

19.07.09/01



Nice Matters!

Town of Emerald Isle
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Emerald Isle, NC 28594

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Mayor
Eddie Barber

Mayor Pro-Tem
Floyd Messer, Jr.

Board of Commissioners
Candace Dooley
Steve Finch
Jim Normile
Mark Taylor

Interim Town Manager
Randy Martin
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ORDINANCE AMENDING CHAPTER 5 – DENSITY, INTENSITY AND DIMENSIONAL STANDARDS – OF THE UNIFIED DEVELOPMENT ORDINANCE TO REDUCE THE SETBACK REQUIREMENT FOR INGROUND SWIMMING POOLS TO 5’ ON THE SIDE AND REAR YARD

WHEREAS, the Town's Unified Development Ordinance (UDO) currently requires accessory structures, including swimming pools to meet the required setbacks of the zoning district where located, and

WHEREAS, in the residential and mobile home zoning districts these setbacks are a 30' front yard, 10' or 15' side yard and a 15' rear yard, and

WHEREAS, the current setback regulations can be restrictive in certain situations to property owners when placing a swimming pool, and

WHEREAS, it is common setbacks for swimming pools are less than those of the primary structure, and

WHEREAS, the Town now desires to amend Section 5.2.1(1)(A) of Chapter 5 Density, Intensity and Dimensional Standards to reduce the setback requirement for swimming pools in the residential and mobile home zoning districts, and

WHEREAS, the Planning Board unanimously recommends approval of the amendment,

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, 5.2.1 – Accessory Building/Swimming Pool (1)(A) as follows:

(1)
In all Zoning Districts

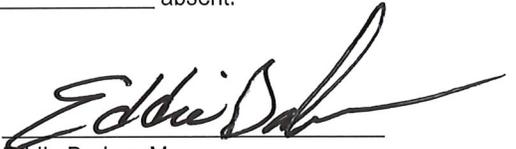
(A) No accessory building shall be erected in any setback or required yards.

In-ground swimming pools must be setback five (5) feet from the side yard and five (5) feet from the rear yard and comply with the setback required for all zoning districts for the front yard. No masonry swimming pool shall be placed or constructed within the Coastal Area Management Act Ocean Erodible Setback area. Pools consisting of fiberglass construction shall be exempt from this prohibition.

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:
 - o Is consistent with the values and goals of the Town of Emerald Isle, and
 - o Combined with other UDO requirements, is consistent with the family-friendly beach town atmosphere
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 9th day of July, 2019, by a vote of
Commissioner(s) Dooley, Finch, Messer, Normie Taylor voting for,
Commissioner(s) _____ voting against, and
Commissioner(s) _____ absent.


Eddie Barber, Mayor

ATTEST:


Rhonda Ferebee, Town Clerk

