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THE TOWN OF KILL DEVIL HILLS
NORTH CAROLINA

PLANNING DEPARTMENT

December 13, 2021

Memorandum

To: Debbie Diaz, Town Manager

From: Cameron Ray, Assistant Planning Director 

Subject: Zoning Amendment Request – 153.310(A) and 153.311(A) Cottage Courts & Cluster Homes – Remove Requirement to Abut NC12: Commercial and Ocean Impact Residential Zone

Attached is a Zoning Amendment request from Eddie Goodrich to amend Town Code sections 153.310(A) Cottage Courts Lot Dimensions & 153.311(A) Cluster Homes Lot Dimensions and staff review comments. The amendment request is to remove the requirement for Cottage Courts and Cluster Home developments to abut NC12 in the Commercial and Ocean Impact Residential Zone.

On November 16, 2021 the Planning Board recommended approval of the below attached amendment to 153.077(D)(16):

§ 153.310 COTTAGE COURT(S).

Cottage court(s). In addition to the below specific standards, cottage court(s) shall also abide by regulations associated with the zoning district where the development is located.

(A) *Lot dimensions.* All parcels shall have a minimum width of 75 feet ~~abutting NC 12~~ in the Ocean Impact Residential and Commercial Zone.

§ 153.311 CLUSTER HOMES.

Cluster homes. In addition to the below specific standards, shall also abide by the regulations associated with the zoning district where the development is located.

(A) *Lot dimensions.* All parcels shall have a minimum width of 75 feet ~~abutting NC 12~~ in the Ocean Impact Residential and Commercial Zone.

Staff recommends setting the required public hearing for January 10, 2022.



Kill Devil Hills
Zoning Amendment Application
Chapter 153 Zoning

Name of Applicant: Fifth Street KDH, LLC
Address of Applicant: 200 E. Blackman St. Nags Head, NC 27959
Telephone Number: 252-475-0874

Agent for Applicant (if applicable): N/A

Agent Address: N/A

Telephone Number: N/A

I hereby request an amendment to the following specific section of the Zoning Ordinance: _____

153.310(a) 153.311(a)

Proposed language for zoning amendment: see attached exhibit

Justification for Amendment: Clarification of Ordinance

A \$250.00 non-refundable application fee is due and payable to the Town of Kill Devil Hills.

Signature of Applicant/Agent: George E. Goodrich

Date Received: CP | 10/28/21 Staff Only:
Received by: _____

§ 153.310 COTTAGE COURT(S).

Cottage court(s). In addition to the below specific standards, cottage court(s) shall also abide by regulations associated with the zoning district where the development is located.

(A) *Lot dimensions.* All parcels shall have a minimum width of 75 feet ~~abutting NC-42~~ **in the Ocean Impact Residential Zone and Commercial.**

(B) *Lot area.* The minimum building site shall be 20,000 square feet.

(C) *Size and arrangement.* Each detached single-family dwelling unit shall be designed and arranged for occupancy by one family operating as a housekeeping unit and shall contain at least 500 square feet, but no more than 2,500 square feet of gross floor area. One structure may be up to 5,000 square feet if it includes two or more separate but complementary accessory or principal uses, e.g. a dwelling unit and an on-site management office. Each detached single-family dwelling unit shall be an independent dwelling unit.

(D) *Building separation.* Within a cottage court, detached single-family dwelling units shall be separated from one another by a minimum of ten feet.

(E) *Driveway access.* Each detached single-family dwelling unit shall have access to a shared driveway. The shared driveway must be designed to a minimum width of 20 feet to allow fire-fighting apparatus to locate within 150 feet of all sides of all structures on the property. The shared driveway may be reduced to a minimum width of 12 feet where it is closer than 150 feet to all sides of all structures on the property. A shared driveway width less than 20 feet may be reviewed and approved by the Fire Marshal in conjunction with an approved alternative life safety plan or an approved fire suppression system. The shared driveway material shall support the weight of fire apparatus as determined by the Fire Marshal.

(Ord. 16-19, passed 6-27-18)

§ 153.311 CLUSTER HOMES.

Cluster homes. In addition to the below specific standards, shall also abide by the regulations associated with the zoning district where the development is located.

(A) *Lot dimensions.* All parcels shall have a minimum width of 75 feet ~~abutting NC-42~~ **in the Ocean Impact Residential Zone and Commercial.**

(B) *Lot area.* The minimum building site shall be 20,000 square feet.

(C) *Size and arrangement.* Each detached single-family dwelling unit shall be designed and arranged for occupancy by one family operating as a housekeeping unit and shall contain at least 500 square feet, but no more than 2,500 square feet of gross floor area. One structure may be up to 5,000 square feet if it is combined with on-site management or another complementary accessory or principal use. Each detached single-family dwelling unit shall be an independent dwelling unit.

(D) *Building separation.* Within a cluster home development, detached single-family dwelling units shall be separated from one another by a minimum of ten feet.

(E) *Driveway access.* Each detached single-family dwelling unit shall have access to a shared driveway. The shared driveway must be designed to a minimum width of 20 feet to allow fire- fighting apparatus to locate within 150 feet of all sides of all structures on the property. The shared driveway may be reduced to a minimum width of 12 feet where it is closer than 150 feet to all sides of all structures on the property. A shared driveway of less than 20 feet may be reviewed and approved by the Fire Marshal in conjunction with an approved alternative life safety plan or an approved fire suppression system. The shared driveway material shall support the weight of fire apparatus as determined by the Fire Marshal.

(Ord. 16-23, passed 1-14-19)

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—§153.310(A) Cottage Courts & §153.311(A) Cluster Homes – Remove Requirement to Abut NC12: Commercial and Ocean Impact Residential Zone

Approval/Denial: Planning Board finds that the Proposed Zoning Amendment §153.310(A) Cottage Courts & §153.311(A) Cluster Homes – Remove Requirement to Abut NC12: Commercial and Ocean Impact Residential Zone 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 6 to 0, this the Sixteenth day of November, 2021.

Attest:



Planning Board Chairman



Secretary of Planning Board