



Nice Matters!

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DATE: June 17, 2019
TO: Planning Board Members
CC: Matt Zapp, Town Manager
FROM: Josh Edmondson, CZO, Town Planner

SUBJECT: Possible Amendment to Chapter 5 Density, Intensity, and Dimensional Standards. Section 5.2.1- Accessory Building/Swimming Pool

During our last meeting, we began to discuss how to best handle swimming pool setback requirements. Since then, I have drafted language regarding swimming pool setbacks to address this issue. I have researched how other municipalities relative to Emerald Isle in size and environment handle swimming pool setbacks. This amendment would provide relief from setback requirements as it relates to swimming pools. Impacts from adjusting the setback would be minimal. The hope is by decreasing the setback to five (5) feet from rear and side lots, it would add relief while also maintaining the same aesthetic feel as surrounding lots.

Currently the swimming pool setback standard is in Section 5.2.1 and is identical to that of the primary structure.

Current Regulation

5.2.1- Accessory Building/Swimming Pool Location

(1) In all Zoning Districts

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

The amendment for Section 5.2.1 (A) is as follows.

Proposed Amendment to (A) only

(A) In all Zoning Districts

- No accessory building shall be erected in any setback or required yards. **Swimming pools must 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.

The attached document includes a detailed list of NC towns similar to Emerald Isle in demographics and attractions. The list includes surrounding municipalities' regulations on standard housing setbacks and how that relates to swimming pool setbacks. Comparing housing setbacks enables for a better perception on how the pool setbacks are relative. For example, most of the towns that require a five (5) foot pool setback have similar housing setbacks as Emerald Isle, typically around thirty (30) feet from the front property line. As you can see, the municipalities most similar to Emerald Isle allow a five (5) foot setback for swimming pools.

If this is confusing, please feel free to reach out to me before the meeting and I will explain it so you have a clear understanding at the meeting. If you have any questions before the meeting please feel free to contact me. I look forward to discussing this with you at your June 24, 2019 meeting.