

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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December 13, 2021

Memorandum

To: Debbie Diaz, Town Manager

From: Cameron Ray, Assistant Planning Director 

Subject: Zoning Amendment Request - 153.210(C) Light Industrial Two Zone – Increase Floor Area Ratio for Multi Family Development

Attached is a Zoning Amendment request from Eddie Goodrich to amend Town Code section 153.210(C) and staff review comments. The amendment request is to 153.210(C) Light Industrial Two Zone (LI-2) site requirements to allow for multi-family dwelling development to use Floor Area Ratio (FAR) for density requirements similar to requirements in the Ocean Impact Residential Zone and Commercial Zone. The request is to allow a graduated (FAR) from 0.50 to 0.60. The base (FAR) would be .50, however, if the developer increased the side yard setbacks the (FAR) would be increased to a maximum of .55. Finally, in addition to increased setback, if the developer increases the side yard buffer by two feet the (FAR) would be a maximum of .60. Staff supports the change to Floor Area Ratio in the Light Industrial Two Zone (LI-2).

During Administrative review, Staff requested some revisions to original request and the applicant has provided in writing their consent to the changes (attached).

On November 16, 2021 the Planning Board recommended approval of the below attached amendment to 153.210(C):

LIGHT INDUSTRIAL TWO ZONE (LI-2)  
§ 153.210 SITE REQUIREMENTS.

(C) Density.

- (2) Multi-family dwelling: The maximum floor area ratio (FAR) shall be up to ~~0.40~~ 0.50 with the following exception described in division (E) below.

(E) Exceptions.

- (4) 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 single-family dwelling, provided the minimum side, front and rear requirements are complied with as set forth in § 153.101.
- (5) Per division (C)(1) above. increase minimum side yard setbacks by two feet on each side the FAR shall be up to 0.55; and
- (6) 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.

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:

**LIGHT INDUSTRIAL TWO ZONE (LI-2)**

**§ 153.210 SITE REQUIREMENTS.**

(C) Density.

(1) Multi-family dwelling: The maximum floor area ratio (FAR) shall be up to ~~0.40~~ 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; and

(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.

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



Kill Devil Hills  
Zoning Amendment Application  
Chapter 153 Zoning

Name of Applicant: Eddie Goodrich  
Address of Applicant: 801 Bermuda Bay Blvd, Kill Devil Hills, NC 27948  
Telephone Number: 252-475-0874

Agent for Applicant (if applicable): same

Agent Address: same

Telephone Number: same

I hereby request an amendment to the following specific section of the Zoning Ordinance: Light Industrial Two  
153.210 Site Requirements and 153.076 Off Street Parking and Loading

Proposed language for zoning amendment:

153.210 Site Requirements (c) 1 Multifamily - the maximum FAR shall be 0.60  
153.076 Off Street Parking and Loading (d) Table of Parking Requirements - add  
under Residential and related Dwellings and Multifamily Light Industrial II zone

Justification for Amendment: Housing year round

A \$250.00 non-refundable application fee is due and payable to the Town of Kill Devil Hills.

Signature of Applicant/Agent: George E. Goodrich

Date Received: <u>10/18/21</u>	Staff Only:	Town of Kill Devil Hills
Received by: <u>CR</u>		OCT 18 2021

Planning & Inspections Department

## Ray, Cameron

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**From:** Eddie Goodrich <EddieGoodrich@villagerealtyobx.com>  
**Sent:** Tuesday, October 26, 2021 4:18 PM  
**To:** Ray, Cameron  
**Cc:** 'Mike Robinson'; Kirk, Mike  
**Subject:** RE: Planning Board

Cameron,  
I'm OK with both text amendments and will see you tomorrow.  
Eddie

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**From:** Ray, Cameron <Cameron@kdhnc.com>  
**Sent:** Tuesday, October 26, 2021 4:04 PM  
**To:** Eddie Goodrich <EddieGoodrich@villagerealtyobx.com>  
**Subject:** RE: Planning Board

November 16, 2021 is the next Planning Board meeting.

Let me know your thoughts on the (2) potential text amendments so we can get them on the agenda.

Cameron Ray, CFM  
Assistant Planning Director  
PO Box 1719  
Kill Devil Hills, NC 27948  
252-449-5311 phone  
252-441-4102 fax  
[www.kdhnc.com](http://www.kdhnc.com)



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**From:** Eddie Goodrich [<mailto:EddieGoodrich@villagerealtyobx.com>]  
**Sent:** Tuesday, October 26, 2021 2:51 PM  
**To:** Ray, Cameron <Cameron@kdhnc.com>  
**Subject:** Planning Board

What is the meeting date?  
Eddie

## Ray, Cameron

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**From:** Ray, Cameron  
**Sent:** Wednesday, October 20, 2021 3:50 PM  
**To:** Guns, Meredith  
**Subject:** Zoning Amendment Ideas

Thoughts for the Zoning Amendment

### **LIGHT INDUSTRIAL TWO ZONE (LI-2)**

#### **§ 153.210 SITE REQUIREMENTS.**

(C) Density.

- (1) Multi-family dwelling: The maximum floor area ratio (FAR) shall be up to ~~0.40~~ 0.50 with the following exception described in division (E) below.

(E) 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 single-family dwelling, provided the minimum side, front and rear requirements are complied with as set forth in § 153.101.
- (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; and
- (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.

Cameron Ray, CFM  
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## 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—§153.210(C) Light Industrial Two Zone - Floor Area Ratio Increase

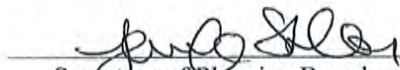
**Approval/Denial:** Planning Board finds that the Proposed Zoning Amendment §153.210(C) Light Industrial Two Zone - Floor Area Ratio Increase is/is not consistent with the adopted Land Use Plan.

**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 5 to 1, this the Sixteenth day of November, 2021.

Attest:

  
Planning Board Chairman

  
Secretary of Planning Board