



Nice Matters!

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**ORDINANCE AMENDING CHAPTER 5 – DENSITY, INTENSITY, AND DIMENSIONAL STANDARDS – UNIFIED DEVELOPMENT ORDINANCE - IN ORDER TO AMEND THE TABLE OF DIMENSIONAL STANDARDS REGARDING UNITS PER ACRE IN THE VILLAGE EAST, VILLAGE EAST-CONDITIONAL, VILLAGE WEST, VILLAGE WEST-CONDITIONAL, MARINA VILLAGE AND MARINA VILLAGE-CONDITIONAL ZONING DISTRICTS & NOTES 2 & 3**

**WHEREAS**, the Town’s Unified Development Ordinance (UDO) currently limits residential density to six (6) units per acre in the Village East and Village West Districts and four (4) units per acre in the Marina Village District, and

**WHEREAS**, the Town’s Unified Development Ordinance (UDO) currently allows through the approval of a Conditional Zoning Overlay District an increase to ten (10) units per acre in the Village East-Conditional, Village West-Conditional and Marina Village-Conditional if public uses and areas designated for public use are provided, and

**WHEREAS**, Note 2 of the Town’s Unified Development Ordinance states Residential density in VE, VE-C, VW and VW-C districts shall not exceed six (6) dwelling units per acre, unless specifically otherwise authorized by a condition of approval of a Conditional Zoning Overlay District. Residential density shall be calculated on the basis of the entire development site subject to an application, without removal of acreage dedicated to non-residential uses, including public uses and areas designated for public use. In no case shall the allowable density exceed ten (10) dwelling units per acre, and

**WHEREAS**, Note 3 of the Town’s Unified Development Ordinance states Residential density in the MV and MV-C districts shall not exceed four (4) dwelling units per acre, unless specifically authorized by a condition of approval of a Conditional Zoning Overlay District. Residential density shall be calculated on the basis of the entire development site subject to an application, without removal of acreage dedicated to non-residential uses, including public uses and areas designated for public use. In no case shall allowable density exceed ten (10) dwelling units per acre, and

**WHEREAS**, the Town desires to allow higher residential densities and not limit the number of units per acre because of the development regulations as found in Chapters Two (2) – Seven (7) of the Unified Development Ordinance, and

**WHEREAS**, the Town realizes the continued need to protect areas designated for public uses in particular locations, and

**WHEREAS**, the Town now desires to amend Chapter 5 – Density, Intensity and Dimensional Standards – of the Unified Development Ordinance (UDO) in order to delete the required units per acre in the Village East, Village West, Marina Village, Village East-Conditional, Village West-Conditional and Marina Village-Conditional Districts and to amend Note 2 and Note 3 of the Table of Dimensional Standards

**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 delete the maximum allowable density in the Village East, Village West, Marina Village, Village East Conditional, Village West Conditional and Marina Village Conditional Zoning District column:**

	<b>VE, VW and MV</b>	<b>VE-C, VW-C and MV-C</b>
Maximum allowable Density (dwelling units per acre)	6 in VE and VW 4 in MV	Up to 10 in VE-C, VW-C and MV-C
	(Note 2) (Note 3)	(Note 2) (Note 3)

**Amend Chapter 5, Table 5.1, Note 2 and Note 3 as follows:**

**Notes:**

**2. There shall be no residential density requirement in VE, VE-C, VW and VW-C districts provided all applicable regulations in Chapters 2, 3, 4, 5, 6 and 7 of the Unified Development Ordinance are met. The Town will require a minimum of one (1) ten (10) foot public access easement for each five hundred fifty (550) feet of frontage on both the Atlantic Ocean and Bogue Sound, and the access shall run in a north and south direction to afford access by the public from a street to both the Atlantic Ocean and Bogue Sound.**

**3. There shall be no residential density requirement in the MV and MV-C districts provided all applicable regulations in Chapters 2, 3, 4, 5, 6 and 7 of the Unified Development Ordinance are met. The Town will require a minimum of one (1) ten (10) foot public access easement for each five hundred fifty (550) feet of frontage on both the Atlantic Ocean and Bogue Sound, and the access shall run in a north and south direction to afford access by the public from a street to both the Atlantic Ocean and Bogue Sound.**

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:
  1. Encourages and supports development and/or redevelopment of underutilized parcels in the Village Districts
  2. Promotes flexibility of development of these parcels in the Village Districts
  3. Continues to promote the small town/village concept so important to 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 \_\_\_\_\_, 2017, by a vote of  
Commissioner(s) \_\_\_\_\_ voting for,  
Commissioner(s) \_\_\_\_\_ voting against, and  
Commissioner(s) \_\_\_\_\_ absent.

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

ATTEST:

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