



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 21, 2018 • 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:** (5-17-2018)
4. **Public Comment:** Please state your name and address for the record.

II. OLD BUSINESS

1. **Accessory Structure – Text Amendment**
2. **Outdoor Shower – Text Amendment**

III. NEW BUSINESS

1. **Tree Ordinance Revision – Text Amendment**
2. **HOA/POA Permitting Process – Text Amendment**

IV. REPORTS/UPDATES

1. **Board Member Reports**
2. **Staff Reports** – (Accessory Structure, Airport, Fences)

V. OTHER

Future Meetings: July 19, 2018
Adjournment

MINUTES
PLANNING BOARD
May 17, 2018 – 10:30 A.M.
COUNCIL CHAMBERS – TOWN HALL

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

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

Mr. Carpenter made a motion to approve the agenda as presented. Mr. Williams seconded and the motion passed unanimously. Mr. Jenkins made a motion to approve the March 15, 2018 Minutes as presented. Mr. Carpenter seconded and the motion passed unanimously.

Public Comments: none

New Business:

1. Airport District Text Amendment: Mr. Vares gave a brief staff report, stating that the amendment was requested by the Cape Fear Regional Jetport Director. Mr. Vares suggested a further amendment to allow residency in the travel trailers as that will likely be requested at some point, though he advised the Jetport Director would be better suited to answer the question. Mr. Vares explained that the proposed amendment was sparked by a code enforcement letter as there is a trailer hooked up to water and septic.

Howie Franklin, Director of the Jetport: Mr. Franklin said that the jetport is working on a 20-year Master Plan. He said the FAA requirements do not allow anyone to live on airport grounds. The idea is to have facilities ready in an emergency. He reviewed some scenarios in which this text amendment would be helpful. They're trying to provide a prime service without breaking any Town ordinances. Mr. Defeo asked if hookups would only be used in an emergency. Mr. Franklin said that they would like to be able to hook up to water and septic. The trailer that was hooked up was being used to house students who come here to take lesson. Mr. Carpenter said that as of this morning, the trailer was still hooked up; he said he took a picture. Mr. Jenkins said that where he works, there are runways, and that they house people who fly in for business. Mr. Franklin said that it would allow aviation people to stay on property for one or two nights. Mr. Jenkins said his concern would be that the use would be for business people, visitors, etc. and not just emergency management personnel. Mr. Franklin said housing emergency personnel was one part of the use. He said that housing people who fly in for business at the airport was a normal part of business for an airport. As far as living at the airport, he said the FAA does not allow that. Answering a question from Chairman Pacula, Mr. Franklin said that they do not want to be running a trailer park. Mr. Jenkins asked what kind of capacity was available from the septic system there; how many trailers can be hooked up to it? Right now, just the one, though future plans would include additional tanks. Ms. Bowes asked for clarification about whether this was for long-term residential or emergencies only. Mr. Franklin said it was not for emergencies only, but neither would it be long-term residential. Mr. Franklin and the Board had additional discussion regarding the need for these additional facilities, or whether existing facilities in buildings could be utilized instead. Mr. Defeo asked if it would be reasonable to mandate a length of time; Mr. Vares said he didn't think they could do that. Mr. Franklin said they are just trying to create a complete public use for the airport.

Mr. Williams made a motion to accept the amendment to 18-113(g), strike the end of the sentence beginning with "and may have..." from (f), and add (h) Structures and trailers may be situated within the AD district for airport business, emergency billeting and special events. This allows full

access to power and sewer and doesn't allow anything like a trailer or RV park open to the public. Mr. Germaine seconded the motion and it passed 5-2 with Chairman Pacula and members Carpenter, Defeo, Germaine and Williams in favor and members Bowes and Jenkins opposed. Mr. Williams made a motion to adopt the associated plan consistency statement, Mr. Germaine seconded and the motion passed 6-1 with Chairman Pacula and members Bowes, Carpenter, Defeo, Germaine and Williams in favor and member Jenkins opposed.

2. Commercial Fencing Text Amendment: Mr. Vares explained the history that led to this proposed amendment. It would only apply to the mainland, to properties zoned commercial along major arterial roads. Jeff and Penny Tyndall, 4252 Long Beach Road, are the applicants. Mr. Tyndall said they did not realize they needed a permit to replace an existing fence, but that they do have a permit now. He read from the ordinance and said he believed that allowed them to have the 6-foot fence as they are in a commercial zone. Ms. Bowes asked if the Police Department had been consulted for input as one of the reasons for not allowing a 6-foot fence was for safety of the officers. Mr. Tyndall said that officers could see everything by pulling around to the side yard. He said they bought the property in 2014 and moved here in January. He said there have been instances when police have pulled someone over in their front yard. They have small grandchildren and are concerned for them as well. Mr. Carpenter said that he had looked at the property and that there was an obstruction to be able to see and pull out in traffic on a 45-mph road. Mr. Tyndall disagreed and said that there was plenty of room to pull out and see before entering the road. Mr. Vares said that the applicants could file an appeal of staff's decision and have it heard by the Board of Adjustment. The Board also discussed concerns with how other residences, such as South Harbour, would be affected. Answering a question from Mr. Jenkins, Mr. Vares said that he would define "major arterial roads" as Long Beach Road, N.C. 211 and N.C. 133. Mr. Germaine also expressed concern about the ability to see traffic when pulling out from the property. Mr. Tyndall said they can't be held responsible for how everyone drives. Mr. Germaine said that this text amendment would apply to all houses in commercial areas along major roads on the mainland. Mr. Defeo asked if they could use a chain link fence; Mr. Tyndall said that he didn't think it would be sturdy enough to protect anyone in the front yard or even their home. Mr. Tyndall said they were across from the Moose Lodge, and car headlights and the Lodge's sign shine into their home and they would appreciate a little privacy. Mr. Carpenter asked if the Moose Lodge was there when they bought the property; he said it was, but now that they were living here, it was more of an issue. Mrs. Tyndall said that she suffers from PTSD and that Oak Island is the safest place she has felt since 2006. She said that the 4-foot fence is not enough, such as when a car is pulled over and stays there for as much as 30 minutes. She said that just the short time the fence was up has made a huge difference to her. She said that she doesn't have any problems seeing around the fence when she pulls out, and that the other residents in the park like the fence as it offers them some privacy as well.

Mr. Carpenter made a motion to decline the text amendment. Mr. Germaine seconded the motion. Mr. Jenkins said the line of sight was an issue. He asked if the 20 feet closest to the access road/entrance could be required to 4 feet to accommodate the line of sight or if that would be too difficult to add. He said that he sees this as a corner lot, not an interior lot. Mr. Tyndall said that they have ten 8-foot sections now, or 80 feet, along Long Beach Road. Ms. Stites suggested including the specific roads if the motion would be amended. Chairman Pacula said that houses in commercial zones still had to follow the requirements for the commercial zone. The Board and Mr. Vares had further discussion.

Mr. Carpenter called for a vote on the motion. The motion passed 5-2 with members Bowes, Carpenter, Defeo, Germaine and Williams in favor, and Chairman Pacula and Mr. Jenkins opposed.

Mr. Williams made a motion that the applicant be allowed to refer this case to the Board of Adjustment for an appeal of staff determination without payment of the application fee. Ms. Stites said that was not in the Board's jurisdiction. **There was no second to the motion.**

Mr. Vares explained to the applicants that this was a recommendation from the Planning Board and that the request for the text amendment would still go to Town Council.

3. Accessory Structures Text Amendment: Mr. Vares gave an overview of the proposed text amendment. Chairman Pacula asked if it would make sense to allow it in R-20.

Byron Powell and Penny Webster, applicants, said that they want to build a pool and a building. Ms. Webster said that they rolled four properties into one and are asking for the text amendment to allow a building adjacent to the pool. They combined four lots into one parcel. There is a garage on the property, but it is old and not large. They would also like a garage large enough to park their cars. Their property is more than 42,000 square feet; the typical lot on Oak Island is 6,200 square feet. Mr. Powell said that he understood that buildings could not be built on separate parcels. Mr. Defeo asked what the purpose was of capping accessory structures at 2; Mr. Vares said it was probably to prevent lots being covered by structures. Mr. Powell said that there would still be plenty of pervious surface. Ms. Webster said that they would also like it to be something nice. Mr. Germaine said that he could see problems for the island if additional structures were allowed. Mr. Powell asked what problems could be created. The pool counts as an accessory structure. Mr. Jenkins said that what they have planned sounds very nice; he said that his concern is that if someone else bought the property, it could turn into storage for a commercial entity or that it could lead to that on other properties. Mr. Vares said that the ordinances for home occupation could deal with that situation. Mr. Powell said that actually, if they attached the planned building to the existing garage, they wouldn't even need a text amendment, but they would rather use a different location. Regarding Mr. Jenkins' question, Mr. Vares said that home occupation violations would be handled by code enforcement. Mr. Carpenter asked if they could increase the minimum to $\frac{3}{4}$ an acre; Mr. Vares said that was something the Board could consider. Mr. Powell said that he believes the current ordinance was written for single lots, not parcels with multiple lots. He said he thinks there should be some room for people who want something more than the typical 55x120 lot. The Board also discussed pools being considered accessory structures and the possibility of not considering pool houses separately from the pool.

Mr. Jenkins made a motion to approve the proposed amendment to 18-82(h) as written. Mr. Williams seconded the motion. Chairman Pacula suggested limiting it to R-20 or greater than $\frac{1}{2}$ acre. Mr. Carpenter suggested changing it to $\frac{3}{4}$ an acre or more. **Mr. Jenkins withdrew the motion and Mr. Williams withdraw his second.**

Mr. Jenkins made a motion to approve the proposed amendment to 18-82(h), amending it to $\frac{3}{4}$ acre or more, and to adopt the associated plan consistency statement. Mr. Williams seconded the motion and it passed unanimously.

Returning to number 2, Mr. Carpenter made a motion to adopt a statement that the proposed text amendment was not consistent with the Land Use Plan. Mr. Williams seconded and the motion passed unanimously.

4. Discussion of outdoor showers: Mr. Vares said he was looking for direction on this topic. Sometimes outdoor showers are built in the side yard, and it is not clear if they have to comply with side yard setbacks, etc. Ms. Bowes said they should not be in the setback. Mr. Carpenter asked how large it

would have to be to actually be in the setback area. Mr. Defeo said that air conditioners were allowed in the setback area. He suggested maybe limiting the footprint for an outside shower. Consensus was to not allow enclosed outside showers in the side yard setback. Mr. Edwards said that he didn't see an issue with allowing them, as long as the fixture is attached to the house, considering that a 6-foot fence is allowed along the property line. If it has a roof, it is a different story. Mr. Defeo asked why outside showers could not be in the setback but air conditioning units could be. He suggested allowing a footprint instead, and then as new technologies/items come up, there is already a limited allowance for area. Mr. Edwards said that the draft UDO allows stairs in the side yard setback. The Board had additional discussion about setbacks and what is allowed.

Board member Reports:

Ms. Bowes noted that the Veterans Park ribbon cutting was May 22.

Mr. Vares said that the fence text amendment had been approved by Council. Ms. Bowes asked who explains to Council why they denied the proposed amendment. Mr. Vares said that he made it part of his staff report. The flood maps were adopted. Council's review of the draft UDO was moved to June 15 at 10 a.m.

Ms. Bowes made a motion to adjourn the meeting at 12:20 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: Old Business No. 1

Date: June 14, 2018



Issue: Accessory Structures – Text Amendment

Department: Planning & Zoning Administrator

Presented by: Jake Vares

Presentation: None

Estimated Time for Discussion: 25 Minutes

Subject Summary:

This request is the result of a text amendment application that was submitted to the town by a member of the public. The portion of the ordinance that is to be amended is Section 18.82(k) of the Town of Oak Island Zoning Ordinance. This ordinance section describes the regulations for the accessory structures. The applicant will be present at the meeting to answer questions and has attached his application, justification narrative, photos, and a survey as well as the proposed ordinance language excerpt to the text amendment application.

The text amendment specifically applies to properties that are greater than three quarters of an acres. It would make allowable an additional accessory structure rather than the number of allowable accessory structures being capped at two. Part of the proposed wording states “An additional accessory structure is permissible for each additional 10,000 square feet on a single property up to a maximum of four accessory structures.”

Staff has attached a map showing the properties across the island side of Oak Island that are greater than three quarters of an acre. There are approximately 10,994 island-side residentially zoned parcels and out of those parcels 123 are greater than 0.75 acres (1.1%, see map).

The Planning Board suggested a modification which was accepted by the applicant and unanimously recommended approval of the original proposed text amendment. The specific Planning Board modification was that the accessory structure ordinance language only applied if the property was greater than three quarters of an acre. The way the text amendment application was originally worded was to apply to properties greater than half an acre instead.

The applicant’s properties shown on the survey is 0.97 acres which is 42,253.2 square feet. Three quarters of an acres is 32,670 square feet. So the applicant can have a third accessory structure with the proposed ordinance amendment wording. An additional 10,000 square feet is needed for a fourth, final accessory structure which is 42,670 square feet which the text

amendment applicant is just shy of so he would not be able to have a fourth and final accessory structure with the Planning Board text amendment wording.

The reason the Town Council referred this text amendment back to the Planning Board is because they wanted to add in a separation requirement for accessory structures if there were to be more than two accessory structures next to one another. No State Building Code issues occur with having four accessory structures clumped next to one another. What Council stated was that two accessory structures side by side should be permissible, such as a pool and a pool house, but any additional ones should have a 30 foot separation. Please keep in mind that a text amendment is not site-specific and would apply to all properties that meet the criteria listed. The revised wording is attached in red below.

Attachments: Proposed Ordinance Amendment wording, Text Amendment Application, narrative, survey, photos

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: Approval

Funds Needed: \$0.00

Follow Up Action Needed: Update Code of Ordinances

Attachments

Sec. 18-82. - Specific regulations.

(k) Detached accessory buildings and uses. Detached accessory buildings shall be set back a minimum of eight feet from any side or rear property line, except in the CB (community business) zoning districts where the district setbacks found in [section 18-118](#) shall apply. Accessory buildings shall not extend beyond the front edge of the principal building or beyond the minimum front building line, whichever is greater, except on flag lots, where pools may be allowed beyond the front edge of the principal building on the water side. Accessory buildings and uses shall not encroach into any utility easement. No parcel may contain more than two accessory buildings, **unless the property is greater than three quarters of an acre then an additional accessory structures is permitted. An additional accessory structure is permissible for each additional 10,000 square feet over three quarters of an acre on a single property up to a maximum of four accessory structures. Only two accessory structures are permitted to be side-by-side and any third or fourth accessory structure shall be a minimum of 30 feet from any other accessory structures.** The combined square footage of the accessory buildings shall not exceed ten percent of the total lot area. The maximum building height shall be 20 feet. (See [section 18-32](#), definitions, *Building, height of*.)

Sec. 18-32. - Definitions.

Accessory structure means a structure detached from the principal structure on the same property and customarily incidental and subordinate to the principal structure or use. An accessory structure includes garages, carports, swimming pools, pool houses, gazebos, pergolas, detached solar panels, and storage sheds are common urban accessory structures. Accessory structures with all dimensions 12 feet or less are exempt from detailed plans and certified survey submittal, but still require zoning permits for inspection of tie-downs and setbacks.

TEXT AMENDMENT APPLICATION

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



Date: May 7, 2018

Fee: \$300.00 - paid JV

Project Name (if applicable): Accessory Structures

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: Byron Powell & Penny Webster

Mailing Address:
114 SW 14th St.
Oak Island, NC 28465

Phone: 910-540-5222 Email: seasidelawn@yahoo.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>

Please see attached -

- Survey with additional accessory structures
- Additional wording in Sec 18-82.
- Letter of explanation

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: _____

Byron Powell

Date: _____

May 7-18
5-7-18

May 7, 2018

Town of Oak Island

Planning Department

4601 E. Oak Island Drive

Oak Island, NC 28465

Re: Text Amendment application property location 114 SW 14th. St. Oak Island, NC 28465

To whom it may concern,

The attached request is to make an amendment to Sec. 18-82 to include additional accessory structures for properties greater than .05 acres. Adding an additional accessory structure would be permitted for each additional 10,000 sf on a single property up to a maximum of four accessory structures per parcel.

We would like our property to be aesthetically pleasing to the neighborhood and myself. If the change is granted, this will be a benefit to the town limiting the number of buildings less than 12 ft. Under current law Sec. 18-32 – Definitions it does not specify number of structures less than 12ft. that can be placed on a parcel.

Our lot is comprised of 4 separate parcels merged into one measuring 42,487.5 SF or .975 of acre. A typical lot size on Oak Island is 6,600 SF allowing 2 accessory structures. Our property is currently at max with 2 accessory structures.

We are asking for an amendment to add change to accessory structures.

Thank you for your consideration and time regarding this matter.

Sincerely,

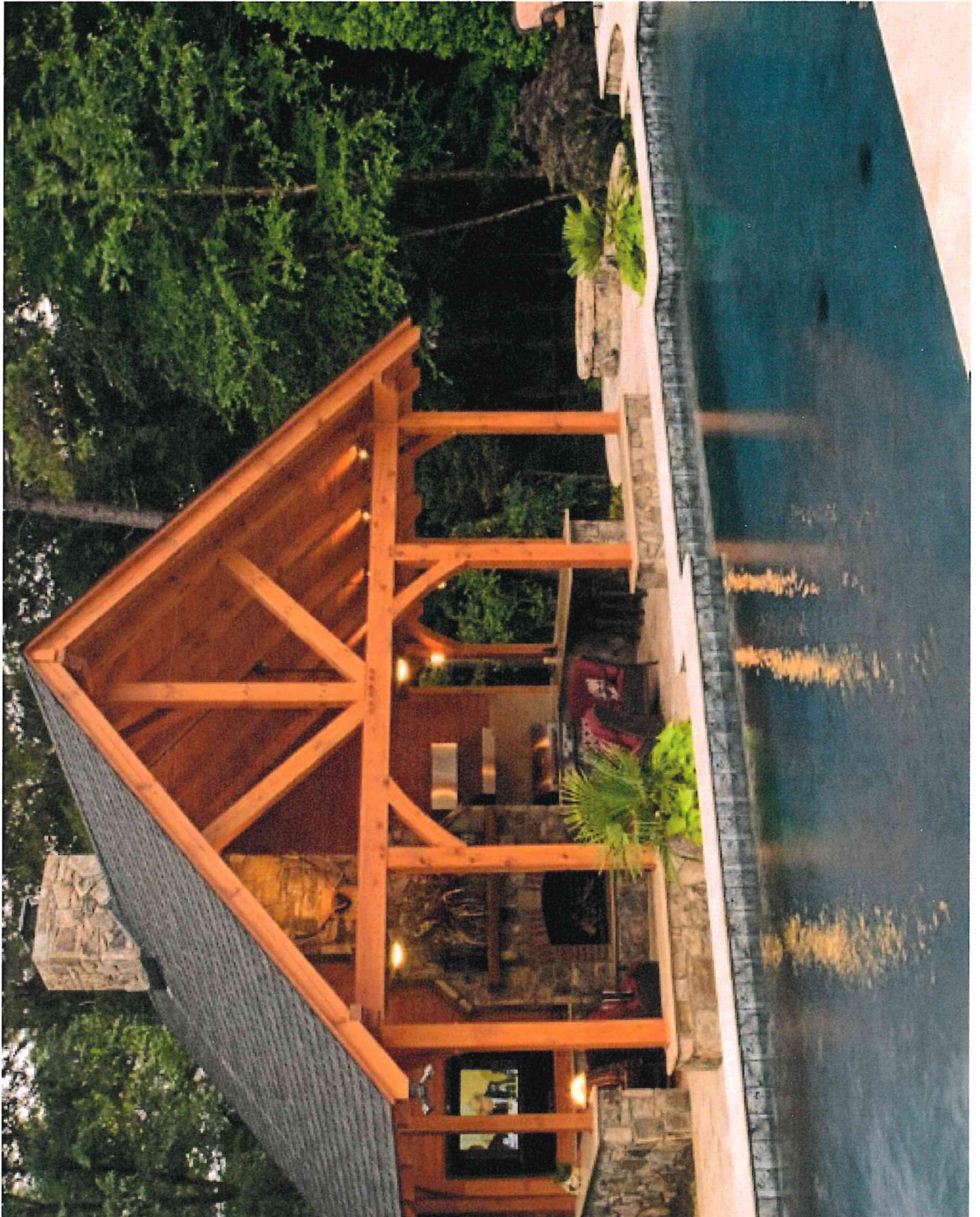


Penny Webster

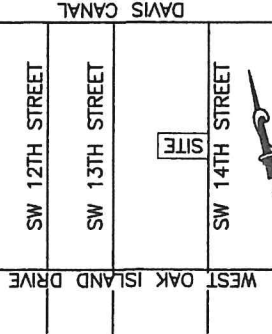


Byron Powell





VICINITY MAP
NOT TO SCALE



LINE	BEARING	DISTANCE
L1	S 18°44'19" E	58.47'
L2	S 07°50'06" E	34.84'
L3	S 09°28'04" E	31.99'

- 1: SEED & STRAW ALL DISTURBED AREAS
- 2: ONE (1) TREE TO BE 15' IN HEIGHT OR OVER AT MATURITY MUST BE PLANTED OR REMAIN AFTER CONSTRUCTION PER EACH 1450 SF. OF LOT AREA.
- 3: ONE 9' X 18' PARKING AREA MUST BE PROVIDED ON THIS PROPERTY PER HABITABLE ROOM MINUS ONE COMPLETELY OFF OF THE STREET RIGHT-OF-WAY.

LOT AREA = 42487.5 SF
TOTAL PROPOSED IMPERVIOUS AREA
(2864.6/42487.5)100=6.3%
LOT AREA = 42487.5 SF
TOTAL EXISTING IMPERVIOUS AREA
(3361.7/42487.5)100=7.9%

AREA & RETENTION CALCULATIONS

- 1=786.3 SF/8=98.3 CF/0.4=245.8 CF/100.5'L/2.4"W=1'D
 - 2=786.3 SF/8=98.3 CF/0.4=245.8 CF/100.5'L/2.4"W=1'D
 - 3=546.0 SF/8=68.3 CF/0.4=170.6 CF/26.0'L/6.6"W=1'D
 - 4=546.0 SF/8=68.3 CF/0.4=170.6 CF/26.0'L/6.6"W=1'D
- TOTAL VOLUME TO BE RETAINED=333.2 CF



TRENCH DETAIL

114 SW 14TH STREET
60' PUBLIC RIGHT-OF-WAY

NOTE: THE C.A.M.A. TOTAL AREA OF ENVIRONMENTAL CONCERN LIES BETWEEN THE MEAN HIGH WATERLINE AND THE 75' ESTUARINE SHORELINE = 11247.5 SF. THE EXISTING IMPERVIOUS AREA=713.7 SF. PROPOSED IMPERVIOUS AREA= 934.4. TOTAL IMPERVIOUS AREA IS= 1657.1 SF.



LEGEND (IF USED)
IRF=IRON ROD OR REBAR FOUND
PF=PIPE FOUND
MBL=MINIMUM BUILDING LINE
IRS=IRON REBAR SET
±.?.?±=GROUND ELEVATIONS
[Symbol]=CONSTRUCTION ENTRANCE
ASL=ABOVE SEA LEVEL
TRAN=TRANSFORMER
CB=CABLE PEDESTAL
TP=TELEPHONE PEDESTAL
CAMA=COASTAL AREA MANAGEMENT AGENCY
SSMH=SANITARY SEWER MANHOLE
SSCO=SANITARY SEWER CLEANOUT
F.E.M.A.=FEDERAL EMERGENCY MANAGEMENT AGENCY
F.I.R.M.=FEDERAL INSURANCE RATE MAP
SSV=SANITARY SEWER VENT
MHWL=MEAN HIGH WATER LINE

FLOOD CERTIFICATION:

1. THIS PROPERTY LIES WITHIN A F.E.M.A. SPECIAL FLOOD HAZARD AREA AE-11 AS SHOWN ON F.I.R.M. 3720205600J, DATED 6/2/2006.

GENERAL NOTES:

1. MEASUREMENTS ON THIS MAP ARE IN FEET AND DECIMALS THEREOF.
2. ALL SET CORNERS ARE 1/2" IRON REBAR UNLESS OTHERWISE NOTED.
3. THIS PROPERTY MAY BE SUBJECT TO ADDITIONAL EASEMENTS, RIGHTS OF WAYS AND RESTRICTIONS NOT DISCERNIBLE BY OBSERVATION AT THE TIME OF SURVEY OR THAT MAY BE OF RECORD. NO TITLE SEARCH BY THOMAS D. VON CANON.

REFERENCES:

1. PLAT OF PINNER'S POINT, SECTION 16, RECORDED IN MAP CABINET 7, PAGE 34 ON 6/25/1963 IN THE BRUNSWICK COUNTY, NORTH CAROLINA REGISTER OF DEEDS.
2. DEED BOOK 3207, PAGE 1281, RECORDED IN THE BRUNSWICK COUNTY, NORTH CAROLINA REGISTER OF DEEDS.

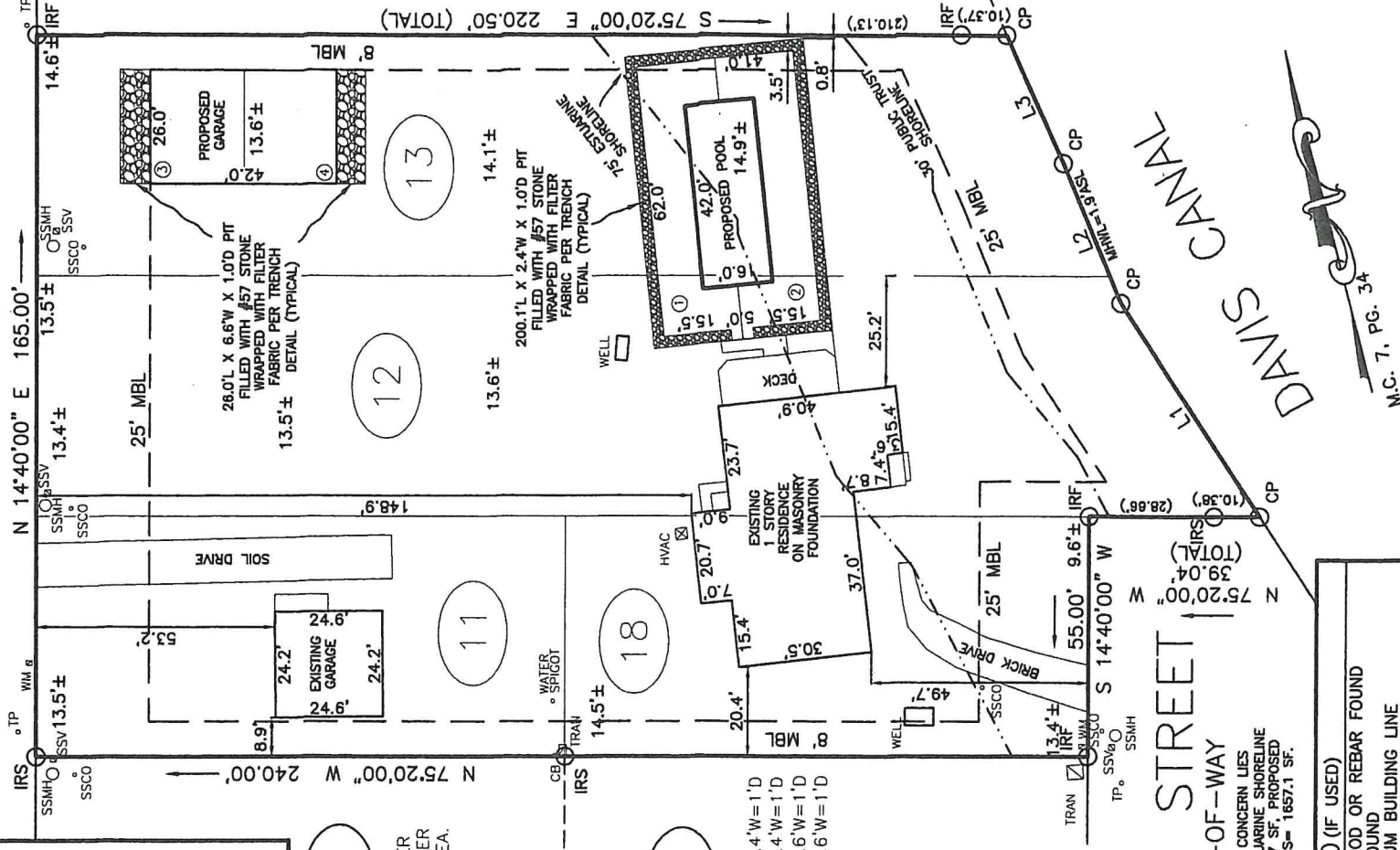
THIS IS TO CERTIFY THAT ON MARCH 19TH, 2018, I SURVEYED THE PROPERTY SHOWN ON THIS PLAT, AND THAT THE TITLE LINES AND THE WALLS OF THE BUILDINGS, IF ANY, ARE SHOWN HEREON. THE AREA OF THIS PROPERTY IS 0.975 ACRES AS CALCULATED BY COORDINATE COMPUTATION METHOD AND THAT THE ERROR OF CLOSURE IS 1:10,000.

SIGNED

THOMAS D. VON CANON L-3586

Z:\VCSBRUNSCO\MISC\OAK ISLAND\PHYSICAL SURVEY\114 SW 14TH STREET PS REV TDV

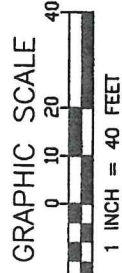
SW 13TH STREET



OAK ISLAND
ZONING
R-6B

SETBACKS
FRONT= 25'
SIDE= 8', C=10'
REAR= 20'

TAX PARCEL # 234KE003

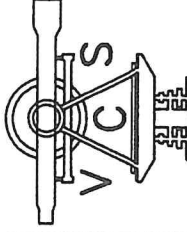


PHYSICAL SURVEY W/ POOL & GARAGE ADDITION

FOR: PENNY WEBSTER

LOTS 11, 12, 13 & 18
BLOCK 227, SECTION 16

PINNER'S POINT
OAK ISLAND, SMITHVILLE TOWNSHIP
BRUNSWICK COUNTY, NORTH CAROLINA



VCS & CO., INC. C-2160
1 YAUPON WAY
OAK ISLAND, NC
TELE. (704) 361-1557
EMAIL vcsbrunSCO@ec.rr.com

MAILING ADDRESS: 700 PINE FOREST ROAD, CHARLOTTE, N.C. 28214

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

Agenda Item: Old Business No. 2

Date: May 31, 2018



Issue: Outdoor Shower – Text Amendment

Department: Planning & Zoning Administrator

Presented by: Jake Vares

Presentation: None

Estimated Time for Discussion: 20 Minutes

Subject Summary:

Staff is requesting a text amendment clarification for outdoor showers. The ordinance does not clearly spell what the standards are for outdoor showers and neither does the UDO. The proposed wording states that a permit is required and that they are permissible in front, rear, and side-yard setbacks for up to five feet. This type of structure is not anticipated to be an issue in the front or the rear yard. Typically when requested it is the side-yard where property owners request to place the outdoor shower. Outdoor showers are not a commonly requested permit or issue the Development Services Department has to deal with. No state building code issues would be created with the allowance of this. Normal roof overhands and AC-units are permissible in the side-yard but cargo-lifts are not. Please remember to adopt the plan consistency statement in your motion.

Attachments: Proposed Ordinance Amendment wording

Recommendation/Action Needed: Approval

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

Attachment

Sec. 18-117. - Area and height table; residential districts.

Zoning	Lot Area Per	Lot	Front Yard	Side Yard Setback			Building Height Limits ^(d)	
				Interior	Corner	Rear Yard	Outside VE	Inside VE

District	Dwelling Unit (Square Feet)	Width (Feet)	Setback (Feet) ^(c)	Lot (feet)	Lot (Feet) ^(f)	Setback (Feet) ^(c)	Zone (Feet)	Zone (Feet)
R-20	20,000	100	30	10	20	15	35	41
R-9 ^(e)	9,000	75	25	8	10	20	35	41
R-7.5 ^(a)	7,500	75	25	8	15	20	35	41
R-7 ^(e)			25	8	10	20	35	41
One-family	7,500	60 ^(b)						
Two-family	10,000	75						
R-6A ^(e)			25	8	10	20	35	41
One-family	6,600	60 ^(b)						
Two-family								
R-6B	6,600	60 ^(b)	25	8	10	20	35	41
R-6MF ^(e)			25	8	10	20	35	41
One-family	6,600	60 ^(b)						
Two-family	11,000	100						
Three-family	15,000	140						
MH						10		
Triplex	15,000							

^(a) Special dimension requirements:

Places of worship: lot area equals three acres.

Public education facilities: lot width equals 300 feet and lot area equals five acres.

Private education facilities: lot width equals 200 feet and lot area equals two acres.

Community and municipal buildings: lot width equals 200 feet and lot area equals one acre.

Private clubs: lot area equals ten acres.

Residential lots of record 60 feet or less in width:

Interior lot: side yard equals eight feet.

Corner lot: side yard equals ten feet.

(b) Lots created before effective date of the ordinance from which this article is derived: lot width equals 50 feet.

(c) Steps and uncovered landings may encroach up to a maximum of three feet into the required front yard setback, or up to a maximum of five feet into the required rear yard. These encroachments are allowed in the front yard or rear yard, but not both.

(d) The following are exceptions to the height limits: Spires or belfries on places of worship, cupola, dome or ornamental tower not intended for human occupancy, monuments, water towers, observation towers, chimneys and smokestacks, conveyors, flagpoles, radio or television aerials for residential use, masts, parapet walls not to exceed more than three feet above the roofline of the building, and necessary mechanical appurtenances. Building height in the island part of the town is established by an act of the state legislature, and may only be changed by a local referendum.

(e) The front yard setback for oceanfront properties in zoning districts R-9, R-7, R-6A, and R-6MF shall be 15 feet. The 2000 USACE - MHW line or the traditional rear yard setback, whichever is more restrictive, is considered the rear-yard setback.

(f) Corner lots on the island that are contiguous to major water bodies shall have an eight-foot corner side yard setback and no additional flexibility per section 32-78.

(g) 1. Fireplaces may extend up to 24 inches into required yard setbacks.

2. New elevators, mobility or cargo lifts on existing residential structures may encroach up to five feet into the required rear setback, or up to five feet into the required front setback. The board of adjustment will review variance requests for proposed elevators, mobility and cargo lifts in any other areas of existing residential structures to determine if it meets the General Statute required findings of facts.

3. Enclosed outdoor showers require a permit and are permissible in front, rear, and side-yard setbacks for up to five feet.

(h) Flag lots and interior lots contiguous to major water features, navigable waters such as the Davis Canal, the Intracoastal Waterway, and the Atlantic Ocean, shall have a front yard setback along the water feature according to the illustrations in figures 1A and 1B in section 18-32.

(i) The footprint of structures which are within six inches (0.5 feet) of the required side yard setback distance and front or rear yard setback distance shall be considered compliant with the requirements of this chapter if the de minimis encroachment was done in error demonstrated by conflicting surveys. Regardless of any allowances, any expansion of an existing principal structure cannot be outside the allowable setback.

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

Agenda Item: no. 1

Date: May 30, 2018



Issue: Tree Ordinance – Text Amendment

Department: Planning & Zoning Administrator

Presented by: Jake Vares

Presentation: None

Estimated Time for Discussion: 45 Minutes

Subject Summary:

This text amendment is the result of a directive given by the Town Council at their most recent regular meeting. The primary portion of the ordinance that is to be amended is Section 32-76 as well as the definitions section and a change to the fee schedule. The ordinance section describes the regulations for tree preservation. The ordinance mandates that the Oak Island Tree City Working Group review any ordinance revisions to this section. The committee has met and made some improvements and helped polished up the language and recommends approval.

The primary change in the tree ordinance that will have the greatest impact is the change from one tree to be saved per 1,450 square feet to two trees preserved per 1,450 square foot of lot size. This essentially doubles the amount of trees that have to be maintained per property for a residential construction site. An example would be if one had a 5,500 square foot lot it would be divided by 1,450 the resulting figure would be amount of trees that have to be maintained on the property multiplied by two (ex: $5,500/1,450=3.79$ rounded up to 4 then $4*2 = 8$ trees to be preserved on a 5,500 square foot lot).

The proposed amendment also allows an option for the standard Development Permit fee of \$100 to be waived if the developer elects to include in their development permit application an additional 5 specimen trees in addition to their mandated tree minimum to be saved. The wording specifies that those trees would have to be maintained between the principal structure and the road right-of-way, this incentivizes a better spreading of the trees to be saved rather than the saved trees being clustered into a rear corner. Approval of this would amend the town fee schedule as well, which is attached. Corner lots and through lots were taken into account with this wording and the possible additional planting or tree preservation would apply to those type of lots as well. As long as the trees are between the principal structure and the road right-of-way then this ordinance language will be applicable.

The ordinance currently states the saved trees must have a minimum caliper at breast height of two inches and the proposed text amendment changes the caliper at breast height to five inches instead of two inches. If this tree text amendment were to be adopted then both the number of the trees and the size of the trees to be preserved increases substantially. The proposed ordinance

also codifies the additional tree species lists provided by the Town that are available to use. Please remember to adopt the plan consistency statement in your motion.

Attachments: Proposed Ordinance Amendment wording

Recommendation/Action Needed:

Suggested Motion: I make a motion to recommend approval or denial of 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

Chapter 32 - VEGETATION

Sec. 32-31.1. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Pruning. The elimination of live and dead branches from a tree's crown to improve tree structure, enhance vigor and/or maintain safety.

Specimen tree. For the purpose of this chapter, any perennial woody plant, such as a shade or pine tree, which usually has one main stem or trunk and the following caliper measurements taken at breast height: a hardwood tree, five inches; a conifer other than species of southern pine, five inches; southern pines, 14 inches; and any small flowering tree; such as crepe myrtle, five inches.

Topping. The severe cutting back of branches to a stub, bud, or a lateral branch not large enough to assume the terminal role.

Sec. 32-72. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Shrub. Any plant between three feet and 15 feet in height.

Specimen tree. For the purpose of this chapter, any perennial woody plant, such as a ~~large~~ shade or pine tree, which usually has one main stem or trunk and the following caliper measurements taken at breast height: a hardwood tree, ~~six~~ five inches; a conifer other than species of southern pine, ~~six~~ five inches; southern pines, 14 inches; and any small flowering tree; such as crepe myrtle, five inches.

Topping. The severe cutting back of branches to a stub, bud, or a lateral branch not large enough to assume the terminal role.

Sec. 32-76. - Tree and vegetation guidelines.

Vegetation plans shall comply with the following guidelines:

(1) Provide for the retention and protection of existing trees and the planting of new trees as follows:

a. For lots with available sewer, a minimum of ~~one~~ **two** existing specimen trees shall be saved per 1,450 square feet of lot size. ~~except where a determination has been made that the retention of existing trees would interfere with essential site improvements. This determination will be made by the department of development services following consultations with the developer. Every effort will be made to retain and protect specimen trees.~~ If retention is not a viable option, the minimum **restocking level** required will be dependent upon the number of specimen trees removed from the lot. One **specimen** tree with a minimum caliper at breast height of two inches shall be planted for every specimen tree removed from the lot **until the minimum tree preservation requirements are met. up to five trees.** **If the development application shows an additional 5 trees beyond the minimum tree amount required to be preserved between the principal structure and the road right-of-way inside the property lines then the development permit fee will be waived.**

~~Lots other than oceanfront properties shall have a minimum of two trees planted prior to completion of development.~~ Oceanfront properties are excluded from the above requirements. Owners of oceanfront properties are encouraged to preserve existing specimen trees, vegetation, and dunes. However, a combination of trees and/or grasses will be planted to provide a planted area of 50 square feet for each 700 square feet of heated area for oceanfront lots.

b. For lots with no available sewer and a **where** septic system will be used, a minimum of ~~one~~ **two** existing specimen trees shall be saved per 1,625 square feet of lot size. ~~except where a determination has been made that the retention of existing trees would interfere with essential site improvements. This determination will be made by the department of development services following consultations with the developer. Every effort will be made to retain and protect specimen trees.~~ If retention is not a viable option, the minimum **re**stocking level required will be dependent upon the number of specimen trees removed from the lot. One **specimen** tree with a minimum caliper at breast height of two inches shall be planted for every specimen tree removed from the lot **until the minimum tree preservation requirements are met. up to five trees.**

~~Lots other than oceanfront properties shall have a minimum of two trees planted prior to completion of development.~~ **If the development application shows an additional 5 trees beyond the minimum tree amount required to be preserved between the principal structure and the road right-of-way inside the property lines then the development permit fee will be waived.**

(2) Preserve and protect as much natural area on the site as is practicable. Where existing trees and shrubs are being preserved or replaced, applicants will provide continuous planted areas of at least 50 square feet for every 700 square feet of building area.

(3) Incorporate existing vegetation, natural areas, and specimen trees into required shoreline, wetland, and visual buffers where possible.

(4) Where vegetation is being replaced, applicants may select plant types from the list provided in Seacoast Plants of the Carolinas (University of North Carolina Sea Grant Program, Publication UNC-SG-73-06), "Trees for Oak Island," the local ordinance tree list, the Tree City Working Group tree list, or other comparable resources.

(5) Applicants shall not completely clear shrubs and grasses in areas designated as preserved natural areas in vegetation plans without the approval of development services.

Fee Schedule Attachment

Department	Charge Type	Proposed Amount	Approved Amount	Unit	Additional Information
Development	Inspection Permit - Irrigation Tap Permit		\$100.00		
Development	Inspection Permit -Multi-Family Dwelling (1st Unit)		\$1,000.00		Plus \$450 for each additional unit
Development	Inspection Permit - New Single Residence		\$1,000.00	Package	0-1200 sq. ft. Heated space (includes trade permits) Plus \$0.36/sqft. Over 1200 sqft.)
Development	Inspection Permit - New Single Residence (Garage)		\$100.00		
Development	Inspection Permit - New Single Family Residential Development Permit		\$100.00		May be waived based on tree preservation (Sec.32-76)
Development	Inspection Permit -Poured Footer Mobile Home		\$100.00		
Development	Inspection Permit - Quad Mobile Home		\$50.00		

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

Agenda Item: no. 2

Date: May 30, 2018



Issue: Permitting Requirements – Text Amendment

Department: Planning & Zoning Administrator

Presented by: Jake Vares

Presentation: None

Estimated Time for Discussion: 20 Minutes

Subject Summary:

Section 8-78 of the Town of Oak Island Code of Ordinance details some of the requirements for a permit application. Letter *c* is the new proposed ordinance language; it is attached and highlighted to this agenda item memo. It states that property being developed in an HOA (Home Owners Association) or POA (Property Owners Association) has to include documentation in their application that permission has been granted for the project by the HOA/POA architectural review board. This verifies that the proposed development is compliant with the standards of the HOA or POA.

The benefit to this additional wording is to ensure the town does not issue and development or building permit that is not compliant with the local covenants even though it is compliant with the local government land development codes. It is a way to ensure that these situations are prevented and to safeguard against the town being in the middle of those types of situations. This is a common practice in other municipalities. Please remember to adopt the plan consistency statement in your motion.

Attachments: Proposed Ordinance Amendment wording

Recommendation/Action Needed: Approval

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

Attachment

Sec. 8-78. - Application for permit.

- (a) Written application shall be made for all permits required by this chapter and shall be made on forms provided by the inspections division. Such application shall be made by the owner of the building or structure affected, or by his authorized agent or representative. At a minimum, the application shall contain the following, in addition to such other information as may be required by the inspector to enable him to determine whether the permit applied for should be issued:
 - (1) The name, residence, and business address of the owner;
 - (2) The name, residence, and business address of the authorized representative, if any;
 - (3) The name and business address of the contractor, if any, together with evidence that he has obtained a certificate from the appropriate state licensing board for such contractors, if such certificate is required for the work involved in the permit for which the application is made.
- (b) No permit for excavation for, or erection of, any building, or part of a building, or for repairs or alterations thereto, shall be issued until after a statement of its intended use has been filed by the applicant with the inspections division.
- (c) The applicant must include documentation that permission has been granted for the development by the HOA/POA architectural review board if the property is located in an HOA (Home Owners Association) or POA (Property Owners Association).