



AGENDA

TOWN OF NAGS HEAD PLANNING BOARD
NAGS HEAD MUNICIPAL COMPLEX – BOARD ROOM

TUESDAY, SEPTEMBER 16, 2025; 9:00 AM

REGULAR SESSION

A. CALL TO ORDER

B. APPROVAL OF AGENDA

C. PUBLIC COMMENT/AUDIENCE RESPONSE

D. APPROVAL OF MINUTES

1. August 19th, 2025

E. ACTION ITEMS

1. Consideration of proposed text amendments to the Unified Development Ordinance as it relates to proposed updates to the Town's Crowd Gathering Permit process.

F. REPORT ON BOARD OF COMMISSIONERS ACTIONS

1. Report on Board of Commissioners Actions - September 3rd, 2025

G. TOWN UPDATES - AS REQUESTED

H. DISCUSSION ITEMS

1. Continued review of the Commercial Outdoor Recreation Overlay District, including an update from the Outer Banks Visitors Bureau on the Soundside Event Site Boardwalk and discussion with property owners on ways to strengthen and enhance this district.
2. Discussion of multi-family dwelling development as an accessory to commercial development.
3. Planning & Development Directors Report, September 3rd, 2025.

I. PLANNING BOARD MEMBERS' AGENDA

J. PLANNING BOARD CHAIRMAN'S AGENDA

K. ADJOURNMENT

**Town of Nags Head
Planning Board
August 19, 2025**

The Planning Board of the Town of Nags Head met on Tuesday, August 19th, 2025, in the Board Room at the Nags Head Municipal Complex.

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

Members Present

Megan Vaughan, David Elder, Molly Harrison, David Thompson, Basil Belsches, Brad Carey

Members Absent

Meade Gwinn

Others Present

Kelly Wyatt, Joe Costello, Lily Nieberding, Attorney Lauren Arizaga-Womble

Approval of Agenda

Chair Vaughan asked that the agenda be amended to include Planning Board Training provided by Attorney Womble. David Elder moved to approve the agenda as amended, David Thompson seconded, and the motion passed by unanimous vote.

Public Comment/Audience Response

None

Approval of Minutes

Chair Vaughan asked for a motion to approve the minutes of the July 15th, 2025, meeting. David Elder moved to approve the minutes as presented; Molly Harrison seconded, and the motion passed unanimously.

Planning Board Training provided by Attorney Lauren Arizaga-Womble

Town Attorney Lauren Womble gave a presentation on board operations and ethical considerations. She provided an overview of the Planning Board's duties and responsibilities as established in North Carolina General Statute 160D-301 and Town Code section 2.4.4. She explained that the Planning Board serves in an advisory capacity to the Board of Commissioners, reviewing development matters and making recommendations.

Attorney Womble covered the board's role in reviewing and maintaining the comprehensive plan, making recommendations on policies and ordinances, facilitating community involvement, and reviewing zoning amendments and map amendments. She emphasized the importance of the comprehensive land use plan as a guiding document for development decisions.

Attorney Womble discussed various aspects of the board's responsibilities, including:

- The process for text and map amendments
- The board's 30-day timeframe to provide recommendations on text amendments
- The board's role in reviewing special use permits, major site plans, and other development applications
- The quasi-judicial nature of special use permits and the board's ability to suggest reasonable conditions
- Conflicts of interest and how to handle them
- Public records requirements and email communication guidelines

Chair Vaughan asked about guidelines for board members when approached by citizens about matters coming before the board. Attorney Womble explained that while Planning Board members can speak with applicants or citizens, they should ensure the entire board has access to the same information and encourage citizens to attend meetings to share information with all members.

Ms. Harrison asked about limitations on board member gatherings outside of meetings, and Attorney Womble clarified that a quorum (four or more members) should not gather to discuss town business outside of a properly noticed meeting.

Mr. Elder inquired about situations where conflicts of interest are discovered after decisions are made, and Attorney Womble explained the appeal process and statute of limitations for challenging decisions.

Action Items

Consideration of text amendments to the Unified Development Ordinance to comply with Session Law 2023-137, which requires local governments to reduce the minimum width of a standard parking space from 10 feet to 9 feet, length remaining at 20 feet.

Planning Director Kelly Wyatt explained that as a result of House Bill 600, enacted as Session Law 2023-137, the North Carolina General Statutes now require local governments to reduce the maximum width of a standard parking space to no greater than 9 feet, unless the space is designated for handicap, parallel, or diagonal parking. To maintain consistency with state law, the Town must amend the Unified Development Ordinance (UDO) to reflect this requirement.

Ms. Wyatt noted that historically, the Town's parking space standard has been 10 feet wide by 20 feet long. This larger dimension has served the town well given our status as a beach town, with a high volume of visitors arriving in larger vehicles such as SUVs and trucks, often carrying vacation equipment including luggage, bicycles, coolers, kayaks, surfboards, and watercraft. The additional width has also accommodated the realities of high-turnover parking areas, where visitors are frequently loading and unloading gear, cargo boxes, roof racks, equipment, event groceries. The Town's previous 10-foot standard was an intentional planning choice, reflecting local conditions, visitor expectations, and the trend toward wider vehicles, particularly those with towing mirrors, roof-mounted cargo, etc.

Ms. Wyatt explained that the amendment would affect Tables 10-1 and 10-8 of the UDO, which relate to residential and commercial parking standards respectively.

Mr. Elder asked whether the legislation addressed access aisles and whether the town could request access aisles near doors or service windows to accommodate larger vehicles. Ms. Wyatt explained that the legislation was specific to standard parking widths and did not contemplate or revise any standards related to ADA Accessibility requirements, as well as angled and parallel parking. She noted that any exception would require special legislation, which she did not envision the town pursuing at this time.

Mr. Belsches asked if the Staff knew why the state made this change. Ms. Wyatt suggested it might be because in other areas with smaller, compact vehicles, 9-foot or even 8-foot spaces might make sense.

Ms. Harrison asked if businesses would re-stripe their parking lots to gain more parking spaces. Ms. Wyatt responded that existing businesses probably would not, but businesses undertaking additions or remodels might take advantage of the change if they needed additional spaces.

David Thompson moved to recommend approval of the text amendments as presented. David Elder seconded, and the motion passed unanimously.

Report on Board of Commissioners Actions – August 6th, 2025

Ms. Wyatt provided a brief report on the Board of Commissioners' actions from their meeting on August 6th. The text amendment filed by TW Outdoor Outfitters to amend the required space between principal and accessory structures from 20 feet to 10 feet was placed on the consent agenda and will go to public hearing in September; the Board voted to maintain the sand relocation and dune management cost share program funding at \$400,000, which Director Wyatt noted was ideal. She explained that while the town did not use the full amount last year (approximately \$250,000 was used), the program operates on a three-year cycle, and the full amount would likely be needed in the coming years; Deputy Planning Director Joe Costello updated the Board on the Estuarine Shoreline Management Plan.

Town Updates

None

Discussion Items

Continued discussion of Strategic Plan Action Item 2.2 as it relates to the examination of allowable uses within the Commercial Outdoor Recreation Overlay District.

Mr. Costello provided an update on the review of the Commercial Outdoor Recreation Overlay District (CORD). He reminded the board that this strategic plan item addresses the incompatibility between what the UDO recommends for the district and what the comprehensive plan envisions for development in the area.

Mr. Costello recapped that staff had reviewed existing zoning, plans, conditions, land use, and approved site plans, and presented a report to the Planning Board in March with recommendations to better align the UDO with the comprehensive plan. He noted that the multi-use path had been fully built out since the comprehensive plan was developed, and the Sound Side Event Center had received

site plan approval. Costello discussed previous conversations with the board about providing more flexibility in the zoning ordinance to allow for a diversity of uses and more interaction between the commercial area, outdoor recreation uses, and the Sound Side Event Center development.

Mr. Costello explained that he had developed a to-scale 3D model of the area to aid in visualizing future development of a boardwalk and changes to existing structures and land uses within the area as well as an animation that incorporates the discussed elements and recommendations for the area to guide further discussion and to provide a vision of development for the area. He then presented the 3D animation model showing potential development concepts, including a boardwalk connecting various sites, potential building locations, and public art installations which were well received by the Board.

For next steps, Mr. Costello proposed: organizing small group site visits to the Adventure Park to get a bird's-eye view of the area; inviting the Tourism Board to present on the Sound Side Event Center progress and engaging property owners and the public at the September board meeting.

Mr. Thompson suggested rebranding the area from "CORD" to "Sound Side at Nags Head" to generate enthusiasm and excitement. He envisioned marketing opportunities around "sight, sound, strolls, sips, snacks, sunsets" at Sound Side at Nags Head. The board and staff agreed this was a good suggestion.

Mr. Carey asked about funding for the project. Mr. Costello replied that property owner support and access easements would be needed first, followed by exploring funding options such as Tourism Board funding as well as grants such as public access grants.

Chair Vaughan suggested it would be beneficial to have the Tourist Bureau present at the next meeting as their plans for the Sound Side Event Center boardwalk are connected to the concepts being discussed as well as to get an update on where they are on the project.

Mr. Costello confirmed that he would reach out to the Tourism Board as well as business owners and other stakeholders to invite them to the September meeting. Mr. Costello also noted that he would organize site visits for board members in small groups.

Planning & Development Directors Report, August 6th, 2025.

Ms. Wyatt provided updates on several ongoing projects.

1. Septic Health Advisory Committee: The committee met on July 30th and finalized discussions related to the Division of Water Infrastructure no-interest loan program for septic system repairs. The program will provide \$500,000 for property owners with failing septic systems, with a focus on high-risk properties adjacent to water bodies, marshy areas, and with elevations lower than 3 feet. The committee helped establish criteria for pre-qualifying contractors and ensuring compliance with Davis Bacon prevailing wage requirements and the American Iron and Steel Act.
2. Estuarine Shoreline Management Plan: The consultants have completed geotechnical work and modeling. Stakeholder meetings were held on August 7th with property owners adjacent to the focus sites at Villa Dunes Drive, Old Nags Head Woods Road, and Soundside Road. There appears to be support for living shoreline measures at Villa Dunes Drive and Old Nags Head Woods Road, but further discussions are needed for Soundside Road.

3. Dune Management Cost Share Program: The Board of Commissioners approved maintaining funding at \$400,000.
4. Hargrove Street: The town has applied for a grant for improvements and expects to hear back in late September.
5. Dark Skies Bright Stars Initiative: The town has collaborated with NEST to promote "Lights Out for Sea Turtles," creating window clings and green sea turtle stickers for light switches to help visitors identify outdoor lighting controls. Planner Chris Trembly has been engaging local retailers, including our local ACE Hardware, to stock dark sky-friendly fixtures. Mr. Trembly also created an interactive diorama to demonstrate how unshielded lighting diminishes star visibility and washes out surrounding areas, while properly shielded fixtures direct light downward where it's needed, preserving night skies. He debuted the display inside a blackout tent at the Dowdy Park Farmers Market, engaging over 100 visitors with hands-on education about the impacts of lighting on visibility and nature, with overwhelmingly positive feedback.
6. Dowdy Park Events: Due to Hurricane Erin, the Wednesday evening concert was canceled, and the final farmers market was rescheduled from Thursday to Wednesday, August 20th.

Ms. Wyatt also acknowledged the contribution of Emma Ortega, a part-time seasonal employee who had helped make the Dowdy Park events successful before returning to ECU for her senior year.

Planning Board Members' Agenda

None

Planning Board Chairman's Agenda

None

Adjournment

A motion to adjourn was made by David Elder. The time was 10:27 AM.

Respectfully submitted,
Lily Campos Nieberding



AGENDA ITEM SUMMARY

Town of Nags Head Planning Board

REGULAR SESSION: September 16, 2025

AGENDA ITEM E.1.

Consideration of proposed text amendments to the Unified Development Ordinance as it relates to proposed updates to the Town's Crowd Gathering Permit process.

Prepared by

Kelly Wyatt, Planning Director

Reviewed by

Kelly Wyatt

Staff Comments/Recommendation

Staff Recommendation

Staff recommends adoption of the proposed ordinance amendments as presented.

Specific Action Requested

Planning Board Review and Recommendation

Summary

At the August 6, 2025, Board of Commissioners meeting, Town Manager Andy Garman provided an update on staff's interest in revising Chapter 4 of the Town Code related to Crowd Gatherings, Pickets, Parades, Outdoor Amusements, and Demonstrations. The existing code language can be reviewed [HERE](#).

This review stems in part from staff's observations that certain permitted events have generated broader impacts than anticipated. For example, an event permitted for a Saturday may also spawn additional side gatherings throughout the weekend which were not reviewed or approved. In some cases, these activities have created secondary impacts, such as noise, traffic, or trespassing, that violate the Town Code, state law, or affect private property owners. Despite the best efforts of event organizers, they have limited control over individuals or groups attending their events. The Board acknowledged the need to revisit Chapter 4 in response to these experiences and directed staff to evaluate the ordinance more comprehensively.

Town Manager Garman also highlighted the growing demand for use of Dowdy Park and the Soundside Event Site. Dowdy Park is already operating at capacity with Town-sponsored programming, yet more organizations continue to request space for larger events. These events place added strain on the town's resources, including law enforcement and public services. Staff intends to review the ordinance, internal practices, resource needs, and park policies with the goal of completing updates by the end of the year for implementation in 2026. It was the consensus of the Board that revisions be brought forward at the November BOC meeting to ensure adequate notice for potential 2026 event organizers.

Because Chapter 4 is not part of the Unified Development Ordinance (UDO), amendments to this section of the Town Code are not required to go through the public hearing process. Unified Development Ordinance amendments must follow a longer, state-mandated process, including Planning Board review, scheduling and conducting a public hearing, and adoption of a consistency statement. This is because zoning decisions are legislative actions, whereas crowd gathering regulations fall under the Town's general police powers and can be adopted directly by the Board

of Commissioners.

In the past, Planning Board members have raised concerns about certain crowd gathering activities that mirror those of staff. For that reason, we want the Planning Board to remain informed about the broader effort to update Chapter 4, and staff will continue to provide updates as this process moves forward.

Although most of the Chapter 4 updates will proceed directly to the BOC, there are two provisions that do require Planning Board involvement.

The UDO includes a use titled "Designated Public Events Site" with supplemental regulations addressing application requirements and timelines for events. Currently, those timelines are inconsistent with the submittal requirements in Chapter 4 for Crowd Gathering Activities. The proposed amendment clarifies the definition of "Designated Public Events Site," in such a way that it applies only to the Soundside Event Site, as originally intended. The amendment also aligns the submittal deadlines in the UDO with those in Chapter 4. Since large events at the Soundside Event Site often meet the threshold for a Crowd Gathering Permit, aligning the two ordinances will create clarity for organizers, ensure consistent requirements, and improve the Town's ability to manage impacts such as traffic, parking, and noise.

This proposal would amend Section 7.58 of the UDO, Supplemental Standards for Designated Public Events Site, to establish the same application submittal deadlines as Chapter 4. It should be noted that all events at the Soundside Event Site already go through the Crowd Gathering Permit process; this amendment simply ensures consistency between the UDO and Town Code. The proposed text amendment is attached for your review and consideration.

In reviewing Chapter 4 more broadly, staff also noted that Article I, Sections 4-1 through 4-5 are outdated due to subsequent code updates and, in some cases, the language is already duplicated in the UDO. For example, the definitions in Section 4-1 are identical to those in the UDO. The full text of these sections is attached for reference. Staff recommends eliminating these sections since they are either redundant or no longer relevant.

Staff further recommends preserving language from Section 4-2(a), Hours of Operation. While existing businesses already comply, this provision is not currently included in the UDO. To avoid losing this requirement, staff proposes incorporating it by amending the definition of "Outdoor place of amusement and entertainment" in the UDO.

Staff also reviewed the definition of "Place of amusement and entertainment" contained in Chapter 4 and duplicated in Appendix A.4 of the UDO. The current definition includes a lengthy list of specific uses, many of which are outdated or no longer applicable within the Town (e.g., nightclubs, beer halls, cocktail lounges). In practice, the UDO already regulates what uses are permitted through the Table of Uses and Activities. Rather than continue to rely on an outdated list, staff recommends simplifying the definition to focus on the general description of the use and eliminating the enumerated uses. This provides clarity while still allowing staff to determine, through the UDO, whether a proposed activity qualifies as an outdoor amusement or entertainment use. The proposed revised definition is included in the attached ordinance for the Planning Board's consideration.

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.

Attachments

1. Crowd Gathering and Outdoor Amusement Ordinance
2. ARTICLE I, Outdoor Amusements



AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF NAGS HEAD, NORTH CAROLINA AS IT PERTAINS TO THE TOWN'S CROWD GATHERING PERMIT PROCESS.

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, at their August 6, 2025 meeting, the Nags Head Board of Commissioners reached a consensus to move forward with a review of the town's ordinances related to crowd gathering permits;

WHEREAS, the requested amendment is consistent with the 2022 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 A.4 – Definitions,** be amended as follows:

Designated public events site means a use as set forth in Section 6.6, Table of Uses and Activities. This use shall include a parcel or contiguous group of parcels of acreage greater than five ten, owned by the public and designated by the board of commissioners, as part of the special use permit process, for the purpose of creating a variety of opportunities for recreation, leisure, social or cultural experiences and special events in accordance with the regulations of this Code. Public event sites may include temporary and fixed structures, as approved by the building inspector and/or the Fire Marshal or their designee, and can host multiple uses with an events site and management plan and permit approved by the Town Manager or their designee.

Outdoor place of amusement and entertainment means any place of amusement and entertainment which operates out of doors or outside a building or structure which is completely walled on all sides or not having a complete roof. Any shed or building within the terms of this UDO not completely walled in on all sides, and any tent or temporary structure or building, shall be deemed to be an outdoor place of amusement and entertainment. No outdoor place of amusement and entertainment shall be open for business, operate, or be open for customers, clients or members, nor shall any owner, tenant, lessee, manager, or operator thereof, allow such place to be open for business, operate, or be open for customers, clients, or members thereof, between the hours of 12:00 midnight and 7:00 a.m. local time.

Place of amusement and entertainment means any site, location, lot, building or structure of any description whatsoever, whether indoors or outdoors, at which entertainment or amusement is

provided to or for the general public or private membership, whether free or for charge or donation. The term shall include, but not be limited to, the following:

- (1) Pool and billiard halls;
- (2) Dance halls;
- (3) Carnivals;
- (4) Circuses;
- (5) Itinerant shows or exhibitions of any kind;
- (6) Coffee houses;
- (7) Cocktail lounges;
- (8) Nightclubs;
- (9) Beer halls;
- (10) Amusement parks and pavilions;
- (11) Bowling alleys;
- (12) Golf courses, miniature and carpet golf courses;
- (13) Adult entertainment houses and membership clubs.

PART II. That **Section 7.58 Designated Public Events Site**, be amended as follows:

Designated public event sites are permitted in accordance with Section 6.6, Table of Uses and Activities, subject to the following regulations:

7.58.1. A special events crowd gathering permit, as established in Chapter 4 of the Town Code, is required for events held at a designated public events site for events that expect more than 100 total attendees. Applications, ~~including a site and management plan for events~~, must be made to the crowd permit coordinator Town Manager's office in accordance with Chapter 4 of the Town Code, no less than fourteen (14) days prior to the initiation of any event or temporary use to take place on the site in order for the Town to:

7.58.1.1. Evaluate requests for Town assistance and costs to be charged as associated with the event;

7.58.1.2. Determine and schedule what types of site inspections may be needed;

7.58.1.3. Evaluate parking, site access and traffic controls;

7.58.1.4. Evaluate crowd controls and flow, and site requirements for bathroom, water and other facilities that may be required to protect the health and welfare of the participants;

7.58.1.5. Confirm that NC Alcohol Law Enforcement (ALE) and Dare County Health Department requirements have been met;

7.58.1.6. To assign and charge any fees associated with use of Town personnel; and

7.58.1.7. Schedule repeating events.

7.58.2. Events site and management plan shall include:

7.58.2.1. Contact information and cell phone for the person in charge of the event.

7.58.2.2. A brief description of the event with an estimated number of expected participants. Ticketed events should indicate the maximum number of tickets that will be sold.

7.58.2.3. A site plan map showing:

7.58.2.3.1. The location of all temporary structures, including tents, stages, concessions, bathroom facilities, or rides.

7.58.2.3.2. A traffic and parking plan indicating site ingress/egress, traffic flow direction, designated parking areas, and the number of parking spaces. Ticketed events must have one space for every three tickets sold. If off-site parking is anticipated, plan must indicate where off-site parking will be located and document approval from those property owners.

7.58.2.3.3. The amount, type, and location of temporary signage, subject to the provision of Article 10, Part III, Sign Regulations of this UDO, and the following:

7.58.2.3.3.1. Directional signage less than twelve (12) square feet may be located at strategic locations to direct pedestrians and motorists.

7.58.2.3.3.2. Temporary advertisement, sponsorship, or commercial signage shall be directed internally to the event itself and shall not be located adjacent to or addressing adjacent properties, the US 158 right-of-way or the beach or sound.

~~7.58.2.3.3.3. Temporary signs shall be displayed only during the actual time period of the event and shall be promptly removed at the close of such event.~~

~~7.58.2.3.4. Notes or attachments related to any additional documentation pertinent to the planned event, including but not limited to:~~

~~7.58.2.3.4.1. Approvals required from other agencies (ALE, NCDHHS).~~

~~7.58.2.3.4.2. Off-site parking arrangements.~~

~~7.58.2.3.4.3. Proof of insurance related to the event.~~

~~7.58.3. Failure to comply with inspection and code requirements can result in fines and/or suspension of the use of the site in accordance with Section 1.10, Violation of UDO Regulations, of this UDO and other applicable local and state regulations.~~

PART III. 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 5th day of November 2025.

Benjamin Cahoon, Mayor

ATTEST:

Brittany A. Phillips, Town Clerk

APPROVED AS TO FORM:

John Leidy, Town Attorney

Date adopted: _____

Motion to adopt by Commissioner _____

Motion seconded by Commissioner _____

Vote: _____ AYES _____ NAYS

ARTICLE I. IN GENERAL

Sec. 4-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Indoor place of amusement and entertainment means any place of amusement and entertainment which operates indoors within a building which is completely walled on all sides and has a complete roof; except, a tent or temporary structure or building.

Outdoor place of amusement and entertainment means any place of amusement and entertainment which operates out of doors or outside a building or structure which is completely walled on all sides or not having a complete roof. Any shed or building within the terms of this chapter not completely walled in on all sides, and any tent or temporary structure or building, shall be deemed to be an outdoor place of amusement and entertainment.

Place of amusement and entertainment means any site, location, lot, building or structure of any description whatsoever, whether indoors or outdoors, at which entertainment or amusement is provided to or for the general public or private membership, whether free or for charge or donation. The term shall include, but not be limited to, the following:

- (1) Pool and billiard halls;
- (2) Dancehalls;
- (3) Carnivals;
- (4) Circuses;
- (5) Itinerant shows or exhibitions of any kind;
- (6) Coffee houses;
- (7) Cocktail lounges;
- (8) Nightclubs;
- (9) Beer halls;
- (10) Amusement parks and pavilions;
- (11) Bowling alleys;
- (12) Golf courses, miniature and carpet golf courses;
- (13) Adult entertainment houses and membership clubs.

Temporary sign means a banner or other advertising device constructed of cloth, canvas, fabric, or other material, which is displayed for a limited period of time. The following signs shall be prohibited:

- (1) Prohibited signs as outlined in article 10, part III, Sign Regulations, of the Unified Development Ordinance.
- (2) Air or gas inflated signs.

-
- (3) Air-supported signs including, but not limited to, kites and balloons.

Temporary structure or building means any structure or building intended for temporary use, or which is not permanently anchored or attached to a permanent foundation.

(Code 1990, § 3-1; Ord. No. 19-08-009, Pt. VII, 8-7-2019)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 4-2. Prohibited hours of operation.

- (a) *Outdoor facilities generally; extinguishing of lighted business signs.* No outdoor place of amusement and entertainment shall be open for business, operate or be open for customers, clients or members, nor shall any owner, tenant, lessee, manager or operator thereof allow such place to be open for business, operate or be open for customers, clients or members thereof, between the hours of 12:00 midnight and 7:00 a.m., local time; provided, however, that between the hours of 12:00 midnight and 7:00 a.m., local time, all electric business signs and lighted business signs on such outdoor place of amusement and entertainment shall be extinguished, excepting only those lights necessary for caretaker and night watchman purposes; provided, further, that no light shall be left burning which shines directly into or is reflected directly into a residence, but any such light shall be shielded so as not to shine directly or be reflected directly into such residence.
- (b) *Flashing outdoor lights.* No place of amusement and entertainment shall utilize flashing outdoor lights, nor shall the owner, tenant, lessee, manager or operator thereof operate or allow any employee or agent to operate any flashing outdoor lights.
- (c) *Loudspeakers and noisemakers.* No place of amusement or entertainment shall utilize or operate, nor shall the owner, tenant, lessee, manager or operator thereof operate or allow any employee or agent to operate, any outdoor loudspeaker, noisemaker, music box or speaker in violation of article III, chapter 16 of this Code.

(Code 1990, §§ 3-2—3-4)

Sec. 4-3. Restrooms.

No place of amusement and entertainment shall be open for business, operate or be open for customers, clients or members, nor shall the owner, tenant, lessee, manager or operator of such place allow the same to be open for business, operate or be open for customers, clients or members, until such place shall provide and maintain on the site or premises thereof sufficient restroom and sanitary facilities for the use of the customers, clients or members. The minimum facilities required under this section shall be one restroom, containing an operable toilet, wash basin or sink, mirror, towel dispenser, urinal (in the male restroom), trash receptacle and toilet paper dispenser, for each sex and for each 100 customers, clients or members for which amusement or entertainment facilities are provided or for each 2,000 square feet of floor space within a building and each 4,000 square feet of ground area in which outdoor amusement and entertainment facilities are provided; provided, however, that such facilities shall meet the requirements of and be approved by the county department of health.

(Code 1990, § 3-5)

Sec. 4-4. Places having both indoor and outdoor facilities.

Any place of amusement and entertainment which is both outdoor and indoor shall, for those amusement and entertainment functions that are outdoors, be subject to the provisions of this chapter regulating outdoor places of amusement and entertainment, and for those functions that are indoors, be subject to the provisions of

this chapter regulating indoor places of amusement and entertainment; except, that those places of amusement and entertainment falling under this section may maintain parking lot lighting until the closing hour of their indoor places of amusement and entertainment.

(Code 1990, § 3-6)

Sec. 4-5. Violations.

The operation of a place of entertainment and amusement in violation of the terms of this chapter is additionally deemed to be a nuisance.

(Code 1990, § 3-8)

Secs. 4-6—4-40. Reserved.



BOC ACTIONS
WEDNESDAY, SEPTEMBER 3, 2025

1. Call to order - Mayor Cahoon called the meeting to order at 9:01 a.m. A moment of silence was followed by the Pledge of Allegiance.
2. Agenda – The Board approved the September 3rd agenda as presented.
3. Recognition – TEN YEARS – Police Chief Perry Hale introduced Master Police Officer (CID) Michael Alvarez who was recognized for ten years of service.
4. Proclamation – Planning Director Kelly Wyatt introduced this proclamation highlighting the Todd D. Krafft Septic Health Initiative. The Board approved the proclamation proclaiming Sep 15-19, 2025 as Septic Smart Week.
5. Proclamation – Mayor Cahoon presented the proposed Children & Youth Partnership proclamation emphasizing the importance of providing diapers to those in need. The Board approved the proclamation proclaiming Diaper Need Awareness Week as Sep 15–21, 2025 as presented.
6. Proclamation – Police Chief Perry Hale summarized upcoming National Night Out activities scheduled for Oct 7th at Dowdy Park. He is looking forward to this year's event and appreciates the Board's support and participation. The Board approved the proclamation in support of Oct 7th as National Night Out as presented.
7. Public Comment –
Mary Kelley – Nags Head Resident – commended Town employee Paige Griffin for her work at Dowdy Park. She praised Paige's organizational skills, communication skills, professionalism, and thoroughness. She noted the Dowdy Park Farmer's Market vendors' respect for Paige.

Hilary McCubbins – Nags Head Resident – spoke about the potential benefits of concrete medians on the bypass, HWY 158. She referenced the town survey from about two years ago and suggested implementing medians from 8th Street light to the Villa Dunes neighborhood, and from the hospital light south past the fire department. Mrs. McCubbins noted that concrete medians could decrease driving down the center lane, prevent people from sitting in the center lane waiting to turn, and improve pedestrian safety by providing a safe place to pause when crossing. She acknowledged that while the medians might be annoying in the off-season, residents would get used to them, and they could address public safety concerns during the busy summer months.
8. Consent Agenda – The Consent Agenda was approved as presented and consisted of the following:
 - Consideration of Budget Amendment #2 to FY 25/26 Budget
 - Consideration of Tax Documents
 - FY 25/26 Tax Adjustment Reports (New Year and Year to Date)
 - Approval of Minutes
 - Consideration of Personnel Policy Update
 - Consideration of Resolution Authorizing the Town Manager to Enter into a Contract with the North Carolina Department of Environmental Quality (NC DEQ) for the North Carolina Resilient

Coastal Communities Program (RCCP) Phase 4 Funding

- Consideration of Resolution Authorizing Execution of a North Carolina Department of Environmental Quality Grant Contract for Replacement of the Hargrove Street Beach Access
- Request for Public Hearing for a Text Amendment to the Unified Development Ordinance, Mandated by Changes to State Law, Requiring Local Governments to Reduce the Minimum Width of a Parking Space

9. Public Hearing – to consider a text amendment request submitted by TW’s Outdoor Outfitters, LLC to amend Section 10.86.2.4.2 of the Unified Development Ordinance to reduce the required building separation from 20 feet to 10 feet for buildings serving as accessory to the principal commercial use on the site. The Board unanimously denied the ordinance as presented.
10. Planning Director – Planning Director Kelly Wyatt summarized her monthly report. Mayor Cahoon reiterated the appreciation of Paige Griffin’s work at Dowdy Park.
11. Planning Director – Deputy Planning Director Joe Costello updated the Board on the Estuarine Shoreline Management Plan which including the areas of Villa Dunes Dr, Nags Head Woods Preserve, W Soundside Rd, and the Harvey site which includes the Soundside Event Site.
12. Deputy Planning Director – The Board unanimously approved the designation of Town Manager Garman as the primary agent and Deputy Planning Director Costello as the secondary agent for the upcoming Hazard Mitigation Grant Program Applications for Acquisition/Elevation of Threatened Oceanfront Structures
13. Committee Reports
 - Comr. Lambert – reported on the Government Education Access Channel meeting. The committee approved two LPDI grants and met Brenda, who would be starting in a new part-time position.
 - Mayor Pro Tem Siers – noted that they had discussed the Tourism Board updates earlier in the meeting, and that Manager Garman would cover the Housing Task Force in his update.
 - Comr. Sanders – Acknowledged the ESMP report given by Deputy Planning Director Costello.
 - Mayor Cahoon – Reported he had been involved with legislative activity and correspondence but deferred his report to Manager Garman who is giving a legislative update to the Board.
14. Town Manager – Manager Garman reported ongoing advocacy efforts with state legislators despite an unproductive legislative year marked by tax policy disagreements and delayed sessions, with the next legislative meeting scheduled for September 22nd. He emphasized the need for continued vigilance on unresolved down-zoning legislation, while Mayor Cahoon highlighted the potential for a coordinated statewide response and the value of the town’s lobbyists.
15. Town Manager – Manager Garman reviewed the upcoming Beach Nourishment Planning/Schedule with the Board noting the differences between a timeline for either a 2026 or 2027 project.
16. Wellness Center/Employee Housing – The Board recessed to the groundbreaking for the Wellness

Center/Employee Housing at 10:26 a.m. and reconvened at 10:42 a.m. Mayor Cahoon delivered remarks about the new Wellness Center/Employee Housing building, which represents Phase 1 of the Town Hall campus master plan. Manager Garman thanked staff members who contributed to the design. Engineer Ryan recognized the design team and contractors.

- 17.** Town Manager – Manager Garman reported that Nags Head is actively participating in the Dare Community Housing Task Force and UNC Chapel Hill's *Our State, Our Homes* program both of which support the creation of a non-profit and a community land trust to develop affordable housing. The initiative aims to provide sustainable workforce housing through homeownership, using ground leases and deed restrictions to keep costs down and promote long-term community investment.
- 18.** Adjournment - The Board passed a motion to adjourn at 10:55 a.m.



AGENDA ITEM SUMMARY

Town of Nags Head Planning Board
REGULAR SESSION: September 16, 2025

AGENDA ITEM H.1.

Continued review of the Commercial Outdoor Recreation Overlay District, including an update from the Outer Banks Visitors Bureau on the Soundside Event Site Boardwalk and discussion with property owners on ways to strengthen and enhance this district.

Prepared by

Joseph Costello, Deputy Planning Director

Reviewed by

Joseph Costello
Lily Nieberding
Kelly Wyatt

Staff Comments/Recommendation

This item is provided for Board information and update.

Specific Action Requested

Planning Board Discussion and Stakeholder Discussion

Summary

September 16th Planning Board Update:

In follow up to the proposed next steps identified at the August Planning Board meeting:

- Staff presented at the September 3rd Board of Commissioners meeting. Staff provided an overview presentation to the Board of Commissioners on the CORD existing conditions report and the ongoing planning work taking place at the Planning Board.
- Planning Board members participated in a site visit to the Adventure Park on September 12th.
- Staff invited Tourism Board staff to present the Soundside Event Site's planned improvements, which include construction of a boardwalk, walkways, gazebos and pickleball courts. Tourism Board staff will be presenting at the September Planning Board meeting.
- Staff sent a summary of the CORD report and an invitation to property owners within the CORD to join the September Planning Board meeting for a more open discussion on the future of the area. The invitation is included as an attachment to this staff report.

Stakeholder Engagement Overview

Staff will provide an overview presentation of the planning initiative to date, including the development and recommendations included in the CORD Report, the fine-tuning and prioritization of items that have occurred at the Planning Board. Tourism Board staff will provide a presentation on the most recent development plans and anticipated timeline of construction. Property owners and other stakeholders will then have the opportunity to participate in a conversation with the Planning Board and staff about the area and their property.

A few questions to guide conversation will be included on screen:

1. What do you value about the CORD area?

2. What would you like to see improved?
3. Is there anything you have wanted to do with your property that you are unable to due to zoning restrictions?
4. The CORD report outlines supporting more flexibility in uses and group developments, improved pedestrian access and improved placemaking in the area. Do you have any comments or ideas on what could be done to enhance the corridor?
5. The Town is considering an extension of the boardwalk being constructed at the Soundside Event Center, south to the Outlets Nags Head. Would you be supportive of a boardwalk being incorporated into your property?

Next steps include:

- Review and consider stakeholder feedback
- Potentially initiate zoning text amendments to better align allowable uses within the UDO with respect to the comprehensive plan's vision for the area.
- Consider further planning of a boardwalk extension from the Soundside Event Site to the Outlets Nags Head.
- Further develop and work towards implementing placemaking opportunities.

During the **August 19th** Planning Board meeting, staff developed an animation which was shown. The animation illustrates key aspects of what our Commercial Outdoor Recreation District Report highlights as opportunities to improve, including:

- A boardwalk that extends from the Soundside Event Site to the Outlets.
- Public art
- A focus on access and connection to the sound
- Shade trees to provide shade relief along the multi-use path corridor
- A blend of outdoor recreation, retail and other commercial and mixed uses

Zoning and architectural guidelines were not being considered in the preliminary vision concept.

The animation is based on approved site plans and available GIS layers and the sites are built to scale. The Soundside Event Site has received site plan approval for the boardwalk depicted. The Tourism Board is going through the bid approval process for boardwalk construction. The animation illustrates an ideal scenario and was designed to show the boardwalk connections, and interconnectivity of the sound side parcels.

Next steps include:

- Having a field trip to the CORD and viewing the area from the First Flight Adventure Park before the September Planning Board meeting.
- Inviting the Tourism Board to present and update the Planning Board and CORD property owners on the progress of the boardwalk development at the Soundside Event Site.
- Sending a summary of the CORD report and an invitation to property owners within the CORD to join the September Planning Board meeting for a more open discussion.

- Staff expects to present the concept animation to the Board of Commissioners at a future meeting to receive further direction on key aspects of the CORD report and recommendations.
- Initiate zoning text amendments to better align allowable uses within the UDO with respect to the comprehensive plan's vision for the area.

During the July Meeting, staff presented the below updated priority list for planning board review:

Updated CORD Priority List

1. Support the extension of the boardwalk to connect to the outlets.
2. Change zoning to increase the flexibility of uses within the CORD but don't remove any incompatible uses given our inability to do so.
3. Work with the property owners to include a greater mix of uses and increased connections with the sound.

The Planning Board agreed with the updated priority list. The Planning Board also reviewed the proposed text amendments and agreed each proposed change were compatible with what was envisioned for the area as detailed in the comprehensive plan.

A. Appropriate Land Uses

Appropriate land uses in each area are outlined in the following table. This is only a general listing that should be further articulated through subsequent review of zoning standards for each area.

Table 2.6.2.A: Appropriate Land Uses in the Whalebone Junction Character Area	
Whalebone Core [1]	Soundside [1]
- Single-Family Residential (5,000 sq. ft. or less) - Hotel/Boutique Hotel - Mixed Use - Accessory residential to residential - Commercial (10,000 sq. ft. or less) - Accessory residential to commercial - Office as an accessory use - Retail - Equipment rentals - Restaurant (Walk-up, sit down, no drive-thrus) - Gallery/Museum - Institutional (Parks, School, Non-Profit) - Personal Service Establishment - Cottage Court	- Multi-Family - Hotel/Boutique Hotel - Accessory residential to commercial - Mixed Use - Commercial - Office as an accessory use - Retail - Restaurant (Walk-up, sit down, no drive-thrus) - Personal Service Establishment - Indoor entertainment - Indoor/Outdoor Recreation - Water Dependent Uses (i.e. pier/boardwalk) - Accessory water dependent use to commercial use, mixed use, or hotel (i.e. pier/boardwalk) - Outdoor Events, Festivals, and Amusements

Table 2.6.2.A: Appropriate Land Uses in the Whalebone Junction Character Area	
Whalebone Core [1]	Soundside [1]
	- Gallery/Museum - Institutional (Parks, School, Non-Profit) - Gymnasium/Fitness Studio

NOTES:

[1] Uses are listed in no particular order and do not reflect a priority or any other ranking.

Yellow highlighted uses below have a recommended change to be permitted as accessory to an outdoor recreation use.

Green highlighted uses below have a recommended change to be permitted allow with an outdoor recreation use.

Use Category	Use Type	Use	Supplemental Regulations	Notes
Residential	Cottage Court	SR	Section 7.2	Multi-Family is listed as appropriate use per Comp Plan
Residential	Dwelling, Multi-Family (Small)	PR		Multi-Family is listed as appropriate use per Comp Plan
Residential	Dwelling, Two-Family	SR	Section 7.60	Accessory residential to commercial is appropriate use per Comp Plan
Residential-Group	Bed and Breakfast	S		Boutique Hotel uses are strongly supported per Comp Plan
Retail	Beach Recreation			Appropriate Use in Character

Service	Equipment Rental/Sales	P			Area
Food Service	Group Fitness- Aerobics/Dance/Karate/Yoga Coffee Shop/Juice Bar	PR	Section 7.25		Appropriate Use in Character Area Mixed Uses and restaurants are appropriate uses per Comp Plan
Food Service	Ice Cream Shop	P			Mixed Use and restaurants are appropriate per Comp Plan
Commercial Mixed Uses	Group Development	S	Section 7.32		Mixed Uses are appropriate use in area
Commercial Mixed Uses	Multiple Principal Uses	SR	Section 7.32, 7.36		Comp Plan supports use in are
Accessory Uses	Outdoor Stands, Accessory to Shopping Centers and Group Developments	PR	Section 7.76		Could make allowable accessory use to Outdoor Rec. uses to make support Comp Plan goals of walkable activity center

Definitions for reference:

Group Development- Means a group of buildings on a single site which are occupied and used for professional offices, retail, personal services, indoor recreation facilities, and or restaurant uses.

Multiple Principal Uses- means multiple, unrelated, primary or predominate uses located within one building.

During the May meeting, staff synthesized Planning Board discussion into action items. The Planning Board advised that items need to be prioritized at the following meeting and that the focus should be on items that can be accomplished. The Planning Board also asked for public input and believed that we should look to get the public involved and get some feedback.

Key Points from April Discussion of CORD Report

1. Support existing businesses by allowing flexibility and expansion of uses.
2. Support current mix of uses by removing some C2 uses from the CORD.
3. Manage heights and development to keep the Sound visible and accessible.
4. The area has potential to be the second major activity area/counterweight for seasonal tourists besides going to the beach.

a. Improve Wayfinding

1. Kiosks
2. Pavement signage
3. Maps
4. Signage for motorists
5. Hiking, biking, trail information, distance posting

6. Website

b. Improve sense of place. It Should Feel Like a Place.

1. Install public art
2. Improve the areas branding "not CORD" ... "park once play all day"
3. Increase vegetation/shrubbery
4. Reduce Vehicle speeds-
 1. advocate for 45mph zone
 2. consider traffic light ahead warning signs additions

c. Improve infrastructure

1. Improve pedestrian and bicycle connections between disconnected destinations.
2. Improve connection between Soundside and Whalebone Activity Nodes
3. Make the area safer for bikes including places to park and safe areas to ride.
4. Consider the reality of golf carts and ebikes increased usage and develop policies/supportive infrastructure for them.
5. Charging stations

Action Items:

1. Consider amending the CORD to add new accessory uses to existing CORD overlay and mixed-use options (yellow and green highlights in the table of the CORD Report starting on page 18).
2. Maintain existing 35-foot height limitation and pursue the removal of the Hotel Overlay, dependent on state general assembly repeal of S.B 382. This would result in no longer allowing increased heights of 60 feet for hotel development in this area.
3.
 - a. Develop a wayfinding action plan for the area and implement.
 - b.
1. Work with the Arts and Culture Committee to consider art installations, murals etc.
2. Consider new brand development- work with businesses to create a theme, slogan, logo, website, social media presence and marketing strategy. Must also find funding source and administrative support to implement.
3. Work with NCDOT and the Tourism Board and business owners to develop landscaping that is cohesive, low maintenance, doesn't block views of the Sound but also helps improve the bare highway commercial aesthetic.
4. Work with NCDOT to consider viable changes to improve pedestrian safety and perception of safety. Reduce accidents in the corridor and severity of accidents.

c.

1. Implement Pedestrian Plan. Update the future plan with the CORD connectivity in mind.
2. Improve connection between Soundside and Whalebone Activity Nodes via crosswalks, US 158 Access Management project implementation, and maybe someday a pedestrian bridge.
3. Add bike parking and bike friendly markings and signage.
4. Provide information on golf carts/low speed vehicles and e-bikes on appropriate speeds and locations for usage

At the **March 18, 2025** meeting, staff provided the Planning Board with a presentation on the Commercial Outdoor Recreation Zoning Overlay District (CORD). The initiation of discussion around the CORD stems from the Town of Nags Head's 2024 Strategic Plan. The strategic plan serves as a guiding framework for the community, directing the prioritization of initiatives, allocation of resources, establishment of goals, and implementation of departmental operations and projects. The plan is organized around four key focus areas: Environment, Development, Economy, and Community Services. Within the Development goal, several objectives and action items are outlined to promote thoughtful and sustainable growth. One such action item, Strategic Plan Action Item 2.2, calls for the identification and resolution of land use incompatibility throughout the town, ensuring alignment between the Comprehensive Plan and the Unified Development Ordinance (UDO). Specifically, Item D under Action Item 2.2 directs the Town to "examine the allowable uses within the Commercial Outdoor Recreation District".

Development



Goal: To achieve responsible, adaptive development that aligns with our community vision.

Objective #1:	Objective #2:	Objective #3:	Objective #4:
Proactively balance appropriate types of land uses	Ensure resilient development and infrastructure	Ensure public spaces are preserved and maintained equitably	Ensure efficient traffic movement and pedestrian safety

Action Items:

#	Action	Related Objective(s)
2.1	Apply for a grant to place conservation easements on Town-owned properties (ensuring equitable access)	#3
2.2	Identify and correct areas of land use incompatibility within the town; correct inconsistencies between the Comprehensive Plan and the Unified Development Ordinance. (i.e. this involves eliminating land uses permitted within a zoning district but may not be compatible with existing development and/or the future development plan as described in the Comprehensive Plan). Items to consider: a. Revisit the appropriateness of the Hotel Overlay District b. Identify areas where the zoning designation and existing development patterns may not be aligned c. Examine Beach Road vs US 158 uses (Corridors Character Area) d. Examine the allowable uses within the Commercial Outdoor Recreation District	#1

Staff prepared an Existing Conditions Report for the Commercial Outdoor Recreation Overlay District (CORD), providing a comprehensive overview of the district's location, background, and purpose. The report highlights relevant guidance from the Comprehensive Land Use Plan, with particular attention to the Whalebone Character Area and the Soundside Activity Node. The report also considers insights from key planning documents, including the Beach Road Plan, 2023 Pedestrian Plan, and US 158 Access Management Plan. Additionally, the report outlines existing regulatory requirements within the Unified Development Ordinance (UDO), along with an analysis and preliminary staff recommendations for potential revisions.

The report was provided to Planning Board members via email on Friday, March 28, 2025, and is included as an attachment to this staff report.

During the April 15, 2025 Planning Board meeting, Staff led a discussion around the following questions. In red are the Planning Board's summarized answers:

Discussion:

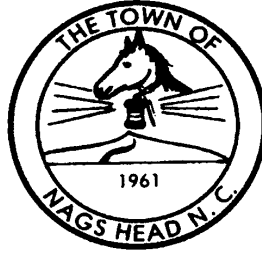
- Do you think the current uses in the CORD reflect the original intent of the district? Should we consider

refining the allowable uses to encourage more of the desired development, less of those uses that deemed undesirable? Yes, the current uses reflect the original intent and yes, we should consider refining the allowable uses to ensure development continues to align with the goals of the Comprehensive Plan.

- In what ways does the current mix of uses contribute to or detract from the character of the Soundside Activity Node and the goals in the Comprehensive Plan? The existing mix of uses contribute to the character of the Soundside Activity Node with a mix of outdoor recreation, retail, public access/soundside event center in the area. Long-term preservation of the uses is important.
- Is the purpose of the overlay district still relevant today, or should it evolve to reflect broader goals? The purpose of the overlay district is relevant, and it should evolve to reflect broader goals.
- Are there any specific uses or development patterns that feel out of place or inconsistent with the vision/intent for this area? General sense that the uses and development patterns are desirable but need to make sure this mix is sustained.
- Would you support allowing more flexibility in development (like multiple principals uses or accessory residential units) to encourage reinvestment while preserving the outdoor recreation character? Yes.
- What walkability improvements (paths, connections, crosswalks, public art) would make this area more attractive or better connected to nearby destinations like Jennette's Pier or Whalebone Junction? Continue to make safe. Consider crosswalks or elevated pedestrian walkway across US 158. Consider better signage for motorists to be aware of pedestrians/traffic lights. Continue to pursue US 158 Redesign in STIP. Continue to pursue funding for the existing pedestrian plan. Consider area for public art.

Attachments

1. Outreach_letter_cord_8-26-26
2. CORD



Town of Nags Head

Planning and Development
Department

Post Office Box 99
Nags Head, North Carolina 27959
nagsheadnc.gov

Telephone 252-441-7016
FAX 252-441-4290

August 29, 2025

Dear Property Owner,

You are being contacted because you own property within the Town's Commercial Outdoor Recreation Overlay District. You are invited to the Town of Nags Head's Commercial Outdoor Recreation Overlay District community discussion which is scheduled for our upcoming Planning Board meeting:

9:00AM, September 16th, 2025 in the Board of Commissioners Room located at 5401 S Croatan Highway, Nags Head NC, 27959.

This meeting will predominately focus on areas of contiguous commercial development, however, residential property owners are welcome to attend.

The Town of Nags Head's 2024 Strategic Plan recommends the identification and resolution of land use incompatibility throughout the town, ensuring alignment between the Comprehensive Plan and the Unified Development Ordinance (UDO). The strategic plan serves as a guiding framework for the community, directing the prioritization of initiatives, allocation of resources, establishment of goals, and implementation of departmental operations and projects. Town staff and the town's Planning Board have been discussing existing conditions within the Commercial Outdoor Recreation Overlay District since March of 2025.

Staff drafted a report that provides a comprehensive overview of district's existing conditions and provided recommendations to better align the Comprehensive Plan and the UDO which includes:

- Allowing increased flexibility and expansion of commercial and mixed uses
- Continue to manage heights and development to keep the sound visible and accessible
- Expand the boardwalk under development at the Soundside Event Site to Outlets Nags Head, located at 7100 S. Croatan Highway
- Improve wayfinding in the area
- Create a sense of place within the district

This meeting is intended to allow property owners to interact with town staff and the planning board and have an open discussion about the future of the area and your



Town of Nags Head

Planning and Development
Department

Post Office Box 99
Nags Head, North Carolina 27959
www.nagsheadnc.com

Telephone 252-441-7016
FAX 252-441-4290

business or residence. We want to hear what you like about the area and to hear what needs further attention.

WE WANT TO HEAR FROM YOU!

Staff will give a brief overview presentation on the effort, followed by a presentation from the Tourism Board regarding the progress and construction timeline for the Soundside Event Site's boardwalk, pickleball courts and other improvements.

If you have any questions or need clarification, please contact:

Deputy Director of Planning Joe Costello: 252-449-4209
Please RSVP at joe.costello@nagsheadnc.gov

Sincerely,

Town of Nags Head Planning Department



COMMERCIAL OUTDOOR RECREATION OVERLAY DISTRICT REPORT

March, 2025

Town of Nags Head Planning & Development Department



Contents

Background	3
Location	3
Purpose	4
Comprehensive Plan	4
Whalebone Character Area	5
Soundside Activity Node Development	7
Essential Policies and Considerations	7
The Beach Road Design Plan	8
2023 Pedestrian Plan	9
US 158 Access Management Plan	10
Key UDO Sections	10
Map of Key Locations within The CORD	11
Northern CORD	12
Central CORD	13
Causeway CORD	14
Map of Vacant Private Property in CORD	15
Structures Square Footage in CORD	15
Soundside Boardwalk Concepts	16
Analysis	17
Recommendations - Zoning	18
Recommendations - Walkability	23
Existing, Planned and Proposed Pedestrian Connections in CORD	25
Public Art Examples	26

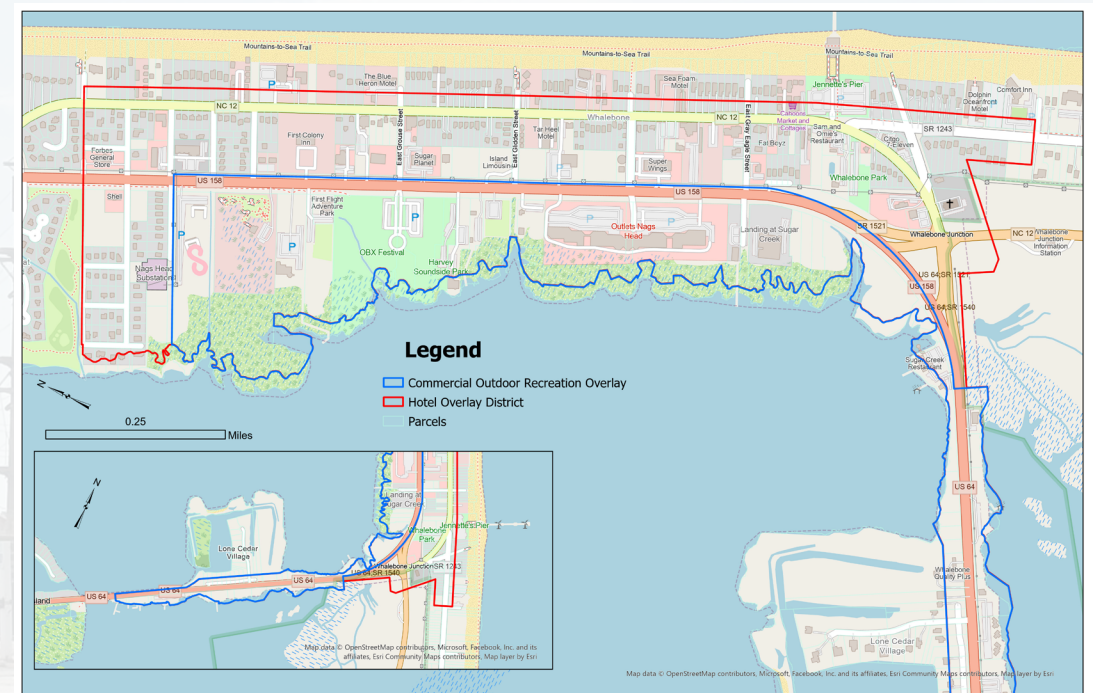
Background

The Commercial Outdoor Recreation District (CORD) was established in 1995. The district was created to address recreational uses located throughout the C2, General Commercial District as they were creating land use incompatibility issues. As an example, a go-cart track next to residential development was considered problematic due to noise. In reviewing minutes from the March 1, 1995 Board of Commissioners Meeting, Planner Bruce Bortz pointed out regulations regarding noise, hours of operation etc. were moved to Chapter 3 Amusements, Entertainment and Crowd Gathering in the Town Code.

The 2000 and 2010 Land Use Plan both state that The Commercial Outdoor Recreational Use Overlay Zoning District was established to accommodate the ever-growing commercial recreational development requests made to the Town. It shall be a policy of the Town to periodically review the adequacy of these regulations and make the necessary modifications when public health, safety and welfare issues arise. The Town shall not enlarge the overlay district and shall consider reducing the district in size or amending the uses when conflicts develop

Location

The Commercial Outdoor Recreation District (in blue) runs from Forbes St (N) to the south side of Whalebone Junction. The Hotel District (in red) runs from Forrest St (N) to Governor St. (S) The Outdoor Recreation District overlaps and is within Hotel District. Both extend down the Causeway. The underlying zoning for the Commercial Outdoor Recreation Overlay District is C2, General Commercial for all properties.



Purpose

The Town is examining the regulations of the CORD and the underlying C-2 District to ensure they align with Soundside Character Area goals in the Comprehensive Land Use Plan.

The Town's strategic plan stipulates goals, objectives and action items to be carried out over the year. Action items must be accomplished to achieve stated objectives and goals. The development goal within the strategic plan states: To achieve responsible, adaptive development that aligns with our community vision. Action 2.2 states: Identify and correct areas of land use incompatibility within the town; correct inconsistencies between the Comprehensive Plan and the UDO. Item D. mentions specifically examining allowable uses within the Commercial Outdoor Recreation Overlay District (CORD).

This report consolidates key planning documents related to planning and development of the CORD zoning overlay district. The zoning district largely overlaps with the Soundside Activity Node in the Whalebone character area as described in the Town's Comprehensive Plan. Documents reviewed include the comprehensive plan, the Beach Road Plan and the 2023 Pedestrian Plan, past staff reports, presentations and text amendments related to the area. This report documents existing conditions and provides analysis and recommendations to support the implementation of the Soundside Activity Node's development goals. Recommendations include revising allowable uses in the CORD and enhancing pedestrian safety to create a cohesive and accessible environment.

Comprehensive Plan

The Town of Nags Head is comprised of several distinct areas and each have their own unique characteristics. The Comprehensive Plan recognizes these areas as Character Areas. Character Areas denote specific geographic areas of the town that:

- Have unique or special characteristics to be preserved or enhanced;
- Have the potential to evolve into unique areas with more intentional guidance of future development through planning and implementation; or
- Require special attention due to unique development issues.

These Character Areas represent areas where more detailed, planning and implementation of certain policies, investment, incentives, or regulations may be applied in order to preserve, improve, or influence their future development patterns that are consistent with the town's vision.

Character areas provide both the vision and policy direction for the desired use, design, infrastructure, and other elements that new development must consider. Character area planning provides the policy direction that regulations must work to achieve. This means that the town's ordinances, development standards, design standards, and other programs should work together to allow achievement of character area goals.

Comprehensive Plan

Each Character Area in the Comprehensive Plan outlines key elements that define the areas identity and future development:

Area Description: Highlights significant features, attributes, infrastructure, land uses, and overall sense of place.

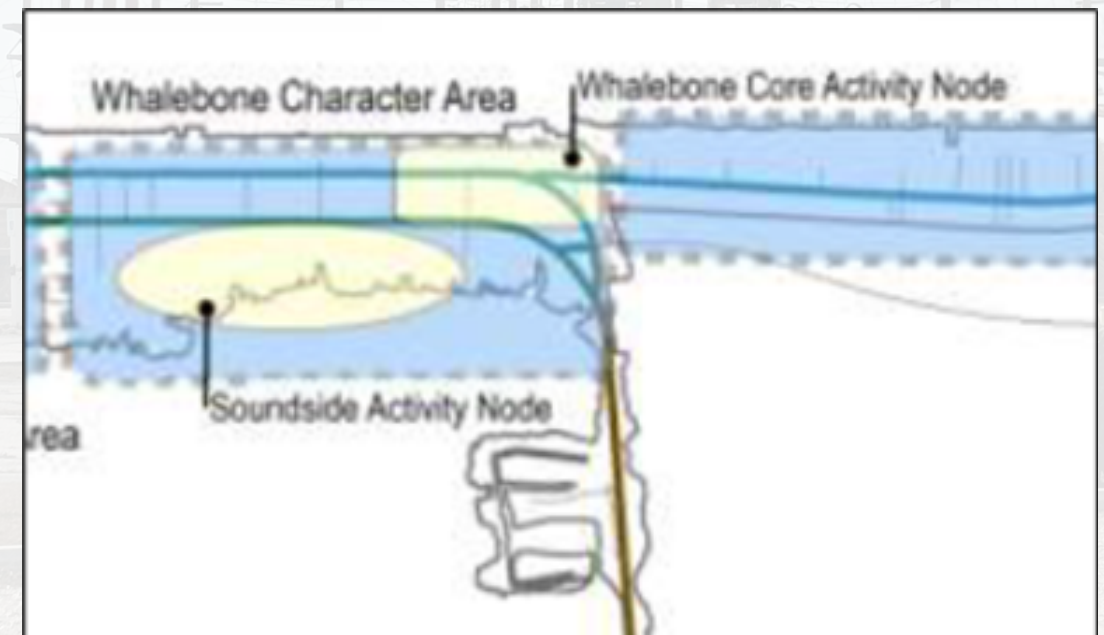
Development Plan: describes the hopes and concerns for each character area and further outlines the future desires for land use types, form, height, density, architectural characteristics, important infrastructure and desired bicycle and pedestrian connections. It also considers regulatory constraints and land use compatibility.

Activity Nodes: are areas that are anticipated for future concentration of uses that serve as destinations or hubs of activity for the surrounding area. These are characterized by higher intensity uses, compact development patterns, walkability, and a higher standard of architectural and site design. Activity centers include a mix of residential and commercial uses including retail, dining, and office. Areas designated as activity centers should be planned in a way to encourage pedestrian activity.

Legacy Establishments, Structures, or Locations contribute to the overall sense of place or tell the story of Nags Head's past. These establishments, structures, or locations often remind you of the past and are nostalgic

Whalebone Character Area

Whalebone Junction is the southern gateway to the Town and Cape Hatteras National Seashore. All traffic coming to the Outer Banks via Hwy 64, regardless of the destination, must pass through this juncture to travel north or south to other Outer Banks destinations. This area encompasses the area between Whalebone Junction and Forrest Street and contains many institutional, cultural, and recreational attractions including Jennette's Pier, the Soundside Event Site, Whalebone Park, and the Harvey Soundside Park. The Whalebone Junction Character Area represents the southernmost node of commercial activity in the town and contains many examples of legacy type establishments that embody the heritage of the town. This area is also known for its expansive, scenic views of the Roanoke Sound and marshes that are often visible from US 158 Corridor and at Whalebone Junction.



Whalebone Character Area

The Whalebone Junction Character Area accommodates uses such as restaurants, convenience/grocery stores, outdoor recreational opportunities, small scale shopping, and the only retail outlet center in the Outer Banks and northeastern North Carolina. These commercial uses are located within walking distance of surrounding residential accommodations.

The Whalebone core is outside of the CORD and will not be included in this report.

The Soundside Activity Node is described as follows in the Comprehensive Plan:

The Soundside Activity Node is located on the west side of US 158 between West Forbes and West Grey Eagle in the general vicinity of the new Soundside Event Site and the Town's Harvey Soundside Park. The core of the Soundside Character Area is the Soundside Event Site, previously the location of Windmill Point Restaurant. The Soundside Event Site was purchased in 2008 and is a 10 acre area adjacent to the Roanoke Sound. The property is owned by the town and Dare County Tourism Board.

The Soundside Activity Node is known for its scenic viewsheds of the Roanoke Sound and marshes that are visible from the US 158 corridor. This area is an asset to the town because of the large expanses of marshes and the presence of estuarine shoreline. The estuarine shoreline not only adds to the sense of place and quality of life but provides important nursery habitat for seafood and birds. This area is relatively low density and comprised of outdoor entertainment, water-based recreation, and commercial uses such as dining and shopping. This area is viewed as a community gathering location due the many programmed events and festivals held at the Soundside Event Site.

Whalebone Character Area Development Plan

A. Appropriate Land Uses

Appropriate land uses in each area are outlined in the following table. This is only a general listing that should be further articulated through subsequent review of zoning standards for each area.

Table 2.6.2.A: Appropriate Land Uses in the Whalebone Junction Character Area

Whalebone Core [1]	Soundside [1]
- Single-Family Residential (5,000 sq. ft. or less) - Hotel/Boutique Hotel - Mixed Use - Accessory residential to residential - Commercial (10,000 sq. ft. or less) - Accessory residential to commercial - Office as an accessory use - Retail - Equipment rentals - Restaurant (Walk-up, sit down, no drive-thrus) - Gallery/Museum - Institutional (Parks, School, Non-Profit) - Personal Service Establishment - Cottage Court	- Multi-Family - Hotel/Boutique Hotel - Accessory residential to commercial - Mixed Use - Commercial - Office as an accessory use - Retail - Restaurant (Walk-up, sit down, no drive-thrus) - Personal Service Establishment - Indoor entertainment - Indoor/Outdoor Recreation - Water Dependent Uses (i.e. pier/boardwalk) - Accessory water dependent use to commercial use, mixed use, or hotel (i.e. pier/boardwalk) - Outdoor Events, Festivals, and Amusements

Table 2.6.2.A: Appropriate Land Uses in the Whalebone Junction Character Area

Whalebone Core [1]	Soundside [1]
	- Gallery/Museum - Institutional (Parks, School, Non-Profit) - Gymnasium/Fitness Studio

NOTES:

[1] Uses are listed in no particular order and do not reflect a priority or any other ranking.

This area is envisioned to be a destination where people can park their car and enjoy exploring the surrounding area by foot or bike. This area is imagined as primarily commercial with a mix of retail and restaurant and a high degree of walkability. The Advisory Committee identified this character area as the model of future beach road development.

Soundside Activity Node Development

In both the Whalebone Core Activity Node and the Soundside Activity Node, the town may consider unique zoning techniques at the center of these activity nodes to facilitate the desired arrangement of land uses and encourage neighborhood commercial development.

The Soundside Activity Node is envisioned to develop as a high quality, mixed use area and prime location for recreational uses and hotel development. Further, the area is highly desirable for additional dining opportunities and local, boutique style shopping that is designed as a planned, highly walkable, destination type development. Mixed use development should utilize vertical and horizontal development with groupings of commercial, dining, office, and accommodations. This area was identified as appropriate for hotel development with a desire for a more specialty, boutique type hotel. Additionally, there is a preference for groupings of smaller scale buildings over a single, massive structure.

Pedestrian connections between uses are strongly encouraged. In addition, all future development should work to protect the viewsheds of the sound from the US 158 corridor and avoid "walling off" the sound. Building sizes in this area should be evaluated and additional study conducted to determine appropriate building sizing for the character area.

Future development should work to increase bike and pedestrian connections from the Soundside to the Whalebone Junction Core and other residential areas to the north and south. Traffic calming and pedestrian safety measures, such as improved cross walks, should be implemented in order to safely move pedestrians and cyclists across US 158.

Essential Policies and Considerations

- Develop standards through future ordinance revisions to implement the development plan as described herein. (LU-1, LU-4, LU-11, LU-14, LU-15, LU-16, LU-24, LU-25)
- Develop pedestrian infrastructure for this character area as described in this section and as listed in the Transportation Element in Chapter 3. This includes but is not limited to a multi-use path on US 158 between Gull Street and the Event Site and between Jennette's Pier and Gull Street on NC 12. (TP-1, TP-3, PR-4, PR-8)
- Recognize legacy businesses and encourage their preservation. (EC-6, EC-7)
- Promote and expand a diverse range of housing accommodations through incentives and removal of regulatory barriers. (LU-27)
- Protect viewsheds from US 158 of the Roanoke Sound and marshes. (NR-1, NR-4)

Corridors Character Area

US 158

- More walkable and safe
- Lower speed limit

The Beach Road Design Plan

In January 2006, the Town of Nags Head invited the NC State University College of Design to conduct a study on determining future development trends and character on NC 12, which stretches roughly 6.5 miles along the area north of Whalebone Junction. The study proposes a vision plan with development strategies and design recommendations which resulted from the analysis of existing conditions, as well as the assessment of community perceptions and expectations.

The plan analyzes the Whalebone Junction corridor as a gateway to the Beach Road, to the Town of Nags Head and to the Outer Banks. During public input sessions, it was noted that the district currently provides a minimum of opportunities for a walkable environment due to:

- fast automobile traffic, a lack of warnings, and insufficient directional signage at the entrance to the Beach Road and at speed limit changes;
- a lack of entry signs (such as "history" and "welcome" types);
- a lack of traffic calming features; and parked cars in front of buildings, or along the road, generating safety concerns for pedestrians and blocking the flow of traffic.

The Beach Road Design Plan

The plan goes on to make numerous recommendations around appropriate land uses, parking, building design, scale, streetscape, signage, lighting and pedestrian access. The plan conceptually recommends updating the circulation of the district as shown below.



2023 Pedestrian Plan

In 2023, the Town of Nags Head updated its Pedestrian Plan, prioritizing key projects to improve connectivity, safety, and accessibility. The update ranked projects based on priority, cost, and impact, with several directly enhancing pedestrian access to the Commercial Outdoor Recreation District (CORD) and surrounding areas.

Key priority projects include:

- Project 5: A multi-use trail between S. Seachase Drive and W. Baymeadow Drive, filling a critical gap in the pedestrian network and improving access from the north to the CORD.
- Project 6: A sidewalk extension in front of the outlet mall, enhancing pedestrian movement in a high-traffic area.
- Project 13: A sidewalk along Grouse Street, providing a direct link between Beach Road and the Soundside Event Site.
- Project 15: Further extending the multi-use path, ensuring stronger connections within the CORD.
- Project 19: Though just outside the CORD, this project enhances pedestrian access between nearby residential areas and the new Inn at Whalebone Hotel.

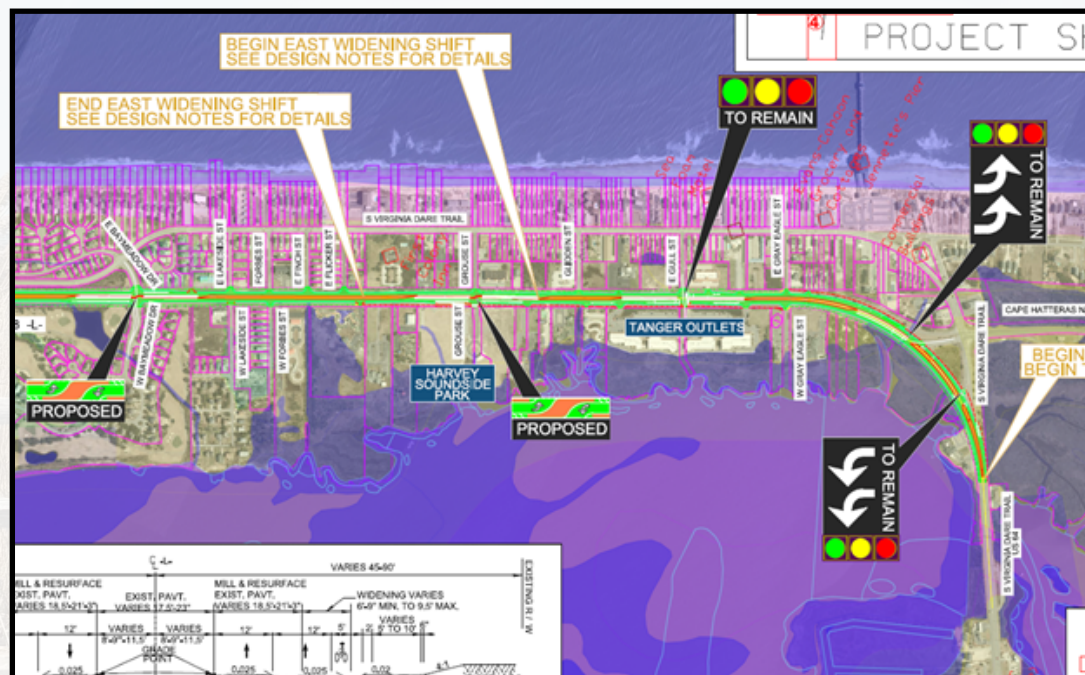
Together, these projects will significantly improve walkability in the area, with an estimated total cost of approximately \$2.5 million.

2023 Pedestrian Plan

Rank	Project Description	Cost	Length
1	W. Side Multi-Use Path (Carolista to Soundside Road)	\$1,298,548	6,645
2	E. Epstein St.	\$57,750	420
3	Wrightsville Ave - E Bonnett St to S. VA Dare Trail	\$479,935	1,910
4	S. Seachase Dr. (Epstein)	\$45,150	420
5	W. Side Multi Use Path (S. Seachase-W. Baymeadow Dr.	\$1,500,750	4,350
6	W. Side Multi-Use Path (Gull St. to Gray Eagle St.)	\$289,800	720
7	E. Barnes St.	\$21,120	110
8	E. Admiral St.	\$51,975	550
9	W. Soundside Rd.	\$330,000	2,400
10	W. Blue Jay St.	\$44,550	360
11	W. Baymeadow Dr.	\$70,840	560
12	Intersection Saterfield Landing to Driftwood	\$52,200	290
13	E. Grouse St.	\$65,588	450
14	W. Windjammer Dr.	\$101,832	805
15	W. Side Multi-Use Path (W. Gary Eagle St. to Sugar Creek Restaurant)	\$668,800	1,900
16	W. Woodhill Dr.	\$103,125	750
17	W. Saterfiled Lnading Rd.	\$115,115	800
18	W. Villa Dunes Dr.	\$151,250	1,10
19	W. Lakeside St.	\$73,645	515
20	W. Oak Knoll Dr.	\$99,000	600

US 158 Access Management Plan

The US 158 Access Management Plan is currently in the State Transportation Improvement Program (STIP). The STIP is NCDOT's long-range transportation plan. It identifies the construction funding and schedule for state transportation projects over a 10-year period. NCDOT updates the STIP approximately every two years. The project is currently on the 'back end' and has not received funding to fully design or construct. It is at least 5 years away from being funded and many years further from being constructed. Below is the concept redesign for the area of US 158 adjacent to the CORD.



Key Sections of the Unified Development Ordinance

6.3.1. CO Commercial-Outdoor Recreational Uses Overlay District.

The Commercial-Outdoor Recreational Uses Overlay District is established to provide a set of comprehensive land use regulations for the operation of commercial-outdoor recreational uses while protecting the residentially zoned areas of the Town. This shall be the only area within the Town where these uses are allowed.

8.5.2.4. Uses Allowed. The underlying zoning district to the Commercial-Outdoor Recreational Uses Overlay District is the C-2 General Commercial Zoning District. The outdoor recreational uses allowed in this district may be allowed as stand-alone uses or in combination with other outdoor recreational uses. Outdoor recreational uses may also be combined with certain uses allowed in the underlying C-2 zoning district. However, when any non-recreation related use is combined with a recreation use, the non-recreation use must be accessory and subordinate to an outdoor recreation use. In this instance, only the following uses shall be allowed as accessory to an outdoor recreation use and shall be contained within the principal building:

8.5.2.4.1. Concession.

8.5.2.4.2. Amusement arcade.

8.5.2.4.3. Restaurant.

8.5.2.4.4. Retail.

8.5.2.4.5. Single-family dwelling.

Lots may also be developed with any of the principal uses allowed in the C-2 zoning district. When this occurs, these lots shall not be utilized in combination with any of the recreation uses allowed within this overlay district.

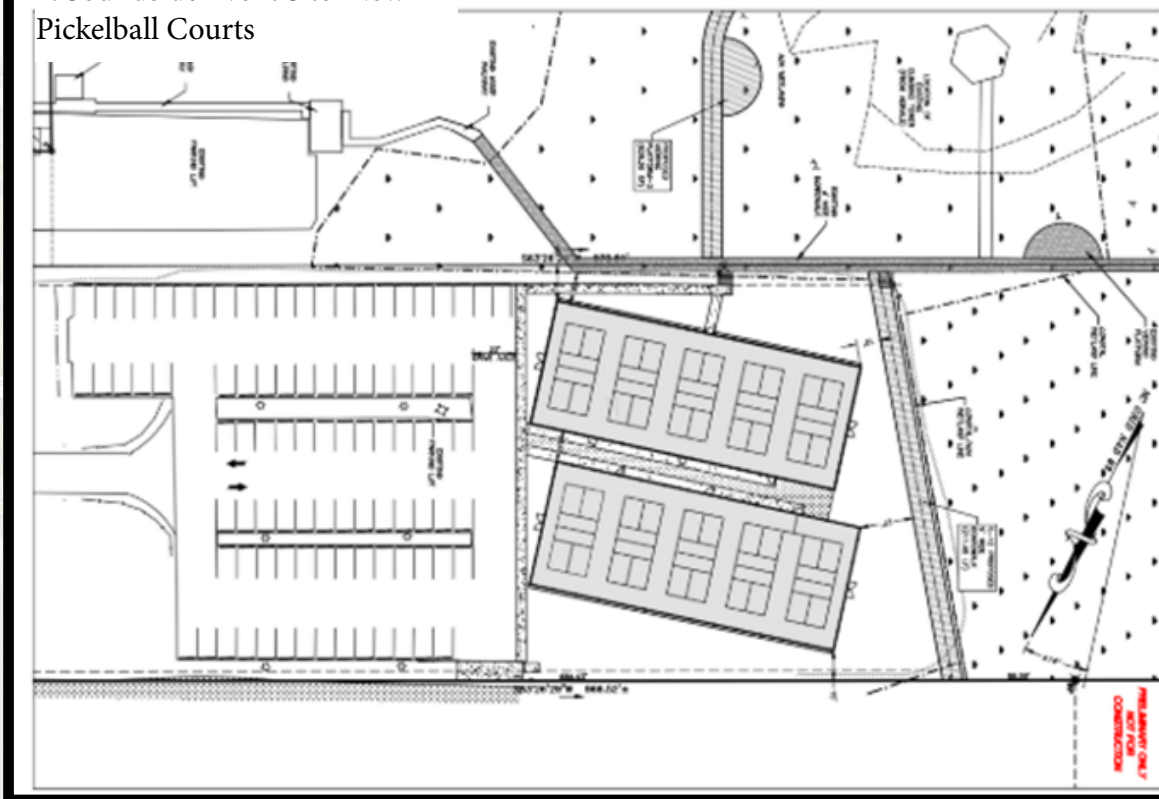
Reference Map of Key CORD Locations



Northern CORD

The Northern Portion of the CORD is located south of the Lakeside residential neighborhood and west of US 158. The western portion of the CORD fronts the Roanoke Sound. The area is characterized by classic outdoor recreation uses including mini golf, go karts and concessions. The northern CORD also contains the Sounside Event Site which has grown to include the First Flight Adventure Park. The Soundside Event Site is a major gathering site for the Outer Banks community. The site hosts numerous popular events including the Seafood Festival and the OBX Rod and Custom Festival among others. The site has recently received site plan approval to construct pickleball courts and a new boardwalk. The Town has also received grant funding to construct a living shoreline to protect the land from erosion while encouraging the marsh and sound interface to remain which is crucial for natural habitat. The area has good pedestrian infrastructure highlighted by the 10' wide, concrete, multi-use trail connecting the Village at Nags Head neighborhood from Baymeadow Drive to the Outlet Mall in the Central CORD. With the construction of the new boardwalk at the Soundside Event Site, there is an opportunity to expand the boardwalk to the Central CORD area. The existing multi-use path runs adjacent to US 158 but lacks shade, seating and visual interest. Adding vegetation, benches and public art could enhance the pedestrian experience, creating a more comfortable and inviting corridor.

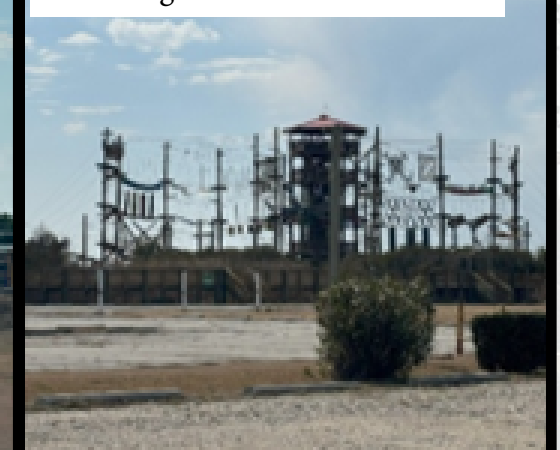
4. Soundside Event Site New Pickleball Courts



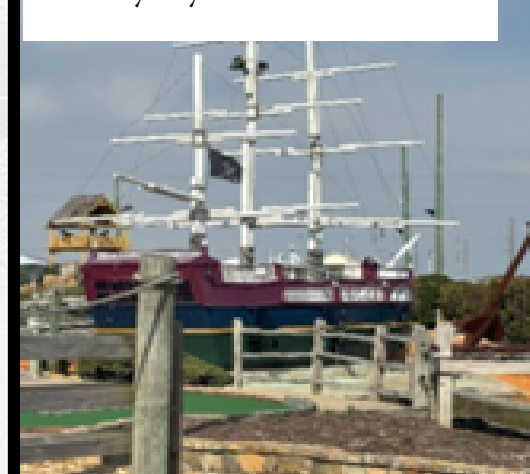
1. Full Throttle Speedway



3. First Flight Adventure Park



2. Mutiny Bay Adventure Golf



5. Soundside Event Site



Central CORD

The Central Portion of the CORD is located south of the Soundside Event Site and west of US 158. The western portion of the CORD fronts the Roanoke Sound. The area is characterized by the Outlets, and high density residential at the Landings at Sugar Creek. Common land uses include retail, residential, outdoor recreation including put-put golf and go kart racing. The central CORD contains the open parcels at the bend in US 158 known as “Catfish Farm” parcels. This catfish farm parcels being preserved open-space will help maintain the visual connection with the Sound from the street. The area contains a six-foot multi-use path up to Gull Street. At Gull Street, the sidewalk ends with no connection to the Landings at Sugar Creek to the south. This sidewalk connection is planned and listed in the 2023 Pedestrian Plan. There is an opportunity to expand the boardwalk connection from the Soundside Event Site to the central CORD in the future. The only crosswalk and traffic light across US 158 in this area is located at Gull Street. There is an opportunity to improve connections to the destinations across US 158 located within the Whalebone Activity node. There is also an opportunity to allow for small multi-family housing or single or two family housing as an accessory use in this area. There may also be an opportunity to allow outdoor stands to engage pedestrians and activate the corridor.

9. Outlets Nags Head



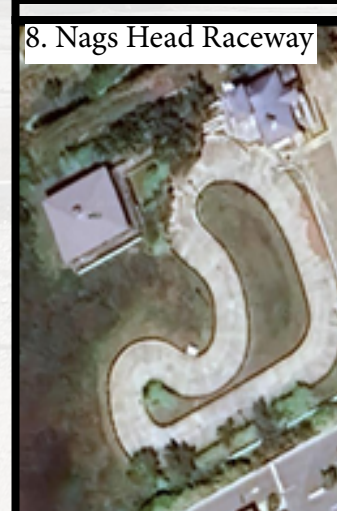
6. Harvey Soundside Public Access



7. Jurassic Putt



8. Nags Head Raceway



10. The Landings at Sugar Creek



Causeway CORD

The Causeway Portion of the CORD is located along the US 64 bridge bounded by the Roanoke Sound to the north and the south. The area is characterized by a blend of land uses including retail stores, restaurants, watersports rentals, gas stations, a public pier and kayak launch and single family residential homes. The Causeway CORD area contains small open space parcels that are not suitable for commercial construction, providing excellent views of the Sound and undeveloped marshlands to the south. The Causeway CORD area serves as a gateway to the southern Outer Banks as well as to Nags Head. It serves as the first impression for many visitors when arriving to the Outer Banks on vacation. This section of the CORD has poor pedestrian infrastructure and commercial businesses are only safely accessed by automobiles. At Gull Street, the sidewalk ends with no connection to the Landings at Sugar Creek to the south. There is limited return on investment for constructing a sidewalk or boardwalk to this area from the central CORD. Given the distance and isolation of the area, it is unlikely to be well used, although that could change in the future. Sidewalk connections to this area are currently limited to the planned sidewalk connection to the Sugar Creek Restaurant. There may be an opportunity in this area for more boutique hotels and accessory residential land uses.

13. Kitty Hawk Kites



16. Basnights Lone Cedar Care



17. Causeway Watersports



11. Sugar Creek Restaurant



12. Nags Head Public Pier



14. Nags Head Watersports



15. Nags Head Watersports



Vacant Private Property in CORD



There are currently 9 privately held parcels that are still vacant within the CORD with a total acreage of 3.463272 acres. There is a larger number of commercially zoned properties just outside the CORD on the eastside of US 158 that are currently vacant and have the potential to be developed commercially or residentially.

Structure Square Footage in CORD

Full Throttle Speedway – 400 sq. ft.
 Blackbeards Mini Golf – 2,100 sq. ft.
 Millers Restaurant – 6,510 sq. ft.
 Kitty Hawk Water Sports – 1,040 sq. ft.
 Jurassic Putt – 248 sq. ft.
 Outlets Nags Head – four buildings of 19,000 to 22,000 sq. ft.
 Sugar Creek Restaurant – 7,331 sq. ft.
 Whalebone Quality Plus Gas Station – 1,208 sq. ft.
 Causeway Watersports – 896 sq. ft.
 Fishing Unlimited Bait & Tackle – 1,182 sq. ft.
 Basnights Lone Cedar Restaurant – 13,785 sq. ft.
 Valero Gas Station – 4,292 sq. ft.
 Tale of the Whale Restaurant – 6,332 sq. ft.
 Kitty Hawk Kites– 840 sq. ft.
 Oceans East Bait & Tackle – 3,200 sq. ft.

Town Soundside Boardwalk Concepts

The idea of a soundside boardwalk was first identified in the Town's Parks and Recreation Plan, with planning funds allocated in the 2013/2014 budget to explore feasibility. The Town's goals included conducting property owner outreach, researching environmental permitting, and developing a viable boardwalk alignment.

To guide this effort, the Board of Commissioners appointed a stakeholder committee in February 2013. Shortly after, the Town engaged Environmental Professionals, Inc., which developed a preliminary alignment and conducted outreach to affected property owners.

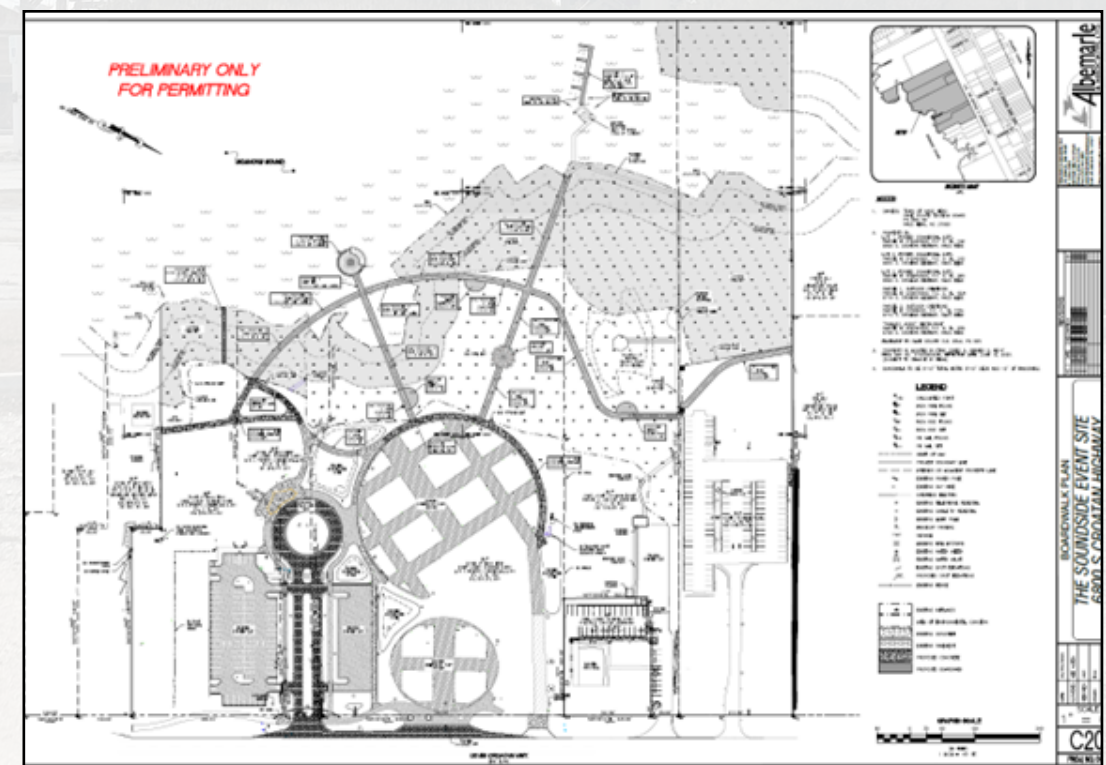
In 2016, the Board of Commissioners considered a text amendment to exempt private property owners from lot coverage and minimum yard requirements for boardwalk construction within designated easements. However, after review, the Board ultimately decided not to move forward with permitting and construction. The conceptual alignment developed during this planning process remains a foundation for future discussions, should interest in a soundside boardwalk be revisited. Below are preliminary drawings from the time:



Soundside Event Center Boardwalk



In late 2024, the Soundside Event Center received CAMA and Town approvals to construct a boardwalk, completing part of the concept.



Analysis

Strengths:

- Existing grouping/cluster of outdoor recreation businesses
- The Soundside Event Center serves as an anchor attraction, drawing visitors and activity
- Proximity of the CORD to hotels, cottage courts and large vacation rentals supporting visitor demand
- Town ownership of key local parks and properties in and near the CORD including, Whalebone Park, Nags Head Public Pier, Harvey Soundside Park and preserved 'Catfish Farm' Properties enhance the districts appeal
- Proximity to Jennette's Pier and Whalebone Activity Node, increasing visibility and accessibility
- Views of and proximity to the ocean and the sound adds to desirability

Weaknesses:

- Lack of zoning protection in that the full range of C2, General Commercial Uses are allowed by right, meaning residential redevelopment or non-recreational commercial uses could disrupt the districts continuity and character
- Potential for development that reduces visibility of the sound
- Lack of pedestrian connectivity to and from the district from points east and north

Analysis

Weaknesses, Continued:

- Challenge and viability of new outdoor recreation related businesses due to cost of land, development and doing business
- Current zoning only allows non-recreational uses as accessory to recreation based business, limiting opportunity for diverse mixed use projects/multiple principle uses

Opportunities:

- Improve Pedestrian connectivity - expand walkways, crosswalks, bike paths to link district to surrounding areas
- Remove incompatible uses to preserve district continuity long term
- Allow small multifamily development as an accessory use
- Soundside Event Site expansion helps bring events and programming to the CORD, central destination that could be expanded on to help retain existing CORD businesses
- Increased connection to sound and natural landscape via boardwalk, boat parking, maintaining visual connection to the sound, public art and installing living shorelines in the area to reduce erosion and support natural habitat
- Allow multiple principal uses with CORD Use. Eg. allow multiple principal uses in the CORD such as restaurant and mini golf

Recommendations - Zoning

To align the Commercial Outdoor Recreation District (CORD) with the Comprehensive Plan and ensure consistency with the Unified Development Ordinance (UDO) the following zoning amendments are recommended:

Recommendation 1. Amend the UDO to reflect CORD goals

- Remove noncompatible uses from the C2 district within the CORD to maintain recreational focus
- Expand allowable accessory only uses within the CORD, offering flexibility while ensuring they compliment outdoor recreation
- Consider allowing multiple principal uses within CORD properties, such as allowing a restaurant and outdoor recreation use on the same site.

P = Permitted by Right, Administrative

R = Supplemental Regulations

S = Special Use

Yellow Highlighted uses below have a recommended change to be permitted as accessory to an outdoor recreation use.

Red Highlighted uses are recommended to no longer be allowed within the CORD.

Blue highlighted is a housekeeping change.

Green highlighted is a mixed use option to consider allowing with Outdoor Recreation Use.

Recommendations - Zoning

Use Category	Use Type	Use	Supplemental Regulation	Notes
Residential	Short Term Rental	PR		
Service	Massage and Bodywork Therapy	PR	Section 7.21	
Recreation-Land Dependent	Aerial Adventure Park	SR	Section 7.57	
Recreation-Land Dependent	Designated Public Events Site	SR	Section 7.58	
Recreation-Land Dependent	Go Kart Track	SR	Section 7.59	
Recreation-Land Dependent	Grass Surface Putting Course	SR	Section 7.60	
Recreation-Land Dependent	Mini-Golf	S		
Recreation-Land Dependent	Outdoor Amusement Rides/Games	SR	Section 7.61	
Recreation-Land Dependent	Outdoor Sport Climbing Wall	SR	Section 7.62	
Recreation-Water Dependent	Parasail Rental	C		Change to S
Recreation-Water Dependent	Tour Boat, (49 Passengers or less)	C		Change to S
Recreation-Water Dependent	Watercraft Rental, Non-Powered	SR	Section 7.63	
Recreation-Water Dependent	Watercraft Rental, Powered	SR	Section 7.63	
Recreation-Water Dependent	Watercraft, Personal (Jet-Ski)	SR		

Recommendations - Zoning

Use Category	Use Type	Use	Supplemental Regulation	Notes
Residential	Cottage Court	SR	Section 7.2	Multi-Fam listed as appropriate use per Comp Plan
Residential	Dwelling, Large Residential	PR	Section 7.4	Counter to CORD development vision.
Residential	Dwelling, Multi-Family (small)	PR		Multi-Fam listed as appropriate use per Comp Plan
Residential	Dwelling, Multi-Family (large)	SR		
Residential	Dwelling, Single-Family (detached)	P		
Residential	Dwelling, Two-Family	SR	Section 7.60	Accessory residential to commercial appropriate per Comp Plan
Residential	Granny Pods/ Temporary Health Care Structures	PR	Section 7.6	
Residential	Home Occupation Class 1	PR	Section 7.7	
Residential	Home Occupation Class 2	PR	Section 7.7	
Residential	Home Occupation Class 3	PR	Section 7.7	Change to S

Recommendations - Zoning

Use Category	Use Type	Use	Supplemental Regulation	Notes
Residential	Short-term Rental	P		
Residential-Group	Bed and Breakfast	SWW		Boutique Hotel type uses strongly supported per Comp Plan
Residential-Group	Boarding Houses	SR	Section 7.8	
Residential-Group	Dormitory	SR	Section 7.10	
Residential-Group	Family Care Homes/Half-way Homes	PR	Section 7.11	Counter to CORD
Residential-Group	Family Foster Homes	P		
Retail	Art Gallery	P		
Retail	Art Gallery – Owner Occupied	P		appropriate per Comp Plan
Retail	Artisan's Workshop < 3,000 sq. ft.	SR	Section 7.13	
Retail	Artisan's Workshop >3,000 sq. ft.	SR	Section 7.13	
Retail	Auction House	PR	Section 7.14	
Retail	Beach Recreation Equipment Rental/Sales	P		
Retail	Bicycle shop (repair, retail, rental)	P		
Retail	Convenience Store	P		

Recommendations - Zoning

Use Category	Use Type	Use	Supplemental Regulation	Notes
Retail	Firearms Sales and Service	P		
Retail	Food/Grocery Store	P		
Retail	Furniture Store	P		
Retail	General Retail	P		
Retail	Jewelry	PR		
Retail	Greenhouse/Plant Nursery	P		
Retail	Hardware Store	P		
Retail	Pet Shop/Dog Grooming	PR		
Retail	Pharmacy	P		
Retail	Production/Repair/Sales eyeglasses, Hearing Aids, Prosthetics	P		
Service	Automobile Repair	SR	Section 7.15	
Service	Bail Bonds	P		
Service	Banking Institution	P		
Service	Broadcasting Studios	P		
Service	Car Washes (automated and self service)	CS		
	Section 7.18		Section 7.73	
Service	Child Care Facility, Child Care Center	SR	Section 7.39	

Recommendations - Zoning

Use Category	Use Type	Use	Supplemental Regulation	Notes
Service	Dry Cleaners and Laundromats (pickup only)	P		
Service	Food Bank	SR		
Service	Fueling Station	SR		
Service	Funeral Home	P		
Service	Group Fitness-Aerobics/Dance/Karate/Yoga	P		Appropriate use in character area
Service	Hair Salon	P		
Service	Indoor Fitness/Gymnasium	P		
Service	Indoor Public Assembly	P		
Service	Locksmiths	P		
Service	Massage and Bodywork Therapy	PR	Section 7.21	
Service	Metaphysical Wellness Services	SR	Section 7.22	
Service	Parking Lots	P		
Service	Shoe Repair	P		
Service	Spa	P		
Service	Tailor	P		
Service	Taxi/Limousine	S		
Service	Telecommunications Sales and Service	P		

Recommendations - Zoning

Use Category	Use Type	Use	Supplemental Regulation	Notes
Service	Veterinary Clinic with Animal Boarding	SR	Section 7.21.1	
Service	Veterinary Clinic with no Animal Boarding	PR	Section 7.24.2	
Food Service	Coffee Shop/ Juice Bar	PR	Section 7.25	Mixed Use and restaurant appropriate per Comp Plan
Food Service	Ice Cream Shop	P		Mixed Use and restaurant appropriate per Comp Plan
Food Service	Food Truck	PR	Section 7.26	
Food Service	Microbreweries	SR	Section 7.27	
Food Service	Restaurant-Drive in	SR	Section 7.28	
Food Service	Restaurant-Neighborhood		Section 7.30	
Food Service	Restaurant- Sit Down		Section 7.31	
Food Service	Restaurant-Take Out			
Office	Building Contractor's Office	P		
Office	Professional Office,	P		
Commercial Mixed	Commercial with accessory residential	PR	Section 7.32, 7.33	

Recommendations - Zoning

Use Category	Use Type	Use	Supplemental Regulation	Notes
Commercial Mixed Uses	Group Development	S	Section 7.32	Comp Plan Supports in CORD
Commercial Mixed Uses	Mixed Use Development	SR	Section 7.32, 7.34	Comp Plan Supports in CORD
Commercial Mixed Uses	Multiple Principal Uses	SR	Section 7.32, 7.35	Comp Plan Supports in CORD
Commercial Mixed Uses	Shopping Center	SR	Section 7.32	Counter to CORD
Institutional	Adult Day Service Center	SR	Section 7.36	
Institutional	Colleges, Universities, Community Colleges	S	Section 7.37	
Institutional	Education and Research Facilities	S		appropriate per Comp Plan
Institutional	School	SR	Section 7.38	
Institutional	Municipally Operated Farmer's Market	P		
Institutional	Libraries	S		
Institutional	Museum	P		
Institutional	Nonprofit/ Community Outreach Center	P		

Recommendations - Zoning

Use Category	Use Type	Use	Supplemental Regulation	Notes
Institutional	Post Office	P		
Institutional	Private Club-house for 501©8 Frater-nal Beneficiary Societies as defined by the IRS	PR		
Institutional	Public Utility Facility	SR	Section 7.44	
Institutional	Religious Complex	SR	Section 7.45	
Institutional	Religious Complex w/ Accessory School/Day Care	SR	Section 7.45	
Medical	Alcohol & Drug Outpa-tient treatment	P		
Medical	Dialysis Cen-ter	P		
Medical	Medical Office	P		
Recreation	Bowling Alley	S		
Recreation	Community Garden	SR	Section 7.48	
Recreation	Fishing Pier	SR	Section 7.50	
Recreation	Indoor Enter-tainment	PR	Section 7.51	
Recreation	Public Beach/ Sound Access/ Bathhouse	P		
Recreation	Municipal Park	PR	Section 7.55	

Recommendations - Zoning

Use Category	Use Type	Use	Supplemental Regulation	Notes
Recreation	Skate Park Facility	SR	Section 7.56	
Recreation	Theater	P		Boutique Hotel type uses strongly supported per Comp Plan
Telecommunica-tions	Concealed Building mounted An-tenna Installed Flush to Roof-line	PR	Section 7.65	
Telecommunica-tions	Concealed Building mounted Antenna Not Installed Flush to Roofline	S		
Telecommunica-tions	Small Wireless Facilities	PR		
Warehouse/Light Industrial	Commercial Crop Produc-tion, Indoor	P		Counter to CORD
Warehouse/Light Industrial	Fine Craft and Folk Art Production	P		
Accessory Uses	Bulkhead/Es-tuarine Bulk-head	P		appropriate per Comp Plan
Accessory Uses	Customary Accessory Church Facil-ities	S		
Accessory Uses	Docking Facil-ity, Accessory to Restaurant	P	Section 7.73	

Recommendations - Zoning

Use Category	Use Type	Use	Supplemental Regulation	Notes
Accessory Uses	Electric Vehicle Battery Exchange Station	P	Section 7.16	
Accessory Uses	Garage	P		
Accessory Uses	Greenhouses	P		
Accessory Uses	On-site Rental of Beach Chairs & Umbrellas	PR	Section 7.75	
Accessory Uses				
Accessory Uses	Outdoor Stands- Accessory to Shopping Centers and Group Developments	PR	Section 7.76	Could add to more walkable/active street
Accessory Uses	Shed	P		
Accessory Uses	Solar Energy Facility, Accessory	P		
Accessory Uses	Swimming Pool	P		
Accessory Uses	Walls and Fences	PR	Section 7.78	
Accessory Uses	Wind Energy Facility, Rooftop	PR	Section 7.79.1	
Accessory Uses	Wind Energy Facility, Small	P		
Accessory Uses	Wind Energy Facility, Vertical Axis	P	Section 7.79.2	

Recommendations - Walkability

The Comprehensive Plan states at the beginning of the Whalebone Character Area Development Plan, "This area is envisioned to be a destination where people can park their car and enjoy exploring the surrounding area by foot or bike. This area is imagined as primarily commercial with a mix of retail and restaurant and a high degree of walkability." The plan then further elaborates in the Soundside Activity Node section of the Comprehensive Plan "Pedestrian connections between uses are strongly encouraged. And further, "Future development should work to increase bike and pedestrian connections from the Soundside to the Whalebone Junction Core and other residential areas to the north and south." Creating a pedestrian destination will help support outdoor recreation uses. Being able to park at Jennette's Pier or Whalebone Park in the south east or at the Soundside Event Site in the northwest and then seamlessly and safely allow people to walk from either activity node to the other would help support businesses and encourage more activity in the area. The linkage of activity nodes and improving the pedestrian experience are essential steps in accomplishing the development vision for the area as stated in the Comprehensive Plan.

Recommendations - Walkability

To create a more accessible, pedestrian friendly and welcoming environment, the town should focus on strengthening connections, enhancing the walking experience and supporting multi-modal accessibility.

Recommendation 2. Strengthen Key Connections:

- a) Improve the connection between the Soundside and Whalebone Activity Nodes to support seamless movement between destinations
- b) Improve connections to points north by completing the section of multi-use trail between Seachase Drive and Baymeadow Drive as planned

Recommendations - Walkability

Recommendation 3. Enhance the Walking Experience:

a) Implement strategies from the Beach Road Plan to make walking the area more engaging and comfortable, including:

- Public art, murals, sculptures, creative installations to add character and interest
- Vegetation/shade trees - provide shade and enhance aesthetics
- Temporary commercial/vendor stands - can activate pedestrian spaces.

b) Continue to support NCDOT funding the proposed access management project for US 158, which remains in the State Transportation Improvement Plan but is currently unfunded.

c) Reconsider/explore construction of the Soundside Boardwalk from the Outlets to the Soundside Event Site recommended in the Town's Parks and Recreation Plan:

- Helps support CORD businesses as a destination to park, walk and shop/play
- Encourages visitors to patronize multiple businesses in the CORD instead of driving to individual business

Existing, Planned and Proposed Pedestrian Connections in CORD



Public Art Examples

Public Art is a great way to engage the pedestrians and improve placemaking. Interactive art pieces are well liked and photographed. The Town could work with local artists through the Arts and Culture Committee to bring sculptures to the area as they have a history of doing in other areas of town. The Town has recently partnered Manteo High School's National Art Honor Society to paint an "Under the Sea" themed crosswalk on E. Bonnett Street near Dowdy Park and Nags Head Elementary School. This idea could be replicated somewhere within or near the CORD. The town has a variety of other successful examples of public art including:

- Dowdy Park Entrance Whale Ribs
- 8 art panels at beach accesses as part of art mast project
- One Love Mural at Dowdy Park
- Nature Loom at Town Park
- Painted Crosswalk at Bonnett and Memorial Avenue
- Chris Wheeler's murals at the Skatepark

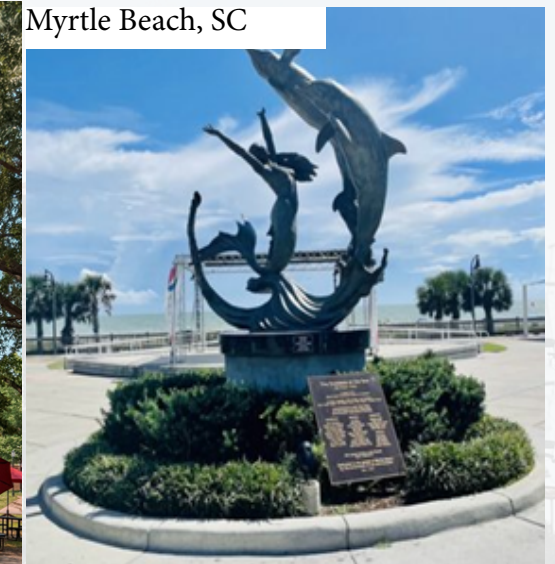
Nags Head, NC



Lake Norman, NC



Myrtle Beach, SC



Cagnes-Sur-Mer, French Riviera



Wilmington, NC





AGENDA ITEM SUMMARY

Town of Nags Head Planning Board
REGULAR SESSION: September 16, 2025

AGENDA ITEM H.2.

Discussion of multi-family dwelling development as an accessory to commercial development.

Prepared by

Kelly Wyatt, Planning Director

Reviewed by

Kelly Wyatt
Lily Nieberding

Staff Comments/Recommendation

This item is provided for Board information and update.

Specific Action Requested

Discussion Item

Summary

In October 2024, following more than a year of study, the Town adopted comprehensive revisions to the Unified Development Ordinance (UDO) related to multifamily dwellings. The ordinance created two categories of multifamily, small and large, and updated the development standards for new projects. A copy of this ordinance is attached for reference.

While this was an important step forward, members of the Multi-Family Housing Working Group, Planning Board, and Board of Commissioners all expressed interest in further exploring whether multifamily housing could be permitted in conjunction with existing commercial development within the Town.

The concept is rooted in addressing local workforce housing needs and lends itself to the question: Could a shopping center add a detached multifamily building to provide workforce housing? Could a second story of residential be added above an existing commercial structure? These scenarios bring some different regulatory challenges, especially in how density should be measured when layering residential units onto a site that already satisfies, and likely maximizes, commercial development standards such as lot coverage, parking, and stormwater. Discussion ultimately centered on how much density is appropriate when combining commercial and residential uses on the same parcel, understanding that commercial and residential uses create different traffic patterns, parking demand, and service needs.

Staff developed draft options for allowing multifamily as an accessory to existing commercial development but no consensus was reached in time to include them in the October 2024 re-adoption of multifamily standards. At that time, staff committed to continuing the analysis and revisiting the issue with the Planning Board and Board of Commissioners.

The intent at this stage is not to propose ordinance language, but to frame the issue, revisit the options previously considered, and gather feedback from the Planning Board on how to move forward.

Keep in mind that the Unified Development Ordinance already allows "Commercial with Accessory Residential" as a

permitted use within the C-1, C-2, C-4, and C-5 Zoning Districts with supplemental regulations spelled out in Section 7.33 and included below:

Section 7.33 - Commercial with Accessory Residential (Attached or Detached).

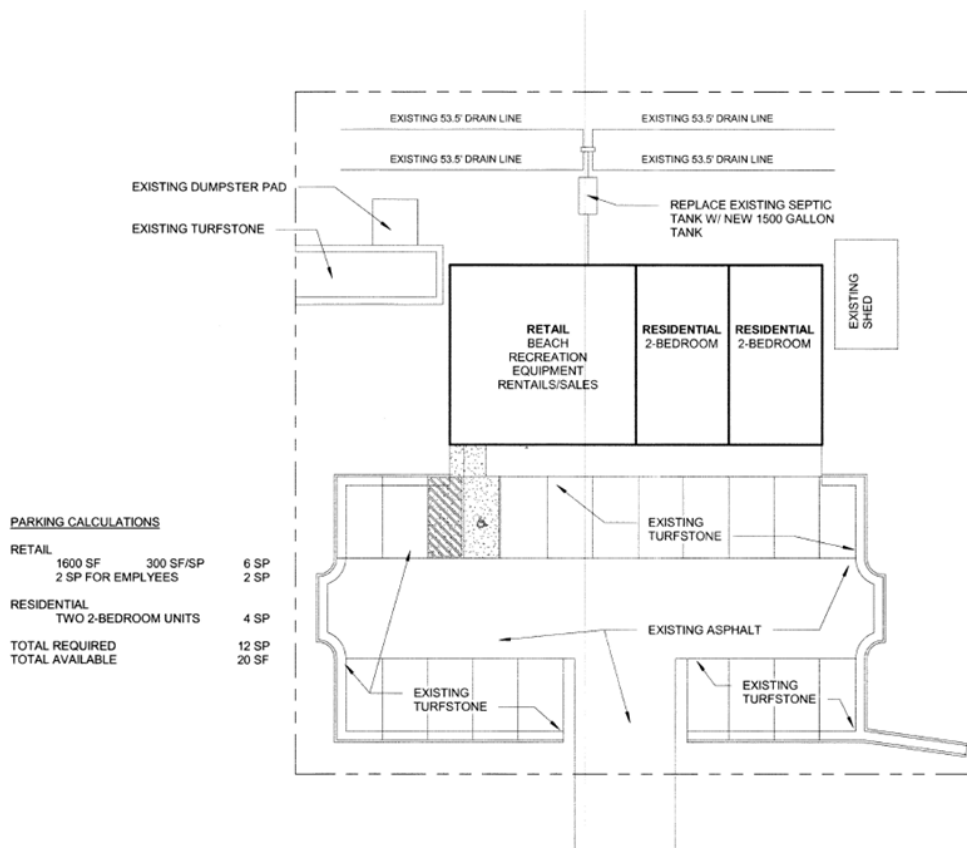
Accessory residential units are single-family attached or detached units that may be allowed on the same property and in conjunction with a commercial use. These are distinctly different than accessory dwelling units, which are accessory uses designed to be subordinate to and located on the same property as a single-family dwelling. Commercial with Accessory Residential, is permitted in accordance with Section 6.6, Table of Uses and Activities, subject to other requirements of this UDO and provided that the following conditions are met:

- 7.33.1. Commercial uses may have up to two (2) accessory residential units that are attached or detached.*
- 7.33.2. Accessory residential uses must be located above or to the rear of the primary commercial use and must meet the setbacks for the principal structure within the zoning district.*
- 7.33.3. Individual accessory residential units may not exceed 1,500 square feet in area.*

The definition of *Commercial with Accessory Residential* is as follows:

Commercial with accessory residential means a principal commercial use with accessory single-family residences either attached or detached. This use could include single-family residential, duplex, or multiple detached single-family residential dwelling units configured in a cottage court arrangement.

For reference, Farmdog Surf School, located at 2403 S. Wrightsville Avenue, took advantage of this provision when, in addition to their principal commercial use, remodeled the remainder of the existing building into two 2-bedroom apartments with full bath, kitchen and laundry, sketch included below:



As you think about this potential amendment, some questions to consider may include:

- Should multifamily housing, beyond what is currently permitted by Section 7.33, be allowed as an accessory to commercial development?
- If so, in which zoning districts, or what types of commercial developments? Should eligibility be tied to all existing commercial sites, or only parcels above a certain size?
- Should this be limited to the "small multifamily" use category only, or include "large multifamily" as well?
- What is the most effective and/or fair method of regulating density (example: units per lot area, floor area ratio (FAR), or a capped number of units)?
- Should a maximum number of units per site be established regardless of lot size?
- Should residential be limited to second-story additions, or could detached/stand-alone structures also be allowed?
- How should setbacks, height limits, and lot coverage be applied when residential is layered onto existing commercial sites?
- How should combined parking demands for both uses be addressed?
- Should all the units, or a percentage of units, be required to serve workforce housing needs?

During their discussions, staff created and the Multi-Family Housing Working Group considered two draft options, which have been included in the packet for reference, or a starting point to facilitate discussion.

This is a significant discussion and will require a lot of careful consideration. At the Planning Board's September meeting, staff hopes to have productive discussion, consensus and direction on next steps for evaluating where and how multifamily may be integrated with existing commercial developments.

Attachments

1. Oct multi-family ord
2. Multifamily Accessory to Commercial Options



AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF NAGS HEAD, NORTH CAROLINA AS IT RELATES TO MULTI-FAMILY DWELLING DEVELOPMENTS WITHIN THE TOWN.

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, the Board of Commissioners requested a comprehensive review of the town's multi-family standards and recommendations on how to re-introduce this use into the Unified Development Ordinance, and

WHEREAS, Planning staff began working with the Planning Board at their May 2023 meeting to complete a thorough review of the multi-family standards and identify issues and/or inconsistencies with the existing multi-family language. Subsequently, the Board of Commissioners established a Multi-Family Working Group to review the Planning Board's ordinance. The Planning Board and Multi-Family Working Group have developed a comprehensive set of draft text amendments for the Board of Commissioner's review and consideration.

WHEREAS, the 2022 Comprehensive Land Use Plan provides the following policies and actions which should guide the Town's zoning and development actions:

Table 2.2.2.A, pg. 2-12 lists "Multi-Family" as an appropriate land use in the Gallery Row – Community Center Character Area, Northern Commercial Node.

Table 2.4.2.A, pg. 2-25 lists "Multi-Family" as an appropriate land use in the Village Municipal Service Character Area.

Table 2.6.2.A, pg. 2-36 lists "Multi-Family" as an appropriate land use in the Whalebone Junction Character Area, Soundside Activity Node.

Table 2.8.2.A, pg. 2-48 lists "Multi-Family Residential" as an appropriate land use in the Corridors Character Area, US 158/US 64 only.

LU-1 – Ensure that the character of Nags Head is preserved as a single-family residential beach community with ties to its natural environment. This character is defined by:

- Development that blends with the landscape, preserving natural vegetation, dunes, open spaces, and environmental quality.
- Buildings with a residential scale and appearance with lot heights and small footprints that are designed to reflect the heritage of Nags Head.
- Land uses that are compatible with the community and with adjacent properties that don't create excessive noise, light, unsafe conditions, or other nuisances.
- Development of low density and intensity served primarily with on-site wastewater systems.

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-10 – Discourage high intensity land uses that produce significant noise, light, heavy vehicle traffic, noxious fumes, or poor air quality, are unsightly, encourage unsafe behavior, or require large amounts of lands for heavy industrial uses, processing, or storage of materials or equipment.

LU-15 – Promote architectural standards for commercial development in keeping with the Nags Head style architecture.

LU-27 – Promote and expand the types of housing and accommodations for varying income levels, aging populations, and the seasonal workforce within the town.^{4e} – Develop regulations that prevent incompatible commercial development adjacent to areas with historical designations or significance.

WHEREAS, consistent with Section 3.5.4 of the UDO (and subparts to that section), the Board finds that the proposed text amendment advances the public health, safety, or welfare; will help preserve the residential and historic character of areas of Town where commercial and non-residential uses or increases in or expansions of such uses are not compatible or desirable; is reasonable and in the public interest; and is consistent with the Town of Nags Head 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:

~~*Dwelling, multi-family* means a dwelling containing three or more dwelling units, designed for or occupied by three or more families living independently of each other. Multifamily dwelling shall include a townhouse and any similar building, irrespective of the form of legal title.~~

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** means a single-family dwelling on its own individual lot but connected on two sides, by means of a common wall for at least ten feet of its length, to two other single-family dwellings or an end dwelling of a row of such dwellings.~~

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.

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. That **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
Unit Design	Townhouse and Apartment Style Design shall be allowed for both large and small categories.	
Min. Lot Width for Multi-Family Site	150 feet	No minimum
Min. Site Area in Uplands	26,000 square feet	15,000 square feet
Location of Multi-Family Site	Properties with frontage on US Hwy 158 only.	On any lot meeting the minimum site area requirements.
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.	

TABLE 7-1: REQUIREMENTS FOR MULTI-FAMILY DWELLINGS		
	Large Multi-Family C-2	Small Multi-Family C-2
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.	One (1) unit per every 4,000 square feet of lot area. Maximum building gross floor area is 5,000 square feet.
Maximum Bedroom per Acre Standard	Total number of bedrooms within the development shall not exceed 25 per acre.	
Maximum number of units	75 dwelling units	6 dwelling units.
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.	
Open Space	50% of side yards to remain as open space.	
Lot Coverage	55%	
Parking	A minimum of 2 parking spaces shall be included for each dwelling unit plus 1 parking space for every 4 units.	
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	Minimum Unit Sizes/Size Categories: • Studio/One Bedroom 500 sq. ft. • Two Bedroom 700 sq. ft. • Three Bedroom 1,000 sq. ft. Maximum unit size 1,750 sq. ft.	
Mixture of Units	No more than 60% of the units shall be from any unit size category.	No requirement
Buffer	In addition to the buffering requirements included in the Commercial Design Standards, a minimum 10-foot-wide commercial transitional protective yard shall be provided consistent with Section 10.93.3.2 and 10.93.3.3 of the UDO.	In addition to the buffering requirements included in the Commercial Design Standards, a 10-foot-wide commercial transitional protective yard shall be provided consistent with Section 10.93.3.2 of the UDO.
Architectural Design Requirements	All multi-family dwelling buildings, regardless of size, shall go through the Sketch Plan process as outlined in Section 10.84 of the UDO. Multi-family dwelling buildings shall meet the requirements of Article 10, Part VI, Commercial Design Standards.	Buildings shall meet the design requirements for a large residential dwelling. Small multi-family structures shall be approved administratively.

TABLE 7-1: REQUIREMENTS FOR MULTI-FAMILY DWELLINGS		
	Large Multi-Family C-2	Small Multi-Family C-2
Building Separation	20 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.
Accessory Uses	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. 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. Shed. Pool (only one pool per development), Walls and Fences. Private Park/Playgrounds.	Shed. Pool (only one pool per development). Walls and Fences. Private Park/Playgrounds
Outdoor Amenity Area/Common Area	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.	No requirement.
Limit on Development Approvals	There shall be a limit of no more than 3 new large multi-family projects approved after the effective date of this ordinance. Existing multi-family development as of the effective date of this ordinance shall be governed by Article V – Nonconformities.	There is no limit on the number of small multi-family projects that can be approved under this ordinance.

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 homeowners' or residents' association shall provide annually a certification to the town of the multi-family developments' 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:

			Residential Districts			Commercial Districts						Special Districts				Overlay Districts		
	Use Category/Class	Use Type	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)</u>						<u>PR</u>										
<u>1</u>	<u>Residential</u>	<u>Dwelling, Multi-Family (Large)</u>						<u>SR</u>										
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>						<u>SR</u>				<u>SR</u>						

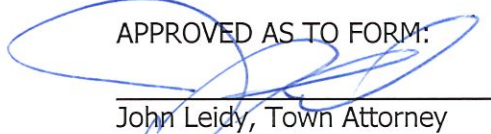
ARTICLE IV. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. This ordinance shall be in full force and effect from and after the 2nd day of October 2024.


Benjamin Cahoon, Mayor

ATTEST:


Carolyn F. Morris, Town Clerk

APPROVED AS TO FORM:


John Leidy, Town Attorney

Date adopted: _____

Motion to adopt by Commissioner _____

Motion seconded by Commissioner _____

Vote: AYES _____ NAYS _____



Options to Allow Multi-Family as Accessory to Commercial Development

Option 1:

Multi-family development may be permitted as an accessory use on any commercially developed property with the following conditions:

- Any new multi-family dwelling development shall meet the setback requirements of the principal use.
- Lot coverage shall not exceed the maximum allowable coverage within the district in which it is permitted.
- Density shall be determined by applying the standard currently set for small multi-family. One (1) unit per every 4,000 square feet of lot area with a cap of 6 units.
- 2 non-deed restricted residential units are still allowed by right under current ordinance (and can use them for workforce housing).

Option 2:

Multi-family development may be permitted as an accessory use on any commercially developed property with the following conditions:

- Any new multi-family dwelling development shall meet the setback requirements of the principal use.
- Lot coverage shall not exceed the maximum allowable coverage within the district in which it is permitted.
- Density shall be determined by applying a floor area ratio of .32 to the site in its entirety, including the gross floor area of all existing buildings.
- All requirements of Section 7.5 of the UDO, Dwellings, Multi=Family must be met, including supplemental requirements noted in Table 7-1.
- Optional: No more than 20 multi-family units can be constructed as an accessory use to commercial development.

Scenario for Option 2:

Shoppes @ 10.5

Parcel A Only (North Lot)

Lot Area: 283,635 square feet.

Building Area (Food Lion, Shops, Bank) = 48,895 square feet

FAR of 0.32 would allow 90,763 square feet of building area.

41,868 square feet of building area could be devoted to multi-family development.

20% of 41,868 = 8,373

1 bedroom = 16 units

2 bedroom (seems to be most desirable/ 25,122sf) = 35 units

3 bedroom = 8 units

This is worst case scenario but with a FAR of .32 Shoppes at 10.5 could have 59 units. The optional provision with a maximum of 20 units would likely dictate density in this circumstance.

Based upon the As-Built Survey they are at 40.4% coverage so, ample lot coverage if needed. Parking and Septic would be the prohibiting factors on this one.



AGENDA ITEM SUMMARY

Town of Nags Head Board of Commissioners

REGULAR SESSION: September 3, 2025

AGENDA ITEM G.1.

Update from Planning Director

Prepared by

Kelly Wyatt, Planning Director

Reviewed by

Kelly Wyatt
Brittany Phillips
Andy Garman

Staff Comments/Recommendation

Please find attached a monthly update from Planning Director Kelly Wyatt

Specific Action Requested

This item is provided for Board information and update

Summary

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 Wednesday, September 3, 2025.

Monthly Activity Report

Attached for the Board's review is the Planning and Development Monthly Report for July 2025. In addition to permitting, inspections, code enforcement, and Todd D. Krafft Septic Health Initiative activities, staff were involved in the following meetings or activities of note during the month of August:

- Friday, August 1st - CRS Submittal of Elevation Certificates
- Tuesday, August 5th - Technical Review Committee Meeting
- Wednesday, August 6th - Board of Commissioners Meeting
- Thursday, August 7th - ESMP Stakeholder and On-Site Meetings, Villa Dunes & Soundside Road
- Wednesday, August 13th - Committee for Art & Culture Meeting
- Thursday, August 14th - Board of Adjustment Meeting (Sim Variance)
- Tuesday, August 19th - Planning Board Meeting
- Wednesday, August 20th - Board of Commissioners mid-month (not scheduled)
- Dowdy Park Farmers Market - August 7th, 14th, and 21st
- Summer Concert Series - August 6th, 13th, 20th, and 27th

Planning Board - Pending Applications and Discussions

The Planning Board's most recent meeting was held on Tuesday, August 19th, 2025. The following items were on the agenda:

- Attorney Lauren Arizaga-Womble provided a training workshop for the Planning Board members.
- Consideration of text amendments to the Unified Development Ordinance to comply with Session Law 2023-

137, which requires local governments to reduce the minimum width of a standard parking space from 10 feet to 9 feet, with the length remaining at 20 feet. The Planning Board voted unanimously to recommend adoption of the text amendment as presented, recognizing potential concerns that may arise as a result. This item is on the Board of Commissioners' September 3rd Consent Agenda with an anticipated Public Hearing to be held on October 1st.

- Continued discussion and evaluation of the Commercial Outdoor Recreation Overlay District. The Planning Board continued its discussion and evaluation of the Commercial Outdoor Recreation Overlay District. Staff presented an animation highlighting opportunities identified in the recent district report, including a potential boardwalk connection from the Soundside Event Site to Outlets Nags Head, incorporation of public art, enhanced access and connections to the sound, additional shade trees along the multi-use path corridor, and a thoughtful blend of outdoor recreation, retail, and other mixed commercial uses. As a next step, the Board will invite the Tourism Board and property owners within the overlay district to its September meeting to provide an update on the Soundside Event Site boardwalk concept and to facilitate an open dialogue on strategies to enhance and support the district moving forward.

The Planning Board's next meeting is scheduled for Tuesday, September 16, 2025. The agenda is expected to include:

- Consideration of proposed text amendments to Section 7.58, Supplemental Regulations for Designated Public Events Site as it relates to proposed updates to the Town's Crowd Gathering Permit process.
- Consideration of a map amendment request submitted by Chris Greening of Coastal Bluewater Capital, LLC, to rezone the property located at 0 W. Satterfield Landing Road, Lot 2a-1r of the Charles Sineath Subdivision, (Parcel # 005618002) from C-2, Commercial Services to C-3, General Commercial. This is the vacant property west of TW's Bait and Tackle.
- The Board will also continue its review of the Commercial Outdoor Recreation Overlay District. This will include an update from the Outer Banks Visitors Bureau on the Soundside Event Site boardwalk, along with a collaborative discussion between property owners within the district and the Planning Board on strategies to strengthen and enhance the CORD. Topics will focus on supporting and expanding existing businesses, implementing measures to preserve soundside views and access, improving wayfinding and the overall sense of place, enhancing pedestrian and bicycle connectivity, and revisiting a variation of the previously considered Soundside boardwalk concept.

Board of Adjustment – Recent and Pending Applications

At its August 14, 2025 meeting, the Board of Adjustment considered a variance request submitted by Mark Martin of Sandmark Custom Homes, Inc., on behalf of property owners Stephanie and Greg Sim. The request sought relief from several sections of the Unified Development Ordinance (UDO) to allow demolition of an existing nonconforming single-family dwelling and construction of a new home at 8725 S. Old Oregon Inlet Road. The Board voted to grant the variances needed to facilitate the property's redevelopment.

Additional Updates

- DWMP/Septic Health Advisory Committee - The next quarterly meeting of the Septic Health Advisory Committee is scheduled for October 2025. Planning staff are currently compiling the necessary documents to submit to the Division of Water Infrastructure, requesting approval of the Town's proposed project scope for administering the no-interest loan program for septic repair. In preparation, staff are also planning a workshop with local septic repair contractors to review the funding requirements, including Davis-Bacon prevailing wage rates and American Iron and Steel provisions, as well as the associated paperwork and documentation needed to ensure compliance. This workshop is anticipated for mid-September.

Similarly to last year, the Planning Department will also host an intern from UNC through the Outer Banks Field Site Program. Isabelle Pala, a rising junior majoring in Environmental Studies and Public Policy, will join the team beginning Wednesday, September 3rd. She will assist intermittently each week through mid-November, supporting initiatives related to the Septic Health Program and water quality monitoring.

- Estuarine Shoreline Management Plan - Deputy Planning Director Joe Costello will present an update on the current status of the Estuarine Shoreline Management Plan, including key outcomes and highlights from the stakeholder and public engagement sessions held in early August. (Item G-2)
- Hargrove Street CAMA Access Grant - Staff were recently notified that the Town has been awarded \$400,000 through the NC Public Beach and Coastal Waterfront Access Grant program to support improvements at the Hargrove Street Public Beach Access.
- Dowdy Park Events/Farmers Market/Holiday Markets/Art & Culture - The Committee for Art and Culture met on August 13th, 2025. In addition to receiving an update from Event Coordinator Paige Griffin on recent events and activities, the committee began discussing ways to celebrate and honor the life and influence of Kerry Oaksmith Sanders within the town and community. These conversations will continue at the committee's next meeting on September 10th.

The 2025 Dowdy Park Farmers Market season has concluded. The final market was rescheduled a day earlier due to Hurricane Erin, resulting in fewer vendors; however, it was still well attended and well-received. Both visitors and vendors expressed appreciation for the effort to hold the event rather than cancel because of the weather.

The Summer Concert Series is ongoing, with the following performances scheduled:

- Wednesday, September 3rd - Manteo Murphy
- Wednesday, September 10 - Pier Pressure
- Thursday, September 18th - Shelli Gates and The Keepers

Staff are also preparing for upcoming Friday night Movies in the Park:

- September 5th - Toy Story (selected through a community poll on social media)
- October 3rd - Hocus Pocus (input from NHES, same day as the NHES Pumpkin Fair)
- November 7th - TBD, community voting coming soon.

Fitness Fridays have concluded for the season, but Tuesday morning Yoga continues through the end of October and remains very well attended.

Looking ahead, Event Coordinator Paige Griffin is working on the Holiday Events Calendar, including exploring some fresh ideas for this year's Tree Lighting Ceremony.

Finally, the Art Mast Project remains active. Two local artists are currently developing new panels, and additional artists have been identified for the next cycle. The original masts are showing some wear and tear, so staff are coordinating as needed to get replacement banners in preparation for next season.

Upcoming Meetings and Other Dates

- Tuesday, September 2nd - Technical Review Committee Meeting
- Wednesday, September 3rd - Board of Commissioners Meeting
- Wednesday, September 10th - Committee for Art and Culture Meeting

- Thursday, September 11th - Board of Adjustment Meeting (no hearings at this time)
- Tuesday, September 16th - Planning Board Meeting
- Wednesday, September 17th - Board of Commissioners mid-month (if scheduled)
- Summer Concert Series - September 3rd, 10th, and 18th

Attachments

1. 9 G1 Planning Monthly Report

**TOWN OF NAGS HEAD PLANNING AND DEVELOPMENT
MONTHLY REPORT
JULY 2025**

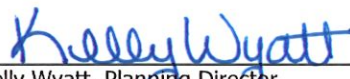
DATE SUBMITTED: August 7, 2025

	Jul-25	Jul-24	Jun-25	2025-2026 FISCAL YTD	2024-2025 FISCAL YTD	FISCAL YEAR INCREASE/ DECREASE
BUILDING PERMITS ISSUED - RESIDENTIAL						
New Single Family	2	3	0	2	3	(1)
New Single Family, 3000 sf or >	1	1	1	1	1	0
Duplex - New	0	0	0	0		0
Sub Total - New Residential	3	4	1	3	4	(1)
Miscellaneous (Total)	21	21	35	21	21	0
<i>Accessory Structure</i>	3	3	4	3	3	0
<i>Addition</i>	0	0	0	0	0	0
<i>Demolition</i>	0	0	0	0	0	0
<i>Move</i>	0	0	0	0	0	0
<i>Remodel</i>	5	5	6	5	5	0
<i>Repair</i>	13	13	25	13	13	0
Total Residential	24	25	36	24	25	(1)
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	0	0
Subtotal - New Commercial	0	0	0	0	0	0
Miscellaneous (Total)	6	7	6	6	7	(1)
<i>Accessory Structure</i>	2	1	2	2	1	1
<i>Addition</i>	0	0	0	0	0	0
<i>Demolition</i>	0	0	0	0	0	0
<i>Move</i>	0	0	0	0	0	0
<i>Remodel</i>	2	1	2	2	1	1
<i>Repair</i>	2	5	2	2	5	(3)
Total Commercial	6	7	6	6	7	(1)
Grand Total	30	32	42	30	32	(2)
SUB-CONTRACTOR PERMITS						
Electrical	50	61	51	50	61	(11)
Gas	6	2	2	6	2	4
Mechanical	49	45	38	49	45	4
Plumbing	6	2	4	6	2	4
Fire Sprinkler	1	0	0	1	0	1
VALUE						
New Single Family	\$1,175,000	\$1,634,157	\$0	\$1,175,000	\$1,634,157	(\$459,157)
New Single Family, 3000 sf or >	\$1,000,000	\$1,000,000	\$650,000	\$1,000,000	\$1,000,000	\$0
Duplex - New	\$0	\$0	\$0	\$0	\$0	\$0
Misc (Total Residential)	\$442,930	\$791,232	\$615,479	\$442,930	\$791,232	(\$348,302)
Sub Total Residential	\$2,617,930	\$3,425,389	\$1,265,479	\$2,617,930	\$3,425,389	(\$807,459)
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)	\$2,410,692	\$196,537	\$63,100	\$2,410,692	\$196,537	\$2,214,155
Sub Total Commercial	\$2,410,692	\$196,537	\$63,100	\$2,410,692	\$196,537	\$2,214,155
Grand Total	\$5,028,622	\$3,621,926	\$1,328,579	\$5,028,622	\$3,621,926	\$1,406,696

**TOWN OF NAGS HEAD PLANNING AND DEVELOPMENT
MONTHLY REPORT
JULY 2025**

DATE SUBMITTED: August 7, 2025

	Jul-25	Jul-24	Jun-25	2025-2026 FISCAL YTD	2024-2025 FISCAL YTD	FISCAL YEAR INCREASE/ DECREASE
ZONING						
Zoning Permits	36	35	50	36	35	1
Soil & Erosion	1	5	2	1	5	N/A
Stormwater Plans	0	1	3	0	1	N/A
CAMA						
CAMA LPO Permits	2	1	0	2	1	1
CAMA LPO Exemptions	3	1	6	3	1	0
Sand Relocations						N/A
CODE COMPLIANCE						
Cases Investigated	25	42	41	25	42	(17)
Warnings	4	2	10	4	2	2
NOVs Issued	21	40	31	21	40	(19)
Civil Citations (#)	0	0	0	0	0	0
Civil Citations (\$)	\$0	\$0	\$0	\$0	\$0	\$0
SEPTIC HEALTH						
Tanks inspected	11	8	10	11	8	3
Tanks pumped	16	6	4	16	6	10
Water quality sites tested	42	46	30	42	46	(4)
Personnel Hours in Training/School	12	39	14	12	39	(27)


Kelly Wyatt, Planning Director