



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 February 16, 2017 • 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: (none this month)
4. Public Comment: Please state your name and address for the record.

II. OLD BUSINESS

III. NEW BUSINESS

1. Sewer Capacity
2. Lighting Text Amendment
3. Hazardous Tree Text Amendment
4. Brunswick County Greenway/Bikeway Plan Adoption

IV. REPORTS/UPDATES

1. Board Member Reports
2. Staff Reports – (Pine Forest, CUP, LUP)
3. Updates from Council Meeting – (B&B Text Amendment,)

V. OTHER

Future Meetings: February 20, 2017 (UDO), March 23, 2017 (Planning Board)

Adjournment

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

Agenda Item: New Business No. 2

Date: January 25, 2017



Issue: Lighting Ordinance Clarifications

Department: Planning & Zoning Administrator

Presented by: Jake Vares

Estimated Time for Discussion: 10 Minutes

Subject Summary:

Staff has initiated this text amendment. The text gives additional clarification within the definition section of the lighting ordinance. The image is also helpful to include in the ordinance since it gives a visual display of the text description. Staff came across this ordinance language while doing research for the nuisance ordinance rewrite.

Typically, code enforcement codes are all located within what is called the Nuisance ordinance located in chapter 14 of the town's code of ordinances. State law gives specific authority to municipalities to draft, adopt, and enforce such ordinances. Sometimes code enforcement codes overlap into other sections of the code of ordinances; such as the Chapter 18 land development codes, that Planning Board is responsible for reviewing. An example of that is the language in chapter 32 that specifies tree retention. If the amount of trees that are supposed to remain on site is not complied with it can become a code enforcement case even though those regulations are not codified in Chapter 18. The reason that is mention is for explanatory purposes to explain that this proposed text amendment would influence and overlap into code enforcement cases. It is rare but occasionally a code enforcement case regarding glare and light trespass will be reported. This ordinance text helps to clarify the lighting standards and definitions. Leaving something such a lighting encroachment up to discretion can complicate cases a lead to difficult varying staff determinations depending upon the staff, other neighboring lights, time of night, and moon cycle. This text amendment provides a quantitative unit of measure to determine if a reported violation is valid. This benefits both those reporting a light trespass violation and those accused and makes the likelihood of an appeal diminished since quantitative metrics are being used. If adopted the town will need to purchase a foot-candle light meter to measure and record such readings.

Attachments: Ordinance Language Changes

Recommendation/Action Needed:

Motion: Motion to adopt or deny ordinance text changes and the plan consistency statement

Funds Needed: \$0.00

Follow-up Action Needed: Update staff memo for Council review

Sec. 18-290. - Definitions.

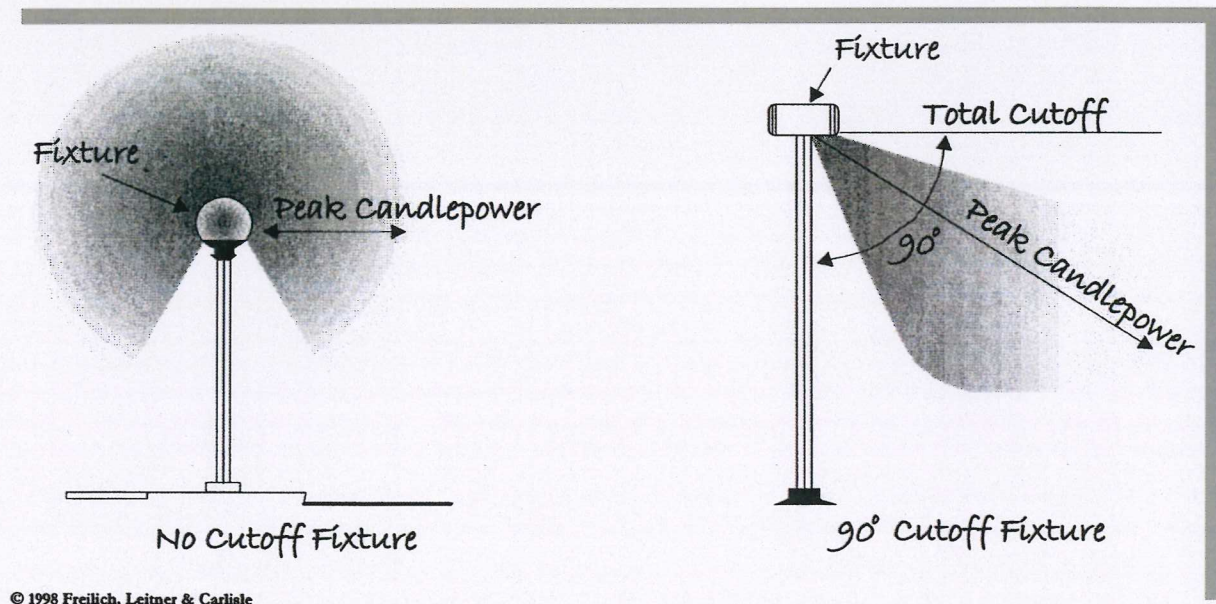
The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Cutoff: The point at which all light emitted from a source or fixture is eliminated at a specific angle above ground level.

Cutoff angle: The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source, above which no light is emitted.

Cutoff fixture means fixtures shielded so that no more than 2.5 percent of their light output is emitted above 90 degrees at any lateral angle around the fixture.

Cutoff light: A fixture with elements such as shields, reflectors, or reflector panels which direct and cutoff the light at a cutoff angle that is not more than ninety (90) degrees. Typically this type of fixture conceals the light source, thus reducing glare and spillover of light.



Fixture means an assembly that houses the lamp and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.

Foot-candle (FC): A quantitative unit measuring the amount of light cast onto a given point, measured as one (1) lumen per square foot. A foot-candle is how bright the light is one foot away from the source.

Fully-shielded lights means outdoor light fixtures shielded or constructed so that no light rays are emitted by the installed fixture at angles above the horizontal plane.

Glare means light emitted from a light fixture with intensity great enough to reduce a viewer's ability to see, and in extreme cases, causing momentary blindness. Means the effect produced by a light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, to cause annoyance, discomfort, or loss of visual performance and ability.

Lamp means part of the fixture that produces actual light.

Light source: The element of a lighting fixture that is the point of origin of the lumens emitted by the fixture.

Light trespass means the shining of light produced by a light fixture beyond the boundaries of the property on which it is located on ocean-front-properties.

Lumen means total quantity of light produced by a light source.

Offsite Illumination. -Increases in illumination on off-site property shall not result in lighting levels in excess of 0.3 foot-candles, measured at ground level. Where existing ambient off-site lighting levels are in excess of 0.3 foot-candles, no increase in measurable off-site lighting levels will be allowed as a result of outdoor lighting in the development.

Outdoor lighting means nighttime illumination of an outside area, object, or building by any manmade device located outdoors or indoors that produces light by any means.

Temporary outdoor lighting means artificial illumination of an outside area for a period of less than seven days, with at least 90 days passing before being used again.

Uplighting means, for pole-mounted or wall-mounted fixtures, light that projects above an imaginary horizontal plane through the fixture; for fixtures intended to light a nonresidential building, light that projects above the lowest roofline.

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

Agenda Item: New Business No. 3

Date: February 6, 2017



Issue:

Hazardous Trees Text Amendment

Department: Planning & Zoning Administrator

Presented by: Jake Vares

Estimated Time for Discussion: 15 Minutes

Subject Summary:

Staff has initiated this text amendment. Staff determined this ordinance language should be slightly revised while doing research for a nuisance ordinance rewrite. The text gives additional clarification within the hazard trees section of the vegetation ordinance.

Typically, code enforcement codes are all located within what is called the Nuisance ordinance located in chapter 14. State law gives specific authority to municipalities to draft, adopt, and enforce such ordinances. Sometimes code enforcement codes overlap into other sections of the code of ordinances. An example of that is the is if someone is operating a commercial use in a residential zoning district, then the town can issue a violation order to stop operations because the land use is not permitted within the zoning district it is located in. Those regulations which detail which land uses are permissible in each zoning district are within Chapter 18, section 116 of the land development codes; which is what the Planning Board is responsible for reviewing. If a violation of this sort is discovered it can become a code enforcement case even though those regulations are not codified in the Nuisance ordinance of Chapter 14. This proposed text amendment would influence and overlap into code enforcement cases.

The ordinance mandates that the Tree City working group review and make recommendations to any text changes to chapter 32 – Vegetation - of the ordinance. This text amendment was submitted to the Tree City working group and positive recommendations and feedback came from the group.

It is rare, but occasionally a code enforcement case regarding a hazardous tree will be reported. In a past hazardous tree code enforcement case the property owner was very willing to comply and had come into town hall with a contract in-hand to hire a professional to remove the hazardous tree. However, given the high volume of recent requests for that work it would be five days before the contractor could come to the site and remove the hazardous tree. The current ordinance as written would not provide an allowance for a property owner in that situation and he/she would have to be fined quickly regardless of their good faith effort to comply. This ordinance amendment text helps to clarify the hazard tree procedures and gives a fairer timeline for someone in violation to come into compliance.

The other part of the text amendment about a tree fall across multiple properties is helpful to clarify the responsibility of each property owner. Liability issues can ensue if a property owner goes onto another person's property for tree cutting, sawing and removal and said property owner is injured. In situations such as this where one tree may fall on several different properties it has always been the responsibility of each individual property owner to resolve the issue that only lays across their property even though the tree stemmed from an adjacent parcel. The proposed ordinance language is attached below and highlighted in yellow.

Attachments: Ordinance Language Changes

Recommendation/Action Needed:

Motion: Motion to adopt or deny ordinance text changes and associated plan consistency statement

Funds Needed: \$0.00

Follow-up Action Needed: Update Code of Ordinances, Purchase Equipment

Attachments

Sec. 32-40.1. – *Hazardous trees*

- (a) Every owner of any tree overhanging a street or sidewalk within the town is responsible for pruning the branches so that such branches shall not obstruct vehicles or pedestrians. Provided further, that all property owners within the town are hereby required to cause the removal of any dead or diseased trees on their property whenever such trees constitute a hazard to life and property, or harbor insects or diseases which constitute a potential threat to other trees.
- (b) If the owner or owners of any lot or other real property within the town, after the giving of **ten** days' notice in writing by the town manager, **planning and zoning administrator**, or his/her designated representative, shall refuse or neglect to perform the duties in connection with his or their property as specified in subsection (a) hereof, the town manager or his/her designated representative is hereby authorized to enter upon the property and have said tree and/or branches cut and removed; and the cost thereof shall be charged against said premises and shall constitute a lien thereon. **The town manager, planning and zoning administrator, or his/her designated representative; shall also have the option of issuing a citation of \$50 a day, per day for the first ten days following the time allowed for abatement, if compliance is not met within the allotted timeframe.**
- (c) In case the owner of any lot or other real property is unknown or his whereabouts is not known or is a nonresident of this state, then a copy of the written notice herein above referred to shall be posted upon the premises for a period of 48 hours and, before any action to enforce such lien shall be had, the town clerk shall make an affidavit setting out the facts as to the unknown address or whereabouts of nonresidents; and, thereupon, service of the publication as now provided for by law against a nonresident defendant may be had, and an authority ad litem shall

be appointed to notify the defendant by registered letter addressed to his last known place of residence if same can be found.

- (d) If a tree falls across multiple properties due to inclement weather or otherwise it shall be the responsibility of each individual owner where the tree lies across their property to properly remove the remains of the tree off the property.

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

Agenda Item: New Business No. 4

Date: February 9, 2017



Issue: Brunswick County Greenway, Bikeway, and Paddle Trail Plan

Department: Planning & Zoning Administrator

Presented by: Jake Vares

Estimated Time for Discussion: 15 Minutes

Subject Summary:

For over a year the County has undergone the rigorous process of creating a completely new Greenway/Bikeway Land Use Plan. A consultant was hired to assist the County with the process. A committee made of regional stakeholders, including town staff, was formed to provide input on the plan. In the beginning phase and throughout the project a large amount of public engagement, such as workshops, public outreach sessions, and questionnaires were conducted.

The County Parks and Recreation Board has already approved the plan and recommended approval. It is now going before the Brunswick County Planning Board for approval. The plan is set to go before the Brunswick County Commissioners shortly.

The County is requesting to have municipalities approve the plan through a resolution. A draft resolution intended for the Oak Island Town Council is attached. Reviewing and approving planning documents is an essential part of the Planning Board duties; therefore a recommendation from the Planning Board is important.

A PowerPoint that details the project can be found on the town's website here: <http://www.oakislandnc.com/Departments/Development-Services.aspx>. The *finalized Brunswick County Greenway, Bikeway, & Paddle Trail Network Plan Maps* is available online here: <http://www.brunswickcountync.gov/planning/trails/> for your review. The document consists of a series of maps; it is not a traditional planning document. Please review the document so that you may vote to make a recommendation.

Attachments: Resolution

Recommendation/Action Needed:

Motion: Motion to recommend adoption or denial of Plan

Funds Needed: \$0.00

Follow-up Action Needed: Update staff report and proceed to Council

Attachment

**Resolution Approving the Brunswick County
Greenway, Bike Routes, and Paddle Trail Plan**

WHEREAS, the Brunswick County Greenway, Bike Routes, and Paddle Trail Plan (the "Plan") was developed as a county-wide plan to serve as a guide for residents and visitors for recreational and eco-tourism purposes through publication of a large quantity of a map showing existing features; and, as a planning guide for continued development of future Plan elements through the proposed plan elements available in digital form; and

WHEREAS, the Plan was developed with participation by the municipalities within the County, area residents, related interest groups, agencies of the State of North Carolina and others; and

WHEREAS, the Plan will be printed as a two-sided map to include a county-wide overview of existing trails, bike routes and blueways on one side with insets showing detailed existing plan elements within municipalities on the other side; and

WHEREAS, the Plan also includes a map of proposed plan elements in digital form for use by local governments, developers and others for the continued development of future Plan elements.

NOW, THEREFORE, be it resolved that the Town Council of the Town of Oak Island hereby approves the Brunswick County Greenway, Bike Routes and Paddle Trail Plan, to include the existing and the proposed elements of the Plan.

Adopted this _____ day of _____, 2017.

Mayor, Cindy Brochure

ATTEST:

Town Clerk, Lisa Stites (SEAL)