



MEMORANDUM

Town of Nags Head

Planning & Development Department

To: Planning Board

From: Kelly Wyatt, Planning Director
Joe Costello, Deputy Planning Director
Andy Garman, Town Manager

Date: August 15, 2024

Subject: Consideration of various amendments to the Unified Development Ordinance (UDO) as it pertains to the use of multi-family dwelling developments.

Last month staff discussed the draft multi-family housing ordinance with the Planning Board. The Planning Board mainly discussed two provisions of the draft ordinance. This included the parking standard and a provision that would limit the density of projects based on bedrooms per acre. The Planning Board requested that the parking standard be modified to 2.5 spaces per unit. The Planning Board also requested that staff propose a bedrooms per acre standard of between 25 to 30 bedrooms per acre. This range would be presented for discussion purposes.

The draft ordinance has been revised to include the aforementioned parking standard. It also includes a range of standards regulating bedrooms per acre. The analysis provided below compares the results of including an additional standard regulating bedrooms per acre at two different ranges vs. only regulating density using a floor area ratio.

5 Acres

- 217,800 square feet x 0.32 = 69,696.
- Let's say 60% of the units are going to be 2 bedrooms with min. unit size of 700 sf = area of 41,817 = 59 units (118 bedrooms).
- Remaining 27,878 sf to be 1 bedroom at 500 sf = 55 units (55 bedrooms).
- This equates to 114 units and 173 bedrooms, however the Working Group proposed cap at 75 units would apply.
- A maximum of 25 bedrooms per acre would allow 125 bedrooms.
- A maximum of 30 bedrooms per acre would allow 150 bedrooms.

4 Acres

- 174,240 square feet x 0.32 = 55,756.
- Let's say 60% of the units are going to be 2 bedrooms with min. unit size of 700 sf = area of 33,454 = 47 units (94 bedrooms).
- Remaining 22,302 sf to be 1 bedroom at 500 sf = 44 units (44 bedrooms).
- This equates to 91 units and 138 bedrooms, however the Working Group cap of 75 units would apply.
- A maximum of 25 bedrooms per acre would allow 100 bedrooms.
- A maximum of 30 bedrooms per acre would allow 120 bedrooms.

3 Acres

- 130,680 square feet x 0.32 = 41,817.
- Let's say 60% of the units are going to be 2 bedrooms with min unit size of 700 sf = area of 25,090 = 35 units (70 bedrooms)..
- Remaining 16,727 sf to be 1 bedroom at 500 sf = 33 units (33 bedrooms)
- This equates to 68 units and 103 bedrooms. Would comply with the Working Group recommended cap of 75. Would not comply with the Planning Board recommended cap of 60 units.
- A maximum of 25 bedrooms per acre would allow 75 bedrooms.
- A maximum of 30 bedrooms per acre would allow 90 bedrooms.

2 Acres

- 87,120 square feet x 0.32 = 27,878.
- Let's say 60% of the units are going to be 2 bedrooms with minimum unit size of 700 sf = area of 16,727 = 23 units (46 bedrooms).
- Remaining 11,151 sf to be 1 bedroom at 500 sf = 22 units (22 bedrooms).
- This equates to 45 units and 68 bedrooms. Would comply with the Working Group and Planning Board cap on units.
- A maximum of 25 bedrooms per acre would allow 50 bedrooms.
- A maximum of 30 bedrooms per acre would allow 60 bedrooms.

The Planning Board also requested a sketch of a large multi-family development to assist in developing a recommendation on the ordinance. Staff has provided the attached plan view sketch which shows a conceptual site plan on a 5.5-acre parcel based on the draft ordinance. This includes five separate buildings totaling 9,900 sq. ft. each, and 188 parking spaces. This is intended to assist the Planning Board with understanding how the ordinance would regulate density of a hypothetical multi-family project.

The Board of Commissioners has scheduled a public hearing on the multi-family ordinance for its September 4th meeting. The Planning Board should be prepared to make a recommendation at the upcoming meeting. Staff would suggest that the Planning Board make a recommendation on the ordinance developed by the Multi-Family Working Group and a separate recommendation if the Planning Board would like to modify the ordinance from what the Working Group proposed. The Multi-Family Working Group's Ordinance is included as Attachment 1. This ordinance has been revised in Attachment 2 based on the changes discussed at the Planning Board's last several meetings. Attachment 3 is the Multi-Family Ordinance the Planning Board recommended earlier this year. Attachment 4 is the sketch depicting the density of a hypothetical 5.5-acre multi-family site.

Proposed language that is unchanged is shown in regular black type.

PART I. Appendix A – Definitions

Dwelling, Multi-Family or Dwelling Unit, Multi-Family means a single-family dwelling unit located within a multi-family development.

Apartment or Apartment Style Design means a residential architectural and planning design characterized by single-family attached dwelling units constructed on multiple floors and separated by shared vertical walls and shared horizontal ceilings, floors, planes, or surfaces. For the purposes of this chapter, a series or group of **Apartment** units shall be considered a multi-family development.

Floor Area Ratio (FAR) means the quotient resulting from division of the gross floor area of all buildings on a lot by the area of the lot.

Townhouse or Townhouse Style Design means a residential architectural and planning design characterized by single-family attached dwelling units constructed in a series or group of units and separated by shared vertical walls. For the purposes of this chapter, a series or group of **Townhouse** units shall be considered a multi-family development.

Multi-Family Development means a development containing no less than three multi-family dwelling units and shall be characterized as either a large multi-family development or a small multi-family development.

Large Multi-Family Development means a development containing more than six multi-family dwelling units.

Small Multi-Family Development means a development containing no less than three multi-family dwelling units and no more than six multi-family dwelling units.

Long-term occupancy/tenancy means the occupancy of a single-family dwelling by an owner, tenant, or other lawful occupant for a period of ninety (90) consecutive calendar days or more.

Principal Place of Residence means the home or place in which one's habitation is fixed, and to which one has present intention of returning after a departure or absence therefrom.

Qualified Person means a person working/employed in Dare County, NC. A qualified person includes but is not limited to any person who has an internship with an employer if the employer's place of business is physically located in Dare County, NC, or a person who works remotely for an employer if the person's principal place of residence and the employer's place of business are both physically located in Dare County, NC.

Workforce Housing or **workforce housing unit** means the following:

- a. A dwelling unit which is occupied by at least one qualified person under a long- term occupancy/tenancy, and
- b. A dwelling unit which is the principal place of residence for at least one qualified person, and
- c. A dwelling unit which has been encumbered by the owner of the dwelling unit with recorded restriction covenants to ensure compliance with this definition and Section 7.5 of the Town Code. The recorded restrictive covenant shall expressly identify the Town as the sole beneficiary of the recorded restrictive covenant, which shall include the express power and authority of the Town to enforce the recorded restrictive both in law and in equity, including the use of judicial injunctive relief. The Town staff shall provide the owner with the exact wording of the restrictive covenant to be recorded by the owner with the Dare County Register of Deeds in order to satisfy this requirement, and Town staff shall verify such recordation. The recorded restrictive covenant shall appear in the recorded chain of title of the dwelling unit and in the case of a multi-family development, the recorded restrictive covenant shall also be contained in the multi-family development’s recorded declaration of covenants establishing the multi-family development.

Nothing in this definition shall preclude employers from purchasing workforce housing units to provide accommodation for their employees, provided the employees are qualified persons who occupy such workforce housing units within Dare County and the workforce housing unit is the employee’s principal place of residence, even if owned by the employer.

PART III. Section 7.5 Dwellings, Multi-Family shall be replaced in its entirety by the following:

Multi-family dwelling units are permitted in accordance with Section 6.6, Table of Uses and Activities, provided that the following additional requirements and conditions are met:

TABLE 7-1: REQUIREMENTS FOR MULTI-FAMILY DWELLINGS		
	Large Multi-Family C-2	Small Multi-Family C-2
Min. Lot Width for Multi-Family Site	150 feet	No minimum
Min. Site Area in Uplands	26,000 square feet	15,000 square feet
Location of Multi-Family Site	Properties with frontage on US Hwy 158 only.	On any lot meeting the minimum site area requirements.
Setbacks	All buildings shall be setback a minimum 35 feet to all property lines.	All buildings shall meet the minimum setbacks: Front: 30 feet Side: 12 feet or 15 feet for corner lots Rear: 20% lot depth not to exceed 30 feet.
Townhome orientation	No townhome structure established as part of a multi-family development shall be situated on a site so as to face/front the rear of another townhome structure within the development or on an adjoining property.	
Density/ Building Size	Floor Area Ratio: 0.32 square feet of gross floor area for each 1 square foot of lot area. Maximum gross floor area for a single building is 10,000 square feet. More than one building may be permitted on a site.	One (1) unit per every 4,000 square feet of lot area. Maximum building gross floor area is 5,000 square feet.
Maximum number of units	75 dwelling units	6 dwelling units.
Number of dwelling units per townhome structure	Maximum 6 dwelling units per structure.	No maximum.

TABLE 7-1: REQUIREMENTS FOR MULTI-FAMILY DWELLINGS		
	Large Multi-Family C-2	Small Multi-Family C-2
Height	Maximum of 35 feet, may be increased to 42 feet with the use of an 8:12 roof pitch or greater. Additionally, no building shall exceed three (3) habitable floors.	Maximum of 35 feet, may be increased to 42 feet with the use of an 8:12 roof pitch or greater. Additionally, no building shall exceed three (3) habitable floors.
Open Space	50% of side yards to remain as open space.	50% of side yards to remain as open space.
Lot Coverage	55%	55%
Parking	A minimum of 2 parking spaces for each dwelling unit plus 0.5 spaces for each additional bedroom over 2.	
Deed Restrictions	All multi-family dwelling units within a multi-family development shall be deed restricted for long-term occupancy/tenancy. No less than 60% of all units shall be deed restricted for workforce housing.	All multi-family dwelling units in a multi-family development shall be deed restricted for long term occupancy/tenancy and workforce housing.
Unit Sizes/ Categories	<p>Minimum Unit Sizes/Size Categories:</p> <ul style="list-style-type: none"> • Studio/One Bedroom 500 sq. ft. • Two Bedroom 700 sq. ft. • Three Bedroom 1,000 sq. ft. <p>Maximum unit size 1,750 sq. ft.</p>	
Mixture of Units	No more than 60% of the units shall be from any unit size category.	No requirement
Buffer	In addition to the buffering requirements included in the Commercial Design Standards, a minimum 10-foot-wide commercial transitional protective yard shall be provided consistent with Section 10.93.3.2 and	In addition to the buffering requirements included in the Commercial Design Standards, a 10-foot-wide commercial transitional protective yard shall be provided consistent with Section 10.93.3.2 of the UDO.

TABLE 7-1: REQUIREMENTS FOR MULTI-FAMILY DWELLINGS		
	Large Multi-Family C-2	Small Multi-Family C-2
	10.93.3.3 of the UDO.	
Architectural Design Requirements	<p>All multi-family dwelling buildings, regardless of size, shall go through the Sketch Plan process as outlined in Section 10.84 of the UDO.</p> <p>Multi-family dwelling buildings shall meet the requirements of Article 10, Part VI, Commercial Design Standards.</p>	<p>Buildings shall meet the design requirements for a large residential dwelling.</p> <p>Small multi-family structures shall be approved administratively.</p>
Building Separation	<p>20 feet; a sidewalk or boardwalk constructed to provide a grade separation from vehicular traffic of at least six inches shall connect all principal buildings on the site. Separate buildings shall be connected with pedestrian passageways that are striped when crossing traffic lanes.</p>	<p>Buildings shall be separated from one another by a minimum of ten feet, including projections. Separate buildings shall be connected with pedestrian passageways that are striped when crossing traffic lanes.</p>
Accessory Uses	<p>Management/sales office, not including a trailer, provided that the management office shall be included as a permanent structure in the project's design or may occupy one of the dwelling units.</p> <p>A management/sales office may include, within the particular project, spaces for maintaining supplies, service products and amenities to be used in connection with the units within the project. There shall be sanitary facilities available for customers and employees.</p> <p>Shed.</p>	<p>Shed.</p> <p>Pool (only one pool per development).</p> <p>Walls and Fences. Private Park/Playgrounds</p>

TABLE 7-1: REQUIREMENTS FOR MULTI-FAMILY DWELLINGS		
	Large Multi-Family C-2	Small Multi-Family C-2
	Pool (only one pool per development), Walls and Fences. Private Park/Playgrounds.	
Outdoor Amenity Area/Common Area	An area designated on the site plan for multi-family development as "common area" or as an area to be held in separate ownership for the use and benefit of residents occupying the dwelling units shown on such plan provided that it is conveniently accessible to all residents of the development.	

7.5.1. The multi-family development shall have a mandatory homeowners' or residents' association. At a minimum, the duties of such association are to ensure compliance with Section [7.5]. The obligation of an owner or lessee to join the association and to provide the information the owner or manager of a multi-family development must be expressed in a declaration of covenants that is recorded in the Dare County Registry and provided to the town prior to any residential occupancy. The developer of a multi-family development shall provide annually a certification to the town of the multi-family developments' compliance with the restrictive covenant and workforce housing occupancy requirements, using a required certificate of compliance form provided to the association by town staff upon request.

7.5.2 Any site improvements, including construction of additions of any size, accessory structures of any size, and landscaping and buffering projects, that occur following the original Board of Commissioners Special Use Approval of a Large Multi-family dwelling development or Administrative Approval of a Small Multi-family dwelling development shall be submitted for consideration by the UDO Administrator to determine whether additional stormwater management measures are necessary.

PART IV. That Section 10.93.3.3, High Impact Uses, be amended as follows:

10.93.3.3. High Impact Uses. High impact uses are particular uses of land, which are considered as a whole because of their peculiar or operational and physical characteristics are expected to have an adverse effect on adjoining or adjacent properties. High impact uses include, but are not limited to:

10.93.3.3.27. Large Multi-Family Dwelling Development.

**Town of Nags Head
Multi-Family Housing Working Group – Draft Multi-Family Ordinance**

ATTACHMENT 1

Section 6.6, Table of Permitted Uses and Activities:

	Use Category/Class	Use Type	Residential Districts			Commercial Districts					Special Districts				Overlay Districts			
			R-1	R-2	R-3	CR	C-1*	C-2	C-3	C-4	C-5	SPD-20	SED-80	SPD-C*	O&S	CO	HO	SRO
1	Residential	Dwelling, Large Residential	PR	PR	PR	PR		PR			PR	PR	PR		PR			PR
<u>1</u>	<u>Residential</u>	<u>Dwelling, Multi-Family (Small)</u>						<u>PR</u>										
<u>1</u>	<u>Residential</u>	<u>Dwelling, Multi-Family (Large)</u>						<u>SR</u>										
1	Residential	Dwelling, Single-Family (detached)	P	P	P	P	P	P		P	P	P	P		P			P
1	Residential	Dwelling, Two-Family		P	P	P	P	P		P	P							
<u>1</u>	<u>Residential</u>	<u>Townhouse</u>						<u>SR</u>				<u>SR</u>						

Proposed language that is unchanged is shown in regular black type.

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Floor Area Ratio (FAR) means the quotient resulting from division of the gross floor area of all buildings on a lot by the area of the lot.

Townhouse or Townhouse Style Design means a residential architectural and planning design characterized by single-family attached dwelling units constructed in a series or group of units and separated by shared vertical walls. For the purposes of this chapter, a series or group of **Townhouse** units shall be considered a multi-family development.

Multi-Family Development means a development containing no less than three multi-family dwelling units and shall be characterized as either a large multi-family development or a small multi-family development.

Large Multi-Family Development means a development containing more than six multi-family dwelling units.

Small Multi-Family Development means a development containing no less than three multi-family dwelling units and no more than six multi-family dwelling units.

Long-term occupancy/tenancy means the occupancy of a single-family dwelling by an owner, tenant, or other lawful occupant for a period of ninety (90) consecutive calendar days or more.

Principal Place of Residence means the home or place in which one's habitation is fixed, and to which one has present intention of returning after a departure or absence therefrom.

Qualified Person means a person working/employed in Dare County, NC. A qualified person includes but is not limited to any person who has an internship with an employer if the employer's place of business is physically located in Dare County, NC, or a person who works remotely for an employer if the person's principal place of residence and the employer's place of business are both physically located in Dare County, NC.

Workforce Housing or **workforce housing unit** means the following:

- a. A dwelling unit which is occupied by at least one qualified person under a long- term occupancy/tenancy, and
- b. A dwelling unit which is the principal place of residence for at least one qualified person, and
- c. A dwelling unit which has been encumbered by the owner of the dwelling unit with recorded restriction covenants to ensure compliance with this definition and Section 7.5 of the Town Code. The recorded restrictive covenant shall expressly identify the Town as the sole beneficiary of the recorded restrictive covenant, which shall include the express power and authority of the Town to enforce the recorded restrictive both in law and in equity, including the use of judicial injunctive relief. The Town staff shall provide the owner with the exact wording of the restrictive covenant to be recorded by the owner with the Dare County Register of Deeds in order to satisfy this requirement, and Town staff shall verify such recordation. The recorded restrictive covenant shall appear in the recorded chain of title of the dwelling unit and in the case of a multi-family development, the recorded restrictive covenant shall also be contained in the multi-family development’s recorded declaration of covenants establishing the multi-family development.

Nothing in this definition shall preclude employers from purchasing workforce housing units to provide accommodation for their employees, provided the employees are qualified persons who occupy such workforce housing units within Dare County and the workforce housing unit is the employee’s principal place of residence, even if owned by the employer.

PART III. Section 7.5 Dwellings, Multi-Family shall be replaced in its entirety by the following:

Multi-family dwelling units are permitted in accordance with Section 6.6, Table of Uses and Activities, provided that the following additional requirements and conditions are met:

TABLE 7-1: REQUIREMENTS FOR MULTI-FAMILY DWELLINGS		
	Large Multi-Family C-2	Small Multi-Family C-2
Min. Lot Width for Multi-Family Site	150 feet	No minimum
Min. Site Area in Uplands	26,000 square feet	15,000 square feet
Location of Multi-Family Site	Properties with frontage on US Hwy 158 only.	On any lot meeting the minimum site area requirements.
Setbacks	All buildings shall be setback a minimum 35 feet to all property lines.	All buildings shall meet the minimum setbacks: Front: 30 feet Side: 12 feet or 15 feet for corner lots Rear: 20% lot depth not to exceed 30 feet.
Townhome orientation	No townhome structure established as part of a multi-family development shall be situated on a site so as to face/front the rear of another townhome structure within the development or on an adjoining property.	
Density/ Building Size	Floor Area Ratio: 0.32 square feet of gross floor area for each 1 square foot of lot area. Maximum gross floor area for a single building is 10,000 square feet. More than one building may be permitted on a site.	One (1) unit per every 4,000 square feet of lot area. Maximum building gross floor area is 5,000 square feet.
Maximum Bedroom per Acre Standard	Total number of bedrooms within the development shall not exceed 25/30 per acre.	No maximum
Maximum number of units	75 dwelling units	6 dwelling units.

TABLE 7-1: REQUIREMENTS FOR MULTI-FAMILY DWELLINGS		
	Large Multi-Family C-2	Small Multi-Family C-2
Number of dwelling units per townhome structure	Maximum 6 dwelling units per structure.	No maximum.
Height	Maximum of 35 feet, may be increased to 42 feet with the use of an 8:12 roof pitch or greater. Additionally, no building shall exceed three (3) habitable floors.	Maximum of 35 feet, may be increased to 42 feet with the use of an 8:12 roof pitch or greater. Additionally, no building shall exceed three (3) habitable floors.
Open Space	50% of side yards to remain as open space.	50% of side yards to remain as open space.
Lot Coverage	55%	55%
Parking	A minimum of 2.5 parking spaces for each dwelling unit plus 1 space for every four units.	
Deed Restrictions	All multi-family dwelling units within a multi-family development shall be deed restricted for long-term occupancy/tenancy. No less than 60% of all units shall be deed restricted for workforce housing.	All multi-family dwelling units in a multi-family development shall be deed restricted for long term occupancy/tenancy and workforce housing.
Unit Sizes/ Categories	Minimum Unit Sizes/Size Categories: <ul style="list-style-type: none"> • Studio/One Bedroom 500 sq. ft. • Two Bedroom 700 sq. ft. • Three Bedroom 1,000 sq. ft. Maximum unit size 1,750 sq. ft.	
Mixture of Units	No more than 60% of the units shall be from any unit size category.	No requirement

TABLE 7-1: REQUIREMENTS FOR MULTI-FAMILY DWELLINGS		
	Large Multi-Family C-2	Small Multi-Family C-2
Buffer	In addition to the buffering requirements included in the Commercial Design Standards, a minimum 10-foot-wide commercial transitional protective yard shall be provided consistent with Section 10.93.3.2 and 10.93.3.3 of the UDO.	In addition to the buffering requirements included in the Commercial Design Standards, a 10-foot-wide commercial transitional protective yard shall be provided consistent with Section 10.93.3.2 of the UDO.
Architectural Design Requirements	All multi-family dwelling buildings, regardless of size, shall go through the Sketch Plan process as outlined in Section 10.84 of the UDO. Multi-family dwelling buildings shall meet the requirements of Article 10, Part VI, Commercial Design Standards.	Buildings shall meet the design requirements for a large residential dwelling. Small multi-family structures shall be approved administratively.
Building Separation	20 feet; a sidewalk or boardwalk constructed to provide a grade separation from vehicular traffic of at least six inches shall connect all principal buildings on the site. Separate buildings shall be connected with pedestrian passageways that are striped when crossing traffic lanes.	Buildings shall be separated from one another by a minimum of ten feet, including projections. Separate buildings shall be connected with pedestrian passageways that are striped when crossing traffic lanes.
Accessory Uses	Management/sales office, not including a trailer, provided that the management office shall be included as a permanent structure in the project's design or may occupy one of the dwelling units. A management/sales office may include, within the particular project, spaces for maintaining supplies, service products and amenities to be used in connection with the units within the project. There shall be sanitary facilities available for	Shed. Pool (only one pool per development). Walls and Fences. Private Park/Playgrounds

TABLE 7-1: REQUIREMENTS FOR MULTI-FAMILY DWELLINGS		
	Large Multi-Family C-2	Small Multi-Family C-2
	customers and employees. Shed. Pool (only one pool per development), Walls and Fences. Private Park/Playgrounds.	
Outdoor Amenity Area/Common Area	An area designated on the site plan for multi-family development as "common area" or as an area to be held in separate ownership for the use and benefit of residents occupying the dwelling units shown on such plan provided that it is conveniently accessible to all residents of the development.	

7.5.1. The multi-family development shall have a mandatory homeowners' or residents' association. At a minimum, the duties of such association are to ensure compliance with Section [7.5]. The obligation of an owner or lessee to join the association and to provide the information the owner or manager of a multi-family development must be expressed in a declaration of covenants that is recorded in the Dare County Registry and provided to the town prior to any residential occupancy. The developer of a multi-family development shall provide annually a certification to the town of the multi-family developments' compliance with the restrictive covenant and workforce housing occupancy requirements, using a required certificate of compliance form provided to the association by town staff upon request.

7.5.2 Any site improvements, including construction of additions of any size, accessory structures of any size, and landscaping and buffering projects, that occur following the original Board of Commissioners Special Use Approval of a Large Multi-family dwelling development or Administrative Approval of a Small Multi-family dwelling development shall be submitted for consideration by the UDO Administrator to determine whether additional stormwater management measures are necessary.

PART IV. That Section 10.93.3.3, High Impact Uses, be amended as follows:

10.93.3.3. High Impact Uses. High impact uses are particular uses of land, which are considered as a whole because of their peculiar or operational and physical

characteristics are expected to have an adverse effect on adjoining or adjacent properties. High impact uses include, but are not limited to:

10.93.3.3.27. Large Multi-Family Dwelling Development.

Section 6.6, Table of Permitted Uses and Activities:

	Use Category/Class	Use Type	Residential Districts			Commercial Districts					Special Districts				Overlay Districts			
			R-1	R-2	R-3	CR	C-1*	C-2	C-3	C-4	C-5	SPD-20	SED-80	SPD-C*	O&S	CO	HO	SRO
1	Residential	Dwelling, Large Residential	PR	PR	PR	PR		PR			PR	PR	PR		PR			PR
<u>1</u>	<u>Residential</u>	<u>Dwelling, Multi-Family (Small)</u>						<u>PR</u>										
<u>1</u>	<u>Residential</u>	<u>Dwelling, Multi-Family (Large)</u>						<u>SR</u>										
1	Residential	Dwelling, Single-Family (detached)	P	P	P	P	P	P		P	P	P	P		P			P
1	Residential	Dwelling, Two-Family		P	P	P	P	P		P	P							
<u>1</u>	<u>Residential</u>	<u>Townhouse</u>						<u>SR</u>				<u>SR</u>						

Attachment 2

PART II. That Section 6.6, Table of Permitted Uses and Activities be amended as follows:

	Use Category/Class	Use Type	Residential Districts			Commercial Districts						Special Districts				Overlay Districts		
			R-1	R-2	R-3	CR	C-1*	C-2	C-3	C-4	C-5	SPD-20	SED-80	SPD-C*	O&S	CO	HO	SRO
1	Residential	Dwelling, Large Residential	PR	PR	PR	PR		PR			PR	PR	PR		PR			PR
<u>1</u>	<u>Residential</u>	<u>Dwelling, Multi-Family (Small) Townhouse & Apartment Style Design</u>						PR										
<u>1</u>	<u>Residential</u>	<u>Dwelling, Multi-Family (Large) Townhouse Style Design Only</u>						SR										
1	Residential	Dwelling, Single-Family (detached)	P	P	P	P	P	P		P	P	P	P		P			P
1	Residential	Dwelling, Two-Family		P	P	P	P	P		P	P							
1	Residential	Townhouse						SR				SR						

ARTICLE III. Amendment of the Unified Development Ordinance.

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Townhouse or Townhouse Style Design means a residential architectural and planning design characterized by single-family attached dwelling units constructed in a series or group of units and separated by shared vertical walls. For the purposes of this chapter, a series or group of **Townhouse** units shall be considered a multi-family development.

Multi-Family Development means a development containing no less than three multi-family dwelling units and shall be characterized as either a large multi-family development or a small multi-family development.

Large Multi-Family Development means a development containing more than six multi-family dwelling units and less than sixty-one multi-family dwelling units.

Small Multi-Family Development means a development containing no less than three multi-family dwelling units and no more than six multi-family dwelling units.

Long-term occupancy/tenancy means the occupancy of a single-family dwelling by an owner, tenant, or other lawful occupant for a period of ninety (90) consecutive calendar days or more.

Principal Place of Residence means the home or place in which one’s habitation is fixed, and to which one has present intention of returning after a departure or absence therefrom.

Qualified Person means a person working/employed in Dare County, NC. A qualified person includes but is not limited to any person who has an internship with an employer if the employer’s place of business is physically located in Dare County, NC, or a person who works remotely for an employer if the person’s principal place of residence and the employer’s place of business are both physically located in Dare County, NC.

Workforce Housing or workforce housing unit means the following:

- a. A dwelling unit which is occupied by at least one qualified person under a long- term occupancy/tenancy, and
- b. A dwelling unit which is the principal place of residence for at least one qualified person, and
- c. A dwelling unit which has been encumbered by the owner of the dwelling unit with recorded restriction covenants to ensure compliance with this definition and Section 7.5 of the Town Code. The recorded restrictive covenant shall expressly identify the Town as the sole beneficiary of the recorded restrictive covenant, which shall include the express power and authority of the Town to enforce the recorded restrictive both in law and in equity, including the use of judicial injunctive relief. The Town staff shall provide the owner with the exact wording of the restrictive covenant to be recorded by the owner with the Dare County Register of Deeds in order to satisfy this requirement, and Town staff shall verify such recordation. The recorded restrictive covenant shall appear in the recorded chain of title of the dwelling unit and in the case of a multi-family development, the recorded restrictive covenant shall also be contained in the multi-family development's recorded declaration of covenants establishing the multi-family development.

Nothing in this definition shall preclude employers from purchasing workforce housing units to provide accommodation for their employees, provided the employees are qualified persons who occupy such workforce housing units within Dare County and the workforce housing unit is the employee's principal place of residence, even if owned by the employer.

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TABLE 7-1: REQUIREMENTS FOR MULTI-FAMILY DWELLINGS			
	Large Multi-Family C-2	Small Multi-Family C-2	C-1
<u>Min. Lot Width for Multi-Family Site</u>	150 feet	No minimum	
<u>Min. Site Area in Uplands</u>	26,000 square feet	16,000 square feet	
<u>Location of Multi-Family Site</u>	Properties with frontage on US Hwy 158 only.	Properties with frontage on US Hwy 158 only.	
<u>Setbacks</u>	All buildings shall be setback a minimum 35 feet to all property lines.	All buildings shall meet the minimum setbacks: Front: 30 feet Side: 12 feet or 15 feet for corner lots Rear: 20% lot depth not to exceed 30 feet.	
<u>Location of dwelling structure</u>	No dwelling structure established as part of a multi-family development shall be situated on a site so as to face/front the rear of another dwelling structure within the development or on an adjoining property.	No dwelling structure established as part of a multi-family development shall be situated on a site so as to face/front the rear of another dwelling structure within the development or on an adjoining property.	
<u>Density</u>	Minimum 26,000 square feet for first three units; 4,500 square feet of additional lot size for each additional unit	Minimum 16,000 square feet for the first three units; 3,500 square feet of additional lot size for each additional unit.	
<u>Maximum number of units</u>	60 dwelling units	6 dwelling units.	
<u>Number of dwelling units per townhome structure</u>	6 dwelling units.	No maximum.	

TABLE 7-1: REQUIREMENTS FOR MULTI-FAMILY DWELLINGS			
	Large Multi-Family C-2	Small Multi-Family C-2	C-1
<u>Height</u>	Maximum of 35 feet, may be increased to 42 feet with the use of an 8:12 roof pitch or greater. Additionally, no building shall exceed three (3) habitable floors.	Maximum of 35 feet, may be increased to 42 feet with the use of an 8:12 roof pitch or greater. Additionally, no building shall exceed three (3) habitable floors.	
<u>Open Space</u>	50% of side yards to remain as open space.	50% of side yards to remain as open space.	
<u>Lot Coverage</u>	55%	55%	
<u>Deed Restrictions</u>	All multi-family dwelling units within a multi-family development shall be deed restricted for long-term occupancy/tenancy. No less than 60% of all units shall be deed restricted for workforce housing.	All multi-family dwelling units in a multi-family development shall be deed restricted for long term occupancy/tenancy and workforce housing.	
<u>Unit Size</u>	Minimum 800 square feet. Maximum 1,750 square feet.	Minimum 800 square feet. Maximum 1,750 square feet.	
<u>Buffer</u>	In addition to the buffering requirements included in the Commercial Design Standards, a minimum 10-foot-wide commercial transitional protective yard shall be provided consistent with Section 10.93.3.2 and 10.93.3.3 of the UDO.	In addition to the buffering requirements included in the Commercial Design Standards, a 10-foot-wide commercial transitional protective yard shall be provided consistent with Section 10.93.3.2 of the UDO.	
<u>Architectural Design Requirements</u>	All multi-family dwelling buildings, regardless of size, shall go through the Sketch Plan process as outlined in Section 10.84 of the UDO. Multi-family dwelling buildings shall meet the requirements of Article 10, Part VI, Commercial Design Standards.	All multi-family dwelling buildings, regardless of size, shall go through the Sketch Plan process as outlined in Section 10.84 of the UDO. Multi-family dwelling buildings shall meet the requirements of Article 10, Part VI, Commercial Design Standards.	

TABLE 7-1: REQUIREMENTS FOR MULTI-FAMILY DWELLINGS			
	Large Multi-Family C-2	Small Multi-Family C-2	C-1
	<u>In addition, all multi-family dwelling buildings shall incorporate building design variations such as varying stories and habitable area.</u>	<u>In addition, all multi-family dwelling buildings shall incorporate building design variations such as varying stories and habitable area.</u>	
<u>Building Separation</u>	<u>40 feet; a sidewalk or boardwalk constructed to provide a grade separation from vehicular traffic of at least six inches shall connect all principal buildings on the site. Separate buildings shall be connected with pedestrian passageways that are striped when crossing traffic lanes.</u>	<u>Buildings shall be separated from one another by a minimum of ten feet, including projections. Separate buildings shall be connected with pedestrian passageways that are striped when crossing traffic lanes.</u>	
<u>Accessory Uses</u>	<p><u>Management/sales office, not including a trailer, provided that the management office shall be included as a permanent structure in the project's design or may occupy one of the dwelling units.</u></p> <p><u>A management/sales office may include, within the particular project, spaces for maintaining supplies, service products and amenities to be used in connection with the units within the project. There shall be sanitary facilities available for customers and employees.</u></p> <p><u>Shed.</u></p> <p><u>Pool (only one pool per development),</u></p> <p><u>Walls and Fences.</u></p> <p><u>Private Park/Playgrounds.</u></p>	<p><u>Shed.</u></p> <p><u>Pool (only one pool per development).</u></p> <p><u>Walls and Fences. Private Park/Playgrounds</u></p>	<u>Multi-family allowed as accessory mixed use only.</u>

TABLE 7-1: REQUIREMENTS FOR MULTI-FAMILY DWELLINGS			
	Large Multi-Family C-2	Small Multi-Family C-2	C-1
<u>Outdoor Amenity Area/Common Area</u>	An area designated on the site plan for multi-family development as "common area" or as an area to be held in separate ownership for the use and benefit of residents occupying the dwelling units shown on such plan provided that it is conveniently accessible to all residents of the development.		

7.5.1 The multi-family development shall have a mandatory homeowners' association, with one of its duties expressed in a recorded declaration of covenants being to ensure compliance with Section [7.5]. This includes a required annual certification to the town of the multi-family development's compliance with the restrictive covenant and workforce housing occupancy requirements, using a required certificate of compliance form provided to the association by town staff upon request.

7.5.2 Any site improvements, including construction of additions of any size, accessory structures of any size, and landscaping and buffering projects, that occur following the original Board of Commissioners Special Use Approval of a Multi-family dwelling development shall be submitted for consideration by the UDO Administrator to determine whether additional stormwater management measures are necessary.

PART IV. That Section 10.93.3.3, High Impact Uses, be amended as follows:

10.93.3.3. High Impact Uses. High impact uses are particular uses of land, which are considered as a whole because of their peculiar or operational and physical characteristics are expected to have an adverse effect on adjoining or adjacent properties. High impact uses include, but are not limited to:

10.93.3.3.27. Large Multi-Family Dwelling Development.

ARTICLE V. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. This ordinance shall be in full force and effect from and after the ____ day of _____, 2024.

Benjamin Cahoon, Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney

Date adopted: _____

Motion to adopt by Commissioner _____

Motion seconded by Commissioner _____

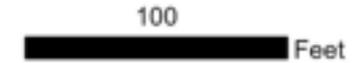
Vote: _____ AYES _____ NAYS

Attachment 3

PART II. That Section 6.6, Table of Permitted Uses and Activities be amended as follows:

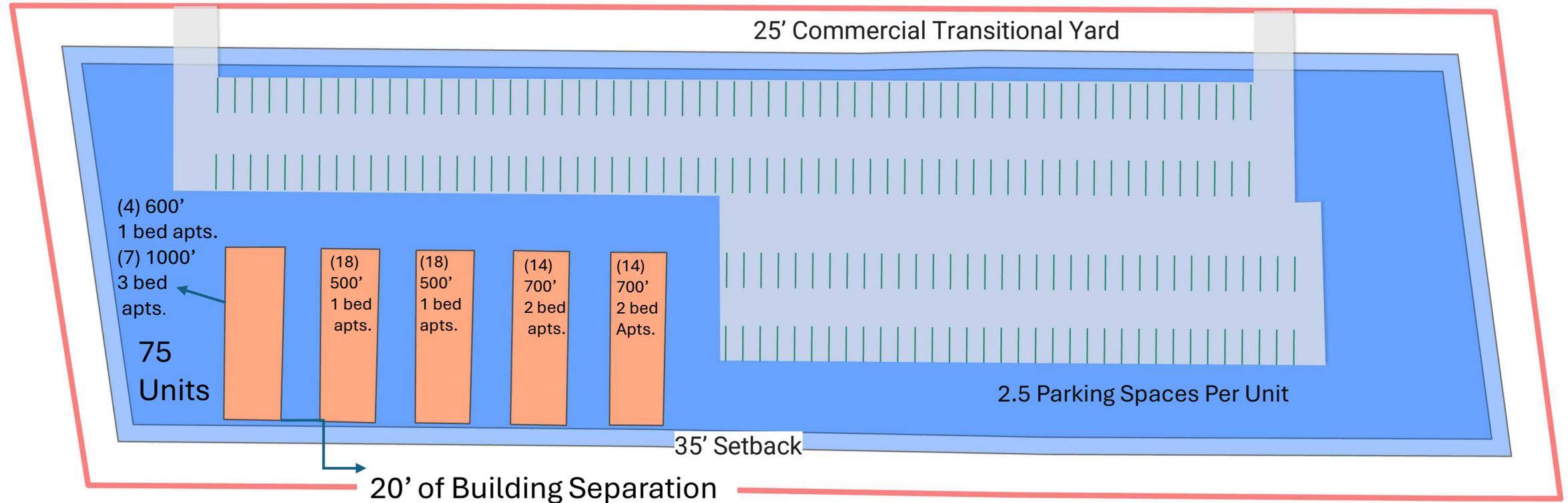
	Use Category/Class	Use Type	Residential Districts			Commercial Districts					Special Districts				Overlay Districts			
			R-1	R-2	R-3	CR	C-1*	C-2	C-3	C-4	C-5	SPD-20	SED-80	SPD-C*	O&S	CO	HO	SRO
1	Residential	Dwelling, Large Residential	PR	PR	PR	PR		PR			PR	PR	PR		PR			PR
<u>1</u>	<u>Residential</u>	<u>Dwelling, Multi-Family (Small) Townhouse & Apartment Style Design</u>						<u>SR</u>										
<u>1</u>	<u>Residential</u>	<u>Dwelling, Multi-Family (Large) Townhouse Style Design Only</u>						<u>SR</u>										
1	Residential	Dwelling, Single-Family (detached)	P	P	P	P	P	P		P	P	P	P		P			P
1	Residential	Dwelling, Two-Family		P	P	P	P	P		P	P							
1	Residential	Townhouse						SR				SR						

Working Group Massing Example



188 parking spaces
77,697 sq. ft. of parking and drive aisles
Lot Coverage 53%

33' x 100' (5) 3 story buildings = 9,900 sq. ft. buildings
FAR = .21



- Bird's Eye View
- Hypothetical
- 5.5 acre Lot
- 10,000 Sq. Ft Buildings Max
- 35' Setbacks
- .32 FAR Max
- 75 Units Max
- +1 per 4 units would require use of permeable pavers or other lot coverage reduction