



TOWN OF KILL DEVIL HILLS

Land Where Flight Began

MEMORANDUM

August 14, 2023

TO: Mayor and Board of Commissioners

FROM: Debora P. Díaz, Town Manager

REF: New Business

3. Cottage Courts & Cluster Homes – Considerations for Additional Regulations (Attached NB-3)

In response to the public and development community for alternatives to traditional single-family dwellings, ordinances were established for Cottage Courts and Cluster Homes to provide flexible options to address housing issues in Town, while complying with the standards of the zoning district in which they are located.

Staff was recently given direction by the Board of Commissioners to develop additional regulatory options for Cottage Courts and Cluster Homes. Assistant Planning Director Cameron Ray's attached meeting memorandum provides a history of the ordinances and highlights possibilities to address some recent concerns. They include the following:

- Revise minimum building separation to be tiered, based off total gross floor area and building height.
- Revise size maximum requirements for gross floor area.
- Reduce building height for Cottage Courts/Cluster Homes within the Ocean Impact Residential Zone (OIR).
- Increase front yard setbacks for a more consistent appearance within the OIR.
- Revise density requirements to be more restrictive. This can also be tiered based off building size, height, and density.

Board guidance is requested.

Director of
Planning and Inspections
MEREDITH GUNS

Building Inspector
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Assistant Director of
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THE TOWN OF KILL DEVIL HILLS NORTH CAROLINA

PLANNING DEPARTMENT

August 14, 2023

Memorandum

To: Debbie Diaz, Town Manager

From: Cameron Ray, Assistant Planning Director 

Subject: 153.310 Cottage Courts & 153.311 Cluster Homes – Considerations for Additional Regulations

Staff was given direction from the Board of Commissioners to prepare and bring options for additional regulations for Cottage Courts and Cluster Homes in Kill Devil Hills. Currently, the effective Town Code sections that include special regulations for these uses are 153.310 Cottage Courts and 153.311 Cluster Homes. These regulations include minimum lot dimensions, minimum lot area, size and arrangement standards, minimum building separations, and driveway access standards. In addition to these requirements, these uses are required to comply with all standards of the zoning district where the development is located.

As you recall, in 2018 Cottage Courts and in 2019 Cluster Homes were adopted into the zoning ordinance. These amendments were adopted for additional options for development, especially on the oceanfront as an incentive instead of large single-family dwellings. In 2022, density requirements were adopted for these uses in both the Ocean Impact and Commercial Zoning Districts to regulate the density of these developments consistently with other similar development types.

Since adoption of the ordinance, three Cluster Home/Cottage Court developments have been approved by the Town for construction, including 709 N. Virginia Dare Trail in the Ocean Impact Residential Zone, 100 E. Fifth Street in the Commercial zone, and 207 W. Martin Street in the Residential Low zone. During the plan approval process and during the construction of these projects, concerns have been conveyed about the unforeseen effects of this development type. Staff proposes several options below for ways the Town's Cottage Courts and Cluster Homes ordinances could be amended to address some of these concerns;

- Revise minimum building separation to be tiered, based off total gross floor area and building height. For example: House constructed to max floor area and height would have the highest separation requirements.
- Revise size maximum requirements for gross floor area.
- Within the OIR reduce building height for Cottage Courts/Cluster Homes.
- Within the OIR increase front yard setback for more consistent appearance
- Revise density requirements to be more restrictive. This can also be tiered based off building size and height and density.

Staff recommends the Board of Commissioners discuss and provide Staff with direction so an ordinance amendment can be prepared to present to Planning Board.