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

PLANNING DEPARTMENT

February 9, 2021

Memorandum

To: Debbie Diaz, Town Manager

From: Meredith Guns, Planning Director 

Subject: Proposed Zoning Amendment For *Accessory Dwelling Unit*: 153.002 Definition - Add Definition for *Accessory Dwelling Unit*; 153.076 Off Street Parking and Loading - Develop Parking Requirements for Accessory Dwelling Units; Add 153.315 Accessory Dwelling Units (New Section); and 153.176 Commercial, 153.206 Light Industrial Two and 153.226 Light Industrial One- Add *Accessory Dwelling Unit* as a Permitted Use

At the December 14, 2020 and January 11, 2021 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. At the January 11, 2021, the Board reviewed possible regulations for Accessory Dwelling Units including 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. The Board of Commissioners forwarded the recommendations to the Planning Board for consideration. On January 19, 2021 the Planning Board reviewed the attached amendment which included the following:

1. Creates a new section of the Zoning Ordinance, 153.315, to develop regulations for Accessory Dwelling Units
2. Amendment to 153.002 Definitions to define Accessory Dwelling Units
3. Amendment to 153.076 Parking to develop parking requirements for Accessory Dwelling Units
4. Amendments to add Accessory Dwelling Units as a permitted use to the following zones: 153.176 Commercial, 153.206 Light Industrial 2 and 153.226 Light Industrial 1

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The Planning Board discussed the merits of allowing Accessory Dwelling Units in all zoning districts. At the conclusion of the Planning Board discussion, the Board forwarded the attached amendment to allow Accessory Dwelling Units in the Commercial, Light Industrial 2 and Light Industrial 1 with associated amendments to the Board of Commissioners with a favorable recommendation.

Staff recommends setting the required public hearing for March 8, 2021.

Proposed Amendment – Accessory Dwelling Units

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 Commercial, Light Industrial 1 and Light Industrial 2 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 wastewater 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>

153.076 Commercial Permitted Uses

(E) On-site accessory structures; Accessory Dwelling Unit

153.206 Light Industrial 2 Permitted Uses

(E) On-site accessory structures; Accessory Dwelling Unit

153.226 Light Industrial 1 Permitted Uses

(E) On-site accessory structures; Accessory Dwelling Units

PLANNING BOARD REPORT

Per NCGS 160A-387, all proposed amendments to the zoning ordinance or zoning map shall have a written report provided from the Planning Board to the Town Council within 30 days of referral of the amendment to the Planning Board, or the Town Council may proceed in its consideration of the amendment without the Planning Board report. Furthermore, in no case is the Town Council bound by the recommendations, if any, of the Planning Board.

Per NCGS 160A-383, the Planning Board shall advise and comment on whether the proposed zoning amendment is consistent with all applicable officially adopted plans, and provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the officially adopted plans shall not preclude consideration or approval of the proposed amendment by the Town Council.

PLANNING BOARD RECOMMENDATIONS

Proposed Amendment Title: Proposed Zoning Amendment For *Accessory Dwelling Unit*: 153.002 Definition - Add Definition for *Accessory Dwelling Unit*; 153.076 Off Street Parking and Loading - Develop Parking Requirements for Accessory Dwelling Units; Add 153.315 Accessory Dwelling Units (New Section); and 153.176 Commercial, 153.206 Light Industrial Two and 153.226 Light Industrial One- Add *Accessory Dwelling Unit* as a Permitted Use

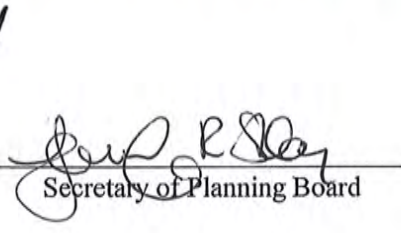
Approval: Planning Board finds that the Proposed *Accessory Dwelling Unit* (as listed above) – To Add new section to regulate Accessory Dwelling units and allow as permitted uses in Commercial, light Industrial 2 and Light Industrial 1 Zone is consistent with the adopted Land Use Plan.

Therefore, the Planning Board finds the proposed amendment is **consistent** with the objectives and policies contained in the Kill Devil Hills Land Use Plan and/ or other officially adopted plans of the Town that are applicable.

This report reflects the recommendation of the Planning Board with a vote of 6 to 1, this the eighteenth day of January, 2021.

Attest:


Planning Board Chairman



Secretary of Planning Board