

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

November 12, 2025

Memorandum

To: Debbie Diaz, Town Manager

From: Cameron Ray, Assistant Planning Director (R)

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.

On October 14, 2025 the Planning Board reviewed the attached 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 and recommend approval as presented. Staff recommends setting the required public hearing for December 08, 2025.



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:

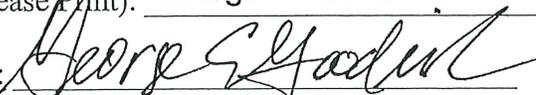
- 1.) A completed application
- 2.) One copy of the code in question (existing Kill Devil Hills Town Code)
- 3.) One copy of your proposed code amendment, with the proposed changes highlighted
- 4.) Application Fee, *which is nonrefundable*

*****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:  Date: 9-16-25

For Staff Use Only:

Fee Received by: 

Date: 9/16/25



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**



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)

§ 153.206 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

**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.](#)

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(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.

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

(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:

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

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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:

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 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'.

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



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 5 to 0, at its regularly called meeting on October 14, 2025.

Attest:



Planning Board Chairperson



Clerk to Planning Board