



# MEMORANDUM

## Town of Nags Head

### Planning & Development Department

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To: Board of Commissioners

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

Date: September 6, 2024

Subject: Workshop to receive public input on various amendments to the Unified Development Ordinance (UDO) pertaining to multi-family dwellings.

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For two years, the Town has been working to review and consider new standards regulating multi-family development. A presentation was given at the Board's September 4<sup>th</sup> regular meeting outlining this process (see Attachment 3). To summarize, the Planning Board initially drafted an ordinance which was presented to the Board of Commissioners at a public hearing in February. Information on this can be found here:

<https://www.nagsheadnc.gov/AgendaCenter/ViewFile/Item/5367?fileID=10753>. After the public hearing, the Board requested that the Town establish a Working Group to review and make recommendations on the ordinance drafted by the Planning Board. The charge for the Working Group was as follows:

- To consider the draft multi-family ordinance written by the Planning Board.
- To preserve the intent of the ordinance, to protect the character of Nags Head, and to provide new alternatives for workforce/long-term housing without increasing the stock of short-term rentals.
- To evaluate conditions/standards which would render such projects unfeasible due to financing, construction, configuration, or management.
- To suggest additional measures that would achieve the aforementioned goals.

Over the course of four meetings, the Working Group developed a recommendation for review by the Board of Commissioners. This included changes to the original ordinance drafted by the Planning Board as well as several other suggestions. Information about the Working Group including agendas and minutes from its meetings can be found here:

<https://www.nagsheadnc.gov/1108/Multi-Family-Working-Group>. The Working Group's Final Recommended Ordinance is included as Attachment 1.

The Planning Board reviewed the Working Group's Ordinance over the course of three meetings this past Summer. The primary focus of the Planning Board's discussion centered around the density and design of multi-family development, mostly pertaining to larger projects. The Planning Board also discussed parking standards. The Planning Board's discussions resulted in three recommended changes to the Working Group's ordinance:

- 1) The Planning Board is recommending that large multi-family developments (greater than six units on one site) consist of townhouses only. The Working Group's version of the ordinance allowed townhouses and apartments in both the small and large categories.

- 2) The Planning Board is recommending increasing the parking requirement to 2.5 spaces per unit plus one additional space for every four units.
- 3) The Planning Board is recommending an additional density limitation of 25 bedrooms per acre applicable to both large and small multi-family sites. The Working Group's version of the ordinance controlled density through the use of a floor area ratio only. The recommended floor area ratio is 0.32 square feet of building area to one square foot of lot area.

The Planning Board's recommended ordinance is included as Attachment 2. Below are the Planning Board staff reports and minutes from its June, July, and August meetings (see below).

June 18<sup>th</sup> Planning Board -

[https://www.nagsheadnc.gov/AgendaCenter/ViewFile/Agenda/\\_06182024-461?html=true](https://www.nagsheadnc.gov/AgendaCenter/ViewFile/Agenda/_06182024-461?html=true)

Minutes:

[https://www.nagsheadnc.gov/AgendaCenter/ViewFile/Minutes/\\_06182024-461](https://www.nagsheadnc.gov/AgendaCenter/ViewFile/Minutes/_06182024-461)

July 16<sup>th</sup> Planning Board -

[https://www.nagsheadnc.gov/AgendaCenter/ViewFile/Agenda/\\_07162024-464?html=true](https://www.nagsheadnc.gov/AgendaCenter/ViewFile/Agenda/_07162024-464?html=true)

Minutes:

[https://www.nagsheadnc.gov/AgendaCenter/ViewFile/Minutes/\\_07162024-464](https://www.nagsheadnc.gov/AgendaCenter/ViewFile/Minutes/_07162024-464)

August 20<sup>th</sup> Planning Board -

[https://www.nagsheadnc.gov/AgendaCenter/ViewFile/Agenda/\\_08202024-468?html=true](https://www.nagsheadnc.gov/AgendaCenter/ViewFile/Agenda/_08202024-468?html=true)

Note: Minutes from the August 20<sup>th</sup> Planning Board Meeting are included in the agenda packet as Attachment 5.

The Planning Board stated that they were more comfortable with the small multi-family approach. They viewed this as better maintaining the town's desired vision for development. The Planning Board also expressed an interest in capping the overall number of large multi-family developments that can be approved townwide.

### **Board of Commissioners Consideration**

The Board of Commissioners held a public hearing on the proposed ordinances (the drafts from the Working Group and the Planning Board) on September 4, 2024. The presentation from this meeting is included as Attachment 3. In light of significant public comment on the ordinance, the Board voted to delay consideration of the ordinance until its October meeting. The Board requested that a public workshop be held at 9 am on September 18<sup>th</sup> in the Board of Commissioners meeting room to receive feedback on the multi-family ordinance. The Board provided suggested changes to the ordinance for future consideration. These include:

- Allowing both apartment and townhouse style units in the large and small categories.
- Including a limit of 25 bedrooms per acre for all projects.
- Including a cap of no more than 3 project approvals in the large category.
- Parking would be required at 2 spaces per unit plus 1 space for every 4 units.

These changes have been incorporated into a revised ordinance which is included as Attachment 4. We welcome public feedback on the multi-family ordinance at the September 18<sup>th</sup> workshop. It is anticipated that the Board will consider the ordinance at its October 2<sup>nd</sup>, 2024 regular meeting.