



Town of Oak Island

Brunswick County, NC

The Town of Oak Island will preserve, protect, and enhance the quality of the natural and cultural environment of the community. In order to achieve this goal, the Town will improve the quality of its waterways, natural environment, beaches, dunes, water access and residential areas. The Town will maintain a unique scale and character that fosters a sense of community to make the Town a desirable place to live, work and call home, and a family vacation destination. The Town will also develop efficient sidewalks, bikeways, and roadway systems to protect its attractiveness in the future. The Town will also expand its recreational opportunities for residents of all ages and abilities. The Town will balance social and commercial needs and objectives for economic vitality.

Planning Board Meeting Agenda June 20, 2019 • 10:30 AM Town Hall • Council Chambers

I. START-UP

1. **Call to Order:**
2. **Additions or corrections to the agenda**
3. **Approval of the Minutes:** (5-16-2019)
4. **Public Comment:** Please state your name and address for the record.

II. OLD BUSINESS

III. NEW BUSINESS

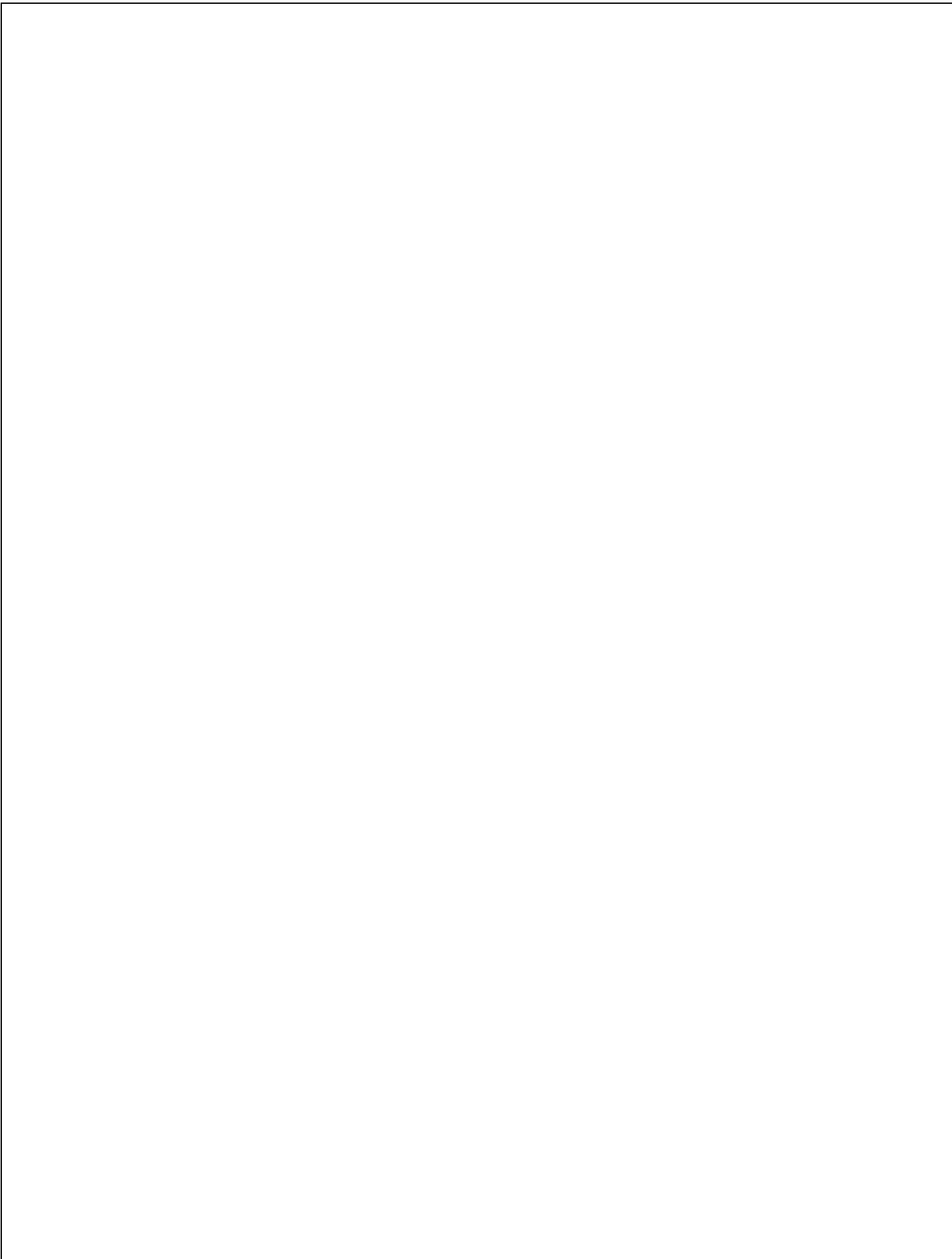
1. **Rezoning - RMU**
2. **Home Occupation - Text Amendment**

1. REPORTS/UPDATES

1. **Board Member Reports**
2. **Staff Reports** – (BUA, signage, fences, other)

2. OTHER

Future Meetings: 7-18-19
Adjournment



MINUTES
PLANNING BOARD
May 16, 2019 – 10:30 a.m.
COUNCIL CHAMBERS – TOWN HALL

Present: Chairman Denise Pacula, vice-chairman Bob Carpenter, members Cathy Bowes, Mike Defeo, Clay Jenkins, Lynn McDowell and Willie Williams, Planning & Zoning Administrator Jake Vares and Assistant Manager/Town Clerk Lisa P. Stites, MMC.

Chairman Pacula called the meeting to order at 10:30 a.m. and led the Pledge of Allegiance.

Mr. Williams made a motion to approve the April 18, 2019 Minutes as amended. Mr. Carpenter seconded the motion and it passed unanimously. (A typo on page 2, change “over” to “cover” will be corrected.)

Mr. Williams made a motion to approve the agenda. Ms. Bowes seconded the motion and it passed unanimously.

Public Comments: There were none.

Old Business

1. Fences Text Amendment: Mr. Vares reviewed the discussion at the last meeting, the proposed amendment, and the revisions made since the last meeting.

Ms. McDowell asked if this would apply to the condos in this area as well. Mr. Vares said it would, though the swimming pool fence rules would apply where there is a pool. Ms. McDowell asked about using the word “parallel” in the third paragraph of the summary, saying it referred to Beach or Ocean Drive. Mr. Vares said he would change the memo to mimic the wording used in the proposed ordinance.

Regarding 7.8.5, Ms. McDowell said there were lots on Tortoiseshell Court and Loggerhead Drive that do face two roads. Mr. Vares reviewed the sight triangle rules, and said he thought the language worked.

Mr. Defeo asked if there was a conflict by using the word “front” in 7.8.3. Mr. Vares said that actually, he’d just spoken with a developer who had a client that wanted to change that part of the ordinance. He said the wording does not create a conflict.

Ms. McDowell asked about 7.8.8, the more typical oceanfront lots, they can’t exceed 4 feet for a fence. Mr. Vares said that was true, unless it was for a pool. Ms. McDowell asked about if any of that applied to railings along walkways; Mr. Vares said that would be covered in building codes, if at all.

Ms. Bowes made a motion to recommend approval of the text amendments as proposed, and to adopt the associated plan consistency statement. Mr. Carpenter seconded the motion. Chairman Pacula asked again about the lots on Tortoiseshell Court; Ms. McDowell said that the front of the house was the ocean side. Chairman Pacula said that those lots also fronted a road. Mr. Vares explained that the fence would have to drop down to four feet again in front of the house. Chairman Pacula said that one of those lots could then have a fence that was four feet, then six feet and then four feet again. **The motion passed unanimously.**

2. Built-upon area: Development Services Director Steve Edwards spoke about the proposed text amendments. He said that it would help control water runoff and protect our waters. He said that he has seen plans with 50-55 percent lot coverage. He also said he had been working with a property owner who

was dealing with flooding issues and who had 67 percent lot coverage. Mr. Edwards said that built upon area includes surfaces that don't allow water to penetrate to the soil. Certain gravel is considered pervious surface. Mr. Edwards said that limiting pervious surface would not keep a developer from doing more, but it would mean implementing designs for pervious driveways, etc. that would meet the requirements.

Chairman Pacula asked for a reminder about the Town's fill ordinance. Mr. Edwards reviewed the history of the ordinance, and said the recent change allows for fill up to one foot above the crown of the road or the adjacent property, whichever is less. He said it prevents stormwater being pushed from one lot to the next. Chairman Pacula asked about the infiltration systems being used now were to collect the 1.5 inches of stormwater and didn't relate to impervious surface; Mr. Edwards said it does relate, because runoff from the impervious surface dictates the size of the stormwater controls needed. He also said that restricting maximum built upon area would mean more open space and less need for stormwater control devices. The Board and Mr. Edwards discussed things that are added after the fact, such as a gazebo, fire pit, etc. He said that most homeowners don't know that whenever they do something that disturbs the ground, they need a stormwater permit. He said that they will work with property owners to bring work into compliance, add the required stormwater controls, etc.

Mr. Defeo asked if information about what was or was not allowed is on the Town's website or is otherwise available. Mr. Vares said that a FAQ as well as all of the necessary forms are on the website and in Town Hall. He said that all it takes is a phone call to check and see. Mr. Defeo said that if the information is not known, we need to look at the way it is presented. Ms. Bowes said that people don't live here, and they want to do something to their vacation home, so they hire contractors and they do it. She said she did not think that was the Town's fault, that it was just a mindset of not being here. Mr. Defeo said that enforcement can be a way to communicate also; Mr. Edwards agreed and said there was some good "communication" going on right now. Mr. Vares said that at some point, the Town needs to report contractors to the State licensing board. Mr. Edwards said that does happen, that the Town does report contractors. Chairman Pacula asked if the hardware stores could post notices about checking if a permit is needed. Mr. Edwards said that has been done in the past, though he doesn't know if they still do, as the managers change. Mr. Vares and Mr. Edwards said they also regularly send blast emails to contractors, realtors, land surveyors, etc. to get information out there. Mr. Defeo asked if code enforcement information was made public. Mr. Edwards said that the information would be public record if requested, but that the Town does not publicize information on individual code cases. Code enforcement reports are available monthly in the Council agenda packet. Revisiting the question about fire pits, Mr. Edwards said that installing a fire pit should require a zoning permit.

Ms. McDowell asked about swimming pools and dirt driveways. Mr. Edwards conformed that the water area of a pool was not counted as impervious surface. The pool itself will collect approximately 4 inches of runoff.

Ms. McDowell asked about amending 8.5.6 to reflect limits for single-family, duplexes and triplexes; Mr. Edwards suggested using "single- and multi-family residential developments." Mr. Vares said he'd prefer it list the specific types of development, using quadplexes as an example. He said they probably wouldn't want to allow 45 percent coverage for a quadplex. Mr. Defeo suggested referring back to "a," and said that could be done accords the board. Mr. Vares said where "two-family" is redundant, he could fix that.

Mr. Jenkins asked if understood correctly that below 30 percent would still be the same in that water still has to be retained, that between 30-45 percent, a professional design is required, and more than 45 percent coverage would not be allowed. Mr. Edwards said that coverage below 30 percent still requires a design, but that it does not have to be done by a professional. Mr. Jenkins asked about properties with more than

45 percent impervious surface coverage. Mr. Edwards said the State is pretty clear that the Town cannot impose new stormwater rules on existing structures. Answering a question from Ms. McDowell, Mr. Edwards said that the “drip line” area is considered when calculating impervious surface, along with driveways. Overhang is not included.

Mr. Carpenter made a motion to recommend approval of the proposed amendments as further amended today and to adopt the associated plan consistency statement. Ms. Bowes seconded the motion. Ms. McDowell asked about page 11, if single and two-family should read single, two- and three-family; Mr. Vares said he didn’t think you’d want this to apply to multi-family. Mr. Edwards said that larger developments are held to higher stormwater standards. Mr. Vares said he will make the change in that particular section though.

Mr. Carpenter renewed his motion to recommend approval of the text amendment as further amended and to adopt the associated plan consistency statement, Ms. Bowes seconded and the motion passed 6-1 with Chairman Pacula and members Bowes, Carpenter, Defeo, Jenkins and McDowell in favor and member Williams opposed.

Mr. Williams pointed out that lot width is not specified in 8.3.1 and 8.5.1; Mr. Vares said that was a typo and that it would be corrected.

Board Reports:

Chairman Pacula said that Mr. Vares spoke to the Realtors Association, and that it was a good discussion.

Staff Reports:

Mr. Vares said the Airport Signage text amendment was tabled for clarification on a definition for airport-related businesses. The time-review amendment was approved.

Ms. Bowes made a motion to adjourn at 11:38 p.m. Mr. Defeo seconded and the motion passed unanimously.

Denise Pacula, Chairman

Attested: _____

Lisa P. Stites, MMC
Assistant Manager/Town Clerk

**TOWN OF OAK ISLAND
PLANNING BOARD
AGENDA ITEM MEMO**

Agenda Item: New Business No.1

Date: June 13, 2019



Issue: Rezoning Request

Department: Planning & Zoning Administrator

Presented by: Jake Vares

Estimated Time for Discussion: 40 Minutes

Subject Summary:

The owner of the property located at Price and McGlamery Street is requesting a rezoning; parcel number 250DA038. The property is currently zoned CB (Community Business). The property owner is requesting that the entire parcel be zoned R-MU (Residential Mixed-Use). Examples of important considerations to take into account are: impact on neighbors & neighborhood, traffic, environmental quality, utilities, schools, economic impact, tax base, spot zoning, road capacity, infrastructure, community opinion, property values, consistency with the LUP, future land use map, jobs, public services, buffering requirements if applicable, and site limitations. The classification of this land in the Oak Island Comprehensive Land Use Plans Future Land Use map is *Thoroughfare Commercial*. The property is in an X flood zone and is currently undeveloped.

The table of uses in the Unified Development Ordinance (UDO) does not directly permit the mixed-use development the applicant is proposing. However, there is the Mixed Use zoning process, also known as conditional use district rezoning, which was identified by staff as the best avenue to proceed. A definition for the mixed use districts does not exist but there is a description in Article 6, which is attached below. The mixed-use districts are actually special use zoning districts, which means nothing is a permitted use by right but rather via a special use permit (SUP). Mixed-use commercial/residential are structured more for a small mixed-use development, such as development on one or two lots like this site. The special/conditional mixed use zoning district process is applicable when a rezoning is requested that does not have any automatically permitted uses, only uses allowed by special use permits. The process works by the owner applying for a special use permit and at the same time a rezoning. The two decisions (the rezoning and the SUP) are considered in a single meeting but with two separate votes. Although the rezoning request and the SUP permit application are considered at the same time, the governing board treats two proposals as independent, separate decisions. The board makes two decisions that have very different procedural requirements, but are made at the same meeting. The Planning Board is required to review and provide a recommendation on all rezoning requests but SUP's only go before the Town Council.

Almost all the uses in a mixed use district require a special use permit because the Town can then require conditions with a SUP to mandate pedestrian access, open space, vegetation/landscaping, buffers and things like that. If the rezoning is approved all the allowable uses codified for the R-MU zoning district will be permissible for the property. The table of uses in Article 6 of the UDO has all potential land uses listed within the R-MU zoning district as requiring a Special Use Permit. A special use is defined as *a use permitted in one or more zones but which, because of characteristics peculiar to such use, requires a special degree of control to make such uses compatible with other uses in the same districts.*

The Planning Board would review the rezoning request for the RMU district first, which means they consider all uses okay in the RMU district. The Planning Board does not review or vote on the Special Use Permit application; that would only go before the Town Council. This unique approval process gives the town a guarantee of what is to be built there because the development shown in the SUP submittal is what must be adhered to. It is a complicated process but it allows a developer to do something they might otherwise not be able to do while at the same time giving the town more control. If approved the site will be its own unique zoning district and other developments may follow the same process if the project is liked; it could set a direction for the town with future similar projects.

While it is not unusual for a planning board or governing board to be curious about the identity of an applicant or land owner, that is rarely relevant to a zoning decision. Zoning decisions need to focus on what the potential land use impacts will be, not who is generating them. More broadly, the courts have emphasized that land use regulations must be based on the land use impacts of property use, not the identity of the users of the property.

Please remember to adopt the plan consistency statement with your motion. Plan consistency is a factor that must be explicitly considered, but it does not control the outcome of the decision. A Town can adopt a rezoning that is inconsistent with their plan so long as they acknowledge in writing that they know they are doing so and take the time to set out the rationale for their decision. One cannot and should not consider ethnicity or income; the decision is about the property, not the owner.

Once the Planning Board makes a recommendation, the rezoning will go before Town Council for official adoption or denial. The adjacent property owners will receive the proper notifications as required by the General Statutes and the local ordinance. Since this is a legislative decision, if there is a conflict of interest (being a financial interest) the Board member may not vote but is allowed to participate in the discussion, but should not as it is not a best practice. The conflict of interest is not whether the board member has the ability to be unbiased but rather if there is a reasonable perception of partiality by the applicant or otherwise. The applicant has submitted the application and the rezoning map is provided by staff. A simple majority vote is all that is required for a legislative rezoning decision such as this.

Attachments: Ordinance Excerpts, Rezoning map, Application

Recommendation/Action Needed: Approval

Suggested Motion: Motion to recommend approval or denial of the rezoning application and to adopt the associated consistency statement

Funds Needed: \$0.00

Planning Board Recommendation: TBD

Follow-up Action Needed: Forward recommendation to Town Council

Attachments

6.3.8. R-MU Residential Mixed Use Special Use District.

The R-MU district will accommodate both non-residential and residential uses with at least 70% of the developed area being residential. The non-residential development should serve a localized/limited area. Horizontal mixed use will be preferred. The development should be pedestrian-oriented with significant open space areas. The residential mixed use land use sector should have a minimum impact on adjacent areas. The transportation impacts should be less than the impact from a commercial mixed use development. The Residential Mixed Use land use sector should include non-residential uses which are intended to serve the development and portions of the Town.

6.3.9. C-MU Commercial Mixed Use Special Use District.

The C-MU district will allow for the concentration of commercial, service, and residential uses that serve the entire community and region. The district will encourage a mix of high intensity, pedestrian-oriented uses compatibly designed and arranged around a compact core(s). The provision of open space should be an important part of the development. Both vertical and horizontal mixed use should be allowed. Non-residential land use should occupy at least 60% of the developed area. Office and institutional usage is recommended as a buffer/transition between lower and higher density land uses.



REZONING APPLICATION

TOWN OF OAK ISLAND
Planning Department
4601 E. Oak Island Drive
Oak Island, NC 28465



RECEIVED
JUN 04 2019
LA

Date: 6-4-19

Fee: paid

Project Name (if applicable): _____

Any application for an amendment to the zoning map shall be filed with the department of development services at least 45 days prior to the date on which it is to be introduced to the planning board. Each application shall be signed by the property owner or the property owner's agent and be in triplicate. (Sec. 18-335).

Process

This is a legislative decision, if there is a conflict of interest (being a financial interest) a board member may not vote but is allowed to participate in the discussion. Conditions cannot be placed on a rezoning decision. Spot zoning is determined and avoided if identified. A Plan Consistency Statement will be provided by staff and signed by the Town for every rezoning hearing at each board meeting. The application first goes to the Planning Board for recommendation and then to Council for final approval. Notification letters are required to be sent to all the adjacent property owners. A sign has to be placed no less than ten (10) or more than twenty-five (25) days before the hearing date. After the final vote, a zoning decision will be delivered (via email, personal delivery or first class mail) to the applicant.

The Planning Board and Town Council may consider the following when deciding: Impact on neighbors and neighborhood, traffic, environment, utilities, suitability of land, harmony with area, schools, economic impact, tax base increase, spot zoning created, road capacity, adequate infrastructure, community opinion, property values, consistency with the Land Use Plan, future land use map, jobs, public services, buffering requirements (if applicable), environmental impact, site limitations, and consistency with plans and prior decisions. The Board cannot consider ethnicity, income, affordable housing, owner versus renter housing, or who the owner is when deciding.

Section 1: Applicant Information

Petitioner Name: Jerry W. Gordon

Mailing Address: PO Box 3996
Breckenridge CO 80424

Phone: 970-485-9565 Email: klgordon@earthlink.net

Section 2: Property Owner Information (if different than above)

Owner Name(s): _____

Mailing Address:

Phone: _____

Email: _____

Section 3: Property Information

Street Address and/or Description of Location:

402 McGlamery St

Parcel ID #(s): 250DA038

Total Site Acres or Square Feet: .402 Acres | 17,499 ft²

Current Zoning District(s): CB

Proposed Zoning District(s): Rmu

Section 4: Diagram

If the proposed change would require a change in the zoning map, an accurate diagram of the property proposed for rezoning showing:

1. All property lines with dimensions and north arrow.
2. Adjoining streets with rights-of-way and paving widths.
3. The location of all existing structures on the property.
4. The existing land uses associated with the property.
5. The zoning classification of all abutting zoning districts.
6. A list of all abutting property owners.

First City

Section 5: Statement of Justification (Approx. 1 page)

Future Land Use Map Designation: _____

Is the proposed zoning consistent with the Land Use Plan? (Please Circle One): Yes ☐ No ☐

Please describe the changing conditions in the area or in the town generally that makes the proposed amendment necessary to the promotion of the public health, safety and general welfare, or that identifies an obvious error in the zoning map based upon the zoning classification or current land use of surrounding properties. Also include an explanation on why the proposed zoning is or is not consistent with the Land Use Plan and other adopted plans (Attach separate sheet if necessary). **Note: The Oak Island Land Use Plan and all maps can be found online at <http://www.oakislandnc.com/General-Info.aspx>*

Section 7: Applicant/Owner Signature

In filing this Rezoning Petition, I hereby certify that I am authorized to submit this application and that all of the information presented in this application is accurate to the best of my knowledge, information, and belief.

Signature: 

Date: 6-4-19

**TOWN OF OAK ISLAND
PLANNING BOARD
AGENDA ITEM MEMO**

Agenda Item: New Business No. 2

Date: June 12, 2019



Issue: Home Occupation – Text Amendment

Department: Development Services

Presented by: Jake Vares

Presentation: None

Estimated Time for Discussion: 60 Minutes

Subject Summary:

The proposed text amendment is citizen initiated and the applicant will be available to present and answer questions. The Unified Development Ordinance (UDO) has provisions for home occupations. A home occupation is defined as *“Any profession or occupation carried on entirely within a dwelling providing that such use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, that no more than 25 percent of the total floor area is used for such purposes, and that there is no outside or window display. No mechanical equipment shall be installed or used other than is normally used for domestic or home occupation purposes.”* Typical examples of a home occupation are: an insurance salesman/woman with a home office or seamstress who uses his/her basement to hem clothing.

The text amendment application is a substantial rewrite of the home occupation ordinance standards in Section 7.7. The proposed new standards details the allowances for outside storage of materials. Section 7.7.2 which says *“The use shall be clearly incidental to the residential use and shall not change the essential residential character of the dwelling”* is removed. The ordinance standards rewords the language that says the use must be carried on by a member of the family residing on the premises. Signage regulations are also included that says the signs may not be attached to the structure or installed in the ground. Section 7.7.4 states a showroom for customers to view products is not permitted. The final proposed standards says the residence cannot produce odor, dust, and/or smoke more than what is normal at a typical residence.

Attachments: Ordinance excerpts, Applicant narrative, Proposed text amendment application

Recommendation/Action Needed:

Suggested Motion: I make a motion to approve or deny the proposed text amendment and to adopt the associated plan consistency statement.

Planning Board Recommendation: TBD

Funds Needed: \$0.00

Follow-Up Action Needed: Forward recommendation to Town Council

Attachments

Current Ordinance:

SECTION 7.7 HOME OCCUPATIONS

Home occupations shall be permitted as long as they meet the following criteria:

- 7.7.1.** The use is carried on by a member of the family residing on the premises;
- 7.7.2.** The use shall be clearly incidental to the residential use and shall not change the essential residential character of the dwelling;
- 7.7.3.** Use of the dwelling for home occupation shall be limited to 25 percent of the total floor area;
- 7.7.4.** No display of products shall be visible from the street;
- 7.7.5.** No mechanical equipment shall be installed or used other than is normally used for domestic or professional purposes;
- 7.7.6.** No outside storage of equipment or materials is permitted.

Proposed Amendment:

SECTION 7.7 HOME OCCUPATIONS

Home occupations shall be permitted as long as they meet the following criteria:

- 7.7.1.** The home business is owned and operated by a person living at the residence;
- 7.7.2.** The structure, layout and building materials of the residence is similar to surrounding residences;
- 7.7.3.** Signs related to the business shall not be attached to the structure or installed in the ground;
- 7.7.4.** The residence shall not be used as a showroom for customers to view products;
- 7.7.5.** The residence shall not be used or advertised as a place where customers visit to obtain products or services;
- 7.7.6.** Products and materials stored at the residence shall be screened from the street and neighboring properties by town approved structures such as full enclosures, garage doors, lattice, open air privacy walls, combination or other town approved screening options. If screening is open faced on top (fencing etc) products and materials may not be stacked over the height of screening. Screening is not required of what would be typically expected at a residence;
- 7.7.7.** Business use of the residence shall be limited to 25 percent of the total living area and/or 25 percent of the total land area;
- 7.7.8.** No mechanical equipment shall be installed or used other than is normally used for domestic or professional purposes;
- 7.7.9.** The residence shall not produce odor, dust, and/or smoke more than what is normal at a typical residence.

APPENDIX A. DEFINITIONS

Home occupation

Any profession or occupation carried on entirely within a dwelling providing that such use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, that no more than 25 percent of the total floor area is used for such purposes, and that there is no outside or window display. No mechanical equipment shall be installed or used other than is normally used for domestic or home occupation purposes.

SECTION 10.26 DISTRICT SIGNS

10.26.1. Residential District Signs (R-20, R-9, R-7, R-6, R-6MF, R-6MH, R-MU, and PUD).

10.26.1.1. Residential districts contain developments that may require signage. Such developments include, but are not limited to: Single-Family Subdivisions, Multi-Family Developments, Manufactured Home Parks, Churches, and Recreational Facilities. At any entrance to a subdivision or multi-family development, there may be not more than two (2) signs located at the entrance to a development comprised of two (2) or more lots. A single side of any such sign may not exceed sixteen (16) square feet in area, nor may the surface area of all such signs exceed thirty-two (32) square feet in area.

10.26.1.2. Additionally, home occupations may install one sign with an area of no greater than one (1) square foot. Home occupation signage shall be permanently fixed to the residence within which the home occupation resides.

Comments:

Oak Island has a long history of being a somewhat remote and small beach town. With that has come the need for residents to create local businesses, services and jobs to serve the many needs of the town, the local economy and its residents. This entrepreneurial spirit is evident all over the island with hundreds of family owned & operated businesses. Whether a contractor, handyman, lawn care service provider, electrician, plumber, photographer, professional service or any other service provider, most of these businesses started with a dream in a local home or garage and many still exist there today. With the limited availability and price of our town's commercial property for rent and sale, residents using their homes for professional purposes is a necessary and fundamental element of our town's economy. Without these resident owned businesses, our economy would be thrown into disarray; the cost of doing business would dramatically increase to levels that would be economically unsustainable and create a massive hole in the local economy. This is why we bring forward these issues today: to regulate home occupations in a way where the community can continue to prosper while simultaneously maintaining a harmonious standing with the town's land use plan and not creating an undue burden to other residents in the community. The current ordinances in section 7.7. are vague and many are up to interpretation, creating discrepancies in how they are enforced putting the town at risk of legal ramifications. We hope to clarify this section while still capturing the intent of these ordinances when they were originally written.

We look forward to working with the planning board, town council and town residents to continue our entrepreneurial town history and creation of future economic growth.

Thank you,

Nathan Reich & Josh Roth

SECTION 6.5 TABLE OF USES AND ACTIVITIES.

P - Permitted Use

PS - Permitted Use with Supplemental Regulations

Blank - Not

S - Special Use

SS - Special Use with Supplemental Regulations

Permitted

Uses	Primary Zoning Districts																Overlay District	Supplemental Regulations
	R-20	R-9	R-7	R-6	R-6MF	R-6MH	O&I	R-MU	C-MU	CB	CR	C-LD	OS	AD	ID	PUD	PCO	
ACCESSORY USES/BUILDINGS																		
Accessory buildings/structures	PS	PS	PS	PS	PS	PS	PS	SS	SS	PS	PS	PS			PS			Section 7.2
Accessory uses	P	P	P	P	P	P	P	S	S	P	P	P		P	P			
Cemetery as an accessory use to a church	PS	PS	PS	PS	PS	PS	PS	SS	SS	PS	PS	PS						Section 7.3
Child care center (as an accessory use for a principal business/industry)							PS	SS	SS	PS		PS			PS			Section 7.4.1
Docks and piers, private	PS	PS	PS	PS	PS	PS	PS	SS	SS	PS	PS	PS	PS	PS				Section 7.5
Granny pods/temporary health care structures	PS	PS	PS	PS	PS	PS	PS											Section 7.6
Greenhouses, accessory	PS	PS	PS	PS	PS	PS												Section 7.2
Home occupations	PS	PS	PS	PS	PS	PS												Section 7.7
Office uses as an accessory use to an industrial type activity, and located on the same lot															P			
Retaining walls and fences	PS	PS	PS	PS	PS	PS	PS	SS	SS	PS	PS	PS	SS	PS	PS		PS	Section 7.8
Satellite dish antennas	PS	PS	PS	PS	PS	PS	PS	SS	SS	PS	PS	PS		SS				Section 7.9
Solar energy generating facility, accessory	PS	PS	PS	PS	PS	PS	PS	SS	SS	PS	PS	PS		PS	PS			Section 7.10

TEXT AMENDMENT APPLICATION

TOWN OF OAK ISLAND
Planning Department
4601 E. Oak Island Drive
Oak Island, NC 28465



Date: 5/31/2019

Fee: \$300 pd clc 1004

Project Name (if applicable): Home Occupation Ordinances

Any application for an amendment shall be filed with the department of development services at least 45 days prior to the date on which it is to be introduced to the planning board. Each application shall be signed by the property owner or the property owner's agent and be in triplicate. (Sec. 18-335).

PROCESS

This is a legislative decision, anyone can appeal since a text amendment applies to the whole town. A council member cannot vote on a text amendment if there is a conflict of interest. A public hearing is required, notice of hearing and Planning Board review is mandatory, governing board cannot act on an amendment without written recommendation from Planning Board or on a text amendment. Can appeal for up to 6 months to a year afterward. The application first goes to the Planning Board for recommendation and then to Council for final approval. A written statement by Council or the Board of Commissioners is required for adoption or rejection of all zoning text amendments.

The Planning Board and Town Council may consider consistency with the Land Use Plan as well as any unintended consequences while deciding.

SECTION 1: APPLICANT INFORMATION

Petitioner Name: JOSH ROTH | NATHAN REICH

Mailing Address:

Josh: 106 NW 4th St, Oak Island NC 28465

Nathan: 401 E Oak Island NC 28465

Phone: (336) 501-1455
(w) 910-250-9960

Email: josheswansonrealtync.com
ntreich@gmail.com

SECTION 2: PROPERTY OWNER INFORMATION (IF DIFFERENT THAN ABOVE)

Owner Name(s): Same

Mailing Address:

Phone: _____ Email: _____

SECTION 3: STATEMENT OF JUSTIFICATION (APPROX. 1 PAGE)

Is the proposed zoning consistent with the Land Use Plan? (Please Check One): Yes ☒ No ☐

Please describe why the Board should vote in your favor. As well as why this change would be advantageous for the Town of Oak Island.

(Attach separate sheet if necessary). **Note: The Oak Island Land Use Plan and all maps can be found online at <http://www.oakislandnc.com/General-Info.aspx>*

Attached

SECTION 4: APPLICANT/OWNER SIGNATURE

In filing this text amendment application, I hereby certify that I am authorized to submit this application and that all of the information presented in this application is accurate to the best of my knowledge, information, and belief.

Signature: 

Date: 5/31/19