

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**

PLANNING DEPARTMENT

May 24, 2022

Memorandum

To: Planning Board

From: Cameron Ray, Assistant Planning Director 

Subject: Proposed Zoning Amendment – §153.177 Low Density Residential Zone Special Use(s)
– Add Cluster Home(s)

During the May 16, 2022 Board of Commissioners meeting, staff was given direction to prepare a zoning amendment to add Cluster Home(s) as a special use in the Low Density Residential (RL) Zone for essential long-term housing for Planning Board review. In order to understand the intent of the ordinance and the housing issues, the following history is provided.

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.

Attached you will find an amendment to 153.002 Definitions, 153.177(C) Residential Low-Special Uses and 153.311 Cluster Homes. The amendment proposes to add Cluster Home(s) as a special use in the RL zone with several conditions. The proposed amendment defines Long-term occupancy and Short-term vacation occupancy. Long-term occupancy is defined as a residency use for 31 consecutive days or more and Short-term vacation occupancy is defined as a residency for guests for 30 consecutive days or less. The amendment will require cluster home(s) located in the Residential Low Zone to only be used for Long-term Occupancy as defined. The amendment provides size regulations for cluster home(s) located in the Residential Low Zone including a minimum size of 500 square feet and maximum size of 1,500 square feet detached independent dwelling unit with a 12 units per acre density requirement. Additionally, the amendment requires a use agreement to be executed and recorded at the Dare County Register of Deeds ensure long term occupancy. The intent of the attached zoning amendment is to try to mitigate the long-term housing needs by promoting private developers to construct cluster home(s) for essential long-term housing.

Staff recommends the Planning Board forward the proposed amendment and consistency statement to the Board of Commissioners with a favorable recommendation.

§ 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 use agreement recorded with the register of deeds 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.
- (2) Property owners shall be required to execute and record a long-term use agreement prior to issuance of a building permit declaring that the dwelling unit shall be used only for long term occupancy. This agreement shall be recorded with the Register of Deeds and shall transfer with the property in perpetuity.

§ 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.