20-03.10/01

EMERALD ISLE
NORTH CAROLINA

Nice Matters!

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Mayor
Eddie Barber

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Floyd Messer, Jr.

Board of Commissioners
Candace Dooley
Steve Finch
Jim Normile
Mark Taylor

Town Manager
Matt Zapp
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ORDINANCE AMENDING CHAPTER 5 – DENSITY, INTENSITY AND DIMENSIONAL TABLE – OF THE UNIFIED DEVLOPMENT ORDINANCE TO REMOVE THE MINIMUM DWELLING SIZE (HEATED SQUARE FEET)

WHEREAS, the Town's Unified Development Ordinance (UDO) currently requires a single family dwelling to be a minimum of one thousand square feet in the R2 and RMF Zoning Districts, and

WHEREAS, the UDO also requires a duplex dwelling to be a minimum of seven hundred fifty square feet in the R2 and RMF Zoning Districts, and

WHEREAS, S.L. 2019-174 (H.B. 675) now prohibits city and county zoning ordinances from including a minimum square footage for any structure subject to the State Building Code for one and two-family residential dwellings, and

WHEREAS, these provisions became effective on July 26, 2019 because small (tiny) houses are increasingly being proposed in North Carolina, and

WHEREAS, these provisions became law in an effort to forestall any prohibition movement of these type structures, and

WHEREAS, the Town now desires to amend Section 5.1: Table of Dimensional Standards of Chapter 5 Density, Intensity and Dimensional Standards to remove the minimum dwelling unit size (heated square feet) requirement for single family and duplex dwelling units in the R2 and RMF Zoning Districts, and

WHEREAS, the Planning Board unanimously recommends approval of the amendment to comply with S.L 2019-147 (H.B. 675),

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

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

   Amend Chapter 5 Density, Intensity and Dimensional Standards, 5.1 – Table of Dimensional Standards as follows to remove the minimum dwelling unit size:

	R2	RMF
Minimum Dwelling Unit Size (heated Square feet)		
Single family Dwellings	~~1000~~	~~1000~~
Duplex Dwellings	~~750~~	~~750~~

2. The Board of Commissioners has determined that the above amendments are consistent with the Town of Emerald Isle's 2017 CAMA Landuse Plan, as amended.

3. The Board of Commissioners has determined that the above amendments are both reasonable and in the public interest for the following reasons:

   - Is necessary to ensure compliance with recently adoption State Legislation, and

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 10th day of March, 2020, by a vote of

Commissioner(s) Dooley, Finch, Messer, Normile, Taylor voting for,

Commissioner(s) _____ voting against, and

Commissioner(s) _____ absent.

Eddie Barber, Mayor

ATTEST:

Rhonda Ferebee, Town Clerk

SEAL