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THE TOWN OF KILL DEVIL HILLS
NORTH CAROLINA

PLANNING DEPARTMENT

November 16, 2021

Memorandum

To: Planning Board

From: Cameron Ray, Assistant Planning Director 

Subject: Proposed Zoning Amendment — 153.100(D) Ocean Impact Residential Zone and 153.180(C) Commercial Zone to add Density Requirements for Cottage Courts & Cluster Homes and 153.076(A)(13) Off Street Parking and Loading to add sidewalk requirements for Cottage Courts & Cluster Homes

During the recent cluster home review, it has come to staff's attention that no density requirements were established when Cluster Homes and Cottage Courts were added to the Zoning Ordinance in 2018 and 2019. Staff recommends adding Cottage Courts and Cluster Home to the density requirements within the zoning districts that they are allowed, Ocean Impact Residential Zone and Commercial Zone. Attached is a proposed zoning amendment to 153.100 Ocean Impact Residential Zone (OIR) Site Requirements and 153.180(C)(2) Commercial Zone (C) Site Requirements to add Cottage Courts/Cluster Homes Density Requirements.

OCEAN IMPACT RESIDENTIAL ZONE (OIR)
§ 153.100 SITE REQUIREMENTS.

(D) *Density*. For any multi-family, cottage courts, cluster homes, or hotel development, the maximum Floor Area Ratio (FAR) shall be up to 0.40 with the following exceptions.

(1) Increase the minimum required side yard setbacks by two feet on each side, the FAR shall be up to 0.45; and

(2) Provide a dedicated/recorded five-foot public easement along a side property line for public access to the Atlantic Ocean, the FAR shall be up to 0.50.

COMMERCIAL ZONE (C)
§ 153.180 SITE REQUIREMENT.

(C) *Density*.

(1) Multi-family dwelling, cottage courts, or cluster homes: 18 units per acre.

(2) Hotel and motel: For any hotel/motel development, the maximum floor area ratio (FAR) shall be up to 0.50; exceptions described in division

Additionally, if Cottage Courts and Cluster homes are allowed in the entire Commercial Zone, as proposed in the zoning amendment request by Eddie Goodrich, staff would like to clarify that sidewalks will be required along US158, similar to all other multi-family and commercial developments. Staff recommends the following amendment to 153.076(A)(13) Off Street Parking and Loading:

§ 153.076 OFF-STREET PARKING AND LOADING.

(A) *Detailed specifications.* Required off-street parking spaces are permanent areas and shall not be used for any other ground purpose; and shall be constructed in accordance with generally accepted engineering practices.

(13) *Sidewalk requirements for commercial, cottage courts, cluster homes, and multi-family development abutting US 158 in the Commercial Zoning District.* Sidewalk improvements shall be installed along the entire length of properties fronting US 158. The sidewalk improvements shall be a minimum width of five feet and meet all NCDOT standards.

Staff recommends forwarding both amendments with separate consistency statements to the Board of Commissioners with a favorable recommendation.

PLANNING BOARD REPORT

Per NCGS 160D-604(b), Zoning Amendments. – Subsequent to initial adoption of a zoning regulation, all proposed amendments to the zoning regulation or zoning map shall be submitted to the planning board for review and comment. If no written report is received from the planning board within 30 days of referral of the amendment to that board, the governing board may act on the amendment without the planning board report. The governing board is not bound by the recommendations, if any, of the planning board.

Per NCGS 160D-604(d), Plan Consistency – When conducting a review of proposed zoning text or map amendments pursuant to this section, the planning board shall advise and comment on whether the proposed action is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the governing board 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 comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board. If a zoning map amendment qualifies as a "large-scale rezoning" under G.S. 160D-602(b), the planning board statement describing plan consistency may address the overall rezoning and describe how the analysis and policies in the relevant adopted plans were considered in the recommendation made.

PLANNING BOARD RECOMMENDATIONS

Proposed Amendment Title: Proposed Zoning Amendment—§153.100(D) Ocean Impact Residential Zone and 153.180(C) Commercial Zone to add Density Requirements for Cottage Courts & Cluster Homes

Approval/Denial: Planning Board finds that the Proposed Zoning Amendment §153.100(D) Ocean Impact Residential Zone and 153.180(C) Commercial Zone to add Density Requirements for Cottage Courts & Cluster Homes *is/is not* consistent with the adopted Land Use Plan.

Therefore, the Planning Board finds the proposed amendment is **consistent/inconsistent** 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 ____ to ____, this the Sixteenth day of November, 2021.

Attest:

Planning Board Chairman

Secretary of Planning Board

PLANNING BOARD REPORT

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PLANNING BOARD RECOMMENDATIONS

Proposed Amendment Title: Proposed Zoning Amendment—§153.076(A)(13) Off Street Parking and Loading to add sidewalk requirements for Cottage Courts & Cluster Homes

Approval/Denial: Planning Board finds that the Proposed Zoning Amendment §153.076(A)(13) Off Street Parking and Loading to add sidewalk requirements for Cottage Courts & Cluster Homes is/is not consistent with the adopted Land Use Plan.

Therefore, the Planning Board finds the proposed amendment is **consistent/inconsistent** 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 ____ to ____, this the Sixteenth day of November, 2021.

Attest:

Planning Board Chairman

Secretary of Planning Board