



# 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 July 19, 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:** (6-21-2018)
4. **Public Comment:** Please state your name and address for the record.

### II. OLD BUSINESS

1. **Outdoor Shower – Text Amendment**
2. **Tree Ordinance Revision – Text Amendment**

### III. NEW BUSINESS

1. **Mainland tree ordinance – text amendment**
2. **Development Line**

### IV. REPORTS/UPDATES

1. **Board Member Reports**
2. **Staff Reports** – (trail grant, September PB meeting)

### V. OTHER

**Future Meetings:** August 17, 2018  
**Adjournment**



MINUTES  
PLANNING BOARD  
June 21, 2018 – 10:30 A.M.  
COUNCIL CHAMBERS – TOWN HALL

Present: Chairman Denise Pacula, Vice-chairman Bob Carpenter, members Cathy Bowes, Mike Defeo and Willie Williams, Planning and Zoning Coordinator Jake Vares and Assistant Manager/Town Clerk Lisa P. Stites, MMC. Mr. Jenkins was unable to attend due to a scheduling conflict; Mr. Germaine was not present.

Agenda: Mr. Carpenter added a discussion of the recent text amendment for the Airport District as Old Business 3 and a discussion of signs as New Business 3. **Ms. Bowes made a motion to approve the agenda as amended. Mr. Williams seconded and the motion passed unanimously.**

Minutes: **Mr. Carpenter made a motion to approve the May 17, 2018 Minutes as presented. Mr. Williams seconded and the motion passed unanimously.**

Old Business:

1. Accessory Structures: Mr. Vares explained the proposed text amendment; it had been sent back to the Planning Board for additional consideration. Mr. Vares said that Council had asked for language requiring separation of more than 2 accessory structures. Mr. Carpenter suggested that a solution might be to limit the accessory structures to 4 and then remove the sentence with the 10,000 square foot requirement. Chairman Pacula said that the only thing they were there to consider was the 30 feet.

Applicant Byron Powell said that his property lacks approximately 75 square feet of property to put the four accessory structures they had planned.

**Mr. Carpenter made a motion was to amend 18-82 to remove “...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...” Mr. Williams seconded the motion and it passed unanimously.**

Chairman Pacula asked for more background. Mr. Edwards said that there was already a 30-foot separation for buildings. The Board and staff discussed whether it was a matter of aesthetics or private property rights.

**Mr. Carpenter made a motion to recommend approval of the proposed amendment to 18-82 as follows “Only two structures are permitted to be side-by-side and any third or fourth accessory structure shall be a minimum of 15 feet from any other accessory structures.” Mr. Williams seconded the motion.**

Mr. Powell said that it would work for his circumstances, and that he would accept the proposed text amendments as discussed. **The motion passed unanimously. Mr. Carpenter made a motion to adopt the associated Plan consistency statement. Mr. Defeo seconded the motion and it passed unanimously.**

2. Outdoor showers: Mr. Vares said that this wasn’t covered to his satisfaction in the ordinance. Ms. Bowes said that the way it was worded was not clear. Mr. Vares said it would allow five feet encroachment into the side yard setback. Chairman Pacula said her concern was that if outdoor showers were elevated, it would be essentially enlarging a deck. She suggested requiring them to be ground level and allowing just one per property.

Mr. Edwards suggested wording it as follows: “enclosed outdoor showers elevated not more than 2 feet above grade.”

Mr. Defeo said it should be a person’s choice to install more than one outdoor shower. He suggested instead trying to regulate the dimensions of objects allowed in the setback. Ms. Bowes said that with the footprint of the houses we have, it concerns her that we would be allowing even less space. Mr. Carpenter said that he recalled a discussion a few years ago about allowing stairs in the side yard setback being a privacy concern for the next-door neighbors. Ms. Bowes suggested maybe considering allowing outdoor showers in the front and rear setbacks and not on the side.

Mr. Edwards said that in the draft Unified Development Ordinance (UDO), the Planning Board recommended that stairs, etc. be allowed in the side yard setback up to 5 feet.

**Mr. Williams made a motion to table this discussion until staff brings back additional language to consider.**

Mr. Vares read from the draft UDO regarding what was allowed in the side-yard setback.

**Mr. Defeo second the motion to table the discussion and it passed unanimously.**

3. Airport District Text Amendment: Mr. Carpenter reviewed the text amendment adopted at the June Council meeting, which was the staff recommendation. He questioned the addition of 90 days and asked the Planning Board members if they were okay with that. Chairman Pacula said that she was okay with there being a time limit. Ms. Stites noted that the original Planning Board recommendation didn’t include any time restrictions. Ms. Stites also noted that staff had changed the proposed text amendment language following a discussion with the Town Attorney. She said it would be irresponsible for staff to submit a text amendment to Council that doesn’t properly protect the Town. Ms. Bowes said she remembered the sewer hookup being an issue. Mr. Carpenter said that this would just be expanded. Chairman Pacula said that it was only in the Airport District. Mr. Vares said that according to Airport Director Howie Franklin, the FAA has pretty strict rules against permanent residences on airport property. Chairman Pacula reminded the Board that the Town Attorney had recommended the inclusion of a time limit. **Mr. Carpenter made a motion to ask Mr. Vares for more clarification on how this was arrived because this has the potential to expand.** Mr. Defeo asked if it was for information purposes only; Mr. Carpenter said it was. He said that the Planning Board did not have that discussion and what was approved was not their discussion. Chairman Pacula said it was similar to the accessory structures item; the Planning Board did not discuss separation of buildings but now it had come back to them with the suggestion of 30 feet. Mr. Carpenter said that the Airport District amendment change didn’t come back to the Planning Board. **Mr. Williams seconded the motion and it passed 4-1 with Chairman Pacula opposed.**

New Business:

1. Tree Ordinance Protection: Mr. Vares said that Council directed staff to prepare language for consideration. Mr. Vares explained that the proposed amendment would double the number of trees to be maintained per lot. There would also be an incentive – the \$100 development permit fee would be waived for maintaining additional trees. There will be another proposed amendment to the tree ordinance coming to the Planning Board in July.

Lee Butzin, 121 SE 21<sup>st</sup> Street, Chairman of the Environmental Advisory Committee: Mr. Butzin said that the Committee reviewed the proposed ordinance amendment as was directed by Council. Answering a question from Chairman Pacula, Mr. Butzin confirmed that restocking would need to be specimen trees (which are either 5 or 14 inches based on type). Chairman Pacula asked if the stormwater regulations were discussed at all; Mr. Vares said that the directive was to consider amendments to the tree ordinance. Chairman Pacula said that the stormwater and parking regulations affect this too. Mr. Edwards asked Mr.

Butzin what the Committee's position was on the idea to double the required number of trees. Mr. Butzin said that the general opinion in public is that not enough trees are being saved. Mr. Vares said that the phrase used was "virtual tree cutting" and that leaving 5 trees in a clump in the corner of the lot was "virtual clear cutting." Mr. Butzin said the Committee does support increasing the minimum number of trees saved, though he acknowledged that the cost of compliance in restocking was discussed. Answering a question regarding the language for septic tanks, Mr. Edwards said that there are areas on the mainland which still use septic tanks.

Ms. Bowes asked what the process would be to verify that the required number of trees were maintained to have the development permit fee waived. Mr. Vares explained the process, and said that staff does do a final inspection.

Answering a question from Ms. Bowes, Mr. Edwards said that it would be a challenge to comply with the tree ordinance, stormwater regulations, etc. He said that a builder had recently purchased 5-inch trees for \$2,000 each.

Diane Whetsell, member of the Environmental Advisory Committee, said that the price she got was \$900 for a 5-inch oak tree. She said that it would hopefully encourage developers to preserve trees as much as they can. Ms. Whetsell also said that the Committee actually recommended reducing the caliper to 3 inches.

Chairman Pacula read from 32-76(2) and noted how much planted area there would be required with doubling the number of trees required. The Board asked how that was being verified; Mr. Vares said that he doesn't see that typically laid out in plans when they're presented.

Chairman Pacula asked how the stormwater regulations were being enforced during the building boom in 2005. Mr. Edwards said that they used to allow the pit next to the house. He said that after complaints were heard, they were told the pits were not sufficient and another method had to be utilized for retaining stormwater.

Mr. Carpenter said that the trees that counted as additional should be required to be 3 inches caliper instead of 5 inches.

Ms. Bowes said that given the availability and cost of larger trees, she would be amenable to requiring 3-inch caliper trees.

Randy Ollice, member of the Environmental Advisory Committee, said that it was not true that 5-inch trees were not available; they just cost more. He said that the hope was that more trees would be retained.

Mr. Butzin said that he has looked at a number of properties, and that there are a couple builders who do a good job by saving trees. He said they usually leave them all in the front, and that it might make it more difficult to build a house. He said that he would recommend keeping the 5-inch limit for the trees that count as additional/more than required.

**Mr. Carpenter made a motion to table the item until the July meeting. Mr. Williams seconded and the motion passed unanimously.** Following additional discussion, Mr. Vares noted that there is nothing to prevent someone from cutting down all the trees after the C/O was issued. The Board also asked for Mr. Jenkins' proposed ordinance amendments to be included in the agenda packet next month.

2. Proposed Amendment to Sec. 8-78 Permitting: Mr. Defeo suggested making the required documentation more formal. Mr. Vares said that he didn't include that as a requirement because he knew different HOAs handled things differently. Chairman Pacula said that the ones she has dealt with only send an email, but it is from the HOA's official email address. Mr. Vares said requiring something more formal might slow down the permitting process. Ms. Bowes suggested adding that the documentation should be from the HOA/POA. Ms. Stites suggested changing the end of the sentence to read "in a

development with an active HOA or POA.” **Mr. Carpenter made a motion to recommend the amendments with the changes suggested today and to adopt the associated plan consistency statement. Ms. Bowes seconded the motion and it passed unanimously.**

3. Signs: Mr. Carpenter asked if it was allowable for a business to be advertised at another business. Mr. Vares said the sign in question had a temporary permit. Mr. Edwards said there were also some specific State statutes that addressed regulating content. Mr. Carpenter also asked about the size and location of real estate/rental signs. The Board members discussed their recollections of the language they included in the draft Unified Development Ordinance. Mr. Vares read from the draft UDO. Mr. Carpenter asked for Mr. Vares to research that further.

Staff Reports:

The next meeting is July 19<sup>th</sup>. The fence text amendment was denied by Council, and the Airport District text amendment was approved. Mr. Vares spoke about the draft UDO meeting. He reviewed some of the changes Council had made and discussed thus far. The Board and Mr. Vares also discussed the Council’s decision to have Council preside over quasi-judicial hearings. Mr. Vares explained that the UNC-Chapel Hill School of Government recommends having quasi-judicial hearings being held with only one board. The Town used to have quasi-judicial hearings at the Planning Board and Council, and now we were in the second-worst situation, of having an informal hearing at the Planning Board and the quasi-judicial hearing at the Council meeting. The most defensible legal position would be to have just one quasi-judicial hearing in front of one board. Mr. Vares also explained the importance of not having ex parte communication regarding quasi-judicial matters.

**Ms. Bowes made a motion to adjourn at 12:30 p.m. Mr. Defeo seconded the motion and it passed unanimously.**

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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: July 5, 2018



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**Issue:** Outdoor Shower – Text Amendment

**Department:** Planning & Zoning Administrator

**Presented by:** Jake Vares

**Presentation:** None

**Estimated Time for Discussion:** 20 Minutes

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**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 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.

The ordinance previously specified that the setback encroachment for outdoor showers was permissible in the side, rear and front yard setbacks. It has since been altered to only apply to the side and rear and not the front yard. Per Planning Boards request the setback encroachment allowance has now been adjusted to 5 feet instead of 4 feet. Additionally, this ordinance proposal now specifies that the 4ft encroachment allowance for outdoor showers be measured from principal structure outward. The Planning Board also requested an additional detail that mandated outdoor showers be at grade level. Additionally, a requirement to mandate a roof over the shower was added because of concerns of a potential neighboring house next door being three stories tall on stilts being able to see in the shower.

The UDO (Unified Development Ordinance) states in Section 8.14.7. “*Uncovered decks and porches attached to a principal structure and mechanical equipment, such as wells and air conditioning/heating units, which services the principal structure may be located in side or rear yards provided such uses shall not be less than five (5) feet from any lot line. This provision does not allow the encroachment of these uses into front and corner lot yard setbacks. This provision does not include covered decks, covered porches, or covered sunrooms. No encroachment into utility easements is permitted.*” So the UDO grants a 3 foot allowance from the side of the house, assuming an 8 foot setback measuring 5 feet back from the property line, which

leaves a 3 feet allowable encroachment for decks in regular residential interior lots. The UDO does allow stoops/stairs in these areas as well since that would be a part of the deck.

At the previous Planning Board meeting there was a discussion of managing this issue by using dimensional standards only rather than making this use applicable to outdoor showers only. A concern for that was raised because then unlimited amounts of any type structure would then be permissible installed. An example could be an elevated brick compost pile which staff does not think the town or Planning Board would want to be permissible in the side-yard setback. This ordinance amendment does not grant carte blanche setback encroachments because it is specific to outdoor showers only. Typically we see outdoor showers being built during the final construction phases but phone calls are received occasionally on this topic. An outdoor shower would not be considered an accessory structure if it is attached to the house.

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**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

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## Attachment

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

Zoning District	Lot Area Per Dwelling Unit (Square Feet)	Lot Width (Feet)	Front Yard Setback (Feet) <sup>(c)</sup>	Side Yard Setback		Rear Yard Setback (Feet) <sup>(c)</sup>	Building Height Limits <sup>(d)</sup>	
				Interior Lot (feet)	Corner Lot (Feet) <sup>(f)</sup>		Outside VE Zone (Feet)	Inside VE Zone (Feet)
R-20	20,000	100	30	10	20	15	35	41
R-9 <sup>(e)</sup>	9,000	75	25	8	10	20	35	41
R-7.5 <sup>(a)</sup>	7,500	75	25	8	15	20	35	41
R-7 <sup>(e)</sup>			25	8	10	20	35	41
One-family	7,500	60 <sup>(b)</sup>						



Two-family	10,000	75						
R-6A <sup>(e)</sup>			25	8	10	20	35	41
One-family	6,600	60 <sup>(b)</sup>						
Two-family								
R-6B	6,600	60 <sup>(b)</sup>	25	8	10	20	35	41
R-6MF <sup>(e)</sup>			25	8	10	20	35	41
One-family	6,600	60 <sup>(b)</sup>						
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 televisions 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. Grade level enclosed outdoor showers with a roof require a permit and are permissible in rear, and side-yard setbacks for up to four feet from the principal structure. This provision does not allow the encroachment of this use into front and corner lot yard setbacks.

(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: Old Business no. 2

Date: July 6, 2018



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**Issue:** Tree Ordinance – Text Amendment

**Department:** Planning & Zoning Administrator

**Presented by:** Jake Vares

**Presentation:** None

**Estimated Time for Discussion:** 35 Minutes

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**Subject Summary:**

This text amendment is the result of a directive given by the Town Council. The primary portion of the ordinance that is to be amended is Section 32-76, 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, made improvements, recommended approval, and attended the Planning Board meeting.

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.

The ordinance currently states that 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. The definition of specimen trees codifies various tree types and their required caliper size. With this proposed ordinance one would now have to look at the definition of specimen tree to determine the allowable replanting caliper because the required tree caliper is dependent on the type of tree being replanted. The proposed ordinance changes the caliper size from six to five inches because that was Council's directive. The ordinance dictates that a property may have to be restocked with trees in order to meet the minimum tree number and size requirements. A developer may choose to not preserve trees on-site and may replant later before final permitting.

The cost of a five inch caliper tree is costly and was a concern raised by the Planning Board and the Environmental Advisory Committee. An average sized lot, for example a 6,600 square foot lot, would require 10 trees to be preserved or replanted that are all 5 inch caliper if this ordinance were to be adopted. The cost for a tree of that size can be high depending on the tree species. This ordinance will incentivize development to preserve the existing trees on the

property. The Planning Board did not make a change to the restocking dbh (diameter at breast height) size during the June meeting. This may be something to consider and discuss more.

Properties that lack trees that are already below the minimum required tree amount will have to replant additional trees to meet the minimum tree count amount before a final permit could be issued. There was concern amongst the Planning Board that properties which already lacked in trees below the minimum would be unfairly effected if they had to replant. The wording in number 1, second paragraph states *"Lots other than oceanfront properties shall have a minimum of two trees planted prior to completion of development"* has been struck through to be removed. This allowed a property owner or developer to merely replant two trees back if they were in that situation. If it is the desire of the Planning Board this wording can be amended and placed back into the ordinance.

In letter (b) the reason the square footage change to 1,625 square feet for lots with a septic system is because the area's that do not have sewer available (part of the mainland) need an area for the septic system to be and then a reserved area for failure of the septic system. This takes up a lot of ground where trees might otherwise go on a small lot with limited space. Oakwood Glen would be the only subdivision effected by the ordinance language in letter (b).

Number 2 in Section 32-76 was referenced during last month's Planning Board meeting. This is outside the scope of what Council directed. If Planning Board wishes to remove or change the wording of this section they may do so. A "planted area" is broad and can mean a number of things including but not limited to grass, bushes, and other forms of vegetation. Much of the wording in number 2 has been struck through.

Once a CO (Certificate of Occupancy) is issued all the trees can be removed. This is rarely done and is fairly self-regulated because most home owners want trees on their lot anyway. In the past, Planning Board proposed an ordinance that required a permit to cut down a tree after CO issuance. This was brought before Council and denied. Per Planning Boards request that past agenda item memo is attached.

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. 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 spread of the trees to be saved rather than the 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 and the optional additional trees 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 additional five trees beyond the minimum amount that are optional in order to have the development permit fee waved only have to be a 3 inch caliper tree (not 5 inch) per Planning Boards recommendation. This change is to encourage the utilization of this alternative.

This ordinance would not apply to houses just doing an addition, only to newly built structures on residentially zoned vacant lots. Per Planning Boards requested attached is the UDO tree species list and the Tree City tree species list is available as a hard copy because electronic copies are not available. No objection to doubling the number of trees to be preserved was voiced during the previous discussion of this topic. The wording of the ordinance would encourage the preservation of existing trees rather than having to absorb the cost replanting large caliper trees. The intent of this ordinance is to mitigate virtual clear cutting, to have a better spread of trees across a property, and to have more large trees in general preserved. 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.

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**Attachments:** Proposed Ordinance Amendment wording, Past tree agenda item, Tree list

**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

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## 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 ~~lane~~ 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 three inch caliper 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.

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## 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		

**Past tree agenda item**

**TOWN OF OAK ISLAND  
TOWN COUNCIL  
AGENDA ITEM MEMO**

Agenda Item: **LISA**  
Date: April 20, 2017



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**Issue:** Tree Ordinance

**Department/Title:** Planning & Zoning Administrator

**Presented by:** Jake Vares

**Presentation:** None

**Estimated Time for Discussion:** 15 Minutes

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**Subject Summary:**

On January 12<sup>th</sup>, a joint Planning Board and Tree City working group meeting was held and the end result was to no longer pursue the arborists draft tree protection ordinance and to have some newly proposed minimal wording drafted for review. The tree protection grant is being closed out and the attached language represents the suggested changes to Chapter 32 – Vegetation; in the Town of Oak Island's Code of Ordinances.

Since the town does not have a professional certified forester or arborist on staff and is not expected to have one, the references to town forester are removed and replaced with "tree inspector". This is a more suiting term for what is currently on staff. Additionally in Sec. 32-76.2. - Tree and shrub preservation; the latter part of the sentence in number 1 is altered to "root protection zone", this is a point of clarification as the original reference to the above number is encumbersome some and overly wordy.

The final and primary portion of the text amendment is the addition of Article IV, entitled *Tree Protection at Existing Houses*. It essentially states that it is permissible to remove trees on an existing site with an established home as long as there are still a number of trees remaining on the lot with certain dbh's (diameter at breast height). The larger the dbh of a tree to remain on a lot, the more trees can be removed. If trees with a smaller dbh are to be left on a parcel then the more of them must remain on the lot. A permit is needed to cut any tree, anytime, anywhere. However, the \$50 permit is all that is needed if you meet the required trees left in that section. If one were to cut the final 5 trees on a lot then an additional \$50/tree would be owed, or trees would have to be replanted.

The fine can be reduced by replanting trees, up to 5, therefore the resident or owner may not have to pay a fine depending upon how they wish to proceed. This allows someone to cut trees that are in an inconvenient area or trees they do not like and replace them with a tree species they like and in a place they want them.



If a home owner does not want to replant a tree they do not have to, they could merely pay the fine and not replant the removed tree. Hypothetically if a homeowner had 10 trees on his/her lot one could get a fifty dollar permit and cut five and just pay the 50 dollar permit. If one wanted to cut six trees on their lot, they could do so, they would pay the \$50 dollar permit, pay an additional fifty dollars and then cut that sixth tree. If one wanted to cut all ten trees on their lot down then they would need pay the fifty dollar permit and then \$250 for the remaining trees (fifty dollars per tree). This scenario operates under the assumption that the property owner elects not to replant any trees.

As long as the requirements listed in Section 32-882 (b) (2) are met then a property owner may "without penalty, or recourse from the town as long as they meet one of the following requirements:

- a) 5 trees 2" DBH or greater remain on the lot
- b) 3 trees 12" DBH or greater remain on the lot
- c) 1 tree 16" DBH or greater remains on the lot"

This ordinance still allows those to do what they want on their property but there may be a cost for the town to replace the trees removed.

This ordinance revision designates a tree fund and a permit and fine cost for the removal of such trees. The funds collected are to be designated into tree fund specifically for tree preservation, protection, and replanting. If a parcel has a substantial number of trees then they have greater flexibility in the number of trees that can be removed. Please note that this ordinance only applies to the island side only of Oak Island's jurisdiction. This was done intentionally because a different community based plan can and should be used on future development on the mainland. The number of trees could be different based on lot size and pre-planned green space. The town can use this plan as a base for the mainland and adjust if needed based on the particulars of a development. The Tree City working group was sent this text amendment and responded with a few questions and general support. The Planning Board can amend the proposed language as desired.

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**Attachments:** Proposed Ordinance Language

**Recommendation/Action Needed:** Recommendation to Town Council to approve or deny with the associated consistency statement

**Funds Needed:** \$0.00

**Follow up Action Needed:** Forward recommendation to Town Council, update staff report

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**Attachments:**

Chapter 32 - VEGETATION [III](#)

ARTICLE I. - IN GENERAL

## ARTICLE IV – TREE PROTECTION AT EXISTING HOUSES

This article applies to the retention of trees and tree removal at existing homes on the island portion of Oak Island.

### Sec. 32-80. – Existing houses

- (a) All existing homeowners are encouraged to retain trees and natural areas on their property.
- (b) Tree removal at existing homes
  - 1) Homeowners must get a tree removal permit from the town before removing any trees. The cost of the permit is \$50.
  - 2) Homeowners may remove trees from their property without penalty, or recourse from the town as long as they meet one of the following requirements:
    - a) 5 trees 2" DBH or greater remain on the lot
    - b) 3 trees 12" DBH or greater remain on the lot
    - c) 1 tree 16" DBH or greater remains on the lot
  - 3) If the homeowner removes trees in a manner that does not meet the requirements listed above in section b., they must replant trees to become compliant again or pay a \$50/tree fine based on 5 trees/lot remaining.
- (c) Money collected from permits and fines will be put in a "Tree Fund" and used by the town to plant, protect or promote tree growth on the island portion of Oak Island.
- (d) The town's tree inspector or their assigned delegate will be responsible for monitoring tree removal, insuring compliance is met and collecting fines.
- (e) Any tree deemed hazardous by the tree inspector shall be exempt from any tree removal permit or fines involved with the removal of a hazardous or dead tree.

## UDO Tree List

**10.11.7.** No attachments or wires other than those of a protective nature shall be attached to any tree.

**10.11.8.** Soil disturbances within the drip line of a protected tree shall be limited to two inches in depth removed or two inches in depth added. Any soil added under the drip line of the tree shall be a loamy soil mix to ensure minimal compaction.

**10.11.9.** During land clearing and construction stage of development, the UDO Administrator shall periodically inspect the site to ensure compliance with the provisions of this section.

**10.11.10.** Tree location and replacement activity permitted or required under this section shall be done in accordance with standard forestry practices and procedures, and all such plantings shall be reasonably maintained and attended to promote successful establishment thereof.

### **SECTION 10.12 RECOMMENDED PLANT LIST.**

The following is a recommended plant list to be utilized in the preparation of Landscape Plans to meet vegetation requirements or comparable vegetation may be used 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" or any other town-approved tree list. NOTE: Native vegetation is preferred. Plants not listed may be accepted by the UDO Administrator if they meet the standards defined by this Section. Some plants are listed under multiple categories as many of these plants are offered in numerous varieties. Mature height and spread of each plant is contingent on the variety. It is highly recommended that Landscape Plans be prepared by or in consultation with a Registered Landscape Architect or qualified landscape design professional.

**Key:**

E = EVERGREEN

N = NATIVE

D = DROUGHT TOLERANT

S = SALT TOLERANT (MODERATE TO HIGH)

## ARTICLE 10. PERFORMANCE STANDARDS

Botanical Name	Common Name	
<b>Shade Tree</b> – installed at 12-14 foot height and 2-inch caliper, mature height greater than 30 feet		
<i>Fagus grandifolia</i>	American Beech	N
<i>Ginkgo biloba</i> (male only)	Ginkgo	D, S
<i>Gleditsia tricanthos inermis</i>	Thornless Honeylocust	N, S
<i>Liquidambar styraciflua</i>	American Sweetgum	N, D
<i>Magnolia grandiflora</i>	Southern Magnolia	E, N, D, S
<i>Nyssa sylvatica</i>	Black Gum	N, S
<i>Quercus nigra</i>	Water Oak	N, D, S
<i>Quercus shumardii</i>	Shumard Oak	N, D, S
<i>Quercus phellos</i>	Willow Oak	N, D, S
<i>Quercus virginiana</i>	Live Oak	E, N, D, S
<i>Taxodium distichum</i>	Bald Cypress	N, D
<i>Ulmus parvifolia</i>	Lacebark Elm	D, S
<b>Small Tree</b> – installed at 8-10 foot height and 1-inch caliper, mature height less than 30 feet		
<i>Acer buergerianum</i>	Trident Maple	D, S
<i>Amelanchier canadensis</i>	Shadblow Serviceberry	N
<i>Cercis canadensis</i>	Eastern Redbud	N, D
<i>Cornus florida</i>	Dogwood	N
<i>Fraxinus americana</i>	White Ash	N
<i>Ilex cassine</i>	Dahoon Holly	E, S
<i>Ilex latifolia</i>	Lusterleaf Holly	E, D
<i>Ilex opaca</i>	American Holly	E, N, D, S
<i>Ilex vomitoria</i>	Yaupon Holly	E, N, D, S
<i>Ilex x attenuate</i> 'Fosters'	Foster's Holly	E, D, S
<i>Ilex x 'Nellie Stevens'</i>	Nellie Stevens Holly	E, D
<i>Koelreuteria paniculata</i>	Goldenrain tree	D
<i>Lagerstromia</i>	Crapemyrtle	D, S
<i>Magnolia grandiflora</i> 'Little Gem'	Little Gem Magnolia	E, N, D, S
<i>Magnolia virginiana</i>	Sweetbay Magnolia	N
<i>Magnolia x souangiana</i>	Saucer Magnolia	D
<i>Osmanthus americanus</i>	Devilwood	E, N, S
<i>Oxydendrum arboretum</i>	Sourwood	N, S
<i>Persea borbonia</i>	Redbay	E, N, S

## ARTICLE 10. PERFORMANCE STANDARDS

Botanical Name	Common Name	
<i>Prunus caroliniana</i>	Carolina Cherrylaurel	E, D, S
<i>Quercus geminate</i>	Sand Live Oak	E, N, S
<i>Vitex angus-castus</i>	Chastetree	D, S
<b>Large Shrub</b> – installed at 5-foot height, maintained height at 6-10 feet		
<i>Berberis julianae</i>	Wintergreen Barberry	E, D, S
<i>Cleyera japonica</i>	Japanese Cleyera	E
<i>Elaeagnus pungens</i>	Thorny Elaeagnus	E, S
<i>Euonymous japonicas</i>	Japanese Euonymus	E, S
<i>Ilex cornuta</i>	Holly	E, D, S
<i>Ilex vomitoria</i>	Yaupon Holly	E, N, D, S
<i>Ligustrum japonicum</i>	Wax Leaf Privet	E, D, S
<i>Ligustrum lucidum</i>	Glossy Privet	E, D
<i>Mahonia bealei</i>	Leatherleaf Mahonia	E
<i>Myrica cerifera</i>	Southern Waxmyrtle	E, N, D, S
<i>Nerium oleander</i>	Oleander	E, S
<i>Osmanthus x fortunei</i>	Fortunes Osmanthus	E, D
<i>Photina serulata</i>	Chinese Photina	E
<i>Pittosporum tobira</i>	Japanese Pittosporum	E, D, S
<i>Podocarpus macrophyllus</i>	Chinese Podocarpus	E, D, S
<i>Raphiolepis umbellata</i>	Indian Hawthorn	E, S
<b>Intermediate Shrub</b> – installed at 36-inch height, maintained height at 4-6 feet		
<i>Abelia x grandiflora</i>	Glossy Abelia	E, D
<i>Acuba japonica</i>	Japanese Acuba	E, D, S
<i>Clethera alnifolia</i>	Sweet Pepperbush	N, S
<i>Hydrangea macrophylla</i>	Bigleaf Hydrangea	D, S
<i>Ilex cornuta</i>	Chinese Holly	E, D, S
<i>Ilex crenata</i>	Japanese Holly	E, D, S
<i>Ilex glabra</i>	Inkberry Holly	E, N, D
<i>Juinperus chinensis</i>	Chinese Juniper	E
<i>Loropetalum chinensis</i>	Chinese Fringe-Flower	E
<i>Nerium oleander</i>	Oleander	E
<i>Raphiolepis indica</i>	Indian Hawthorn	E, S

## ARTICLE 10. PERFORMANCE STANDARDS

Botanical Name	Common Name	
<i>Sabal minor</i>	Dwarf Pometto	E, N, D
<i>Viburnum suspensum</i>	Sandwaka Viburnum	E, S
<i>Yucca filamentosa</i>	Yucca	E, N, D, S
<b>Small Shrub</b> – installed at 18-inch height, maintained height at 3-4 feet		
<i>Abelia x grandiflora</i> (dwarf var.)	Glossy Abelia	E, D
<i>Acuba japonica</i> (dwarf var.)	Japanese Acuba	E, D
<i>Berberis thunbergii</i>	Japanese Barberry	D
<i>Buxus microphylla</i> var. <i>koreana</i>	Korean Boxwood	E, D
<i>Euonymus japonicus</i> 'Microphyllus Variegatus'	Var. Boxleaf Euonymus	E
<i>Gardenia jasminoides</i> 'Radicans'	Cape Jasmine	E, D
<i>Ilex crenata</i> 'Soft Touch'	Japanese Holly	E, D, S
<i>Ilex cornuta</i> 'Carissa'	Carissa Holly	E, D, S
<i>Ilex vomitoria</i> 'Nana'	Dwarf Yaupon Holly	E, N, D, S
<i>Itea virginica</i>	Virginia Sweetspire	N, D
<i>Jasminum nudiflorum</i>	Winter Jasmine	E, D
<i>Juniperus chinensis</i>	Chinese Juniper	E, S
<i>Nandina domestica</i>	Dwarf Nandina	E, D
<i>Pieris japonica</i>	Japanese Pieris	E
<i>Pittosporum tobira</i>	Japanese Pittosporum	E, S
<i>Raphiolepis indica</i>	Indian Hawthorn	E, D, S
<i>Spirea japonica</i>	Japanese Spirea	D
<i>Spirea nipponica</i>	Snowmound Spirea	D
<i>Yucca filamentosa</i>	Yucca	E, N, D, S

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

Agenda Item: New Business no. 1

Date: July 9, 2018



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**Issue:** Tree Ordinance – Text Amendment

**Department:** Planning & Zoning Administrator

**Presented by:** Jake Vares

**Presentation:** None

**Estimated Time for Discussion:** 35 Minutes

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**Subject Summary:**

This text amendment is the result of a directive given by Town Council. The primary portion of the ordinance that is to be amended is Section 18-453, which is within the subdivision ordinance. The ordinance section describes the major subdivisions application requirements for forestry plans.

The text amendment applies only to the mainland side of Oak Island and is only applicable to major subdivisions. Any major subdivision application on the mainland that is greater than 25 acres and more than twelve lots shall have a forestry plan submitted to the UDO Administrator before construction plans are approved. Please remember to adopt the plan consistency statement in your motion.

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**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

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## Attachments

### ARTICLE III. - SUBDIVISION REGULATIONS

#### **Division 3. - Land Suitability, Required Improvements, and Minimum Standards of Design**

##### **Sec. 18-452. - Buffering.**

Whenever a residential subdivision is proposed adjacent to an office, institutional, commercial or industrial use or property zoned for these uses, the subdivider shall provide a buffer. The width of the buffer shall be in addition to the lot area required by article II of this chapter, zoning. The buffer shall become part of the lot on which it is located, or in the case of commonly owned property, shall be deeded to the homeowners' association.

(Ord. of 6-12-2001, ch. 2, § 4.10; Ord. of 1-8-2002, ch. 2, § 4.10)

##### **Secs. 18-453. Major Subdivision Tree Plan**

Any major subdivision application on the mainland that is greater than 25 acres and more than 12 lots shall have a forestry plan submitted to the UDO Administrator before construction plans are approved.

##### **Secs. 18-453 — 18-470. - Reserved.**



**TOWN OF OAK ISLAND**  
**TOWN COUNCIL**  
**AGENDA ITEM MEMO**

Agenda Item: New Business No. 2

Date: July 9, 2018



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**Issue:** Development Line Modification

**Department:** Planning & Zoning Administrator

**Presented by:** Steve Edwards & Jake Vares

**Presentation:** None

**Estimated Time for Discussion:** 30 Minutes

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**Subject Summary:**

A local government may petition the Coastal Resources Commission (CRC) for a development line to guide ocean front development. The development line would serve to mark the ocean-ward limit where structures could be built to, like a traditional setback line. On September 14th, 2016, staff presented the Town of Oak Island's adopted development line to the Coastal Resource commission for approval. The Coastal Resource commission approved the development line with some conditions which were all met. The current development line can be viewed on the Oak Island's website at: <https://www.arcgis.com/home/webmap/viewer.html?webmap=2bbcbad57598493387b5ba7934e2a965&extent=-78.208,33.9129,-78.204,33.9148>. The maps have multiple layers that can be toggled on and off such as: sandbags (past and present locations), beach accesses, water features, streets, aerial photograph, contours, mean high water (MHW) line, Shoreline Management Feasibility Study line, building footprints, undeveloped parcels, property lines, 1998 static vegetation line, 2012 Vegetation Line, berm line, ocean front structures, and the town development line is displayed prominently. The official definition of development line according to state regulation 15A NCAC 07H .0305 (10) is "*The line established in accordance with 15A NCAC 07J .1300 by local governments representing the seaward-most allowable location of oceanfront development. In areas that have development lines approved by the CRC, the vegetation line or measurement line shall be used as the reference point for measuring oceanfront setbacks instead of the static vegetation line, subject to the provisions of 15A NCAC 07H .0306(a)(2).*" Upon review of the development line on the eastern edge of Oak Island's ocean-front jurisdiction staff noticed it was overlain in such a way as to severely restrict the buildable area of those parcels.

A structure must also meet the CAMA setback requirements measured 60 feet landward from first line of stable and natural vegetation. The 60ft CAMA setback line is still in effect and is sometimes more stringent than the development line. The 60ft CAMA setback line must still be adhered to regardless of where the development line lays. The town's development line is the most seaward you can build a principal structure and a CAMA permit is still required for ocean-front properties. There are CAMA exceptions for accessory structures such as walkways, decks and gazebos that would still apply to accessory structures seaward of the development line. The exemptions are listed in the CAMA guidelines.

The mean high water (MHW) line shown on the map is the January 2000 USACE (United States Army Corps of Engineers) line that was adopted by Town ordinance, Section 14-129. The MHW line is the demarcation line where private property ends and public trust property begins. Most ocean front lots

are typically platted 150ft in depth, 50 feet wide, and the rear setback line and the MHW line are one in the same. A map showing the proposed development line change is attached to this agenda item memo.

In order for a municipality to have an ocean-front development line the town must follow the process detailed by the Division of Coastal Management (DCM) in section 300 15A NCAC 07J0 1301. The town must submit an aerial map showing the proposed development line and the current static vegetation line. The documentation of the adopted development line must be provided to DCM staff and the CRC for review and approval. The Town has already incorporated the Development Line into the Town Ordinance(s), and has provided a copy of the ordinance(s) that pertain to the development line to DCM staff. The reason for this requirement is that it shows the CRC that the Town recognizes the line as an enforceable building line limitation. The Coastal Resources Commission (CRC) has to approve a development line change and town staff would work with the Division of Coastal Management staff to have it placed on the CRC agenda for a vote. Planning Board review and recommended is requested first. Please remember to adopt the Plan Consistency Statement with your motion.

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**Attachments:** Ordinance excerpts, Proposed Development Line Modification Map

**Staff Recommendation/Action Needed:**

**Suggested Motion:** Motion to approve or deny the development line alteration and to adopt the associated plan consistency statement

**Funds Needed:** \$0.00

**Follow Up Action Needed:**

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## **Attachment**

### **Sec. 14-121. - Definitions.**

The following words, phrases, and terms, when used in this article, shall have meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Definitions of this article shall be interpreted to be the same as those recognized by the state department of environment and natural resources, the coastal resources commission, and/or the division of coastal management.

*CRC* means the state coastal resources commission.

*Development* means any activity in a duly designated area of environmental concern involving, requiring, or consisting of the construction or enlargement of a structure; excavation, dredging, filling, dumping, or the removal of clay, silt, sand, gravel, or minerals; bulkheading, driving of pilings, clearing or installation of land as an adjunct of construction; alteration or removal of sand dunes, alteration of the shore, bank, or bottom of the Atlantic Ocean or any bay, sound, river, creek, stream, lake or canal.

*Development line* means the line established in accordance with 15A NCAC 07J.1300 by local governments representing the seaward-most allowable location of oceanfront development. In areas that have development lines approved by the CRC, the vegetation line or measurement line shall be used as the reference point for measuring oceanfront setbacks instead of the static vegetation line, subject to the provisions of 15A NCAC 07H.0306(a)(2).

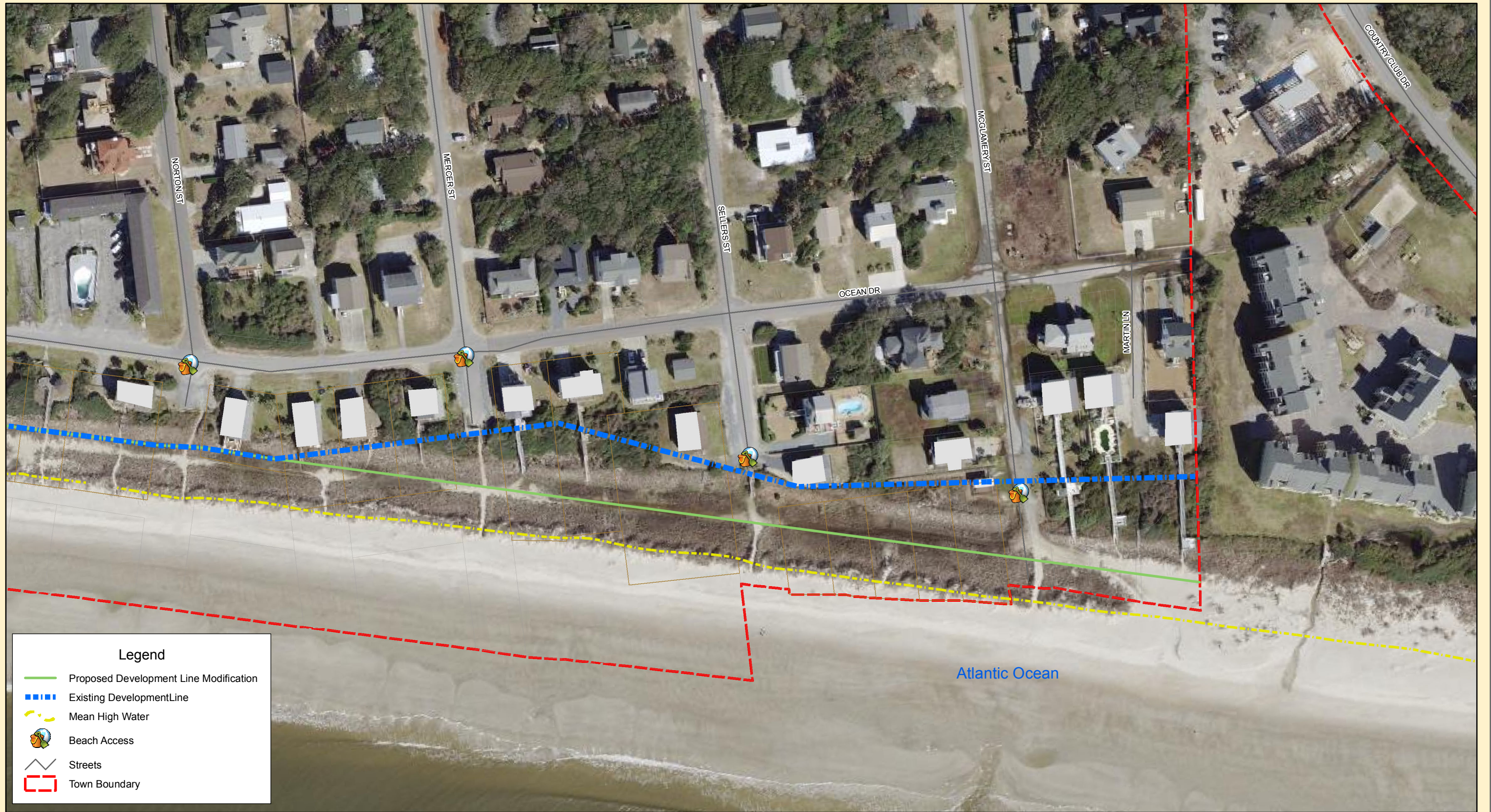
*Division of coastal management* means a division of the state department of environment and natural resources charged by the state with the administration and enforcement of the Coastal Area Management Act of 1974.

## **Sec. 14-125. - Use and development coverage.**

This article shall be applicable to all use of and development on ocean beaches in the town. Included, but not limited to the following, are types of uses and development activity to which this article applies. Specifically, this article is applicable to all oceanfront property owners intending to construct, repair or replace decks, walkways, and/or steps for the purpose of gaining access to the public ocean beach from private property along the oceanfront in the town. This article applies to all persons crossing ocean beaches for the purpose of gaining access to the beaches and Atlantic Ocean.

No structures shall be built seaward of the Oak Island development line except as allowed under CAMA regulations 15A NCAC 07H.0309.





**Legend**

- Proposed Development Line Modification
- Existing DevelopmentLine
- Mean High Water
- Beach Access
- Streets
- Town Boundary

# Development Line Change Map

Town of Oak Island, NC

Map is to be used to only show the general vicinity. Address numbers cannot be 100% guaranteed for accuracy. Map is to be used for general informational purposes only. Data used to generate this map was gathered from disparate sources.



Map created by:  
 Jake Vares  
 Town of Oak Island  
 Development Services Department  
 4601 E. Oak Island Drive  
 Oak Island, NC 28465  
 7-9-2018

