



Nice Matters!

Town of Emerald Isle  
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AMENDING CHAPTER 4 - USE REGULATIONS – AND CHAPTER 10 – DEFINITIONS AND RULES OF INTEPRETATION - OF THE UNIFIED DEVELOPMENT ORDINANCE REGARDING INCIDENTAL OUTDOOR ENTERTAINMENT

WHEREAS, the Town's Unified Development Ordinance (UDO) does not currently list Incidental Outdoor Entertainment as a permitted use, and

WHEREAS, this type of entertainment is a common secondary occurrence associated with restaurants and/or bars/lounges, and

WHEREAS, this amenity could enhance the opportunities available to Town residents and guests, and

WHEREAS, the Town has been approached by several businesses inquiring about such outdoor entertainment, and

WHEREAS, the Town now desires to amend the Unified Development Ordinance in order to add Incidental Outdoor Entertainment as a permitted use in the Government, Camp, Business, Village East, and Village West Zoning Districts,

NOW, THEREFORE, BE IT RESOLVED by the Emerald Isle Board of Commissioners that

- 1. Chapter 4, "Use Regulations" of the Unified Development Ordinance is hereby amended as follows:

Amend Chapter 4, Table 4.1.2 to add the new use Incidental Outdoor Entertainment and place a (P) for permitted use under the Government, Camp, Business, Village East, and Village West columns:

	G	C	B	VE	VW
Incidental Outdoor Entertainment	P	P	P	P	P

Amend Chapter 4, Section 4.2, Use-Specific Standards to add use standards for Incidental Outdoor Entertainment:

4.2.13 – Incidental Outdoor Entertainment

An application for a zoning permit for incidental outdoor entertainment shall comply with the following additional requirements:

- (1) The application must be accompanied by a site layout showing the maximum occupancy of the facility, the dimensions of the property, the location of the entertainment area and how the area is proposed to be partitioned, the location and size of any stage, the location and dimensions of the dance area, proposed seating arrangements for customers and participants, and the means of ingress and egress to the outdoor entertainment area.
- (2) If night activities are proposed, a lighting plan must be submitted showing the location of exterior lights, wattage, direction of illumination, and methods of shielding lighting from adjacent areas.
- (3) Information concerning the type and manner of amplification of music and sound, and the audible range of the music and the sound shall be included. Methods to minimize the migration of music and sound to nearby properties shall be identified.

- (4) The entertainment shall be provided for those patrons of the business conducting said activity.
- (5) The frequency and hours of incidental outdoor entertainment shall comply with the Town's noise ordinance requirements.

2. Chapter 10, "Definitions and Rules of Interpretation", Section 10.2 Definitions of the Unified Development Ordinance is hereby amended as follows:

**Amend Chapter 10, Section 10.2 to add the definition Incidental Outdoor Entertainment:**

**Incidental Outdoor Entertainment**

Shall include music, dance, drama, or similar artistic programs that is clearly incidental and secondary to the primary commercial use of the property, does not change the primary commercial property use, and meets all applicable requirements of this ordinance.

- 3. The Board of Commissioners has determined that the above amendments are consistent with the Town of Emerald Isle's 2004 CAMA Land Use Plan, as amended.
- 4. The Board of Commissioners has determined that the above amendments are both reasonable and in the public interest for the following reasons:
  - supports the efforts of the local businesses of Emerald Isle, and
  - enhances the entertainment opportunities available to residents and visitors of Emerald Isle.
- 5. The Town Clerk is authorized to amend the sections as set forth above.
- 6. This ordinance shall become effective immediately upon its adoption. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Adopted this the 14th day of June, 2016, by a vote of  
 Commissioner(s) Dooly, Finch, Messer, Normile, Wright voting for,  
 Commissioner(s) \_\_\_\_\_ voting against, and  
 Commissioner(s) \_\_\_\_\_ absent.

Eddie Barber  
 Eddie Barber, Mayor

ATTEST:  
Rhonda Ferebee  
 Rhonda Ferebee, Town Clerk

