after a departure or absence therefrom.

Qualified Person means a person working/employed in Dare County, NC. A qualified person includes but is not limited to any person who has an internship with an employer if the employer's place of business is physically located in Dare County, NC, or a person who works remotely for an employer if the person's principal place of residence and the employer's place of business are both physically located in Dare County, NC.

Workforce Housing or workforce housing unit means the following:

- a. A dwelling unit which is occupied by at least one qualified person under a long-term occupancy/tenancy, and
- b. A dwelling unit which is the principal place of residence for at least one qualified person, and
- c. A dwelling unit which has been encumbered by the owner of the dwelling unit with recorded restriction covenants to ensure compliance with this definition and Section 7.5 of the Town Code. The recorded restrictive covenant shall expressly identify the Town as the sole beneficiary of the recorded restrictive covenant, which shall include the express power and authority of the Town to enforce the recorded restrictive both in law and in equity, including the use of judicial injunctive relief. The Town staff shall provide the owner with the exact wording of the restrictive covenant to be recorded by the owner with the Dare County Register of Deeds in order to satisfy this requirement, and Town staff shall verify such recordation. The recorded restrictive covenant shall appear in the recorded chain of title of the dwelling unit and in the case of a multi-family development, the recorded restrictive covenant shall also be contained in the multi-family development's recorded declaration of covenants establishing the multi-family development.

Nothing in this definition shall preclude employers from purchasing workforce housing units to provide accommodation for their employees, provided the employees are qualified persons who occupy such workforce housing units within Dare County and the workforce housing unit is the employee's principal place of residence, even if owned by the employer.

PART II. Section 7.5 Dwellings, Multi-Family shall be replaced in its entirety by the following:

Multi-family dwelling units are permitted in accordance with Section 6.6, Table of Uses and Activities, provided that the following additional requirements and conditions are met:

TABLE 7-1: REQUIREMENTS FOR MULTI-FAMILY DWELLINGS		
	Large Multi-Family C-2	Small Multi-Family C-2
Min. Lot Width for Multi-Family Site	150 feet	No minimum
Min. Site Area in Uplands	26,000 square feet	15,000 square feet 16,000 square feet
Location of Multi-Family Site	Properties with frontage on US Hwy 158 only.	On any lot meeting the minimum site area requirements. Properties with frontage on US Hwy 158 only.
Setbacks	All buildings shall be setback a minimum 35 feet to all property lines.	All buildings shall meet the minimum setbacks: Front: 30 feet Side: 12 feet or 15 feet for corner lots Rear: 20% lot depth not to exceed 30 feet.
Townhome orientation	No townhome structure established as part of a multi-family development shall be situated on a site so as to face/front the rear of another townhome structure within the development or on an adjoining property.	
Density/ Building Size	Floor Area Ratio: 0.32 square feet of gross floor area for each 1 square foot of lot area. Maximum gross floor area for a single building is 10,000 square feet. More than one building may be permitted on a site. Minimum 26,000 square feet for first three units; 4,500 square feet of additional lot size for each additional unit.	One (1) unit per every 4,000 square feet of lot area. Maximum building gross floor area is 5,000 square feet. Minimum 16,000 square feet for the first three units; 3,500 square feet of additional lot size for each additional unit.
Maximum number of units	75 dwelling units 60 dwelling units	6 dwelling units.

TABLE 7-1: REQUIREMENTS FOR MULTI-FAMILY DWELLINGS		
	Large Multi-Family C-2	Small Multi-Family C-2
Number of dwelling units per townhome structure	Maximum 6 dwelling units per structure.	No maximum.
Height	Maximum of 35 feet, may be increased to 42 feet with the use of an 8:12 roof pitch or greater. Additionally, no building shall exceed three (3) habitable floors.	Maximum of 35 feet, may be increased to 42 feet with the use of an 8:12 roof pitch or greater. Additionally, no building shall exceed three (3) habitable floors.
Open Space	50% of side yards to remain as open space.	50% of side yards to remain as open space.
Lot Coverage	55%	55%
Deed Restrictions	All multi-family dwelling units within a multi-family development shall be deed restricted for long-term occupancy/tenancy. No less than 60% of all units shall be deed restricted for workforce housing.	All multi-family dwelling units in a multi-family development shall be deed restricted for long term occupancy/tenancy and workforce housing.
Unit Sizes/ Categories	<p>Minimum Unit Sizes/Size Categories:</p> <ul style="list-style-type: none"> • Studio/One Bedroom 500 sq. ft. • Two Bedroom 700 sq. ft. • Three Bedroom 1,000 sq. ft. <p>Maximum unit size 1,750 sq. ft.</p> <p>Minimum 800 square feet; Maximum 1,750 square feet for both small and large multi-family designations.</p>	
Mixture of Units	<p>No more than 60% of the units shall be from any unit size category.</p> <p>All multi-family dwelling buildings shall incorporate building design variations such as varying stories and habitable area.</p>	<p>No requirement</p> <p>All multi-family dwelling buildings shall incorporate building design variations such as varying stories and habitable area.</p>
Buffer	In addition to the buffering requirements included in the Commercial Design Standards, a minimum 10-foot-wide	In addition to the buffering requirements included in the Commercial Design Standards, a 10-foot-wide commercial transitional protective yard shall be

TABLE 7-1: REQUIREMENTS FOR MULTI-FAMILY DWELLINGS		
	Large Multi-Family C-2	Small Multi-Family C-2
	commercial transitional protective yard shall be provided consistent with Section 10.93.3.2 and 10.93.3.3 of the UDO.	provided consistent with Section 10.93.3.2 of the UDO.
Architectural Design Requirements	<p>All multi-family dwelling buildings, regardless of size, shall go through the Sketch Plan process as outlined in Section 10.84 of the UDO.</p> <p>Multi-family dwelling buildings shall meet the requirements of Article 10, Part VI, Commercial Design Standards.</p>	<p>Buildings shall meet the design requirements for a large residential dwelling.</p> <p>Small multi-family structures shall be approved administratively.</p> <p>All multi-family dwelling buildings, regardless of size, shall go through the Sketch Plan process as outlined in Section 10.84 of the UDO.</p> <p>Multi-family dwelling buildings shall meet the requirements of Article 10, Part VI, Commercial Design Standards.</p>
Building Separation	20 40 feet; a sidewalk or boardwalk constructed to provide a grade separation from vehicular traffic of at least six inches shall connect all principal buildings on the site. Separate buildings shall be connected with pedestrian passageways that are striped when crossing traffic lanes.	Buildings shall be separated from one another by a minimum of ten feet, including projections. Separate buildings shall be connected with pedestrian passageways that are striped when crossing traffic lanes.

TABLE 7-1: REQUIREMENTS FOR MULTI-FAMILY DWELLINGS		
	Large Multi-Family C-2	Small Multi-Family C-2
Accessory Uses	<p>Management/sales office, not including a trailer, provided that the management office shall be included as a permanent structure in the project's design or may occupy one of the dwelling units.</p> <p>A management/sales office may include, within the particular project, spaces for maintaining supplies, service products and amenities to be used in connection with the units within the project. There shall be sanitary facilities available for customers and employees.</p> <p>Shed.</p> <p>Pool (only one pool per development),</p> <p>Walls and Fences.</p> <p>Private Park/Playgrounds.</p>	<p>Shed.</p> <p>Pool (only one pool per development).</p> <p>Walls and Fences. Private Park/Playgrounds</p>
Outdoor Amenity Area/Common Area	<p>An area designated on the site plan for multi-family development as "common area" or as an area to be held in separate ownership for the use and benefit of residents occupying the dwelling units shown on such plan provided that it is conveniently accessible to all residents of the development.</p>	

7.5.1. The multi-family development shall have a mandatory homeowners' or residents' association. At a minimum, the duties of such association are to ensure compliance with Section [7.5]. The obligation of an owner or lessee to join the association and to provide the information the owner or manager of a multi-family development must be expressed in a declaration of covenants that is recorded in the Dare County Registry and provided to the town prior to any residential occupancy. The developer of a multi-family development shall provide annually a certification to the town of the multi-family development's compliance with the restrictive covenant and workforce housing occupancy requirements, using a required certificate of compliance form provided to the association by town staff upon request.

7.5.2 Any site improvements, including construction of additions of any size, accessory structures of any size, and landscaping and buffering projects, that occur following the original Board of Commissioners Special Use Approval of a Large Multi-family dwelling development or Administrative Approval of a Small Multi-family dwelling development shall be submitted for consideration by the UDO Administrator to determine whether additional stormwater management measures are necessary.

PART III That Section 10.93.3.3, High Impact Uses, be amended as follows:

10.93.3.3. High Impact Uses. High impact uses are particular uses of land, which are considered as a whole because of their peculiar or operational and physical characteristics are expected to have an adverse effect on adjoining or adjacent properties. High impact uses include, but are not limited to:

10.93.3.3.27. Large Multi-Family Dwelling Development.

PART IV. That Section 6.6, Table of Permitted Uses and Activities be amended as follows:

	Use Category/Class	Use Type	Residential Districts			Commercial Districts						Special Districts				Overlay Districts		
			R-1	R-2	R-3	CR	C-1*	C-2	C-3	C-4	C-5	SPD-20	SED-80	SPD-C*	O&S	CO	HO	SRO
1	Residential	Dwelling, Large Residential	PR	PR	PR	PR		PR			PR	PR	PR		PR			PR
<u>1</u>	<u>Residential</u>	<u>Dwelling, Multi-Family (Small) Townhouse & Apartment Style Design</u>						<u>PR</u> <u>SR</u>										
<u>1</u>	<u>Residential</u>	<u>Dwelling, Multi-Family (Large) Townhouse Style Design Only</u>						SR										
1	Residential	Dwelling, Single-Family (detached)	P	P	P	P	P	P		P	P	P	P		P			P
1	Residential	Dwelling, Two-Family		P	P	P	P	P		P	P							
<u>1</u>	<u>Residential</u>	<u>Townhouse</u>						SR				SR						



MEMORANDUM

Town of Nags Head

Planning & Development Department

To: Planning Board

From: Kelly Wyatt, Planning Director
Joseph Costello, Deputy Planning Director

Date: July 11, 2024

Subject: Consideration of various amendments related to the dormitory use within the SED-80, Special Environmental District zoning designation.

Overview

In response to ongoing discussions and concerns regarding workforce housing availability within the County, the Town of Nags Head is actively exploring the potential construction of at least two residential duplexes. These structures would primarily serve as housing for the town's lifeguards.

Town staff have been collaborating with Beacon Architecture and Design, PLLC, and Quible & Associates, PC to develop several potential layouts for these residential structures. The proposed site for this workforce housing is Town-owned property located at 425 W. Health Center Drive, formerly the Outer Banks Medical Center and now the Community Care Clinic. Specifically, the town is considering construction in the area of the old, non-functional helipad.



This property is located within SED-80 (Special Environmental District) zoning designation. Section 6.6 of the Unified Development Ordinance (UDO) states that Nursing Homes and Medical Offices are permitted via the Special Use Permit process in the SED-80 District, with supplemental regulations outlined in Section 7.41 (see attached).

Section 7.41.6 of the supplemental regulation states: *"A dormitory for temporary use by staff of nursing homes may be allowed only in conjunction with nursing home facilities already permitted in the SED-80 District."*

In late 2017 the town processed text amendments requested by Jim Rose, resulting in the creation of a definition for "Dormitory" and permitting dormitory use via a Special Use Permit within the C-2, General Commercial Zoning District. This led to the establishment of supplemental regulations for dormitories now found in Section 7.10 of the Unified Development Ordinance. This context is relevant to highlight that the allowances for a dormitory for temporary use by staff of nursing home facilities within the SED-80 District in Section 7.41 pre-dated the 2017 standards established for dormitory use.

The definition and standards adopted in 2017 are attached and included below.

Appendix A of the UDO, Definitions, defines a dormitory as *a commercial facility used for monthly rental of housing for unrelated residents in a communal non-transient living arrangement, with separate sleeping, bathing, and common living areas.*

Section 7.10, Supplemental Regulations for Dormitory, includes the following requirements:

1. *A minimum lot area of 25,000 square feet and a minimum lot width of 100 feet.*
2. *Sleeping rooms with a minimum floor area of 70 square feet for the first occupant and 50 square feet for each additional occupant.*
3. *At least one restroom with a minimum of two water closets, two sinks, and two showers. Compliance with the North Carolina Plumbing Code is required for dormitory bathroom fixtures.*
4. *A minimum floor area of 20 square feet per occupant for common living areas (including kitchen and dining), but not less than 220 square feet per unit or floor. Circulation spaces less than six feet wide are excluded from this calculation.*
5. *No dormitory facility shall house more than 25 occupants.*

At this time, staff seeks discussion and consideration of allowing the dormitory use, consistent with the 2017 adopted supplemental standards of Section 7.10 of the UDO, while recognizing that the dormitory use afforded to the nursing home staff was not intended to be held to the same standards as it pre-dated them.

To accommodate this, staff has proposed modifications to Section 7.41.6 in the draft ordinance attached.

POLICY CONSIDERATIONS

LU-9, Encourage land uses that serve the needs of both year-round and seasonal residents in support of the town's overall vision for the community.

LU-27, Promote and expand the types of housing and accommodations for varying income levels, aging populations, and the seasonal workforce within the town.
Staff will be available at the Planning Boards July 16, 2024 meeting for further discussion.

Planning staff will be available at the Planning Board's July 16, 2024, meeting to discuss this proposed text amendment further.

With regard to the Planning Board's review and action, Staff recommends consideration of the following UDO provisions:

3.5.3. Action by the Planning Board.

3.5.3.1. Every proposed amendment, UDO text amendment or zoning map amendment, shall be referred to the Planning Board for its recommendation and report. The Board of Commissioners is not bound by the recommendations, if any, of the Planning Board.

3.5.3.2. Prior to the consideration by the Board of Commissioners of a proposed UDO text amendment or zoning map amendment, the Planning Board shall advise and comment on whether the proposed amendment is consistent with the Comprehensive Plan. The Planning Board shall provide a written recommendation, certified by the UDO Administrator, to the Board of Commissioners that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the Comprehensive Plan shall not preclude consideration or approval of the proposed amendment by the Board of Commissioners.

3.5.3.3. Members of the Planning Board shall not vote on recommendations regarding any UDO text amendment or zoning map amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.

(DRAFT)
AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF NAGS HEAD, NORTH CAROLINA AS IT PERTAINS TO THE DORMITORY USE WITHIN THE SED-80, SPECIAL ENVIRONMENTAL DISTRICT.

ARTICLE I. Purpose(s) and Authority.

WHEREAS, pursuant to N.C.G.S. § 160D-701, the Town of Nags Head (the “Town”) may enact and amend ordinances regulating the zoning and development of land within its jurisdiction and specifically the location and use of buildings, structures and land; pursuant to this authority and the additional authority granted by N.C.G.S. Chap. 160D-702, the Town has adopted comprehensive zoning regulations and has codified the same within the Unified Development Ordinance, Part II of the Town Code, adopted pursuant to N.C.G.S. § 160D-103, which allows the Town to combine certain land development ordinances into a unified ordinance;

WHEREAS, Section 2.4.4.3 of the Unified Development Ordinance provides that the powers and duties of the Planning Board include developing and recommending policies, ordinances, development regulations, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner;

WHEREAS, Section 3.5.1. of the Town Code makes clear that a zoning ordinance text amendment may be initiated by motion of the Board of Commissioners, by motion of the Planning Board, or by application by any person within the zoning jurisdiction of the Town;

WHEREAS, Planning staff requested the Planning Board initiate the amendments to advance the potential of constructing workforce housing for the town’s lifeguards on the Town-owned property at 425 W. Health Center Drive, Nags Head;

WHEREAS, the requested amendment is consistent with the 2017 Comprehensive Land Use Plan;

ARTICLE II. Construction.

For purposes of this ordinance amendment, underlined words (underline) shall be considered as additions to existing Town Code language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. Any portions of the adopted Town Code which are not repeated herein but are instead replaced by an ellipsis (“...”) shall remain as they currently exist within the Town Code.

ARTICLE III. Amendment of the Unified Development Ordinance.

PART I. That **Section 7.41 – Nursing Homes/Medical Offices**, be amended as follows:

Nursing homes/medical offices are permitted in accordance with [Section 6.6](#), Table of Uses and Activities, provided that all such uses shall be located in that area as is now designated or may be hereafter be designated for such uses by the Town pursuant to Chapter 1160 of the Session Laws of 1973 of the North Carolina General Assembly (An Act to Allow the Town of Nags Head to Designate Certain Town-Owned Property for Health Care Purposes), as amended, and subject to the following:

7.41.1. A minimum lot area of 80,000 square feet shall be required for each principal building on the site.

7.41.2. Lighting shall be the minimum amount that may be required for security purposes and shall be in accordance with [Article 10](#), Part IV, Outdoor Lighting of this UDO.

7.41.3. Along the side and rear property lines, a 25-foot wide undisturbed area of natural vegetation shall be provided.

7.41.4. An evacuation plan shall be provided and be subject to review by the Town.

7.41.5. Medical and rehabilitation facilities may be located within a nursing home.

~~7.41.6. A dormitory for temporary use by staff of nursing homes may be allowed only in conjunction with nursing home facilities already permitted in the SED-80 district.~~

Dormitory use shall be permitted under the following conditions:

1. For temporary use by staff of nursing homes, in conjunction with and located within nursing home facilities already permitted in the SED-80 District. Dormitory applications under this condition shall not be required to meet the supplemental regulations specified in Section 7.10 of the UDO.
2. For use by the Town of Nags Head workforce, or as approved by the Town Manager. Dormitory applications under this condition may be either attached or detached and must comply with the supplemental regulations specified in Section 7.10 of the UDO.

PART II. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. This ordinance shall be in full force and effect from and after the ___ day of ____ 2024.

Benjamin Cahoon, Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney

Date adopted: _____

Motion to adopt by Commissioner _____

Motion seconded by Commissioner _____

Vote: ____ AYES ____ NAYS

Section 7.41 Nursing Homes/Medical Offices.

Nursing homes/medical offices are permitted in accordance with Section 6.6, Table of Uses and Activities, provided that all such uses shall be located in that area as is now designated or may be hereafter be designated for such uses by the Town pursuant to Chapter 1160 of the Session Laws of 1973 of the North Carolina General Assembly (An Act to Allow the Town of Nags Head to Designate Certain Town-Owned Property for Health Care Purposes), as amended, and subject to the following:

7.41.1. A minimum lot area of 80,000 square feet shall be required for each principal building on the site.

7.41.2. Lighting shall be the minimum amount that may be required for security purposes and shall be in accordance with Article 10, Part IV, Outdoor Lighting of this UDO.

7.41.3. Along the side and rear property lines, a 25-foot wide undisturbed area of natural vegetation shall be provided.

7.41.4. An evacuation plan shall be provided and be subject to review by the Town.

7.41.5. Medical and rehabilitation facilities may be located within a nursing home.

7.41.6. A dormitory for temporary use by staff of nursing homes may be allowed only in conjunction with nursing home facilities already permitted in the SED-80 district.

Appendix A. – Definitions

Dormitory means a commercial facility used for monthly rental housing of unrelated residents in a communal non-transient living arrangement. The facility shall consist of separate sleeping, bathing, and common living areas.

Section 7.10 Dormitory.

Dormitory is permitted in accordance with Section 6.6, Table of Uses and Activities, provided that the following additional requirements and conditions are met:

- 7.10.1.** A minimum lot area of 25,000 square feet and a minimum lot width of 100 feet shall be required.
- 7.10.2.** Sleeping rooms shall have a minimum floor area of seventy (70) square feet for the first occupant and a minimum floor area of fifty (50) square feet for each additional occupant.
- 7.10.3.** At least one restroom in the facility shall have a minimum of two (2) water closets, two (2) sinks, and two (2) showers. In all cases, reference the North Carolina Plumbing Code for required number of dormitory bathroom fixtures.
- 7.10.4.** A minimum floor area of twenty (20) square feet per occupant is required for adequate common living areas (including kitchen and dining) but not less than 220 square feet per unit or floor. Circulation spaces less than six (6) feet wide shall not be counted as common living areas.
- 7.10.5.** No dormitory facility shall house more than twenty-five (25) occupants.



**TOWN OF NAGS HEAD
BOC ACTIONS
JULY 3, 2024**

- 1.** Call to order - Mayor Cahoon called the meeting to order at 9 a.m.
- 2.** Agenda – The Board adopted the July 3rd agenda as presented.
- 3.** Recognition

New employees - Public Services Director Nancy Carawan introduced Facilities Maint Technician Kevin McFarland and Sanitation Equipment Operator Donnie Brown who were welcomed by the Board to Town employment.

Recognition - Town Manager Andy Garman introduced Town Engineer David Ryan who was recently awarded the American Society of Civil Engineers' Coasts, Oceans, Ports and Rivers Institute - 2024 Orville T. Magoon Sustainable Coasts Award; Manager Garman read several letters from associates praising this honor for Engineer Ryan which is a national award given out each year. Board members congratulated Engineer Ryan.

- 4.** Public Comment – The Roanoke Shores neighborhood residents (Molly Harrison, John Hogan, Kelly Green, Amy Klauser, Colleen Hogan, Nancy Drumheller, Fredrick Jordan) spoke concerning the upcoming Inn at Whalebone site plan modification review. The following comments were provided:

- The Board was asked to consider the safety of and to minimize the impact on the neighborhood
- Lakeside Street is a narrow roadway that has no lines
- The Board was asked to be more creative and to consider other options
- Adding more vehicles and hotel rooms without a traffic signal is dangerous
- Many patrons head out of the gas station without looking west; Where will the overflow lot be located
- Concerns about delivery trucks parked on Lakeside and the uncertainty of the intersection
- The bike path cannot be used through that intersection as it is too dangerous
- Can Forrest St be used as an entrance/exit for this hotel
- Public safety is the big issue as this roadway was never intended to be set up for this type of business

- 5.** Consent Agenda – The Consent Agenda was approved as presented and consisted of the following:

- Budget Amendment #1 to FY 24/25 Budget
- Tax Adjustment Report
- Order to Collect Taxes
- Consideration of Business License/Registration Fee Debt Release/Write-Offs
- Approval of minutes (June 5, 2024 Regular Meeting)
- Consideration of modifications to the Consolidated Fee Schedule
- Reimbursement resolution for Workforce Housing and Town Campus Master Plan – Phase 1
- Resolution authorizing higher federal micro-purchase thresholds
- Agreement with Dare County/Municipalities re: connection to Motorola FLEX Public Safety Software System
- Amendment to MOU between Nags Head and Kill Devil Hills for shared Eighth St Beach Access maintenance
- Resolution authorizing Mgr to execute a contract with the State for Coastal Storm Damage Mitigation Grant

6. Public Hearing to consider NC Public Beach and Coastal Waterfront Access grant application - The Board approved the NC Public Beach and Coastal Waterfront Access grant application request as presented.

7. Planning Director – Planning Director Kelly Wyatt presented the monthly Planning Dept report.

8. Site Plan – Modification to site plan submitted by House Engineering, P.C. for construction of a four-story, 90-unit Hotel (Inn at Whalebone). The property is zoned SPD-C, Village Hotel is located within the Hotel Overlay District at 6632 W. Pheasant Avenue - approved at the October 2023 Board meeting.

Board members expressed concern about the neighborhood safety and verified with Town Engineer Ryan that the design presented is the best solution for a number of reasons to include being bound by Town and State laws. Board members would like to see another traffic analysis conducted by NCDOT - in the month of July – to determine if a traffic signal at Lakeside Street is authorized; staff is to present a Traffic Control Map amendment for a No Parking – Tow Away Zone designation for Lakeside Street at the August Board meeting.

The Board approved the modification to the site plan, to include the street improvements, as presented. The vote was 4 – 1 with Comr. Lambert casting the NO vote – she indicated that she has a hard time supporting the requested modification without a July traffic study analysis being done.

9. Accessory Dwelling Units/Short-Term Rentals – Board members appreciated the report prepared by staff and for bringing this forward as it needs to be discussed – Manager Garman noted that he would like to see what Kill Devil Hills and Kitty Hawk are doing re: accessory dwelling units. Board members spoke in favor of Option 2 as listed on Ms. Wyatt’s slides – to keep ADU’s and STR’s together; no more than two bedrooms, restricting to long-term rentals. Manager Garman said that staff will bring forward some options.

Mayor Cahoon asked if the Building Inspector could look into a certain type of paint that expands in certain situations – he questioned if this would be an option for an applicant to improve the safety of their unit rather than having to rip drywall out.

10. From May 1st Board meeting – Multi-use path – Board members spoke in favor of the multi-use path speed limit stenciling staff did in response to the Board’s direction from the May Board meeting. It was Board consensus to continue with the MUP speed limit stenciling as shown to continue to visually educate people.

11. From February 7th Board meeting – Beach Nourishment Master Plan – The Board approved the Plan as presented.

12. Committee reports

Mayor Pro Tem Siers – The Dare County Tourism Board approved a request for a tournament-style pickleball court at the former Pamlico Jack site.

Mayor Pro Tem Siers - Dare County Housing Task Force – a list of properties were put together for review and another meeting is scheduled for later this month. Housing Task Force Chair Donna Creef was in the audience and she noted that minutes of the Task Force are posted after approval.

Comr. Brinkley – The Septic Health Advisory Committee meets later this month.

Comr. Sanders – Jockey’s Ridge State Park 50th anniversary is scheduled for June 2025, is going well and they were very appreciative of the Town’s donation at the last meeting.

13. Traffic Control Map amendment – The Board adopted the ordinance amending the Traffic Control Map to designate No Parking – Tow Away Zone on the south side of Bonnett Street as presented.

- 14.** Town Manager - Update on construction of the Public Services Facility - Town Engineer David Ryan reported that the Water Distribution Building is now occupied and last week electricity and internal utilities were installed in the Fleet Facilities/Sanitation Building; the Vehicle Storage Building now has internal utilities and some exterior siding is taking place.
- 15.** Town Manager - Town Projects – Year in Review - Town Manager Garman introduced this item with Town Engineer David Ryan presenting a slideshow highlighting the Year in Review for FY 23/24. It will also be showcased on the Town’s web site.
- 16.** Comr. Brinkley - Comr. Brinkley said that he has received several emails from plane/helicopter pilots concerning safety issues with kite strings over the ocean; he is bringing this forward for discussion purposes. He displayed a photo taken by the wife of a pilot showing how close a kite’s string was to the flight path. Board members spoke in favor of an education campaign to be shared with Dare County re: flying kites over the ocean. Town Manager Garman is to speak to the County Manager about this. John Harris of Kitty Hawk Kites had indicated to Manager Garman that the kite flying guide he distributes when someone purchases a kite can be updated. Some people may be adding to the 300’ of string attached to the kite.
- 17.** Comr. Lambert - Comr. Lambert asked if there was a public sound access on Lakeside Street; Manager Garman is to look into this and provide an update. Comr. Lambert questioned the number of vehicles that use this street to turn around; she would like to see a No Turn Around designation for Lakeside Street.
- 18.** Mayor Cahoon – He pointed out that the Town’s drainage project at the Old Nags Head Place Subdivision is working very well; He also mentioned the drainage project scheduled for later this year in S Nags Head.
- 19.** Closed Session – The Board entered Closed Session to confer with the Board re: matters related to attorney/client privilege, to include use of Town site at 105 W Seachase Drive, and to discuss possible acquisition of real property located at 4222 S Croatan Highway at 11:41 a.m. The Board re-entered Open Session at 12:36 p.m.
- 20.** Adjournment – The Board adjourned at 12:37 p.m.



MEMORANDUM

Town of Nags Head

Planning & Development Department

To: Planning Board

From: Kelly Wyatt, Planning Director
Joseph Costello, Deputy Planning Director

Date: July 12, 2024

Subject: Discussion of potential Accessory Dwelling Unit (ADU) ordinance and existing conditions within the Town.

BACKGROUND

In an effort to advance the discussion of a potential Accessory Dwelling Unit (ADU) ordinance, staff provided the Board of Commissioners with a presentation highlighting the similarities and interconnectedness between Accessory Dwelling Units, Partial-Home Short Term Rentals and Duplexes at their July 3rd, 2024 meeting. Staff will provide the Planning Board with this same presentation and continue the discussion at their July 16th, 2024 meeting.

Staff would submit that many existing partial home short-term rentals within the town share similar characteristics and functions with accessory dwelling units. Both accessory dwelling units and short-term rentals provide additional living spaces that can be rented out as separate, independent housekeeping units with similar operational characteristics. Additionally, many of the existing partial-home short-term rentals, and should we permit them, attached accessory dwelling units, would be comparable to duplexes in terms of structure and use.

In order to have a better understanding of how a potential ADU ordinance may affect the Town, staff believes it is important to openly discuss and gain understanding of the current situation within the Town, the overlap between these uses, the need for regulatory consistency, and to gain input on steps for moving forward to enhance the safety and functionality of existing and future structures within the Town.



MEMORANDUM

Town of Nags Head

Planning & Development Department

To: Board of Commissioners
Planning Board

From: Kelly Wyatt, Planning Director
Joe Costello, Deputy Planning Director

Date: June 28, 2024

Subject: Planning and Development Director's Report (G-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 3rd, 2024.

Monthly Activity Report

Attached for the Board's review is the *Planning and Development Monthly Report for May 2024*. 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 of June:

- Tuesday, June 4th – Technical Review Committee Meeting (Inn at Whalebone)
- Wednesday, June 5th - Board of Commissioners Meeting
- Thursday, June 6th – CRS Users Group Meeting, Elevation Certificate Training
- Wednesday, June 12th – Committee for Art and Culture Meeting
- Wednesday, June 12th – Eastern Carolina Council Resource Roundtable
- Thursday, June 13th – Board of Adjustment Meeting (no hearings)
- Tuesday, June 18th – Planning Board Meeting
- Wednesday, June 19th – Board of Commissioners mid-month meeting
- Dowdy Park Farmers Market – Thursday, June 13th, 20th, and 27th.
- Dowdy Park Summer Concert Series – Wednesday, June 19th and June 26th

Planning Board - Pending Applications and Discussions

The Planning Board's most recent meeting was held on Tuesday, June 18, 2024. The following items were heard:

- Consideration of a Site Plan Amendment for construction of an 87-unit Hotel (Inn at Whalebone) including a request to eliminate or modify the condition of the October 4, 2023 Board of Commissioners approval that the existing Lakeside Street roadway be expanded to accommodate three lanes of traffic. The Planning Board voted 4 to 3 to recommend approval of the site plan amendments and the modification proposed by the Town Engineer as it pertains to the Lakeside Street expansion.
- Consideration of a Sketch Plan Review application for construction of a 2,279 square foot stand-alone restaurant at 7100 S. Croatan Highway (Outlets Nags Head). The Planning Board did not have any significant questions or concerns with the proposal at this time.
- Consideration of various amendments to the Unified Development Ordinance as it pertains to

the use of multi-family dwelling developments. Staff provided a brief presentation to the Planning Board and noted that they would return at their July meeting presenting the ordinance revisions in their final format for the Planning Board's formal recommendation.

- Planning staff requested that the Planning Board consider initiating a text amendment to the Unified Development Ordinance as it pertains to the dormitory use in the SED-80, Special Environmental District to facilitate the construction of lifeguard housing at 425 W. Health Center Drive, Nags Head. The Planning Board voted unanimously to initiate the necessary text amendments.

The Planning Board's next meeting is scheduled for Tuesday, July 16th, 2024. Currently, the agenda is expected to include consideration of a text amendment request from Anlauf Engineering PLLC on behalf of the Ark Church to modify the definition of "Religious Complex" to allow for a single-family residence of church staff in addition to the already allowed parsonage. Additionally, the agenda is anticipated to include consideration of various text amendments to the SED-80, Special Environmental District to permit the construction of a dormitory for housing Town of Nags Head lifeguard staff.

Board of Adjustment – Recent and Pending Applications

There were no items for the Board of Adjustments consideration in June 2024.

Additional Updates

- **DWMP/Septic Health Advisory Committee** – The Septic Health Advisory Committee is scheduled to meet on Thursday, July 25th. To advance the recommendations of the Decentralized Wastewater Management Plan four (4) additional water quality monitoring loggers have been purchased, and the department has recently received the GPS unit needed to begin mapping locations of existing septic systems within the Town.
- **Estuarine Shoreline Management Plan** – Unfortunately, the town was not invited to submit a full proposal for the National Fish and Wildlife Foundations National Coastal Resilience Fund grant. In light of this, we have revised our grant application for the NC Resilient Coastal Communities Program, Phase 3 grant, requesting a total of \$500,000 with a matching contribution of \$40,000.
- **Electric Vehicle Action Plan** – LoWire Technologies is in the process of installing the two (2) Level II EV Chargers at Town Hall.
- **Sand Relocation and Dune Management Cost Share Program** – The Dune Management Cost Share Application period closed the week of June 24th with the entire \$400,000 being allocated to 138 participants. Planning and Finance staff are now working to process the reimbursements.
- **Public Beach and Coastal Waterfront Access Grant Program** – Staff has been informed that the pre-application to the NC Public Beach and Coastal Waterfront Access Program has been selected to submit a Final Application for improvements to the June Street Beach Access. The deadline for final application submission is August 2nd, 2024. Item F-1 on Board of Commissioners July 3rd meeting is the Public Hearing to consider the grant application for improvements to the June Street Public Beach Access in S. Nags Head.
- **Dowdy Park Events/Farmers Market/Holiday Markets/Art & Culture** – Summertime at Dowdy Park is in full swing. For the month of July, the Town will be hosting the following:
 - Yoga on the Lawn, Tuesday mornings 7:30 – 8:30am all month long.
 - Fitness Fridays, Friday mornings 7:30 – 8:15am all month long.

-
- Summer Concert Series, Wednesday evenings 6:30 – 8:00pm.
 - SOUL One on July 3rd
 - The Bee Keepers on July 10th
 - Troy Breslow Band on July 17th
 - Will Overman Band on July 24th
 - Rob Oliver Trio on July 31st
 - Dowdy Park Farmers Markets, Thursdays 9am – 1pm: July 4th, 11th, 18th, & 25th
 - Family Fun Night, Tuesday, July 2nd at 4pm – 7pm – Outer Banks Summer Tale Fest, Storytelling event with crafts, kids activities and lawn games.
 - Movie at Dowdy Park, Friday, July 12th – partnership with Outer Banks Health.

Upcoming Meetings and Other Dates

- Tuesday, July 2nd – Technical Review Committee Meeting
- Wednesday, July 3rd - Board of Commissioners Meeting
- Wednesday, July 10th – Committee for Art and Culture Meeting
- Thursday, July 11th – Board of Adjustment Meeting (no hearings)
- Tuesday, July 16th – Planning Board Meeting
- Wednesday, July 17th – Board of Commissioners mid-month meeting
- Thursday, July 25th – Septic Health Advisory Committee Meeting
- Dowdy Park Farmers Market – Thursday, July 4th, 11th, 18th & 25th
- Dowdy Park Summer Concert Series – Wednesday, July 3rd, 10th, 17th, 24th, and 31st

**TOWN OF NAGS HEAD PLANNING AND DEVELOPMENT
MONTHLY REPORT
MAY 2024**

DATE SUBMITTED: June 7, 2024

	May-24	May-23	Apr-24	2023-2024 FISCAL YTD	2022-2023 FISCAL YTD	FISCAL YEAR INCREASE/ DECREASE
BUILDING PERMITS ISSUED - RESIDENTIAL						
New Single Family	2	1	1	16	14	2
New Single Family, 3000 sf or >	1	0	0	5	7	(2)
Duplex - New	0	0	0	1	0	1
Sub Total - New Residential	3	1	1	22	21	1
Miscellaneous (Total)	46	53	48	466	512	(46)
<i>Accessory Structure</i>	2	6	7	39	48	(9)
<i>Addition</i>	0	4	1	26	27	(1)
<i>Demolition</i>	0	0	0	5	1	4
<i>Move</i>	1	0	0	1	0	1
<i>Remodel</i>	11	11	16	119	124	(5)
<i>Repair</i>	32	32	24	276	312	(36)
Total Residential	49	54	49	488	533	(45)
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)	2	6	18	83	79	4
<i>Accessory Structure</i>	0	1	7	31	25	6
<i>Addition</i>	0	0	0	0	0	0
<i>Demolition</i>	0	0	0	1	1	0
<i>Move</i>	0	0	0	0	0	0
<i>Remodel</i>	1	4	5	25	26	(1)
<i>Repair</i>	1	1	6	26	27	(1)
Total Commercial	2	6	18	83	81	2
Grand Total	51	60	67	571	614	(43)
SUB-CONTRACTOR PERMITS						
Electrical	90	73	80	594	555	39
Gas	3	4	3	35	34	1
Mechanical	57	43	54	375	376	(1)
Plumbing	6	6	16	122	102	20
Fire Sprinkler	0	0	1	4	3	1
VALUE						
New Single Family	\$650,000	\$280,000	\$560,000	\$8,802,995	\$7,314,026	\$1,488,969
New Single Family, 3000 sf or >	\$2,000,000	\$0	\$0	\$4,642,945	\$7,233,733	(\$2,590,788)
Duplex - New	\$0	\$0	\$0	\$711,000	\$0	\$711,000
Misc (Total Residential)	\$1,116,214	\$1,900,005	\$1,262,571	\$16,525,941	\$17,400,940	(\$874,999)
Sub Total Residential	\$3,766,214	\$2,180,005	\$1,822,571	\$30,682,881	\$31,948,699	(\$1,265,818)
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	\$17,988,350	(\$17,988,350)
Misc (Total Commercial)	\$65,750	\$307,911	\$648,577	\$4,755,890	\$2,738,742	\$2,017,148
Sub Total Commercial	\$65,750	\$307,911	\$648,577	\$4,755,890	\$20,727,092	(\$15,971,202)
Grand Total	\$3,831,964	\$2,487,916	\$2,471,148	\$35,438,771	\$52,675,791	(\$17,237,020)

**TOWN OF NAGS HEAD PLANNING AND DEVELOPMENT
MONTHLY REPORT
MAY 2024**

DATE SUBMITTED: June 7, 2024

	May-24	May-23	Apr-24	2023-2024 FISCAL YTD	2022-2023 FISCAL YTD	FISCAL YEAR INCREASE/ DECREASE
ZONING						
Zoning Permits	57	66	69	620	623	(3)
Soil & Erosion	3	N/A	0	19	N/A	N/A
Stormwater Plans	2	N/A	1	31	N/A	N/A
CAMA						
CAMA LPO Permits	3	3	3	36	34	2
CAMA LPO Exemptions	15	11	7	72	72	0
Sand Relocations			31	281	279	N/A
CODE COMPLIANCE						
Cases Investigated	38	54	19	305	713	(408)
Warnings	6	3	3	37	101	(64)
NOVs Issued	32	51	15	263	195	68
Civil Citations (#)	0	0	0	1	10	(9)
Civil Citations (\$)	\$0	\$0	\$0	\$0	\$23,150	(\$23,150)
SEPTIC HEALTH						
Tanks inspected	6	12	8	100	127	(27)
Tanks pumped	10	37	5	110	113	(3)
Water quality sites tested	26	15	2	97	217	(120)
Personnel Hours in Training/School	32	6	52	403	212	191


 Kelly Wyatt, Planning Director