



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 May 17, 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:** (3-15-2018)
4. **Public Comment:** Please state your name and address for the record.

II. OLD BUSINESS

III. NEW BUSINESS

1. **Airport District – Text Amendment**
2. **Commercial Fencing – Text Amendment**
3. **Accessory Structures – Text Amendment**
4. **Outdoor Shower discussion (verbal staff report)**

IV. REPORTS/UPDATES

1. **Board Member Reports**
2. **Staff Reports** – (FEMA flood maps, ____)

V. OTHER

Future Meetings: June 21, 2018
Adjournment



MINUTES
PLANNING BOARD
MARCH 15, 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.

The meeting began as a joint meeting with the Environmental Advisory Board, and the following members were present: Lee Butzin, Gail Johnson, Margaret Johnson, Linda Seifert and Diane Whetsell.

Chairman Pacula called the meeting to order at 10:30 a.m.

Mr. Carpenter made a motion to approve the agenda as presented. Mr. Defeo seconded and the motion passed unanimously.

Mr. Carpenter made a motion to approve the January 18, 2018 Planning Board Minutes as presented. Mr. Williams seconded and the motion passed unanimously. (Note: There was not a meeting in February).

Public Comment: none, but comments will be taken after the presentation.

Margaret Johnson, member of the Environmental Advisory Committee, spoke on behalf of the Committee. Ms. Johnson said that some of the Committee's members are new to the area and they were learning how to be heard so they can help influence sound environmental practices and policies in our area. She said the members share the desire to help preserve our natural resources and to preserve our island's charm, beauty and most of all, environmental health. They use their limited resources to encourage contagious good stewardship of our unique coastal resources. She said they were delighted to discover that we can "have it all," developing the community while protecting the island's environmental health, through wildlife and habitat management, and conservation measures.

Kacy Cook, Land Conservation Biologist, with the NC Wildlife Resources Commission, gave a presentation on the Green Growth Toolbox. A copy of the presentation is attached and is hereby incorporated as part of these Minutes. The Green Growth Toolbox is a non-regulatory guide, technical assistance program for integrating priority habitat wildlife conservation in local government land use and transportation planning, just as other sources of information are incorporated in planning. The idea is to plan the green before the grey, without affecting the amount of development needed, or property rights, in a negative way. She said the reason they do this is that the decline of wildlife due to spread out development patterns is the number one threat to a number of species. There are 1,000 vertebrate species in North Carolina, and many more invertebrate species. She said they are trying to get ahead of the Endangered Species Act. We all want clean water, clean air, healthy wildlife; we want to hunt, fish, etc., she said. Cooperative work with developers and government entities can help preserve wildlife. Land use planning is essential to the future of our wildlife heritage. By using the principals in the Green Growth Toolbox, communities can have the same amount of development, but in a pattern that is more centralized. That way, there can still be working farms and forests, wildlife habitat and the development we need. The Toolbox also focuses on minimizing the impact of development. Maintaining habitat connectivity is also very important. Ms. Cook spoke about how the Toolbox has been used in Chatham County and other areas, and she also mentioned all the resources available to local governments and developers.

Charlie Blalock asked Ms. Cook if she had any development examples comparable to a beach community like ours. Ms. Cook said there were some examples from Florida and South Carolina; they haven't really worked with a beach community in North Carolina yet. She said she would love to work with a beach town on lighting ordinances as a start.

Mr. Williams said that the one thing he took away from the presentation was missed opportunity. Ms. Cook said that the subdivision on the agenda today actually seems to have done a good job compared to what she usually sees. Chairman Pacula asked how much of this was incorporated into the draft UDO; Mr. Vares said when he gives Council a presentation on the draft UDO, he will include information about the proposed changes for subdivisions.

Diane Whetsell, Environmental Advisory Committee, asked where the Wildlife Fund gets its funding. Ms. Cook said that funding comes from taxes, donations, and a portion of sales from firearms and ammunition; previous funding also came from federal grants. She said the good thing about what they do is that it is a bipartisan effort, as Republicans and Democrats alike enjoy the outdoors.

Ms. Whetsell also asked about ideas for existing development, such as the majority of Oak Island. Ms. Cook said that their focus was on the landscaping aspect, but that there were a lot of things that communities could do to save wildlife, such as using native plants and minimizing grading and tree removal.

The joint portion of the meeting concluded at 11:06 a.m. and the Planning Board continued with New Business.

Pine Forest Preliminary Plat:

Mr. Vares gave a brief presentation on the application for the preliminary plat. The development is on N.C. 211 and is zoned Commercial-Low Density; the proposed development is allowed in this zone.

Developer Mark Brambell addressed the Planning Board about the preliminary plat application. He said this phase of the project will have a minimal effect on wetlands.

Bob Germaine noted that the roads are to be private and asked if there would be a gate installed. Mr. Brambell said that a gate was not planned, though they would like to preserve the right to install one. Mr. Germaine asked what the planned size of the homes was. Mr. Brambell said these would be in the 1600-2200 square foot range, marketed to people who are downsizing. Mr. Germaine asked what sections they would plan to be gated. Mr. Brambell said it is a large community, and he can't say for sure. He said that he could see small sections, possibly designated by natural resources, which would be suitable for a gated section. Answering a question from Mr. Germaine, Mr. Brambell said that approximately 25-20% was not buildable because of the wetlands. He said that he looked forward to working with Ms. Cook on some of their development ideas.

Ms. Bowes asked about the fire insurance rates. Mr. Brambell said that it was not uncommon for a community to be in a rural fire area at the outset of development. Mr. Vares explained that the Town is working with NC Department of Transportation for a possible land donation for property within the planned interchange at N.C. 211 and Middleton Blvd. for potential use for an emergency services facility.

Mr. Jenkins asked if they had talked to NCDOT about a right-turn out or a red light. Mr. Brambell said that they were in discussions of NCDOT as part of the project to widen NC. 211. He said that NCDOT has still not acquired property or given them final designs. Mr. Jenkins asked about the planned stormwater areas, saying he wanted to make sure they weren't going to try to push water uphill. Mr.

Brambell said that the engineers have assured him that the plan will work. Answering a question from Mr. Jenkins, Mr. Brambell confirmed that the stormwater will be retained on the development's property.

Chairman Pacula asked whether golf carts would have to follow the same rules as on the island (insured, registered, etc.); Mr. Vares said that though the roads would be in the Town's jurisdiction, they will be private roads, so that will up to the developer.

Mr. Brambell said that the land was previously timbered. He also said that the stormwater regulations made it difficult to maintain trees. Mr. Jenkins suggested stating that 3 trees will be maintained or planted, as there are not many trees there.

Mr. Brambell and the Board also discussed the rules for trees, the required number of parking spaces, etc.

Mr. Jenkins made a motion to accept the plat as is, with a consideration of our discussion. Ms. Bowes seconded the motion and it passed unanimously.

FEMA Flood Maps:

Development Services Director Steve Edwards said that the maps were preliminary issued in August of 2014; the letter of final determination was released February 28. With that in place, the Town can move forward with adoption of the maps. The new maps will not affect homeowners' flood insurance rates until August, but the Town can issue building permits with the new maps or the current flood maps in the meantime. The Town will recommend still building to the stricter rules, but homeowners and builders will have the option to build under the new maps' provisions.

Chairman Pacula asked how many other towns were moving forward with pre-adoption of these maps. Mr. Edwards said he didn't have a number but that he knew others were moving forward as well. Mr. Edwards also said that these are the final maps and that they do have to be adopted prior to the August date. Chairman Pacula said her concern was that something could change prior to the August date. Mr. Edwards said that the Town adopted the maps prior to their final adoption date in 2006. He also said that the Town would still encourage people to build to the more restrictive maps prior to the August date. Mr. Edwards said that he has been assured that these maps will be final in August. Chairman Pacula asked what the next steps would be. Mr. Edwards said if the Board recommended approval, the maps would be sent to Council for approval. There would be a half-page ad in the newspaper advertising the proposed map revisions.

Mr. Jenkins asked if the Town would notify those who will be negatively affected. Mr. Edwards again explained the public notice requirements the Town had to follow. Mr. Jenkins suggested that the Town specifically notify the homeowners who would be negatively affected.

Chairman Pacula said to clarify, she was not opposed to the maps, but rather to the issuing of building permits prior to the maps being finally approved. She said that people have had years to appeal the new map designations. Chairman Pacula said her preference would be to not issue permits under the new map until after the August 28 date. Ms. Bowes asked who would be responsible if lawsuits were filed after we issued building permits and then the maps were changed by FEMA. Mr. Edwards said ultimately, it was the property owner's responsibility to decide which maps to build under. He suggested adding a requirement that the Town use a hold harmless letter when issuing permits.

Chairman Pacula asked why we weren't waiting until August. Mr. Edwards said that the Publix developer needs the maps to be adopted so that they can begin site work. He said that there were also homeowners who need the maps to be able to install a pool, etc.

Mr. Defeo asked about notifying property owners who might be negatively affected. Mr. Vares said that unless there was a record of height for all the existing houses, for example, he didn't know how he would isolate the negatively affected properties. Chairman Pacula also noted that there had been ordinance amendments to preserve the right to rebuild under certain circumstances. Mr. Edwards also said that the Town did not have enough staff available to personally contact the number of people affected in some way by the new maps. Mr. Edwards also explained the difference between the various zones and used specific examples to explain the proposed changes.

Chairman Pacula asked if the Town would be issuing a letter; Mr. Edwards said there would be something for the property owner to sign off on when they apply for a building permit.

Mr. Jenkins made a motion to recommend approval with the building permits granted during this lag time having some sort of statement stating the builders and property owners have some understanding of their risk. Mr. Carpenter seconded and the motion passed unanimously. Mr. Carpenter made a motion to adopt the associated Plan Consistency Statement. Ms. Bowes seconded and the motion passed unanimously. Mr. Edwards clarified the proposed ordinance amendments, which will be the ordinance consistent with changes from FEMA that were made since the Town adopted the ordinance. **Mr. Williams made a motion to approve the proposed text amendments as presented.** Ms. Bowes said she would provide grammar errors she noted to Mr. Vares. **Mr. Defeo seconded and the motion passed unanimously.**

The next meeting is April 19 at 10:30 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, CMC
Assistant Manager/Town Clerk

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

Agenda Item: no. 1

Date: April 25, 2018



Issue: Airport – Text Amendment

Department: Planning & Zoning Administrator

Presented by: Jake Vares

Presentation: None

Estimated Time for Discussion: 20 Minutes

Subject Summary:

This request is the result of a text amendment application that was submitted to the town by the airport director. The portion of the ordinance that is to be amended is Section 18-113 of the Town of Oak Island Zoning Ordinance. This ordinance section describes the regulations for the AD (Airport District). The airport has future plans to install an observation and playground areas and this amendment will ensure that is permissible.

The airport received a code enforcement letter because a travel trailer on-site was hooked up to water and sewer infrastructure in that area. Travel trailers are not allowed to be used as a dwelling/residence in that zoning district which is why the code enforcement letter was sent. The airport asserted that nobody was living there but the criteria staff uses to determine if a travel trailer is being used improperly as a dwelling is if it has water and sewer hookup. This is why the amended wording to this part of the zoning ordinance is before the town for review and requested approval. A representative from the airport will be present at the meeting to answer any questions you may have of the applicant. Please remember to adopt the plan consistency statement in your motion.

Attachments: Proposed Ordinance Amendment wording, Text Amendment Application

Recommendation/Action Needed:

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

Planning Board Recommendation: TBD

Funds Needed: \$0.00

Follow Up Action Needed: Forward recommendation to Town Council

Attachment

Sec. 18-113. - AD airport district.

(a) *Purpose.* The county airport is a significant resource for the town. The purpose of the provisions contained in this section is to ensure that the airport is protected from incompatible uses and that uses surrounding the facility are compatible with expansion of airport operations.

(b) *Density.* Density regulations in the AD district are as follows: See area and height table, [section 18-117](#).

(c) *Required buffers.* For any of the permitted uses in the AD district which involve outdoor storage or operation, a vegetative buffer and/or screen of 50 feet in width which achieves an opacity of 80 percent yearround to a height of 15 feet shall be provided in the AD district adjacent to property either zoned or used for residential purposes.

(d) *Lighting standards.* In addition to any other lighting requirements of this article, all outdoor lighting in the AD district shall be shielded in such a manner that no direct glare from the light source can be seen from above. This restriction shall not apply to warning lights or signals, which may be required to comply with Federal Aviation Administration standards.

(e) *Off-street parking.* Off-street parking of sufficient number to provide for vehicles customarily associated with the permitted uses within this AD district shall be provided in accordance with division 5 of this article.

(f) Storage of items such as recreational vehicles, boats, and travel trailers, not to be used as a private dwelling, shall be allowed within the airport (AD) zoning district and may have full access to power, water and sewer hook-ups.

(g) Observation and playground areas are permissible within the airport (AD) zoning district.

(Ord. of 6-12-2001, ch. 1, § 5.12; Ord. of 5-14-2002, § 5.12; Amend. of 11-14-2017(1))

TEXT AMENDMENT APPLICATION

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



Date: APRIL 25, 2018

Fee: \$300

Project Name (if applicable): Airport facilities upgrade for zoning

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: CAPE FEAR REGIONAL AIRPORT

Mailing Address:
4009 LONG BEACH ROAD
OAK ISLAND, N.C. 28461

Phone: 910-457-6483 Email: hfranklin@ecrr.com

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

Owner Name(s): _____

Mailing Address: _____

STAMBO

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>

ALL AIRPORTS, including your AIRPORT (C.F.R.T.) ARE CONSIDERED PUBLIC SERVICE ECONOMIC engines - WE NEED TO BRING YOUR AIRPORT UP TO AIRPORT STANDARDS. EXAMPLES: The FAA + STATE are demanding THE AIRPORT TO HAVE A GENERATOR CAPABLE OF POWERING THE ENTIRE AIRPORT IN CASE OF CATASTROPHIC EMERGENCY - THESE ZONING ABILITIES FOR THE AIRPORT WILL HELP US TO MOVE FORWARD! SUCH AS:

- ① STORAGE OF ITEMS like RECREATIONAL VEHICLES, BOATS, TRAVEL TRAILERS - NOT TO BE USED AS A PRIVATE DWELLING, SHALL BE ALLOWED WITHIN THE AIRPORT (AD) ZONING DISTRICT and may have full access to power, water, and sewer hook up
- ② OBSERVATION & playground AREAS ARE PERMISSIBLE WITHIN THE AIRPORT (AD) ZONING DISTRICT.

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: Houie Franklin

Date: APRIL 25, 2018

P.S. AREAS OF THE COUNTRY THAT HAVE EXPERIENCED CATASTROPHIC EMERGENCIES (FLOODS, ETC, LIKE HOUSTON) HAVE USED THEIR GENERAL AVIATION AIRPORTS AS A 1ST LINE OF RESCUE IN MANY DIFFERENT WAYS.

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

Agenda Item: no. 2

Date: May 4, 2018



Issue: Fence – Text Amendment

Department: Planning & Zoning Administrator

Presented by: Jake Vares

Presentation: None

Estimated Time for Discussion: 20 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(h) of the Town of Oak Island Zoning Ordinance. This ordinance section describes the regulations for the fences. The applicant will be present at the meeting to answer questions and has attached his application, justification narrative, general site map, and proposed ordinance language excerpt.

The applicant received a code enforcement letter because the existing 4ft fence at the front on the property was removed and a new fence was installed without a permit. Number 1 , 2, and 3 in the attached fence ordinance states that fences along the front of a property by the road right-of-way are not permitted to be higher than 4 feet. However Number 7 specifically says that properties in commercial districts are allowed to have a 6 foot fence surrounding the property. The zoning or the site which sparked this text amendment review is zoned commercial (Commercial Low Density, C-LD) but the properties land-use itself is residential. It is staff's determination that the 4 foot height cap would apply along the front of this site, thus the reason for the citizen imitated text amendment application. Please keep in mind that a text amendment is not site specific and would apply to all properties that meet the criteria listed. The UDO does not address this issue, the wording in that portion of the UDO is a carry-over from the existing Zoning Ordinance language. Please remember to adopt the plan consistency statement in your motion.

Attachments: Proposed Ordinance Amendment wording, Text Amendment Application

Recommendation/Action Needed:

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

Planning Board Recommendation: TBD

Funds Needed: \$0.00

Follow Up Action Needed: Forward recommendation to Town Council

Attachment

Sec. 18-82. - Specific regulations.

(h) *Fences.*

- (1) Except as provided in subsection (d) of this section, any fence built on residential property shall be a maximum of six feet high at the highest corner of the property, except oceanfront lots.
- (2) Fences not exceeding six feet may be erected only in side or rear yards and may not be extended toward the street beyond the front corner of the principal building.
- (3) No fence exceeding a height of four feet will be constructed within 25 feet of any the street right-of-way from the front property line, excluding alleys and mainland side commercial zoned districts along major arterial roads.
- (4) If the side yard of a lot adjoins the rear property line of a separate lot that is perpendicular to the lot, then a six-foot fence is allowed along the entire side yard of the property line.
- (5) Fences not exceeding four feet may be constructed to the street right-of-way except corner lot situations when the corner visibility provisions in as indicated by subsection (6) below may be impose stricter limits.
- (6) On a corner lot in all districts, nothing shall be erected, planted, or allowed to grow in such a manner as to impede vision over a height of three feet above the centerline grades of the intersecting streets within the triangular area bounded on two sides by the two street centerlines and on the third side by a straight line connecting points on the street centerlines located one-half the street right-of-way width plus 40 feet measured from the intersection of the centerlines.
- (7) In commercial districts, except oceanfront lots, solid wood fences shall be a maximum of six feet or ten feet for a metal chainlink fence.
- (8) On oceanfront lots, fences shall be a maximum of four feet in height. Fences shall be designed in a manner so that views of the ocean are preserved.
- (9) Fences shall be constructed so that the finished (sheathed) side is oriented toward adjoining lots or the public right-of-way.

TEXT AMENDMENT APPLICATION

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



Date: 5-2-2018

Fees: \$300.00 - paid by

Project Name (if applicable): _____

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: Jeff & Penny Tindall

Mailing Address: 4252 Long beach Road SE Unit #1

Phone: (336) 269-0928 Email: Jeff-Tindall35@gmail.com

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

Owner Name(s): James Broadway

Mailing Address: MERCER Dr.
DAK ISLAND, N.C.

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>*

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: Jeffrey [Signature]

Date: 5-2-2018

May 6, 2018

Text Amendment Application Attachment

To Whom It May Concern,

This letter is in reference to the city ordinance we just learned of recently after we replaced an existing fence. Our hope that an exception of the ordinance be made after we have had the opportunity to explain our circumstances and reasoning behind replacing the fence with one.

My husband and I moved to Southport January of 2018. However, we purchased our mobile home a few years before, we visited when we needed to distress.

I suffer from severe PTSD stemming from 2 violent bank robberies, by the same 6 organized criminals in 13 months. It is here in Southport where I began to recover from 7 long years living without a diagnosis. We do love where we live, and have quickly became a part of the community, however, visiting and living here are so different.

I have triggers, many.

When traffic is stopped in front of our home and I'm in the front of our home, people blow their horns, at times yell obscenities as we attempt to have a meal on our deck, take photos of the tiny house across from our home, individuals cut through our yard, and then there is the safety of our small grandchildren that spend a fair amount of time with us, their safety is a concern as well as ours. There is little that would stop a vehicle from running into our home if there were an accident, a full sturdy fence may be a bit more of a barrier.

Mostly with my illness it is privacy that makes me feel safe, causes less anxiety attacks and keeps us all safer.

In closing, we would like to ask you to consider making an exception, for safety and medical reasons.

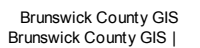
Respectfully we thank you ,
Jeff & Penny Tindall
4252 Long Beach Rd SE Trailer #1
Southport. NC 28461

Jeff- 336-233-7073
Penny 336-269-0928

This aerial map displays a residential neighborhood in San Diego, with property boundaries delineated by orange lines. The map includes the following labels and features:

- Property Lots:**
 - 22000011 (Top Left)
 - 220MA012 (Top Center)
 - 220MA013 (Center)
 - 220MA014 (Bottom Center)
 - 220MA015 (Bottom Left)
 - 2360001801 (Top Right)
 - 236DJ028 (Middle Right)
 - 236DJ027 (Middle Right)
 - 236DJ026 (Middle Right)
 - 236DJ025 (Middle Right)
 - 236DJ024 (Bottom Right)
- Streets and Roads:**
 - BROADWAY LN (Bottom Left)
 - 133 (Top Left)
- Other Labels:**
 - 4252 (Center)
 - 5008 (Center)
 - 5014 (Bottom Center)
 - 5020 (Bottom Center)
 - 4234 (Bottom Left)
 - 4232 (Bottom Left)
 - 4230 (Bottom Left)
 - 4260 (Top Center)
 - 4175-1 (Middle Right)
 - 4177-2 (Bottom Right)
 - TH 117 (Middle Right)
 - TH 116 (Middle Right)
 - TH 115 (Middle Right)
 - TH 114 (Bottom Right)

 Addresses
  US Hwy
  Minor
  Parcel
  Blue: Band_3
Roads
  NC Hwy
Parcels
  Red: Band_1
 Interstate
 State Road
 Condo
 Green: Band_2



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

Agenda Item: no.3

Date: May 11, 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 0.5 acres. It would make allowable an additional accessory structure rather than it being capped at two. 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.” Please keep in mind that a text amendment is not site specific and would apply to all properties that meet the criteria listed. Staff has attached a map showing the properties across the island side of Oak Island that are greater than half an acre. There are approximately 10,994 parcels in the island side residentially zoned areas and out of those parcels 389 are greater than 0.5 acres (3.5%). The UDO does not address this issue. Please remember to adopt the plan consistency statement in your motion.

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

Recommendation/Action Needed:

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

Planning Board Recommendation: TBD

Funds Needed: \$0.00

Follow Up Action Needed: Forward recommendation to Town Council

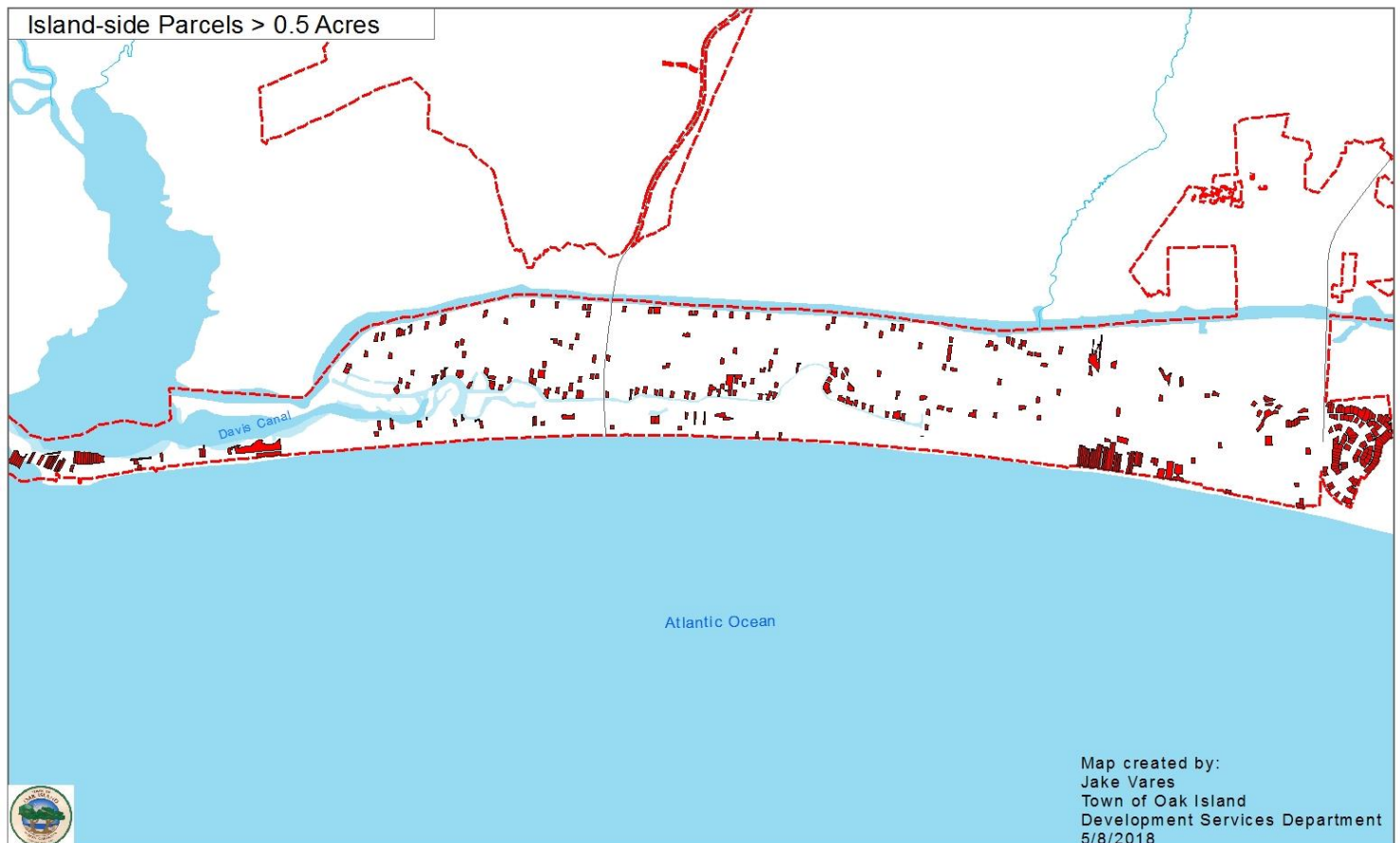
Attachment

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 0.5 acres then an additional accessory structures is permitted. 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.** 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,

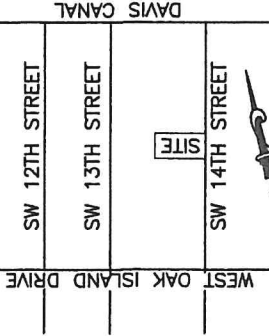


Penny Webster



Byron Powell

VICINITY MAP
NOT TO SCALE



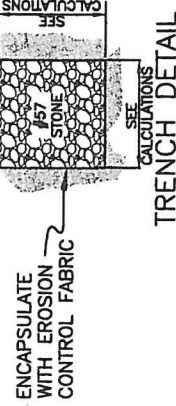
LINE	BEARING	DISTANCE
L1	S 18°44'19" E	58.47'
L2	S 07°50'06" E	34.84'
L3	S 09°28'04" E	31.99'

- SEED & STRAW ALL DISTURBED AREAS
- 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.
- 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

- 786.3 SF/8=98.3 CF/0.4=245.8 CF/100.5 L/2.4 W=1' D
 - 786.3 SF/8=98.3 CF/0.4=245.8 CF/100.5 L/2.4 W=1' D
 - 546.0 SF/8=68.3 CF/0.4=170.6 CF/26.0 L/6.6 W=1' D
 - 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:

- 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:

- MEASUREMENTS ON THIS MAP ARE IN FEET AND DECIMALS THEREOF.
- ALL SET CORNERS ARE 1/2" IRON REBAR UNLESS OTHERWISE NOTED.
- 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:

- 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.
- DEED BOOK 3207, PAGE 1281, RECORDED IN THE BRUNSWICK COUNTY, NORTH CAROLINA REGISTER OF DEEDS.

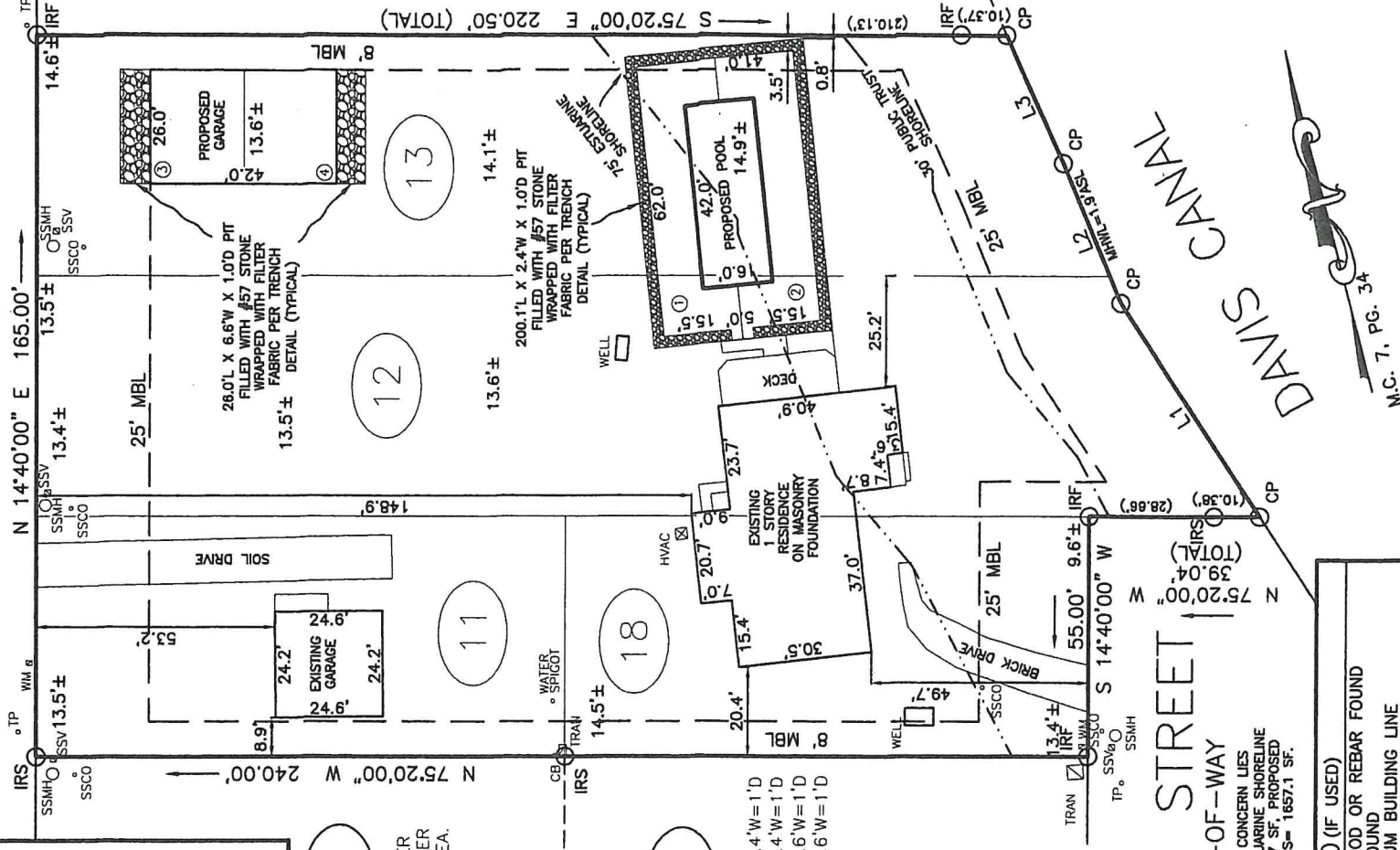
THIS IS TO CERTIFY THAT ON MARCH 19TH, 2018, I SURVEYED THE PROPERTY SHOWN ON THIS PLAT, AND THAT THE TITLE LINES AND THE WALLS OF THE BUILDINGS, IF ANY, ARE SHOWN HEREON. THE AREA OF THIS PROPERTY IS 0.975 ACRES AS CALCULATED BY COORDINATE COMPUTATION METHOD AND THAT THE ERROR OF CLOSURE IS 1:10,000.

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

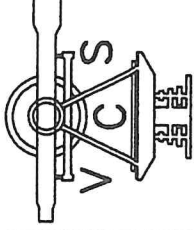


PHYSICAL SURVEY W/ POOL & GARAGE ADDITION

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



