



TOWN OF KILL DEVIL HILLS

Land Where Flight Began

MEMORANDUM

January 11, 2021

TO: Mayor and Board of Commissioners

FROM: Debora P. Diaz, Town Manager

REF: Old Business

1. Proposed amendment options for Chapter 153, Zoning (Attached OB-1A and 1B)

This item returns to the Board of Commissioners from the December 14, 2020 meeting, at which it was agreed that Staff would develop options that would potentially relax existing regulations on duplex dwellings, and to create other housing alternatives not currently permitted in Kill Devil Hills. The intent is to help property owners purchase homes with income potential, and to provide options for affordable / workforce housing.

A. Duplexes

For duplex dwellings, the general agreement was to reduce the required lot size from 20,000 to 15,000 square feet in zoning districts that allow multi-family dwellings on the same lot size. This would be effective in the Commercial, Residential High, Light Industrial I and Light Industrial 2 zoning districts.

The new section citation and proposed amendment are included on the Planning Director Meredith Guns' attached memorandum.

B. Accessory Dwelling Units

Accessory Dwelling Units (ADUs) are not currently permitted in Kill Devil Hills and along with the potential benefits of ADUs, the BOC discussed which zoning districts in Town might be appropriate for allowing such uses.

The amendment proposed by the Planning Department includes:

- §153.002 *Definitions*. Accessory Dwelling Unit;
- §153.315 *Accessory Dwelling Units* (a new section) – which requires selection of the zoning districts in which ADUs will be permitted;
- §153.076 Off Street Parking and Loading.

Board guidance on the amendments proposed in Items OB-1A and OB-1B, above, will be appreciated. Once the language is finalized then this matter will be presented to the Planning Board, in accordance with the provisions of Chapter 153, Zoning, for review and recommendation.

Director of
Planning and Inspections
MEREDITH GUNS

Building Inspector
MARTY SHAW
CHARLES THUMAN

Code Enforcement Officer
JORDAN BLYTHE



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CAMERON RAY

Senior Planner
RYAN LANG

Zoning Administrator
DONNA ELLIOTT

**THE TOWN OF KILL DEVIL HILLS
NORTH CAROLINA**

PLANNING DEPARTMENT

January 11, 2021

Memorandum

To: Debbie Diaz, Town Manager

From: Meredith Guns, Planning Director *MGG*

Subject: Proposed Amendments Chapter 153, Zoning – Duplex Dwelling Units Lot Requirements

At the December 14, 2020 Board of Commissioners meeting, the Board discussed several housing options with the intent to relax some existing regulations specifically duplex dwelling units.

The Board directed staff to develop reduce lot size for duplex dwellings to 15,000 square feet in zoning districts that allow multifamily dwellings on the same lot size. This includes duplex regulations in the Commercial, Residential High, Light Industrial 1 and Light Industrial 2 Zoning Districts.

The following change would be made to 153.160(B)(2) Residential High, 153.180(B)(2) Commercial, 153.210(B)(2) Light Industrial 2 and 153.230(B)(2) Light Industrial 1:

(B) Lot Area

(2) the minimum building site for a duplex shall be 20,000 15,000 square feet.

This is the proposed amendment for the Board to discuss prior to sending it to the Planning Board for a formal recommendation. Staff request Board of Commissioners guidance on the proposed changes prior to Planning Board consideration of the formal zoning amendment.

Director of
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NORTH CAROLINA

PLANNING DEPARTMENT

January 11, 2021

Memorandum

To: Debbie Diaz, Town Manager

From: Meredith Guns, Planning Director *MGS*

Subject: Proposed Amendments Chapter 153, Zoning – Accessory Dwelling Units

At the December 14, 2020 Board of Commissioners meeting, the Board discussed several housing options with the intent to relax some existing regulations and create other housing alternatives not currently permitted in Town.

The Board directed staff to develop regulations to permit accessory dwelling units in the Town. Attached is a proposed amendment for the Board to discuss prior to sending it to the Planning Board for a formal recommendation.

The Board also discussed where to allow accessory dwelling units in Town. The discussion was primarily focused on the Commercial, Light Industrial I and II Zoning Districts which currently allows multi-family dwellings, warehouses, single family and duplex dwelling as well as mobile homes. A Zoning map is attached for reference. Once the Board determines the desired zoning district this use will be added as permitted use based on the proposed regulations.

Staff request Board of Commissioners guidance on the proposed changes prior to Planning Board consideration of the formal zoning amendment.

153.002 Definitions

Accessory dwelling unit - A secondary dwelling unit established on one parcel in conjunction with a principal single-family dwelling unit. Accessory dwelling units shall be subordinate in floor area, bulk, and height to principal single-family dwelling unit. An accessory dwelling unit may be included as part of the principal single-family dwelling unit, attached to the principal single-family dwelling unit by an enclosed walkway, or entirely detached from the principal single-family dwelling unit. The use of manufactured or mobile homes, travel trailers, motorhomes, campers or similar vehicles as an accessory dwelling unit is prohibited.

153.315 Accessory Dwelling Units (new section)

(A) Purpose. The purpose of these provisions for all accessory dwelling units is to allow the efficient use of existing housing stock, parcels of land, and community infrastructure, and to increase the number and variety of residential units while respecting the scale and character of existing neighborhoods.

(B) General provisions. Accessory dwelling units (ADU) are allowed as permitted uses in _____ Zoning Districts, subject to the following standards:

1. An accessory dwelling unit can only be located on a property containing one single-family detached dwelling. The property may contain other accessory structures and uses as permitted in this section.
2. No more than one accessory dwelling unit shall be permitted per residential lot.
3. Accessory dwelling units shall not be larger than 50 percent of the living area of the primary residence, or 800 square feet, whichever is lesser.
4. An accessory dwelling unit must comply with all applicable minimum building setback requirements and a detached accessory dwelling unit cannot extend beyond of the front of the primary residence.
5. An accessory dwelling unit must be properly permitted, inspected, and comply with all applicable standards of the N.C. Building Code and Kill Devil Hills Town Code.
6. The owner must obtain a permit from the Dare County Environmental Health Department that the existing septic system can accommodate or be improved to accommodate the establishment of an accessory dwelling unit.
7. Accessory Dwelling units shall be parked in accordance with 153.076 Off Street Parking and Loading.
8. Recreational vehicles, travel trailers and/or manufactured homes shall not be used or approved as an Accessory Dwelling Unit.
9. An Accessory Dwelling Units shall not be subdivided or segregated in ownership from the principal dwelling unit.

153.076 Off Street parking and Loading

Dwellings – single-family, duplex and multi-family (including mobile homes)	2 parking spaces per dwelling unit, plus 1 parking space for each bedroom over 2
<u>Dwellings – Accessory Dwelling Unit</u>	<u>1 parking space per Accessory Dwelling Unit plus 1 space for each bedroom over 1</u>