



TOWN OF KILL DEVIL HILLS

Land Where Flight Began

NOTICE OF PUBLIC MEETING

NOTICE is hereby given that on Tuesday, October 14, 2025, at 5:30 p.m., the Kill Devil Hills Planning Board will hold its regular meeting in the Town Hall Meeting Room located at 102 Town Hall Drive, Kill Devil Hills.

A printed packet is available for public inspection in the Office of the Town Clerk, 102 Town Hall Drive. To schedule an inspection time, contact the Department at 252-449-5300. Packet materials can be viewed on the Town's website at <https://www.kdhnc.com/593/Agendas-Packets-and-Minutes>. Written public comments for the Planning Board can be emailed to info@kdhnc.com. Comments must include your name and address and are limited to three minutes for individuals, and five minutes when speaking for a group.

AGENDA

Call to Order

Agenda Approval

Approval of the Minutes of the June 17, 2025, meeting

Public Comment

Response to Public Comment

Ongoing Business

New Business

1. Zoning Amendment Request — §153.206, 153.210, 153.310, and 153.311 — Allow Cottage Courts and Cluster Homes to be Permitted in the LI-2 Zone
2. Minor Subdivision Review — Fifth Street KDH, LLC — Proposed 13-Lot Minor Subdivision

Public Comment

Response to Public Comment

Board Member Comment

Adjournment

This 10th day of October 2025

Jennifer Stecher

Administrative Assistant/Deputy Town Clerk

Copies to: Mayor and Board of Commissioners, Planning Board members in their packet materials; Town Manager; Town bulletin boards; Town Sunshine List, including all local news media; Electronic Distribution List; Town website and social media; file

Minutes of the Tuesday, June 17, 2025, meeting of the Kill Devil Hills Planning Board held at 5:30 p.m. in the Town Hall Meeting Room, 102 Town Hall Drive, Kill Devil Hills, North Carolina.

Members Present: Vice Chairperson Ron Seidman, II, Jenniffer Albanese, Becky Breiholz, Billy Dorn, and Sandie Markland

Members Absent: Chairperson Howard Buchanan, and Phillip Wayland

Others Present: Cameron Ray, Assistant Planning Director; Michelle Nichols, Permit Services Administrator; and Jennifer R. Stecher, Deputy Town Clerk

Call to Order

At 5:40 p.m., Vice Chairperson Ron Seidman called the Tuesday, June 17, 2025, meeting of the Kill Devil Hills Planning Board to order and welcomed everyone present.

Agenda Approval

Sandie Markland moved to approve the meeting agenda for this meeting, as presented. Jenniffer Albanese seconded the motion, which was approved by a unanimous, 4-0, vote.

Approval of the Minutes of the April 15, 2025 meeting

Becky Breiholz moved to approve the April 15, 2025, meeting minutes, as presented. Ms. Markland seconded the motion, which was approved by a unanimous, 4-0, vote.

Public Comment

Ongoing Business

New Business

1. Site Plan Review – 115 W. St. Clair Street – Proposed Office Building with Enclosed Parking in the Commercial Zone

The site plan review was submitted by Albemarle and Associates, LTD, for a proposed 1,848 square foot office building with 13 additional parking spaces, driveway connection to St. Clair Street and associated site improvements in combination with the existing office building at St. Clair Street. The *Professional Office (L)* is a permitted use in the Commercial Zone 153.176. The site plan application, proposed site and building plan, Dare County Environmental Health Department approval, stormwater narrative, non-conformities worksheet and applicants' response to Staff's Technical Review comments are part of the meeting packet.

The applicant has addressed most of Staff's initial technical review comments; however, the following Town Code requirements remain to be addressed:

1. Show or note location of any utility or access easements.
2. Building required to provide security lighting on all sides.

Staff recommended that the Planning Board forward the site plan to the Board of Commissioners with a favorable recommendation after the listed conditions have been addressed. Mr. Michael J. Morway, PE, Engineer with Albemarle and Associates, was present at the meeting to answer any questions. Ms. Breiholz asked about relocation of the dumpster pad. Staff explained that the commercial use of a Professional Office does not require the use of a dumpster and will instead use roll out carts.

Ms. Markland moved to approve the Site Plan Review – 115 W. St. Clair Street – Proposed Office Building with Enclosed Parking in the Commercial Zone and forward to the Board of Commissioners. Ms. Breiholz seconded the motion, which was approved by a unanimous, 4-0, vote.

2. Minor Subdivision Review – Ocean Breeze Townhomes: Phase 4 – Proposed 4-Lot Minor Subdivision

A minor subdivision meeting the requirements of *Chapter 152 Subdivisions* was in the meeting packet for the Ocean Breeze Townhomes: Phase 4 at 902 South Virginia Dare Trail in the Commercial Zone. The sketch plan and preliminary plat requirements have been waived and the technical review certified by the Planning Director, consistent with Town Code §152.25. A minor subdivision requires the approval by the Planning Board Chairperson prior to recordation. This action will be recorded for compliance with §152.25 of the Subdivision ordinance. No further action was necessary.

Public Comment

Response to Public Comment

Board Member Comment

Adjournment

There being no further business before the Planning Board at this time, Ms. Markland moved to adjourn the meeting. Ms. Breiholz seconded the motion, which was approved by a unanimous, 4-0, vote. It was 5:47 p.m.

Submitted by:

Jennifer R. Stecher
Administrative Assistant/Deputy Town Clerk

Director of
Planning and Inspections
MEREDITH GUNS

Building Inspector
MARTY SHAW
CHARLES THUMAN

Code Enforcement Officer
JORDAN BLYTHE



THE TOWN OF KILL DEVIL HILLS
NORTH CAROLINA

Assistant Director of
Planning and Inspections
CAMERON RAY

Senior Planner
RYAN LANG

Permit Services Administrator
MICHELLE NICHOLS

PLANNING DEPARTMENT

October 14, 2025

Memorandum

To: Planning Board

From: Cameron Ray, Assistant Planning Director 

Subject: Zoning Amendment Request — §153.206, 153.210, 153.310, and 153.311 — Allow Cottage Courts and Cluster Homes to be Permitted in the LI-2 Zone

Attached is a Zoning Amendment Request submitted by George E. Goodrich to amend Town Code sections 153.206, 153.210, 153.310, and 153.311. The amendment request is to allow Cottage Courts and Cluster Homes as a permitted use in the Light Industrial Two Zone. The amendment proposes that cottage courts and cluster homes be regulated under the same density regulations as multi-family dwellings, which is consistent with other zoning districts that allow these uses. The amendment requires cottage courts and cluster homes to have a minimum lot width of 100 feet in the LI-2 Zone and minimum lot size of an acre.

As you recall, Cottage Courts and Cluster homes are currently a permitted use in the Commercial Zone, Ocean Impact Residential Zone, and a special use in the Low Density Residential Zone.

Staff recommends forwarding the amendments to §153.206, 153.210, 153.310, and 153.311 to amend requirements for Cottage Courts and Cluster Homes to be Permitted in the LI-2 Zone as presented with attached consistency statement to the Board of Commissioners with a favorable recommendation.

**AN ORDINANCE AMENDING THE
KILL DEVIL HILLS CODE OF ORDINANCES,
CHAPTER 153, ZONING**

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

LIGHT INDUSTRIAL TWO ZONE (LI-2)

§ 153.206 PERMITTED USES.

Within the Light Industrial Two Zone, the following uses are permitted:

- (A) Single-family dwellings;
- (B) Duplex dwellings;
- (C) Multi-family dwellings of three or more units per dwelling;
- (D) Hotels and motels;
- (E) On-site accessory structures; accessory dwelling units;
- (F) Clinics, hospitals with a maximum of 30 beds;
- (G) Home occupations as defined herein;
- (H) Town-owned and leased facilities;
- (I) Playgrounds;
- (J) Auditoriums or convention centers, assembly halls;
- (K) Places of worship, daycare centers, schools (public or private), libraries and buildings for nonprofit service organizations;

PROPOSED Amendment

Chapter 153, Zoning - §153.206 Permitted Uses; §153.076 Off Street Parking and Loading, §153.210 Site Requirements, §153.310 Cottage Court(s), and §153.311 Cluster Homes

Allow Cottage Courts and Cluster Homes to be Permitted in the LI-2 Zone

- (L) Banks, financial institutions, business or professional offices;
- (M) Theaters;
- (N) Retail business, including drug or grocery stores, hardware stores, electronic equipment, gift shops and clothing shops, automobile sales, service and repair, convenience store, taxicabs;
- (O) Restaurants, drive-ins and bakeries;
- (P) Places of business where service is rendered, including barber shops, beauty parlors, electronic repair shops, shoe repair shops, clothes tailor;
- (Q) Public or private parking lots;
- (R) Stores or shops for custom work or for producing products to be sold at retail on the premises;
- (S) Storage or bonded warehouses;
- (T) Storage yards for building materials, wood and stone;
- (U) Light manufacturing such as boat construction, cabinet work, stone and concrete works;
- (V) Machine or blacksmith shops;
- (W) Motor or freight terminals;
- (X) Storage of construction equipment;
- (Y) Swimming pools, tennis courts;
- (Z) Mobile home parks and trailer parks, mobile homes, trailers and other portable-type housing.
- (AA) Billiard parlors, video and amusement arcades;
- (BB) Bed and breakfasts (See § 153.312 for requirements); and
- (CC) Telecommunications towers.

PROPOSED Amendment

Chapter 153, Zoning - §153.206 Permitted Uses; §153.076 Off Street Parking and Loading, §153.210 Site Requirements, §153.310 Cottage Court(s), and §153.311 Cluster Homes

Allow Cottage Courts and Cluster Homes to be Permitted in the LI-2 Zone

(DD) Shopping center/office complex.

(EE) Internet and/or electronic gaming operations as defined in §153.002 Definitions and regulated in §153.314 Internet and/or Electronic Gaming Accessory Business Use.

[\(FF\) Cottage court. See §153.310 for additional regulations.](#)

[\(GG\) Cottage court. See §153.311 for additional regulations.](#)

§ 153.210 SITE REQUIREMENTS.

(A) Lot dimensions. All parcels shall have a minimum width of 50 feet.

(B) Lot area.

(1) The minimum building site shall be 15,000 square feet.

(2) The minimum building site for a duplex shall be 15,000 square feet.

(3) Exempt recombination plats for lots platted prior to June 14, 1983 shall have a minimum lot size of 7,500 square feet.

(C) Density.

(1) Multi-family dwelling. [Cottage Court, and Cluster Homes](#): The maximum floor area ratio (FAR) shall be up to 0.50 with the following exception described in division (D) below.

(2) Hotel and motel: 36 units per acre.

(D) *Exceptions.*

(1) Where a lot or parcel of land has an area of less than the above required minimum area and was of record on June 14, 1983, such lot may be occupied by one family, provided the minimum side, front and rear requirements are complied with as set forth in § 153.211.

(2) Per division (C)(1) above, increase minimum side yard setbacks by two feet on each side, the FAR shall be up to 0.55.

(3) Per division (C)(1) above, increase minimum side yard buffer as set forth in § 153.184 by two feet on each side and items in division (C) above the FAR shall be up to 0.60.

SPECIAL REGULATIONS

§ 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 in the Ocean Impact Residential and Commercial Zone. [All parcels shall have a minimum width of 100 feet in the Light Industrial Two Zone.](#)

(B) *Lot area.* The minimum building site shall be 20,000 square feet. [The minimum building site shall be a minimum of 1 acre in the Light Industrial Two Zone.](#)

(C) *Size, height, 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 1,800 square feet of gross floor area. Each detached single-family dwelling unit shall be an independent dwelling unit. The development shall be limited to following size, height, and separation design regulations in the table below:

GFA in square feet (SF)	Height (as defined in this chapter)	30' or less	31'-38'	Greater than 38'
500-750 SF		10'	12'	14'
751-1000 SF		10'	14'	16'
1001-1500 SF		12'	16'	18'
1500-1800 SF		20'	20'	20'

(D) 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.

(E) Setbacks. In the Ocean Impact Residential Zone, the minimum front yard setback requirement shall be equal to the lot width not to exceed 100'.

§ 153.311 CLUSTER HOMES.

Cluster homes. In addition to the below specific standards, cluster homes 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 [and Light Industrial Two 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 one acre in the Low Density Residential Zone [and Light Industrial Two Zone](#).

(C) *Size, height, and arrangement.* In all zoning districts except the Low Density Residential Zone, each detached single-family dwelling unit shall be designed and arranged for occupancy by one family and shall contain at least 500 square feet, but no more than 1,800 square feet of gross floor area. 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. The development shall be limited to following size, height, and separation design regulations in the table below:

GFA in square feet (SF)	Height (as defined in this chapter)	30' or less	31'-38'	Greater than 38'
500-750 SF		10'	12'	14'
751-1000 SF		10'	14'	16'
1001-1500 SF		12'	16'	18'
1501-1800 SF		20'	20'	20'

PROPOSED Amendment

Chapter 153, Zoning - §153.206 Permitted Uses; §153.076 Off Street Parking and Loading, §153.210 Site Requirements, §153.310 Cottage Court(s), and §153.311 Cluster Homes
 Allow Cottage Courts and Cluster Homes to be Permitted in the LI-2 Zone

(D) *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.

(E) *Setbacks.* In the Ocean Impact Residential Zone, the minimum front yard setback requirement shall be equal to the lot width not to exceed 100'.



Kill Devil Hills

North Carolina

CODE AMENDMENT APPLICATION

Planning and Inspections Department

(252) 449 – 5318

102 Town Hall Drive

Kill Devil Hills, NC 27948

FEE: \$500.00

The purpose of this application is to *request* a code amendment, or a permanent alteration, to the Kill Devil Hills Town Code.

Required attachments/submittals for an application for a code amendment:

- 1.) A completed application
- 2.) One copy of the code in question (existing Kill Devil Hills Town Code)
- 3.) One copy of your proposed code amendment, with the proposed changes highlighted
- 4.) Application Fee, *which is nonrefundable*

*****Important: If any of the above requirements are not present at the time of submittal, the application will be deemed incomplete and will not be accepted.*****

Certification:

I (we) hereby acknowledge and say that the information contained herein and herewith is true and that this application shall not be scheduled for official consideration until all of the required contents are submitted in proper form to the Town of Kill Devil Hills Planning and Inspections Department.

Petitioner's Name (Please Print): George E. Goodrich

Petitioner's Signature: *George E. Goodrich*

Date: 9-16-25

For Staff Use Only:

Fee Received by: *[Signature]*

Date: 9/16/25



Town of Kill Devil Hills
North Carolina

Application for a Code Amendment

(Please Type or Print)

Petitioner

Name:

George E. Goodrich

Address: P/O Box 3629

Kill Devil Hills, NC 27948

Telephone Number:

252-475-0874

Email:

eddieg@vrobx.com

Agent for Petitioner (If Applicable)

Name:

George E. Goodrich

Address: P.O. Box 3629

Kill Devil Hills, NC 27948

Telephone Number:

252-475-0874

Email:

eddieg@vrobx.com

I hereby request an amendment to the following specific section of the Town Code:

Chapter: 153 Code: 153.207

Title: Light Industrial Two Zone (LI-2)

To this application, attach:

- **One copy of the code in question (existing Kill Devil Hills Town Code)**
- **One copy of your proposed code amendment, with the proposed changes highlighted**



Town of Kill Devil Hills
North Carolina

Application for a Code Amendment

1. Please provide a **detailed** justification for the proposed amendment (*attach additional pages as needed*):

Add 153.310 Cottage Courts and 153.311 Cluster Homes as a use providing more affordable year round housing.

2. How does this proposed amendment help to promote the public health, safety, and general welfare? (*attach additional pages as needed*)

By providing more affordable year round housing.

LIGHT INDUSTRIAL TWO ZONE (LI-2)

§ 153.205 INTENT.

(A) The Light Industrial Two (LI-2) Zone is established to provide standards for the location of commercial services which are required for the development of the town. It is the intent of this section to regulate and buffer such uses so that their location will not be detrimental to adjacent uses.

(B) In the LI-2 Zone, buildings or lands shall be used for one or more of the following specified permitted uses or special uses and none other.

(Ord. 91-08, passed 11-18-91; Am. Ord. 99-08, passed 5-10-99; Am. Ord. 01-02, passed 2-28-01; Am. Ord. 02-09, passed 6-10-02; Am. Ord. 18-4, passed 6-14-21)

§ 153.206 PERMITTED USES.

Within the Light Industrial Two Zone, the following uses are permitted:

- (A) Single-family dwellings;
- (B) Duplex dwellings;
- (C) Multi-family dwellings of three or more units per dwelling;
- (D) Hotels and motels;
- (E) On-site accessory structures; accessory dwelling units;
- (F) Clinics, hospitals with a maximum of 30 beds;
- (G) Home occupations as defined herein;
- (H) Town-owned and leased facilities;
- (I) Playgrounds;
- (J) Auditoriums or convention centers, assembly halls;
- (K) Places of worship, daycare centers, schools (public or private), libraries and buildings for nonprofit service organizations;
- (L) Banks, financial institutions, business or professional offices;
- (M) Theaters;
- (N) Retail business, including drug or grocery stores, hardware stores, electronic equipment, gift shops and clothing shops, automobile sales, service and repair, convenience store, taxicabs;
- (O) Restaurants, drive-ins and bakeries;
- (P) Places of business where service is rendered, including barber shops, beauty parlors, electronic repair shops, shoe repair shops, clothes tailor;
- (Q) Public or private parking lots;
- (R) Stores or shops for custom work or for producing products to be sold at retail on the premises;
- (S) Storage or bonded warehouses;

- (T) Storage yards for building materials, wood and stone;
- (U) Light manufacturing such as boat construction, cabinet work, stone and concrete works;
- (V) Machine or blacksmith shops;
- (W) Motor or freight terminals;
- (X) Storage of construction equipment;
- (Y) Swimming pools, tennis courts;
- (Z) Mobile home parks and trailer parks, mobile homes, trailers and other portable-type housing.
- (AA) Billiard parlors, video and amusement arcades;
- (BB) Bed and breakfasts (See § 153.312 for requirements); and
- (CC) Telecommunications towers.
- (DD) Shopping center/office complex.

(EE) Internet and/or electronic gaming operations as defined in § 153.002 Definitions and regulated in § 153.314 Internet and/or Electronic Gaming Accessory Business Use.

(Ord. 99-08, passed 5-10-99; Am. Ord. 99-09, passed 5-10-99; Am. Ord. 01-02, passed 2-28-01; Am. Ord. 02-09, passed 6-10-02; Am. Ord. 05-12, passed 8-8-05; Am. Ord. 07-17, passed 10-24-07; Am. Ord. 08-04, passed 1-14-08; Am. Ord. 12-22, passed 11-14-12 ; Am. Ord. 17-28, passed 3-8-21 ; Am. Ord. 18-4, passed 6-14-21)

§ 153.207 SPECIAL USES.

(A) *Work force housing.*

(1) To qualify, a workforce multi-family housing unit shall:

(a) Have a sales price of three times 80% or less of median family income or annual rental of 30% of 80% or less of median family income; and

(b) Be used exclusively for year-round occupancy by eligible households, and the rentals or sales prices restricted according to the definitions contained in § 153.002.

(2) *Location of workforce housing units.* Workforce housing units shall not be set apart and should be interspersed among the market rate units throughout the workforce housing development and the locations shall be approved by the Board of Commissioners.

(3) *Ratio.* No less than 25% of the units shall be market-rate housing.

(4) *Exterior appearance.* The exterior appearance of the workforce housing units in any covered development shall be visually compatible with the market rate units in the development. External building materials and finishes shall be substantially the same in type and quality for workforce housing units as for market rate units.

(5) *Interior appearance and finishes.* Workforce housing units may differ from market rate units with regard to interior finishes and gross floor area provided that:

(a) There shall be no differences between the workforce housing units and the market rate units related to energy efficiency, including mechanical equipment and plumbing, insulation, windows, and heating and cooling systems.

(b) The gross floor area for the workforce housing units shall be no less than 75% of the gross floor area of similar market rate units.

(6) *Waiver of fees.* Projects meeting the eligibility requirements may request a waiver of town fees, including site plan review fees, building permit fees, water service fees, and subdivision fees for the workforce housing units. Approval of a request to waive town fees shall be subject to approval by the Board of Commissioners. Workforce units must meet the standards of this section and are subject to the following requirements.

(a) The developer shall submit the development plan to the Blessings Ministries Community Development Corporation's designee or its successor for review and certification prior to submission for development concessions.

1. Rental development. The owner must submit to the Blessings Ministries Community Development Corporation's designee or its successor for certification annually. If certification is not issued, any concessions will be rescinded and appropriate fees will be due and payable immediately.

(7) *Restrictive covenants.*

(a) Restrictive covenants shall be recorded, prior to the issuance of any occupancy permit, naming the town as a grantee and party and granting the town the power to enforce, which contain provisions that:

1. Insure that the site shall at all times remain in compliance with this section and the Housing Placement Eligibility System, as it may be amended from time to time, of the Blessings Ministries Community Development Corporation's designee or its successor;

2. Give all subsequent purchasers notice that the site and the living units on the site are subject to the provisions of this section;

3. Prevent the modification of the site or its use or withdrawal or modification of the covenants without the consent of the town;

4. Prohibit the sale or lease of a housing unit without the receipt by the town of a certification from the Blessings Ministries Community Development Corporation's designee or its successor that the purchaser or tenant qualifies under the Housing Placement Eligibility System, as it may be amended from time to time, of the Blessings Ministries Community Development Corporation's designee or its successor.

(b) Such covenants shall be in a form satisfactory to the town.

(c) Such covenants shall be superior to any liens or encumbrances upon the property and prior to the issuance of an occupancy permit; applicant shall provide the town with a title opinion from a licensed North Carolina attorney indicating that the covenants required herein are superior to all other liens or encumbrances upon the property.

(8) *Deed of trust.* The restrictive covenants and the applicant's or its successor's obligation to comply with the terms of this section shall be secured by a deed of trust in favor of the town, in a form satisfactory to the town. Such deed of trust shall be recorded prior to the issuance of an occupancy permit. The town shall subordinate the deed of trust to the lien of any lender financing the purchase of any of the housing units, upon proof of compliance with the terms of this section and upon certification from the Blessings Ministries Community Development Corporation's designee, or its successor, of compliance with the Housing Placement Eligibility System, as it may be amended from time to time. Violation of the terms of this section or the terms of the restrictive covenants required above, shall be an event of default under the terms of such deed of trust and shall authorize the town, in addition to any other remedy available, to foreclose upon the property as provided in the deed of trust.

(9) *Violations.* Each sale or rental of a housing unit in violation of this section shall constitute a separate offense. Each day's continuing violation of this section shall be a separate offense. In addition to the remedies provided in this section or in § 10.99 of this Code of Ordinances, the town shall be authorized to recover from the seller or landlord violating this section, any fees that were waived under the provisions of this section, together with attorney fees and other costs and expenses incurred in the collection of such fees. The remedies available to the town shall be cumulative and may be exercised together or separately in the discretion of the town. The exercise of one remedy shall not be construed to be a waiver of any other remedy.

(Ord. 91-08, passed 11-18-91; Am. Ord. 01-02, passed 2-28-01; Am. Ord. 07-07, passed 5-23-07; Am. Ord. 08-12, passed 3-26-08; Am. Ord. 16-6, passed 11-15-17; Am. Ord. 16-13, passed 5-14-18; Am. Ord. 18-4, passed 6-14-21)

§ 153.208 NONCONFORMITIES.

See §§ 153.050 *et seq.*

(Ord. 91-08, passed 11-18-91; Am. Ord. 01-02, passed 2-28-01; Am. Ord. 18-4, passed 6-14-21)

§ 153.209 BUILDING HEIGHT LIMITS.

- (A) No structure shall exceed a total height of 50 feet.
- (B) No structure shall have more than four levels of living space.
- (C) Antennas for personal use, chimneys and elevator towers are exempt from height restrictions.

(Ord. 91-08, passed 11-18-91; Am. Ord. 01-02, passed 2-28-01; Am. Ord. 18-4, passed 6-14-21)

§ 153.210 SITE REQUIREMENTS.

- (A) Lot dimensions. All parcels shall have a minimum width of 50 feet.
- (B) Lot area.

(1) The minimum building site shall be 15,000 square feet.

(2) The minimum building site for a duplex shall be 15,000 square feet.

(3) Exempt recombination plats for lots platted prior to June 14, 1983 shall have a minimum lot size of 7,500 square feet.

- (C) Density.

(1) Multi-family dwelling: The maximum floor area ratio (FAR) shall be up to 0.50 with the following exception described in division (D) below.

(2) Hotel and motel: 36 units per acre.

- (D) *Exceptions.*

(1) Where a lot or parcel of land has an area of less than the above required minimum area and was of record on June 14, 1983, such lot may be occupied by one family, provided the minimum side, front and rear requirements are complied with as set forth in § 153.211.

(2) Per division (C)(1) above, increase minimum side yard setbacks by two feet on each side, the FAR shall be up to 0.55.

(3) Per division (C)(1) above, increase minimum side yard buffer as set forth in § 153.184 by two feet on each side and items in division (C) above the FAR shall be up to 0.60.

(E) Lot coverage.

(1) Maximum allowable lot coverage by principal use, all accessory structures, vehicular circulation areas and parking - 65%. (For exceptions, see § 153.082.)

(2) Soils classified as wetlands shall be factored into lot coverage calculation based on the following schedule:

(a) If the lot is composed of less than 25% of its total area in wetland soils, then 75% of that area classified as wetlands may be used in calculating lot coverage;

(b) If the lot has between 25% to 50% of its total area in wetland soils, then 50% of that area classified as wetlands may be used in calculating lot coverage;

(c) If the lot has between 50% to 75% of its total area in soils classified as wetlands, then 25% of that area classified as wetlands may be used in calculating lot coverage;

(d) If the lot has 75% or more of its total area classified as wetlands, none of that area classified as wetlands may be used in calculating lot coverage.

(F) Drainage/stormwater runoff. All development is required to follow the provisions of § 153.070.

(G) Land disturbance. See § 153.071.

(Ord. 91-08, passed 11-18-91; Am. Ord. 01-02, passed 2-28-01; Am. Ord. 04-10, passed 5-26-04; Am. Ord. 05-12, passed 8-8-05; Am. Ord. 16-13, passed 5-14-18; Am. Ord. 17-29, passed 3-8-21; Am. Ord. 18-4, passed 6-14-21; Am. Ord. 19-4, passed 1-10-22)

§ 153.211 SETBACKS.

(A) Buildings erected in the Light Industrial Two Zone for residential purposes, including single-family dwellings, multi-family dwellings, hotels, motels, mobile home parks and trailer parks, mobile homes, trailers, other portable-type housing and such other like buildings, shall abide by the setback requirements of the High Density Residential (RH) Zone governing such buildings.

(B) Buildings erected for mixed use, namely for both dwellings and business purposes, shall abide by the setback requirements of the Light Industrial Two Zone except when abutting the RL Zoning District where the setback requirements shall abide by the setback requirements of the RH Zone governing such buildings.

(C) Buildings erected in the Light Industrial Two Zone for business or industrial purposes exclusively shall comply with the following setback requirements:

(1) *Side yard.* The minimum side yard shall be ten feet. For any structure over 35 feet in total building height, there shall be two feet of side yard setback for each foot of building height over 35 feet in addition to the minimum side yard setback.

(2) *Front yard.* The minimum size for a front yard shall be 30 feet.

(3) *Rear yard.* The minimum size for a rear yard shall be five feet.

(4) *Double frontage.* Where lots have double frontage, the required front yard setbacks shall be required on both streets.

(5) *Corner lot.* The minimum side street setback shall be 15 feet.

(Ord. 91-08, passed 11-18-91; Am. Ord. 01-02, passed 2-28-01; Am. Ord. 06-01, passed 2-22-06; Am. Ord. 07-06, passed 4-25-07; Am. Ord. 18-4, passed 6-14-21; Am. Ord. 19-17, passed 4-26-23)

§ 153.212 SIGNS.

See § 153.077.

(Ord. 91-08, passed 11-18-91; Am. Ord. 01-02, passed 2-28-01; Am. Ord. 18-4, passed 6-14-21)

§ 153.213 OFF-STREET PARKING, DRIVEWAYS, CURBS.

See § 153.076.

(Ord. 91-08, passed 11-18-91; Am. Ord. 01-02, passed 2-28-01; Am. Ord. 18-4, passed 6-14-21)

§ 153.214 BUFFERS AND SCREENING.

See § 153.073.

(Ord. 91-08, passed 11-18-91; Am. Ord. 01-02, passed 2-28-01; Am. Ord. 18-4, passed 6-14-21)

§ 153.215 NOISE LIMITS.

For uses abutting residential uses, a sound pressure range of less than 60 decibels must be maintained utilizing an "A" weight scale and a slow response for measurements. For purposes of this section, sounds generated at or on a site by its employees, agents or operations are included.

(Am. Ord. 01-02, passed 2-28-01; Am. Ord. 18-4, passed 6-14-21)

LIGHT INDUSTRIAL TWO ZONE (LI-2)

§ 153.206 PERMITTED USES.

Within the Light Industrial Two Zone, the following uses are permitted:

- (A) Single-family dwellings;
- (B) Duplex dwellings;
- (C) Multi-family dwellings of three or more units per dwelling;
- (D) Hotels and motels;
- (E) On-site accessory structures; accessory dwelling units;
- (F) Clinics, hospitals with a maximum of 30 beds;
- (G) Home occupations as defined herein;
- (H) Town-owned and leased facilities;
- (I) Playgrounds;
- (J) Auditoriums or convention centers, assembly halls;
- (K) Places of worship, daycare centers, schools (public or private), libraries and buildings for nonprofit service organizations;
- (L) Banks, financial institutions, business or professional offices;
- (M) Theaters;
- (N) Retail business, including drug or grocery stores, hardware stores, electronic equipment, gift shops and clothing shops, automobile sales, service and repair, convenience store, taxicabs;
- (O) Restaurants, drive-ins and bakeries;
- (P) Places of business where service is rendered, including barber shops, beauty parlors, electronic repair shops, shoe repair shops, clothes tailor;
- (Q) Public or private parking lots;
- (R) Stores or shops for custom work or for producing products to be sold at retail on the premises;
- (S) Storage or bonded warehouses;
- (T) Storage yards for building materials, wood and stone;
- (U) Light manufacturing such as boat construction, cabinet work, stone and concrete works;

- (V) Machine or blacksmith shops;
- (W) Motor or freight terminals;
- (X) Storage of construction equipment;
- (Y) Swimming pools, tennis courts;
- (Z) Mobile home parks and trailer parks, mobile homes, trailers and other portable-type housing.
- (AA) Billiard parlors, video and amusement arcades;
- (BB) Bed and breakfasts (See § 153.312 for requirements); and
- (CC) Telecommunications towers.
- (DD) Shopping center/office complex.
- (EE) Internet and/or electronic gaming operations as defined in § 153.002 Definitions and regulated in § 153.314 Internet and/or Electronic Gaming Accessory Business Use.
- (FF) Cottage court. See § 153.310 for additional regulations.
- (GG) Cluster homes. See § 153.311 for additional regulations.

§ 153.210 SITE REQUIREMENTS.

- (A) Lot dimensions. All parcels shall have a minimum width of 50 feet.
- (B) Lot area.
 - (1) The minimum building site shall be 15,000 square feet.
 - (2) The minimum building site for a duplex shall be 15,000 square feet.
 - (3) Exempt recombination plats for lots platted prior to June 14, 1983 shall have a minimum lot size of 7,500 square feet.
- (C) Density.
 - (1) Multi-family dwelling, Cottage Court, and Cluster Homes. The maximum floor area ratio (FAR) shall be up to 0.50 with the following exception described in division (D) below.
 - (2) Hotel and motel: 36 units per acre.
- (D) *Exceptions*.
 - (1) Where a lot or parcel of land has an area of less than the above required minimum area and was of record on June 14, 1983, such lot may be occupied by one family, provided the minimum side, front and rear requirements are complied with as set forth in §153.211.

(2) Per division (C)(1) above, increase minimum side yard setbacks by two feet on each side, the FAR shall be up to 0.55.

(3) Per division (C)(1) above, increase minimum side yard buffer as set forth in §153.184 by two feet on each side and items in division (C) above the FAR shall be up to 0.60.

§ 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 in the Ocean Impact Residential and Commercial Zone. All parcels shall have a minimum width of 100 feet in the Light Industrial Two Zone.

(B) Lot area. The minimum building site shall be 20,000 square feet. The minimum building site shall be a minimum of 1 acre in the Light Industrial Two Zone.

(C) Size, height, and arrangement. Each detached single-family dwelling unit shall be designed and arranged for occupancy by one family and shall contain at least 500 square feet, but no more than 1,800 square feet of gross floor area. Each detached single-family dwelling unit shall be an independent dwelling unit. The development shall be limited to following size, height, and separation design regulations in the table below:

GFA in square feet (SF)	Height (as defined in this chapter)	30' or less	31'-38'	Greater than 38'
500-750 SF		10'	12'	14'
751-1000 SF		10'	14'	16'
1001-1500 SF		12'	16'	18'
1501-1800 SF		20'	20'	20'

(D) 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.

(E) Setbacks. In the Ocean Impact Residential Zone, the minimum front yard setback requirement shall be equal to the lot width not to exceed 100’.

§ 153.311 CLUSTER HOMES.

Cluster homes. In addition to the below specific standards, cluster homes 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 and Light Industrial Two 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 and Light Industrial Two Zone.

(C) *Size, height, and arrangement.* In all zoning districts except the Low Density Residential Zone, each detached single-family dwelling unit shall be designed and arranged for occupancy by one family and shall contain at least 500 square feet, but no more than 1,800 square feet of gross floor area. 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 as defined in 153.002 and shall contain at least 500 square feet but no more than 1,500 square feet of gross floor area. The development shall be limited to following size, height, and separation design regulations in the table below:

GFA in square feet (SF)	Height (as defined in this chapter)	30' or less	31'-38'	Greater than 38'
500-750 SF		10'	12'	14'
751-1000 SF		10'	14'	16'
1001-1500 SF		12'	16'	18'
1501-1800 SF		20'	20'	20'

(D) *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.

(E) *Setbacks.* In the Ocean Impact Residential Zone, the minimum front yard setback requirement shall be equal to the lot width not to exceed 100'.



Town of Kill Devil Hills Planning and Inspections
252-449-5318

NON-REFUNDABLE FEES

Date: 9/16/2025

- | | |
|--|---|
| <input type="checkbox"/> Board of Adjustments | <input type="checkbox"/> Exempt plat/Subdivision |
| <input type="checkbox"/> CAMA | <input type="checkbox"/> Fines and/or Re-Inspection Fee |
| <input type="checkbox"/> Copies | <input type="checkbox"/> Site Plan Review |
| <input checked="" type="checkbox"/> Text Amendment | <input type="checkbox"/> Permit Re-instatement |
| <input type="checkbox"/> Other: _____ | |

Amount: \$500.00

Received From: George E. Goodrich

Description: Town Code Amendment - 153.206 Light Industrial Two Zone (LI-2) Permitted Uses: Add Cluster Homes & Cottage Courts

Received by: Cameron Ray

PAID
SEP 17 2025
TOWN OF
KILL DEVIL HILLS



TOWN OF KILL DEVIL HILLS

Land Where Flight Began

Planning Board Report

N.C.G.S. 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.

N.C.G.S 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 or land-use 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 or land-use 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: Zoning Amendment Request — §153.206, 153.210, 153.310, and 153.311 — Allow Cottage Courts and Cluster Homes to be Permitted in the LI-2 Zone

Approval / Denial: The Planning Board finds that the Proposed Zoning Amendment is / is not consistent with the Town’s 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 ____ to ____, at its regularly called meeting on _____, 2025.

Attest:

Planning Board Chairperson

Clerk to Planning Board

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

Permit Services Administrator
MICHELLE NICHOLS

THE TOWN OF KILL DEVIL HILLS
NORTH CAROLINA

PLANNING DEPARTMENT

October 14, 2025

Memorandum

To: Planning Board

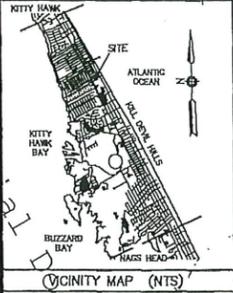
From: Cameron Ray, Assistant Planning Director 

Subject: Minor Subdivision Review – Fifth Street KDH, LLC — Proposed 13-Lot Minor Subdivision

A minor subdivision meeting the requirements of §152 *Subdivisions* is enclosed for the Fifth Street KDH, LLC, Cluster Homes Development, at 100 East Fifth Street in the Commercial Zone. The sketch plan and preliminary plat requirements have been waived and the technical review certified by the Planning Director consistent with §152.25. A minor subdivision requires approval by the Planning Board Chairperson prior to recordation.

This action will be recorded for compliance with 152.25 of the subdivision ordinance.

UNOFFICIAL DOCUMENT



- LEGEND: WITNESS POST, EX. 5/8" REBAR, 1/2" REBAR SET FLUSH, etc.

- GENERAL NOTES: 1. CURRENT OWNERS: FIFTH STREET KDH, LLC, A NORTH CAROLINA LIMITED LIABILITY COMPANY...

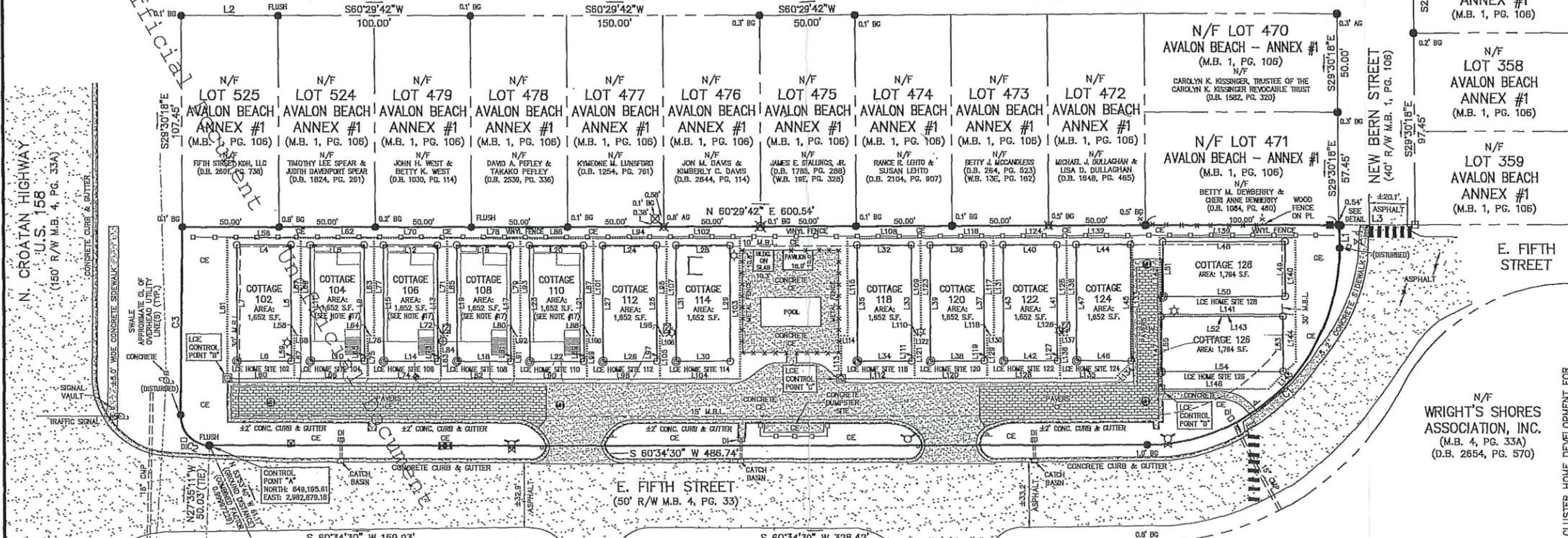


I, MASON RAY MEEKINS, P.L.S., CERTIFY TO ONE OF THE FOLLOWING AS CHECKED BELOW: A. THAT THE SURVEY CREATES A SUBDIVISION OF LAND...

BOOK PCK PAGE 117 (1)

LINE TABLE and CURVE TABLE with columns for LINE, LENGTH, BEARING, CURVE, RADIUS, DELTA, LENGTH, CHORD, CHD. BRG.

E. DURHAM STREET (40' R/W M.B. 1, PG. 106)



CERTIFICATE OF APPROVAL FOR RECORDING: I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION CODE OF THE TOWN OF KILL DEVIL HILLS...

STATE OF NORTH CAROLINA COUNTY OF DARE: James Deringer, REVIEW OFFICER OF DARE COUNTY...

LINE TABLE (UNITS) with columns for LINE, LENGTH, BEARING.

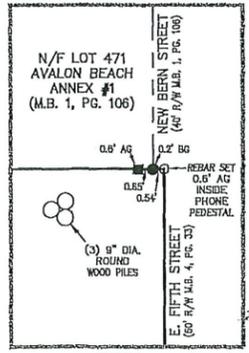
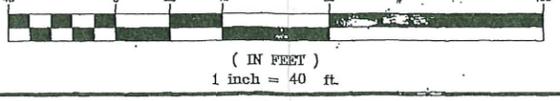
LINE TABLE (UNITS) with columns for LINE, LENGTH, BEARING.

LINE TABLE (CONTROL POINT "A" TO LCE CONTROL POINT) with columns for UNIT, LENGTH, BEARING.

OWNER CERTIFICATION: I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON... DATE: 08/05/2025



NORTH CAROLINA DARE COUNTY: I, James L. Brannon, a NOTARY PUBLIC FOR SAID COUNTY AND STATE, DO HEREBY CERTIFY THAT APPEARED BEFORE ME THIS DATE AND ACKNOWLEDGED THE DUE EXECUTION OF THE FOREGOING INSTRUMENT...



Vertical sidebar containing project information: FIFTH STREET KDH, LLC; FORMERLY A PORTION OF TRACT 4 - WRIGHT'S SHORES; KILL DEVIL HILLS - ATLANTIC TOWNSHIP - DARE COUNTY - NORTH CAROLINA; Seaboard Surveying & Planning, Inc. C-1536; FILE NO.: 2100003-SUB-REV-IMPROVEMENTS; SURVEYED: 08/17/21 CA; DRAWN: 02/28/24 TG; CHECKED: 02/28/24 MRN; SCALE: 1" = 40'; SHEET NO. 1 OF 1 SHEETS.