
**Town of Nags Head
Planning Board
January 21, 2025**

The Planning Board of the Town of Nags Head met on Tuesday, January 21, 2025, in the Board Room at the Nags Head Municipal Complex.

Planning Director Kelly Wyatt called the meeting to order at 9:07 a.m. as a quorum was present.

Members Present

Megan Vaughan, Meade Gwinn, Molly Harrison, David Elder, Kristi Wright, David Thompson

Members Absent

None

Others Present

Kelly Wyatt, Andy Garman, Joe Costello, Lily Nieberding

Election of Chair and Vice Chair for Calendar Year 2025

Planning Director Kelly Wyatt opened the meeting and requested nominations for the position of Planning Board Chair for the calendar year 2025. Meade Gwinn moved to nominate Megan Vaughan to serve as Chairperson. David Elder seconded the motion. There being no other nominations, a vote was taken, and the motion passed unanimously.

Ms. Wyatt then turned the meeting over to newly re-elected Chair, Megan Vaughan.

Chair Vaughan then requested nominations for the position of Vice-Chair. David Thompson moved to nominate Meade Gwinn for Vice Chair. Kristi Wright seconded, and the motion passed unanimously.

Chair Vaughan recognized the passing of Planning Board Member Gary Ferguson.

Approval of Agenda

David Elder moved to approve the agenda as presented. David Thompson seconded, and the motion passed by unanimous vote.

Public Comment/Audience Response

Duke Geraghty spoke on behalf of the Home Builders Association. He had reviewed and was generally in support of the preliminary ordinance regarding ADUs but asked the Board to try to not overregulate them as he believes the Town will not be overrun with them. Mr. Geraghty believes that ADUs are "a good tool in the workforce housing toolbox".

Approval of Minutes

Chair Vaughan asked for a motion to approve the minutes of the November 19, 2024, meeting. David Elder moved to approve the minutes as presented; Meade Gwinn seconded, and the motion passed unanimously.

Action Items

None

Report on Board of Commissioners Actions –

Ms. Wyatt gave an update on the Board of Commissioner Actions, of note:

December 4, 2024

The Commissioners approved the Consent Agenda which included a Request for Public Hearing to consider Special Use/Site Plan Amendment Review for the Soundside Event Site. A Public Hearing was held to consider amendments to the Unified Development Ordinance related to Hotel Parking standards; the Board adopted the ordinance amending the Unified Development Ordinance with the correction to add "100" before "square feet". Ms. Wyatt presented her monthly departmental report. The Board also reviewed and approved the site plan for the Dare County EMS Station at 105 W Seachase Drive as presented, with the approval of the Village Architectural Committee.

January 8, 2025

The Commissioners held a Public Hearing to Consider a Special Use Permit/Site Plan Amendment for the Soundside Event Site. The Board passed a motion to approve the Special Use Permit/Site Plan Amendment for the Soundside Event Site as presented. Town Manager Garman mentioned a sign issue brought up at the December Board meeting after he was contacted by some builders re: tagging signage for removal in yards when working on a house/structure. Manager Garman stated that he would like to have Staff provide some background/presentation at the Board's February meeting with regards to what signage is allowed in residential districts.

Town Updates

None

Discussion Items

Continued discussion related to Accessory Dwelling Units (ADUs)

Ms. Wyatt explained that at their November 19, 2024, meeting, Staff provided the Planning Board with an update on ongoing research into Accessory Dwelling Units (ADUs). The presentation introduced and discussed proposed definitions for terms including "Accessory Dwelling Unit," "Attached Accessory Dwelling Unit or Accessory Apartment," "Detached Accessory Dwelling Unit or Backyard Cottage," "Sleeping Room," as well as amendments to the existing definition of "Short-Term Rental, Partial House." These updated definitions were developed in response to feedback from public input sessions, which emphasized the need for clearer terminology to help distinguish ADUs from short-term rentals.

Additionally, staff provided a range of potential approaches for the Planning Board's consideration regarding the allowance of ADU's. After discussion, the Planning Board reached consensus on the following key points:

- Recognizing that ADU's exist in two distinct forms - attached and detached - and agreeing on the importance of creating separate, clear definitions for each.
- Acknowledging feedback from public input sessions that highlighted the inequities in allowing short-term rentals while not providing opportunities for long-term rentals. The Planning Board shared the community's concern, especially in light of work force housing challenges.
- Supporting the application of a threshold to ensure that any ADU remains clearly subordinate to the primary single-family dwelling.
- Considering the allowance of detached ADU's throughout the Town, but only on lots with a minimum lot size of 16,000 square feet in area.
- Considering the allowance of attached ADU's townwide, regardless of lot size, provided all dimensional requirements of the zoning district are met, including stormwater management standards.
- Recognizing the need for appropriate parking requirements for both attached and detached ADU's and agreeing that these should be carefully proposed and reviewed.

The draft definitions prepared for the Planning Board's November 19th meeting have not been revised based upon prior discussions that are included below for continued review.

- Dwelling, accessory means a secondary dwelling unit established in conjunction with, and clearly subordinate to, a principal dwelling unit.
- Attached ADU or Accessory Apartment: means an accessory dwelling unit integrated within the principal dwelling.
- Detached ADU or Backyard Cottage: means an independent, standalone accessory dwelling unit on the same lot as the principal dwelling, meeting the principal structure setbacks for the district in which it is located.
- Sleeping Room: Any enclosed space within a dwelling unit that is intended or designed for sleeping purposes and meets the building code's minimum requirements for a bedroom.

In light of the consideration of accessory dwelling units, Staff has proposed a revised definition for partial home short-term rentals, as outlined below:

- Short-term rental means the rental of residential property for vacation, leisure, recreation, or other purposes for fewer than thirty (30) days by a person who has a permanent residence to which he/she intends to return.
- Short-term rental, partial house means a resident occupied single-family dwelling that consists of the rental of up to two guest rooms for vacation, leisure, recreation, or other purposes for fewer than thirty (30) days. The partial house short-term rental should be subordinate and incidental to the principal residential use of the dwelling

Ms. Wyatt noted that the Planning Board agreed that staff should explore establishing a threshold to ensure that any future accessory dwelling unit (ADU), whether attached or detached, remains clearly subordinate to the primary single-family dwelling. Recognizing the importance of avoiding the creation of nonconformities in existing developments, staff researched several known partial-home short-term rentals to assess their size, excluding shared and outdoor spaces. From this random sampling, the majority of units were found to be in the 300-500 square foot range. However, a few larger units—some exceeding 800 square feet—were identified. These larger units tended to resemble

duplexes, with layouts that mirrored the first floor on the ground floor, blurring the distinction between ADUs and duplex uses.

Ms. Wyatt noted that previous iterations of the draft ordinance language for ADU's within the Town have recommended that the enclosed habitable living area of an accessory dwelling unit not exceed 50% of the size of the principal dwelling or 600 square feet, whichever is less. The Planning Board may also want to discuss whether there is a need to provide different size restrictions from attached ADU's versus detached ADU's.

The Planning Board previously expressed interest in considering the allowance of detached ADUs throughout the Town, limited to lots with a minimum size of 16,000 square feet. Deputy Planning Director Joseph Costello conducted a GIS analysis to identify the number of properties that met those criteria. The analysis revealed that 1,626 properties within the town are 16,000 square feet or larger. Ms. Wyatt included a map in the agenda packet, which highlights these properties but also identifies numerous large, undevelopable areas, such as Jockey's Ridge State Park, open spaces within the Village at Nags Head, and numerous conservation properties in Nags Head Woods. While there is a concentration of lots greater than 16,000 square feet in the northern section of town, specifically within the Hills of Nags Head Subdivision, Villa Dunes, and Southridge Subdivision, the majority of such lots are located along the oceanfront.

Staff and the Board also discussed parking standards, Ms. Wyatt included parking requirements from nearby localities for consideration: Dare County, Kill Devil Hills, Kitty Hawk, Duck and Manteo.

Dare County seems to have the highest requirement, which is two 10 x 20 parking spaces; KDH is 1 space per ADU, plus 1 space for each bedroom over one; Kitty Hawk is 1 space per ADU; Duck has theirs aligned with parking requirements for SFD and Manteo is 1 additional space for the ADU.

Also relevant to parking discussions, the towns of Kitty Hawk and Duck require that the ADU be served by the same driveway as the principal dwelling. Staff encourages discussion at the Planning Board level to determine what will be the most appropriate standard for Nags Head.

Ms. Wyatt noted that this item is intended to facilitate ongoing discussions between the Planning Board and planning staff. Staff will continue refining a draft ADU ordinance as these conversations progress. The key thing is determining what the Town considers subordinate - is there a percentage or a number that the Board wants to put to that and also is the Board still comfortable with attached ADUs townwide and detached for properties that are 16,000 SF or greater.

Ms. Wyatt replied to an inquiry from Ms. Harrison stating that not all of the other municipalities allow ADU's across the board but rather in specific zoning districts.

Chair Vaughan believes that the market will dictate some of this development.

Ms. Wyatt and the Board briefly discussed ADUs as part of commercial development.

The Board discussed the idea of having ADUs subordinate to the primary residence and were in general agreement with the ADU being no more than 50% of the principal structure. In researching previous short-term rentals Ms. Wyatt found them to be in the 300 to 500 SF range. The Board also discussed sizing for detached ADUs with Ms. Wyatt noting that lot coverage requirements will help dictate the size of those. Chair Vaughan noted that a lot of these lots are already maxed out on their lot coverage for various reasons.

Ms. Wyatt confirmed for Mr. Elder that currently the Town only allows one septic system per lot.

The Board then discussed putting a square footage cap on that 50% rule. Ms. Wyatt reviewed what other municipalities have done, and the majority had 800 SF as the cap with one having a 600 SF cap. After some discussion the Board was in general agreement that they were ok with the 800 SF cap. The Board also discussed parking standards, noting that they had to be careful about reducing parking standards which they might not be able to get back due to recent downzoning legislation.

Staff stated that they would take the areas of consensus and provide a draft ordinance for their consideration at their next meeting.

Planning & Development Director's Report – December 4, 2024 & January 8, 2024

Ms. Wyatt stated that a big item in her report is the upcoming presentation by Planner Chris Trembly regarding the Dark Skies Bright Stars Initiative. Everything else such as the Estuarine Shoreline Management Plan is still moving forward.

Update on Planning & Development 2025 Work Plan

Ms. Wyatt explained that this was from the Board of Commissioner's Retreat. It comes from the Strategic Plan and priorities for implementation:

- Develop implementation priorities/strategies for the Estuarine Shoreline Management Plan. This is an ongoing item.
- Implement Decentralized Wastewater Management Plan with guidance from the Septic Health Advisory Committee.
- Identify and correct areas of incompatibility within the town, correct inconsistencies between the Comprehensive Plan and UDO. This involves eliminating land uses permitted within a zoning district that may not be compatible with existing development and or the future development plan as described in the Comprehensive Plan. Ms. Wyatt gave some examples such as revisiting the appropriateness of the Hotel Overlay District, identifying areas where the zoning designation and existing development patterns may not be aligned, examining Beach Road vs US 158 uses (Corridors Character Area), examining the allowable uses within the Commercial Outdoor Recreation District. Ms. Wyatt noted that some of these may not be able to move forward because of the new legislation (SB 382) but they will be "queued up" in case anything changes they will be ready.
- Develop and present an accessory dwelling unit (ADU) ordinance with a menu of optional provisions/regulatory standards that may improve community acceptance. This item is currently in progress.
- Recommend non-regulatory approaches to minimize residential lighting impacts.
- Facilitate the creation of a Merchants Association (or similar) to have more proactive engagement with businesses.

Ms. Wyatt confirmed for Chair Vaughan that several years ago there was a Local Business Committee that touched on creating dialogue between the town and businesses.

- Update portions of the Town Code as needed to clarify that commercialization of the beach is prohibited within the town.
- Explore amendments to the UDO to regulate outdoor accessory entertainment and recreation uses at restaurants, separate from properly parked customer service areas.
- Create a "Hot Topics in Planning" webpage for quick updates on notable items the Planning Department is working on – past, present, and future.

- Explore ways to enhance public input on Planning Board items of note.
- Explore allowances for multi-family development on existing commercially developed/mixed use sites.
- Continue record digitization efforts.
- Pursue updating the Town of Nags Head Parks and Recreation Plan.

Presentation of Dark Skies, Bright Stars Initiative

Ms. Wyatt stated that she introduced this initiative to the Board of Commissioners at their last meeting and it's gaining a lot of momentum and noted that Planner Chris Trembly had taken the lead on this initiative. Mr. Trembly then proceeded to give a power point presentation to the Planning Board explaining more about the Dark Skies, Bright Stars Initiative and why it's important for the town.

Mr. Trembly introduced the Board to the term ALAN, which stands for Artificial Light At Night, and explained that this is a community-driven effort focused on reducing light pollution through a non-regulatory approach. The initiative seeks to preserve the natural beauty of the night sky by encouraging residents, businesses, and visitors to minimize unnecessary artificial lighting.

Through public participation, education, and responsible lighting practices, the Town seeks to strike a balance between progress and preservation of its coastal nightscape. The initiative aims to protect wildlife, enhance public health, and ensure that future generations can enjoy the stunning view of the stars.

Staff acquired a light meter and for the last three months have been going out on the beach on new moon nights, to see where the Nags Head sky stands as far as light pollution. They are tracking it on an interactive GIS map which Mr. Trembly presented to the Board. The Town will be reporting these numbers to Dark Sky International, an organization which tracks these numbers globally. Mr. Trembly noted that the Town is doing well especially when compared to the bigger cities. Mr. Trembly then mentioned the educational aspect, noting that there are various types of lighting available, and it can be confusing to determine which options are the most suitable. Mr. Trembly then discussed some specific responsible lighting practices and noted that the Town now has a page on their website dedicated to the Dark Skies, Bright Stars initiative.

Mr. Elder discussed lighting used for safety reasons and noted that a well-lit lot isn't necessarily more secure; you see better at night when it's darker.

Mr. Thompson noted that education is key as purchasing lights has become much more complicated with all of the options available.

Mr. Gwinn discussed the possibility of having literature available at home improvement stores to help with the education piece.

Mr. Trembly confirmed for Chair Vaughan that the majority of his measurements were taken from the beach.

Chair Vaughan suggested including visitors and real estate companies in the educational piece, as well as spreading the word during the Farmer's Markets.

Mr. Gwinn suggested, and Mr. Trembly agreed that he would be willing to attend HOA annual meetings to present the initiative.

Discussion and acceptance of 2025 Submittal Calendar

Ms. Wyatt presented the Draft 2025 Submittal Calendar. The Board approved it without any changes.

Planning Board Members' Agenda

Dave Elder expressed concern about the recent state legislature and questioned how it may affect property insurance rates.

Planning Board Chairman's Agenda

None

Adjournment

A motion to adjourn was made by David Elder. The time was 10:52 AM.

Respectfully submitted,
Lily Campos Nieberding