

**TOWN OF KURE BEACH**  
**ORDINANCE MODIFICATION TO REQUIRED LOT AREA**

**NOW THEREFORE**, be it ordained by the Council of the Town of Kure Beach, in the State of North Carolina, as follows:

**SECTION 1:**        **ADOPTION** “15.38.030 Modification To Required Lot Area And Required Yards/Setbacks” of the Town of Kure Beach Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

15.38.030 Modification To Required Lot Area And Required Yards/Setbacks (Non-existent)

AFTER ADOPTION

15.38.030 Modification To Required Lot Area And Required Yards/Setbacks(*Added*)

The following requirements are for lots having less than the required minimum area located in the Residential Districts only (RA-1, RA-1A, RA-2, RA-2A, RA-2T, RA-3, RA-3A, RA-4):

- A. A dwelling may be erected on a lot or plot having less than the required minimum area and width.
- B. The following modification to required yards/setbacks shall apply in this case:
  - 1. Front yards/setbacks shall not be modified.
  - 2. Rear yards/setbacks shall not be modified.
  - 3. The required side yard/setback on every lot having less than forty (40) feet Lot Width may be reduced by one half foot for each foot said lot is less than forty (40) feet in width, provided further, however, that no side yard/setback in this case shall be less than three (3) feet in width.

**SECTION 2:**        **AMENDMENT** “15.10.040 Modification To Required Lot Area And Required Yards/Setbacks” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

15.10.040 Modification To Required Lot Area And Required Yards/Setbacks

A dwelling may be erected on a lot or plot having less than the minimum area and width in KBC 15.10.030, provided the same existed under one (1) ownership, to include heirs at law or legislators, by virtue of a recorded plat or deed recorded in the office of the register of deeds of New Hanover County prior to the original passage of this requirement. The following modification to required lot area and required yards/setbacks shall apply in this case:

- A. Required lot area shall be five thousand (5,000) square feet.
- B. No modification shall be allowed in front yards/setbacks.
- C. Side yards/setbacks shall not be reduced to less than five (5) feet on each side and the total width of the two (2) side yards/setbacks shall not be less than ten (10) feet.
- D. Rear yards/setbacks shall not be reduced to less than ten (10) feet.
- E. Corner lot side yard/setback shall not be allowed to reduce the buildable width of the main building to less than twenty (20) feet.

(Ord. of 2-20-18)

#### AFTER AMENDMENT

#### 15.10.040 ~~Modification To Required Lot Area And Required Yards/Setbacks~~ Reserved

~~A dwelling may be erected on a lot or plot having less than the minimum area and width in KBC 15.10.030, provided the same existed under one (1) ownership, to include heirs at law or legislators, by virtue of a recorded plat or deed recorded in the office of the register of deeds of New Hanover County prior to the original passage of this requirement. The following modification to required lot area and required yards/setbacks shall apply in this case: Required lot area shall be five thousand (5,000) square feet. No modification shall be allowed in front yards/setbacks. Side yards/setbacks shall not be reduced to less than five (5) feet on each side and the total width of the two (2) side yards/setbacks shall not be less than ten (10) feet. Rear yards/setbacks shall not be reduced to less than ten (10) feet. Corner lot side yard/setback shall not be allowed to reduce the buildable width of the main building to less than twenty (20) feet.~~  
(Ord. of 2-20-18)

**SECTION 3:            AMENDMENT** “15.20.040 Modification To Required Lot Area And Required Yards/Setbacks” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

#### BEFORE AMENDMENT

#### 15.20.040 Modification To Required Lot Area And Required Yards/Setbacks

The following requirements are for lots having less than the required minimum area:

- A. A dwelling may be erected on a lot or plot having less than the required minimum area and width provided the same existed under one (1) ownership, this to include heirs at law or legators, by virtue of a recorded plot or deed recorded in the office of the

register of deeds of New Hanover County prior to the original passage of this requirement.

- B. The following modification to required yards/setbacks shall apply in this case:
1. Front yards/setbacks shall not be modified.
  2. The required side yard/setback on every lot having less than thirty-eight (38) feet frontage may be reduced by one half foot for each foot said lot is less than forty (40) feet in width, provided further, however, that no side yard/setback in this case shall be less than three (3) feet in width.
  3. The side yard/setback on the street side of a reversed corner lot shall have a width not less than fifty (50) percent of the front yard/setback required on lots in the rear of such a reversed corner lot. The modifications provided for in this subparagraph shall not have the effect of reducing the buildable width of the main building, to less than twenty-six (26) feet or for accessory buildings to less than twenty (20) feet on any lot of record at the time of the adoption of this modification in January, 1961.

(Ord. of 2-20-18)

#### AFTER AMENDMENT

##### 15.20.040 ~~Modification To Required Lot Area And Required Yards/Setbacks~~ Reserved

~~The following requirements are for lots having less than the required minimum area: A dwelling may be erected on a lot or plot having less than the required minimum area and width provided the same existed under one (1) ownership, this to include heirs at law or legators, by virtue of a recorded plot or deed recorded in the office of the register of deeds of New Hanover County prior to the original passage of this requirement. The following modification to required yards/setbacks shall apply in this case: Front yards/setbacks shall not be modified. The required side yard/setback on every lot having less than thirty-eight (38) feet frontage may be reduced by one half foot for each foot said lot is less than forty (40) feet in width, provided further, however, that no side yard/setback in this case shall be less than three (3) feet in width. The side yard/setback on the street side of a reversed corner lot shall have a width not less than fifty (50) percent of the front yard/setback required on lots in the rear of such a reversed corner lot. The modifications provided for in this subparagraph shall not have the effect of reducing the buildable width of the main building, to less than twenty-six (26) feet or for accessory buildings to less than twenty (20) feet on any lot of record at the time of the adoption of this modification in January, 1961. (Ord. of 2-20-18)~~

PASSED AND ADOPTED BY THE TOWN OF KURE BEACH COUNCIL FEBRUARY 19, 2024.

	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Commissioner John Ellen	<u>X</u>	_____	_____	_____
Commissioner Connie Mearkle	<u>X</u>	_____	_____	_____
Commissioner David Heglar	<u>X</u>	_____	_____	_____
Commissioner Dennis Panicali	<u>X</u>	_____	_____	_____
Mayor Allen Oliver	<u>X</u>	_____	_____	_____

Presiding Officer

Attest



Allen Oliver, Mayor, Town of Kure Beach



Beth Chase, Town Clerk, Town of Kure Beach

