



# MEMORANDUM

## Town of Nags Head

### Planning & Development Department

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To: Board of Commissioners  
Planning Board

From: Kelly Wyatt, Planning Director

Date: December 28, 2021

Subject: Planning and Development Director's Report (F-1)

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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 January 5, 2022.

#### **Monthly Activity Report**

Attached for the Board's review is the *Planning and Development Monthly Report for November 2021*. In addition to permitting, inspections, code enforcement, and Todd D. Krafft Septic Health Initiative activities, Staff was involved in the following meetings or activities of note during the month:

- Friday, December 3<sup>rd</sup> - OBX CRS Users Group
- Tuesday, December 7<sup>th</sup> – Technical Review Committee Meeting
- Tuesday, December 7<sup>th</sup> – Meet with Outer Banks Homebuilders Association
- Thursday, December 9<sup>th</sup> – Board of Adjustment
- Tuesday, December 14<sup>th</sup> – Planning Board Meeting
- Tuesday, December 14<sup>th</sup> – Coastal Resilience Community Quarterly Meeting.
- Wednesday, December 15<sup>th</sup> - Kick Off Estuarine Shoreline Management Committee Meeting
- Thursday, December 16<sup>th</sup> – DWMP Advisory Committee Meeting

#### **Review of Residential Stormwater Regulations**

Planning staff met with the Outer Banks Homebuilders on December 7, 2021 to continue discussion and receive feedback regarding the forthcoming residential stormwater regulation text amendments. Staff hopes to meet with the Homebuilders one more time prior to providing the formalized text amendments to the Planning Board at their January 18, 2022 meeting. A request for public hearing has been placed on the Board of Commissioners Consent Agenda to conduct the public hearing for this item at the Board of Commissioners February 2, 2022 meeting.

#### **Recent Board of Adjustment Variance Update, Coastal High Hazard VE Zones**

At their December 9, 2021 meeting, the Board of Adjustment heard and granted a variance for the Jones residence located at 100 E. Sandcastle Court, Nags Head. The Board of Adjustment found that the property, as well as the current property owner who is living with a disability, does suffer unnecessary hardships based upon application of

the current Flood Damage Prevention Ordinance, specifically the requirements of *Section 11.44.2. Residential Construction* and *Section 11.44.3, Coastal High Hazard Areas (Zones VE) and Properties East of NC 12 and SR 1243*. These sections of the Flood Damage Prevention Ordinance require that new construction or substantial improvement of any residential structure have the reference level elevated no lower than the regulatory flood protection elevation. In establishing the local elevation standard (LES), also referred to as the regulatory flood protection elevation (RFPE), we delineated the Coastal High Hazard Areas/VE Zones as being those properties east of NC 12 (S. Virginia Dare Trail) and SR 1243 (S. Old Oregon Inlet Road). The RFPE for properties located east of NC 12 and SR 1243 is 12' msl. While the Board of Adjustment identified numerous hardships as part of their findings of fact, one notable finding pertained specifically to the location of this, and similarly situated properties, where NC 12 does not parallel the beach. As part of the road relocation many years ago, NC 12 is now substantially further west than the alignment of the remainder of the roadway in the vicinity of Sand Castle Court, Sea Spray Court, Sand Fiddler Court, Sea Holly Court, and Sun Dancer Court. If the roadway was in its original location, many of these properties would be located west of NC 12, having an RFPE of 9' msl. Below are two images, this area of Town as regulated by the 2006 flood maps and the same area as regulated by the current flood maps. Under the previous flood maps, this area was located within an AE 9 flood zone. Under the current flood maps, this area is not located within a flood zone however with the application of the Town's LES/RFPE, this property is regulated to VE 12' standards.

2006 Flood Maps



Current Flood Maps



Staff would like to receive guidance from the Board of Commissioners as to whether or not there is a desire to move forward with a text amendment to the Flood Damage Prevention Ordinance to rectify this situation. Below is an imagine of this area denoting the regulatory line had NC 12 (S. Virginia Dare Trail) not been relocated.



### **Planning Board - Pending Applications and Discussions**

The Planning Board's most recent meeting was held on December 14, 2021 and included a request for approval to remove trees within the SED-80 District, Sketch Plan Review for Blue Moon Restaurant to be developed at 4329 S. Croatan Highway, an update on the Resilient Coastal Communities Program with designation of the Planning Board as the Community Action Team (CAT), and the discussion and initiation of a text amendment regarding the use of shipping containers as principal uses/dwellings within the Town.

The Planning Board's next meeting is scheduled for January 18, 2022. At this time, the agenda is expected to include consideration of the Town's Residential Stormwater Regulations, Site Plan Review for development of Blue Moon Restaurant at 4329 S. Croatan Highway, and a text amendment concerning the use of shipping containers as principal uses/dwellings within the Town.

At their December 14, 2021 meeting, Planning Board members discussed numerous items with staff, two items of note are included below for the Board of Commissioners information and consideration.

- It was the consensus of the Planning Board that planning staff discuss with the Board of Commissioners a desire to revisit the conversation surrounding the

allowance of Accessory Dwelling Units (ADU's) within the Town. Planning Board members felt as though given the increased concerns with affordable housing, adequate staffing of local businesses, and increased visitation that there may be an interest to explore the allowance of ADU's within certain zoning districts and in conjunction with required deed restrictions. The Board of Commissioners last discussed Accessory Dwelling Units at their September 16, 2019 meeting where a motion to adopt text amendments related to the allowance of ADU's failed.

In light of the Planning Board's discussion, staff would ask that the Board of Commissioners provide feedback on how they wish planning staff to proceed.

- The Planning Board expressed an interest in receiving updates on items being heard by the Nags Head Board of Adjustment. Planning Board members noted that they would benefit from knowing more about the types of variances and appeals being requested, heard and subsequent outcomes. Planning staff agrees completely and will begin providing Board of Adjustment updates within the Directors Report which is also provided to the Planning Board for review. In this report, a brief update on the December Board of Adjustment meeting has been provided above along with a request for feedback and possible initiation of a text amendment if the Board so desires.

### **Additional Updates**

- **Decentralized Wastewater Management Plan** – The Advisory Committee met on Thursday, December 16, 2021 to discuss recommendations to the Todd D. Krafft Septic Health Initiative Program and the draft Decentralized Wastewater Management Plan. The meeting agenda and presentation can be viewed [HERE](#). A draft of the Management Plan was provided to the Advisory Committee on December 23, 2021. The Advisory Committee will meet again on January 13 and January 20, 2022.
- **Estuarine Shoreline Management Plan** – The Advisory Committee for the Estuarine Shoreline Management Plan (ESMP) held their first meeting on Wednesday, December 15, 2021. This meeting included an overview of the project as well as the project schedule. Dr. Reide Corbett, Executive Director of CSI, gave a presentation on estuarine shoreline science and committee members then participated in a goal setting exercise. Meeting materials and a recording of the presentation are available on the project page website. A summary of notes and key take aways from the consultant's initial visit on October 27-29, 2021 is now also available on the project page website, located [HERE](#). We anticipate that the community engagement and outreach plan, along with a general project fact sheet, will be finalized in January and accessible on the project page.
- **NC Resilient Coastal Communities Program** – Candice Andre, Senior Project Manager with VHB, attended the December Planning Board meeting virtually to provide an overview of the program, current status, and to discuss next steps. As part of the planning process, the Town is required to identify a Community Action Team (CAT) of key stakeholders to provide targeted input and champion

the effort. It is suggested that the Planning Board act as the CAT for this project since there are several other ongoing planning projects that are utilizing citizen advisory committees. The Planning Board concurred and was willing to act as the CAT. A copy of the presentation is attached. In the coming month, staff will develop a public facing project website where information can be shared.

- **Electric Vehicle Action Plan** – Duke students are actively working on developing content for the EV Action Plan. The students will engage the Planning Board at their January 18, 2021 meeting to gain feedback and discuss project goals.
  
- **Dowdy Park Events/Farmers Market/Holiday Markets** – There are no events or markets scheduled at this time. The Committee for Art and Culture will plan to provide an update on the 2021 Season to the Board of Commissioners at their March 2022 meeting.

### **Upcoming Meetings and Other Dates**

- Tuesday, January 4<sup>th</sup> – Technical Review Committee Meeting
- Thursday, January 6<sup>th</sup> - OBX CRS Users Group
- Tuesday, January 11<sup>th</sup> – Staff presenting ESMP at Nature Based Solutions for Coastal Hazards for NC Training.
- Thursday, January 13<sup>th</sup> – DWMP Advisory Committee Meeting
- Tuesday, January 18<sup>th</sup> – Planning Board Meeting
- Thursday, January 20<sup>th</sup> – DWMP Advisory Committee Meeting



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

DATE SUBMITTED: December 7, 2021

	Nov-21	Nov-20	Oct-21	2021-2022 FISCAL YTD	2020-2021 FISCAL YTD	FISCAL YEAR INCREASE/ DECREASE
<b>BUILDING PERMITS ISSUED - RESIDENTIAL</b>						
New Single Family	1	0	1	8	10	(2)
New Single Family, 3000 sf or >	1	0	2	5	1	4
Duplex - New	0	0	0	0	0	0
Sub Total - New Residential	2	0	3	13	11	2
Miscellaneous (Total)	51	32	46	163	147	16
<i>Accessory Structure</i>	3	3	7	20	16	4
<i>Addition</i>	0	4	2	7	14	(7)
<i>Demolition</i>	2	2	3	6	2	4
<i>Move</i>	0	0	0	0	0	0
<i>Remodel</i>	16	9	9	46	43	3
<i>Repair</i>	30	14	25	84	72	12
<b>Total Residential</b>	<b>53</b>	<b>32</b>	<b>49</b>	<b>176</b>	<b>158</b>	<b>18</b>
<b>BUILDING PERMITS ISSUED - COMMERCIAL</b>						
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	0	0
Subtotal - New Commercial	0	0	0	0	0	0
Miscellaneous (Total)	6	4	6	23	28	(5)
<i>Accessory Structure</i>	3	1	1	8	14	(6)
<i>Addition</i>	0	0	0	0	0	0
<i>Demolition</i>	0	0	0	0	1	(1)
<i>Move</i>	0	0	0	0	0	0
<i>Remodel</i>	1	2	3	6	4	2
<i>Repair</i>	2	1	2	9	9	0
<b>Total Commercial</b>	<b>6</b>	<b>4</b>	<b>6</b>	<b>23</b>	<b>28</b>	<b>(5)</b>
<b>Grand Total</b>	<b>59</b>	<b>36</b>	<b>55</b>	<b>199</b>	<b>186</b>	<b>13</b>
<b>SUB-CONTRACTOR PERMITS</b>						
Electrical	43	19	36	195	170	25
Gas	4	0	4	11	7	4
Mechanical	19	19	27	142	141	1
Plumbing	6	4	4	29	34	(5)
Fire Sprinkler	0	0	0	0	0	0
<b>VALUE</b>						
New Single Family	\$748,000	\$0	\$525,000	\$3,968,270	\$3,297,336	\$670,934
New Single Family, 3000 sf or >	\$775,000	\$0	\$1,080,000	\$3,405,000	\$430,000	\$2,975,000
Duplex - New	\$0	\$0	\$0	\$0	\$0	\$0
Misc (Total Residential)	\$1,425,981	\$1,443,239	\$933,258	\$4,275,887	\$4,353,835	(\$77,948)
<b>Sub Total Residential</b>	<b>\$2,948,981</b>	<b>\$1,443,239</b>	<b>\$2,538,258</b>	<b>\$11,649,157</b>	<b>\$8,081,171</b>	<b>\$3,567,986</b>
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	\$0	\$0
Misc (Total Commercial)	\$42,875	\$138,935	\$405,574	\$832,739	\$507,192	\$325,547
<b>Sub Total Commercial</b>	<b>\$42,875</b>	<b>\$138,935</b>	<b>\$405,574</b>	<b>\$832,739</b>	<b>\$507,192</b>	<b>\$325,547</b>
<b>Grand Total</b>	<b>\$2,991,856</b>	<b>\$1,582,174</b>	<b>\$2,943,832</b>	<b>\$12,481,896</b>	<b>\$8,588,363</b>	<b>\$3,893,533</b>

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	Nov-21	Nov-20	Oct-21	2021-2022 FISCAL YTD	2020-2021 FISCAL YTD	FISCAL YEAR INCREASE/ DECREASE
<b>ZONING</b>						
Zoning Permits	48	17	47	190	117	73
<b>CAMA</b>						
CAMA LPO Permits	4	5	2	13	10	3
CAMA LPO Exemptions	3	3	4	9	18	0
Sand Relocations	14	4	0	14	4	N/A
<b>CODE COMPLIANCE</b>						
CCO Inspections	68	41	49	524	356	168
Cases Investigated	21	22	22	201	215	(14)
Warnings	10	6	8	53	62	(9)
NOVs Issued	10	16	14	147	154	(7)
Civil Citations (#)	10	7	8	43	13	30
Civil Citations (\$)	\$52,500	\$42,000	\$42,000	\$220,500	\$73,000	\$147,500
<b>SEPTIC HEALTH</b>						
Tanks inspected	0	10	16	39	73	(34)
Tanks pumped	8	4	3	18	42	(24)
Water quality sites tested	0	0	0	161	92	69
Personnel Hours in Training/School	2	25	12	29	65	(36)

*Kelly Wyatt*  
 Kelly Wyatt, Planning Director

# Town of Nags Head Resilient Coastal Communities Program

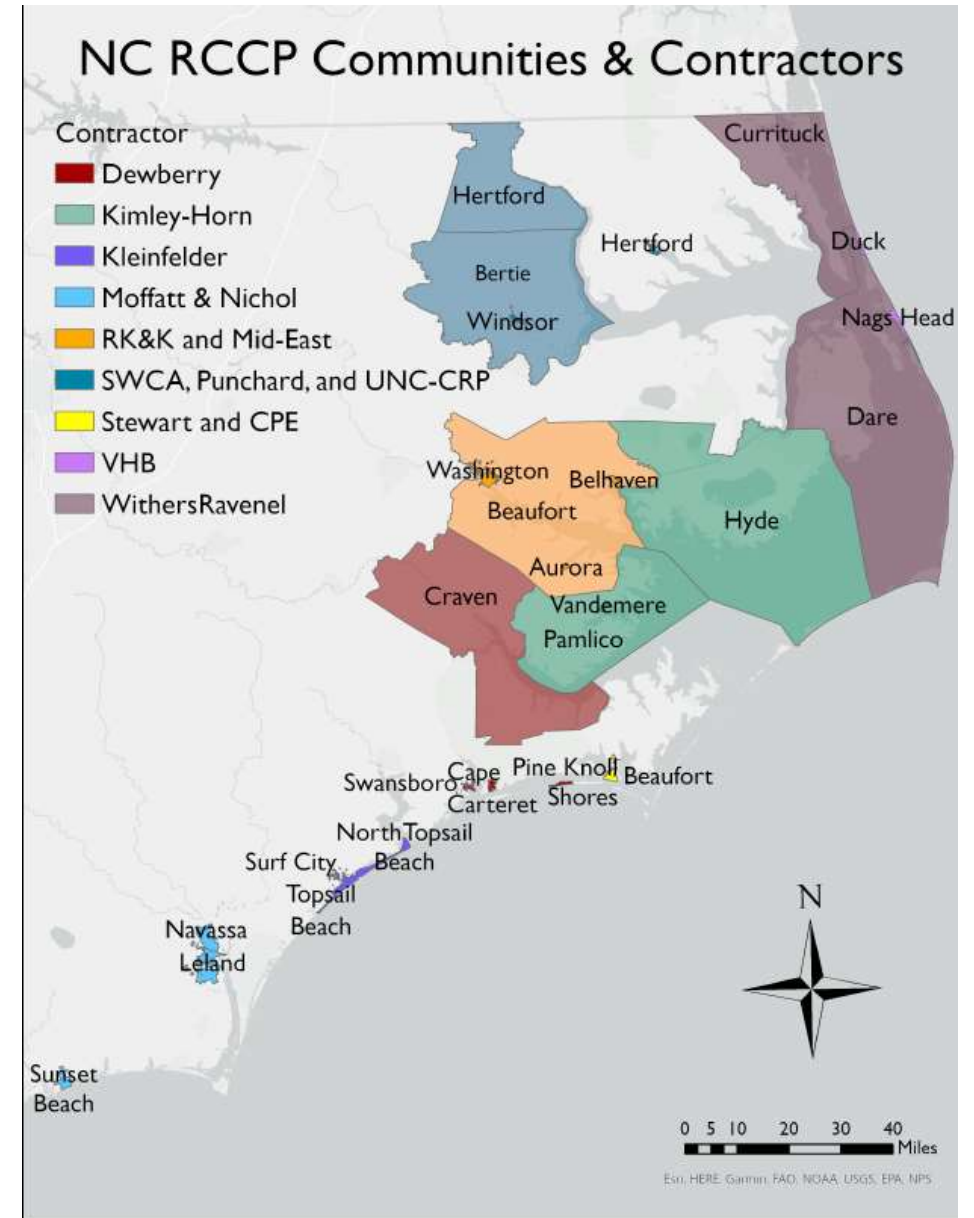
Town Planning Board Meeting  
DECEMBER 14, 2021  
Presented by: Candice Andre, AICP





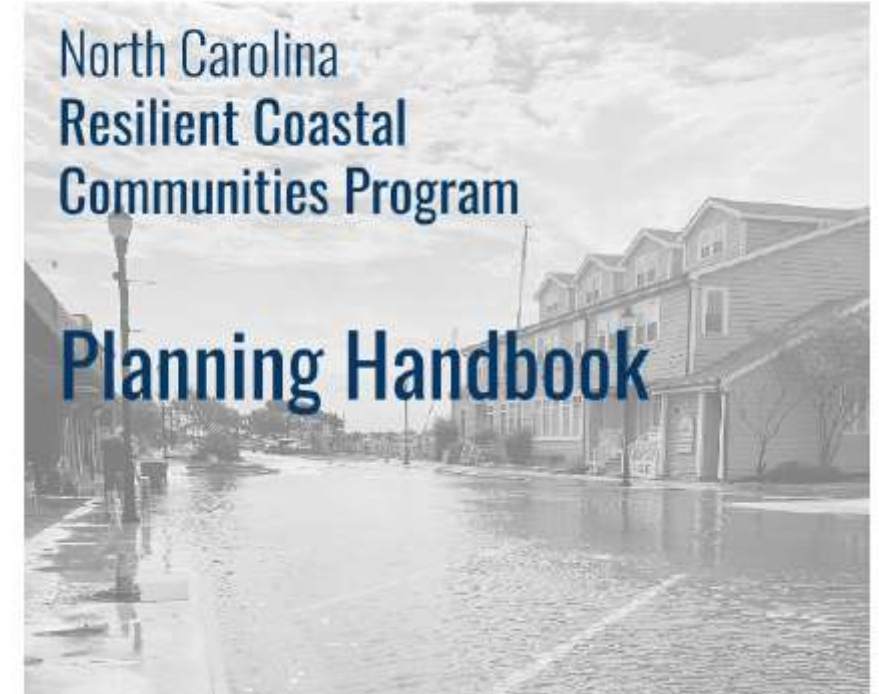
# RCCP Program

- Provide funding & technical assistance for:
  - Developing Resilience Strategies (risk & vulnerability assessments, portfolios of prioritized resilience projects)
  - Project engineering, design, & implementation
- Promote locally-driven, inclusive, & forward-thinking approaches to traditional hazard mitigation planning
- Incentivize innovative solutions (Natural & Nature-Based Solutions)

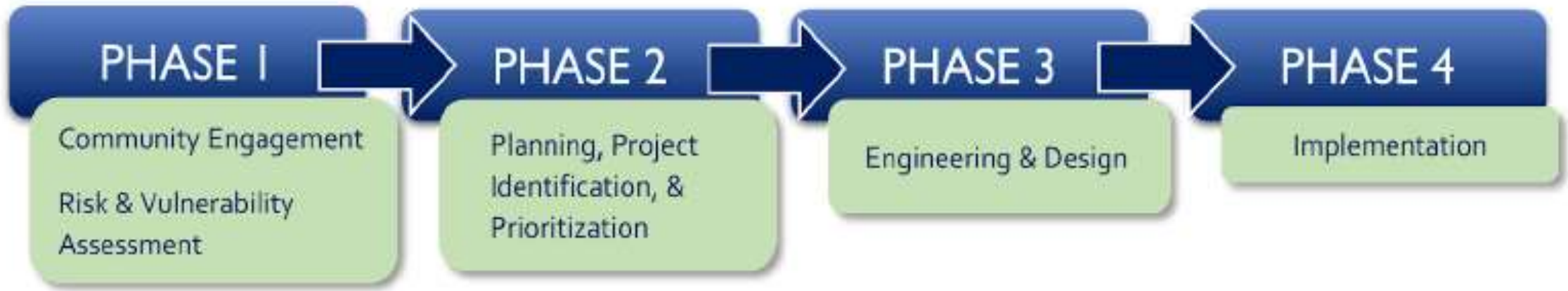


# RCCP Program - Handbook

- Facilitate a community-driven process for:
  - Setting coastal resilience goals
  - Assessing existing & needed capacity
  - Identifying & prioritizing projects to enhance community resilience to coastal hazards



# RCCP - Phases

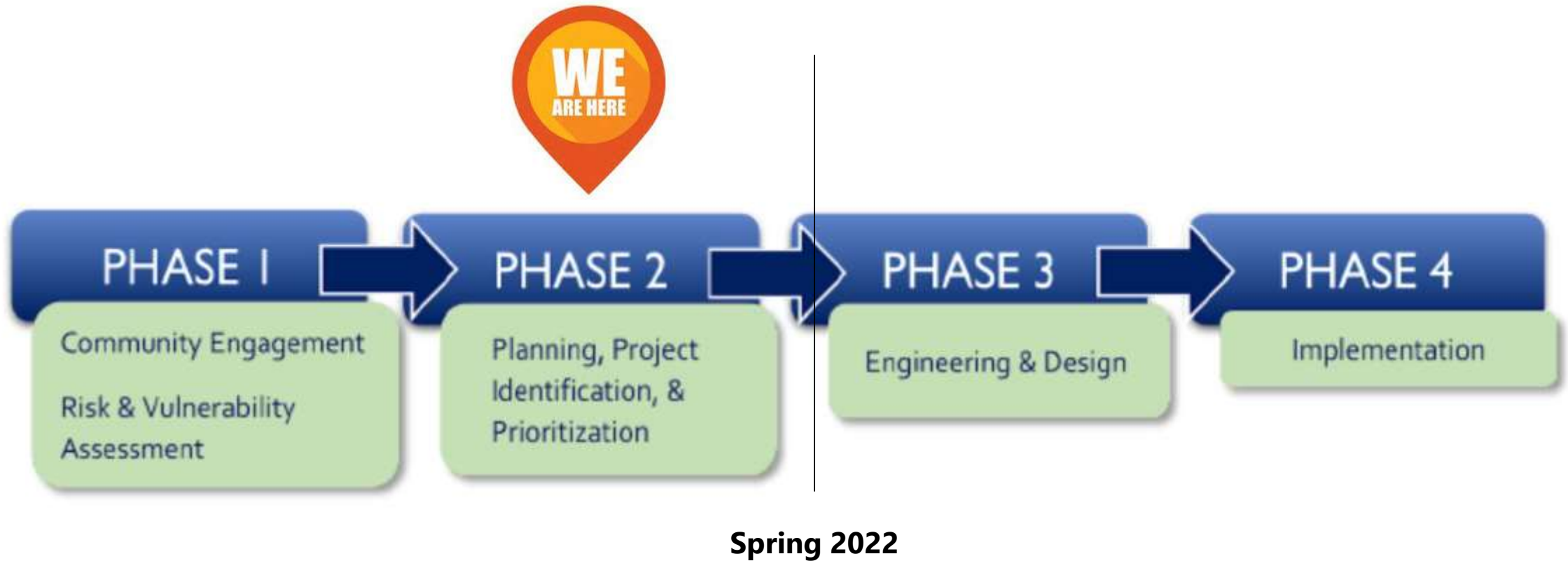


# Town Goals

- Significant planning efforts:
  - Vulnerability, Consequences & Adaption Plan Scenario (VCAPS) Report – 2017
  - FOCUS Nags Head Comprehensive Plan – 2017
  - Capital Improvement Plan – 2019
  - Outer Banks Regional Hazard Mitigation Plan – Summer 2020
  - Emergency Operations Plan – 2020
  - Unified Development Ordinance – 2020



# Process / Timeline



# Who is Involved

- CAT (Community Action Team)
- Nags Head Community
- Dare County
- DCM
- NC Sea Grant
- TNC
- NCORR






# Progress

## Phase 1

Step 1	Develop a CAT	
Step 2	Set Vision & Goals	
Step 3	Review Existing Local Plans & Efforts	
Step 4	Develop a Community Engagement Strategy	
Step 5	Map Critical Assets & Natural Infrastructure	
Step 6	Conduct a Risk & Vulnerability Assessment	

## Phase 2

Step 1	Identify a Suite of Potential Solutions	
Step 2	Consolidate & Prioritize Projects	

# Next Steps / Opportunities for Involvement

- Finalize mapping & vulnerability assessment
- Community outreach
- Complete identification of potential solutions
- Prioritize projects (at least 5)
  - Must include at least 1 natural/nature-based (NNBS) or hybrid option

<b>Project Name</b>	<i>Come up with a brief title for the project</i>
<b>Project Description</b>	<i>Describe project, including information gathered during project development</i>
<b>Hazard(s) addressed by project</b>	<i>List hazards specific to this program which impact the project location</i>
<b>Type of Solution</b>	<i>Infrastructure, Plans and policies, Ordinances, Non-regulatory programs, Other (describe)</i>
<b>Project Estimated Cost</b>	<i>Estimate total cost of project</i>
<b>Potential Implementation Funding Sources</b>	<i>Identify potential sources for project/action implementation</i>
<b>Projected Estimated Timeline</b>	<i>Estimate length of time project will take to complete and any expected delays in the timeline</i>
<b>Priority Rating</b>	<i>High, Medium, Low</i>
<b>Project Map</b>	<i>Provide a map of the project site</i>

# Questions

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