



AGENDA

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

TUESDAY, JUNE 16, 2026; 9:00 AM

REGULAR SESSION

A. CALL TO ORDER

B. APPROVAL OF AGENDA

C. PUBLIC COMMENT/AUDIENCE RESPONSE

D. APPROVAL OF MINUTES

1. May 19th, 2026

E. ACTION ITEMS

1. Consideration of a text amendment application submitted by Ms. Suzanne Baer on behalf of BIPA, LLC to amend Section 7.32 of the Unified Development Ordinance to allow Water Dependent Recreational Uses as a permissible use within Commercial Mixed-Use Developments, including Shopping Centers, located within the Commercial Outdoor Recreation Overlay District.

F. REPORT ON BOARD OF COMMISSIONERS ACTIONS

1. June 3, 2026

G. TOWN UPDATES - AS REQUESTED

H. DISCUSSION ITEMS

1. Planning & Development Directors Report, June 3rd, 2026.
2. Update on Legislative Tracking.

I. PLANNING BOARD MEMBERS' AGENDA

J. PLANNING BOARD CHAIRMAN'S AGENDA

K. ADJOURNMENT

**Town of Nags Head
Planning Board
May 19, 2026**

The Planning Board of the Town of Nags Head met on Tuesday, May 19, 2026, in the Board Room at the Nags Head Municipal Complex.

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

Members Present

Meade Gwinn, David Elder, David Thompson, Beverly Head, Basil Belsches, Valerie Netsch, Brad Carey

Members Absent

None

Others Present

Kelly Wyatt, Joe Costello, Lily Nieberding

Approval of Agenda

Chair Gwinn called for approval of the agenda. David Elder moved to approve the agenda as presented. David Thompson seconded, and the motion passed by unanimous vote.

Public Comment/Audience Response

None

Approval of Minutes

Chair Gwinn asked for a motion to approve the minutes of the April 21st, 2026, meeting. David Elder moved to approve the minutes as presented; Basil Belsches seconded, and the motion passed unanimously.

Action Items

Consideration of a Vested Right/Special Use Permit/Site Plan Review submitted by Michael Robinson, P.E. on behalf of Tar Heel Motel of OBX, to construct a two-story, 26-guest room, hotel. The property is zoned C-2, General Commercial and is included within the Hotel Overlay District and is located at 7001 S. Croatan Highway, Nags Head.

Planning Director Kelly Wyatt presented the staff report for the Vested Right/Special Use Permit/Site Plan Review submitted by Michael Robinson, P.E., on behalf of Tar Heel Motel of OBX. She noted that the Planning Board had previously reviewed this project as a sketch plan in December 2025.

The proposal calls for the construction of a new two-story, 26-unit hotel building with associated site improvements as an expansion to the existing Tarheel Motel located at 7010 South Virginia Dare Trail. The new expansion is located at 7001 South Croatan Highway, a currently vacant parcel directly across from the existing motel. The property is zoned C-2, General Commercial, and falls within the Hotel Overlay District.

Ms. Wyatt reviewed the proposed site plan as well as Dare County GIS aerial imagery for the Board, noting that access would be via an existing entrance off Virginia Dare Trail and a new proposed entrance off of Glidden Street. The building is configured in an L-shape, with amenities including a pool, patio, and dog run. The existing pool from the motel property is proposed to be relocated, and a portion of the site is designated for an on-site engineered septic system.

Ms. Wyatt then reviewed Staff's findings:

The property is within an X flood zone but is subject to the town's local regulatory flood protection elevation of 9 feet. The proposed slab is shown at approximately 6.8 feet with parking on grade below, placing the first occupied floor above the required elevation of 9 feet.

Hotel use is classified as a Special Use within the C-2 district. Staff confirmed compliance with applicable supplemental regulations under Section 7.12 of the UDO. Ms. Wyatt noted that both the existing and proposed properties consist of multiple underlying non-conforming lots, and that a recombination of those lots will be required prior to the issuance of any development permits.

The Hotel Overlay District allows up to 65% lot coverage, compared to the standard C-2 cap of 55%. Combined lot coverage for the existing and proposed development was calculated at approximately 56.1%, remaining compliant. The proposed two-story structure reaches 42.8 feet in height, well within the overlay's 60-foot maximum.

Ms. Wyatt noted the proposal's strong compliance with the Town's commercial design standards, citing varied roof forms, a coastal watchtower element, shake and board-and-batten siding, residential-style windows, covered porches, shutters, decorative trim, and gable brackets.

The existing motel has 34 guest rooms; the expansion adds 18 two-bedroom suites with kitchenettes and 8 standard guest rooms. Under the town's current parking standards, which now include employee parking requirements, the development is required to provide 83 spaces. The site plan proposes 84 spaces, including provision for 6 employees on the largest shift. The ordinance also requires a minimum of 20% permeable surface material within new parking and drive aisle areas; the proposal achieves approximately 21%.

Staff found compliance with all buffering, landscaping, and vegetation preservation requirements. The proposal includes compliant parking lot buffers along US 158 and Glidden Street, a commercial transition protective yard along the property line adjacent to a neighboring non-conforming cottage court, and interior parking lot vegetation throughout. Although the site has virtually no existing vegetation, the applicant is planting over 18% of the lot area, exceeding the required 15%.

Town Engineer David Ryan generally found compliance with stormwater management, traffic circulation, and erosion and sedimentation control, with the applicant having already addressed minor comments. Public Services did not have concerns regarding water or sanitation. The fire department has requested additional engineering documentation related to fire flow and suppression infrastructure which will need be addressed prior to the building permit issuance. The on-site engineered wastewater system will require state approval prior to development review.

Ms. Wyatt noted that based on their findings Staff would recommend approval of the Special Use Permit/Site Plan as presented. She stated that she as well as applicant Mike Robinson were available to answer any questions for the Board.

Ms. Wyatt confirmed for Chair Gwinn that there is not a pedestrian walkway/multi-use path between the bypass and the proposed landscaping buffer so pedestrian access would not be impacted.

Mr. Belsches noted that the proposal was consistent with what had they had reviewed at the sketch plan stage, and that staff's thorough review indicated readiness to proceed to a vote. Mr. Belsches also complimented staff's use of the Dare County GIS aerial imagery in presenting the site.

Mr. Elder agreed noting that items previously discussed, including pedestrian walkway considerations, had been adequately addressed.

Based on their discussion, Basil Belsches moved to recommend approval of the Vested Right/Site Plan/Special Use Permit as presented. David Thompson seconded, the motion carried unanimously

Report on Board of Commissioners Actions – May 6th, 2026

Ms. Wyatt briefly reviewed the actions from the May 6th Board of Commissioners meeting, including: Prior to reconvening at the Board Room, the Board had convened at Dowdy Park to mark the installation of a new ADA-accessible We-Go swing, funded through a grant from Trillium Health Resources. Ms. Wyatt described the new swing as a notable improvement over the previous Liberty Swing, noting that it no longer requires a key to operate and is therefore more accessible to the public. A public hearing was held and the SUP, submitted by Withers Ravenel (on behalf of the Outer Banks Hospital Cancer Center) for additional HVAC infrastructure to reduce building humidity, was approved as submitted. The Board unanimously approved a text amendment establishing the new uses of wine bar and tap room. The Board denied a text amendment to establish the new accessory use of restaurant waiting facility. Director Wyatt noted that under town rules, the same or substantially similar amendment cannot be resubmitted for approximately one year, and that staff had not heard from the applicants since the BOC meeting. Last but not least, Planning Board Member David Elder was reappointed to the Planning Board for a three-year term, which was acknowledged by the Chair and Ms. Wyatt.

Town Updates

None

Discussion Items

Planning & Development Director's Report – May 6th, 2026

Ms. Wyatt reviewed her Director's Report which included:

An update on the Septic Health Advisory Committee: The committee met on April 27th. A revised informational flyer about the town's septic health program has been distributed to all properties within town limits, generating approximately 35 to 40 additional inspection requests. The Division of Water Infrastructure loan of \$500,000 has been approved and is accessible. The next step is targeted outreach to high-risk properties. Staff identified approximately 280 properties as the primary target group. The loan is zero interest and provides up to \$20,000, compared to the town's existing \$12,000 low-interest loan. Ms. Wyatt credited Deputy Town Manager, Amy Miller, Deputy Planning Director, Joe Costello, and Environmental Planner Conner Twiddy with substantial work in securing the loan.

An update on the Estuarine Shoreline Management. Deputy Planning Director Costello noted that an SAV (submerged aquatic vegetation) survey is expected in early June to inform design proposals.

The sand relocation program concluded at the beginning of May in accordance with turtle moratorium protocols. The dune management cost-share program, with an allocation of \$400,000 was maxed out due to a high volume of participants on the three-year cycle.

Ms. Wyatt also gave an update on Dowdy Park noting that the park is fully prepared for the summer season. Event Coordinator Paige Griffin has a seasonal part-time staff member to assist through the summer months. A \$2,000 grant through the Safe Monarch Habitat Grant Program was received to restore pollinators in the park's pollinator garden, with the aquarium assisting in growing the plants for a planned Fall installation.

Ms. Netsch noted that she had recently attended the Artrageous event at Dowdy and her only concern was a lack of trash receptacles. Ms. Wyatt clarified that Artrageous is not a town-sponsored event; it operates under the crowd-gathering permit process but committed to noting the trash receptacle concern in the file for the following year's application. Ms. Netsch added that litter near the basketball and pickleball courts at Dowdy Park is also an ongoing issue due to a lack of waste receptacles in that area and suggested adding a permanent receptacle there. Mr. Elder raised a similar concern at Satterfield Landing Park, noting that parking overflow during events has been accompanied by trash accumulating in adjacent wooded areas.

Update on Strategic Plan from February 2026 Board of Commissioners Retreat.

Ms. Costello presented an overview of the Town's strategic plan, which was updated at the February 2026 Board of Commissioners retreat and formally adopted in April 2026. He explained the plan's structure, noting that goals represent broad desired outcomes, objectives define what success looks like within each goal, and action items are the concrete steps staff will take to achieve those objectives. He described the strategic plan as functioning effectively as the planning department's two-year work plan.

The plan is organized around four broad goals: Environment, Development, Economy, and Community Services.

Mr. Costello focused his presentation on action items within the planning department's primary areas of responsibility:

Goal 1 – Environment:

- Action Item 1.2 – Estuarine Shoreline Management Plan: Progressing multiple living shoreline projects with natural materials to reduce erosion/flooding, backed by grants and partnerships. Advisory services for property owners are being considered.
- Action Item 1.5 – Decentralized Wastewater Management Plan: Guided by the Septic Health Advisory Committee, staff are preparing a zero-interest repair loan program, as detailed by Director Wyatt.
- Action Item 1.6 – Septic Health Initiative Outreach: Expanding public awareness through events, media, and targeted outreach alongside the loan program rollout.

Goal 2 – Development – Mr. Costello highlighted this goal area as central to Planning Board tasks.

- Action Item 2.1 – Land Use Compatibility and UDO Consistency: Identifying mismatches in zoning and development patterns and exploring CORD district flexibility. Senate Bill 382 is mentioned for its limits on regulatory options.
- Action Item 2.2 – Character Area Implementation: Initial implementation at Whalebone Junction and CORD district areas involving shoreline restoration, boardwalk, parks, and connectivity projects like Jennette's Pier.
- Action Item 2.3 – Accessory Dwelling Unit Ordinance: Developing an ADU ordinance with strong community support for long-term rental/attached units.
- Action Item 2.4 – Dark Skies/Residential Lighting: Initiatives include mapping, outreach, turtle-friendly lighting stocking, and collaboration on lighting upgrades.
- Action Item 2.5 – Grant Opportunities: Staff, mainly led by Amy Miller, continue pursuing grants for vital infrastructure projects.
- Action Item 2.6 – US 158 Corridor Advocacy: Advocating for an NCDOT study. Top ARPO priorities are three path projects along US 158 which, despite funding challenges, are hopeful for progress.
- Action Item 2.7 – Parks and Recreation Plan Update: A top plan priority involves updating the 2012 Parks and Rec plan, now outdated due to developments like Dowdy Park and the sound-side boardwalk. A consultant team with coastal expertise and community input will guide this effort, essential for additional PARTF grant points.
- Action Item 2.8 – CORD Activation Strategies: The Town is assessing a boardwalk and CORD activation strategies, considering budget impacts and ongoing strategic planning.

Chair Gwinn asked about the prioritization of the three path segments. Mr. Costello confirmed the Jockey's Ridge connection is ranked first, followed by the area between the outlet mall and The Village, and then the causeway segment.

Ms. Netsch raised a specific safety concern regarding pedestrian conditions near Jockey's Ridge, describing visitors parking at the adjacent church and then walking against traffic along the highway to reach Jockey's Ridge events, with sand spilling into the roadway compounding the hazard. She noted that pedestrians waiting at the crosswalk to return to the formal Jockey's Ridge parking lot are also spilling into the roadway.

Mr. Belsches agreed noting that pedestrians on their return trip are walking with traffic, making conditions even more difficult.

Mr. Costello acknowledged the concerns and indicated that, to his understanding, Town Engineer David Ryan is already working through a design for that segment using separate grant funding.

Mr. Elder raised the possibility of revisiting off-highway pedestrian routing through interior neighborhood streets, particularly the corridor running adjacent to Nags Head Woods from approximately Barnes Street southward. Mr. Costello acknowledged the idea and committed to reviewing the pedestrian plan for that area but noted the challenges of securing state transportation dollars.

Goal 3 – Economy

- Action Item 3.2 – Beach Commercialization Prohibition: Staff are reviewing and proposing code amendments to reinforce the long-standing policy keeping ocean and estuarine beaches free, non-commercial, and family-friendly. An internal review of rules governing rentals and concierge services has been completed, with proposed amendments to follow.

Goal 4 – Community Services

- Action Item 4.9 – Arts and Culture Program: Noted as a planning-related item to enhance programs celebrating Nags Head's heritage and community identity.

Mr. Belsches asked about due dates and ownership of action items. Mr. Costello explained that the plan does not carry hard due dates given the variability of community processes, budgets, etc. Ms. Wyatt confirmed that progress is reported to Town Manager Andy Garman, who in turn provides updates to the Commissioners.

Planning Board Members' Agenda

Ms. Netsch proposed a Junior Lifeguard Program for the Town of Nags Head. She supported the idea based on her experience as a former town lifeguard and what she had seen in a similar program in Australia.

Mr. Elder agreed noting that Kill Devil Hills has an existing program from which a significant portion of its local lifeguard staff has been drawn. He also raised a related public safety concern regarding bystander rescues, noting that surfers rescue more individuals on the Outer Banks than lifeguards do, and that rescuers themselves can become victims without adequate training and flotation. Chair Gwinn and Mr. Belsches suggested that Ms. Netsch consider bringing the same presentation directly to the Board of Commissioners as a citizen advocate.

Planning Board Chairman's Agenda

None

Adjournment

A motion to adjourn was made by David Elder. The time was 10:15 AM.

Respectfully submitted,
Lily Campos Nieberding



AGENDA ITEM SUMMARY

Town of Nags Head Planning Board

REGULAR SESSION: June 16, 2026

AGENDA ITEM E.1.

Consideration of a text amendment application submitted by Ms. Suzanne Baer on behalf of BIPA, LLC to amend Section 7.32 of the Unified Development Ordinance to allow Water Dependent Recreational Uses as a permissible use within Commercial Mixed-Use Developments, including Shopping Centers, located within the Commercial Outdoor Recreation Overlay District.

Prepared by

Kelly Wyatt, Planning Director

Reviewed by

Kelly Wyatt

Staff Comments/Recommendation

Staff Recommendation

Staff finds that the proposed amendment presents a unique circumstance in that it would allow an existing permitted use to be considered within an additional development type without increasing the number of commercial operators, increasing the number of personal watercraft authorized per operator, or expanding the Commercial Outdoor Recreation Overlay District.

While staff recognizes concerns related to parking availability, circulation, equipment storage, fueling operations, compatibility with adjacent tenants, and overall site functionality, these concerns are largely site-specific and are more appropriately evaluated through the Special Use Permit and Site Plan Review process. Accordingly, staff recommends adoption of the proposed amendment as presented.

Specific Action Requested

Consider the proposed text amendment to the Unified Development Ordinance.

Summary

Suzanne Baer, on behalf of BIPA, LLC, has submitted the attached request to amend Section 7.32 of the Unified Development Ordinance (UDO) to allow Water-Dependent Recreational Uses as a permissible use within Commercial Mixed-Use Developments, including Shopping Centers, located within the Commercial Outdoor Recreation Overlay District (CORD).

The request originated from discussions regarding the property located at 7531 S. Virginia Dare Trail (Caribbean Corners). While text amendments are legislative in nature and are not site-specific, staff notes that the request is being made on behalf of a soundfront commercial property located within the C-2 General Commercial District and Commercial Outdoor Recreation Overlay District. The property is developed as a Shopping Center, which is classified by the Unified Development Ordinance as a Commercial Mixed-Use Development.

Section 6.6, Table of Uses and Activities, allows Water-Dependent Recreational Uses within the Commercial Outdoor Recreation Overlay District through the Special Use Permit process. However, Water Dependent Recreational Uses are not currently listed as a permitted use within Commercial Mixed-Use Developments under Section 7.32 (attached).

The proposed amendment would not:

- Increase the number of permitted commercial water recreation vendors within the Town, which is seven;
- Increase the number of personal watercraft permitted per vendor, which is eight;
- Expand the geographic extent of the Commercial Outdoor Recreational Overlay District; or
- Otherwise alter the carrying-capacity limitations established through prior Town studies and ordinance amendments.

Rather, the amendment would allow the water-dependent recreational use to be considered within an additional development type, specifically Commercial Mixed-Use Developments and Shopping Centers.

This request should not be discussed without first understanding how the current regulations concerning recreational water uses came to be. The Town has a long history of studying commercial water recreation activities and carefully evaluating their impacts on Roanoke Sound and its users.

In 1998, the Town began experiencing increasing concerns regarding Personal Watercraft (PWC) rental operations, including user conflicts, safety concerns, congestion, potential environmental impacts, and the overall recreational experience on Roanoke Sound. In response, the Board of Commissioners adopted a moratorium on expansion of PWC (jet ski) rental operations while a comprehensive carrying capacity study was completed. This study, as well as excerpts of pertinent minutes of the Board of Commissioners are included for the Planning Board's review and consideration. The Town was not looking to prohibit personal watercraft. Instead, it wanted to determine how much recreational activity the Sound could reasonably accommodate before user conflicts, safety concerns, and overall recreational quality began to decline.

The Town retained PMA-Planners, led by consultant Jack Stodghill, who developed and administered a detailed survey to multiple user groups at town recreational facilities, including:

- Personal watercraft users;
- Power boat users;
- Non-powered watercraft users (kayaks, sailboards, canoes, etc.); and
- Shoreline users, including swimmers, anglers, and crabbers.

During the summer of 1998, consultants conducted 317 interviews at twelve locations along the Nags Head shoreline of Roanoke Sound, generally extending from Jockey's Ridge State Park south to approximately one mile south of the Causeway. The goal was to better understand how people were using the Sound, whether conflicts existed between user groups, and whether the resource was approaching a point where additional recreational activity could create concerns. In evaluating the carrying capacity of Roanoke Sound, the consultant looked at two primary questions. First, at what point does recreational use become so intense that it begins to affect the quality of the experience for other users? Second, at what point could recreational activity begin to cause measurable impacts to the natural resource itself?

The study concluded that users were generally satisfied with their recreational experiences and that the Sound was not experiencing widespread degradation or unacceptable congestion. The consultant also concluded that existing management measures appeared to be functioning effectively.

At the time, seven commercial rental operations were already in existence. Since the study found that users were generally satisfied and the Sound did not appear to be experiencing significant congestion or conflict, the consultant recommended maintaining the existing number of sites rather than allowing additional operators. The study also found that eight personal watercraft per site appeared acceptable north of the Causeway. The report further noted that the available water area south of the Causeway was more limited and that user conflicts could be greater in that area. Although the report discussed the possibility of additional restrictions south of the Causeway, no formal recommendation was made and the Board of Commissioners did not adopt regulations specific to that portion of the Sound. Section 7.63 of the UDO, Watercraft Rental, is attached for review.

Perhaps one of the more interesting findings of the study was that the primary concern was not environmental degradation of the Sound itself, but rather the increasing potential for conflicts among users sharing a limited recreational resource. The report frequently references the need to balance the interests of personal watercraft users, anglers, swimmers, kayakers, sailboarders, tour boat operators, and others utilizing the Sound. As a result, many of the consultant's recommendations focused not on reducing activity, but on managing it in a way that maintained safety and recreational quality. In general, the consultant concluded that the existing number of operators and personal watercraft should be maintained, while encouraging additional safety measures, enforcement, fuel handling improvements, no-wake zone management, and continued monitoring over time.

The resulting ordinance amendments were the product of a year-long planning effort that included public input, user surveys, consultant analysis, and extensive discussion regarding how best to balance recreational opportunities, user safety, and the long-term management of a finite public resource.

Below is a list of existing commercial water recreation operators currently located within the Town:

- 7665 S. Virginia Dare Trail – Fishing Unlimited
- 7649 S. Virginia Dare Trail – Causeway Watersports
- 7612 S. Virginia Dare Trail – Nags Head Watersports
- 7517 S. Virginia Dare Trail – Kitty Hawk Kites (Whalebone)
- 6920 S. Croatan Highway – Outer Banks Adventures and Watersports
- 6714 S. Croatan Highway – First Flight Adventure Park and PWC Rentals (status uncertain)

Staff also notes that recreational activity on Roanoke Sound differs today from what existed when the study was completed in 1999. Additional activities now include delivery-based rental services, privately-owned watercraft utilized by visitors, and transient docking facilities approved since completion of the study. In 2019, Miller's Waterfront Restaurant was approved to construct four transient boat slips. Also in 2019, Tale of the Whale Restaurant was approved to construct four transient boat slips. While not commercial water recreation operators, these facilities contribute to additional recreational activity within the Sound.

Additionally, commercial water recreation businesses today frequently offer a broader range of services than those evaluated during the original study, including pontoon rentals, kayak rentals, stand-up paddleboard rentals, parasailing operations, dolphin tours, and other recreational activities. As a result, while the number of operators has remained relatively consistent, the variety and intensity of recreational activities occurring on Roanoke Sound has arguably increased.

While the 1999 Recreational Water Use Carrying Capacity Study is certainly relevant to this discussion, it is important to recognize that this requested amendment is not proposing to increase the number of water recreation operators, increase the number of personal watercraft allowed, or expand the Commercial Outdoor Recreational Overlay District. Those were the types of questions the study was intended to address. This request asks whether an existing permitted use should also be allowed within Commercial Mixed-Use Developments, including Shopping Centers. As a result, the discussion shifts somewhat from questions of carrying capacity and the overall amount of activity occurring on the sound to questions about how this use would function within a mixed-use development and whether issues such as parking, circulation, equipment storage, fueling, and compatibility with adjacent tenants can be adequately addressed.

As a result, staff believes the primary considerations associated with this request are related less to carrying capacity and more to site design and land use compatibility. Potential considerations include:

- Equipment storage and staging areas;
- Docking facilities and associated infrastructure;
- Parking demand and availability;
- Internal traffic circulation and pedestrian safety;
- Fueling operations and spill prevention;
- Stormwater management;

- Compatibility with adjacent tenants; and
- Overall functionality of the development.

Unlike stand-alone waterfront recreational facilities, Commercial Mixed-Use Developments are generally designed around retail storefronts, restaurants, offices, personal services, and shared customer parking. Questions regarding where equipment would be stored, where customers would assemble, how parking would be accommodated, and how operational activities would function within a mixed-use environment are legitimate planning considerations.

At the same time, staff recognizes potential benefits associated with the amendment, including greater flexibility in land use arrangements, utilization of shared infrastructure, concentration of commercial activity within existing commercial developments, and customer convenience.

Many of the concerns identified by staff are inherently site-specific and cannot be fully evaluated through a legislative text amendment. Should the amendment be approved, future proposals would remain subject to Special Use Permit and Site Plan Review processes, where detailed information regarding parking, circulation, operational characteristics, equipment storage, fueling operations, and site functionality would be available for review.

Policy Considerations

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:

- Commercial development that serves the needs of residents and visitors but respects the goals of the community related to design and appearance.
- Land uses that are compatible with the community and with adjacent properties that don't create excessive noise, light, unsafe conditions, or other nuisances.

LU-7 — Review regulations in the Ocean and Sound Waters Overlay District and the Commercial Outdoor Recreation Overlay District to ensure proper use of the ocean and sound waters, including islands that adjoin the town, to ensure the continued scenic, conservation and recreational value that these waters provide to the town, its residents, visitors, and the surrounding area.

LU-7a - Review regulations for commercial boating and personal watercraft to maintain compatibility with adjacent uses and the estuarine environment.

LU-8 — Ensure proposals for future commercial uses in the sound are not detrimental to the marsh, sound bottom, and submerged aquatic vegetation. Compatible sound uses will not increase turbidity in the water and will maintain overall water quality. The town will not support upland excavations for the development of canals that will destroy significant areas of wetlands or marsh.

Staff Recommendation

Staff finds that the proposed amendment presents a unique circumstance in that it would allow an existing permitted use to be considered within an additional development type without increasing the number of commercial operators, increasing the number of personal watercraft authorized per operator, or expanding the Commercial Outdoor Recreational Overlay District.

While staff recognizes concerns related to parking availability, circulation, equipment storage, fueling operations, compatibility with adjacent tenants, and overall site functionality, these concerns are largely site-specific and are more appropriately evaluated through the Special Use Permit and Site Plan Review process. Accordingly, staff recommends adoption of the proposed amendment as presented.

Staff further notes that approval of the text amendment should not be interpreted as support for any specific site or

future Special Use Permit application. Any future proposal must independently demonstrate compliance with all applicable ordinance requirements and review standards and must establish that the use can be accommodated without adversely affecting parking, circulation, adjacent tenants, or the overall functionality of the development in which it is proposed.

Attachments

1. Water Dependent Rec Uses Ordinance
2. Recreational Water Use within Shopping Center Attachments

(DRAFT)
**AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN
OF NAGS HEAD, NORTH CAROLINA AS IT PERTAINS TO ALLOWING WATER
DEPENDENT RECREATIONAL USES WITHIN COMMECRCIAL MIXED USE
DEVELOPMENTS, INCLUDING SHOPPING CENTERS.**

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, Suzanne Baer, on behalf of BIPA, LLC has requested that Section 7.32 of the Unified Development Ordinance be amended to include “Water Dependent Recreational Uses” as a permissible use within Commercial Mixed-Use Developments located within the Commercial Outdoor Recreation Overlay District.

ARTICLE II. Construction.

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

ARTICLE III. Amendment of the Unified Development Ordinance.

PART I. That **Section 7.32, Commercial Mixed Use, General Provisions**, shall be amended as follows:

Section 7.32 - General Provisions.

The following provisions related to Commercial Mixed-Use apply to any of the following uses from the table in [Section 6.6](#): Commercial with Accessory Residential, Group Development, Mixed-Use Development, Multiple Principal Uses, and Shopping Centers. In any Commercial Mixed-Use development, uses are limited to the categories and uses listed below. Please note that if a use is listed below

however it is not permitted within the zoning district in the table in Section 6.6, it shall not be permitted as part of a Commercial Mixed-Use development within that zoning district.

7.32.8. Recreation

- Watercraft Rental, Non-Powered/Powered.

PART II. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. This ordinance shall be in full force and effect from and after the ____ day of ____ 2026.

Benjamin Cahoon, Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney

Date adopted: _____

Motion to adopt by Commissioner _____

Motion seconded by Commissioner _____

Vote: _____ AYES _____ NAYS

UNIFIED DEVELOPMENT ORDINANCE TEXT/
ZONING MAP AMENDMENT APPLICATION
TOWN OF NAGS HEAD, NORTH CAROLINA

Applicant BIPA, LLC

Mailing address 200 Golden Oak Ct, Virginia Beach, VA 23452

Explanation of request

- ☒ Unified Development Ordinance (UDO) - Section(s) 7.32
Attach amendment in ordinance form.
- ☒ Zoning Map
Attach copy of current Zoning Map with affected property outlined in red.
Attach names and mailing addresses of the property owners of all parcels of land
abutting the parcel in question.

Nature of request

The Caribbean Corners is currently developed and operated as a multi-tenant Shopping Center with a mix of restaurants retail, and service-oriented uses. While historically categorized under a "Shopping Center" use, the property functions in practice as a destination-oriented, mixed use waterfront environment, with pedestrian activity and a diverse tenant base. Due to its sound front location and existing boardwalk and dock access, the property possesses unique waterfront characteristics that support both the existing Shopping Center classification and the addition of Water Dependent Recreational Uses as a compatible permitted use. The proposed use is consistent with the surrounding coastal and recreational commercial activity found along the Nags Head Causeway and is an appropriate adaptive use of the site's existing waterfront features. Contingent upon approval of the text amendment, the applicant intends to operate limited water-dependent recreational uses as an accessory component to the existing commercial center. All operations subject to local, state, and federal regulations, and applicant prepared to work with the Town staff to ensure compliance with parking, environmental and Operational standards. Subject to a Special Use Permit approval.

Reason for request

The approval of the text amendment would allow the use of independent watercraft activities and may include, but are not limited to: Jet ski rentals, Boat Rental, Dolphin Tour Boat, (6 passenger), Kayak and paddleboard rental, Parasailing operations, Charter and excursion services, Ticket sales and reservation services, Associated retail sales of watersports-related merchandise and equipment. The text amendment is intended to Support tourism-based economic activity. Encourage adaptive reuse and occupancy of existing commercial spaces. Clarify permitted commercial recreational uses and recognize watersports-related businesses as long-standing visitor-serving commercial activities consistent with the Town's coastal economy and land use objectives. The requested text amendment is reasonable and in the public interest and is consistent with the Town's adopted land use policies supporting tourism, recreation, and coastal commercial activity. We respectfully submit this UDO Text Zoning Map Amendment Application.

Sharon C. Baw Property Manager
Applicant For BIPA, LLC Caribbean Corners
5/13/2020
Date

Section 7.32 General Provisions.

The following provisions related to Commercial Mixed-Use apply to any of the following uses from the table in Section 6.6: Commercial with Accessory Residential, Group Development, Mixed-Use Development, Multiple Principal Uses, and Shopping Centers. In any Commercial Mixed-Use development, uses are limited to the categories and uses listed below. Please note that if a use is listed below however it is not permitted within the zoning district in the table in Section 6.6, it shall not be permitted as part of a Commercial Mixed-Use development within that zoning district.

7.32.1. Residential.

- Cottage Courts.
- Dwelling, Single-Family.
- Dwelling, Two Family.
- Dwelling, Multi-Family.
- Home Occupations.

7.32.2. Retail.

- Art Gallery.
- Art Gallery - Owner Occupied.
- Beach Recreation Equipment Rental/Sales.
- Bicycle Shop (repair, retail, rental).
- Convenience Store.
- Food/Grocery Store.
- Furniture Store.
- General Retail, including clothing, gifts, candy, toys, shoes, jewelry, notions, beach equipment, bakery, antiques, hobby goods, magazines/comics, crafts, dry goods, gifts, musical instruments, bookstores, sporting goods (and the incidental manufacturing, repair, or service of goods on the premises).
- Hardware Store.
- Pet Shop/Dog Grooming.
- Pharmacy.

7.32.3. Service.

- Personal Service.
 - Group Fitness - Aerobics/Dance/Karate/Yoga.
 - Hair Salon.
 - Indoor Fitness/Gymnasium.
 - Massage Therapy Center.
 - Metaphysical Wellness Services.
 - Spa.
- Food Service

-
- ☐ Coffee Shop/Juice Bar.
 - ☐ Ice Cream Shop
 - ☐ Microbreweries
 - ☐ Restaurant, Neighborhood
 - ☐ Restaurant, Sit Down
 - ☐ Restaurant, Take Out

7.32.4. Office.

- Building Contractor's Office
- Professional Office, including General Business, Financial, Real Estate Sales, Insurance, Attorney, Accountant, Mortgage

7.32.5. Institutional.

- Governmental Administrative Office.
- Libraries.
- Religious Complexes

7.32.6. Medical.

- Medical Offices.

7.32.7. Accessory Uses.

- Outdoor Stands - Accessory to Shopping Centers and Group Development.

(Ord. No. 20-09-015, Art. III, Pt. I, 9-2-2020; Ord. No. 21-04-005, Art. III, Pt. I, 4-7-2021; Ord. No. 21-06-012, Art. III, Pt. VIII(Att. H), 6-2-2021; Ord. No. 23-03-009, Art. III, Pt. VIII, 3-15-2023)

Section 7.63 Watercraft Rental, Non-Powered/Powered.

Watercraft rental, non-powered/powerd, are permitted in accordance with Section 6.6, Table of Uses and Activities, subject to the following regulations:

7.63.1. Non-powered and Wind Driven Boat Rental.

Non-powered and wind-driven boat rentals including: canoes, kayaks, sailboats, windsurfer boards, kite boards, paddle boards, and other nonpowered and/or wind-driven watercraft, are permitted in accordance with Section 6.6, Table of Use and Activities, subject to other requirements of this UDO and provided that the following conditions are met: the use shall be entirely within the commercial-outdoor recreational uses overlay district.

7.63.2. Small Fishing Skiff Rental Establishments.

Small fishing skiff rental establishments, are 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:

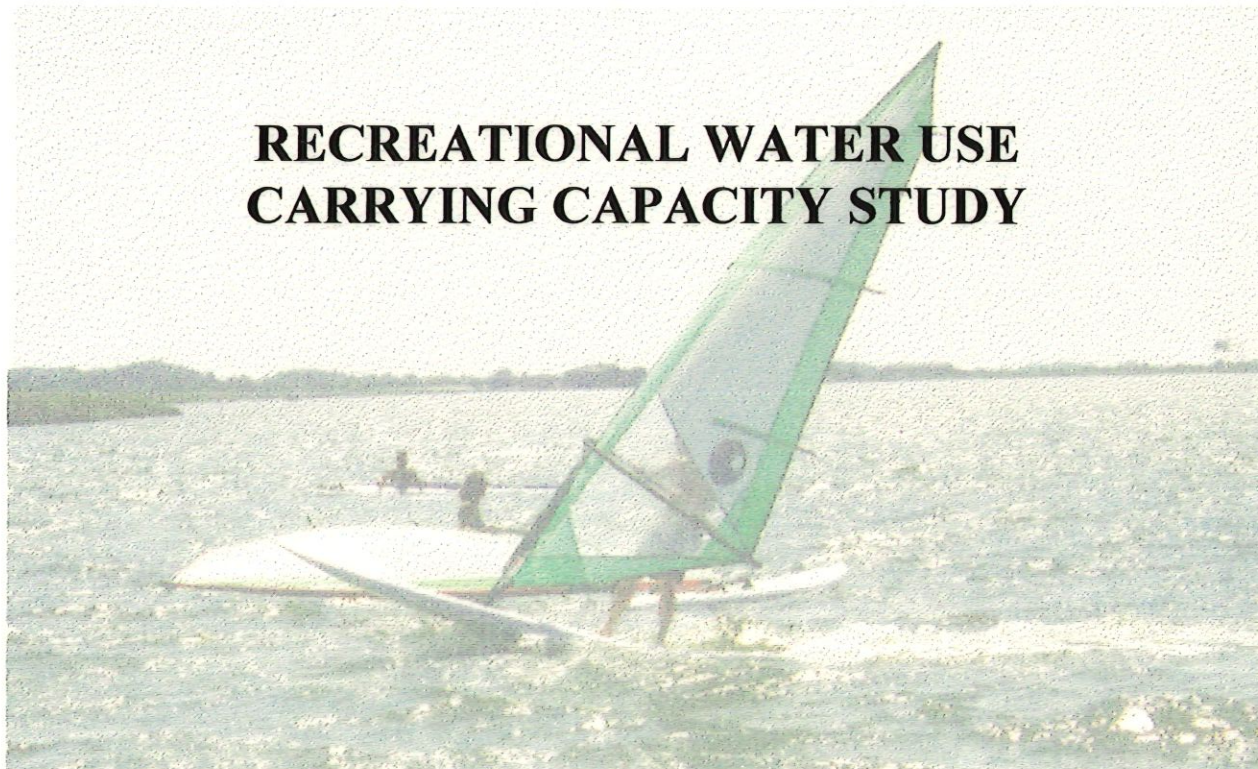
7.63.2.1. The use shall be entirely within the commercial-outdoor recreational uses overlay district.

7.63.2.2. Small fishing skiff shall utilize either electric or four-cycle engines only, with a maximum horsepower of twenty-five (25) horsepower.

7.63.3. Boat Rental Establishments.

Each site shall be limited to a maximum of eight (8) authorized personal watercraft rental units per site with a maximum of seven (7) authorized personal watercraft rental sites within Town. No personal watercraft shall be located waterward of the nearest principal or accessory building other than authorized personal watercraft identified for rental use and two personal watercraft that may be available for control, supervision, or rescue purposes per site.

RECREATIONAL WATER USE CARRYING CAPACITY STUDY



**Prepared for the
TOWN OF NAGS HEAD, NORTH CAROLINA**

**Presented to Board of Commissioners
April 7, 1999**

**By
PMA-Planners and Architects,
Newport News, Virginia**



RECREATIONAL WATER USE
CARRYING CAPACITY STUDY

Prepared for the
TOWN OF NAGS HEAD, NORTH CAROLINA

Town Commissioners

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April 7, 1999

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The preparation of this report was financed in part through a grant provided by the North Carolina Coastal Management Program, through funds provided by the Coastal Zone Management Act of 1972, as amended, which is administered by the Office of Ocean and Coastal Resources Management, National Oceanic and Atmospheric Administration.

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SECTION A. EXECUTIVE SUMMARY

1. Introduction

The purpose of this study is to prepare a Recreational Water Use Carrying Capacity Study for the Town of Nags Head, North Carolina. The study was launched after receipt by the Town of a planning grant from the North Carolina Division of Coastal Management during the summer of 1998. Subsequently the Town entered into contract with PMA, Inc., to prepare the study. This report presents the findings of that study.

The project began in August, 1998, with a user survey that focused on water users on the Nags Head side of Roanoke Sound from Jockey's Ridge State Park to about one mile south of the Nags Head-Manteo Causeway. This survey was designed to learn among other things how visitors used the water and how they felt about issues of possible overuse of the water, conflict with other users and water safety. A major part of this survey focused on users of (rented) Personal Watercraft (PWC) which was one of the major concerns of the Board of Commissioners. After completing the user survey the study turned to an analysis of water carrying capacity issues which, for study purposes, were divided into "social capacity" and "resource capacity." The findings of that part of the study led to the identification of issues concerning carrying capacity and to the formulation of optional management strategies for addressing those issues.

In preparing this work PMA used a number of sources of information. The major source for dealing with the social capacity issue came from a field survey of 317 water users which was designed by PMA in coordination with the Town's staff and implemented through one-on-one interviews at 12 different water access points on Roanoke Sound. The full results of that survey are included in the report's Appendix. PMA also received information from a variety of sources during the preparation of this document. Guiding sources included recent studies by the National Transportation Safety Board¹ and the National Water Safety Congress.² PMA also received information from interviews with various state and local public agencies. Among these were discussions with officials in Monroe County (Key West), Florida, who recently imposed a ban on PWC within 1,200 feet of the shorelines in certain areas of that County. In addition we downloaded information on personal watercraft from

¹NTSB, Safety Study, Personal Watercraft Safety PB98-917002, 1988.

²National Water Safety Congress, Inc., A Guide for Multiple Use Waterway Management, 1996.

several Internet sites, including the web site of the Environmental Protection Agency (EPA). Footnotes provide references to specific informational sources at the point where they are used in this report. While this report including the surveys and investigations upon which it is based serves to raise important issues related to the use of Roanoke Sound by watercraft, it is by no means offered as a scientific evaluation of environmental issues that are discussed herein.

2. Organization and contents of the report

The material in this report is organized as six sections starting with this Executive Summary (Section A) and concluded with an Appendix. The sections in between cover the following topics. Section B provides a summary of the laws, both state and local, that establish the authority for and operational standards of personal watercraft within the Town of Nags Head. North Carolina General Statute 160A-176.2 enables *"a city to adopt ordinances to regulate and control swimming, personal watercraft, surfing and littering in the Atlantic Ocean and other adjacent waterways."* Subsection "b" of that statute extends this authority to the Town of Nags Head. Details of these statutes, as well as applicable sections of the Nags Head Code adopted pursuant thereto, are given in Section B.

Section C gives an overview of the findings of a recreational water users' survey that was conducted during late August, 1988 with some interviews extending into early September. This section summarizes major observations drawn from that survey during which 317 water users were interviewed at 12 access points to Roanoke Sound within the town limits of Nags Head. The question-by-question results of this survey may be examined in the Appendix.

The primary objective of this overall study was to examine the carrying capacity of the Roanoke Sound waters within the regulatory jurisdiction of Nags Head. This was done through an approach that evaluated the "social capacity" and "resource capacity" of the Sound waters. According to the National Water Safety Congress (NWSC), social capacity is *"that level of use of a resource or area beyond which users' expectations of the experience are not realized and they do not receive satisfaction"* Social Capacity is evaluated in Section D. The evaluation was anchored in the user survey and focuses on three issues, those concerning: (a) overuse, (b) conflict of use among various water users and/or shore users, and (c) safety.

Following the examination of social capacity issues, section E addresses "resource capacity," which according to the NWSC is the *"level of recreational use beyond which there is irreversible physical or biological degradation of the resource."* Resources are evaluated in three categories. First, it

summarizes some of the salient physical characteristics of the waterway by focusing on territories used by PWC, water depths, marshes and habitats. Second, it reports on the potential impact of volume of personal watercraft on Nags Head's water resources including hydrocarbons discharged from PWC. Third, it examines several management and operationally-related issues to watercraft rental agencies.

3. Summary of observations and recommendations

Section F concludes the study with a summary of "Water Management Plan Issues and Options" and proposes, in appropriate cases, actions that might be considered by the Board of Commissioners to address these issues. The significant observations and/or recommendations resulting from this effort include the following:

1. In general, the present number of PWC rental sites (seven) appears to be a reasonable number for the water area available for their use. The voluntary program whereby the vendors allocate the limited water space for each others use also seems to be working.

In the area north of the Causeway, the present number of eight PWC per vendor also seems to be appropriate based on acceptance by vendors and absence of perceived dissatisfaction by PWC users. With respect to the south side of the Causeway, the Board of Commissioners might consider reducing the number of PWC each vendor may operate from eight to five. This would help compensate for the considerably smaller water area available in that area and potential conflict between PWC traffic, shoreline fishing sites and tour boats.
2. When technology becomes available, PWC vendors should replace present style two-cycle engines with equipment that is consistent with EPA's requirement of a "75 percent reduction in hydrocarbon emissions." If it appears that voluntary replacement does not take place within a reasonable time, the Board of Commissioners may wish to consider imposing mandatory requirements to assure the use of cleaner-burning engines on Roanoke Sound.
3. Consider establishing a "safe zone" for non-powered watercraft by (a) extending the 600-foot "no-wake" zone into the Commercial Outdoor Recreational Uses Overlay Zoning District and (b) requiring vendors to mark access routes for ingress and egress of rental powered watercraft through the safe zone.
4. Modify municipal ordinances [Sections 3-150-(7) and 5-5 (e)] to resolve the difference in depth of the no-wake zone. These sections specify 500 and 600 feet respectively as the no-wake zone depth.
5. Increase enforcement efforts of PWC regulations to reduce interference between PWC and shoreline activities. Specific actions should focus on enforcement of a 600-foot "PWC-free" zone around fishing piers and other shoreline recreational activities.
6. Consider implementation of an accident reduction and management safety program that includes the following types of activities for vendors at rental PWC sites:

- a. Strengthen the orientation of PWC drivers prior to use of the equipment on matters of safety, boat operating procedures and rules of the road for waterways.
- b. Provide a licensed captain (on-site or on an advisory basis) to advise in orientations prior to use and during the operation of PWC (Only one site had a licensed captain at the time of the 1998 survey.).
- c. Improve enforcement of existing laws and regulations regarding the operation of PWC within waters under the jurisdiction of Nags Head by such activities as more frequent site visits by enforcement officials.
- d. Improve oversight and enforcement of fuel-handling facilities including periodic site inspections during the PWC season..
- e. Evaluate the feasibility of requiring liability insurance by vendors.
- f. When (and if) warranted, consider the use of safety helmets by PWC riders (According to the NTSB, research does not support the use of helmets for normal recreational use but the International Jet Sport Boating Association requires PWC riders in competitive races to wear helmets).

These observations are expressed in greater detail in Section F with a synopsis in Table 4. In summary, PMA found that visitors to Nags Head seemed to be very pleased with their recreational experiences and that PWC rental agencies also appeared to be satisfied that the current limit of eight PWC per vendor was a reasonable number.

SECTION B. LEGAL FRAMEWORK GOVERNING PERSONAL WATERCRAFT³

This section summarizes the legal framework for regulating the use of personal watercraft in Nags Head. Text in this section that is included in quote marks and italicized is direct quotes from the specific law that is referenced. Citations are given to enable the full text of these laws to be examined.

I. North Carolina laws on personal watercraft

The North Carolina General Assembly adopted laws in 1994 (with amendments in 1997) which enable Nags Head to regulate the use and operation of personal watercraft. General Statute 160A-176.2 enables "*a city to adopt ordinances to regulate and control swimming, personal watercraft, surfing and littering in the Atlantic Ocean and other adjacent waterways.*" Subsection "b" of that statute extends the authority to many coastal towns including the **Town of Nags Head**. Enforcement of the laws referred to in this section is done through the joint efforts of the Town of Nags Head, U. S. Coast Guard and the North Carolina Wildlife Resources Commission.

More specific language covering personal watercraft may be found in G.S. 75A-13.2 Personal Watercraft, the essentials of which are to:

- a. Limit the hours that PWC may be operated to one hour before sunrise and one hour after sunset.
- b. Define a PWC as "*a small vessel which uses an outboard motor, or an inboard motor powering a water jet pump, as its primary source of motive power and which is designed to be operated by a person sitting, standing, or kneeling on, or being towed behind the vessel, rather than in the conventional manner of sitting or standing inside the Vehicle.*"
- c. Require the use of a personal flotation device by any person riding on or being towed by a PWC.
- d. Require that PWC be operated in a reasonable and prudent manner so as not to endanger life, limb or property. Activities that are regarded as "reckless operation" include: "*(1) Unreasonably or unnecessarily weaving through congested vessel traffic; (2) Jumping the wake of another vessel unreasonably or unnecessarily close to such other vessel or when visibility*

³For complete text of the laws affecting the use of PWC in North Carolina, refer to the General Statutes cited above. The text presented here is intended only as a summary of the main features of these laws.

around such other vessel is obstructed; and (3) Intentionally approaching another vessel in order to swerve at the last possible moment to avoid collision."

2. Nags Head Code Section 5-5, personal watercraft⁴

(a) *Definition.*

(1) *Personal Watercraft* means a personal watercraft as defined in G.S. § 75A-13.3.

(2) *Vessel* means a vessel as defined in G.S. § 76-A-2.

(b) *Launching , landing of jet skis, etc.* The launching and landing of all motorized craft, including personal watercraft, are prohibited at the Danube Street Sound Access.

(c) *Speed.*

(1) Operators of personal watercraft must go straight in and straight out within six-hundred (600) feet from any shoreline (sound or ocean) and must do so at a speed no faster than necessary to maintain control of the vessel, but in no case shall the speed generate or cause a wake or exceed five (5) miles per hour (mph), whichever is less.

(2) Operators of personal watercraft, while within fifty (50) feet of a person or persons in the water, or within fifty (50) feet of a nonmotorized vessel, shall operate at a speed no faster than necessary to maintain control of the vessel, but in no case shall the speed generate or cause a wake or exceed five (5) miles per hour (mph), whichever is less.

(d) *Use of personal watercraft prohibited.*

(1) No personal watercraft may be operated within six hundred (600) feet of the shoreline (sound or ocean), except as provided for in section 5-5(c). The restriction contained in section 5-5(d)(1) shall not apply in the Commercial Outdoor Recreational Use Overlay Zoning District.

(2) No personal watercraft may be operated within six hundred (600) feet of any fishing pier.

(3) No person shall rent, lease, or let for hire a personal watercraft to any person under the age of sixteen (16) years nor shall they knowingly allow a person under the age of sixteen (16) years to use a personal watercraft rented by another person on the waters under the jurisdiction of the Town of Nags Head as specified in G.S. 160A-176.2.

(4) Each boat rental establishment shall be limited to a maximum number of eight (8) authorized personal watercraft rental units and two (2) personal watercraft that may be available for control, supervision, or rescue purposes per site. Further, no personal watercraft shall be located waterward of the nearest principal or accessory building other than authorized personal watercraft identified for rental use and two (2) personal watercraft that may be available for control, supervision, or rescue purposes.

⁴This subsection is the complete text of the referenced Town Code provision.

- (e) *Wildlife.* In accordance with G.S. 113-291.1, it shall be unlawful for an operator of a personal watercraft on the waters in this town to chase, harass, molest, worry, or disturb any wildlife except for lawfully angling for, hunting or trapping such fish and/or wildlife.
 - (f) *Knowledge.* It is unlawful for a person who owns a personal watercraft, or who has charge over or control of a personal watercraft, to authorize or knowingly to permit the personal watercraft to be operated in violation of this section or state law.
 - (g) *Exceptions.* This section does not apply to the operation of personal watercraft by the following persons while in performance of their *official* duties:
 - (1) Federal, state and local public safety officers;
 - (2) The military;
 - (3) State and federal wildlife personnel; or
 - (4) Personnel involved in bona fide biological research programs.
 - (h) *Penalty.* Any person who shall violate the provisions of this section shall be guilty of a Class 3 misdemeanor punishable by a fine of no more than \$250.00 or imprisonment for not more than 30 days, as provided by G.S. § 14-4.
3. **Nags Head Code, Section 22-356, commercial-outdoor recreational uses overlay zoning district**

Because the complete text of this Section covers a large number of regulations, only that language that applies directly to rental watercraft operations is included here.

- a. **The commercial outdoor recreational uses overlay zoning district** - is established and within it there is provided a set of comprehensive land use regulations for the operation of commercial-outdoor recreational uses. All permitted and conditional uses of the C-2 zoning district which are on a separate lot and not in combination with the commercial outdoor recreational uses listed in section d. (1) (a) below are permitted.
- b. **The jurisdiction** - of the district is all areas within the town limits designated as the Commercial-Outdoor Recreation Uses Overlay District which extends from South Forbes Street to Little Bridge including both sides of the Causeway. The regulations also apply to the Town's extraterritorial jurisdiction of one mile.
- c. **Exceptions** - Uses that existed at the time the ordinance was enacted are exempted as nonconforming uses.

- d. Subsection (1-a). **Boat rental establishment** - provides the following conditional commercial-outdoor recreational uses that are allowed within the district - boat rental establishment for: (1) **fishing charter boat**, (2) **guide boat**, (3) **parasail operation**, (4) **powered watercraft (runabout, skiff)**, (5) **personal watercraft (jet skis)**, maximum eight authorized rental units per site, and (6) **tour boat for 20 passengers or less**.

Subsection (3-d) - No portion of any fueling area and/or gasoline storage area shall be further than or closer than 50 feet to a fire hydrant.

Subsection (3-h) - All petroleum products shall be stored in accordance with NFPA 30 and the North Carolina Fire Prevention Code standards. All petroleum products subject to the above regulations shall be stored no closer than 50 feet or a distance equal to one-half the lot width whichever is less from any property line, right-of-way, or drainage ditch or estuarine waters unless the above regulations require a greater setback.

4. **Nags Head Code, Section 3-150 (7), commercial-outdoor recreational uses.**

All permitted commercial water activities, including boats, windsurfers, etc., **shall maintain a distance of at least five hundred (500) feet⁵ parallel to the estuarine shoreline off any residentially-developed district (R-1, R-2, R-3, CR, SPD-20, SED-80, and SPD-C)**, except when actively hunting or fishing. For the purpose of this article, a residentially-developed district shall be any residential district where ten (10) percent or more of the lots within a subdivision adjacent to the shoreline are developed residentially.

⁵This provision needs to be reconciled with Section 5-5 (d) which places PWC 600 feet away from shorelines.

SECTION C. SURVEY OF WATER USERS

1. How the survey was conducted

The first activity of the study was to perform a "User Survey." Because the study was not authorized until early August, maximum priority was given this survey of vacationing users of Nags Head's Roanoke Sound Waters. The interview part of the survey was successfully completed between the second week of August and the third week in September although more than 95 percent of the interviews were completed before the end of August. The survey was designed to address four types of water recreation users: personal watercraft; power boats; non-powered boats; and shoreline recreation. In order to address these separate functions while at the same time providing a common body of information for all four types of recreation, PMA designed a questionnaire that had these features:

- A separate questionnaire was developed for each type of use. It had three parts.
- The first two parts provided questions to enable basic information to be reported on persons being interviewed. The questions were identical on all four questionnaires.
- Part three then focused on specific questions concerning each of the four areas of recreation being surveyed.

Interviews were started on August 10 and conducted daily (except Sundays) until August 25. A hurricane stopped activity from the 26th through the 30th of August but after that interviews were resumed and continued until September 2. At that point, all of the interviews were completed except for site 12, the *Nags Head Estuarine Access Site and Interpretive Center* near the entrance to and south of the Nags Head-Manteo Causeway (see list below). Interviews at that site were conducted on September 16, 17 and 18. All interviews were confined to the "Sound" side of Nags Head.

A total of 317 exit interviews was completed at the 12 sites listed below. The interviews were conducted directly with persons either while they were engaged in a water-recreational activity at one of these sites or immediately upon completing the activity. In cases of PWC and other watercraft users, contact was made as people were completing the activity. At fishing sites and beach sites, interviews were conducted while the persons were still engaged in the activity. Interviewers reported that people willingly, even enthusiastically, participated in the interviews.

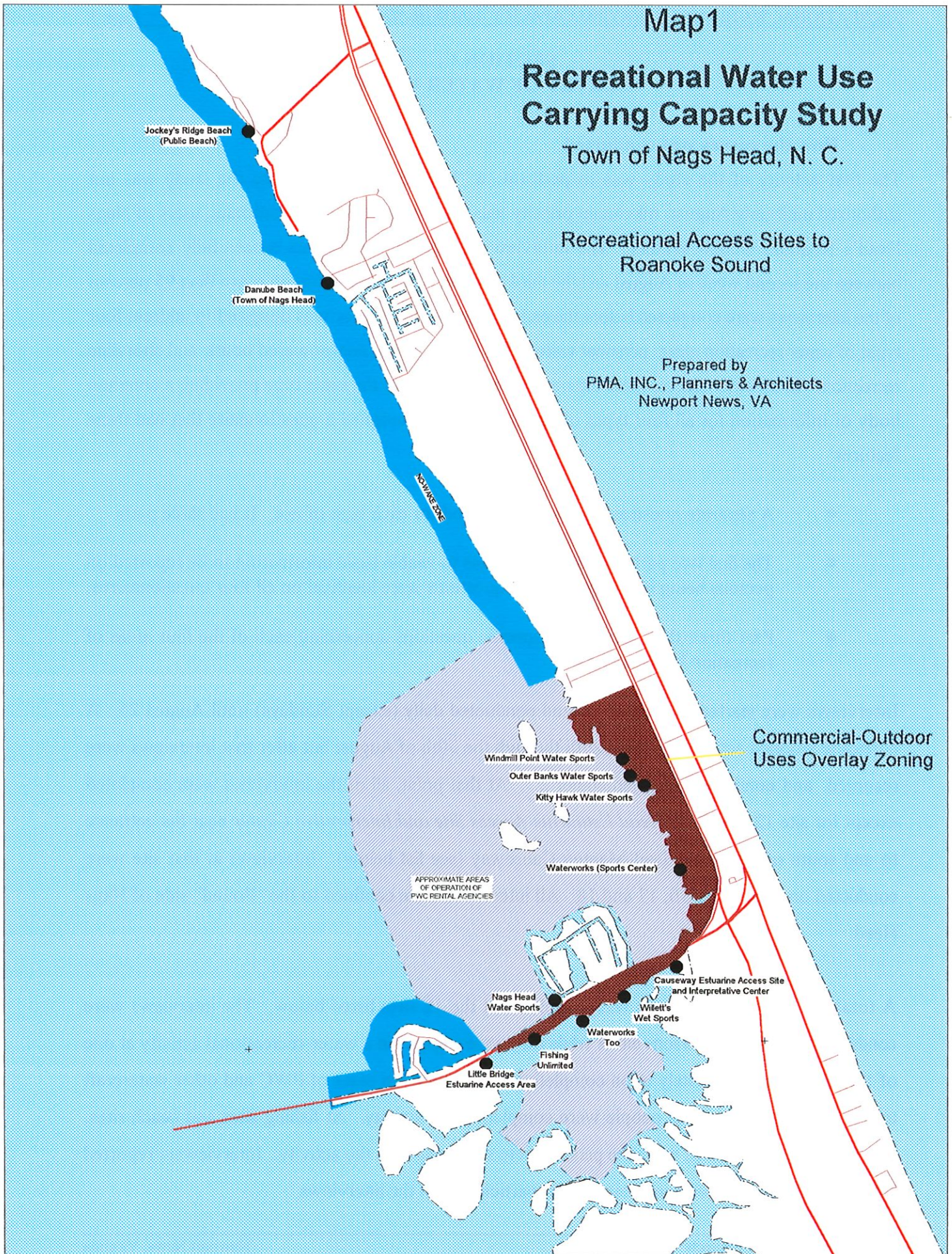
Map1

Recreational Water Use Carrying Capacity Study

Town of Nags Head, N. C.

Recreational Access Sites to
Roanoke Sound

Prepared by
PMA, INC., Planners & Architects
Newport News, VA



Site Number	Number of Interviews	Name or Location of Site
1	25	Jockey's Ridge State Park (South access)
2	27	Danube Beach (Town of Nags Head)
3	26	Outer Banks Water Sports
4	27	Kitty Hawk Water Sports
5	25	Windmill Point Water Sports
6	26	Waterworks Sports Center
7	33	Nags Head Water Sports
8	34	Willett's Wet Sports
9	25	Waterworks Too
10	17	Fishing Unlimited
11	41	Little Bridge Estuarine Access Site (Town of Nags Head)
12	11	Nags Head Estuarine Access Site and Interpretive Center (Town of Nags Head)

2. Profile of visitors

In the process of the survey, several things were learned about visitors to Nags Head, many of which are obvious to the casual observer. The highlights are summarized:

- Almost all were visitors from other places; only five percent were either residents of Nags Head or lived elsewhere on the Outer Banks. The others were here on "vacation."
- At least 82 percent said they were staying for a week..
- Eighty-six percent came from the Mid-Atlantic States of North Carolina, Virginia, Pennsylvania, New Jersey, Maryland and District of Columbia; the remaining 14 percent come from 13 other states, including one from California.
- The interviewees were 60 percent male and 40 percent female.

3. What was learned about PWC users

Although during the survey we interviewed persons participating in a variety of water-recreational activities, the survey of Personal watercraft (PWC) users and shoreline users comprised the majority of interviews.



Launching

- Exactly half of the persons surveyed were PWC users. They rented watercraft from the vendors listed above. Only two persons were interviewed who were using their own PWC. The dominant time in the water was one hour although almost one-fourth of them reported rides of one-half hour.
- All but two of the users indicated that the rental agency defined specific areas within which they could operate the equipment. Most said that the vendors provided them with some level of orientation on the use of the craft. About half reported receiving a lecture, or listening to a cassette, and/or receiving a demonstration of the equipment .



Group watching safety video before operating PWC

At least one vendor played a 10-15 minute video cassette recording to riders before they were allowed to operate the craft. These recordings provided basic instructions on water safety, rules of the road and operation of the PWC. Less than one-fourth of the respondents reported ever taking a boat safety course.

- None of the PWC users thought that the area in use was overcrowded (with PWC) - approximately 80 percent indicated that the number in use was acceptable or could even be increased a little. Eleven percent, however, thought that the area designated was about at capacity.

4. What was learned about shoreline users

Shoreline users engaged in a mixture of activities but fishing and swimming/wading were the most popular activities. The use was very site specific, such as fishing at Little Bridge and swimming/wading at Jockey's Ridge. Most were visiting for the first time although each site had some "regulars" who indicated they visited the site several times during the summer season. The length of stay was:

One hour or less	26%
1.5 to 3 hours	64%
More than 3 hours	10%

No survey respondent said in response to question 33 that a watercraft came too “dangerously close.” In the individual responses to question 36 five persons at Danube Beach and at least one at Little Bridge complained about PWC coming too close. Otherwise, shoreline users’ observations matched those of the PWC users that, to them, the area was not overcrowded with watercraft. A fourth of those interviewed said that no watercraft were observed in the area.

5. Nonpowered craft

The term non-powered craft refers to small watercraft used for windsurfing, canoeing, kayaking and the like. This was an area reported by only 7.5 percent of the survey respondents, the primary activity was kayaking and windsurfing. Nine more reported “parasailing,” but since they were at a site that did not offer parasailing, it is assumed that they meant “windsurfing.” In most cases, these boaters shared the same waters and were serviced by the same vendors that rented PWC. All but one of those interviewed were using rented equipment. Their responses to the question of “overcrowding” were nearly the same as that of the PWC riders. Twenty of 23 responses said that there was an acceptable number of craft within the waters they were using.



One Windsurfer in progress; two in the water

6. Powered boats

This category includes all boats powered by engines, but excludes personal watercraft. It is mostly comprised of skiffs, fishing boats and tour boats among which is the “dolphin” tour boat. The survey focused on boats that were either rented or chartered, there being only two interviews with persons in privately-owned boats. Most of the users indicated some measure of prior experience with the craft. Lectures were the major source of safety orientation. To the question of whether the waters were overcrowded (with other craft), these users gave about the same answers as did the other groups. Apparently few vacationers see overcrowding as a problem.



Dolphin tour boat docking

7. Other responses and comments to the questionnaire

Although this section serves to highlight the major findings of the survey, the reader is encouraged to refer to the Appendix for detailed responses to specific questions. In addition to the questions that are expressed in quantified measures, several of the questions on the survey were open-ended and asked for subjective responses. Responses to the subjective questions may provide additional insights as to how individuals respond to conditions at the various sites. For example, at Jockey's Ridge, an automobile tire in the water was noted to be a concern. Although PWC may not be launched at that site according to the Town Code, there was an occasional comment about a PWC operating near Danube Beach. But even in these areas we observed no significant indication that watercraft presented a major problem. As a whole, it seems that the visitors to Nags Head are very pleased with their experiences here.

SECTION D. SOCIAL CAPACITY ANALYSIS

I. Identifying issues

This section examines “social capacity” of the recreational waters of Roanoke Sound in the central area of the Town of Nags Head. More particularly, the analysis focuses on learning whether social capacity limit has been reached or is being approached as reflected in user satisfaction or dissatisfaction. Much of the research supporting this analysis came from the Water User Survey (see Section C for a summary and Appendix for details) conducted by PMA as part of this study during August and September, 1998. This sample survey which was conducted as one-on-one exit interviews surveyed 317 water users. The survey found that: nearly half had been driving PWC; 20 percent fishing from shore or pier; 14 percent participating in other passive shoreline activities; and the others participating in a variety of boating activities including tour boats, kayaking, parasailing, windsurfing and the like.

In the publication A Guide for Multiple Use Waterway Management (p.61), by the National Water Safety Congress, Inc., 1966, social capacity of a waterway was defined as *“the level of use of a resource or area beyond which users’ expectations of the experience are not realized and they do not receive satisfaction.”* That study acknowledges that social capacity may mean different things to different people in different places. At minimum, social capacity depends in many way on the unique character of a particular community and its tolerance for different types of recreational activities. In examining social capacity of Roanoke Sound within the jurisdiction of Nags Head, that concept helps to establish some parameters which are suggested next.

First, the way the water and its shorelines are used is important to the Town’s economic health. Visitors are attracted to Nags Head by the many and varied recreational opportunities offered by the ocean, its beaches and sound-side waterways. Because these resources provide the engine for Nags Head’s economy, visitor satisfaction is essential. If the waters and shorelines are overcrowded, and the level of enjoyment is replaced by concerns of annoyance, conflict or safety, then visitor satisfaction is likely to be greatly diminished and adverse economic effects would be felt in the community.

From the above, we concluded that intensity of use of the waters is a major indicator of social capacity. Additionally, there is the issue of balance. In this area where passive forms of recreation (fishing, sunning, swimming) must compete with power-driven active activities (PWC and other power boats), it is particularly important to achieve a balance so that each person achieves satisfaction in the specific activity chosen. Finally, PWC becomes the major concerns in the use of the subject waterways, because of their growing numbers, power, popularity, accident potential and the ease with which these craft are made available through rental agencies. PWC, and to a lesser extent other power boats, raise issues in three areas: overuse, conflict with other uses of the water, and safety.

a. Issues concerning overuse or potential overuse

The analysis of this issue starts with the question of whether there is a limit to the use of PWC on the Roanoke Sound waters within the Town of Nags Head? The major generalization that may be drawn from the survey is that the overwhelming majority of sound-side water users, including shore users, found the experience extremely satisfactory (70%) or somewhat satisfactory (27%). The survey indicated that no watercraft or shoreline user perceived that the waters were overcrowded as seen in the response to question 35 in Table 1. Most respondents even thought that some increase could be tolerated although shoreline respondents indicated little less tolerance for watercraft users on this point.

Respondents on the north side of the causeway also answered the question of “whether an increase is OK” differently than those on the south side. Eighty-four percent of the north side users versus 70 percent of the south side users indicated that some increase could be accommodated. While no method based on subjective responses can be used to determine exact capacity limits, in terms of the “overcrowding (or overuse)” issue, several observations may be made from these data. Neither powered nor non-powered craft operators appear to have many complaints about the number of vessels on the water. Those comprising the sample reported no accidents or near-misses and in general indicated a high level of enjoyment from their experiences.

Table 1
RESPONSE TO QUESTION 35 IN THE USER SURVEY*

Response	PWC	Power Boat	Non-Power Boat	Shoreline User
1. Too many watercraft out there	0	0	0	0
2. Number not a problem	12	0	4	1
3. Some increase is OK	80	92	87	68
4. No other watercraft observed	8	8	89	31

* Question was: "From the standpoint of your enjoyment and safety, would you say that the area designated for or selected for your use today : (1), (2), (3) OR (4).

Although shoreline users did not see any great problem with the number of craft on the water, 68 percent of them indicated that the number of watercraft might be increased without affecting "enjoyment and/or safety." This compares with 80 percent for PWC operators and 87-92 percent of operators of other watercraft. This indicates a level of concern that may suggest that user satisfaction has an upper limit. Another factor to be considered is that not all of the PWC that are authorized for use were in the water at all times during the time when the survey was taken. Interviews were conducted between 10:00 a.m. and 4:00 p.m., the most active period of the day for PWC rentals. It was observed that time is required for refueling and servicing each PWC between rentals and some of the vendors do not have all of the units rented for the full day.

Some of the rental agencies south of the causeway reported that they received mostly "spillover business". Several factors may contribute to this. First, the area used by watercraft south of the causeway is smaller than the area available on the north because of the presence of several salt-marsh islands. Second, the PWC rental concessions on the south side of the causeway are not used as much as those on the north. Also, the area is shared with vendors who operate the dolphin tours and an air boat vendor as well as two fishing piers. As a result, many of the survey participants responded under conditions when less than the maximum use of rental PWC was experienced. What is not known is how the same participants would have responded if all seven vendors had their full quota of eight PWC in the water at the time they were responding to the questions.

From the standpoint of overcrowding, PMA concluded that the present level of usage appears to be reasonable for the Sound waters in terms of user acceptability - at least for the area north of the causeway. Several vendors on both sides of the causeway indicated that the number was acceptable. Acceptance by both the user and provider suggests that the present regulation of limiting the area to 56 PWC (eight per vendor) may be a reasonable water management policy for PWC on the Sound waters within Nags Head's jurisdiction. If any part of the current limitation of eight is worthy of revisiting, it might be in the area south of the causeway. A reduced number of PWC would be reasonable in light of four things: (a) the smaller area; (b) the lower level of use; (c) the origination of air boat rides and dolphin boat tours from one of the access points; and (d) the proximity of fishing/crabbing areas to the PWC use areas.

b. Issues regarding conflict or potential conflict

Conflict or potential conflict arises from two sources: between power craft, including personal watercraft, and non-power craft and between shoreline users and watercraft users.

Conflict between Power Craft and Non-power Craft - As previously observed, the survey did not find much objection to PWC operating in the waters prescribed for them. The same pattern of response came from operators of non-powered craft. It is uncertain whether the survey contained an adequate sample of non-powered craft for statistical analysis since only 24 (7.5 percent) of the interviews were with persons who had been operating non-power craft.

Only seven of those were windsurfers although eight more said they were parasailing. It is PMA's opinion that some of the latter group may have said they were parasailing when in fact they had been windsurfing. Even if both are combined, the number of responses is very low for accurate statistical analysis.

It was also observed that most of the rental agencies rented both PWC and non-powered craft and that the two types of vessels frequently shared the same water area. This situation poses additional risks to operators of both types of craft, but the greater risk appears to fall on

operators of non-powered vessels. They do not have the same level of control over the vessel. Added to that, beginner windsurfers take a lot of “spills” and while both the craft and rider are in the water, the sail craft are not as visible, especially to the faster PWC that may be operating in the same waters.



Windsurfers and PWC sharing same waters

The above should be qualified, however, with two observations. The first comes from information provided by law enforcement officials who were unaware of any accidents reported in the last few years involved the collisions of a PWC and non-motorized vehicle. The second comes from the observation that higher winds are preferred for windsurfing but they are less favorable for PWC operation.

Conflict between power boats and shoreline users - This did not appear to present a serious problem among vacationers, although several persons reported in the survey that a PWC came near the fishing areas where they were fishing. Except for this type of occasional event, the survey found little dissatisfaction among shoreline users⁶ as a result of watercraft. The shallow depth of water in the Sound along the Nags Head shoreline offers some protection to shore users and non-powered boats against large boats. Larger boats require deeper water, although PWC are capable of operating in fairly shallow waters.

Law enforcement officials report that a number of complaints come during the season from residents of the areas along the Roanoke Sound shoreline. This is primarily from the noise

⁶This definition of “shoreline users” refers only to persons using the public access points that were surveyed.

produced by the PWC. Because the survey was targeted at summer visitors to the area, no data were collected on the attitude of Nags Head residents toward the operation of Personal Watercraft in the vicinity of their homes. The 600-foot buffer was established to enable a distance to be maintained between PWC and residential areas.

c. Issues concerning safety

Overuse of waterways and conflicts among various activities are at the root of most safety issues. Second level issues come from the way the water usage is managed. On the subject of “overuse”, the survey indicates that, at least in the opinions of the users, that “overuse” may not be a problem in Nags Head at the present time. The survey responses of both shoreline users and watercraft users reflected the same view (Question 35, all surveys). Even with the issue of conflict, there were few complaints and nearly all who answered Question 33 said than “no watercraft came too dangerously close to (them).” Whether that situation will hold in the future may depend on how the resources are managed.

When accident records are examined, however, other safety issues emerge. Boating accidents in Dare County, shown in Table 2, reveal a disproportionate share of accidents involving PWC. The number of boating accidents attributed to personal watercraft within the County from 1994 through 1998 outnumbered those of other watercraft by more than two to one. PWC accidents for the entire period comprised 68 percent of the total boating accidents and this percentage has grown in the most recent two years from an average of 57 percent during 1994 and 1995 combined to 78 percent during 1996 and 1997 combined. Whether this increase represents a trend or just a normal fluctuation from season to season is uncertain but the large share of total accidents involving PWC is consistent among the years reported here. According to information provided by the Nags Head Police Department, nine boating accidents reported in 1996 (all PWC accidents) occurred within the waters of Nags Head.

Table 2
DARE COUNTY BOATING ACCIDENTS, 1994-1997

Year	Total Accidents	Non-PWC Accidents	PWC Accidents	PWC Accidents as % of Total
1994	11	5	6	55%
1995	17	7	10	59
1996	11	2	9	82
1997	<u>17</u>	<u>4</u>	<u>13</u>	<u>75</u>
TOTAL	56	18	38	68%

Source: North Carolina Dept. of Wildlife, Division of Enforcement

Nags Head data are consistent with national data according to a study by the National Transportation Safety Board.⁷ Some of their findings and observations include the following:

1. Personal watercraft are the fastest growing of recreational boats growing from 126,881 in 1988 to 900,000 in 1996. Manufacturers estimated that about 200,000 PWC are sold each year and that more than one million are in current operation.
2. Injuries in PWC-involved accidents grew during the same period from 254 to 1,831. During the first six months of 1977, 835 injuries were reported. Of these about one in every four were injuries to the head, face or neck.
3. Major factors in (PWC) accidents are inexperience, speed and inattention.
4. PWC accidents are more common among renters and most occur within the first hour of operation.

Although no accidents were reported by persons participating in the sample survey, PWC operators (renters) in Nags Head fit the profile given above in items 3 and 4. Seventy-six percent had taken no boat safety course and 38 percent had little or no prior experience operating the equipment. In addition, all but two PWC operators were renters and the typical time involved in the experience was one hour. In addition to the above, one should be aware that the accident records only report accidents where considerable property is damaged or where there is an injury requiring medical treatment, death or missing person. Less serious accidents may go unreported to law enforcement agencies.

⁷NTSB, Safety Study, Personal Watercraft Safety, PB98-917002; NTSB/SS-98/01

PWC safety could be enhanced by increasing training and orientation of operators. At minimum, a video instructing drivers in basic boat safety and rules of the road should be shown to all persons renting PWC before allowing them to operate the equipment. Continual supervision of PWC operations areas would benefit although some of the vendors are doing both video instruction and providing supervision and assistance. One vendor even had an emergency medical technician available. As the PWC population grows, certification of PWC drivers by the State or Coast Guard may be on the horizon as is already being required in some states.⁸

Also, according to the NTSB, a classic response to protect against head injuries would be the use of helmets. This has been true for motorcycling, bicycling, snowboarding, skateboarding and an array of speed-related sports (p.47). The International Jet Sport Boating Association requires PWC riders in competitive races to wear helmets.⁹ The Center for Disease Control found, however, that protection of the face and extremities is warranted, but it is not clear what kind of protection currently available is appropriate for use in water recreation (in NTSB, p.49). Further research is warranted before appropriate head gear protection can be recommended according to the NTSB report (p. 47).

2. Determining social capacity

Overuse and user expectations - After evaluating the user survey, PMA came to the conclusion that responses of users alone do not provide sufficient data to determine whether the current level of use of Roanoke Sound waters by PWC and other watercraft rises to the level where users fail to “realize their expectations.” The question is much more complex and requires that in addition to the satisfaction of the user, conflict and safety should be considered. These factors may not be a high priority for vacationers as long as things are going all right. To the extent that the survey responses address this issue of “satisfaction,” it is evident that water users reported very few situations where the current level of usage raised problems of overcrowding, conflict or safety. Questions 34 and 35 in all questionnaires specifically addressed the issue of conflict and overcrowding with respect to watercraft of all types. None of the respondents said in response to question 35 that “there were too

⁸The NTSB (see previous footnote) reported that only two states, New Jersey and Connecticut, require certification of PWC operators.

⁹1998 Official Competition Rule Book of the International Jet Sport Boating Association, in NTSB, footnote 77, p. 47.

many watercraft out there” and a 80 percent of all respondents indicated that “some increase in the number could be accommodated.”

Conflict - Users of the Roanoke Sound waters may experience potential conflict between powered and non-powered craft as well as from conflict between watercraft and shoreline users. The survey reported that shoreline users answered the question “Would you say that some increase in the number (of watercraft) could be accommodated?” differently than watercraft users. Sixty-eight percent of the shoreline users said “yes” compared to 80, 87 and 92 percent for PWC, non-power craft and power craft respectively. Among shoreline users there was even less support for increasing the number of PWC on the south side of the causeway than on the north side. The latter attitude probably reflects the smaller area for PWC use and the presence of two fishing piers south of the causeway. Potential conflict has also been noted between power and non-power craft particularly in the areas where PWC, windsurfing and kayaking were offered by the same vendor. Since the 600-foot no-wake zone does not apply in the commercial overlay district, the only protection non-powered craft have is the 50-foot distance that PWC must keep between itself and other watercraft or persons in the water. Finally, the relationship between watercraft users and waterfront residents is a factor that came into the picture from complaints to police about PWC noise.

Safety - Accident experience establishes that safety is a major issue in the use of water by personal watercraft. National, state and county records are consistent in that accidents involving PWC represent a disproportionate share of boating accidents. Nationally, from 1988 through 1996 the percentage of total PWC accidents grew from 9.6 percent to 51 percent of all boating accidents (NTSB, p. 3). In Dare County the average share for the last four years reported (Table 2) is even greater - 68 percent. Nationally, as well as locally, inexperience and lack of boat safety training stand out as significant factors in the assessment of boating safety.

3. Concluding remarks

From the preceding analysis, PMA concluded that social capacity is an adaptable concept that can be examined only with subjective and circumstantial measures. This is because limits of acceptability are situational - that is they vary among different people, in different places, doing different activities. Complicating this further is the fact that the subject of group measurements (vacationers, visitors,

etc.) is changing weekly in Nags Head. This makes it unlikely that a specific capacity can be established that would be acceptable by all of this ever-changing market group.

Given this limitation, PMA examined an alternate approach for determining social capacity of the Roanoke Sound Waters. It is one used in marketing and it focuses on determining the acceptability of a product or service to the consumer of the product or service. One starts with a product or service and then evaluates the acceptability of that product/service in the market place. Since Nags Head is in the business of "recreational tourism," it seems appropriate to evaluate the acceptability of current standards of operation by this clientele. As a result, it is PMA's opinion that the present regulations of allowing each of seven vendors to operate eight PWC for hire appear to be satisfactory with the users as well as with the operators of the rental agencies. This compatibility of interest is a strong indicator of a workable policy. Against this observation, however, there are a few areas where the Town might consider adjustments of its regulations in order to address some of the issues that are identified by the user survey.

- (a) **Adjust one or more of the following sections of the Town Code - Sections 5-5 (c) (1), 5-5 (d) (1) and 3-150-(7) to reconcile possible inconsistencies.** Section 5-5 (c) (1) establishes a requirement for PWC to go straight in and straight out through a 600-foot no wake zone from any shoreline and within such zone to maintain a no-wake speed. The first sentence in Section 5-5 (d) (1) stipulates that no PWC may be operated within 600 feet of the shoreline except as provided in 5-5 (c) (1). The following sentence exempts this restriction in the Commercial Outdoor Recreation Zone.

In Section 3-150 (7) all boats are required to stay 500 feet from an estuarine shoreline.

The first adjustment should be to clarify which dimension - 500 or 600 feet - shall apply? It is also suggested that in order to minimize the possibility of conflict of PWC and nonpowered craft that the Town consider imposing the no-wake requirement in the areas where both types of vessels are rented.

- (b) **Consider a reduction in the number of PWC that may be operated by vendors south of the causeway.** This would be in recognition of the much smaller area that is available for use in that area and the potential conflict between PWC and shoreline fishing. Such a reduction could be implemented over an extended period of time in order to avoid placing a hardship on the existing vendors.
- (c) **Increase awareness for education of PWC operators concerning boat safety and recognition of prevailing laws and regulations.** This may be included as part of a safety briefing at the time of rental and supplemented with a handout brochure advising of applicable laws, rules of the road while operating a watercraft, and common waterway etiquette.

SECTION E. RESOURCE CAPACITY ANALYSIS

Resource Capacity is the level of recreational use beyond which there is irreversible physical or biological degradation of the resource. The degradation may be considered unacceptable either because it diminishes recreational opportunities or because it produces undesirable consequences to the natural environment.¹⁰ This section examines existing resources that lie within the jurisdiction of the Town of Nags Head, both on-shore and water areas. The analysis addresses specific physical conditions and seeks to determine whether the use of the waters of Roanoke Sound diminishes the resources and if so, what are the implications of such use for public policy? The analysis is organized around the following subjects: (1) physical characteristics of the waterway ; (2) impact of PWC on water resources; and (3) operation, management and oversight.

The primary focus of this study is twelve sites providing access to Roanoke Sound for public and commercial recreation and the area of water utilized by activities originating at these sites. Seven of the sites are for commercial recreation offering rentals of personal watercraft and/or other watercraft. One of the above sites offers dolphin tours and air boat rides. An additional site, Fishing Unlimited, rents small fishing skiffs. The public access sites provide opportunities for swimming, fishing, and other beach activities. The sites are described in Table 3 on the following page and identified on Map 2 immediately following Table 3.

1. Physical characteristics of the waterway

The limits of the waters evaluated extend from the south side of Jockey's Ridge State Park to about one mile south of the Nags Head-Manteo Causeway and extends out into the Sound for one mile, the extent of Nags Head's extraterritorial jurisdiction. Map 2 identifies characteristics of the water that is used for recreation. In addition this map contains information on the (approximate) area available for use by rental PWC; water depth; principal marsh areas; and the no-wake zone. Highlights of each of these features are discussed in the text that follows:

¹⁰National Water Safety Congress, Inc., A Guide for Multiple Use Waterway Management, 1996 (p.62).

Table 3
ACCESS SITES TO ROANOKE SOUND

Name of Site	Activity
Public Access Sites	
Jockey's Ridge State Park (south)	A public beach area which is located at the south end of Jockey's Ridge State Park for public swimming, sunning, picnicking and other beach activities including a windsurfer launch area.
Danube Beach	A Nags Head public beach located on Roanoke Sound at the intersection with Danube St. It is used for a variety of recreational purposes but Town Code (§ 5-5 b) prevents launching of PWC at this site.
Town of Nags Head Causeway Estuarine Access Site and Interpretative Center	A fishing pier with sheltered area and interpretive center operated by the Town of Nags Head. It is located on the south side of the Route 64/264 Nags Head-Manteo Causeway near its intersection with Route 158.
Little Bridge Estuarine Access Site	A fishing center that is operated by the Town of Nags Head. It provides a large fishing pier plus access to fishing walkways along Little Bridge. A picnic shelter, restrooms and parking lot are included.
Commercial Recreational Sites on Roanoke Sound	
Outer Banks Water Sports	Commercial recreational vendor located north of the causeway on Route 158 and offering PWC and other craft for rent.
Windmill Point Water Sports	Commercial recreational vendor located north of the causeway on Route 158 and offering PWC and other craft for rent.
Waterworks Sports Center	Commercial recreational vendor located north of the causeway on Route 158 and offering PWC and other craft for rent. This site is part of Sports Center which also offers watercraft and marine supplies for sale.
Kitty Hawk Water Sports	Commercial recreational vendor located north of the causeway on Route 158 and offering PWC, Kayak and windsurf rentals.
Willett's Wet Sports	Commercial recreational vendor located south of the causeway on Route 64/264 and offering PWC and other craft for rent.
Waterworks Too	Commercial recreational vendor located south of the causeway on Route 64/264 and offering PWC and other craft for rent. Also offers dolphin tours and air boat rides.
Fishing Unlimited	Commercial recreational vendor located south of the causeway on Route 64/264 and offering small fishing rental skiffs.
Nags Head Water Sports	Commercial recreational vendor located north of the causeway on Route 64/264 and offering PWC and other craft for rent.

Map 2

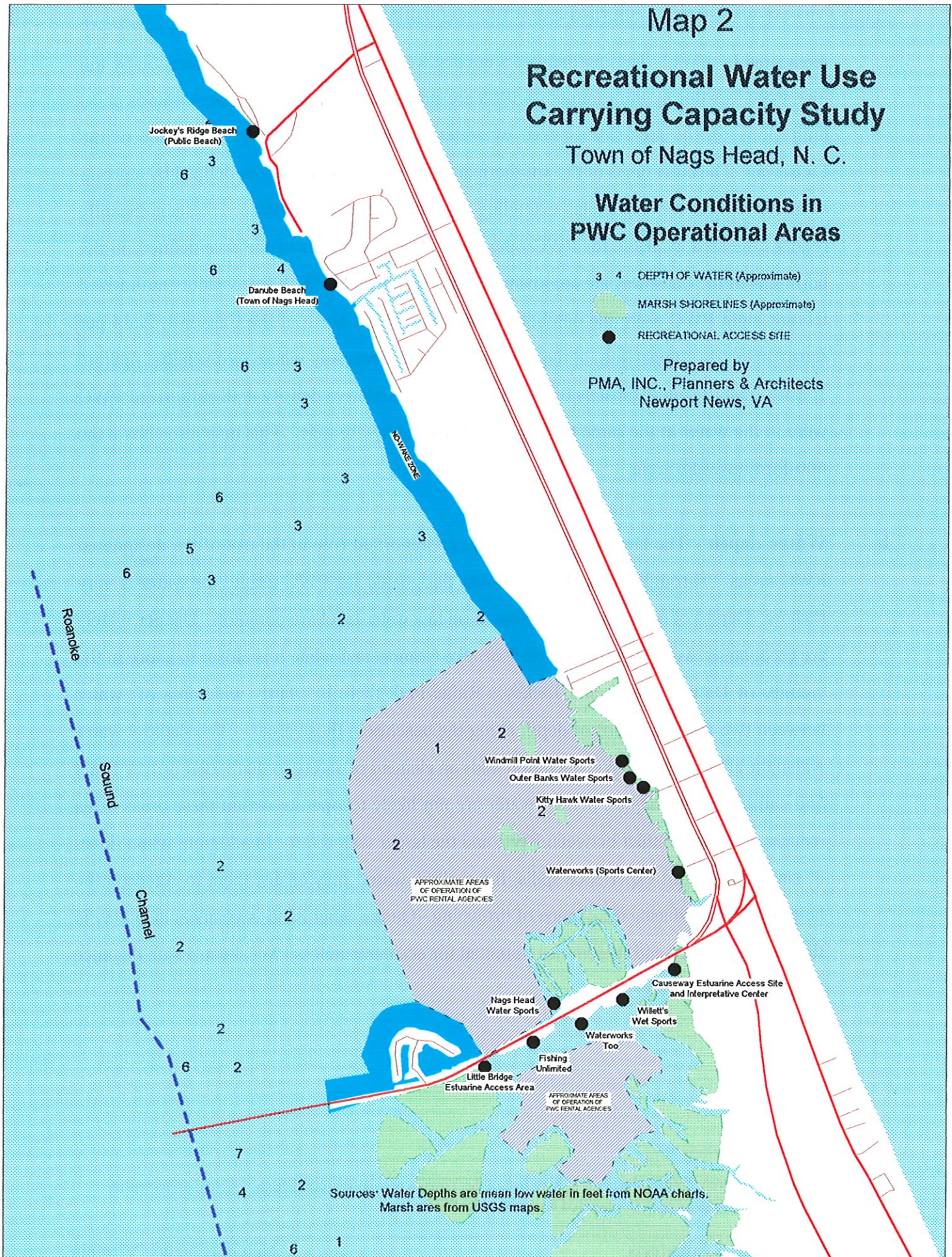
Recreational Water Use Carrying Capacity Study

Town of Nags Head, N. C.

Water Conditions in PWC Operational Areas

- 3 4 DEPTH OF WATER (Approximate)
- MARSH SHORELINES (Approximate)
- RECREATIONAL ACCESS SITE

Prepared by
PMA, INC., Planners & Architects
Newport News, VA



- a. **Area used by PWC** - The approximate areas that were being used for PWC operation by the rental vendors during the summer of 1998 are shown on this map. Salt-marsh islands place limitations on the area that is used by watercraft particularly on the south side of the Causeway. The outer limits of the southern area are confined to the area defined by a group of marsh islands and peninsulas extending out from the main shoreline. This significantly reduces the area available for PWC operation. The dimensions of the area defined on the north side of the Causeway are approximately one square mile.¹¹ With five vendors authorized to rent eight PWC each, the number of authorized PWC north of the Causeway is 34 per square mile. By comparison, in the area south of the Causeway where two vendors operate 16 PWC that use approximately 0.22 square miles, the relative density if all authorized PWC were in the water at the same time would be 73 per square mile. This map also shows the 600-foot no-wake zone.
- b. **Water depth** - The Depth of Water plays an important role in the use of the designated PWC areas. Throughout most of the areas designated for PWC usage, the water is very shallow. Depths of one to two feet below mean low water level are common. Deeper waters are encountered as one approaches the Roanoke Channel and while it is closer to shore in the vicinity of Danube Beach and Jockey's Ridge Park there is a fairly wide area of water between two and three foot of depth along the beaches in those areas.. The shallow water within the areas used by PWC operation adds an element of safety in that larger power boats and sail boats that require deeper water are not likely to operate within these areas. This reduces potential conflict between PWC and the larger watercraft. In addition, when riders of small rental craft experience spills, the shallow water may enable them to stand on the bottom thereby reducing the chance of drowning. On the other hand, swimmers also play in the shallow waters and therein lies potential for accidents unless PWC keep a safe distance from other water users.

¹¹This area merely defines the general area within the Town's regulatory jurisdiction. Actual areas within which each vendors equipment may be operated are defined by the vendors.

c. **Marshes and habitat** - Of the 215 million acres of wetlands in the continental United States at the time of European settlement, only 99 million still exist. Every year, we lose an average of 458,000 acres to agriculture, development, mining and other purposes... and the loss continues.” This message may be found on one of the plaques located in the Little Bridge Fishing Area. Additional information from this plaque is given in the box below.



“Wetlands are a vital link in the natural system that provides our water supplies and sustains life. People get many valuable benefits from wetlands.

- Coastal wetlands stabilize the shoreline and buffer the effects of storms.
- Wetlands fringing lakes and rivers filter pollutants and help prevent erosion.
- Wetlands also help with water conservation and groundwater recharge.
- Wetlands provide important habitat for many kinds of wildlife.”

Even though there are many kinds of wetlands, including salt marshes, hardwood swamps, cypress forests, bogs, and freshwater marshes, all of these beautiful and productive communities have water covering or saturating the soil at least part of the year.

From Plaque at Little Bridge Fishing Area

Wetlands comprise much of the land area of Nags Head as shown on Map 3. The areas shown on this map come from two sources, although both types of areas are classified as wetlands. The areas labeled “Marsh” are the shoreline and island marshlands that are shown on USGS maps. The areas labeled “Other Wetlands” are from the Town’s Geographic Information System and represent wetlands included in the National Wetland Inventory. After contacting the North Carolina Division of Marine Fisheries, they advised that no primary nursery areas had been identified and placed on the state inventory on the Nags Head side of Roanoke Sound.¹²

¹²Field Office, Fisheries Management Section, Wanchese, N. C., Telephone conversation with Carol Etheridge.



But according to the DMF, whether they have been mapped or not, the marshes along the shoreline, including several islands, by their nature function as nursery grounds for aquatic plant and animal life. As protected wetlands, these areas are important factors in planning the use of waters in Roanoke Sound for PWC and other intensive recreational activities.

2. Effects of hydrocarbon emissions by PWC

A major issue related to the operation of personal watercraft concerns emissions discharged from exhausts of two-cycle engines that power most of the models in use today. The Environmental Protection Agency (EPA) as well as the two-cycle engine industry have recognized this concern which led to the formation of regulations that will require major reductions in the level of hydrocarbons released through PWC and other marine exhausts. Previous research found that conventional two-cycle engines, particularly the carbureted type, that run on a mixture of oil and gasoline, ejected as much as 30 percent of the fuel mixture through their exhaust. The new regulations which take place during a transitional period from 1998 through 2005 require a 75 percent reduction in exhaust hydrocarbon emissions. Changes in technology are already taking place by the entry to the market of four-cycle and fuel-injected engines already offered by some major outboard motor manufacturers. As this technology becomes available on personal watercraft, commercial vendors should be encouraged to switch to craft with cleaner burning engines as soon as they are available to the general the market. The following article addresses the complexities of this issue.

*Hydrocarbons and two-cycle engines*¹³

"Most personal watercraft are powered by two-cycle gasoline engines which differ from typical four-cycle automobile engines. With four-cycle engines, the oil used to lubricate the engine is contained in the crankcase and pumped to the moving parts to keep them lubricated with little oil burned in the combustion process. In two-cycle engines the oil is injected into the crankcase or is mixed with the gasoline which is drawn through the crankcase, and the oil-gasoline mixture is burned as fuel. Two-cycle engines are not unique to personal watercraft; they are also used in marine outboard engines, chain saws, and some go-carts. One drawback associated with two-

¹³In an earlier draft of this report, PMA presented hypothetical data that sought to quantify the amount of hydrocarbons reaching the Sound as a result of seasonal PWC operation. That analysis was not included in this final report. In its place is this discussion of this issue that was prepared by the staff of the Nags Head Planning and Development Department.

cycle engines is that some of exhaust emissions contain unburned oil and fuel which will be discharged into the air and water.

“The amount of oil and gas discharged into the air and water depends upon many factors including the design of the engine, how the boat is operated and maintained, and weather conditions. For example, varying amounts of unburned oil and gasoline will be discharged into the water depending upon the speed and load placed upon the engine and the age of the engine. Generally, at slower speeds and under light loads, and especially with older engines, considerably more unburned fuel and oil are discharged than when a two-cycle engine is run at high speeds. At high speeds a two-cycle engine is more efficient and combustion is more complete. Another fact that contributes to the amount of hydrocarbons discharged is that many older two-cycle engines used a higher concentration of oil than is currently used and had crankcase drains that drain oil from the crankcase directly into the water.

“In older outboard and PWC engines, oil was mixed directly with the gasoline before reaching the crankcase and then the combustion chamber. Recent technological advancements include outboard engines where the oil is metered and pumped directly into the crankcase, electronic fuel injection systems which can assure optimal air/fuel ratios and direct injection, all of which help prevent unburned hydrocarbons from escaping the combustion chamber. While this technology is new and expensive, it now is being used with some two-cycle engines.

“Most exhaust pollutants discharge directly into the air and only a small percentage of the exhaust discharge of unburned fuels and oil reach the water. Unburned fuel will usually be quickly dissipated by the action of wind and waves and will evaporate relatively quickly, while unburned oil will tend to stay in the aquatic system longer. Two-cycle engines utilized in outboards, and PWCs and other marine engines, are not the only source for hydrocarbons in the sound. Lubricants, fuels, and oils which drip or leak from cars and trucks and other heavy machinery can be washed off the streets and roadways during heavy periods of rainfall and enter into the stormwater drainage

system. This runoff can eventually be carried out to the sound through the drainage system and contribute to whatever hydrocarbons may already be in the sound. The exact amount of hydrocarbons reaching the water through runoff and by the use of two cycle engines is uncertain and subject to debate, as is the significance of any effects the hydrocarbons may have on the aquatic environment.

"An EPA study of two-cycle outboard boats found the long-term hydrocarbon level to be less than twice the background level and to have no apparent adverse effects on water quality or aquatic habitat. Data from the report suggested that after thirty days in the water, the residual hydrocarbons amounted to about fifteen percent of the initial amount that entered into the water.

"In 1996, the Environmental Protection Agency issued regulations for the control of exhaust emissions for outboard, PWC, and jet boat engines. Once these regulations are fully implemented, these engines must reduce hydrocarbon emissions by 75 percent of the present levels. These standards are being phased in over a nine-year period beginning in 1998. With the cooperative efforts of marine engine manufacturers, EPA has developed regulations that are not overly burdensome or costly to manufacturers or consumers. These regulations require manufacturers of outboard and PWC marine engines to achieve yearly emission reductions by meeting a corporate average emission standard which allows manufacturers to build some engines to emission levels lower than the emission standard and some engines higher than the standard provided that the overall corporate average is at or below the standard. For example, certain high performance PWC engines may exceed the maximum EPA emission standard as long as other engines sold by the same manufacture produce less emissions than the maximum EPA standard and provided that the average emissions meet the EPA's reduction requirement. Manufacturers will have the flexibility to develop their own technological solution to achieve these results based on the market. Some likely options for achieving compliance include converting current outboard and PWC two-cycle engine technology to four-cycle, direct-injection two-cycle, or possibly equipping two-cycle engines with catalytic converters in some applications."

3. Effects of noise produced by PWC

Personal watercraft under operation produce noise levels in the range of 85-105 decibels (dB) per unit. Although this is within the range of noise produced by a busy street (about 85 dB), the changes in loudness and pitch when riding over wakes makes the PWC noise more disturbing than constant sounds at the same dB level.¹⁴ A Washington State study¹⁵ found that PWC do not produce a low-frequency long distance sound and accordingly do not signal birds or mammals of approaching danger until they are almost on top of them.

4. Operations, management and oversight

The observations given here concerning operations, management and oversight are made as a result of reviews of the data in the user survey and interviews with various public officials and vendors offering PWC and other watercraft rentals. The observations are presented in a way so as to avoid reporting on the operation of any specific business or the views of any person or official interviewed. To a large extent, the remarks describe a composite of conditions that was observed or was discussed with us by different persons during the study.

- a. **The PWC limit** - No vendors were observed as having more than their limit of eight rental craft in service at the time of our site visits. PWC that were not out on rental were usually conspicuously moored near shore in an organized way. Some of the vendors with lower traffic did not at all times have all eight vessels in the water at the same time. Vendors are also allowed two PWC for use in management, service and rescue operations. Other vessels are required to be kept out of the rental area. During our site visits the rules concerning the number of vessels allowed, both rental and support, were being observed by the vendors.
- b. **Fueling of PWC** - The practice of how fuel is handled around the point of rental of PWC should be examined by appropriate officials. We observed several refueling practices that could be unsafe including a refueling tank located on a boardwalk that provided the only access to the PWC docking area. Refueling PWC from tanks carried in the bed of a truck

¹⁴See Bluewater Network PWC Position Paper on their Web Site - www.earthisland.org/bw

¹⁵Woods Hole Oceanographic Institute in previous reference..



parked at waters edge also was observed as a possible risk of oil spills into Roanoke Sound waters. Regulations require that all petroleum products be stored no closer than 50 feet or a distance of one-half the lot width, whichever is less, from and property line, right-of-way, drainage ditch or estuarine waters (Town Code §22-356 (d)(3)(h)). This

suggests a need for an increased level of enforcement.

- c. **Instructions on operation of PWC** - The user survey indicated that most PWC drivers are operating the equipment with little or no experience or boat safety training. Also, half of the operators were driving a PWC for the first time and one-fourth had only driven them once. Renters indicated that some vendors provided instruction using taped presentation while others provided a lecture. PMA observed that at least one vendor required each rider to view a video on the operation of the craft before allowing them to board the vessels. The video covered basic boat safety, rules of the road and operational tips. Another vendor used an audio tape to prepare riders. Two additional items are suggested that would enhance safety of PWC operation: (i) require all drivers to receive a standard safety orientation and (ii) require each vendor to have a licenced captain on site to oversee the safety instructions and operations of PWC.
- d. **Enforcement** - Several agencies are responsible for enforcing regulations on personal watercraft and operations related to them. The North Carolina Wildlife Resources Commission has the general authority over boating accidents. The Nags Head Police Department makes a report on all accidents and files its reports with the state police. The Nags Head Police Department also has the responsibility for enforcing the PWC ordinance and the Fire Department enforces the Fire Code. It is PMA's understanding that the Department of Public Safety which oversees both the police and fire departments does not have a police watercraft of its own and that fire inspections are made only on an occasional

and unannounced basis. Consideration should be given to establishing a more definitive enforcement program over watercraft and shoreline operations.

- e. **Liability insurance** - Consideration should be given to a policy requiring that PWC vendors carry appropriate liability insurance in such amounts to be determined by the Board of Commissioners.

5. Concluding remarks

As with social capacity any conclusions concerning the physical capacity of resources are subjective and, at best, must be drawn from partial information. The judgments expressed here concerning resource capacity came from the examination of three major categories discussed above: physical qualities of the water, impact of PWC on the water itself, and operational aspects of the PWC rental business.

- a. There is a big difference between the amount of space available for PWC operation on north and south sides of the causeway. Marshes reduce the area available on the south thereby resulting in a density of PWC of twice that on the north side of the causeway when all authorized PWC are in the water. This is helped somewhat because of the lighter use of rental craft on the southside but diminished by the fact that the smaller area is shared with two of the Sound's best fishing pier facilities.
- b. Shallow waters off the Nags Head shore provide a measure of safety to PWC riders because larger and more powerful boats, such as are used for water skiing and parasailing, are more likely to operate in deeper water. But while adding to the safety of PWC riders, the shallow water is shared by beach goers and the probability of conflict between these two water users is increased.
- c. There is also the factor that PWC may be adverse to wildlife. This comes from the fact that a PWC does not produce a low-frequency long distance sound that is needed to signal birds or mammals of approaching danger. Wildlife may not be aware of the vessel until it is almost on top of them. At the present time the full impact of PWC traffic on marshes, other wetlands

and habitat areas cannot be known fully without additional scientific research. For this reason, PMA does not evaluate water capacity *vis-i-vis* these environmental issues from the data acquired during this study. It does seem to us, however, that enough concerns have been expressed above to warrant "no further increase" in the level of usage by PWC operating in the Sound Waters and that wherever possible steps should be taken to reduce the adverse environmental impacts of these craft.

- d. The low level of experience and boat safety training found among the renters of PWC suggest that much attention should be paid to assuring that those who drive these watercraft should be adequately instructed in their use. There is no consistent program now in place that is used by all vendors. Of the vendors that were observed, the video approach appeared to provide a basic understanding of the vessel, its handling, rules of the road and the dangers that come from improper use. Regardless of methods used, safety concerns seem to dictate that all vendors provide a similar level and quality of orientation on the use of PWC before allowing the users to drive them. The orientation should occur immediately prior to operation of the equipment.
- e. Enforcement of activities along the shore as within the water is one of the most important elements of a safe boating and water recreational program. Areas of enforcement that should be strengthened include the no-wake zone where applicable and handling of fuels along the shoreline.

SECTION F. WATER MANAGEMENT PLAN ISSUES AND OPTIONS

This final section combines the findings and ideas presented in preceding sections. It groups issues that were identified during the water recreational use study on both social and resource capacity into a common set of issues. As used here, an issue is defined as “any concern that the community has about the recreational use of water such as problems that should be addressed; opportunities that might be pursued; hazards to be avoided; and the like.” Because the scope of PMA’s study on this project was limited to the specific task of examining “recreational water use carrying capacity,” we have confined the issues discussed here to those that we could identify from our own survey results, from research and information that was available to us during the study or from on-site observations that we made during the study. The resulting issues are identified under five topics:

1. Balance between PWC traffic north and south of the causeway
2. Effects of hydrocarbons on Roanoke Sound
3. Interference between PWC and less maneuverable watercraft
4. Interference between PWC and shoreline activities
5. Accident reduction and management safety improvement

The comments and suggestions related to these five areas need to be preceded with an important observation. The vast majority of visitors to Nags Head who participated in the 1998 summer survey had positive feelings about their experiences with personal watercraft and other forms of recreation. PMA found that the market for “thrill recreation” is strong and accepted by most visitors as a normal activity for the area. Negative feelings toward motorized watercraft expressed by those surveyed were minimal although we detected that they were a little stronger where shoreline utilization was more active. The issues that are discussed below are also summarized in Table 4 which highlights in a matrix format the implications of the issue and possible strategies or public policies that might be followed in dealing with the issues.

1. Balance between PWC traffic north and south of the Causeway

The area available for rental watercraft on the south side of the Causeway is limited by marshlands and it is also shared by two of the Town’s most popular fishing piers. With the current number of PWC authorized to operate south of the Causeway, the amount of water area available per PWC is only about one-half of that available on the north side. The 600-foot buffer around the two fishing

piers further restricts the area available. Discussions with vendors indicated that this area is used less than the PWC rental places north of the Causeway with the result that not all of the authorized units are always rented. Because of space limitations and possible conflict with shoreline recreational uses, consideration might be given to reducing the number of PWC authorized to operate south of the Causeway to five per vendor. Such a reduction could be phased down over a period of time to minimize the commercial impact on the vendors operating in that area.

2. Effect of hydrocarbons on Roanoke Sound

Two-cycle engines, the power source for most of the PWC models in use today, are a major source of hydrocarbons entering the Roanoke Sound. The Environmental Protection Agency (EPA) has addressed this issue by adopting regulations requiring by 2005 a 75 percent reduction in hydrocarbons released through marine engines. Changes in technology that will accomplish this goal include modifications such as replacement of conventional two-cycle carbureted engines with four-cycle and/or fuel-injected engines. Several outboard motor manufacturers are already producing engines with these features and the commercial vendors in Nags Head should be encouraged to switch to the advanced technology when it becomes available on PWC. If it appears that voluntary replacement does not take place within a reasonable time, the Board of Commissioners may wish to consider imposing mandatory requirements to assure the use of cleaner-burning engines on Roanoke Sound.

3. Interference between PWC and less maneuverable watercraft

The issue that was identified in the study focused on the conflict within the areas where both PWC and nonpowered craft, such as windsurfers, are rented for use in the same waters. The concern comes from the potential conflict between the powerful and fast PWC and the nonpowered craft. It is particularly a concern with novice windsurfers who have little control over their craft. Since the no-wake, straight-in/straight-out rule does not apply in the commercial area, PWC may operate at full speed as soon as practicable after they leave the docking area.

The Town should consider extending the no-wake zone to the Commercial Outdoor Recreational Uses Overlay Zoning District in order to include rental PWC under this regulation. In addition, each vendor should be required to establish a conspicuously marked route of ingress and egress from the

rental point through the no-wake zone. PWC drivers would use such corridors to get to the open waters with the result that a "safe zone" would be available for use by novice windsurfers and other non-powered craft.

Related also to this issue is the inconsistency between Section 5-5 (c) and 3-150 (7) of the Town Code. The former establishes a 600-foot no-wake zone and the latter sets 500 feet as the distance from shore to be maintained by all commercial watercraft. It is suggested that Section 3-150 (7) be changed from 500 to 600 feet.

4. Interference between PWC and shoreline activities

During the user survey, only a few incidents were reported where PWC had interfered with shore use. The events occurred mostly south of the Causeway around the fishing sites. Since under the present Town Code, PWC are required to stay 600 feet from any fishing pier, such incidents appear to reflect a lack of knowledge of regulations concerning the prohibition against operating PWC near fishing piers. Whether the incidences involved rented or privately-owned craft was not reported in the survey.

Town Code section 5-5 d. (2) is unambiguous on this point - "*PWC may not be operated within 600 feet of any fishing pier.*" What may help is an educational approach that emphasizes this requirement to all PWC operators. It is recommended that a safety orientation be provided before rental craft can be operated to include a full briefing on both the state and local laws concerning boat operation as well as safety.

5. Accident reduction and management safety improvement

Water safety issues are highlighted by several components of this study, specifically: (a) the ever-increasing number of PWC that are coming to the market; (b) the higher than average rate of accidents in which PWC are involved; and (c) the lack of boat safety training and relative inexperience of the typical PWC driver. These factors, combined with the enormous power and speed that PWC are designed to produce, make safety one of the top priority issues of this form of recreation.

State statutes covering the operation of power boats and specifically PWC establish the framework

of regulations designed to make boating a safe form of recreation. The Nags Head Town Code extends the state code requirements consistent with the patterns of water recreational needs of the Outer Banks.

Since the basic framework of laws to address water safety is already in place, it appears that what is needed is a basic strategy for making these more effective. Several areas where such a strategy might be focused include:

- a. orientation of all PWC drivers concerning the laws regulating boat operation and usage, basic boat safety procedures and rules of the road prior to operation of PWC. The use of training videos has been suggested as a minimal effort;
- b. improved enforcement and supervision of existing laws and regulations concerning observance of basic rules of the road, operations within prescribed boundaries for individual vendors as well as supervision of the "no-wake" zones, and the like;
- c. improved supervision in fuel handling procedures and equipment; and
- d. additional consideration might also be given to (i) requiring a licenced captain to be available to all vendors; (ii) requiring that vendors renting PWC carry appropriate liability insurance; and (iii) promote the use of body protective devices that are endorsed by the NTSB.¹⁶

¹⁶ Some research suggests that safety helmets may serve a protective function in situations where there is potential for head injury due to collision (like in racing) but the NTSB advises further research before appropriate head gear protection can be recommended for general recreational use (NTSB at p. 47).

Table 4
SUMMARY OF ISSUES, IMPLICATIONS AND STRATEGIES

Issue	Implications	Possible Strategy or Policy
Balance between water area used and number of PWC appears reasonable north of Causeway but on south side of Causeway the area may be too small for the number of craft authorized to use the space.	▼Possible overcrowding south of Causeway when all authorized units are in use; ▼PWC interference with pier fishing	Consider reduction of the number of PWC rentals in the area south of the Causeway. Strict enforcement of "no PWC within 600 feet of fishing pier" rule.
Unburned fuel from PWC and other two-cycle exhausts discharged into the Roanoke Sound is a major source of pollution from hydrocarbons.	▲Daily flushing action of tides and evaporation into the air mitigates the effect of these emissions and makes them less noticeable. ▼But the long-term accumulative effect may be adverse to tidal wetlands, marine feeding and nursery grounds.	Improvement in this situation will be seen as new EPA regulations requiring a 75 percent reduction in exhaust hydrocarbons by 2005. Local vendors should be encouraged to switch to the newer technology engines as soon as they are available.
Possible conflict between PWC and non-powered craft pose danger to the latter recreational activities	▼Persons windsurfing and kayaking are vulnerable to collision with speeding PWC ▼Increased risk of accidents between powered and non-powered craft in areas where both operate in the same waters near shore.	Consider establishing a "safe zone for non-powered windsurfing kayaking, etc., where PWC are excluded except for the "straight in- straight out no-wake rule" that applies to other shorelines.
Possible conflict between passive shore-line users and PWC	▼Residential shorelines are protected by a 600-foot no-wake zone and commercial craft may not come within 500 feet of an estuarine shoreline but several public access points have occasional visits from commercial craft. ▼Mixing of swimmers, waders and other passive water users with power boats is a high risk situation	Revisit the 500-foot "no commercial craft zone" in Code Section 3-150 (7) and make it consistent with the 600-foot no-wake zone of 5-5 (c). Increase enforcement to minimize the presence of PWC in the vicinity of these beaches.
Fishing sites south of the Causeway are favorite spots for shore fishing, crabbing and related activities, and therefore well-attended.	▲Large numbers of visitors enjoy these sites; they are visited by all ages especially families with children. ▼PWC operating within areas where shoreline fishing is provided disrupt fishing and crabbing.	Continue to protect these areas from interference by motor craft with strict enforcement of 600-foot PWC exclusion.
Nationally as well as locally, PWC accidents comprise a growing number and percentage of boating accidents	▼Vacations may be spoiled and, in cases of injury, terminated ▼Possible increase in pollution if fuel is lost as a result of an accident	Examine options for improving safety such as: oversight by licensed captain, and liability insurance by vendors.
The low level of boat safety training and prior experience of PWC drivers increases the risk of accidents.	▼ Risk of higher incident of accidents involving PWC than other watercraft.	Standardize the requirements for safety orientation prior to allowing PWC renters to operate on public waters.

APPENDIX

**DETAILED RESULTS OF WATER-USER SURVEY
NAGS HEAD, NORTH CAROLINA**

Prepared for the Town of Nags Head

*Originally submitted in
November, 1998*

By

PMA - Planners and Architects

Newport News, VA

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APPENDIX
DETAILED RESULTS OF THE WATER-USER SURVEY
NAGS HEAD, NORTH CAROLINA

INTRODUCTION

This appendix gives the detailed responses of a Water-User Survey conducted for the Town of Nags Head during the late Summer of 1998. The survey was designed to address users of four types of water recreation - personal water craft, other power boats, non-powered boats, and shoreline recreation. The objective of the survey was to examine each of these specific activities while also providing a common set of information about all respondents to the survey. To accomplish this, PMA designed four separate questionnaires. Parts One and Two of all questionnaires contained the same questions while each questionnaire contained a "Part Three" that focused on the activity being surveyed. Copies of the questionnaires are included at the end of this Appendix.

Interviews were conducted between August 10 and September 18, 1998. They were started on August 10 and conducted daily (except Sundays) until August 25. A hurricane stopped activity from the 26th through the 30th of August but after that interviews were resumed and continued until September 2. At that point, all of the interviews were completed except for site 12, the Causeway Estuarine Access Site and Interpretive Center (see list below). Interviews at that site were conducted on September 16, 17 and 18. All interviews were confined to the "Sound" side.

Interviews were conducted one-on-one with persons either just after they completed an activity or while they were still engaged in it. In cases of PWC and other water craft users, contact was made as people were completing the activity. At fishing sites and beach sites, interviews were conducted while the persons were still engaged in the activity. The total number of interviews conducted at all sites combined was 317. If groups are considered, the surveys involved 1,101 persons.

Twelve sites were selected by the Town as the targets for the survey. They are identified on the maps (Maps 1, 2 and 3) of the main report. The remaining part of this Appendix reports the responses to each of the questions asked in the survey. It is organized as follows:

- Responses to Parts One and Two Questions for all respondents (Questions 1- 23)¹
- Responses to personal water craft (PWC) questions (Questions 24-36)
- Responses to Shoreline Users questions (Questions 24-36)
- Responses to Other Powered Boat users (Questions 24-36)
- Responses to Non-powered Craft users (Questions 24-36)

¹A copy of the questions asked in each questionnaire is included at the end of this Appendix. The numbering system used in this analysis was established during the analysis in order to facilitate tabulation of similar data. Although the questions in the analysis follow the same sequence as in the questionnaire for questions 1 through 23, the remaining questions varied in sequence and accordingly have been re-numbered so every number refers to the same question regardless of which survey form it was on.

It will be noted in the summations of questions that many different totals appear. This is explained by the fact that while 317 interviews were completed, not all respondents answered every question. For this reason, most summations will fall short of the number of actual interviews completed. The correct interview count of interviews completed at each site may be found under Question 7 in Part 1 below. It is also noted that interviewers completed questions 1 through 10 from personal observations.

SECTION 1

RESPONSES TO PART ONE QUESTIONS

QUESTION 1: SURVEY DATE

Dates of Survey Number of Interviews

August 10 -15	121
August 17-22	108
August 24- 31	35
September 1-3	33
September-18	11
Date not recorded	<u>6</u>
TOTAL	314

QUESTION 2: DAY OF WEEK INTERVIEWS WERE CONDUCTED:

Day of Week	Number Reported
Sunday	0
Monday	43
Tuesday	79
Wednesday	64
Thursday	58
Friday	41
Saturday	<u>16</u>
TOTAL	301

QUESTION 3: TIME OF DAY INTERVIEWS WERE CONDUCTED:

Between 10 and 11	63
Between 11 and 12	69
Between 12 and 1	62
Between 1 and 2	47
Between 2 and 3	40
Between 3 and 4	10
Between 4 and 5	5
TOTAL	296

This pattern also reflects the observed peak time of usage - between 10 a.m and 3 p.m.

QUESTION 4: TEMPERATURE

24	interviews were conducted with temperatures in the 70s
260	interviews were conducted with temperatures in the 80s, mostly, high 80s
<u>1</u>	interview was conducted with temperatures in the 90s
285	TOTAL

QUESTION 5: WIND CONDITIONS

High	0
Medium	28
Low	190
None	<u>57</u>
TOTAL	275

QUESTION 6: CLOUD CONDITIONS

Under 10 % cloud cover	32
From 10% to 30 %	94
From 30% to 50%	23
From 50% to 70%	82
From 70% to 90%	17
More than 90%	<u>29</u>
TOTAL	277

QUESTION 7: THE SURVEY LOCATION IS...?

Site No	No. Interviews	Name or Location of Site
1	25	Jockey's Ridge State Park (South access)
2	27	Danube Beach (Town of Nags Head)
3	26	Outer Banks Water Sports
4	27	Kitty Hawk Water Sports
5	25	Windmill Point Water Sports
6	26	Waterworks Sports Center
7	33	Nags Head Water Sports
8	34	Willett's Wetsports
9	25	Waterworks Too
10	17	Fishing Unlimited
11	41	Little Bridge Estuarine Access Site (Town of Nags Head)
12	<u>11</u>	Nags Head Estuarine Access Site and Interpretive Center (Town of Nags Head)
TOTAL	317	

QUESTION 8: THE PROBABLE AGE GROUP OF THE PERSON INTERVIEWED IS:

The interviewer estimated the age group of the person being interviewed. The ages of others in the group were not reported unless they participated in the interview. If they did participate, the age of such participants (only) are included in these totals.

Age Group	Number	Percent
Less than 18 years old	112	27.1
Between 18 and 25	48	11.6
Between 26 and 35	99	24.0
Over 35 years old	<u>154</u>	37.3
TOTAL	413	

QUESTION 9: THE PERSON BEING INTERVIEWED IS (M/F)

	Number	Percent
Male	171	59.8
Female	<u>115</u>	40.2
TOTAL	286	

QUESTION 10: THE FOLLOWING ACTIVITY HAS JUST BEEN COMPLETED OR IS IN PROGRESS.

Activity (see list at question 9)	Number of Interviews
Driving PWC	150
Fishing/Crabbing from pier or bank	61
Swimming /Wading	36
Tour Boat	19
Canoeing/kayaking	10
Fishing from skiff	8
Parasailing	8
Windsurfing	7
Sunning	5
Sailing	3
Other	2
Power Boating/Water skiing	1
Picnicking	1
Air Boat	0

SECTION 2
RESPONSE TO PART TWO GENERAL QUESTIONS
 (Question 11 through 23)

QUESTION 11: ARE (DO) YOU...?

A Resident of Nags Head	9
Live elsewhere on Outer Banks	7
Just visiting here	<u>300</u>
TOTAL	316

QUESTION 12: IF VISITING, ARE YOU IN NAGS HEAD FOR...?

Vacation	289
Summer job	1
Other reason	<u>11</u>
TOTAL	301

QUESTION 13: IF VACATION, HOW LONG WILL YOUR TOTAL STAY HERE BE?

Today only	13
This weekend	16
This week	244
Two weeks	21
Longer	<u>2</u>
TOTAL	296

QUESTION 14: WHERE IS YOUR PERMANENT RESIDENCE?²

	No. of Interviews	Percent
Virginia	87	29%
Pennsylvania	62	21
North Carolina	36	12
New Jersey	30	10
Maryland	28	9
District of Columbia	15	5
13 Other States	<u>42</u>	<u>14</u>
TOTAL	300	100%

QUESTION 15: THIS QUESTION WAS OMITTED. IT DUPLICATES QUESTION 10.

²The respondent's residence was also recorded by Zipcode.

QUESTION 16: HOW MANY PERSONS WERE IN YOUR PARTY?

Group of	Number of Groups	Total Number of Persons Involved
1	48	48
2	116	232
3	26	78
4	47	188
5	33	165
6	13	78
7	7	49
8	6	48
9	5	45
10	4	40
12	3	36
14	1	14
15	1	15
20	1	20
21	1	21
24	<u>1</u>	<u>24</u>
TOTALS	313	1101

QUESTION 17: OVERALL, WAS YOUR RECREATIONAL EXPERIENCE TODAY...?

Extremely Satisfactory	218
Somewhat Satisfactory	84
Somewhat Unsatisfactory	4
Unsatisfactory	<u>5</u>
TOTAL	311

QUESTIONS 18: WHAT WAS THE BEST PART OF TODAY'S EXPERIENCE?

PWC Users:

The following comments were cited; they were applicable to all locations:

1. Speed, spins, wiping out, falling off (54 citations)
2. Just doing it, being in or on the water (47 citations)
3. Being with family/friends (26 citations)
4. Learning (12 citations)
5. Thrill, excitement, fun (9 citations)

Shoreline Users

At Jockey's Ridge and Danube:

1. Calm clear water where kids can swim (21 citations)
2. Clean, quiet, not crowded (11 citations)
3. Being with friends/family (5 citations)
4. Also cited were: swimming, wading, fishing, sun and shade, and "no jet skis" (at Danube)

At Fishing Unlimited and Little Bridge:

1. Fishing (24 citations)
2. Being there, having fun (8 citations)
3. Nice Weather (6 citations)
4. Also cited were being with friends, family and "restrooms" at Little Bridge

Power Boat Users

1. Dolphins
2. Being there fishing (7 citations)
3. Being with family, friends or dog (4 citations)
4. The weather, water and quiet were also appreciated

Non-powered Craft

1. Parasailing (6 responses)³

QUESTION 19: WHAT WAS UNSATISFACTORY ABOUT YOUR EXPERIENCE?

Shoreline Users

1. For Jockey's Ridge, jellyfish were mentioned 7 times. One person mentioned seaweed and another said that a dog went to the bathroom in the water
2. At Danube, tires or debris in the water was mentioned twice as were motorboats or jet skis in the area. Also mentioned once each were jellyfish, bugs, not enough eating places and no stoplight on Route. 15 .
3. At Little Bridge 10 respondents mentioned no fish or fish too small. At Fishing Unlimited one person commented on slow fishing

Personal Watercraft Users

1. Operational problems with equipment was cited six times
2. Too small an area was mentioned five times
3. Two persons said that the area they were assigned was not well enough defined.
4. Other complaints included the weather, the passengers, coupon not honored and boring

³We suspect that this reference to " parasailing" actually refers to "windsurfing" .

Powered Boats

1. Three "unsatisfactory" comments were received. One concerned the weather, another that there were "no fish" and the third that a baby stroller was not allowed on the tour boat

Non powered watercraft

1. Comments concerned either the lack of the wind or roughness of the water
2. One person said a map for the channel was needed
3. General comments included "tiring" and "hard starting"

QUESTION 20: DID YOU EXPERIENCE ANY PROBLEMS TODAY?

Personal Watercraft Users

1. Operational problems with the equipment (16 citations)
2. Interference from other PWC (4 citations)
3. Interference from kayaks (1 citation) at rental agency for PWC
4. Interference from kayaks (1 citations) from crabbers
5. Obstacles in water that could be hazardous

Shoreline Users

1. Obstacles in the water (5 citations - Danube)
2. Interference from PWC (2 citations)

Non powered Watercraft Users

1. Reported one operational problem with a para sail, (*sic. windsurf*), (1 citation)
2. Interference from a wake from another watercraft (1 citation)
3. Rocks at the edge of water (1 citation)

QUESTION 21: FOR THE TYPE OF RECREATION THAT YOU WERE DOING, WOULD YOU SAY THAT THE CONDITION OF THE WATER AND WEATHER WAS:

Just Perfect	249
Acceptable	61
Unsatisfactory	<u>4</u>
TOTAL	314

QUESTION 22: WAS THE CONDITION OF THE WATER BEST DESCRIBED AS...?

Smooth	167
Somewhat rough	57
Slightly choppy	89
Very rough	<u>1</u>
TOTAL	314

QUESTION 23: WOULD YOU RETURN TO DO IT AGAIN?

1.	Yes	303
2.	Perhaps	6
3.	Not likely	<u>5</u>
	TOTAL	314

SECTION 3 RESPONSES TO PART THREE QUESTIONS FOR PWC USERS

QUESTION 24: WAS THE CRAFT A...?

PWC (ie., JetSki, Waverunner, SecDoo)	151
Pumpjet powered boat	<u>0</u>
TOTAL	151

QUESTION 25: ABOUT HOW LONG DID YOU RIDE THE PWC TODAY?

Half hour	32
Hour	<u>111</u>
TOTAL	143

QUESTION 25-A: ABOUT HOW MANY TIMES HAVE YOU DRIVEN A SIMILAR WATERCRAFT BEFORE TODAY?

Never	48
Once	26
2 to 6 times	52
More than 6 times	<u>27</u>
TOTAL	153

QUESTION 25-B: DID YOU CARRY A PASSENGER AT ANY TIME DURING THE RIDE?

Yes	110
No	<u>43</u>
TOTAL	153

QUESTION 26: WAS THE CRAFT..?

Rented	152
Personally owned	<u>2</u>
TOTAL	154

QUESTION 27: IF RENTED, DID THE AGENCY PRESCRIBE A LIMITED AREA IN WHICH YOU COULD RUN THE CRAFT?

Yes	133
No	<u>2</u>
TOTAL	135

QUESTION 28: DID THE AGENCY PROVIDE YOU WITH A SAFETY ORIENTATION IN THE FORM OF...?

A brochure	1
Lecture	75
Video	51
Demonstration	14
Other	<u>0</u>
TOTAL	141

QUESTION 29: PRIOR TO TODAY, WOULD YOU RATE YOUR EXPERIENCE WITH THIS EQUIPMENT AS...?

Extensive	22
Considerable	32
Some	39
A little	26
None	<u>33</u>
TOTAL	152

QUESTION 30: DESCRIBE AS BEST YOU CAN THE LIMITS OF THE AREA WHERE YOU OPERATED THE CRAFT.

The following is a generalization of the responses. Nearly all of the respondents said they operated within the prescribed buoys of the vender.

Outer Bank Water Sports:

Most respondents said they operated within the prescribed buoys, some specifying the green or OBWS buoys (23 citations)

Kitty Hawk Water Sports:

Most respondents said they operated within the prescribed buoys or near or behind the islands; one person said "half way across sound".

Windmill Point:

Same type of answers; within red/orange buoys; some referenced to water tower

Nags Head Water Sports:

Same type of answers; within orange buoys

Wallet's Water Sports:

Same type of answers; within buoys

QUESTION 31: HAVE YOU EVER TAKEN A COURSE IN BOAT SAFETY?
(Note: this question was modified during coding to simply "yes" or "no")

Yes	37
No	<u>117</u>
TOTAL	154

QUESTION 33: IN YOUR OPINION, DID ANY WATERCRAFT COME TOO
"DANGEROUSLY CLOSE" TO YOU TODAY?
(Note: this question was modified during coding to simply "yes" or "no")

Yes	4
No	<u>146</u>
TOTAL	150

QUESTION 34: DESCRIBE THE SITUATION (WHEN A WATERCRAFT CAME TOO
CLOSE).

There were not enough responses for analysis

Most sites had no reports or descriptions of this situation. The following comments were received:

Danube:

Jet ski unloading here (1)
Jet skis are poorly regulated, danger to swimmers
Jet skis come too close

Wallet's Water Sports:

Not dangerous, but close
 Boat/jet ski flipped 360 degrees- told not to do it
 Large yacht ran over dolphins

Little Bridge

PWC came too close to bridge

QUESTION 35: FROM THE STANDPOINT OF YOUR ENJOYMENT AND SAFETY, WOULD YOU SAY THAT THE AREA DESIGNATED FOR OR SELECTED FOR YOUR USE TODAY IS...?

There were too many water craft out there	0
The number (of craft) did not cause any problem	18
Some increase in the number could be accommodated	123
No other watercraft were observed in the vicinity	<u>13</u>

TOTAL	154
-------	-----

QUESTION 36: WOULD YOU LIKE TO MAKE OTHER OBSERVATIONS OR COMMENTS?

1. **Outer Banks Water Sports:**

Enjoyable, fun
 Other vendor's (PWC) strayed within area
 Need better color for buoys
 Too many crab pots

2. **Kitty Hawk Water Sports**

Good time
 Not too crowded
 Could not always tell boundaries
 Area too confined

3. **Windmill Point**

Fun, blast, enjoyable

4. **Waterworks Too**

Friendly staff, helpful
 Fun, enjoyable

5. **Nags Head Water Sports**

Fun, enjoyable, wonderful

6. Wallet's Water Sports

Good service, equipment (3 responses)
Nice Site (2 responses)
Personnel were great
Fun, enjoyable
Some drivers did not follow directions
Concerned about shallow water if thrown off
Told could bring stroller, then it was not allowed

7. Waterworks Too

Wave runner from next door came too close
Other areas are unacceptable, don't care about business

8. Fishing Unlimited

Great
Beautiful days
Nice area
"Keep hurricane away"

SECTION 4
RESPONSES TO PART THREE QUESTIONS ON SHORELINE USE

QUESTION 24: THE ACTIVITY ENGAGED IN IS...

Fishing	56
Crabbing	7
Picnicking	0
Sunning	28
Swimming/wading	16
Other	<u>3</u>

TOTAL 110

QUESTION 24-A: HOW OFTEN DO YOU VISIT THIS RECREATIONAL FACILITY?

First time	59
Every day	9
Few times/month	11
Few times/year	<u>26</u>

TOTAL 105

QUESTION 25: HOW MANY HOURS HAVE YOU BEEN AT THIS FACILITY TODAY?

One hour or less	27
1.5 to 3 hours	48
More than 3 hrs	<u>29</u>

TOTAL 105

QUESTION 25-A: COMPARED WITH OTHER SITES YOU'VE VISITED (ON THE SOUND) FOR THE SAME PURPOSE, IS THIS ONE...?

Better than others	29
About the same as others	32
Worse than others	<u>1</u>

TOTAL 62

QUESTION 33 DID ANY WATERCRAFT COME TOO "DANGEROUSLY CLOSE" TO YOU TODAY?

Yes	0
No	<u>45</u>

TOTAL 45

QUESTION 34: DESCRIBE THE SITUATION (WHEN A WATERCRAFT CAME TOO CLOSE)

There were not enough responses for analysis

QUESTION 35: FROM THE STANDPOINT OF YOUR ENJOYMENT AND SAFETY, WOULD YOU SAY THAT THE AREA DESIGNATED FOR OR SELECTED FOR YOUR USE TODAY IS...?

There were too many water craft out there	0
The number (of craft) did not cause any problem	1
Some increase in the number could be accommodated	64
No other watercraft were observed in the vicinity	<u>28</u>

TOTAL	93
-------	----

QUESTION 36: WOULD YOU LIKE TO MAKE OTHER OBSERVATIONS OR COMMENTS?

1 **Jockey's Ridge:**

Great beach
Decent restroom
Need more outdoor restrooms
Get rid of jellyfish
Come daily, rarely see watercraft
Keep open later for walks after work

2 **Danube:**

PWC come too close/ should be courteous (5 responses)
Nice (2 responses)
Jellyfish (2 responses)
Good for small kids
Agree with prohibiting launch of PWC at Danube
Trash cans needed
Tires in water
Wall has fallen, needs repair

3 **Little Bridge**

Nice facility (3 responses)
Request more, bigger, fish (3 responses)
Fun, enjoyable
Coming back next year
Once in a while private jet skis come too close
Remove jet skis from area
More traffic in Nags Head

SECTION 5
RESPONSES TO PART THREE QUESTIONS ON POWER BOAT USE

QUESTION 24: WAS YOUR TRIP TODAY FOR...?

Fishing	12
Sailing	0
Water Skiing	0
Sightseeing	5
Other	<u>8</u>

TOTAL 27

QUESTION 25: HOW LONG WERE YOU AWAY FROM THE DOCK?

One hour	4
Two hours	9
Three hours or more	<u>10</u>

TOTAL 23

QUESTION 26: WAS THE BOAT YOU USED...?

Rented	19
Privately owned	2
Chartered	<u>4</u>

TOTAL 25

QUESTION 26-A: WHAT WAS THE LENGTH OF THE BOAT?

Less than 16 feet	5
16 to 24 feet	21
More than 24 feet	<u>1</u>

TOTAL 27

QUESTION 27: DID THE AGENCY PRESCRIBE A LIMITED AREA IN WHICH YOU COULD OPERATE THE BOAT?

Yes	13
No	<u>0</u>

TOTAL 13

QUESTION 28: DID THE AGENCY PROVIDE SAFETY ORIENTATION IN THE FORM OF...

Brochure	1
Lecture	10
Video	0
Demonstration	<u>2</u>
TOTAL	13

QUESTION 29: PRIOR TO TODAY, WOULD YOU RATE YOUR EXPERIENCE WITH THIS EQUIPMENT AS...?

Extensive	5
Considerable	4
Some	3
A little	1
None	<u>3</u>
TOTAL	16

QUESTION 31: HAVE YOU EVER TAKEN A COURSE IN BOAT SAFETY?

Yes	16
No	<u>11</u>
TOTAL	27

QUESTION 33: DID ANY WATERCRAFT COME TOO "DANGEROUSLY CLOSE" TO YOU TODAY?

Yes	0
No	<u>28</u>
TOTAL	28

QUESTION 34: DESCRIBE THE SITUATION (WHEN A WATERCRAFT CAME TOO CLOSE)

There were not enough responses for analysis

QUESTION 35: FROM THE STANDPOINT OF YOUR ENJOYMENT AND SAFETY, WOULD YOU SAY THAT THE AREA DESIGNATED FOR OR SELECTED FOR YOUR USE TODAY IS...?

There were too many water craft out there	0
The number (of craft) did not cause any problem	0
Some increase in the number could be accommodated	26
No other watercraft were observed in the vicinity	<u>2</u>
TOTAL	28

QUESTION 36: WOULD YOU LIKE TO MAKE OTHER OBSERVATIONS OR COMMENTS?
There were not enough responses for analysis

SECTION 6
RESPONSE TO PART THREE QUESTIONS ON NON-POWER BOAT USE

QUESTION 24: WAS YOUR TRIP TODAY FOR...?

Canoeing	0
Kayaking	6
Windsurfing	7
Sail/Sunfish sailing	1
Other	<u>7</u>

TOTAL 21

QUESTION 25: HOW LONG WERE YOU AWAY FROM THE DOCK?

One hour	11
Two hours	6
Three hours or more	<u>5</u>

TOTAL 22

QUESTION 26: WAS THE BOAT YOU USED...?

Rented	22
Privately owned	<u>1</u>

TOTAL 23

QUESTION 27: DID THE AGENCY PRESCRIBE A LIMITED AREA IN WHICH YOU COULD OPERATE THE BOAT?

Yes	11
No	<u>2</u>

TOTAL 13

QUESTION 28: DID THE AGENCY PROVIDE SAFETY ORIENTATION IN THE FORM OF...

Brochure	0
Lecture	9
Video	1
Demonstration	2
None	8

TOTAL 20

QUESTION 29: PRIOR TO TODAY, WOULD YOU RATE YOUR EXPERIENCE WITH THIS EQUIPMENT AS...?

Extensive	2
Considerable	5
Some	6
A little	1
None	<u>7</u>
TOTAL	21

QUESTION 31: HAVE YOU EVER TAKEN A COURSE IN BOAT SAFETY?

Yes	9
No	<u>14</u>
TOTAL	23

QUESTION 33: DID ANY WATERCRAFT COME TOO "DANGEROUSLY CLOSE" TO YOU TODAY?

Yes	0
No	<u>21</u>
TOTAL	21

QUESTION 34: DESCRIBE THE SITUATION (WHEN A WATERCRAFT CAME TOO CLOSE).

There were not enough responses for analysis

QUESTION 35: FROM THE STANDPOINT OF YOUR ENJOYMENT AND SAFETY, WOULD YOU SAY THAT THE AREA DESIGNATED FOR OR SELECTED FOR YOUR USE TODAY IS...?

There were too many water craft out there	0
The number (of craft) did not cause any problem	1
Some increase in the number could be accommodated	20
No other watercraft were observed in the vicinity	<u>2</u>
TOTAL	23

QUESTION 36: WOULD YOU LIKE TO MAKE OTHER OBSERVATIONS OR COMMENTS?

There were not enough responses for analysis.

SURVEY QUESTIONNAIRES

Note: The survey questionnaires used for the survey reported in the preceding pages of this Appendix are included here in the same form used in the survey with one exception. The survey was performed using four separate questionnaires, one for each type of condition surveyed. Since Parts 1 and 2 of each of the four questionnaires were identical, those parts of the questionnaire are only presented here once. Part 3 for each of the conditions - personal watercraft, shoreline users, large power boats, and non-powered watercraft - is then included on a separate page.

The reader will observe that the numbering of questions in Part 3 of each survey may not necessarily follow the numerical sequence of the questions as reported in the main body of the Appendix. This reflects: (a) that not all questions are present on all questionnaires; and (b) the numbering was rearranged in order to enable consistent coding for spreadsheet tabulation.

**WATER SPORTS RECREATIONAL SURVEY
TOWN OF NAGS HEAD, NORTH CAROLINA**

QUESTIONS 1 - 23, Apply to All Four Surveys

PART ONE: (TO BE COMPLETED BY INTERVIEWER'S OBSERVATIONS)

- (1) Date: _____; (2) Day of Week: S M T W T F S; (3) Time: _____;
 (4) Temp- H M L; (5) Wind- H M L 0; (6) Cloudy- _____ %
- (7) THE SURVEY LOCATION IS NO. 1 2 3 4 5 6 7 8 9 10 (See instructions for definitions)
- (8) THE PROBABLE AGE GROUP OF THE PERSON INTERVIEWED IS :
☐ Less than 18 ☐ 18 to 25 ☐ 26 to 35 ☐ Over 35
- (9) AND HE/SHE IS ☐ Male ☐ Female
- (10) THE FOLLOWING ACTIVITY HAS JUST BEEN COMPLETED OR IS IN PROGRESS:
☐ Driving PWC ☐ Parasailing ☐ Driving air boat ☐ Canoeing/ kayaking ☐ Sailing ☐ Windsurfing
☐ Power Boating /waterskiing ☐ Picnicking ☐ Swimming / Wading ☐ Sunning
☐ Tour Boat (Cruising/fishing) ☐ Fishing from skiff ☐ Fishing/crabbing pier/bank/ bridge ☐ Other _____

PART TWO: GENERAL QUESTIONS

- (11) ARE YOU: ☐ A resident of Nags Head ☐ Live elsewhere on the Outer Banks, or ☐ Just visiting here
- (12) IF VISITING, ARE IN NAGS HEAD FOR
☐ vacation ☐ summer job ☐ other reason _____
- (13) IF VACATION, HOW LONG WILL YOUR TOTAL STAY HERE BE?
☐ Today ☐ This weekend ☐ This week ☐ Two weeks ☐ If more, how long? _____
- (14) WHERE IS YOUR PERMANENT RESIDENCE?
 City _____ State _____ Zip Code _____
- (15) WHAT SPECIFIC WATER-RELATED RECREATIONAL ACTIVITY WERE (ARE) YOU DOING?
 (Skip if the activity has already been established) _____
- (16) HOW MANY PERSONS WERE IN YOUR PARTY? _____
- (17) OVERALL, WAS YOUR RECREATIONAL EXPERIENCE TODAY: (in Reference to the Activity identified)
☐ 1| Extremely satisfactory | ☐ 2| Somewhat satisfactory | ☐ 3| Somewhat unsatisfactory ☐ 4| Unsatisfactory
- (18) WHAT WAS THE BEST PART OF TODAY'S EXPERIENCE: _____
- (19) WHAT WAS UNSATISFACTORY ABOUT THE EXPERIENCE _____
- (20) DID YOU EXPERIENCE ANY OF THESE PROBLEMS TODAY?
☐ Operational problems with rented equipment ☐ Obstacles in water that could be hazardous
☐ Interference from any water craft ☐ Any other problems or inconveniences
 (Please comment _____)
- (21) FOR THE TYPE OF RECREATION THAT YOU WERE DOING, WOULD YOU SAY THAT THE CONDITION OF THE WATER & WEATHER TODAY WAS: ☐ Just perfect ☐ Acceptable ☐ Unsatisfactory
- (22) WAS THE CONDITION OF THE WATER BEST DESCRIBED AS:
☐ Smooth ☐ Somewhat rough ☐ Slightly choppy ☐ very rough
- (23) WOULD YOU RETURN TO DO IT AGAIN ☐ Yes ☐ Perhaps ☐ Not likely

**WATER SPORTS RECREATIONAL SURVEY
TOWN OF NAGS HEAD, NORTH CAROLINA**

Questions 24-36 for Personal Watercraft

(Notes: The number sequence of these questions was rearranged and numbered to facilitate computer analysis;
Question 32 is omitted)

PART THREE: QUESTIONS FOR OPERATORS OF PERSONAL WATER CRAFT

(25) ABOUT HOW LONG DID YOU RIDE THE PWC TODAY? _____ hours; _____ minutes

(24) WAS THE CRAFT A ☐ PWC (i.e., JET SKI?; or ☐ PUMPJET POWERED BOAT?

(25A) ABOUT HOW MANY TIMES HAVE YOU DRIVEN A SIMILAR WATERCRAFT BEFORE TODAY?

☐ Never ☐ once ☐ 2 to 6 times ☐ more than 6 times

(25B) DID YOU CARRY A PASSENGER AT ANY TIME DURING THIS RIDE?

☐ Yes ☐ No

(26) WAS THE CRAFT:

☐ Rented from vendor? ☐ Personally or privately owned? ☐ Other _____?

(29) PRIOR TO TODAY, WOULD YOU RATE YOUR EXPERIENCE WITH THIS EQUIPMENT AS?

☐ Extensive ☐ Considerable ☐ Some ☐ A little ☐ None

IF RENTED, WHICH OF THE FOLLOWING DID THE RENTAL AGENCY DO TODAY?

(27) Prescribe a limited area in which you could operate the boat? ☐ Yes ☐ No

(28) Provide you with a safety orientation in the form of:

☐ a brochure ☐ lecture ☐ video ☐ demonstration

(30) DESCRIBE AS BEST YOU CAN THE LIMITS OF THE AREA WHERE YOU OPERATED THE CRAFT

(31) HAVE YOU EVER TAKEN A COURSE IN BOAT SAFETY? ☐ Yes ☐ No

(33) IN YOUR OPINION, DID ANY WATERCRAFT COME TOO "DANGEROUSLY CLOSE" TO YOU TODAY?

☐ Yes ☐ No

(34) COULD YOU DESCRIBE THE SITUATION? _____

(35) FROM THE STANDPOINT OF YOUR ENJOYMENT AND SAFETY, WOULD YOU SAY THAT
THE AREA DESIGNATED FOR OR SELECTED FOR YOUR USE TODAY IS :

☐ Overcrowded with water craft (There were too many watercraft out there)

☐ About at capacity (The number did not cause any problems)

☐ An acceptable number (Some increase in the number of watercraft could be accommodated)

☐ No other water craft were observed in the vicinity

(36) WOULD YOU LIKE TO MAKE OTHER OBSERVATIONS OR COMMENTS?

**WATER SPORTS RECREATIONAL SURVEY
TOWN OF NAGS HEAD, NORTH CAROLINA**

Questions 24-36 for Shoreline Users

(Notes: The number sequence of these questions was rearranged and numbered to facilitate computer analysis;
Question 32 is omitted; Questions 34A and 34B only appear on this Questionnaire)

PART THREE : QUESTIONS FOR SHORELINE USERS

(24) THE ACTIVITY ENGAGED IN IS

☐ Fishing ☐ Crabbing ☐ Picnicking ☐ Sunning ☐ Swimming/wading ☐ Other _____

(24A) HOW OFTEN DO YOU VISIT THIS RECREATIONAL FACILITY?

☐ First time ☐ Every day ☐ About ___ times per month ☐ About ___ times per year

(25) HOW MANY HOURS HAVE YOU BEEN AT THIS FACILITY TODAY? _____

(25A) COMPARE WITH OTHER SITES YOU'VE VISITED (ON THE "SOUND") FOR THE SAME PURPOSE

IS THIS ONE? ☐ Better ☐ About the same, or ☐ worse THAN THE OTHERS

(33) DID ANY WATERCRAFT COME TOO "DANGEROUSLY CLOSE" TO YOU TODAY?

☐ Yes ☐ No

(34) COULD YOU DESCRIBE THE SITUATION? _____

(34A) DID THE PRESENCE OF SUCH CRAFT INTERFERE WITH YOUR ENJOYMENT OF THE ACTIVITY?

☐ Not at all ☐ I was somewhat annoyed ☐ I was greatly annoyed

(34B) WAS THE GREATEST SOURCE OF INTERFERENCE?

☐ Wakes ☐ Noise ☐ Operated too close to shore (or fishing area) ☐ Other _____

(35) FROM THE STANDPOINT OF YOUR ENJOYMENT AND SAFETY, WOULD YOU SAY THAT
THE AREA DESIGNATED FOR OR SELECTED FOR YOUR USE TODAY IS :

- ☐ Overcrowded with water craft (There were too many watercraft out there)
- ☐ About at capacity (The number did not cause any problems)
- ☐ An acceptable number (Some increase in the number of watercraft could be accommodated)
- ☐ No other water craft were observed in the vicinity

(36) WOULD YOU LIKE TO MAKE OTHER OBSERVATIONS OR COMMENTS?

**WATER SPORTS RECREATIONAL SURVEY
TOWN OF NAGS HEAD, NORTH CAROLINA**

Questions 24-36 for Large Power Boats

(Notes: The number sequence of these questions was rearranged and numbered to facilitate computer analysis;
Questions 30 and 32 are omitted)

PART THREE: QUESTIONS FOR OPERATORS AND RIDERS OF POWERED BOATS INCLUDING LARGER SAIL BOATS, TOUR BOATS, CHARTER FISHING OR AIR BOATS

(24) WAS YOUR TRIP TODAY FOR?

☐ Fishing ☐ Sailing ☐ Water Skiing ☐ Sightseeing ☐ Other _____

(25) HOW LONG WERE YOU AWAY FROM THE DOCK? _____ Hours

(26) WAS THE BOAT YOU USED? ☐ Privately owned, or ☐ Rented from a local firm, ☐ Chartered

(26A) WHAT LENGTH BOAT? ☐ 16 feet or less ☐ 16 to 24 feet ☐ More than 24 feet

IF RENTED, DID THE RENTAL AGENCY DO ANY OF THE FOLLOWING?

(27) Prescribe a limited area in which you could operate the boat? ☐ Yes ☐ No

(28) Provide you with a safety orientation in the form of:

☐ a brochure ☐ lecture ☐ video ☐ demonstration

(29) PRIOR TO TODAY, WOULD YOU RATE YOUR EXPERIENCE WITH THIS EQUIPMENT AS?

☐ Extensive ☐ Considerable ☐ Some ☐ A little ☐ None

(31) HAVE YOU EVER TAKEN A COURSE IN BOAT SAFETY?

☐ Yes ☐ No

(33) IN YOUR OPINION, DID ANY WATERCRAFT COME TOO "DANGEROUSLY CLOSE" TO YOU TODAY?

☐ Yes ☐ No

(34) COULD YOU DESCRIBE THE SITUATION? _____

(35) FROM THE STANDPOINT OF YOUR ENJOYMENT AND SAFETY, WOULD YOU SAY THAT
THE AREA DESIGNATED FOR OR SELECTED FOR YOUR USE TODAY IS :

☐ Overcrowded with water craft (There were too many watercraft out there)

☐ About at capacity (The number did not cause any problems)

☐ An acceptable number (Some increase in the number of watercraft could be accommodated)

☐ No other water craft were observed in the vicinity

(36) WOULD YOU LIKE TO MAKE OTHER OBSERVATIONS OR COMMENTS?

**WATER SPORTS RECREATIONAL SURVEY
TOWN OF NAGS HEAD, NORTH CAROLINA**

Questions 24-36 for Non-Powered Watercraft

(Notes: The number sequence of these questions was rearranged and numbered to facilitate computer analysis;
Questions 30 and 32 are omitted)

PART THREE: QUESTIONS FOR OPERATORS OF NON-POWERED WATERCRAFT

(24) WAS YOUR TRIP TODAY FOR?

☐ canoeing ☐ kayaking ☐ Windsurfing ☐ sailfish/sunfish sailing ☐ Other _____

(25) HOW LONG WERE YOU AWAY FROM THE DOCK? _____ Hours

(26) WAS THE WATERCRAFT YOU USED? ☐ Privately owned, or ☐ Rented from a local firm,

IF RENTED, DID THE RENTAL AGENCY DO ANY OF THE FOLLOWING?

(27) Prescribe a limited area in which you could operate the boat? ☐ Yes ☐ No

(28) Provide you with a safety orientation in the form of:

☐ a brochure ☐ lecture ☐ video ☐ demonstration

(29) PRIOR TO TODAY, WOULD YOU RATE YOUR EXPERIENCE WITH THIS EQUIPMENT AS?

☐ Extensive ☐ Considerable ☐ Some ☐ A little ☐ None

DESCRIBE AS BEST YOU CAN THE LIMITS OF THE AREA WHERE YOU OPERATED THE CRAFT?

(31) HAVE YOU EVER TAKEN A COURSE IN BOAT SAFETY?

☐ Yes ☐ No

(33) IN YOUR OPINION, DID ANY WATERCRAFT COME TOO "DANGEROUSLY CLOSE" TO YOU TODAY?

☐ Yes ☐ No

(34) COULD YOU DESCRIBE THE SITUATION? _____

(35) FROM THE STANDPOINT OF YOUR ENJOYMENT AND SAFETY, WOULD YOU SAY THAT
THE AREA DESIGNATED FOR OR SELECTED FOR YOUR USE TODAY IS :

- ☐ Overcrowded with water craft (There were too many watercraft out there)
- ☐ About at capacity (The number did not cause any problems)
- ☐ An acceptable number (Some increase in the number of watercraft could be accommodated)
- ☐ No other water craft were observed in the vicinity

(36) WOULD YOU LIKE TO MAKE OTHER OBSERVATIONS OR COMMENTS?



BOC ACTIONS
WEDNESDAY, JUNE 3, 2026

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. He then recognized former elected officials in attendance: Bob Muller, Renée Cahoon, Webb Fuller, Susie Walters, and Mike Siers.

2. Agenda – The board adopted the June 3rd agenda as presented.

3. Recognition –

NEW EMPLOYEE – Public Services Director Nancy Carawan introduced Water Distribution Technician Johnnie Basinger who was welcomed by the board to town employment.

NEW EMPLOYEE – Public Services Director Nancy Carawan introduced Sanitation Equipment Operator Jamie Wentz who was welcomed by the board to town employment.

PRESENTATION - 2026 Nags Header – Kerry Oaksmith-Sanders was awarded the Nags Header of the Town for 2026 and joined the list of Town Nags Header recipients which began in 2005 with Nellie Myrtle Midgette Pridgen.

PRESENTATION - 2026 Town Lightkeeper – M. Renée Cahoon was awarded the Lightkeeper of the Town for 2026 and joined the list of Town Lightkeepers which began in 2000 with Carl Nunemaker.

4. Public Comment – There was no one present who wished to speak during Public Comment.
5. Consent Agenda – The Consent Agenda was approved as presented and consisted of the following:
 - Consideration of Budget Amendment #12 to FY 25/26 Budget
 - Consideration of Tax Adjustment Report
 - Approval of Minutes
 - Annual Write-Off of Uncollectible Water Accounts
 - Consideration of FY2025/26 Water Capital Project Ordinance
 - Consideration of Update to Sunshine List Policy
 - Consideration of Capital Project Ordinance Amendment #13
6. Public Hearing to consider citizen comments on the Town Manager's proposed operating budget for July 1, 2026 – June 30, 2027, and additional documents – The Board passed motions to approve the following documents as presented:
 - FY 26/27 Budget Ordinance
 - Pay Plan and Organizational Charts
 - Capital Improvement Requests for FY 26/27 through FY 30/31
 - Consolidated Fee Schedule
7. Planning Director – Planning Director Kelly Wyatt summarized her monthly report and was thanked by the board for her efforts.

8. Committee Reports

Comr. Harrison – reported that the GEACC committee is not meeting until July but noted that Public Information Officer Thuman is working on producing videos. She raised the possibility of showing short county-produced videos related to Nags Head at future board meetings, a suggestion the board received positively.

Mayor Pro Tem Lambert – reported there was no update from the Septic Health Advisory Committee, as it had not yet met.

Mayor Cahoon – reported that the Jennette's Pier Advisory Committee is scheduled to meet the coming Monday, June 8th, with a walkthrough of recent improvements. He extended an informal invitation to any commissioner who wished to attend, noting that the walkthrough was set to begin at approximately 8:30 a.m.

Comr. Sanders – reported that he had recently been appointed to the Dare County Housing Foundation and briefly noted he had missed the prior Friday's logo reveal event due to being out of town. Mayor Cahoon added that the event was well-attended, with most local mayors present, members of the foundation's board, and a number of exhibits detailing the foundation's direction, including a request for proposals seeking architects to design packages of small homes.

Comr. Vaughan – reported on the May 21st meeting of the Dare County Tourism Board. The board received an update on conservation easement efforts related to the Estuarine Shoreline Project near the event site. The steering committee also reported that the board approved issuing a Request for Proposals (RFP) for development of a three to five-year plan for the Soundside Event Site. The plan will evaluate future uses of the site, including the former Dairy Queen building, vacant land, parking connectivity, and other short-term planning considerations.

She also shared first-quarter tourism figures, noting that countywide meals and occupancy revenues were essentially flat, with a slight increase of less than one percent. She reported that Nags Head accounted for approximately 23% of total occupancy revenue and nearly 19% of meal tax revenue reported countywide during the first quarter. She indicated she would continue providing these comparative figures in future reports.

- 9.** Disaster Debris Removal and Monitoring Contract Renewals - The Board authorized the town manager to enter into a pre-positioned agreement with DRC Emergency Services for disaster debris management and removal services and to execute the renewal agreement with DebrisTech, LLC for debris monitoring services.
- 10.** RECESS/RECONVENE – The Board took a brief recess at 10:22 a.m. and reconvened at 10:31 a.m.
- 11.** The mayor acknowledged former elected official Anna Sadler, who arrived during the meeting.
- 12.** Appointment/Reappointment to Town Board/Committee - The board appointed Mary K. Gay as an alternate on the Board of Adjustment for a three-year term.

- 13.** Attorney Leidy – provided an update on the beach nourishment easement acquisitions and on the litigation brought by Cherry, Inc. against the town related to the 2023 removal of an oceanfront cottage.
- 14.** Town Manager – Deputy Fire Chief Shane Hite summarized the 2026 Town Fireworks display; Zambelli is conducting the fireworks for July 4th at 9:00 p.m. at Nags Head Fishing Pier. The rain date is July 5th.
- 15.** Town Manager – The board tabled the discussion of the Group Demonstrations ordinance amendments for Chapter 4 of the town code until their July 1, 2026 meeting.
- 16.** 2026 Beach Nourishment Project – The board received an update from Town Engineer David Ryan on the 2026 Beach Nourishment Project.
- 17.** Comr. Harrison – thanked staff for their work on the budget, and expressed gratitude to staff, fellow commissioners, and community members who helped her navigate the learning curve during her time on the board.
- 18.** Mayor Cahoon – provided a comprehensive update on the town's ongoing legislative advocacy efforts.
- 19.** Closed Session – The board entered Closed Session to consider a personnel issue pursuant to 143-318.11(a)(6). The time was 10:56 a.m.
- 20.** Open Session - The board re-entered Open Session at 11:26 a.m. Attorney Leidy reported that the board discussed confidential personnel matters and that some action was taken, but that nothing further needed to be reported publicly at that time.
- 21.** Adjournment – The board adjourned at 11:27 a.m.



AGENDA ITEM SUMMARY

Town of Nags Head Planning Board

REGULAR SESSION: June 16, 2026

AGENDA ITEM H.1.

Planning & Development Directors Report, June 3rd, 2026.

Prepared by

Lily Nieberding, Permitting Coordinator

Reviewed by

Lily Nieberding

Lily Nieberding

Staff Comments/Recommendation

Please find attached a monthly update from Planning Director Kelly Wyatt that includes permitting and code enforcement data through April 2026.

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, June 3, 2026.

Monthly Activity Report

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 May:

- Tuesday, May 5th — Technical Review Committee Meeting
- Tuesday, May 5th — Conner Twiddy attending and presenting at Septic Health Think Tank in Columbia, SC
- Wednesday, May 6th — Board of Commissioners Meeting
- Wednesday, May 13th — Committee for Arts and Culture Meeting
- Thursday, May 14th — Board of Adjustment Meeting (no hearings)
- Monday, May 18th — Discuss DWI Loan Roll Out Meeting
- Tuesday, May 19th — Planning Board Meeting
- Wednesday, May 20th — Board of Commissioners Mid-Month Meeting

Planning Board — Pending Applications and Discussions

The Planning Board most recently met on Tuesday, May 19, 2026. At that meeting, the Board took the following actions:

- Considered a Vested Rights/Special Use Permit/Site Plan Review application submitted by Michael Robinson, P.E., on behalf of Tar Heel Motel of OBX, LLC, for the construction of a two-story, 26-room hotel as an expansion of the existing Tar Heel Motel. The subject property is located at 7001 S. Croatan Highway, is zoned C-2, General Commercial, and is within the Hotel Overlay District. Following review, the Planning Board voted unanimously to recommend approval of the requested Vested Rights/Special Use Permit/Site

Plan Review as submitted. At the applicant's request, this item is anticipated to be placed on the Board of Commissioners' July 2026 Consent Agenda with a Public Hearing tentatively scheduled for August 2026, to allow additional time for completion and evaluation of the engineered septic system design to ensure project viability prior to Board consideration.

- Planning staff provided an update regarding Planning-related initiatives identified during the Board of Commissioners' February 2026 Strategic Planning Retreat. Staff reviewed each initiative with the Planning Board and noted that these items will collectively serve as a general work plan to help guide larger planning efforts and policy initiatives throughout the coming year.

The next Planning Board meeting is scheduled for Tuesday, June 16, 2026. At this time, the agenda is anticipated to include consideration of a text amendment request submitted by Mrs. Suzanne Baer on behalf of BIPA, LLC regarding the potential allowance of water-dependent recreational uses within Commercial Mixed Use developments, such as Shopping Centers. Staff will provide any additional updates or agenda modifications as requested.

Board of Adjustment – Recent and Pending Applications — There were no items for the Board of Adjustment's consideration in May 2026.

Additional Updates

- DWMP/Septic Health Advisory Committee — Staff and the Septic Health Advisory Committee continue advancing implementation of the Town's septic health initiatives, with ongoing emphasis on outreach, education, and program participation. The recently distributed combined Septic Health and Dark Skies mailer continues to generate additional inspection requests and public interest in the program. Staff is also preparing targeted outreach letters to property owners identified within higher-risk and environmentally vulnerable areas as part of the upcoming rollout of the Division of Water Infrastructure (DWI) zero-interest loan program. Additionally, with the return of the Dowdy Park Farmers Markets beginning in June, Environmental Planner Conner Twiddy will again maintain a regular outreach and educational presence at the weekly events to provide information regarding septic health, answer questions, and encourage participation in the Town's septic programs and initiatives.
- Estuarine Shoreline Management Plan — Staff continues to advance implementation efforts associated with the Estuarine Shoreline Management Plan (ESMP), with ongoing coordination related to several project areas.
 - The Harvey/Soundside Event Site Living Shoreline staff is working through conservation easement-related coordination and associated project details prior to advancing the project further through permitting and implementation phases. The permit application has been resubmitted with an updated wetlands survey as requested by DCM on 5/21.
 - For the Villa Dunes Drive & Catfish Farm/Causeway there are no significant changes or updates at this time.
 - For the Soundside Road project area, draft easement language has been prepared, and staff, in coordination with the Town's environmental consultant, George Wood, will begin outreach and engagement with affected property owners as efforts continue to advance the resiliency berm and stormwater improvement project components.
 - For the Catfish Farms project area, staff has coordinated with the Dare County Soil and Water Conservation District to use a drone to collect the locations of SAV for the project area. The data collection will take place in the month of June
- Dowdy Park Events/Farmers Market/Holiday Markets/Art & Culture — Summer programming and community events are beginning to ramp up at Dowdy Park, with several recurring wellness and community activities

now underway or scheduled to begin in June.

- Tuesday morning Yoga, sponsored by Coastal Carolina Vacations and Sales, has officially resumed and has already seen strong participation, with approximately 25–28 attendees during the initial sessions.
- The Dowdy Park Farmers Market will return beginning Thursday, June 11th. Environmental Planner, Conner Twiddy will also be there maintaining a regular educational and outreach presence related to the Town's Todd D. Krafft Septic Health Initiative.
- Additional wellness programming will begin in early June, including "Wake Up Wednesday" on June 3rd, sponsored by The Studio and OBX Beach Glo, featuring a rotating series of activities such as Tai Chi, Core & Stretch, and Resistance Band workouts. "Fitness Friday," sponsored by Tortugas' Lie, will begin June 5th.
- The 2026 Dowdy Park Summer Concert Series will kick off on June 10th and will feature 13 weeks of live music throughout the summer season. The opening performance will feature local band Stereo in Words. "Waggin' Wednesdays" will also return beginning June 17th with a new start time of 9:00 a.m.
- Staff also welcomed Bobbisue Louvros as the Town's part-time seasonal events staff member assisting with summer programming and event coordination. Looking ahead, staff has also begun preliminary discussions and brainstorming efforts related to Dowdy Park's upcoming 10th Anniversary in 2027.
- The Committee for Art & Culture continues working with artist Julie Moyer regarding concepts and preliminary sketches for the proposed Dowdy Park walkway art project, with initial concept sketches anticipated later this summer. Additionally, a new art panel designed by local artist Brent Nultemeier has recently been completed and will be showcased at one of our beach accesses.

Upcoming Meetings and Other Dates

- Tuesday, June 2nd — Technical Review Committee Meeting
- Tuesday, June 2nd — Staff meeting with NEST re: lighting
- Wednesday, June 3rd — Board of Commissioners Meeting
- Wednesday, June 10th — Committee for Arts and Culture Meeting
- Thursday, June 11th — Board of Adjustment Meeting (no hearings)
- Tuesday, June 16th — Planning Board Meeting
- Wednesday, June 17th — Board of Commissioners Mid-Month Meeting



Attachments

1. 6 G1 Planning Monthly Report

TOWN OF NAGS HEAD PLANNING AND DEVELOPMENT
MONTHLY REPORT
APRIL 2026

DATE SUBMITTED: May 7, 2026

	Apr-26	Apr-25	Mar-26	2025-2026 FISCAL YTD	2024-2025 FISCAL YTD	FISCAL YEAR INCREASE/ DECREASE
BUILDING PERMITS ISSUED - RESIDENTIAL						
New Single Family	1	2	1	12	17	(5)
New Single Family, 3000 sf or >	0	1	1	5	9	(4)
Duplex - New	0	0	0	0	0	0
Sub Total - New Residential	1	3	2	17	26	(9)
Miscellaneous (Total)	65	59	59	467	443	24
<i>Accessory Structure</i>	6	4	2	27	39	(12)
<i>Addition</i>	1	1	2	16	13	3
<i>Demolition</i>	1	0	0	7	5	2
<i>Move</i>	0	0	0	2	1	1
<i>Remodel</i>	11	14	13	102	98	4
<i>Repair</i>	46	40	42	313	287	26
Total Residential	66	62	61	484	469	15
BUILDING PERMITS ISSUED - COMMERCIAL						
Multi-Family - New	0	0	0	0	0	0
Motel/Hotel - New	0	0	0	0	1	(1)
Business/Govt/Other - New	0	0	0	0	1	(1)
Subtotal - New Commercial	0	0	0	0	2	(2)
Miscellaneous (Total)	9	9	9	85	72	13
<i>Accessory Structure</i>	3	4	2	21	25	(4)
<i>Addition</i>	0	0	0	2	0	2
<i>Demolition</i>	0	0	0	0	0	0
<i>Move</i>	0	0	0	3	0	3
<i>Remodel</i>	5	1	5	35	18	17
<i>Repair</i>	1	4	2	24	29	(5)
Total Commercial	9	9	9	85	74	11
Grand Total	75	71	70	569	543	26
SUB-CONTRACTOR PERMITS						
Electrical	83	66	90	500	493	7
Gas	3	2	3	21	16	5
Mechanical	66	47	56	340	331	9
Plumbing	13	13	19	93	97	(4)
Fire Sprinkler	0	0	2	5	1	4
VALUE						
New Single Family	\$341,000	\$1,360,000	\$570,000	\$6,103,030	\$8,266,157	(\$2,163,127)
New Single Family, 3000 sf or >	\$0	\$300,000	\$1,773,049	\$9,217,982	\$7,633,200	\$1,584,782
Duplex - New	\$0	\$0	\$0	\$0	\$0	\$0
Misc (Total Residential)	\$1,837,986	\$1,389,609	\$2,158,904	\$17,367,079	\$14,035,411	\$3,331,668
Sub Total Residential	\$2,178,986	\$3,049,609	\$4,501,953	\$32,688,091	\$29,934,768	\$2,753,323
Multi-Family - New	\$0	\$0	\$0	\$0	\$0	\$0
Motel/Hotel - New	\$0	\$0	\$0	\$0	\$18,000,000	(\$18,000,000)
Business/Govt/Other - New	\$0	\$0	\$0	\$0	\$1,400,000	(\$1,400,000)
Misc (Total Commercial)	\$536,160	\$396,350	\$561,318	\$12,699,083	\$4,391,205	\$8,307,878
Sub Total Commercial	\$536,160	\$396,350	\$561,318	\$12,699,083	\$23,791,205	(\$11,092,122)
Grand Total	\$2,715,146	\$3,445,959	\$5,063,271	\$45,387,174	\$53,725,973	(\$8,338,799)

**TOWN OF NAGS HEAD PLANNING AND DEVELOPMENT
MONTHLY REPORT
APRIL 2026**

DATE SUBMITTED: May 7, 2026

	Apr-26	Apr-25	Mar-26	2025-2026 FISCAL YTD	2024-2025 FISCAL YTD	FISCAL YEAR INCREASE/ DECREASE
ZONING						
Zoning Permits	77	73	72	604	562	42
Soil & Erosion	2	1	1	17	28	N/A
Stormwater Plans	1	1	0	14	18	N/A
CAMA						
CAMA LPO Permits	3	4	3	31	20	11
CAMA LPO Exemptions	15	13	15	100	72	0
Sand Relocations	44	19	65	279	210	N/A
CODE COMPLIANCE						
Cases Investigated	16	30	33	209	299	63
Warnings	4	10	14	68	46	13
NOVs Issued	12	20	19	141	234	50
Civil Citations (#)	0	0	0	0	0	0
Civil Citations (\$)	\$0	\$0	\$0	\$0	\$0	\$0
SEPTIC HEALTH						
Tanks inspected	36	12	25	147	106	28
Tanks pumped	17	12	20	122	73	28
Water quality sites tested	1	1	2	156	117	125
Personnel Hours in Training/School	50	24	50	522	308	126


Kelly Wyatt, Planning Director



AGENDA ITEM SUMMARY

Town of Nags Head Planning Board

REGULAR SESSION: June 16, 2026

AGENDA ITEM H.2.

Update on Legislative Tracking.

Prepared by

Lily Nieberding, Permitting Coordinator

Reviewed by

Lily Nieberding

Lily Nieberding

Staff Comments/Recommendation

Specific Action Requested

No action requested, staff update on legislative efforts.

Summary

Town Manager Andy Garman will be present at the Planning Board's June 16, 2026, meeting to provide an update on recent legislative efforts.

Attachments

None