



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 September 21, 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:** (5-18-17, 7-13-17, 8-17-17)
4. **Public Comment:** Please state your name and address for the record.

II. OLD BUSINESS

1. **Selection of Board Vice-Chairman**
2. **Cape Fear Regional Bike Plan**

III. NEW BUSINESS

1. **Text Amendment - Driveway**

IV. REPORTS/UPDATES

1. **Board Member Reports**
2. **Staff Reports** – Rezoning, UDO
3. **Updates from Council Meeting** –

V. OTHER

Future Meetings: October 19, 2017 (Planning Board)
Adjournment

MINUTES
PLANNING BOARD
May 18, 2017—10:30 AM
TOWN HALL COUNCIL CHAMBERS

Present: Chairman Ted Manos, Vice-chairman Denise Pacula, Board members Bob Germaine, Cathy Bowes, Helen Cashwell, Bob Carpenter and Clay Jenkins, Town Planner Jake Vares and Human Resources Officer Debbie Lasek.

Chairman Manos called the meeting to order at 10:30 a.m., led the Pledge of Allegiance to the Flag and gave the invocation.

Corrections to the Agenda: Old Business/Flood Prevention Ordinance was moved to the end of the meeting.

Minutes: The following Minutes were approved with o corrections: December 15, 2016; January 26, 2017; March 13, 2017; April 20, 2017 and April 27, 2017.

Chairman Manos said public comment could be made during the meeting. Mr. Jenkins asked to add this under New Business and Ms. Pacula agreed. Chairman Manos asked what it concerned; Mr. Jenkins said he had heard that State regulations said that stormwater capture now needed to be 3 inches, and that this would grind the construction to a halt as builders cannot do this. Ms. Pacula added that this is much more restrictive; the Town used to be more restrictive than the State anyway, but this will change things greatly.

Conditional Use Permit for Mansfield to have a Dwelling in Principal Business: Mr. Vares gave his staff report and said the lot in question is located at E. Oak Island Dr. and NE 54th Street. The applicant wants to relocate his business and build across the street. This would be permissible in the CB zoning district; there are additional standards in section 18-226 regarding providing additional parking spaces and meeting State building codes. He explained the standards that must be part of granting the CUP to the Board. Chairman Manos confirmed that this was not a quasi-judicial procedure. Ms. Cashwell asked for an explanation of the difference between a precedent and a CUP; Mr. Vares explained there was discretion in meeting the standards with the CUP but that comparing the two is like apples and oranges. Ms. Cashwell said that the Town seems to be putting citizens through an extreme amount of work for something that is already here. Mr. Vares agreed, and said that he wants CUP to go before one board only and that changing its listing in the Table of Uses would allow it to be permitted. Chairman Manos said this is the plan for the UDO and says that it would only need to come before the Planning Board. Ms. Pacula agreed; there is a dwelling in a principal business, but this business would not be allowed in that zone under the new UDO. She said they need to go back to the draft UDO and address this. Mr. Vares said once the CUP is approved, they will be allowed to build; Ms. Pacula disagreed and said the CUP was to allow the residence in the business, not to allow the business in that zone. Mr. Vares said that they would be grandfathered in unless the business was not in operation for a year. Ms. Pacula again said he is trying to get a CUP for a dwelling in a principal business, nit the business itself. Chairman Manos agreed, but said they must stop and think that it could be that persons wanting this type of structure to get their CUP before restrictions begin. Ms. Pacula again said that they should be made permitted uses so as not to “kick out” everyone with this type of situation and that the UDO should be changed.

Matt Mansfield, owner/operator of Mansfield Heating and Air, a member of the community since 1983. They have outgrown their building and have designed a new building to operate more efficiently. They want to provide a rental residence up top. The building is designed to stand out and they want to make sure that this building reflects their standing in the community. Ms. Pacula said she thought the parking

would be adequate. Mr. Germaine asked if the changes in the UDO were because of the look of the business, with old units being stored beside the building. Chairman Manos said he did think that was part of it. Ms. Cashwell asked that the Board address this in the UDO at this meeting. Mr. Mansfield said the new warehouse is twice the size of the old one, and that the back corner will be completely fenced in, and that the old warehouse will be used entirely for recycling, the metal shop, etc. Mr. Germaine also asked about egress into the new building and confirmed that it would be off 54th Street. Ms. Bowes asked if parking spaces would be used to park trucks, and Mr. Mansfield answered yes and that they had 11 trucks. Out of 23 spaces, there would be 13 left for others to park. Employee numbers vary; Ms. Pacula noted that as long as he has enough parking, the number of employees does not matter and that the parking is more than adequate. Mr. Mansfield noted that his employees usually go to houses, that customers do normally come to the shop and that not all trucks are parked overnight at the business. Kelly Germaine confirmed that the old building would be used as a warehouse; they plan to remodel the existing building and keep the attached warehouse as part of Mansfield Heating and Air.

Ms. Cashwell made a motion to recommend approval the Conditional Use Permit, Mr. Carpenter seconded and the motion passed unanimously.

Chairman Manos asked about how soon they would be building, and Mr. Mansfield answered the end of this year or later; Ms. Pacula noted that he should get it in quickly or it wouldn't be permitted.

Conditional Use Permit Request for a Contractor Office with Storage: Mr. Vares gave his staff summary; the applicant wishes to have outside storage behind his contractors office, and that it is permissible within CB zone with a CUP. There are no additional standards. Ms. Cashwell asked if the fence was included and if he was expanding beyond the fence and applicant David Purser said he was not. There was discussion as to why he was here at all; Mr. Purser said his understanding is that he can keep equipment back there without a CUP but not building materials. He is not going to expand from the existing size. Ms. Cashwell asked why they were putting the applicant through this if he was already there. Chairman Manos said he would like to see some kind of screen on the fencing, and Mr. Purser said he was planning on doing this. Chairman Manos complimented him on the appearance of the building and said he had the only property that "looked decent" in that block. Mr. Purser said they have bought the corner 3-4 lots to the left of the building and that he may end up tearing it down. Mr. Jenkins confirmed that he would be storing building equipment, and Mr. Purser said he would use pipe shelves as needed.

Ms. Cashwell made a motion to recommend approval of the Conditional Use Permit. Ms. Pacula seconded the motion and it passed unanimously.

Text Amendment for Signage: Chairman Manos asked Mr. Vares about an A-frame sandwich sign and the 48 feet allowed; Mr. Vares said he would clarify it. Chairman Manos clarified that it should only be 4x6 for a total of 48 square feet front and back. Ms. Cashwell said this was dealt with in the UDO and Mr. Carpenter agreed; Mr. Vares explained that for Code Enforcement, they want to be able to better regulate this type of signage before the summer/tourist season starts. Ms. Cashwell asked if this was compared to the work done on the UDO and Mr. Vares confirmed that he had spoken with Dale Holland to ensure that it was compliant. After further discussion, Mr. Vares confirmed that the UDO would match this amendment. Ms. Pacula asked if this was portable and if it would be prohibited, and that contractors for job sites were told that they could only have 6 square feet on their entire job site and that the contractor could use an A-frame sign and actually have two. There was further discussion as to the potential discrimination in this text amendment regarding contractors and signage allowed on job sites. Ms. Cashwell read from the minutes regarding the signage at construction sites and confirmed it was 6 sf. There was discussion regarding the potential signage at construction sites; Ms. Pacula said now we would allow a restaurant or store to have a portable A-frame sign but that a contractor would not be afforded the

same. Mr. Vares said the State allows the signage to be on construction fences; Chairman Manos said that in order to be consistent, they should eliminate the A-frame signs. Mr. Vares said that would be fine if that is what the Board wants to do, but that they should expect backlash from the merchants and vendors that use them. Ms. Pacula wanted to know the difference between a temporary and a portable sign and Mr. Vares said he would need to research it. Ms. Pacula said that she has her ordinance book with her. Ms. Cashwell asked about lighted signage and there was discussion about types of flags.

Chairman Manos called a 5 minute recess from 11:15 a.m. to 11:25 a.m.

Mr. Vares read the ordinance definitions of portable and temporary signs. The basic difference is the time limit allowed on the temporary signs; temporary signs are not permanently fixed. Chairman Manos asked about the sizes allowed; Mr. Vares said size restrictions were limited to 6 signs not exceeding 64 square feet each, separated by 200 feet and that permits must be obtained. Ms. Pacula said that temporary signs are used to advertise a special event; she asked how a real estate sign falls under this. Mr. Vares said the UDO has a temporary sign definition; Ms. Pacula said that A-frames are temporary also. Mr. Vares said he thinks it is clarified by section 18-255 and 18-264 with minimum setbacks. Ms. Pacula again questioned A-frames and temporary signage; Mr. Vares said there is staff determination would be used to determine the type of signage. There is certainly overlap; A-frame signage is portable so that it can be brought in at night. Ms. Pacula asked if flutter flags need to be brought in at night; Mr. Vares said there was no language regarding signage being brought in at night. Ms. Cashwell noted an inconsistency in the ordinance. Ms. Cashwell moved to table the issue. Chairman Manos said that he thought 4x6 was too big for a sandwich board sign. Ms. Pacula said there is so much contradiction in these signs. Mr. Carpenter said that this is mostly for foot traffic; Ms. Cashwell said this proposal would change the current ordinance. Chairman Manos said he would love to help enforcement, and that he would be inclined to agree with what was said in the text amendment by reducing the sandwich/A-frame signs down to 12 square feet and let Mr. Vares take this up as a text amendment. Then, they should continue this discussion in the UDO to find a solution.

Chairman Manos made a motion to recommend approval of the text amendment reducing the size of an A-frame sign to a total of 12 square feet. Mr. Germaine asked about the size, and consensus was for 2x3 each side. Ms. Cashwell said she cannot support this due to the large number of errors in the current ordinance. **Mr. Carpenter seconded the motion. Ms. Bowes said the motion should include the 2x3 measurement; Chairman Manos said it did. Mr. Jenkins said the motion should include the correction for the inflatable air dancer sign. The amended motion passed 5-2 with members Cashwell and Pacula opposed.**

Oceanfront text amendment: Mr. Vares gave staff report on setbacks with ocean front properties. He referred to a survey in the agenda packet. The essential issue is that the mean high water line serves to determine where the private property rights versus the public trust land demarcation line exists. All property landward of the mean high water line is private property and land seaward of the mean high water line is public trust. The text amendment states that the USACE mean high water line is considered the rear setback line for oceanfront properties. Chairman Manos confirmed that the mean high water line and the development line were one and the same, and Mr. Vares confirmed that was the case in several places; the development line cannot be seaward of the mean high water line. Ms. Bowes asked what this means for building; Mr. Vares said a builder can go landward but not seaward, and that in some cases the mean high water line and the development line overlap. Chairman Manos asked if the new dunes are far seaward of the development line. Development Services Director Steve Edwards said that this was taken into consideration, that they stay in line with the old dunes, and that the 2004 line was seaward of the old dunes. Chairman Manos asked if that dune was going to be physically substantially seaward of the development line; Mr. Edwards said that it would be seaward. Chairman Manos asked why they were in

effect taking away the property of beachfront property owners up to that point; Mr. Edwards said that the area affected is a narrow section, essentially between 60th street and the pier. Ms. Pacula said this is a unique area, but farther down on West Beach, the mean high water is in the ocean and the development line is way back. Mr. Edwards suggested looking at the 2004 line on the survey, and that in some cases it was underneath existing homes. If they use the 2000 line and measure 20 feet back, it could reduce lots to 16 feet. Mr. Edwards said that the development line is the most seaward that a house can be built as long as there is 60 feet of vegetation seaward of the line. The CRC made them move the development line so that it was no farther seaward than the 2000 USACE line. Ms. Pacula asked for clarity that the most restrictive line would apply. Ms. Bowes asked if this would impact public access; it would not. Mr. Edwards said there were Town ordinances in place to protect dunes and that if it is seaward of the 2000 line, there should be no impact. Ms. Pacula asked about places where the mean high water is in the ocean; she asked if the rear setback, the 2000 USACE line, is considered the rear setback, and that she does not want people to think they own the area on the beach. Mr. Edwards said they could add in the language “more restrictive” in order to prevent this from happening. Ms. Pacula suggested adding in “and/or”; Mr. Vares said this makes it more confusing and that General Statutes and case law prove that oceanfront homeowners do not own the beach in front of their homes. After further discussion, consensus was that saying the Army Corps line or the current setback, whichever is more restrictive, would solve this problem. Adding in “shall be 15 feet, or the 2000 USACE mean high water line, whichever is more restrictive.” Mr. Edwards said they need to reword it to make clear that they are not conveying property that belongs to the public and bring it back to the Planning Board. Chairman Manos said that, after dunes are built privately, and the mean high water line is landward of the dune, that the property is public trust and that if he put a dune in that it would now be public trust? Mr. Edwards explained that it would not be public trust and how it would be affected. There was further discussion regarding dunes and the property lines and easements. Mr. Purser asked how many millions have been spent on the beach nourishment; there followed discussion on past beach and channel projects. There were no other questions.

Stormwater Regulations: Mr. Jenkins asked about the Stormwater Runoff restrictions to 3 inches and changes made by the State. Mr. Edwards referenced NC Admin Code 2H.1019 regarding residential development. Mr. Edwards said that every lot within Oak Island will fall within those new guidelines. The 1.5 inch retention is no longer valid, and tables from NOAA have an average of 4.01 inches. Mr. Purser said they have designed within the new guidelines. It will require a State stormwater permit, the Town is a Phase 2 designation; clarity is needed for the ordinance. Mr. Jenkins clarified that any new permit must meet the new standards, and nothing on the books satisfies this; Mr. Edwards confirmed this. Ms. Pacula asked where this permit was available, and Mr. Edwards said he would disseminate it out to builders. This was approved by the Commission for the 20 coastal counties. There was further discussion regarding this new standard. Mr. Jenkins asked for what would be required, and Mr. Edwards said most retention is in the ground. Mr. Purser said they are digging 3 foot wide trenches up to 6 feet; going up to 4.01 inches would require a great deal more. Mr. Edwards said this would have to be designed by engineers and not land surveyors. He said he was also told the permit was \$508 plus engineering. Chairman Manos asked about the price; Mr. Edwards said \$4,000-\$6,000 and this could be doubled. Mr. Jenkins added that this would be if house could even be fit on the lot after these restrictions. Mr. Edwards said that systems could be developed that would allow it. Mr. Jenkins clarified that 20 coastal counties within .5 miles of estuarine waters would have to follow these rules. Mr. Purser said the State allows the Town to issue the State permits; Mr. Edwards said they are working on getting it back to Oak Island so they can get on these permits and update their current ordinances to meet the new regulations. Once they get approval to write permits, they can then take permitting back. Chairman Manos asked about concrete driveways; Mr. Edwards said this would change and that other designs would probably be considered and that permeable driveways would be credited 100% for the area. There was further discussion regarding these new restrictions and BUA (built upon area). Mr. Jenkins said he'd estimate that only 1-2% of lots on the island that would not be affected by this. Ms. Pacula asked what the chances were that this would

go back to the old levels; Mr. Edwards has not done anything to represent the Town on this matter. This was built into a statute, and the main goal is to protect the water and it only had to go through a Commission and review. This is overwhelming to the Development Services Department. They have had to deny 12 permits, and the State has not given a grace period. There is a 90-day review by the State and it can go on for even longer if there are any problems. Ms. Cashwell asked about HB 436, and Mr. Edwards said he had not heard an update on that. Ms. Pacula asked if building would now stop. Mr. Edwards said that building will not stop but it will take longer. Mr. Purser said that this would clean up our Waterway immensely, and that it may result in adjustments to prices of houses. There was additional discussion regarding pollution in the water and impervious surfaces. Mr. Edwards said any existing properties with their stormwater permits will be able to proceed, but that modifications would need to be made under the new rules. Mr. Edwards asked the Board to table this conversation until there was additional information available.

Flood Damage Prevention Ordinance: Mr. Edwards said that this is the most current one that is available and that much of it is not optional. It must be adopted if there is participation in the National Flood Insurance program. Chairman Manos asked what could be done if they did not adopt it; Mr. Edwards said they would have to obtain private insurance. This is what the State puts out; some things in the CRS program require adoption of “optional” items in order to ensure continued participation in the program. Mr. Edwards explained that in Section 3 there are different dates for each section of the island and that dates are important for insurance purposes. Ms. Cashwell noted that there have been huge changes in topography due to all the building, and Mr. Edwards said there were restrictions in fill and that stormwater is supposed to help with runoff. Mr. Edwards noted that he has lived here 30 years and that he knows that some areas of the island have always flooded. This ordinance does not address existing issues, but instead addresses the elimination of potential damage. Ms. Cashwell said that 64th is horrible now, and wondered if it was a matter of drainage pipes needing to be cleared out. There was additional discussion about this flooding problem. Mr. Edwards returned the discussion to the Flood Damage ordinance. Freeboard, which is above the area of base flood, could be left at 1. The cost of going from 1 to 2 feet can be recouped in 3 years on the oceanfront, but 30 years on the Waterway.

Page 8: Substantial Damage - should be kept; Ms. Pacula asked if this was changed to 75% in the UDO and Mr. Edwards said this pertained to flood. Chairman Manos asked about the benefit of CRS points to the Town, and Mr. Edwards said that leaving it at 50% would be beneficial for the Town. They will cross out the 10-year tracking. Substantial improvement was basically the same; Ms. Pacula said that this is only the value of the structure and not the land. Mr. Edwards explained that on the oceanfront, they must also meet CAMA rules on substantial improvement. He also suggested keeping the optional Technical bulletin portion. Chairman Manos confirmed that “Land to which this ordinance applies” refers to the Town and its ETJ.

Page 9, Section B: Mr. Edwards does have the dates entered. The Designation of Floodplain Administrator is typically the Development Services Director or designee, who is Donna Coleman. The optional engineer under (viii) is already a requirement.

Page 11 refers to Optional in V(iii)1; Mr. Edwards explained this says they want the engineer to verify project standards, and on his suggestion the Board removed this. On page 12(2)(f), Mr. Edwards said there are no non-encroachment areas on the island. For H, I, J, K; he recommends leaving all that language in there. He explained that they are looking at non-compliant rooms in any flood zone where rooms are put below flood base level.

Page 13 requires that proposed and under construction elevation certification is required for compliance, and that they should keep all three. Under (e) (iii), they can leave it at 150 feet. The Board asked if they

could eliminate the dollar amount, and Mr. Edwards noted that this is not optional. He also explained that they are not changing it to 12x12, or 144, as this is not for a building permit but a zoning permit. Chairman Manos suggested increasing the figure to 5,000 and the Board agreed.

Page 14, (f) V-Zone Certification; Mr. Edwards said that this certification was created by engineers, and suggested removing the section in italics. Ms. Pacula clarified this section was crossed out before.

On page 15, Mr. Edwards suggested leaving (13) in, and Chairman Manos said all others were mandatory.

On page 17, Mr. Edwards suggested (3) be 180 days as suggested.

On page 19 (4), Ms. Pacula asked about electric panels; Mr. Edwards said they have information on what is allowed and permitted below flood.

On page 20, Mr. Edwards suggested deleting (17). Fill is regulated through the Town ordinances, but this refers particularly to flood areas. There was discussion on fill; the Board agreed to remove it.

Page 21, 4(b) is already in their zoning. There was discussion regarding rooms under homes and conditioning allowed. Ms. Pacula and Chairman Manos suggested eliminating (b), but there was questioning regarding the possibility of a making it a habitable room. Mr. Edwards said it is one more step to violating flood rules. After further discussion, the Board's consensus was to remove (4)(b) on page 21.

Page 22, e (i) will remain. Also on page 22, in (ii)1, Mr. Edwards suggested leaving in this item and said flood vents can be left out but reductions in insurance are available. The Board suggested leaving it out. Under pg. 22 (iii), Mr. Edwards said this is currently required. Ms. Cashwell questioned if this would be in conflict with our current ordinance regarding stormwater regulations. Chairman Manos suggested taking out (iii) and asked for consensus; after further discussion, consensus was reached and item (iii) was removed. Item (f) Fill/Grading; Mr. Edwards said there are technical that handle this, and the Board agreed to remove it.

Page 23 (g): Ms. Cashwell did not like the yearly inspections, but Mr. Edwards said it gives them the authority to inspect. He added that there are people that move here and do not understand living in a flood zone and the requirements; the non-conversion agreement is needed.

Section I will be removed.

The language for concrete pads, swimming pools, elevators, etc. will be removed (as there are technical bulletins for these).

Section 10 was removed, as was Section E (fill grading).

Section H – Mr. Edwards said that we don't have any Coastal A zones currently; he recommended keeping this section though in case that changes. Numbers 4 and 9 will be removed. Mr. Edwards suggested using 1 foot of freeboard and 2 feet above the adjacent grade.

Mr. Jenkins made a motion to recommend approval of the ordinance as amended. Mr. Germaine seconded the motion and it passed unanimously (this section may need to go to Council for approval prior to adoption of the UDO). Mr. Edwards and Chairman Manos will review the oceanfront setback section again.

Staff Report: The next Planning Board meeting is June 15. **Ms. Pacula made a motion to adjourn at 1:35 p.m. Mr. Jenkins seconded and the motion passed unanimously.**

Denise Pacula, Chairman

Attested: _____
Lisa P. Stites, CMC
Assistant Manager/Town Clerk

MINUTES
PLANNING BOARD – UDO REVIEW
JULY 13, 2017 – 10 A.M.
OAK ISLAND TOWN HALL – COUNCIL CHAMBERS

Present: Chairman Ted Manos, Vice-chairman Denise Pacula, members Bob Carpenter, Helen Cashwell, and Bob Germaine, Planning and Zoning Coordinator Jacob Vares, Assistant Manager/Town Clerk Lisa P. Stites, CMC and Dale Holland and Cindy Anderson with Holland Consulting. Board members Cathy Bowes and Clay Jenkins were unable to attend.

Chairman Ted Manos called the meeting to order at 10:07 a.m. He gave the invocation and led the Pledge of Allegiance.

There were no additions/deletions to the agenda.

Mr. Holland started the discussion by asking whether there were any comments to landscape requirements (10-4 through 10-14).

10.16 Materials: Ms. Pacula asked if the sides of a building could not be metal either; Mr. Holland said that was the intent. Mr. Holland said that would be clarified.

10-16: Ms. Pacula asked if chain link fencing would not be permitted where it could be seen; basically that would eliminate it from being used at all. Mr. Holland referenced the section prior, and said that he will list the specific zoning districts. Chain link fences will not be allowed in residential areas other than multi-family.

10.19.4: Ms. Pacula asked what this meant for parking boat trailers in the right-of-way. The Board discussed what the time limit was for parking in the right-of-way, saying it was 72 hours for town roads and 24 hours for state roads. Ms. Cashwell said she had just talked to the Police Department and was told it was 72 hours; Mr. Germaine said the police were wrong. Chairman Manos asked what the reason would be to take it out. Ms. Pacula said that it would prevent equipment from being parked in the right-of-way overnight. The Board also discussed when parking causes obstructions. Mr. Holland suggested ending 10.19.4.1 after “or other public place.” Ms. Cashwell said that motor homes come in all the time in the summer and are parked across lawns, etc. and if we don’t do something, there will be a motor home on every lot. Mr. Germaine said that he didn’t think they should be able to park in the right-of-way. Ms. Pacula disagreed and Mr. Germaine said that she didn’t have to drive on Beach Drive every day. Mr. Carpenter said that maybe we need to better educate people in town that they could park in the right-of-way, but that if it was an obstruction, then it is an enforceable violation. Mr. Vares said that’s what the current ordinance says. Ms. Cashwell made a proposal that motor homes were restricted to 72 hours in the right-of-way; Mr. Vares and Board members said that was already in the ordinance. With a consensus of three members, the Board recommended keeping it as written (Pacula and Carpenter opposed). Mr. Vares said that in Sec. 18-82 (current ordinances), campers, etc. are not allowed to be located behind commercial buildings to be lived in and he wanted to see that language carried over to the UDO.

10.19.9.2, 90-degree parking: Ms. Pacula said that the math equals 59 but it says 60. She suggested eliminating subsection “d.” Mr. Holland said he would not suggest doing that. There was additional discussion about the math, the widths, etc. Ms. Pacula said that if the math was going to be consistent everywhere else, that it should be here, and with as valuable as land is, even one foot can make a

difference. Chairman Manos said it would be up to the UDO administrator to decide if it were a violation. Ms. Cashwell said it “would depend on whose favorite it is.”

10.24.2.4: Ms. Pacula asked what the purpose of the section was. Mr. Holland said it was to prevent potential obstructions on a sidewalk, for example. Chairman Manos asked to add “within 10 feet from a sidewalk.”

Ms. Pacula also asked about the definition of flags, which says that flags of political entities are the only ones allowed. Chairman Mason suggested deleting “of political entities.”

10.24.5.9, Ms. Pacula asked about the 10-day rule for removing holiday lights. Chairman Manos said the Town had to have something to be able to enforce if they want to enforce it. Mr. Holland said that ordinances were written to regulate “bad apples.”

On page 10-36, 10.25.5, Holland Consulting will fix a typo for “B3.” The phrase “...or signs located in the B-3 district” will be removed.

10.28.1: Mr. Carpenter said that the Board had agreed to 3x2; the change will be made.

10-50: Ms. Pacula asked if the Town’s street lights would be compliant with this. Mr. Vares asked to change “primary dune” to “frontal dune.” Mr. Holland suggested exempting street lights for safety purposes. On page 10-49, Chairman Manos asked about the wattage of 150 wattage or less and asked if 150 wattage was too much. He suggested limiting to 100 watt-bulbs or the equivalent.

Mr. Holland discussed the Subdivision section.

Ms. Cashwell asked about recombination on page 10-57 (10.51). She said in 8-8, the lot width is listed at 55 feet. Ms. Pacula said that the section in 10 she was looking at was for initial subdivisions. Chairman Manos suggested putting in language to say the minimum is 60 feet or the original plat. Mr. Holland said he thought this would be the fourth time it was discussed. He said it was on page 2-5, and he read the language. There was additional discussion, and adding a footnote to reference the previous section was mentioned; Mr. Holland said they could do that. Chairman Manos asked why it was so important to everyone that the original lot size was to be preserved and said that we should try to phase out the mobile home lots anyway. Ms. Anderson conformed that she had a note to remove the “50 foot” specification. Consensus was to proceed with language that allows lots to be subdivided to as originally platted and to add a footnote referencing that section.

10.60.3.3: Ms. Pacula said that they had eliminated ball fields from Open Space. Ms. Anderson said they had added athletic fields as permitted through special use permit.

On page 10-70: Regarding street names, there will be clarification about the process of approving street names.

On page 10-73: Ms. Pacula asked where the 25-lot minimum came from. Mr. Holland said it was a number used to differentiate subdivisions; it could be any number. Mr. Carpenter suggested eliminating a number and leave it to staff to make decisions based on the property. Mr. Holland said that would not be allowed. Ms. Pacula said that 25 seemed too high. **Mr. Carpenter made a motion to change that number to 12. Ms. Cashwell seconded and the motion passed 4-1 with Chairman Manos opposed.**

Regarding the Flood Damage Prevention Ordinances, Mr. Holland cautioned the Board to not change too much as it was based on state guidelines. There will be a few changes the Planning Board will have to address at a future meeting.

There are other sections, such as dune protection, sediment control, etc. that Mr. Holland and staff recommend not including in the UDO. What remained for discussion was the definitions in Appendix A.

Ms. Pacula asked again about Section 10-19, saying that this would eliminate parking your boat trailer in the right-of-way overnight. The Board discussed whether boats should be allowed parked in the right-of-way or if they should be parked in driveways. Chairman Manos said that the point was to give the Town the tools to be able to address it when it's a problem. He said that the Town hires people that we expect to be reasonable in their enforcement actions.

Definitions:

Accessory Structures: Ms. Pacula said she thought they had added 12x12x12.

Marina: Mr. Carpenter said that it should match the CAMA definition.

Pier, pier private, etc.: This should also match the CAMA definition.

Porch: This will be changed to read "exclusive of vehicles."

Short-term rental housing: This will be removed.

Tiny Houses: The dimensions will be added to the regulation portion of the UDO as well. Mr. Holland said that Tiny Houses would only be permitted in the R-6 district and would have to meet those lot size requirements. He also noted that a "Granny pod" is not a Tiny House and that they are treated differently.

Mr. Holland and the Board discussed whether a motion could be made to approve today or whether an updated copy of the draft UDO should be provided first. Mr. Vares recommended approving it today; Mr. Carpenter said he didn't want to approve it before he had the revised copy. Ms. Stites said that the Board could receive copies and then make a recommendation to approve at a regular Planning Board meeting.

Chairman Manos made a motion to approve the UDO including the changes made today. Mr. Germaine seconded the motion. The motion failed 2-3 with Chairman Manos and Mr. Germaine in favor and members Carpenter, Cashwell and Pacula opposed.

Chairman Manos said there was a problem with rats on the beachfront properties. He asked if there could be an ordinance to allow residents to cut back the underbrush of adjacent undeveloped properties. Mr. Holland said that vegetation growth would be covered under a nuisance ordinance and not part of the UDO.

Mr. Carpenter made a motion to adjourn at 11:55 a.m. Mr. Germaine seconded and the motion passed unanimously.

Denise Pacula, Chairman

Attested: _____
Lisa P. Stites, CMC
Assistant Manager/Town Clerk

MINUTES
PLANNING BOARD
AUGUST 17, 2017 – 10:30 A.M.
TOWN HALL COUNCIL CHAMBERS

Present: Chairman Ted Manos, Vice -chairman Denise Pacula, Board members Cathy Bowes, Helen Cashwell, Robert Carpenter, Town Planner Jakes Vares, Human Resources Officer Debbie Lasek and Development Services Director Steve Edwards.

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

Chairman Manos noted there are only five members present; Clay Jenkins and Bob Germaine have excused absences.

Ms. Cashwell wanted an addition to the agenda regarding rezoning under Old Business (Lynn Gullidge's property). With no other additions or corrections, the Agenda was approved as amended.

Ms. Cashwell noted that during last month's meeting with the AT&T discussion, she said Mr. Vares indicated that notifications were sent out to the surrounding citizens, but she discovered that they were sent out first class instead of return receipt requested. She said Mr. Vares had not answered her questions; after questioning by Mr. Vares, she indicated that there was not a correction needed to the Minutes. Mr. Vares explained that he sent out notices as a courtesy and as transparency; it is not required at the Planning Board level according to the General Statutes. Ms. Cashwell questioned this; Mr. Vares said at the Council level, the surrounding property owners are sent two notices along with him placing signs out, when actually, only one notification is required. Mr. Carpenter questioned how these notices were sent out, and Mr. Vares said they are sent out regular mail to the address on record per their tax record. Ms. Cashwell again questioned the lack of use of return receipt requested; Mr. Vares said they are not required, and Chairman Manos noted that this is standard and said that he never receives return requested receipts on his notices. Regarding the rezoning request from Lynn Gullidge, Ms. Cashwell said she was shocked at the lack of information in the file; Mr. Vares said he was not sure what file she was looking at, but that his file includes the application, staff report, the checklist, the adjacent property owners' mailing information, the map, etc. There is a digital file as well that contains much more. Ms. Cashwell noted that there had been history with two previous rezoning requests and questioned why they were not available to Ms. Gullidge, as it could have impacted how she proceeded with this action. Mr. Vares said that the previous actions would be available, and Chairman Manos said that no one would be able to check all the Minutes for a possible action on a specific piece of property. After further discussion, Chairman Manos said that notices are not required at the Planning Board level and he commended Mr. Vares for sending them out anyway.

Approval of the Minutes:

June 15, 2017: page 2, should be "Mr." not "Ms." Carpenter; those Minutes were approved as amended.
June 22, 2017: Mr. Kortwright is the correct spelling on page 1. On page 4, Chairman Manos said the Board's change to a setback of 5'5" was misleading. He asked to remove "per Steve Edward's suggestion." The Minutes of July 20, 2017 were approved and the Minutes of June 15 and June 22 were approved as amended.

OLD BUSINESS: Ms. Cashwell said her questions were answered regarding the rezoning.

UDO: Chairman Manos said he had a long conversation with Cindy and Dale and reviewed a few of his questions. Mr. Carpenter, Ms. Pacula, Ms. Cashwell and Ms. Bowes had no questions or corrections.

Chairman Manos had two issues. Page 7-19; 7.31.5, room unit capacity; he questioned why this was put in this section. Mr. Holland said this is State statute; although it is confusing, it is required. Chairman Manos noted that tiny houses are 200-699 square feet, and that loft areas could be used. Chairman Manos wanted to take this out; Mr. Vares agreed. Mr. Edwards said there is a memo regarding tiny houses and construction that must be met, that this could be handled outside the Code and that he saw no problem with eliminating it.

Chairman Manos said they will advise Mr. Holland to remove 7.31.5.

Page 10-35, section 10.24.5.10.2.4; Chairman Manos noted that 42 feet is corrected to 42 inches.

Chairman Manos asked about storage limits on lots; Mr. Vares said it might be in Section 7. After questioning, Mr. Manos said he remembered it being up to 7 units stored on a lot. After further discussion, Mr. Vares said he remembered discussion with no number being set and a later discussion where a cap was set; his memory was a limit of 7 being set. The Board members agreed that they did not remember a limit of 7 being set and that they did remember licensing and inspections needed to be up to date and operational. The language is in 10.19.4.3.3 on page 10-19: Chairman Manos suggested going down to 3 units. The Board had additional discussion about the vehicles being required to registered, licensed, road-worthy, etc. versus devaluing adjacent properties. **Ms. Bowes made a motion to delete the sentence of “no more than seven such trailers...” Mr. Carpenter seconded the motion and it passed unanimously.**

Ms. Pacula made a motion to accept the UDO with the corrections made at this meeting. Ms. Bowes seconded the motion and it passed unanimously. Chairman Manos said they will recommend that Council accept the UDO as approved.

NEW BUSINESS: Chairman Manos turned his gavel over to the Vice-chairman and thanked all the Members for all their hard work. He gave his congratulations to the new Board members, and hoped that they would have the same uniformity as this Board and enjoy it as much as he has. Ms. Cashwell thanked him for all his hard work, and applause was given to Chairman Manos and Ms. Cashwell. New members Mike Defeo and Willie Williams were seated. Robert Carpenter will return to the Board pending Brunswick County Commissioners’ approval for the ETJ position. Mr. Vares said that Ms. Stites had already sworn in the new members. All members introduced themselves. Mr. Vares asked for nominations for Chairman. **Mr. Williams nominated Denise Pacula for Chairman. Ms. Bowes nominated Mr. Carpenter for Chairman and Ms. Pacula as Vice-chairman.** Mr. Williams noted that Mr. Carpenter was not currently a seated member. **Mr. Defeo seconded the nomination of Denise Pacula for Chairman and the vote was unanimous in favor. Mr. Williams moved to select a Vice-chairman at the next meeting. Ms. Bowes seconded the motion and it passed unanimously.**

Rezoning: Mr. Vares gave a Staff Report regarding the proposed rezoning district change from CB to R6MF (multi-family). A map was included in the agenda packet. Public notifications were sent out.

Jerry Gordon (applicant), 328 E. Dolphin Drive: Mr. Gordon said that he did not feel that commercial fits in with the community; after speaking with the residents, he said he learned that they didn’t like the idea of offices. He loves the lot, it has beautiful trees and he has plans for it that he feels are best for the neighborhood.

Mr. Defeo asked what he plans to build; Mr. Gordon said he is planning on going with a quadriplex. It would be four condos; he described the high-end units that he plans to market them to people ages 55 and older. It would sit near the corner, near the fence, and have a park-like atmosphere. He said he has owned the lot for a long time and he does not want to butcher it. Ms. Bowes asked about parking regulations; Mr. Vares advised that the planned use should not be considered, and that after rezoning any use that applies to that area could be utilized. Ms. Bowes advised that if he does build something, she hopes he puts in handicapped access and she knows she cannot tell him to do this. Chairman Pacula noted that she does not see a 4-family dwelling in the zoning; Mr. Vares said that after triplex it goes to apartments. Chairman Pacula said the requirement for the size of the property was not met; Mr. Vares said not meeting this requirement, unless he has a text amendment or it is addressed in the UDO, could make this rezoning request dead in the water. Chairman Pacula said that this looks like spot zoning to her. Mr. Gordon noted that there are apartments right across the street; Mr. Edwards said they were permitted at the time they were constructed. Mr. Vares said Mr. Gordon does have the option of doing rezoning to an R-9 with a separate text amendment to the land use that he wants. Mr. Defeo asked if rezoning could result in legal troubles; Mr. Vares said that anyone with standing has the right to appeal the rezoning within 30 days and that an appeal could be based on the concept of spot zoning. Chairman Pacula said that they are continuing to get rid of commercial for residential, that Mr. Holland pressed the idea of needing more commercial property for our tax base, and that they are now looking at getting rid of even more commercial space.

Robert Carpenter, 126 NE 36th Street: Mr. Carpenter said that looking at the zoning, the whole block is commercial. He said he does not think commercial should be rezoned to residential; they cannot have it both ways with the recent refusal to rezone residential to commercial. He said that Bob Germaine sent an email saying that he was not in favor of this rezoning.

Ms. Bowes' concern was traffic flow in that area; it is very hard, getting onto Oak Island Drive is very difficult. Mr. Vares said this is something that should be considered with a rezoning. Ms. Bowes said keeping it commercial would make it more difficult with the traffic. Chairman Pacula mentioned again that it does not meet the minimum square footage; Mr. Vares said he should have caught that ahead of time. Mr. Gordon said he would do whatever the Board required; he does not mind doing mixed use as he can get more units on it. He has looked at the neighborhood and the traffic; he wants them to look at the "big picture." Mr. Williams said he thinks this is spot zoning. Mr. Gordon asked what the Board thinks would be best for this property; Chairman Pacula noted, again, that this would be getting rid of commercial property.

Mr. Williams made a motion to recommend denying the rezoning application as it is not consistent with the Land Use Plan. Ms. Bowes seconded the motion and it passed unanimously.

Ms. Bowes noted that there was some confusion in the Land Use Plan; she said she could not find anything specifically regarding multi-family use.

Cape Fear Regional Bicycle Plan: Mr. Vares explained his previous involvement in this while working for the Council of Governments and then made his Power Point presentation to the Board. There has been public input involvement throughout the project, including general members of the public, municipalities, interest groups, etc. Once the final plan was drafted, there was another round of public comments and Oak Island has been involved from the beginning at both staff and public levels. A Plan such as this is needed before applying for grants or asking DOT to assist. This is a regional plan, but it includes our area. Mr. Defeo asked about the section regarding the Plan for Oak Island and the \$5 million required for the plan; Mr. Vares explained that a recommendation to Town Council will be the Planning Board endorsing the

plan and Ms. Bowes explained that they would then move forward to search for funding sources; this just endorses moving ahead.

Ms. Bowes made a motion to defer to the next meeting. Mr. Defeo seconded the motion. Ms. Bowes and Mr. Defeo voted in favor, Chairman Pacula and Mr. Williams opposed. Mr. Vares said it will be tabled until next month.

Chairman Pacula asked for reports and there were none. Mr. Vares reported that the next Planning Board date is September 21, 2017. Also, the action plan for the UDO is as follows: he will print out a new copy with the corrections made today, and will ask Ms. Anderson to update the posts on the project's website. The next step will be to give Council more than a month for review and that he will handle all necessary notifications. The applicant for the AT&T monopole withdrew his request. Mr. Vares introduced his new intern, Slater, and said they are still interviewing for a Zoning Technician. He explained to Ms. Bowes the duties of the position, and that his goal is to have them doing 80% code enforcement. He again welcomed the new Board members and voiced his appreciation for outgoing Board members. Mr. Vares also said that he will get a copy of the new proposed UDO to the new members and that he plans to have "Planning Board Training" for new and old members. Ms. Bowes asked about moving the time back to 10 a.m.; Chairman Pacula said that could be addressed at next month's meeting. Mr. Vares said Brunswick County is doing a Comprehensive Travel Plan (CTP) and that they do this approximately every five years; there was discussion among the Board members regarding proposals involved in this plan.

Mr. Williams made motion to adjourn at 11:49 a.m. Ms. Bowes seconded and the motion passed unanimously.

Denise Pacula, Chairman

Attested: _____
Lisa P. Stites, CMC
Assistant Manager/Town Clerk

Regional Bicycle Plan

Please visit the website here:

<http://capefearbicycleplan.weebly.com/>

And download and review the final draft here:

<http://capefearbicycleplan.weebly.com/final-plan.html>



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

Agenda Item: New Business Number 1

Date: September 12, 2017



Issue: Driveways

Department/Title: Planning & Zoning Administrator

Presented by: Jake Vares

Presentation: None

Estimated Time for Discussion: 35 Minutes

Subject Summary:

This text amendment is initiated by a member of the public. The portion of the ordinance that the applicant is requesting be amended is Section 18-12 Design Requirements. This ordinance describes the regulations for driveway widths and other dimensional standards. The applicant originally proposed a driveway which did not meet the standards in our ordinance, which is what spurred this text amendment. The applicant added in another section, number 3, which states *"For residential purposes opting to forego the allowances for a second, separate drive, the maximum driveway width is extended to 28 feet at the right-of-way where lot frontage is 60 feet or less, and 32 feet at right-of-way where lot frontage is greater than 60 feet but less than 200 feet. A second, separate driveway is not permitted in this instance."* The revised language should be read in context with the above ordinance sections.

The applicant has paid the text amendment fee, filled out the paperwork, which is attached, and submitted the appended summary with the revised ordinance wording for your review. The applicant is to be present at the hearing to answer questions.

Attachments: Applicant paperwork and justification summary, Proposed Ordinance Language

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

Funds Needed: Public Advertisement Cost

Planning Board Recommendation: _____ TBD _____

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

Attachments:

TEXT AMENDMENT APPLICATION

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



Date: 8/23/17

Fee: \$300 - paid

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: MICHAEL FIORINO

Mailing Address: 216 BARBEE BLVD
OAK ISLAND NC 28465

Phone: 910-685-5440 Email: mmfiorino@gmail.com

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

Owner Name(s): N/A - SAME AS ABOVE

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>

SEE ATTACHED.

SECTION 4: APPLICANT/OWNER SIGNATURE

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

Signature:  _____

Date: 8.23.17

I reside on a property with a single 2-vehicle driveway with a width at the right-of-way of 22 feet, and desire parking for an additional vehicle. Based on my lot size, current ordinances allow a second, separate driveway with a right of way width of up to 18 feet (for a total of 40 feet). I can, however, use much less impervious surface if I pour immediately adjacent to my existing drive - and eliminate the need for a second, separate drive - but its resultant width of 32 feet exceeds the current single drive maximum of 24 feet. Therefore, to accommodate those that wish to forego the second, separate driveway option and use less total impervious surface by augmenting an existing driveway, an additional ordinance line item at Sec. 18-172.(a).(3) is proposed:

Sec. 18-172. - Design requirements.

(a) Residential uses.

(1) For a single drive, minimum driveway width at the property line shall be ten feet and maximum width shall be 24 feet at right-of-way.

(2) For two drives, the maximum driveway width of any single drive is 24 feet in a dedicated right-of-way, with a combined maximum total for two drives of 32 feet where lot frontage is 60 feet or less and 40 feet where lot frontage is greater than 60 feet but less than 200 feet. Drives must have a minimum distance of five feet between each point of access as measured at the edge of pavement to the property line, plan is approved by the town stormwater director or designee, and is in compliance with all other sections of this chapter.

***** (3) For residential properties opting to forego the allowance for a second, separate drive, the maximum driveway width is extended to 28 feet at right-of-way where lot frontage is 60 feet or less, and 32 feet at right-of-way where lot frontage is greater than 60 feet but less than 200 feet. A second, separate driveway is not permitted in this instance.*****