



Nice Matters!

**Emerald Isle
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ORDINANCE AMENDING CHAPTER 6 – DEVELOPMENT STANDARDS – OF THE UNIFIED DEVELOPMENT REGARDING EXTERIOR COLORS FOR COMMERCIAL BUILDINGS

WHEREAS, the Town’s Unified Development Ordinance (UDO) currently contains regulations for permitted exterior colors of commercial structures, and

WHEREAS, the current language states proposed exterior structure colors for facades and walls shall be of low reflectance, subtle, neutral or earth tone colors, and

WHEREAS, the Town now desires to amend Chapter 6 of the Unified Development Ordinance (UDO) in order to provide greater flexibility in color choice for commercial structures that meet certain criteria,

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

1. Chapter 6, “Development Standards”, Section 6.1.3 (2) of the Unified Development Ordinance is hereby amended to read as follows:

Amend Chapter 6, Section 6.1.3 (2) Permitted Exterior Colors to read as follows:

- (2) The proposed exterior structure colors for facades and walls shall be of low reflectance, subtle, neutral, or earth tone colors. Building trim and accent areas may feature brighter colors as approved by the Planning Director. Colors for new construction will be approved by the Board of Commissioners as part of the commercial review process. For existing buildings, exterior commercial colors must be approved by the Town prior to the painting or repainting of any commercial structure. The colors to be used for the repainting of existing structures may be approved by the Planning Director based on the criteria and intent stated in this section 6.1.3. The Planning Director may request review of the colors by the Planning Board and approval by the Board of Commissioners if doing so is in the interest of maintaining a family beach image.
 - (a) A request can be made for an exterior color that is not of low reflectance, subtle, neutral or earth tone. A request should meet one of the following two criteria: the business in that structure is a national chain or franchise that requires a certain color, or the name, product or service of the business denotes something other than low reflectance, subtle, neutral or earth tone color. Applicant shall have the burden of proving to the reasonable satisfaction of the Town that the exterior color falls under or meets one of the two criteria, and that granting approval is necessary or furthers a legitimate business interest of the applicant. A request for a color other than a one of low reflectance, subtle, neutral or earth tone, without meeting one of the two criteria shall result in denial.
 - (b) The applicant may be requested to create a panel of desired color or colors for the Planning Director, Planning Board, and Board of Commissioners to better visualize the ordinance compatibility

2. The Board of Commissioners has determined that the above subject amendment is consistent with the Town of Emerald Isle's 2004 CAMA Land Use Plan, as amended.
3. The Board of Commissioners has determined that the above subject amendment is both reasonable and in the public interest for the following reason:
 - continues to maintain the family beach atmosphere, and
 - is consistent with the adopted policies of the Town.
4. The Town Clerk is authorized to amend the sections as set forth above.
5. 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 _____, 2015, by a vote of
 Commissioner(s) _____ voting for,
 Commissioner(s) _____ voting against, and
 Commissioner(s) _____ absent.

 Eddie Barber, Mayor

ATTEST:

 Rhonda Ferebee, CMC, Town Clerk