



Nice Matters!

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ORDINANCE AMENDING CHAPTER 5 –
DENSITY, INTENSITY, AND DIMENSIONAL STANDARDS –
OF THE UNIFIED DEVELOPMENT ORDINANCE
REGARDING SETBACKS IN THE BUSINESS ZONING DISTRICT

WHEREAS, the Town’s Unified Development Ordinance (UDO) currently requires a 40 feet front, 30 feet side street, and 40 feet double frontage / through lot setback in the Business zoning district, and

WHEREAS, the application of the current setbacks results in commercial buildings located further from the street, encourages parking areas in the front of commercial buildings, is less bicycle and pedestrian friendly, and potentially places commercial buildings closer to adjacent residential properties, and

WHEREAS, the Town is seeking to promote the location of commercial buildings closer to the street in the Business zoning district, thereby promoting rear and/or side parking, and promoting a more traditional “downtown” design for the Town’s commercial areas, and

WHEREAS, the front, side street, and double frontage / through lot setbacks in the Village East, Village West, and Marina Village zoning districts are 10 feet, and the Town seeks to reduce the street setbacks in the Business zoning district to 10 feet also, and

WHEREAS, the UDO also includes a provision whereby certain commercial buildings may utilize a 5 feet front setback from NC 58, and the Town seeks to establish consistency in the Business zoning district, and

WHEREAS, the Town now desires to amend Chapter 5 – Density, Intensity and Dimensional Standards – of the Unified Development Ordinance (UDO) in order to reduce setbacks in the Business zoning district,

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

- 1. Chapter 5, “Density, Intensity, and Dimensional Standards”, Table 5.1 of the Unified Development Ordinance is hereby amended to read as follows:

Amend Chapter 5, Table 5.1 to reduce the setback requirements in the Business zoning district column:

Table with 2 columns: Minimum Front Building Setback (feet) and B (Business). Rows include Front street ROW (40' 10'), Side street ROW (30' 10'), and Through / double frontage lots (each frontage) (40' 10').

- 2. Chapter 5, “Density, Intensity, and Dimensional Standards”, Table 5.1, “Notes”, of the Unified Development Ordinance is hereby amended to read as follows:

Amend Chapter 5, Table 5.1, Note 4 as follows:

Notes:

4. In the B, G, C, VE, VW, VE-C, VW-C, MV and MV-C zoning districts, every building or property in these districts that has Highway NC 58 (Emerald Drive) as an its adjoining side street shall also be set back an additional ~~have a five foot side setback along Highway 58 (Emerald Drive), plus~~ ten (10) feet from NC 58 (Emerald Drive) for each additional story over two (2) stories.
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:
1. The amendment encourages and supports development in the Business zoning district by providing greater flexibility,
  2. The amendment promotes a more traditional "downtown" feel by allowing buildings closer to the street in the Business zoning district,
  3. The amendment promotes a small-town atmosphere, and
  4. The amendment promotes a more bicycle and pedestrian-friendly community design.
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 \_\_\_\_\_ day of \_\_\_\_\_, 2016, by a vote of  
 Commissioner(s) \_\_\_\_\_ voting for,  
 Commissioner(s) \_\_\_\_\_ voting against, and  
 Commissioner(s) \_\_\_\_\_ absent.

\_\_\_\_\_  
 Eddie Barber, Mayor

ATTEST:

\_\_\_\_\_  
 Rhonda Ferebee, Town Clerk