

**Town of Nags Head
Planning Board
June 16, 2026**

The Planning Board of the Town of Nags Head met on Tuesday, June 16, 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, Valerie Netsch, Brad Carey

Members Absent

Basil Belsches

Others Present

Kelly Wyatt, Joe Costello, Andy Garman, 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 May 19th, 2026, meeting. David Elder moved to approve the minutes as presented; David Thompson seconded, and the motion passed unanimously.

Action Items

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.

Planning Director Kelly Wyatt began her presentation by giving the board some historical context, noting that the town's existing water recreation regulations originated from an extensive carrying capacity study of the Roanoke Sound conducted in the late 1990s. That study was commissioned following concerns raised about personal watercraft (PWC) rentals, user conflicts, congestion, and safety on the Sound. The study's consultant concluded that the Sound was not, at that time, experiencing significant congestion or environmental degradation, and recommended maintaining the existing limits of seven (7) commercial operators and eight (8) rentable personal watercraft per

business. The resulting regulations have governed water-dependent recreational activity in the town since that time. Ms. Wyatt noted that the study's central concern was not only environmental impact, but the quality of the recreational experience shared among all users: anglers, swimmers, kayakers, kiteboarders, tour operators, and others, and at what point increasing activity would begin to degrade that experience.

The amendment, submitted by Ms. Suzanne Baer on behalf of BIPA, LLC property owners for Caribbean Corners, would add a new subsection (Section 7.32.0.8, Recreation) to the UDO's list of permissible uses within Commercial Mixed-Use Developments. This subsection would specifically allow watercraft rental, both powered and non-powered, within such developments located inside the Commercial Outdoor Recreation Overlay District (CORD). Ms. Wyatt emphasized that because this is a text amendment and therefore legislative in nature, the Board's consideration must focus solely on the amendment itself, not on any site-specific application.

Ms. Wyatt confirmed that the amendment would not increase the number of commercial operators permitted in the town (currently seven, with five active and one previously approved but inactive), would not increase the number of personal watercrafts allowed per business (eight rentable), and would not expand the geographic boundaries of the CORD. As of the date of the meeting, the only Commercial Mixed-Use Developments located within the CORD are Caribbean Corners on the causeway and the Outlets at Nags Head (formerly Tanger Outlets). Ms. Wyatt explained that when the relevant section of the UDO was originally drafted, water-dependent recreational uses within shopping centers simply had not been contemplated. The proposed amendment would add water dependent recreation as an acceptable use within commercial mixed use developments, specifically for properties within the CORD.

Ms. Wyatt noted that Staff found the request to be consistent with the town's Comprehensive Plan, citing benefits including greater land use flexibility, the ability to utilize existing infrastructure, and the concentration of activity within established commercial developments rather than encouraging new standalone uses.

Ms. Wyatt acknowledged a number of legitimate operational concerns relevant to this type of use, including parking availability and demand, internal traffic circulation (including the potential presence of boat trailers), equipment storage and staging, docking facilities, fueling operations, pedestrian safety, compatibility with adjacent tenants, and overall site functionality. She was clear, however, that these concerns are site-specific in nature and are not properly addressed through a text amendment. All such questions would be thoroughly evaluated through the Special Use Permit (SUP) and site plan review process, at which time the Planning Board and Board of Commissioners would have the full site plan, parking calculations, and operational details before them. She reiterated that approval of the text amendment in no way implies or infers approval of any future site-specific application.

Mr. Carey observed that given the shopping centers' location within the CORD, allowing recreational water use appeared consistent with the purpose of that overlay district, and that the amendment logically "flows with what we're trying to accomplish in this area." Ms. Wyatt agreed, noting that while there are some uses that cannot be removed from the CORD due to the state's down-zoning restrictions, the town is in a position to add uses that are consistent with the CORD's vision as expressed in the Comprehensive Plan.

Mr. Thompson sought clarification that approval of the amendment would not increase the number of watercraft on the water or the number of permitted businesses. Planning Director Wyatt confirmed this was correct on both counts.

Mr. Elder raised the issue of evolving watercraft technology, particularly the transition from two-cycle and four-cycle gasoline engines to electric propulsion. He noted that electric watercraft introduce different operational considerations: quieter operation, different refueling or charging logistics, and distinct safety profiles, and suggested that the regulatory framework may benefit from language that anticipates future technological changes, potentially including a mechanism to reassess practices as new models enter the market. Ms. Wyatt acknowledged these as valuable points, agreeing that the existing regulations, which predate many current technologies, are likely in need of a broader refresh, though not necessarily as part of this specific amendment.

Mr. Elder also raised safety concerns related to overlapping uses on the water, noting that the sound now sees a far wider variety of recreational activity than existed when the 1998 study was conducted, including fishing kayaks, stand-up paddleboards, inflatable watercraft, and kite surfing, none of which existed or were prevalent at the time. He referenced past injuries in Nags Head involving conflicts between commercial and private watercraft and suggested that as the amendment moves toward site-specific review, attention should be given to designated emergency services access, and coordination between commercial operators and public recreational users sharing the same water space.

Ms. Wyatt confirmed that the informal boundary agreements among operators would appropriately be addressed through the SUP process. She also raised the broader question of whether the Board and the Board of Commissioners felt the 1998 carrying capacity study was due for a revisit, though she noted that such a study takes years and would not be a prerequisite for the SUP process.

Ms. Netsch, while affirming the value of Mr. Elder's observations, sought to focus the discussion on the specific question before the Board: whether to allow water-dependent recreational uses at the two applicable shopping centers, subject to all the safeguards of the SUP process. She noted that the more detailed questions about water-use intensity, changing recreational patterns, and safety could be more appropriately addressed at the SUP stage, or potentially through a future update to the carrying capacity study.

Ms. Head agreed that the amendment should be evaluated separately from the site-specific SUP and site plan review, and reiterated that the two foundational questions from the 1998 study, at what point recreational use degrades the experience of other users, and at what point it begins to measurably impact the natural resource, remain equally relevant today and would be appropriately revisited through those subsequent processes.

Mr. Carey also noted that the Board should be attentive to consistency when evaluating future SUP applications, as decisions on one business set a precedent for how similar requests from other businesses must be treated.

Ms. Netsch noted a prior watercraft business that had appeared to operate launch activities from Caribbean Corners without the required permits, under previous ownership. Ms. Wyatt acknowledged that if such operations occurred, they were not consistent with the applicable regulations and were not permitted. Ms. Wyatt stated that Ms. Baer is the property manager under new ownership and that business was operating under the previous owners.

There being no further discussion, Beverly Head moved to recommend approval of the text amendment as presented. David Thompson seconded and the motion carried unanimously.

Ms. Wyatt noted that the Board's comments and concerns expressed during discussion would be captured in the meeting minutes to ensure they are documented and available for reference during the subsequent Special Use Permit and site plan review process.

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

Ms. Wyatt briefly reviewed the actions from the May 6th Board of Commissioners meeting, including: The presentation of two notable awards: the 2026 Nags Header Award, awarded posthumously to a community member who made lasting contributions to the town, was awarded to Kerry Oaksmith Sanders. The Light Keeper Award, presented to a current community member for comparable service, was awarded to former Mayor and Commissioner Renee Cahoon. Ms. Wyatt encouraged board members to view the presentations on the town's YouTube channel. The Planning Director's report was also presented at that meeting. No other significant Board of Commissioners actions were reported. Chair Gwinn noted and congratulated Board Member David Elder on his reappointment to the Planning Board for a three-year term, which was formalized at that meeting.

Town Updates

None

Discussion Items

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

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

Septic Health Advisory Committee: No meeting was held during the reporting period. The redesigned septic health and dark skies informational flyer has continued to receive strong positive attention. The town is awaiting a formal funding letter from the Division of Water Infrastructure (DWI) before advertising the 0% septic loan program, though the program has been confirmed as ready to proceed.

Dowdy Park: Summer programming is fully underway, including Farmers Markets, Summer Concerts, and Fitness Activities. Environmental Planner Connor Twiddy attends the Farmers Markets to distribute information about the septic health program and engage the public.

Estuarine Shoreline Management Plan: Staff continues to work through conservation easement language for the Harvey Sound Site. Villa Dunes and Catfish Farm sites are moving forward without significant new updates.

Soundside Road Project Area: Draft easement language has been prepared. Staff, alongside environmental consultant George Wood, will begin outreach and engagement with affected property owners regarding the proposed living shoreline. Mr. Elder noted that the design of the Harvey Sound event site should account for existing water-dependent recreational uses in the immediate vicinity, and that the design and engineering choices could meaningfully affect the ease or difficulty of both normal commercial operations and emergency services access in that area. Ms. Wyatt confirmed that the project consultants had considered those uses in their planning.

Update on Legislative Tracking.

Town Manager Andy Garman presented an update on the town's legislative activities and the status of relevant bills before the North Carolina General Assembly.

Mr. Garman reported that in May, he, along with Mayor Cahoon, Mayor Pro Tem Lambert and Commissioner Vaughan traveled to Raleigh with the town's lobbyists for a productive day of meetings with six legislators, strategically focused on sponsors of bills of concern to the town:

H 369 – Parking Bill: The parking bill remained the most significant topic of concern. The town, along with other Dare County municipalities, submitted a letter opposing the bill. Mr. Garman reported that the bill has not yet crossed the finish line, due in part to additional committee stops being added. Importantly, the bill has been amended to include an exemption for coastal counties, which Mr. Garman attributed in part to the town's advocacy efforts. The town remains hopeful that the bill will either expire at the end of session or, if adopted, will retain the coastal county exemption.

S 445 – Regulatory Reform Bill: This bill contained two provisions of particular concern. The first would have mandated that the town allow Accessory Dwelling Units (ADUs) in all residential districts and would have removed local authority to regulate ADU size, parking, height, and setbacks. The second would have required that residential uses be permitted up to 60 feet in height in any district. Through negotiation, exemptions were secured for communities with populations under 50,000, which effectively exempts Nags Head and all other Dare County municipalities from both provisions as currently drafted. Mr. Garman confirmed for Chair Gwinn that ADU regulation remains an active item in the town's work plan and that the bill, as drafted, would not affect the town's ability to proceed with that work.

Down-Zoning Bill: Mr. Garman reported that despite the town's ongoing advocacy, including direct meetings with bill sponsors, there does not appear to be legislative appetite at this time to repeal or meaningfully amend the down-zoning bill. He acknowledged that some communities are beginning to explore creative approaches to zoning within the constraints of existing law and suggested the town may need to evaluate which actions it wishes to take and assess them carefully against the bill's requirements. Mr. Elder expressed continued concern about the bill's broad reach and the lack of public awareness of its implications.

Hardened Structures Ban: Mr. Garman noted that a bill to remove North Carolina's longstanding ban on hardened coastal structures is before the legislature. The Coastal Resources Commission's science panel was expected to present a report on the implications of removing the ban imminently. He noted that the town had previously supported terminal groin discussion but has since removed that item from its legislative agenda pending the outcome of the CRC's scientific review. Board Mr. Elder raised safety concerns related to jetties and near-shore currents, noting that the water safety implications for swimmers had not been prominently featured in public discussions of the issue. Mr. Garman acknowledged that such considerations would need to be addressed in any subsequent rule-writing process.

Budget: Mr. Garman reported that a compromise on income-tax rate reductions had been reached, allowing the state budget process to move forward after multiple years without an adopted budget. A draft budget was expected to be released soon, with a July 1 target for adoption. The town's appropriations requests were submitted, and their status would not be known until the draft is publicly available.

Planning Board Members' Agenda

Mr. Elder raised concerns about e-bike and electric vehicle safety on town roads, trails, and neighborhoods, highlighting the rise of electric motorcycles operating in residential areas and cutting through private property. He also noted the increasing presence of golf carts, utility vehicles, and multi-use vehicles (MUVs), and suggested implementing a speed limit on the multi-use path and sidewalks as a regulatory measure. Existing trail restrictions (e.g., roller blades) show the town's capacity for regulations. This issue was flagged for possible future discussions.

Ms. Head supported and encouraged Ms. Netsch's plan to address the Board of Commissioners about establishing a junior lifeguard program. Ms. Netsch noted that she spoke with Captain Chad Motz, whose budget request for an additional position, essential for the program, wasn't approved. Ms. Netsch plans to present this to the Board to seek future budget approval at a later date.

Planning Board Chairman's Agenda

None

Adjournment

A motion to adjourn was made by David Elder. The time was 10:18 AM.

Respectfully submitted,
Lily Campos Nieberding