

AN ORDINANCE AMENDING THE KITTY HAWK TOWN CODE

WHEREAS, Town Council has acknowledged the importance of wetlands; and

WHEREAS, the amendment will reduce density of new developments in certain scenarios; and

WHEREAS, the Town Council of Kitty Hawk has found this amendment to be consistent with the Town's adopted CAMA Land Use Plan.

BE IT ORDAINED by the Town Council of Kitty Hawk that Kitty Hawk Town Code be amended as follows:

42-1.- Definitions

Minimum lot size means the minimum lot area as required by the various zoning districts. Marsh and wetland areas, as determined by Federal, State, and Local Agency regulations, may not be used for the minimum lot size. All upland areas must be continuous, contiguous and connected to meet minimum lot size requirements except as provided by the various zoning districts.

BR-1; 42-247(d)1: The minimum lot size is 15,000 square feet of uplands. Marsh and wetland areas, as determined by Federal, State, and Local Agency regulations, and areas waterward of the oceanfront vegetation line, as determined by CAMA regulations, may not be used for the minimum lot size. All upland areas must be continuous, contiguous, and connected to meet the minimum lot size requirements, except that for lots comprising a minimum area of one and one-half (1½) acres, uplands shall not be required to be continuous, contiguous, and connected.

BR-2; 248(d) (1)The minimum lot size is as follows:

a. For single-family detached residences, a minimum lot size of 15,000 square feet of uplands. Marsh and wetland areas, as determined by Federal, State, and Local Agency regulations, and areas waterward of the oceanfront vegetation line, as determined by CAMA regulations, may not be used for the minimum lot size. All upland areas must be continuous, contiguous, and connected to meet the minimum lot size requirements, except that for lots comprising a minimum area of one and one-half (1½) acres, uplands shall not be required to be continuous, contiguous, and connected.

b. For duplexes, a minimum lot size of 25,000 square feet of uplands. Marsh and wetland areas, as determined by Federal, State and Local Agency regulations, and areas waterward of the oceanfront vegetation line, as determined by CAMA regulations, may not be used for the minimum lot size. All upland areas must be continuous, contiguous, and connected to meet the minimum lot size requirements, except that for lots comprising a minimum of two (2) acres, uplands shall not be required to be continuous, contiguous, and connected.

c. For multifamily dwellings, ~~for each acre or portion thereof~~, a minimum lot size of 15,000 square feet of uplands for the first dwelling unit and a minimum lot size of 9,520 square feet of uplands for each additional dwelling unit. Marsh and wetland areas, as determined by Federal, State and Local Agency regulations, and areas waterward of the oceanfront vegetation line, as determined by CAMA regulations, may not be used for the minimum lot size. All upland areas

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must be continuous, contiguous, and connected to meet the minimum lot size requirements, except that for lots comprising a minimum of one and one-half (1½) acres, uplands shall not be required to be continuous, contiguous, and connected.

BR-3; 42-249(d) (1) The minimum lot size is as follows:

a. For single-family detached residences, a minimum lot size of 15,000 square feet of uplands. Marsh and wetland areas, as determined by Federal, State, and Local Agency regulations, and areas waterward of the oceanfront vegetation line, as determined by CAMA regulations, may not be used for the minimum lot size. All upland areas must be continuous, contiguous, and connected to meet the minimum lot size requirements, except that for lots comprising a minimum area of one and one-half (1½) acres, uplands shall not be required to be continuous, contiguous, and connected.

b. For duplexes, a minimum lot size of 25,000 square feet of uplands. All upland areas must be continuous, contiguous, and connected to meet the minimum lot size requirements, except that for lots comprising a minimum of two (2) acres, uplands shall not be required to be continuous, contiguous, and connected.

c. For multifamily dwellings, a minimum lot size of 15,000 square feet of uplands for the first dwelling unit and a minimum lot size of 9,520 square feet of uplands for each additional dwelling unit. Marsh and wetland areas, as determined by Federal, State and Local Agency regulations, and areas waterward of the oceanfront vegetation line, as determined by CAMA regulations, may not be used for the minimum lot size. All upland areas must be continuous, contiguous, and connected to meet the minimum lot size requirements, except that for lots comprising a minimum of one and one-half (1½) acres, uplands shall not be required to be continuous, contiguous, and connected.

VR-1; 42-273(d) The minimum lot size is 15,000 square feet of uplands. Marsh and wetland areas, as determined by Federal, State, and Local Agency regulations, may not be used for the minimum lot size. All upland areas must be continuous, contiguous, and connected to meet the minimum lot size requirements, except that for lots comprising a minimum area of one and one-half (1½) acres, uplands shall not be required to be continuous, contiguous, and connected.

VR-2; 42-274(d) (1) The minimum lot size is as follows:

a. For single-family detached residences, a minimum lot size of 15,000 square feet of uplands. Marsh and wetland areas, as determined by Federal, State, and Local Agency regulations, may not be used for the minimum lot size. All upland areas must be continuous, contiguous, and connected to meet the minimum lot size requirements, except that for lots comprising a minimum area of one and one-half (1½) acres, uplands shall not be required to be continuous, contiguous, and connected.

b. For duplexes, a minimum lot size of 25,000 square feet ~~for each acre~~ of uplands. All upland areas must be continuous, contiguous, and connected to meet the minimum lot size requirements, except that for lots comprising a minimum of two (2) acres, uplands shall not be required to be continuous, contiguous, and connected.

c. For multifamily dwellings, ~~for each acre~~, a minimum lot size of 15,000 square feet of uplands for the first dwelling unit and a minimum lot size of 9,520 square feet of uplands for each additional dwelling unit. Marsh and wetland areas, as determined by Federal, State and Local

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Agency regulations, and areas waterward of the oceanfront vegetation line, as determined by CAMA regulations, may not be used for the minimum lot size. All upland areas must be continuous, contiguous, and connected to meet the minimum lot size requirements, except that for lots comprising a minimum of one and one-half (1½) acres, uplands shall not be required to be continuous, contiguous, and connected.

VR-3; 42-275(d) (1)The minimum lot size is as follows:

- a. For single-family detached residences, a minimum lot size of 15,000 square feet of uplands. Marsh and wetland areas, as determined by Federal, State, and Local Agency regulations, may not be used for the minimum lot size. All upland areas must be continuous, contiguous, and connected to meet the minimum lot size requirements, except that for lots comprising a minimum area of one and one-half (1½) acres, uplands shall not be required to be continuous, contiguous, and connected.
- b. For duplexes, a minimum lot size of 25,000 square feet ~~for each acre~~ of uplands. All upland areas must be continuous, contiguous, and connected to meet the minimum lot size requirements, except that for lots comprising a minimum of two (2) acres, uplands shall not be required to be continuous, contiguous, and connected.
- c. For multifamily dwellings, ~~for each acre~~, a minimum lot size of 15,000 square feet of uplands for the first dwelling unit and a minimum lot size of 9,520 square feet of uplands for each additional dwelling unit. Marsh and wetland areas, as determined by Federal, State and Local Agency regulations, and areas waterward of the oceanfront vegetation line, as determined by CAMA regulations, may not be used for the minimum lot size. All upland areas must be continuous, contiguous, and connected to meet the minimum lot size requirements, except that for lots comprising a minimum of one and one-half (1½) acres, uplands shall not be required to be continuous, contiguous, and connected.

This ordinance amending the Kitty Hawk Town Code shall take effect the 1st day of July, 2024. Passed and adopted at a regular meeting held by the Town Council of Kitty Hawk the 1st day of July, 2024, with a 3-2 approval vote.

D. Craig Davis

Mayor

ATTEST:
Lauren Bennett

Town Clerk



APPROVED AS TO FORM:

[Signature]

Town Attorney

The undersigned certifies that the foregoing official ordinance designated ORDINANCE AMENDMENT OF THE TOWN CODE OF KITTY HAWK, NORTH CAROLINA was filed in

AN ORDINANCE AMENDING THE KITTY HAWK TOWN CODE
the Kitty Hawk Ordinance Book on the 2nd day of August, 2024, at 10 o'clock
am.

Lauren Smith
Town Clerk