



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.

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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.