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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 (R)

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

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.

On November 16, 2021 the Planning Board recommended approval of the below attached amendment to 153.100(D) and 153.180(C);

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

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

AN ORDINANCE AMENDING THE KILL DEVIL HILLS TOWN CODE,
CHAPTER 153, ZONING

BE IT HEREBY ORDAINED BY THE Kill Devil Hills Board of Commissioners that Chapter 153, Zoning, of the Kill Devil Hills Town Code, shall be amended by adding the underlined language and deleting the following ~~stricken~~ language to the sections identified below, as follows:

§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.

§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 (D) below.

This amendment to Chapter 153, Zoning, shall be in full force and effect from and after the ____ day of _____, 2022. Adopted and approved by the Board of Commissioners of the Town of Kill Devil Hills at a regular meeting held on the ____ day of _____, 2022, by a vote of ____ in favor and ____ opposed.

SEAL

Ben Sproul
Mayor

ATTEST:

James Michael O'Dell
Deputy Town Clerk

APPROVED AS TO FORM:

Casey C. Varnell
Town Attorney

The undersigned hereby certifies that the foregoing official amendment, designated AN ORDINANCE AMENDING CHAPTER 153, ZONING, was placed in the Kill Devil Hills Town Code Book on the _____ day of _____, 2022 at _____ .m.

James Michael O'Dell
Deputy Town Clerk

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

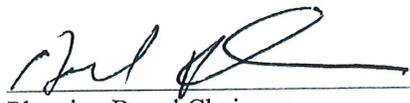
Proposed Amendment Title: Proposed Zoning Amendment—§153.100(D) Ocean Impact Residential Zone and 153.180(C) Commercial Zone to add Density Requirements for Cottage Courts & Cluster Homes

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 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