



# TOWN OF KILL DEVIL HILLS

*Land Where Flight Began*

MEMORANDUM

May 16, 2022

TO: Mayor and Board of Commissioners

FROM: Debora P. Díaz, Town Manager

REF: New Business

## **2. Zoning Alternatives — Essential Long-Term Housing (Attached NB-2)**

At its April 27, 2022, meeting, the BOC requested Staff research and present potential options to encourage essential long-term housing for Board discussion, with the possibility of forwarding for Planning Board review.

Planning Director Meredith Guns' attached memorandum provides a history of essential housing in KDH, and highlights possible Town Code amendment concepts that, paired with deed restrictions, could further development of essential long-term housing.

Board guidance is requested.

Director of  
Planning and Inspections  
MEREDITH GUNS

Building Inspector  
MARTY SHAW  
CHARLES THUMAN

Code Enforcement Officer  
JORDAN BLYTHE



Assistant Director of  
Planning and Inspections  
CAMERON RAY

Senior Planner  
RYAN LANG

Zoning Administrator  
DONNA ELLIOTT

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

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**PLANNING DEPARTMENT**

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May 16, 2022

Memorandum

To: Debbie Diaz, Town Manager

From: Meredith Guns, Planning Director 

Subject: Zoning Alternatives — Essential Long-Term Housing

On April 27, 2022 the Board of Commissioners requested Staff develop some options to promote essential long-term housing in Kill Devil Hills. The Board asked Staff to bring back some ideas for the Board of Commissioners to consider and possibly forward to the Planning Board for review.

**HISTORY:**

The Town has long recognized the need for “Long-Term” or “Essential housing” for our workers. This has been an ongoing issue that the Town has addressed from the early stages with the adoption of the first Workforce housing ordinance in 2006. Kill Devil Hills also has the highest density allowed for multifamily in Dare County, which has resulted in several multifamily development projects in the past several years. KDH also has several subdivisions that were platted decades ago with smaller lot sizes, which in turn have been developed with smaller housing units. In the past, this has been a prime area for affordable housing for our year-round population. But since the inception of the online short term rental market (Airbnb and VRBO to name a few), the highest and best use for many of our single family dwellings has been short term rentals. This has pushed out many of our year-round residents and workers.

**Possible Amendments to current Code:**

For Kill Devil Hills to do our part to address the long-term housing need the Board may wish to consider a few amendments to the Town Zoning Code to promote essential housing. Additionally, to ensure that these developments are indeed long-term housing measures such as deed restrictions will need to be considered. Staff proposes the following amendment concepts for Board of Commissioners consideration for further development:

In the RL zone:

- Allow Cluster Homes with deed restrictions for long-term/essential housing.
- Allow Accessory Dwelling Units (ADU) with deed restrictions for long-term/essential housing (possible incentives on lot coverage, setbacks, parking, etc).

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In LI-1 and LI-2 Zoning District:

- Rewrite Workforce Housing Ordinance to include long-term/essential housing and deed restrictions.

In Commercial, LI1 and LI:

- Incentivize mixed-use development (less parking, greater density, fee waivers with deed restrictions).

Other:

- Define Long-Term/Essential Housing – Minimum time frame
- Incentives that make Essential Housing appealing (development incentives and monetary/grant incentives)

Staff has also met with Eddie Goodrich, the developer that addressed the Board April 11, 2022, stating he was interested in constructing essential long-term housing in Kill Devil Hills. He was supportive of the Cluster Homes concept and if the Board of Commissioners is also favorable to the idea, Staff has attached draft/preliminary language that could be sent to the Planning Board for further development and recommendation regarding Cluster Home development in the Residential Low Zone.

Additionally, pending the Board of Commissioners discussion and direction, Staff will develop language for the other proposed concepts as directed.

## § 153.002 DEFINITIONS.

**Long-term occupancy** - A residential dwelling that is occupied and used for residency and housekeeping purposes for a period of 31 days or more and has a recorded restrictive covenant that requires 31 or more consecutive days' minimum occupancy by single tenant(s) in perpetuity.

**Short-term vacation occupancy** - A residential dwelling that is used and/or advertised through online media or any other means of advertising for occupancy by guest(s) for a period of 30 consecutive days or less.

## § 153.117 SPECIAL USES.

(C) Cluster homes (see § 153.311 for additional regulations).

- (1) Occupancy of dwellings. Any dwelling constructed as part of Section 153.117(C) shall be occupied on a long-term basis as defined in the 153.002 and include a recorded restrictive conveyance.

## § 153.120 SITE REQUIREMENTS.

(C) *Density.* ~~Multi-family: Six units per acre.~~ Cluster Homes: Twelve units per acre

## § 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 in the Ocean Impact Residential and Commercial Zone. All parcels shall have a minimum width of 100 feet in the Low Density Residential Zone.

(B) *Lot area.* The minimum building site shall be 20,000 square feet in the Ocean Impact Residential and Commercial Zone. The minimum building site shall be a minimum of 1 acre in the Low Density Residential Zone.

(C) *Size and arrangement.* In the Ocean Impact Residential and Commercial Zone, 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. In the Low Density Residential Zone, each detached single-

family dwelling unit shall be designed and arranged for long-term occupancy and shall contain at least 500 square feet but no more than 1,500 square feet of gross floor area. 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.